NEW CASTLE COUNTY COUNCIL
LAND USE COMMITTEE MEETING

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

April 7, 2026
3:00 PM

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

REVISED AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

D. Review/Discussion of Ordinance(s)

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

°25-146: REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR PIKE EXCAVATING, INC.; PENCADER HUNDRED; EAST SIDE OF SR 72 (SUNSET LAKE ROAD), APPROXIMATELY 800 FEET SOUTH OF OLD BALTIMORE PIKE; TAX PARCEL NO. 11-014.00-048 (2016 SUNSET LAKE RD.) & 11-014.00-083, (2020 SUNSET LAKE RD., PIKE EXCAVATING INC)
Prime Sponsor(s): Ms. George

°25-159: **(NOTE: THESE REZONINGS RELATE TO PUBLIC LANDS AND PUBLIC PARKS) COUNTY INITIATED REZONING** - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 11 REGARDING THE FOLLOWING TAX PARCELS: **NEW CASTLE HUNDRED**: 09-041.10-303 (42 Charles Ct, River Walk), 10-043.20-155 (0 Canary Dr, Raven Glen at Wellin), 10-043.20-156 (0 Canary Dr, Raven Glen at Wellin) **PENCADER HUNDRED**: 09-040.10-015 (8 Woodland Run Dr, Woodland Run), 11-015.00-011 (624 Salem Church Rd, Millers Post), 11-015.10-045 (295 E Flagstone Dr, Gray Acres), 11-019.00-013 (0 Salem Church Rd,), 11-019.00-055 (0 Salem Church Rd, Olenderski Subd), 11-019.30-169 (0 Becks Woods Dr, Village Of Becks Pond), 11-019.40-047 (28 Bradley Dr, Becks Landing), 11-022.00-014 (2199 Pulaski Hwy, Glasgow Regional Park), 11-027.00-027 (219 A Forrestal Dr, New Castle County), 11-031.00-004 (54 Stardust Dr, Melody Meadows II), 11-031.00-216 (54 Stardust

Dr, Melody Meadows II), 11-032.00-001 (210 Benjamin Blvd,), 11-032.00-259 (209 Benjamin Blvd, New Castle County), 11-033.00-276 (6 Mabel Ln, Caravel Academy), 11-038.00-247 (0 Off Clifton Dr, Hickory Woods Sec 4), 11-042.20-147 (13 Viscaya Ct, Mansion Farm Ph 1) **WHITE CLAY CREEK HUNDRED**: 09-029.10-380 (0 Regal Ct, Sherwood Forest Sc 2), 09-029.10-475 (14 Spectrum Dr, Elmwood Sec 1), 09-034.00-015 (0 Off Old Baltimore Pike, Woodshade Sec 1), 09-034.00-042 (99 Woodshade Dr, Woodshade Sec 2), 09-034.20-058 (8 Screven Pl, Varlano), 09-040.10-015 (8 Woodland Run Dr, Woodland Run), 09-040.40-020 (115 Creekside Ct, Country Creek), 09-041.10-277 (48 Birchgrove Rd, Christina Hollow), 09-041.10-303 (42 Charles Ct, River Walk), 11-015.00-011 (624 Salem Church Rd, Millers Post)
Prime Sponsor(s): Mr. Tackett

°25-160: **(NOTE: THESE REZONINGS RELATE TO PUBLIC LANDS AND PUBLIC PARKS) COUNTY INITIATED REZONING** - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 3 REGARDING THE FOLLOWING TAX PARCELS: **MILL CREEK HUNDRED**: 08-007.00-042 (1023 Valley Rd, Hockessin Public Library), 08-007.00-049 (4338 Mill Creek Rd, Buck Subdivision), 08-007.40-124 (623 Yorklyn Rd, Hockessin Center), 08-008.30-100 (7259 Lancaster Pike, Hockessin Park), 08-008.30-102 (7259 Lancaster Pike, 17-41 Co Subdivision), 08-012.20-121 (513 Hemingway Dr, Hickory Hill), 08-013.20-046 (0 Deergrass Rd, Bon Ayre), 08-013.20-083 (32 Basil Ct., Brackenville Woods), 08-013.30-013 (4129 Mill Creek Rd Hickory Hill), 08-013.30-039 (4089 Mill Creek Rd, Gateway Farms Sec 2), 08-013.40-038 (47 Staten Dr, Stuyvesant Hills), 08-013.40-048 (27 Staten Dr, Stuyvesant Hills), 08-017.30-004 (3 Welwyn Rd, Hillstream), 08-019.10-074 (100 Ramunno Cir, Belle Terre), 08-012.00-041 (740 Evanson Rd), 08-012.30-001 (188 A Thompson Dr, Hockessin Valley Fal), 08-020.00-150 (0 Off Hobson Dr, West Riding), 08-020.30-032 (115 Westgate Dr, Westgate Farms), 08-013.30-074 (1800 Brackenville Rd), 08-024.10-121 (9 Jarrell Farms Dr, Jarrell Farms III), 08-025.00-008 (0 Mill Creek Rd), 08-025.00-011 (3850 Mill Creek Rd), 08-020.40-021 (104 Oldbury Dr, Westgate Farms), 08-020.40-028 (112 Alexis Ct, Canterbury Hills), 08-026.30-127 (200 Whitekirk Dr, Highland West), 08-026.30-176 (200 Whitekirk Dr), 08-036.20-001 (4901 Mermaid Blvd, Linden Heath), 08-037.30-015 (5134 New Kent Rd, Linden Hill Village), 08-042.10-236 (9 Ware Rd, Deacons Walk), 08-042.20-029 (9 Ware Rd, Preserve At Deacons Walk), 08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue), 08-042.40-255 (0 Upper Pike Creek Rd, Linden Way), 08-053.40-011 (16 St Regis Dr, Chapel Hill), 08-053.40-049 (21 St Regis Dr, Chapel Hill), 08-047.00-124 (0 Briggs Ln, Chanterelle)
Prime Sponsor(s): Ms. Kilpatrick

°25-161: **(NOTE: THESE REZONINGS RELATE TO PUBLIC LANDS AND PUBLIC PARKS) COUNTY INITIATED REZONING** - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 3 AND COUNTY COUNCIL DISTRICT 9 REGARDING THE FOLLOWING TAX PARCELS: **CHRISTIANA HUNDRED:** 07-034.30-070 (0 Newell Dr, Historic Red Clay Valley), 07-034.40-236 (2161 Elder Dr, New Castle County), 07-034.40-293 (2101 Inman Dr, Faulkland Heights Sec A), 07-034.40-534 (2130 Faulkland Rd, Davis Terrace), 07-034.40-537 (613 Armstrong Ave, Brookland Terrace), 07-035.10-042 (2130 Faulkland Rd, Woodland), 07-035.10-042 (2130 Faulkland Rd, Woodland), 07-037.20-001 (2161 Elder Dr, New Castle County), 07-037.20-250 (250 Greenbank Rd, New Castle County), 07-037.20-251 (323 Greenbank Rd, New Castle County), 07-037.20-257 (319 Greenbank Rd, New Castle County), 08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent), 08-033.00-012 (0 Faulkland Rd)**;** **MILL CREEK HUNDRED:** 08-026.40-042 (2518 Mill Creek Rd, Crossgates), 08-032.00-013 (2920 Duncan Rd, Delcastle Tennis Center), 08-032.10-064 (2626 Mill Creek Rd, Crossgates), 08-032.20-111 (212 Lister Dr, Hyde Park), 08-032.40-014 (2815 Duncan Rd, Hyde Park), 08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent), 08-033.00-012 (0 Faulkland Rd), 08-033.30-098 (2400 Cedar Ave, Cedars), 08-035.20-079 (585 Polly Drummond Hill Rd, Middle Run Crossing), 08-035.20-080 (103 Wren Way, Middle Run Crossing), 08-035.40-003 (0 Mourning Dove Dr, Middle Run Crossing), 08-035.40-071 (0 Mourning Dove Dr, Middle Run Crossing), 08-035.40-073 (0 Wren Way, Middle Run Crossing), 08-035.40-124 (0 Mourning Dove Dr, Middle Run

Crossing), 08-037.00-035 (3700 Limestone Rd, New Castle County Carousel Park), 08-037.20-105 (1225 Arundel Dr, Arundel Sec 2), 08-037.20-106 (1401 Arundel Dr, Arundel Sec 1), 08-037.20-329 (19 A Ascension Dr, Winding Bridge), 08-038.10-001 (1230 Arundel Dr, Arundel Sec 1), 08-038.10-127 (1103 A Highgate Rd, Sherwood Park II), 08-038.20-045 (2609 Sherwood Dr, Sherwood Park Sec 2), 08-038.20-290 (55 A St John Dr (Dunlinden Acres), 08-038.20-328 (48 A St John Dr (Dunlinden Acres), 08-038.30-388 (2446 W Eric Dr ,Limestone Gardens), 08-041.00-026 (101 Fox Den Rd, Middle Run Crossing), 08-041.20-092 (391 Polly Drummond Hil Rd (Middle Run Crossing), 08-042.00-013 (273 Polly Drummond Hil Rd, Delaware Hospice), 08-043.10-041 (3007 Ridgevale Rd, Hills of Skyline), 08-043.20-178 (1802 Milltown Rd, Village of Lindell), 08-043.30-005 (5439 Crestline Rd, Hills of Skyline), 08-043.30-019 (5434 Crestline Rd, Hills of Skyline), 08-043.30158 (2660 Longfellow Dr, Highlands of Heritage), 08-043.40-014 (2660 Longfellow Dr, Heritage Farm), 08-043.40-015 (2661 Longfellow Dr, Grendon Farms), 08-043.40-320 (2010 Marlboro Dr, Montclare), 08-043.40-377 (2510 Grendon Dr, Grendon Farms), 08-044.10-278 (2446,W Eric Dr ,Sheridan Square), 08-044.30-382 (4998, E Woodmill Dr, Woodmill), 08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue), 08-048.00-045 (0 Upper Pike Creek Rd), 08-048.20-231 (7 Creek Xing, Creek Landing), 08-048.20-247 (19 Taylors Mill Ln, Taylors Mill), 08-049.20-013 (2616 A Whitman Dr, Heritage Farm), 08-049.20-045 (2609 Whitman Dr, Heritage Farm), 08-049.30-008 (122 Rockrose Dr, Meadowood Sec 1), 08-053.00-050 (331 Delaplane Ave, Delaplane Manor Iii), 08-060.00-007 (148 Fairway Rd, Red Mill Farms), 08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts), 08-060.20-090 (315 Darwin Dr, Sycamore Gardens), 08-060.20-116 (132 Longview Dr, Peoples Subd), 08-060.20-118 (120 Longview Dr, Newkirk Estates Sc 2), 08-060.20-119 (122 Longview Dr, Newkirk Estates Sc 2), 08-060.20-120 (134 Longview Dr, Peoples Subd), 08-060.20-121 (121 Longview Dr, Newkirk Estates Sc 2), 08-060.20-146 (115 Phyllis Dr (Newkirk Estates Sc 2), 08-060.20-148 (127 Longview Dr), 08-060.20-149 (125 Longview Dr, Peoples Subd), 08-060.20-150 (123 Longview Dr, Peoples Subd), 08-060.20-152 (0 Off Longview Dr), 08-060.30-005 (21 Mary Ella Dr, Millrace), 09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor), 09-010.30-066 (74 Green Ridge Rd, Brookhaven), 09-017.00-028 (0 Tamara Cir, Harmony Hills Sec 2); **PENCADER HUNDRED:** 11-006.20-166 (0 Scottfield Dr, Scottfield Sec 3)**;** **WHITE CLAY CREEK HUNDRED:** 08-060.00-007 (148 Fairway Rd, Red Mill Farms), 08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts), 08-060.20-146 (115 Phyllis Dr, Newkirk Estates Sec 2), 08-060.30-005 (21 Mary Ella Dr, Millrace), 09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor), 09-010.30-066 (74 Green Ridge Rd, Brookhaven), 09-015.20-027 (136 N Dillwyn Rd, Windy Hills Sec 1), 09-016.20-028 (52 A Millwright Dr, Old Mill Manor), 09-016.20-091 (22 A Gristmill Ln, Old Mill Manor), 09-016.30-167 (136 N Dillwyn Rd, Windy Hills Sec 2), 09-016.40-017 (27 A Old Manor Rd, Old Mill Manor), 09-017.00-028 (0 Tamara Cir (Harmony Hills Sec 2), 09-017.30-046 (139 W Rutherford Dr, Rutherford Sec 3), 09-017.301-87 (0 Harmony Crest Dr (Harmony Crest Sc III), 09-017.40-149 (121 E Rutherford Dr, Rutherford Sec 1), 09-021.40-069 (110 Old Newark Rd, Greenbridge), 09-021.40-256 (50 Durham Ct (New Castle County Police Academy), 09-022.30-411 (0 Lisbeth Rd, Chestnut Hill Estates 2), 09-022.30-412 (0 E Cherokee Dr, Cherokee Woods), 09-022.30-422 (0 E Cherokee Dr, Cherokee Woods), 09-023.10-203 (801 Prides Xing, Harmony Crest Sc II), 09-023.10-232 (801 Prides Xing, Harmony Crest Sec II), 09-028.10-220 (127 Garrett Rd, Todd Estates Sec 4), 09-033.00-033 (24 Upland Ct, Breezewood Sec II), 09-033.20-073 (499 Gender Rd, Gender Woods), 09-033.20-074 (545 Gender Rd, Gender Woods)
Prime Sponsor(s): Ms. Kilpatrick, Mr. Sheldon

E. Presentations

F. Other

Discussion on the Neighborhood Improvement Districts (NIDs) program.

G. Public Comment

H. Adjournment

AGENDA POSTED:3/31/2026
REVISED AGENDA POSTED: 3/31/2026

*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.

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

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is: https://us02web.zoom.us/webinar/register/WN_nMNvEBVLR4eRRGxQ4a6g7g You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

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

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

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

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 40.03.110. Use Table.

Table 40.03.110 lists the type of uses…

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

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

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

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

Table 40.03.210 provides standards that increase the degree of buffering…

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

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

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

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

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

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

Marijuana cultivation facility (NAICS 111419, NAICS 424590)…

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

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

~~1. Property must be developed in accordance with Section 40.08.130.B.6.~~

~~2. The gross site area must be a minimum of forty (40) acres.~~

~~3. Where a warehousing and storage facility is adjacent to an existing residential use or residential zoning district, lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.~~

~~4. A noise study shall be completed and submitted as part of the special use application to evaluate potential noise impact on adjacent properties.~~

~~5. The special use application shall include a narrative identifying how the proposal addresses Table 2 of Appendix 7 with respect to the design principles for the applicable Character Area.~~]

Sec. 40.03.344. Fulfillment and Distribution Centers.

Fulfillment and Distribution Centers are subject to the following standards:

A. Shall meet the requirements for large industrial structures in Section 40.26.260.

B. Shall only take direct access from arterial or collector streets that have a minimum of sixty (60) feet of right-of-way. Fulfillment and Distribution Centers may take access from roads or accessways within an industrial park or business park, provided that the industrial park takes access from an arterial or collector street meeting the requirements of this subsection.

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

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

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

1. The site shall include a minimum of one (1) truck parking space a minimum of ten (10) feet by eighty (80) feet in dimension, and one (1) additional truck parking space for every five (5) loading bays.

2. The site shall include a minimum of one (1) bathroom stall within a permanent structure, connected to a wastewater disposal system, and an additional one (1) bathroom stall for every twenty-five (25) loading bays up to a maximum of ten (10).

3. The site shall include a minimum of one (1) shower stall within a permanent structure, connected to a wastewater disposal system, and an additional (1) shower stall for every fifty (50) loading bays up to a maximum of five (5).

Sec. 40.03.345. Truck Terminal.

Truck Terminals are subject to the following standards:

A. Shall only take direct access from arterial or collector streets that have a minimum of sixty (60) feet of right-of-way. Truck terminals may take access from roads or accessways within an industrial park or business park, provided that the industrial park takes access from an arterial or collector street meeting the requirements of this subsection.

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

1. Lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.

2. Except for along lot lines internal to an existing office or industrial park or adjacent to existing industrial uses the bufferyards, street trees, berming, and on-lot landscaping must be upgraded, where appropriate, to mask the development.

3. The site shall be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

C. The site must be designed to minimize noise impact on neighboring properties. A noise study must be submitted to evaluate this impact and to verify consistency with Chapter 22 of the New Castle County Code.

D. In addition to meeting all the requirements of Article 11, anticipated trip generation for fulfilment and distribution centers shall be based on latest published ITE manual calculations for Intermodal Truck Terminal.

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

1. The site shall include a minimum of one (1) truck parking space a minimum of ten (10) feet by eighty (80) feet in dimension, and one (1) additional truck parking space for every five (5) loading bays.

2. A minimum of five (5) percent of the required total tractor-trailer parking spaces shall be reserved for outbound trucks required to layover or rest due to federal hours of service regulations.

3. Parked trucks shall not leave engines idling unless required for safety or weather-related reasons.

4. Electrical outlets shall be included in parking areas available for trucks to utilize.

5. The site shall include a minimum of one (1) bathroom stall within a permanent structure, connected to a wastewater disposal system, and an additional one (1) bathroom stall for every twenty-five (25) loading bays, up to a maximum of ten (10).

6. The site shall include a minimum of one (1) shower stall within a permanent structure, connected to a wastewater disposal system, and an additional (1) shower stall for every fifty (50) loading bays up to a maximum of five (5).

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.400 ("Individual use standards"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.430. Accessory uses, nonresidential.

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

A. *Uses.* …

B. *General.* …

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

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

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

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

E. *Community recycling bins.* …

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

Sec. 40.04.110. District and bulk standards.

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

A. *Minimum open space ratio*. …

B. Site area …

C. Maximum building height. …

D. Minimum lot area.

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

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

Sec. 40.04.111. Landscape and illumination standards.

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

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

(1)In the event a proposed use adjoins another municipality, the bufferyard requirement shall be equal to the same opacity required as the most similar New Castle County Zoning District.

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

Sec. 40.11.130. - Traffic impact study requirements.

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

1. The anticipated trip generation of the land use including vehicle trips and truck trips per day during the week and the weekend, and the a.m., p.m., and weekend peak hour trips generated by the proposed development.

2. New traffic counts will be required for all intersections in the area of influence of the proposed development. If other traffic impact studies have been done in the area within one (1) year, the traffic counts from these traffic impact studies or other traffic counts may be used with the approval of the Department and DelDOT. …

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

Sec. 40.33.130. Abbreviations.

The following abbreviations are used in this Chapter:

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

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

Sec. 40.33.270. Industrial uses.

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

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

C. *Extraction.* …

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

E[~~C~~]. *Heavy industry.* …

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

Construction of buildings (NAICS 236) …
[~~Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)~~]…

G[~~E~~]. *Recycling or storage.* …

H[~~F~~]. *Solar energy system, large scale.* …

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

J[~~G~~]. *Utility, major.* …

K[~~H~~]. *Utility, minor.* …

L[~~I~~]. *Utilities, maintenance facilities.* …

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

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

Division 40.33.300. General definitions.

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

… *Bulletin board.* See Sign, bulletin board.

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

…Hydrophytic vegetation. Those plants which are adapted to life in saturated soil conditions.

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

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

Section 9. 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 10. 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 11. 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 12. 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 designates which zoning districts permit Truck Terminals, Fulfillment Centers, Distribution Centers, and warehouses. This amendment also revises light industry uses in the CR zoning district.

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

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

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

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

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

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

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

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

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

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

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

Sec. 40.03.344. This amendment eliminates the minimum average annual daily traffic rate and permits allows Fulfillment and Distribution Centers to take access from roads within a business park and an industrial park.

Sec. 40.03.345. This amendment eliminates the minimum average annual daily traffic rate and permits allows Truck Terminals to take access from roads within a business park and an industrial park.

Sec. 40.04.110. This amendment reduces the proposed minimum lot size for Fulfillment Centers, Distribution Centers and Truck Terminals from 20 acres to 5 acres. This amendment also provides the same minimum lot provisions for business parks as industrial parks.

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

ORDINANCE NO. 25-021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 40.03.110. Use Table.

Table 40.03.110 lists the type of uses…

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

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

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

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

Table 40.03.210 provides standards that increase the degree of buffering…

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

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

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

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

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

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

Marijuana cultivation facility (NAICS 111419, NAICS 424590)…

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

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

~~1. Property must be developed in accordance with Section 40.08.130.B.6.~~

~~2. The gross site area must be a minimum of forty (40) acres.~~

~~3. Where a warehousing and storage facility is adjacent to an existing residential use or residential zoning district, lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.~~

~~4. A noise study shall be completed and submitted as part of the special use application to evaluate potential noise impact on adjacent properties.~~

~~5. The special use application shall include a narrative identifying how the proposal addresses Table 2 of Appendix 7 with respect to the design principles for the applicable Character Area.~~]

Sec. 40.03.344. Fulfillment and Distribution Centers.

Fulfillment and Distribution Centers are subject to the following standards:

A. Shall meet the requirements for large industrial structures in Section 40.26.260.

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

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

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

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

1. The site shall include a minimum of one (1) truck parking space a minimum of ten (10) feet by eighty (80) feet in dimension, and one (1) additional truck parking space for every five (5) loading bays.

2. The site shall include a minimum of one (1) bathroom stall within a permanent structure, connected to a wastewater disposal system, and an additional one (1) bathroom stall for every twenty-five (25) loading bays up to a maximum of ten (10).

3. The site shall include a minimum of one (1) shower stall within a permanent structure, connected to a wastewater disposal system, and an additional (1) shower stall for every fifty (50) loading bays up to a maximum of five (5).

Sec. 40.03.345. Truck Terminal.

Truck Terminals are subject to the following standards:

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

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

1. Lighting shall be designed so that there is zero (0) footcandle at the property line of the residential area.

2. Except for along lot lines internal to an existing office or industrial park or adjacent to existing industrial uses the bufferyards, street trees, berming, and on-lot landscaping must be upgraded, where appropriate, to mask the development.

3. The site shall be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

C. The site must be designed to minimize noise impact on neighboring properties. A noise study must be submitted to evaluate this impact and to verify consistency with Chapter 22 of the New Castle County Code.

D. In addition to meeting all the requirements of Article 11, anticipated trip generation for fulfilment and distribution centers shall be based on latest published ITE manual calculations for Intermodal Truck Terminal.

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

1. The site shall include a minimum of one (1) truck parking space a minimum of ten (10) feet by eighty (80) feet in dimension, and one (1) additional truck parking space for every five (5) loading bays.

2. A minimum of five (5) percent of the required total tractor-trailer parking spaces shall be reserved for outbound trucks required to layover or rest due to federal hours of service regulations.

3. Parked trucks shall not leave engines idling unless required for safety or weather-related reasons.

4. Electrical outlets shall be included in parking areas available for trucks to utilize.

5. The site shall include a minimum of one (1) bathroom stall within a permanent structure, connected to a wastewater disposal system , and an additional one (1) bathroom stall for every twenty-five (25) loading bays, up to a maximum of ten (10).

6. The site shall include a minimum of one (1) shower stall within a permanent structure, connected to a wastewater disposal system, and an additional (1) shower stall for every fifty (50) loading bays up to a maximum of five (5).

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 3 ("Use Regulations"), Division 40.03.400 ("Individual use standards"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:

Sec. 40.03.430. Accessory uses, nonresidential.

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

A. *Uses.* …

B. *General.* …

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

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

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

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

E. *Community recycling bins.* …

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

Sec. 40.04.110. District and bulk standards.

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

A. *Minimum open space ratio*. …

B. Site area …

C. Maximum building height. …

D. Minimum lot area.

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

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

Sec. 40.04.111. Landscape and illumination standards.

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

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

(1)In the event a proposed use adjoins another municipality, the bufferyard requirement shall be equal to the same opacity required as the most similar New Castle County Zoning District.

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

Sec. 40.11.130. - Traffic impact study requirements.

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

1. The anticipated trip generation of the land use including vehicle trips and truck trips per day during the week and the weekend, and the a.m., p.m., and weekend peak hour trips generated by the proposed development.

2. New traffic counts will be required for all intersections in the area of influence of the proposed development. If other traffic impact studies have been done in the area within one (1) year, the traffic counts from these traffic impact studies or other traffic counts may be used with the approval of the Department and DelDOT. …

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

Sec. 40.33.130. Abbreviations.

The following abbreviations are used in this Chapter:

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

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

Sec. 40.33.270. Industrial uses.

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

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

C. *Extraction.* …

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

E[~~C~~]. *Heavy industry.* …

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

Construction of buildings (NAICS 236) …
[~~Warehousing and storage facilities, including logistics services related to the distribution of goods (NAICS 493)~~]…

G[~~E~~]. *Recycling or storage.* …

H[~~F~~]. *Solar energy system, large scale.* …

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

J[~~G~~]. *Utility, major.* …

K[~~H~~]. *Utility, minor.* …

L[~~I~~]. *Utilities, maintenance facilities.* …

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

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

Division 40.33.300. General definitions.

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

… *Bulletin board.* See Sign, bulletin board.

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

…Hydrophytic vegetation. Those plants which are adapted to life in saturated soil conditions.

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

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

Section 9. 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 10. 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 11. 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 12. 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 designates which zoning districts permit Truck Terminals, Fulfillment Centers, Distribution Centers, and warehouses. This amendment also revises light industry uses in the CR zoning district.

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 25-121
Application 2025-0606-T
Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers

January 20, 2026

Sponsor: Councilman David Tackett (District 11) and Councilwoman Janet Kilpatrick (District 3)

Description: To amend the New Castle County Code Chapter 40 ("Unified Development Code" or "UDC"), Article 3 ("Use Regulations"), Article 4 ("District and Bulk Standards"), Article 11 ("Transportation Impact"), and Article 33 ("Definitions"), regarding Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers

EXECUTIVE SUMMARY

Zoning regulations in the New Castle County Code have long had provisions addressing warehouse uses, however have not included specific standards for Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers. As these uses have become more prevalent, it is important that appropriate regulations are adopted to protect adjacent residential neighborhoods from incompatible uses, and to provide predictability for development moving forward.

Application 2025-0606-T (Ordinance 25-121), is a text amendment to amend New Castle County Code to specifically define Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers and included specific zoning and subdivision standards for each use. These standards propose to:

- Make a Warehouse use permitted principal use in the Industrial (I), Heavy Industry (HI), and Extractive Use (EX) districts, and as accessory uses to a principal use in the Office Regional (OR), Commercial Regional (CR), and Business Park (BP) districts, as opposed to Limited or Special Uses as they are in the UDC today.

- Permit fulfillment centers, distribution centers, and truck terminals as Limited Uses in the Industrial (I), Heavy Industry (HI), and Extractive Use (EX) districts with standards that build upon those adopted by Ordinance 23-104 to better protect residential uses by enhancing setbacks and buffering, while ensuring access from roads designed for their needs. Amenities will also enhance the safety of truck drivers arriving during off hours and remove parked tractor trailers from local roads.

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 25-121 with the condition that County Council considers amending the ordinance to:

1. Reduce the minimum lot size from 20 acres to 5 acres;
2. To make approved Business Parks eligible for the same minimum lot area exemptions in Table 40.04.110.C and access requirements in Section 40.03.344 and 40.03.345 as Industrial Parks in eligible zoning districts;
3. Revise proposed language for Section 40.03.344.B and Section 40.03.345.A and allow Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers on Arterial and Collector streets; and to
4. Work with the Department to reevaluate the total number of bathroom and shower stalls for Fulfillment Centers, Distribution Centers and Truck Terminals

DESCRIPTION

Application 2025-0606-T (Ordinance 25-121), is a text amendment to amend New Castle County Code to specifically define Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers and included specific zoning and subdivision standards for each use.

BACKGROUND

Zoning regulations in the New Castle County Code have long had provisions addressing warehouse uses, however have not included specific standards for Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers. As these uses have become more prevalent, it is important that appropriate regulations are adopted to protect adjacent residential neighborhoods from incompatible uses, and to provide predictability for development moving forward.

Former Code (December 31, 1997)

Prior to the adoption of the Unified Development Code, warehousing was defined as:

> *Warehouse means any structure or room, attached or unattached to a retail or wholesale sales area, for the storage of merchandise or commodities, from which such merchandise or commodities are sold to customers.*

It was permitted in all Manufacturing Districts (M-1, M-2, and M-3) per Section 40-160. As indicated the definition above the focus of the use was storage of commodities for sale to consumers.

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172) categorizing Trucking and Warehousing (NAICS 484) as a Heavy Industrial Use (only permitted in the Heavy Industry district). The definition centered on the transportation of goods as opposed to the storing products. The North American Classification System defined NAICS 484 (Truck Transportation) as:

> *Industries in the Truck Transportation subsector provide over-the-road transportation of cargo using motor vehicles, such as trucks and tractor trailers. The subsector is subdivided into general freight trucking and specialized freight trucking. This distinction reflects differences in equipment used, type of load carried, scheduling, terminal, and other networking services. General freight*

> *transportation establishments handle a wide variety of general commodities, generally palletized, and transported in a container or van trailer. Specialized freight transportation is the transportation of cargo that, because of size, weight, shape, or other inherent characteristics require specialized equipment for transportation.*
>
> *Each of these industry groups is further subdivided based on distance traveled. Local trucking establishments primarily carry goods within a single metropolitan area and its adjacent nonurban areas. Long distance trucking establishments carry goods between metropolitan areas. ...*[1]

Warehousing and Storage facilities as considered under the *Former Code* were folded into freight trucking uses.

Ordinance 98-080 Omnibus

On September 22, 1998, New Castle County adopted Ordinance 98-080 amended the industrial uses to correctly return Warehousing and Storage Facilities (NAICS 493) as a Light Industry use, while eliminating the definition for Freight Trucking (NAICS 484).

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 40.04.110.C).

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

[1] 1997 NAICS 484: https://www.census.gov/naics/resources/archives/sect48-49.html (Accessed 01/12/26)

requirements along residential uses, reduction of noise impacts, building design, and other associated improvements.

Ordinance 25-121 Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers

Ord. 25-121 was introduced on October 14, 2025, proposing specific use definitions for Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers, limited use standards, as well as distinct classifications for each as industrial uses in Table 40.03.110 of the UDC.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at the PLUS meeting held on October 29, 2025.

The PLUS Review Letter, dated November 18, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. DNREC's Division of Air Quality voiced support for the changes proposed by the ordinance, while recommending that the County consider additional language pertaining to idling of heavy-duty vehicles. All other State agencies had no comment or objections to ordinance.

PLANNING BOARD PUBLIC HEARING – *December 2, 2025*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use. [2]

Matthew Rogers, Planner for the Department of Land Use presented Ordinance 25-121 at the December 2, 2025, Joint New Castle County Department of Land Use and Planning Board Public Hearing. During his presentation, he discussed proposed amendments to the UDC and how they were derived from recommendations in USDOT Truck Parking Development Handbook, the Institute of Transportation Engineers (ITE Manual), planning studies including Hidden and in Plain Sight: Impacts of E-Commerce by the Metropolitan Area Planning Council (MAPC - Massachusetts), the Delaware State Freight Plan, and neighboring jurisdictions.

Questions from the Planning Board:

Robert Snowden inquired about enforcement of unnecessary idling and noise violations. Mr. Rogers explained that such violations would likely result from complaints filed with Code Enforcement. Mr. Snowden remarked that the required electrical outlets for Truck Terminals would reduce the need for idling.

Public Comment:

Dale Swain, representing the Citizens Alliance for Responsible Land Use and Alison West voiced support for the ordinance. Ms. West recommended that air quality provisions be included in the ordinance. No other comments were voiced at the Public Hearing.

[2] December 2, 2025 Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

***The Department of Land Use requested that the record be held open until December 19, 2025. The Planning Board approved the request.

While the record was open the Department of Land Use received correspondence from Dan Gorman in support of the ordinance, and from Matt Dougherty Executive Director for the Committee of 100 in opposition of the ordinance.

ANALYSIS

Ordinance 25-121 has two (2) primary objectives; (1) to ensure that development of fulfillment centers, distribution centers, truck terminals, and warehouses occur in a manner sensitive to neighboring development patterns, while adequately accounting for their impact on the transportation infrastructure, and (2) provide safe and available onsite amenities for truck drivers arriving at the site to rest as required by federal regulations.

Defining Uses and Setting Standards

Prior to the adoption of the Unified Development Code warehousing was a permitted use permitted in all manufacturing districts focusing on the storage of goods. With the adoption of the unified development code, the definition shifted to a focus on the logistics and fulfillment natured operations, as evidenced by the NAICS code, and making it a Heavy Industry use. About nine months later, with the adoption of Ordinance 98-080 the definition of warehousing was revised to be a Light Industry use and the NAICS code was changed to be consistent with the definition in the Former Code.

The differing definitions are indicative of the fact that the nature of the uses are inherently different and have differing impacts on neighboring properties. While fulfillment centers, distribution centers, and trucking terminals, existed in the 1990s, they were not prevalent in New Castle County. Modern fulfillment centers, distribution centers, and trucking terminals differ greatly in their size, traffic generation and nature of operation from general warehousing operations. As such it is important that individual use definitions are established to assure proper siting of those uses where supporting infrastructure is either present or planned to support the use. This provides applicants with predictability while also protecting residential neighborhoods from incompatible land uses.

1. Warehousing

Ordinance 25-121 defines a Warehouse use as:

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

The ordinance proposes to make a Warehouse use permitted principal use in the Industrial (I), Heavy Industry (HI), and Extractive Use (EX) districts. Warehouse uses are proposed to be permitted accessory to a principal use in the Office Regional (OR), Commercial Regional (CR), and Business Park

(BP) districts, as opposed to Limited or Special Uses as they are in the UDC today. To assure that the warehousing portion of the site serves in an accessory capacity, while acknowledging that larger principal uses may require increased storage area to a use that is in character with intent of the zoning districts the size of the warehousing use is scaled to the **greater of either 30,000 SF or 30% of the built Gross Floor Area on the site**.

2. Fulfillment Centers, Distribution Centers and Truck Terminals

While Warehouse uses center on the storage of goods, Fulfillment Centers, Distribution Centers and Truck Terminals primary function and impact are the transportation of goods, whether from the facility directly to the customer (final mile) or to other facilities serving as a hub.

Fulfillment Centers are those that primarily function in *final mile* delivery of products to consumers. These facilities usually receive shipments by tractor trailers and usually deliver orders by smaller vehicles. Ordinance 25-121 derives the definition for Fulfillment Centers from the Institute of Transportation Engineers definition of High-Cube Fulfillment Center Warehouse (ITE 155) as follows:

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

Distribution Centers are those that primarily function in the logistical operations of distributing goods to retailers or other facilities. These facilities do not function in *final mile* delivery of products to customers. Ordinance 25-121 derives the definition for Distribution Centers from the Institute of Transportation Engineers definition of High-Cube Parcel Hub Warehouse (ITE 156) as follows:

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

Trucking Terminals are facilities where goods are transferred between trucks, between trucks and railroads, or between trucks and ports. Ordinance 25-121 derives the definition for Truck Terminals to be consistent with both the Institute of Transportation Engineers definition of Intermodal Truck Terminal (ITE 030) and the NAICS 4887490 as follows:

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

Ordinance 25-121 proposes that these uses are permitted as Limited Uses in the I, HI, and EX zoning districts. As identified in Division 40.03.100, Limited Use review is appropriate to determine if a specific use is appropriate on a property based on criteria designed to accommodate the use while protecting neighboring uses (Section 40.01.015).

Protections for Residential Uses (When within 1,000 ft of Residential Use or Zoning)		
	Fulfillment & Distribution Centers	**Truck Terminals**
Enhanced Buffering adjacent to residential use or zoning district	0.4 Opacity & 8' berm	
Enhanced Setbacks	500' from property line to structure	
Lighting	-	Zero (0) footcandle at the property line of the residential area.
Enhanced Street Yard Buffering	-	Except for along lot lines internal to an existing office or industrial park or adjacent to existing industrial uses the bufferyards, street trees, berming, and on-lot landscaping must be upgraded, where appropriate, to mask the development.
Glare	-	The site shall be designed so that parking, loading, and circulation minimize the glare from vehicular lights visible to neighboring residential properties.

Additionally, Fulfillment Centers, Distribution Centers and Truck Terminals must meet the requirements for large industrial structures established in Section 40.26.260 and shall only take direct access from arterial or collector streets. Fulfillment and Distribution Centers may take access from roads or accessways within an industrial park provided that the industrial park takes access from an arterial or collector street meeting those requirements.

Safety & Amenities

Since 2021, the Department of Land Use has actively collaborated with the Freight Working Group, which comprises WILMAPCO, DVRPC, DelDOT, MDOT, USDOT, and other counties and municipalities. This collaboration has been instrumental in the development of the First and Final Mile Study and the Delaware State Freight Plan. The Department, along with representatives from WILMAPCO and DelDOT, have consistently been concerned about the adverse effects of an insufficient supply of safe truck parking spaces and amenities (both on-site and at public truck parking facilities) on nearby streets and neighborhoods, as well as on the truck drivers themselves.

Recommendations from this group as well as engineers, industry professionals, and representatives for truck drivers that participated at recent freight summits and the planning processes were an important part of the conversation regarding State and County legislative and facility improvement initiatives. While DelDOT is actively working on expanding public truck parking facilities, facilities providing available truck parking spaces and amenities for trucks arriving at the site are key to mitigating the impact that these facilities have on neighboring developments and truck driver safety.

The United States Department of Transportation, Federal Highway Administration published the Truck Parking Development Handbook in September of 2022. The handbook is intended to serve as

> *…a resource for entities that develop and operate truck parking facilities* ***or facilities that create trucking activity that may require truck drivers to park for safety, regulatory, or work duty reasons.*** *This Handbook presents tools, design guidance, and case studies suggesting how truck parking can be viewed as a development opportunity and key element of sound local land use practices.*

Furthermore, the handbook provides guidance and case studies that:

> *…identifies some of the factors used by retail, commercial, and industrial site developers to locate facilities that will generate significant truck traffic and demand for truck parking. The section also explores land use considerations for siting and integrating truck parking into local communities through several case studies. These case studies address* ***new development as well as examples of how truck parking can be integrated at existing facilities****.*

Essentially, the intent of the handbook is to provide guidance for creating offsite truck parking facilities as well as truck parking facilities that are integrated into development that create trucking activity. The Department evaluated case studies and recommendations and adapted them considering development within the county. Ordinance 25-121 includes the following amenities:

	Fulfillment & Distribution Centers	Truck Terminals
Truck Parking	1 + 1 space for every 5 loading bays	1 + 1 space for every 5 loading bays 5% reserved for outbound trucks (layover or required rest)
Bathrooms (always accessible)	1 + 1 stall per 25 loading bays (10 maximum)	1 + 1 stall per 25 loading bays (10 maximum)
Shower Stalls (always accessible)	1 + 1 stall per 50 loading bays (5 maximum)	1 + 1 stall per 50 loading bays (5 maximum)
Additional	-	Electrical outlets shall be included in parking areas available for trucks to utilize Parked trucks shall not leave engines idling unless required for safety or weather-related reasons.

Traffic Analysis

As discussed above Ordinance 25-121 differentiates definitionally warehousing from the more traffic intensive uses of fulfillment centers, distribution centers and trucking terminals. It also specifically addresses the impact that those uses have on the transportation infrastructure by clearly informing developers of how traffic should be modeled based on a proposed development:

- Truck Terminals - ITE 030
- General Warehousing - ITE 150
- Fulfillment Centers - ITE 155
- Distribution Centers - ITE 156

The previous practice of evaluating all these uses based on General Warehousing (ITE 150) could in some instances result in only accounting for 1/7th of the truck traffic generated by a site. Additionally, Traffic Impact Studies will be required to distinctly identify the number of truck trips generated by a development, acknowledging the fact that trucks have a weightier impact on the transportation system.

Committee of 100 Comments

The Department received written comment from the Committee of 100, voicing their concerns with respect to standards proposed by the ordinance. Most of those comments were addressed in the text above. They inquired about the rationale for setting 7,000 ADT as a minimum threshold for Arterial and Collector Roads. This standard is intended to permit sites along Major Arterials, most Minor Arterials and some Major Collector roads to potentially permit Fulfillment Centers, Distribution Centers and Truck Terminals, based on road standards set in the FHWA's Highway Functional Classifications; Concepts, Criteria and Procedures.[3] The Committee of 100 also voiced concerns about sites not being able to meet the requirements and their ability to seek relief as well as their ability to benefit from redevelopment provisions in the code. Like all nonresidential uses, those that qualify for Redevelopment (Section 40.08.130) would be eligible for the benefits if they meet the 400% improvement requirement in Table 40.08.130.C. Additionally, these sites are eligible to seek relief from the Board of Adjustment from zoning regulations, and the Planning Board for subdivision regulations.

Summation

Ordinance 25-121 proposes important enhancements to the Unified Development Code clearly defining and differentiating Warehouse uses from Fulfillment Centers, Distribution Centers and Truck Terminals, while tailoring specific standards for each use.

Warehouse uses, which primarily focus on the storage of goods, remain permitted uses in industrial zoning districts (I, HI, and EX) without additional standards. In districts where warehousing was a Limited or Special Use (CR, OR, and BP), they would be permitted as Accessory Nonresidential Uses, with standards that the principal use is consistent with the intent of the zoning district. For instance, a 200,000 commercial use could consist of 140,000 square feet of retail space and 60,000 square feet of warehouse space.

Fulfillment Centers, Distribution Centers and Truck Terminals, are primarily focused on distribution and transportation of goods to other modes of transport, facilities, or to customers (final mile). The standards proposed by this ordinance build upon those adopted by Ordinance 23-104 to better protect residential uses through further enhanced setbacks and buffering, while assuring that these facilities take access from roads designed to handle their needs. Amenities required also enhance the safety for truck drivers arriving at the site during off hours, while removing parked tractor trailers from local roads. While most sites will likely only make the amenities available to trucks arriving at the site, they can avail them to other truckers.

The Department has considered four potential revisions to Ordinance 25-121; (1) expanding the exemption in Table 40.04.110.C include Business Parks size, (2) reducing the Minimum Lot Area, (3) revise proposed language for Section 40.03.344.B and Section 40.03.345.A and allow Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers on Arterial and Collector streets and (4) consider revising the total number of bathroom and shower stalls required for a site. Ordinance 25-121 formally defines Business Parks and Industrial Parks as follows:

---

[3] FHWA's Highway Functional Classifications; Concepts, Criteria and Procedures: https://www.govinfo.gov/content/pkg/GOVPUB-TD2-PURL-gpo76739/pdf/GOVPUB-TD2-PURL-gpo76739.pdf (Accessed 1/14/2026)

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

The differentiation between the two is the presence of Industrial uses. There are instances where an Industrial or Heavy Industry zoned parcel may have a Business Park and therefore should, as Industrial Parks are, be eligible for the exemption from the minimum lot size and access requirements in Section 40.03.344 and 40.03.345. The Department has also considered reducing the minimum lot size for Fulfilment and Distribution Centers from 20 acres to 5 acres. This would permit the siting smaller facilities, on sites that could accommodate just over 100,000 sf of GFA based on site capacity considerations. While the Department has not received a submission for a Fulfillment or Distribution Center less than 200,000 SF in GFA, there is potential that future changes in the sector may make smaller sized developments viable. Additionally, concurrency requirements in Article 11 paired with the currently proposed limitation to take access from Arterial and Collector streets do not necessitate a limitation on existing ADT levels to assure that adequate transportation infrastructure will be present to support the use.

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.*

> The 2022 Comprehensive Development Plan recommends incentivizing strong economic development policies, including in emerging industries, as a means for achieving and maintaining economic stability for New Castle County residents, expanding access to living-wage jobs. The Comprehensive Plan also calls for economic development to occur in a manner sensitive to neighboring communities. These policy recommendations are not inherently in conflict with each other. Scenario planning that underpins the overall vision for the plan, that evaluated economic and community development, relies on achieving this balance for the county to achieve the economic development and quality of life that it aspires to.[4]
>
> Ordinance 25-121 accomplishes this by providing tailored standards to the specifically defined uses of Warehouses, Fulfillment Centers, Distribution Centers and Truck Terminals with enhancements to site design that better protect residential uses from incompatible uses. Additionally, the ordinance includes specific and clear standards ensuring predictability in the process.

[4] 2022 New Castle County Comprehensive Plan (pp. 15-16, 470-482)

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

Ordinance 25-121 is an important step in achieving several Goals of the 2022 New Castle County Comprehensive Development Plan, by use specific definitions and standards for Warehouses, Fulfillment Centers, Distribution Centers and Truck Terminals. This will help the County achieve Goals 10 & 15:

> Goal 10 - Land uses, transportation, and other infrastructure complement each other, and neighborhoods and areas across the county are distinctive, attractive, functional, comfortable, and human scale. The physical environment is high quality, inclusively designed, retains value, and is fiscally sustainable.
>
> Goal 15 - New Castle County's infrastructure and economic and social systems are strong, and our communities are prepared for future climate-related and man-made/natural events; all residents will live in neighborhoods that are protected from negative impacts of incompatible non-residential land uses/ activity and other hazards such as flooding (discrete and cumulative); and economic growth, prosperity and change in New Castle County is equitable and accessible by all.

Enhanced site design provisions proposed by Ordinance 25-121 will better protect neighboring residential developments from incompatible uses, while accounting for traffic generation based on more specific definitions of Warehouses, Fulfillment Centers, Distribution Centers and Truck Terminals tied to specific ITE classifications will better ensure that our transportation systems are improved to support all New Castle County residents.

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

Site design improvements proposed in Ordinance 25-121 build on those adopted for Large Industrial Structures in Ordinance 23-101, while differentiating between Warehouses, Fulfillment Centers, Distribution Centers and Truck Terminals.

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

N/A

E. *Flexibility in meeting the objectives of this Chapter.*

The intent of the Unified Development Code, as stated in Section 40.01.015 is:

> *"to protect the interests of both current and future County residents and neighbors from the potential adverse impacts of land uses..."*

> *"to encourage greater flexibility and more development options while minimizing development impact on current property owners and the environment..."*

Section 40.01.015.A expands on these principles:

> *Prohibiting uses, buildings, or structures that are incompatible with the character of established zoning districts and providing suitable transitions between different community character areas to minimize the amount of incompatible land use and adverse impacts on property value;*
>
> *Providing protection from noise, glare, odor, or vibration through buffers and other regulations;*

As discussed above Ordinance 25-121 will expand protections for adjacent residential properties that will minimize the amount of incompatible land use and adverse impacts on residents and neighbors and their property value by providing use specific provisions for Warehouses, Fulfillment Centers, Distribution Centers and Truck Terminals.

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 25-121 with the condition that County Council considers amending the ordinance to:

1. Reduce the minimum lot size from 20 acres to 5 acres;
2. To make approved Business Parks eligible for the same minimum lot area exemptions in Table 40.04.110.C and access requirements in Section 40.03.344 and 40.03.345 as Industrial Parks in eligible zoning districts;
3. Revise proposed language for Section 40.03.344.B and Section 40.03.345.A and allow Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers on Arterial and Collector streets; and to
4. Work with the Department to reevaluate the total number of bathroom and shower stalls for Fulfillment Centers, Distribution Centers and Truck Terminals.

PLANNING BOARD RECOMMENDATION

At a business meeting held on December 16, 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 Robert Ott and seconded by Neal Cantrell, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-121 subject to the conditions recommended by the Department of Land Use. The motion was adopted by a vote of 6-0-0-2 (In Favor: Cantrell, Drake, Gray, Ott, Snowden, Visvardis; In Opposition: None; Abstention None; Absent: Cochran, Daigle).

Prior to the vote, the following discussion occurred:

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

Mr. Snowden inquired if existing fulfillment centers had bathrooms or other amenities that are included in the ordinance. Mr. Rogers responded that fulfillment centers in New Castle County do not include such amenities, however that there are a number of areas, including some municipalities in Pennsylvania that have included requirements for always accessible bathrooms and showers for arriving truck drivers. He stated that such facilities paired with truck parking spaces will help deter trucks from parking on neighborhood streets when they arrive at a facility during off hours, while providing them with needed amenities, thereby addressing concerns voiced by the freight community. Mr. Snowden referred to the public comment received from Shawn Tucker regarding the effective date language, stating that in his opinion, that it is better considered by County Council as opposed to the Planning Board. Mr. Rogers remarked that the same effective date language has been in ordinances dating back to a decade. Mary Jacobson, Esq., Attorney for the Planning Board, informed the Board that they can consider effective date language if they are inclined to do so. Mr. Cantrell agreed with Mr. Snowden that the effective date is best considered by County Council. Mr. Ott inquired if condition #3 that would permit Truck Terminals, Warehouses, Fulfillment Centers and Distribution Centers on Arterial and Collector streets would preempt DelDOT requirements. Mr. Rogers explained that the condition only removes the 7,000 average annual daily trip threshold, and that it does not impact Level of Service/concurrency requirements. Ms. Visvardis asked if there are parking requirements for onsite employees. Mr. Rogers explained those parking requirements are already existing in the UDC and will remain unaltered. He further explained that the ordinance will tie Fulfilment Centers, Distribution Centers and Trucking Terminals to the correct ITE classification, thereby better assessing the traffic impact of the use. David Culver, General Manager for the Department of Land Use further explained that historically these facilities have been evaluated under General Warehousing, which generated significantly less truck traffic than Fulfilment Centers, Distribution Centers and Trucking Terminals. Mr. Ott inquired about the rationale for not requiring electrical outlets at fulfillment centers. Mr. Rogers explained that vehicles arriving and departing from a Fulfillment Center do not tend to have long idling times. Mr. Culver further explained that the intent is to address the tendency at Truck Terminals for drivers to have down time and remain idling, thereby reducing noise and pollution. Ms. Gray asked if the ordinance would apply to truck stops. Mr. Rogers explained that truck stops are typically owned and run by the State, within their rights-of-way and therefore would not be addressed by the code.

STATUTORY GUIDELINES

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

2-12-26

David M. Culver date
General Manager
Department of Land Use

2/9/26

Robert B. Snowden date
Acting Chair
New Castle County Planning Board

Primary Sponsor(s): Ms. George
Requested by: Land Use
Date of introduction: November 18, 2025

ORDINANCE NO. 25-146

REVISE PREVIOUSLY APPROVED EXPLORATORY MINOR LAND DEVELOPMENT PLAN WITH REZONING FOR PIKE EXCAVATING, INC.; PENCADER HUNDRED; EAST SIDE OF SR 72 (SUNSET LAKE ROAD), APPROXIMATELY 800 FEET SOUTH OF OLD BALTIMORE PIKE; TAX PARCEL NO. 11-014.00-048 (2016 SUNSET LAKE RD.) & 11-014.00-083, (2020 SUNSET LAKE RD., PIKE EXCAVATING INC)

(The plan for **Sunset Lake Properties, LLC & Christiana Excavating Company** proposes to revise the previously approved design of the exploratory minor land development plan by combining tax parcels 11-014.00-048 and 11-014.00-083 to allow for the development of two proposed warehouse buildings and associated site improvements. This new plan will supersede the previously approved minor land development plan and rezoning. Section 40.31.113 of the *New Castle County Code* requires that the submitted record plan be in general conformance with the development on the approved exploratory plan that was relied upon by County Council when it granted the rezoning. County Council adopted Ordinance 09-094 in February 2010. I (Industrial) zoning district. **App. 2022-0823-S/Z**.)

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

Section 1. The revised plan for Sunset Lake Properties, LLC & Christiana Excavating Company (area shown on Exhibits A and L, dated August 12, 2025) is approved and shall supersede the previously approved exploratory plan associated with the rezoning that was approved in February 2010 by Ordinance 09-094.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____

Marcus A. Henry
County Executive
New Castle County

SYNOPSIS: Same as Title.

FISCAL NOTE: None.

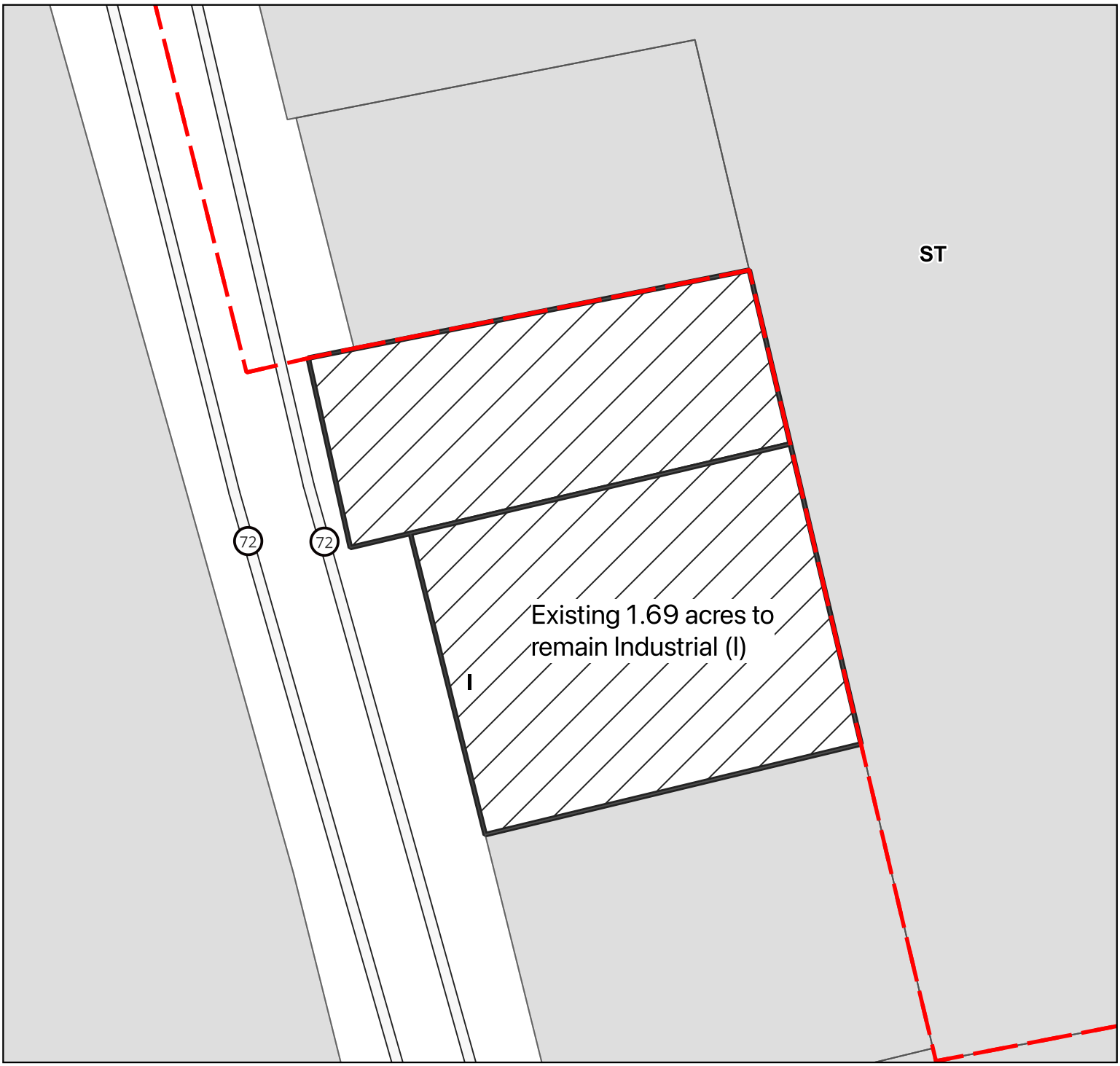
PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICANT: SUNSET LAKE PROPERTIES, LLC &
CHRISTIANA EXCAVATING COMPANY

APPLICATION NO. 2022-0823-S/Z
TAX PARCEL NO: 11-014.00-048 &
11-014.00-083

PROPOSED REZONING: EXISTING INDUSTRIAL (I)
TO REMAIN INDUSTRIAL (I)



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

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

Scale: 1:1011
Prepared by: Matthew Rogers

Date: 8/12/2025

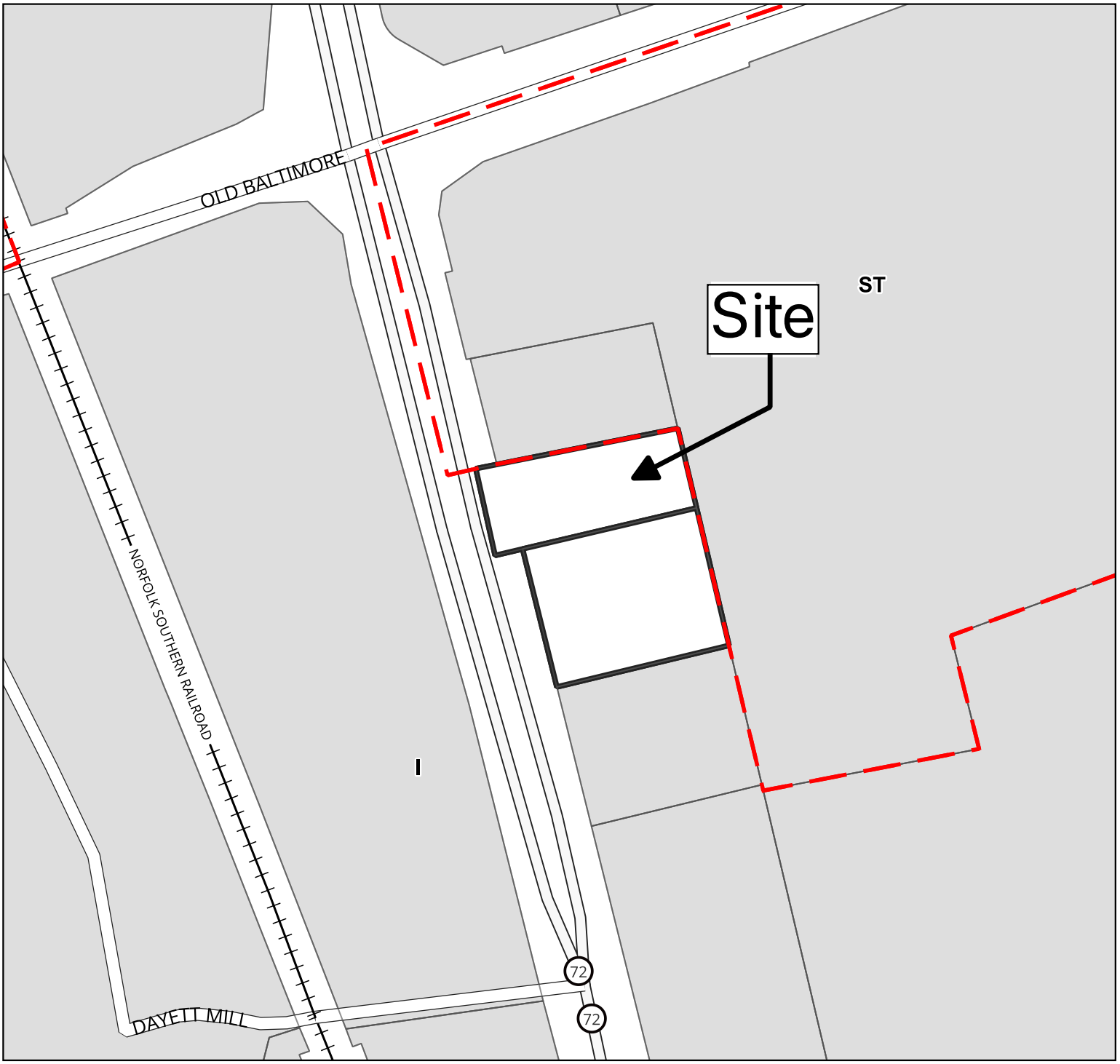
PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: SUNSET LAKE PROPERTIES, LLC &
CHRISTIANA EXCAVATING COMPANY

APPLICATION NO. 2022-0823-S/Z
TAX PARCEL NO: 11-014.00-048 &
11-014.00-083

PROPOSED REZONING: EXISTING INDUSTRIAL (I)
TO REMAIN INDUSTRIAL (I)



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25-_____

Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:2205
Prepared by: Matthew Rogers

Date: 8/12/2025

JOINT DEPARTMENT OF LAND USE / PLANNING BOARD RECOMMENDATION

Ordinance No. 25-146
Application No. 2022-0823-SZ
Sunset Lake Properties LLC (Rezoning)

February 17, 2026

Sponsor: Councilwoman George (District 5)

Description: Revise Zoning Map: East side of Sunset Lake Road, 500 feet south of Old Baltimore Pike. Combine tax parcel 11-014.00-048 and 11-014.00-083 into one lot, rezone from ST to I and construct two proposed warehouse buildings with associated improvements. I and ST Zoning. CD 5. Pencader Hundred.

EXECUTIVE SUMMARY

The Sunset Lake Properties LLC (App. 2022-0823-S/Z) site is located along the east side of Sunset Lake Road approximately 500 feet south of the Old Baltimore Pike intersection. The applicant is proposing to combine two parcels, construct two new warehouse buildings, and rezone a portion of the site from Suburban Transition (ST) to Industrial (I).

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the Future Land Use Map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Ordinance 25-146 proposes rezoning tax parcel 11-014.00-048 (Parcel #4) from "ST" (Suburban Transition) to "I" (Industrial) and combine with tax parcel 11-014.00-083 (Parcel #1) to facilitate the development of two additional warehouses and associated site improvements.

BACKGROUND

Site History

Owned by Sunset Lake Properties LLC, RCK Land Investments LCC, and Apostolic Church International Inc, the 5.11 acre site historically served as farmland until the development of church in 2001 (11-014.00-049) and a warehouse in 2004 (11-014.00-082). Parcel 11-014.00-083 had operated as

an exterior storage area associated with the adjacent industrial use since the early 2000s. A ranch house was built in 1957 (11-014.00-048) on the most northerly lot, which remains today and serves as a contractor's office.

Pre-UDC & Post UDC

Before the Unified Development Code was adopted, parcels 11-014.00-047, 11-014.00-083, and 11-014.00-049 held a Residential (R2) zoning designation, reflecting the area's predominantly rural character at that time. In 1997, with the adoption of the UDC parcel 11-014.00-047 as well as 11-010.00-162 (World Life Christian Center) were rezoned Suburban Transition, while the remainder of the site as well as properties to the south and east of the site were rezoned to Industrial (I).

Early 2000s Development
While plans and operations for Pike Excavating date back to the mid 1990s (App. 1994-0467-S), formal development of the site didn't occur until the early 2000s (App. 2000-0561-S), which included both office and warehousing uses. The office located on parcel 11-014.00-049 was later converted to a church in 2012 (App. 2012-0196-S).

Ordinance 09-094

County Council rezoned parcel 11-014.00-048 from Suburban Transition (ST) to Industrial (I) as part of Application 2008-0755-S/Z and proposed two (2) 9,350 SF warehouse buildings with associated site improvements. While the rezoning was approved, the plan expired prior to recordation.

Ordinance 25-146

Councilwoman Valerie George introduced Ordinance 25-146 on November 18, 2025, proposing to rezone the site from Suburban Transition (ST) zoned land to Industrial (I) to facilitate the proposed development.

PLUS REVIEW (Preliminary Land Use Service)

The rezoning proposed by Ordinance 25-146 along with the proposed project (App. 2022-0823-SZ) received comments in a PLUS Report, dated March 27, 2024, containing relevant comments from State agencies. The Office of State Planning Coordination (OSPC) reiterated their support for the ordinance as the proposed rezoning and development is located within a Level 1 Investment Area which is consistent with the 2026 Strategies for State Policies and Spending. The Department of Transportation (DelDOT) provided several comments outlining requirements pursuant to the Development Coordination Manual.

The Delaware State Fire Marshall's Office listed requirements in accordance with Delaware State Fire Prevention Regulation. All other agencies had no comment on the application.[1]

PLANNING BOARD PUBLIC HEARING – *January 6, 2026*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.[2]

Presentation

Ron Sutton and Rosanna Tassone from Civil Engineering Associates presented the application for Sunset Lake Properties LLC detailing the project's proposed construction of two warehouses along with a rezoning of one parcel (parcel no. 11-014.00-048) from "ST" (Suburban Transition) to "I" (Industrial).

Neal Cantrell asked about the applicants for the project to which Ron Sutton clarified the applicant is Sunset Lake Properties which is owned by Christiana Excavating. Mr. Sutton stated the warehouses will be used to store equipment. Robert Snowden inquired about the overall scope of the project and whether the warehouse would be public or private. Mr. Cantrell questioned where the applicant is currently storing their equipment and Mr. Sutton stated the applicant currently rents the adjacent warehouse. Discussion then occurred regarding the existing stormwater retention pond on site.

Public Comment

Dale Swain inquired about the need for a rezoning to industrial.

Rebuttal

Ron Sutton responded that the adjacent properties within the plan are zoned "I" (Industrial) and that the surrounding properties while zoned "ST" (Suburban Transition) are mostly non-residential uses.

ANALYSIS

The subject properties, situated on the east side of Sunset Lake Road (Rt. 72) and south of the intersection with Old Baltimore Pike, was previously designated as R2 under Former Code and is currently zoned I (Industrial). Directly west of the site lies the historic Dayett Mill and surrounding properties which were historically zoned M1 and M2 and are currently zoned I (Industrial). The site was largely developed in the early 2000's to accommodate an office building (T.P. No. 11-014.00-049) and a warehouse (T.P. No. 11-014.00-082). As discussed above, in 2010, parcel 11-014.00-048 to Industrial

[1] PLUS Report:
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C29859CB524175FF1D9BA6A77EBC1D8FEB&x=temp.pdf

[2] January 6, 2026, Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

(I), to support two (2) 9,350 SF warehouse buildings, however the plan expired prior to recordation. In 2012, the office building on parcel 11-014.00-049 was converted to a church. The proposed rezoning and land development application are consistent with the preliminary plan considered by County Council when the property was rezoned in 2010, and development aligns with the 2026 Strategies for State Policies and Spending which categorized it as a Level 1 Investment Area and the Future Land Use Map, which designated the site as a Business Flex.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

A. *Consistency with the Comprehensive Development Plan and the purposes of this Chapter.*

The Future Land Use Map designates parcels 11-014.00-049, 11-014.00-082, 11-014.00-083, and 11-014.00-048 as Business Flex which are "*areas of existing and potential nonresidential development*". The Future Land Use Element further stresses the County Code needs to accommodate changes in form and function of these sites to promote continued economic viability.

> Objective 5.1 recommends that the County "*promote business clusters by focusing resources and policies toward retaining and growing businesses in discrete sectors…* including *supporting emerging businesses where market demand is growing...*"

The proposed development and rezoning to "I" (Industrial) is consistent with the Future Land Use Map and Goals, Objectives, and Strategies of the 2022 Comprehensive Plan allowing for expanding business opportunities along with existing adjacent nonresidential uses.

B. *Consistency with the character of the neighborhood.*

The subject properties are located along Sunset Lake Road (Rt. 72), which transitions from a mix of commercial uses south of the City of Newark to more suburban/rural in nature. The subject properties are in close proximity to other non-residential uses. Rezoning parcel 11-014.00-048 from "ST" (Suburban Transition) to "I" (Industrial) will facilitate development of the site more consistent with the adjacent parcels.

C. *Consistency with zoning and use of nearby properties.*

While some remaining residential properties exist nearby, a majority of this portion of Rt. 72 near Old Baltimore Pike are existing non-residential uses (warehousing and churches).

D. *Suitability of the property for the uses for which it has been proposed or restricted.*

The rezoning of the property will facilitate the development of two small warehouses adjacent to an existing warehouse built in 2004.

E. *Effect on nearby properties.*

The proposed warehouses are anticipated to have a negligible impact on the neighboring properties. To the north, the property is bordered by a residential dwelling and will have a landscaping buffer provided along with a proposed stormwater management area between the adjacent property and the proposed warehouses. To the east, the property is adjacent to the Word of Life Christian Center. A similar landscaping buffer will be provided along this property boundary.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E of the *Unified Development Code*, the Future Land Use Map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 25-146.

PLANNING BOARD RECOMMENDATION

At a business meeting held on February 17, 2026, 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 Robert Ott and seconded by Ruth Visvardis, the Board voted to recommend **APPROVAL** of application 2022-0823-SZ as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-1-3 (In Favor: Cantrell, Drake, Ott, Snowden, Visvardis; In Opposition: None; Abstention: Brutus; Absent: Chamblee, Cochran, Daigle).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

There were no questions from the Planning Board.

STATUTORY GUIDELINES

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

2-27-26

David M. Culver date
General Manager
Department of Land Use

Robert B Snowden 2/25/2026

Robert B. Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Mr. Tackett
Requested by: Land Use Department
Date of introduction: December 9, 2025

ORDINANCE NO. 25-159

COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 11 REGARDING THE FOLLOWING TAX PARCELS: NEW CASTLE HUNDRED: 09-041.10-303 (42 Charles Ct, River Walk), 10-043.20-155 (0 Canary Dr, Raven Glen at Wellin), 10-043.20-156 (0 Canary Dr, Raven Glen at Wellin) **PENCADER HUNDRED:** 09-040.10-015 (8 Woodland Run Dr, Woodland Run), 11-015.00-011 (624 Salem Church Rd, Millers Post), 11-015.10-045 (295 E Flagstone Dr, Gray Acres), 11-019.00-013 (0 Salem Church Rd,), 11-019.00-055 (0 Salem Church Rd, Olenderski Subd), 11-019.30-169 (0 Becks Woods Dr, Village Of Becks Pond), 11-019.40-047 (28 Bradley Dr, Becks Landing), 11-022.00-014 (2199 Pulaski Hwy, Glasgow Regional Park), 11-027.00-027 (219 A Forrestal Dr, New Castle County), 11-031.00-004 (54 Stardust Dr, Melody Meadows II), 11-031.00-216 (54 Stardust Dr, Melody Meadows II), 11-032.00-001 (210 Benjamin Blvd,), 11-032.00-259 (209 Benjamin Blvd, New Castle County), 11-033.00-276 (6 Mabel Ln, Caravel Academy), 11-038.00-247 (0 Off Clifton Dr, Hickory Woods Sec 4), 11-042.20-147 (13 Viscaya Ct, Mansion Farm Ph 1) **WHITE CLAY CREEK HUNDRED:** 09-029.10-380 (0 Regal Ct, Sherwood Forest Sc 2), 09-029.10-475 (14 Spectrum Dr, Elmwood Sec 1), 09-034.00-015 (0 Off Old Baltimore Pike, Woodshade Sec 1), 09-034.00-042 (99 Woodshade Dr, Woodshade Sec 2), 09-034.20-058 (8 Screven Pl, Varlano), 09-040.10-015 (8 Woodland Run Dr, Woodland Run), 09-040.40-020 (115 Creekside Ct, Country Creek), 09-041.10-277 (48 Birchgrove Rd, Christina Hollow), 09-041.10-303 (42 Charles Ct, River Walk), 11-015.00-011 (624 Salem Church Rd, Millers Post)

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

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

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

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

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

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

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

Section 1. The Zoning Maps of New Castle Hundred, Pencader Hundred, and White Clay Creek Hundred are hereby amended by changing the zoning classification of the land shown on attached Exhibit "A", Maps 1-10 dated November 18, 2025, as set forth therein.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

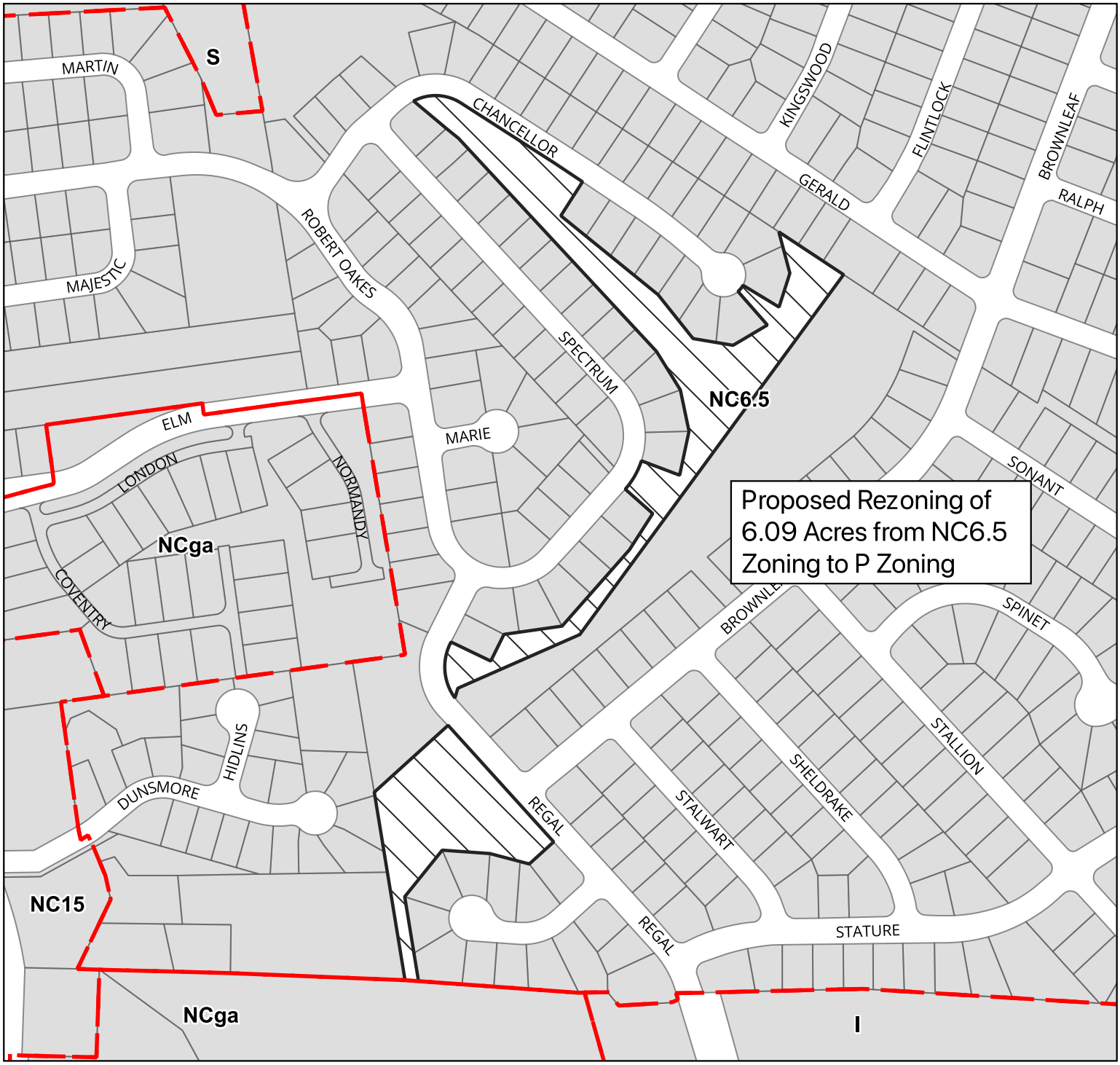
SYNOPSIS: Same as title.

FISCAL IMPACT: None

PROPERTY MAP

EXHIBIT A MAP 1
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-029.10-380, 09-029.10-475

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



HUNDRED: WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3826
Prepared by: Matthew Rogers

Date: 11/18/2025

N

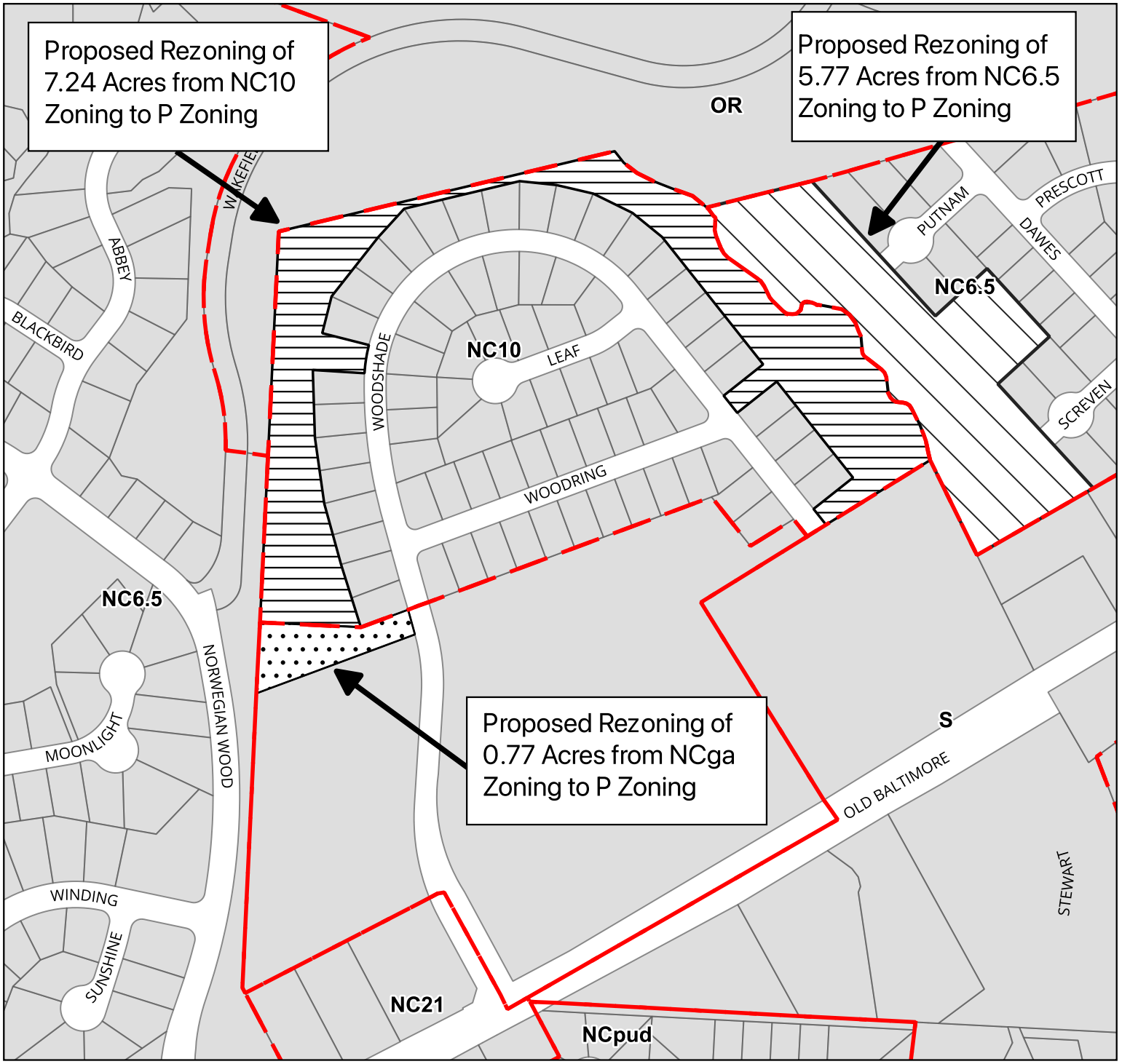
PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 2
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-034.00-015, 09-034.00-042, 09-034.20-058



HUNDRED: WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3826
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

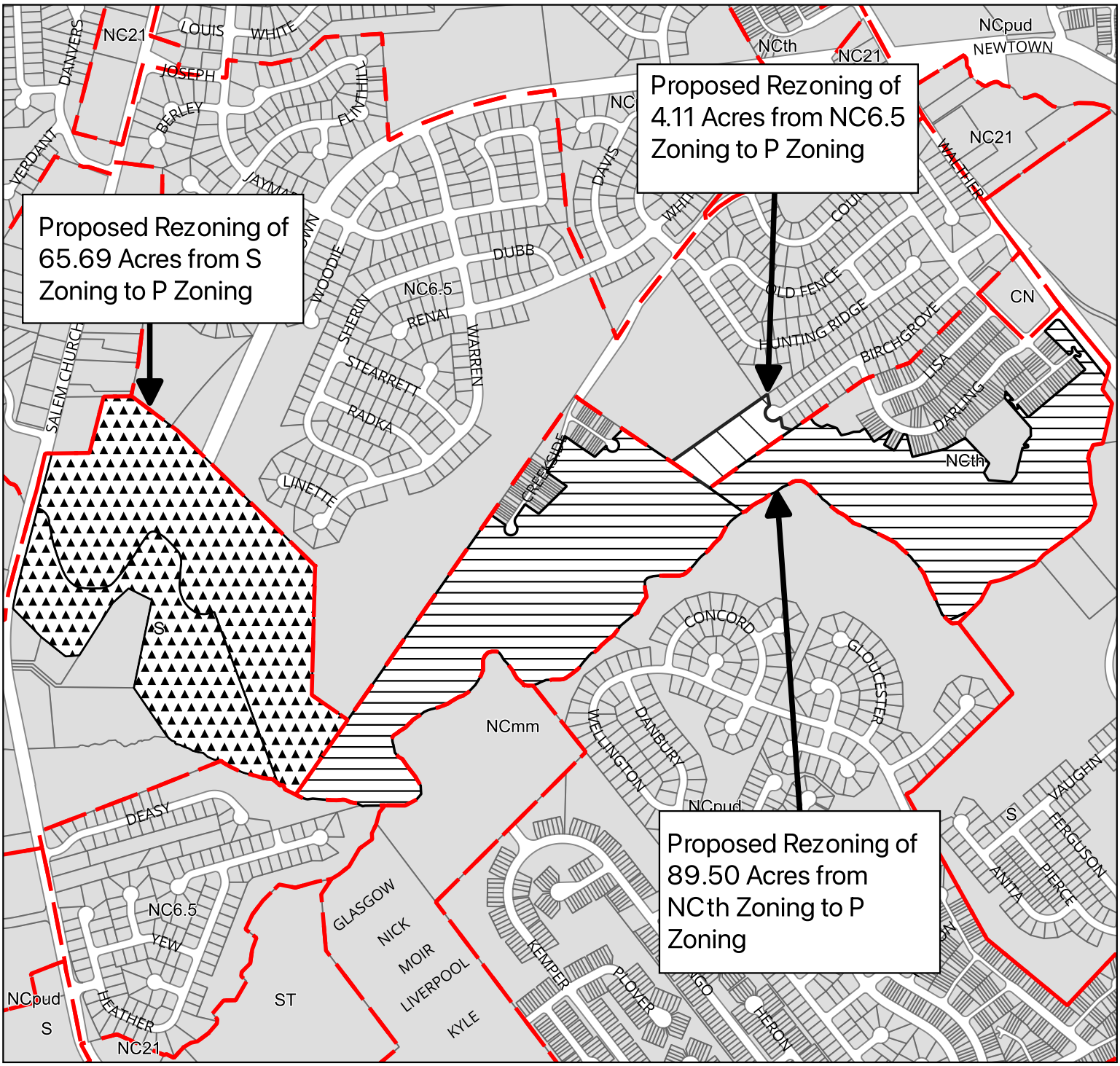
NC10 to P
NCga to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-040.40-020, 09-041.10-277, 09-041.10-303, 11-015.00-011



HUNDRED: PENCADER HUNDRED, NEW CASTLE HUNDRED, AND WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10653
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

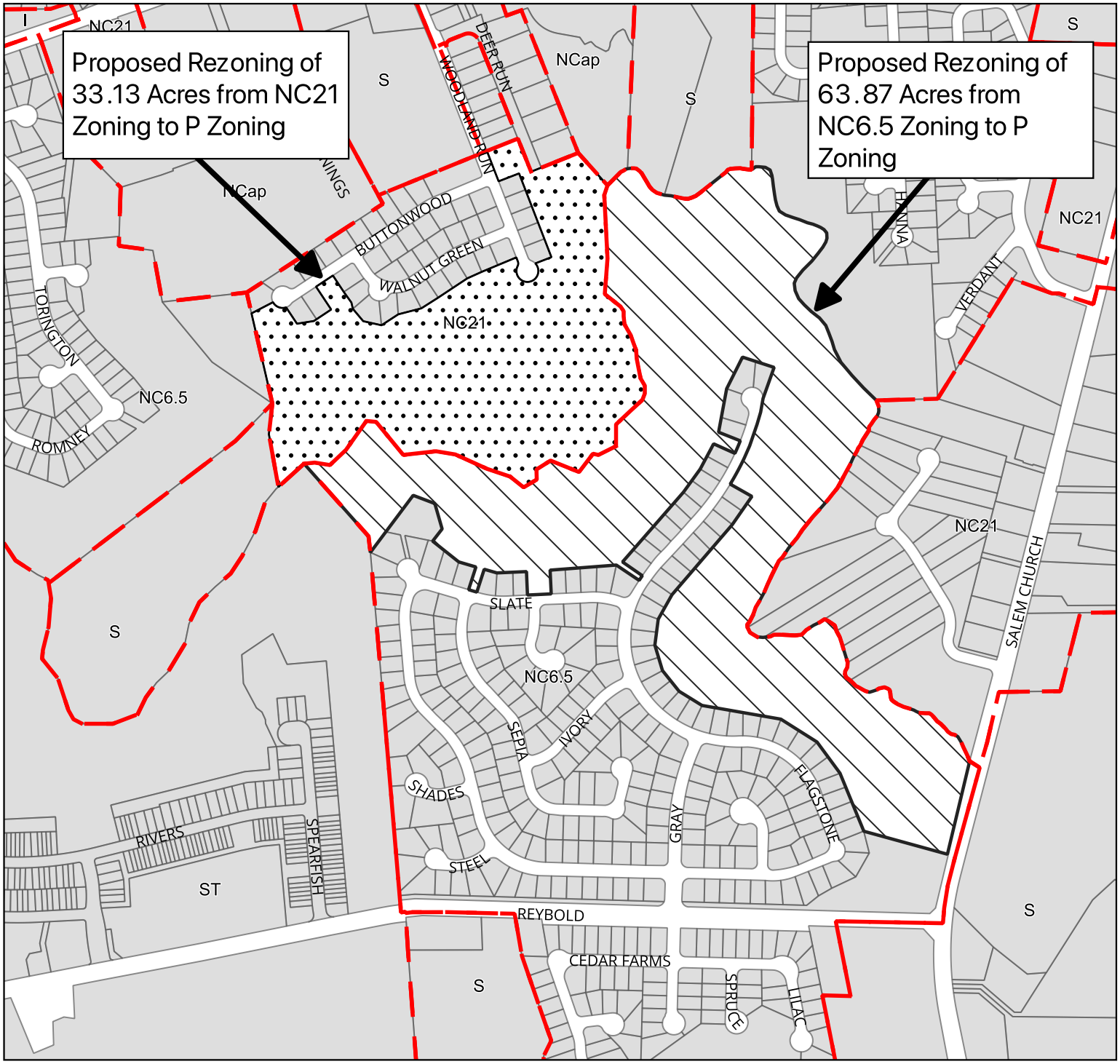
NC6.5 to P
NCth to P
S to P

PROPERTY MAP

EXHIBIT A MAP 4
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC6.5 & NC21) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-040.10-015, 11-015.10-045



HUNDRED: PENCADER HUNDRED &
WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7653
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

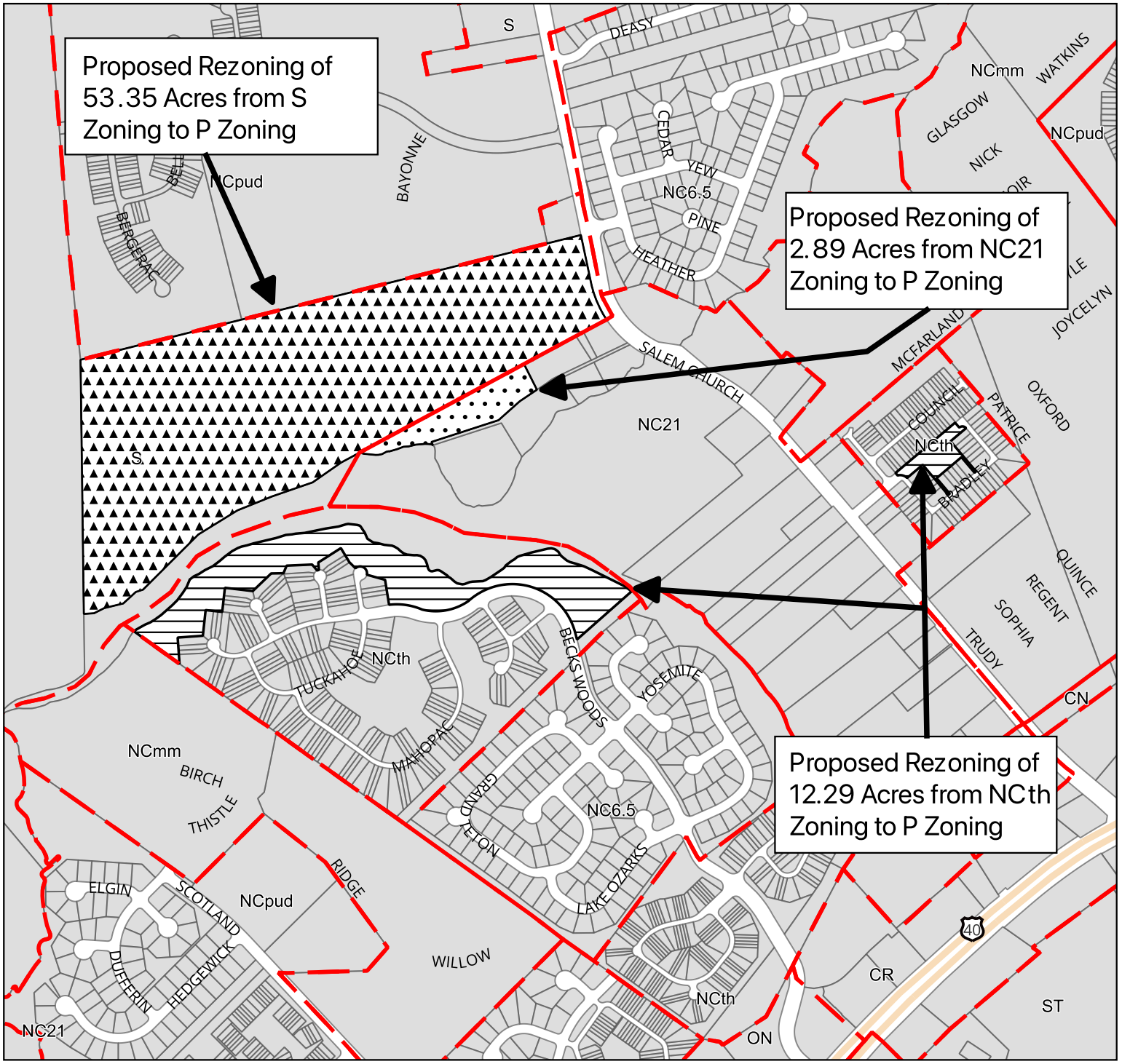
NC21 to P
NC6.5 to P

PROPERTY MAP

EXHIBIT A MAP 5
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 11-019.00-013, 11-019.00-055, 11-019.30-169, 11-019.40-047



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8653
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

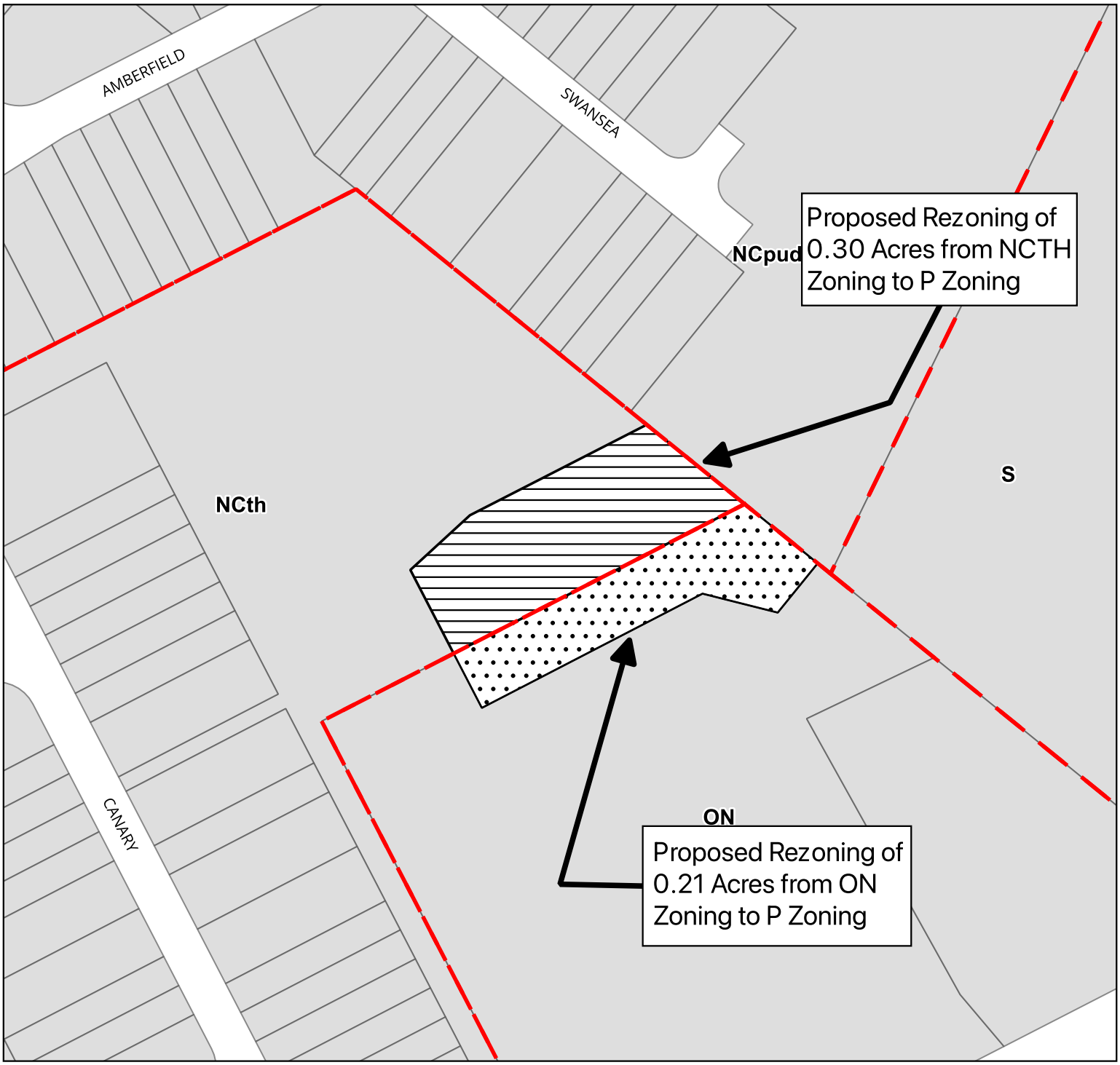
NC21 to P NCth to P
S to P

PROPERTY MAP

EXHIBIT A MAP 6
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 10-043.20-155, 10-043.20-156



HUNDRED: NEW CASTLE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1026
Prepared by: Matthew Rogers

Date: 11/18/2025

N

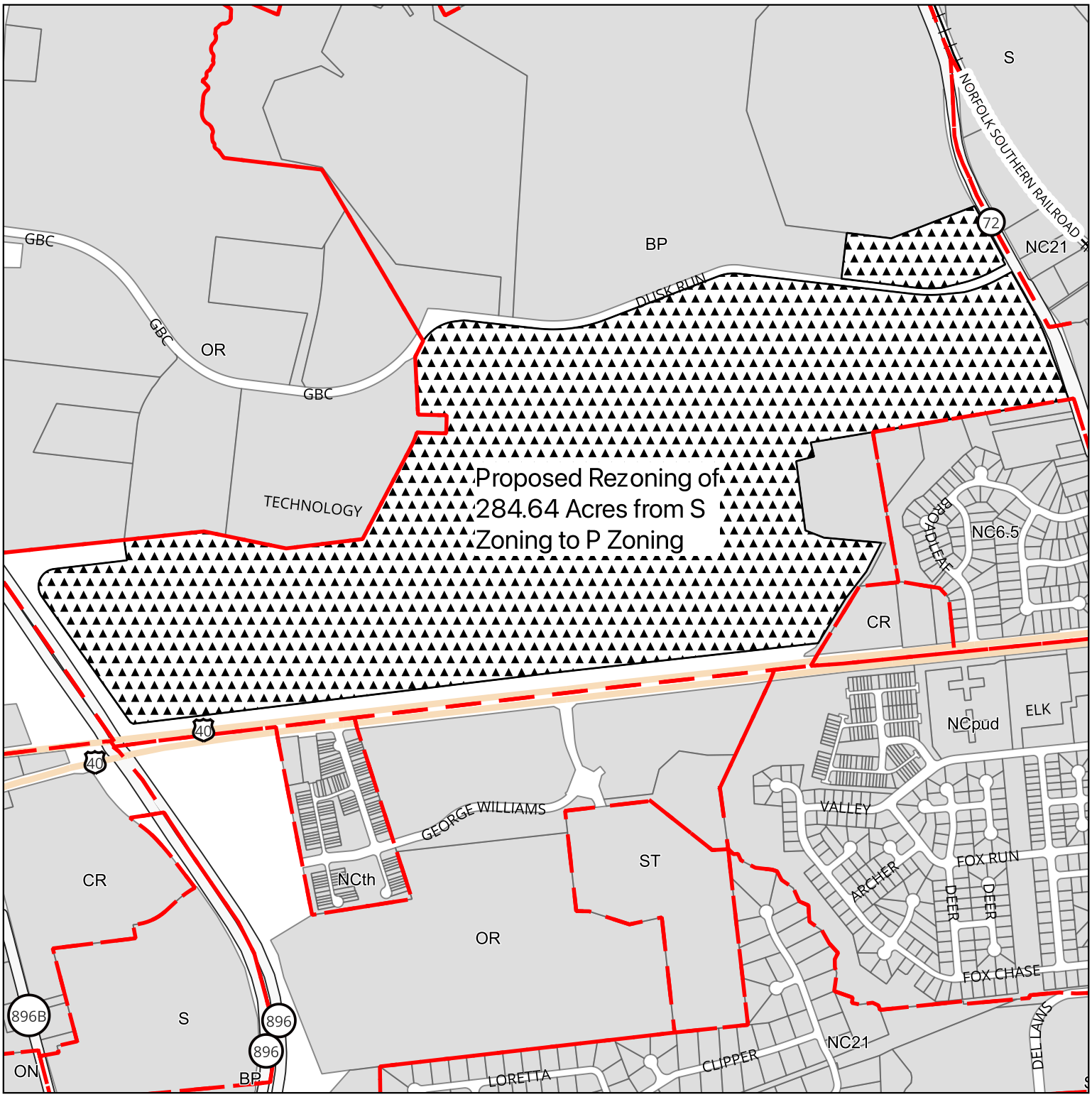
PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 7
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 11-022.00-014



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:11653
Prepared by: Matthew Rogers

Date: 11/18/2025

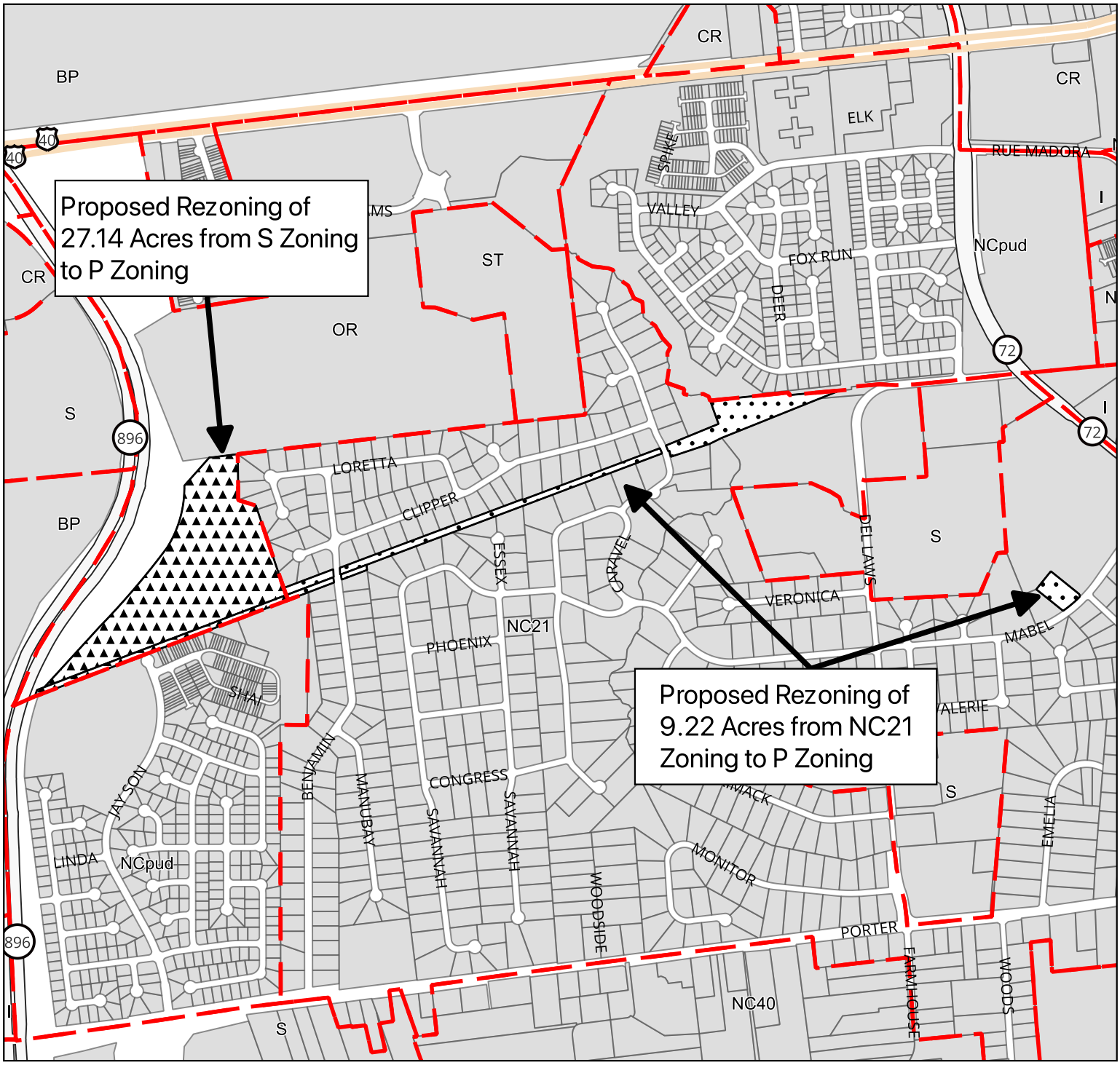
PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 8
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 11-027.00-027, 11-032.00-001, 11-033.00-276, 11-032.00-259



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:12653
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

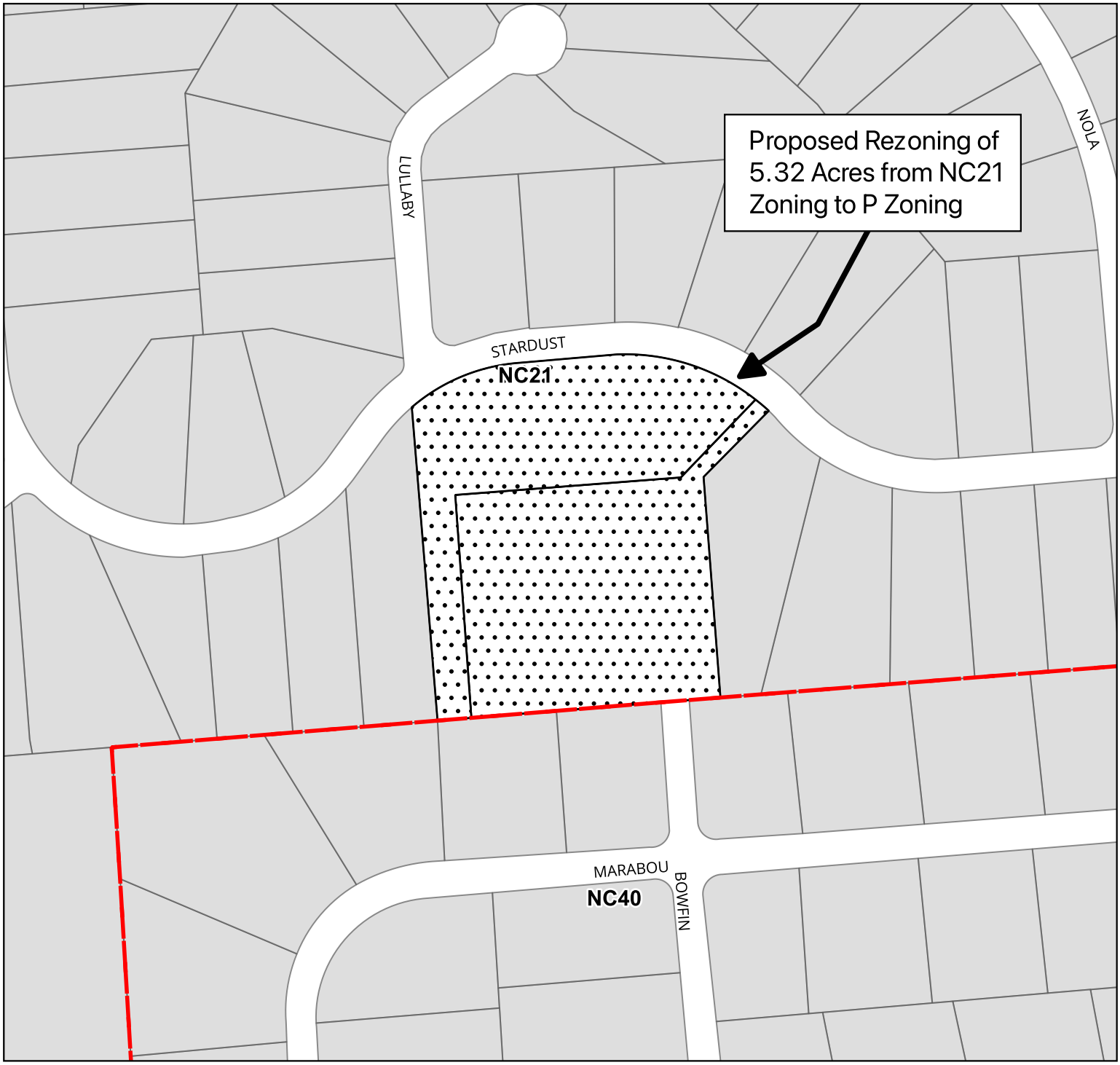
NC21 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 9
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 11-031.00-216, 11-031.00-004



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:2526
Prepared by: Matthew Rogers

Date: 11/18/2025

PROPERTY MAP

EXHIBIT A MAP 10
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC6.5 & NC21) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 11-038.00-247, 11-042.20-147



HUNDRED: PENCADER HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10653
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-159
Date Adopted by County Council:
Date Approved by County Executive:

NC21 to P
NC6.5 to P

New Castle County Department of Land Use

JOINT DEPARTMENT OF LAND USE / PLANNING BOARD RECOMMENDATION

Ordinance No. 25-159
Application No. 2025-0723-Z
County Council District 11 – Rezoning of County-owned Land to P-Zoning

February 17, 2026

Sponsor: Councilman Tackett (District 11)

Description: Revise the New Castle County Zoning Maps in County Council District 11 regarding county-owned land

EXECUTIVE SUMMARY

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for County Owned properties, and available for governmentally owned properties (at the request of the owner) that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Application 2025-0723-Z (Ordinance 25-159) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 11 to the newly established P Zoning District. The subject 30 parcels are:

09-041.10-303 (42 Charles Ct, River Walk)
10-043.20-155 (0 Canary Dr, Raven Glen at Wellin)
10-043.20-156 (0 Canary Dr, Raven Glen at Wellin)
09-040.10-015 (8 Woodland Run Dr, Woodland Run)
11-015.00-011 (624 Salem Church Rd, Millers Post)
11-015.10- 045 (295 E Flagstone Dr, Gray Acres)
11-019.00-013 (0 Salem Church Rd,)
11- 019.00-055 (0 Salem Church Rd, Olenderski Subd)
11-019.30-169 (0 Becks Woods Dr, Village Of Becks Pond)
11-019.40-047 (28 Bradley Dr, Becks Landing)
11-022.00-014 (2199 Pulaski Hwy, Glasgow Regional Park)
11-027.00-027 (219 A Forrestal Dr, New Castle County)
11-031.00-004 (54 Stardust Dr, Melody Meadows II)
11-031.00-216 (54 Stardust Dr, Melody Meadows II)

11-032.00-001 (210 Benjamin Blvd,)
11-032.00- 259 (209 Benjamin Blvd, New Castle County)
11-033.00-276 (6 Mabel Ln, Caravel Academy)
11-038.00-247 (0 Off Clifton Dr, Hickory Woods Sec 4)
11-042.20-147 (13 Viscaya Ct, Mansion Farm Ph 1)
09-029.10-380 (0 Regal Ct, Sherwood Forest Sc 2)
09-029.10-475 (14 Spectrum Dr, Elmwood Sec 1)
09-034.00-015 (0 Off Old Baltimore Pike, Woodshade Sec 1)
09-034.00-042 (99 Woodshade Dr, Woodshade Sec 2)
09-034.20-058 (8 Screven Pl, Varlano)
09-040.10- 015 (8 Woodland Run Dr, Woodland Run)
09-040.40-020 (115 Creekside Ct, Country Creek)
09-041.10-277 (48 Birchgrove Rd, Christina Hollow)
09-041.10-303 (42 Charles Ct, River Walk)
11-015.00-011 (624 Salem Church Rd, Millers Post)

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Application 2025-0723-Z (Ordinance 25-159) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 11 to the newly established P Zoning District. A list of subdivisions with parks and open space proposed to be rezoned to P Zoning in this rezoning are as follows (a full list of parcels can be found above):

BECKS LANDING	NEW CASTLE COUNTY
CARAVEL ACADEMY	OLENDERSKI SUBD
CHRISTINA HOLLOW	RAVEN GLEN AT WELLIN
COUNTRY CREEK	RIVER WALK
ELMWOOD SEC 1	SHERWOOD FOREST SC 2
GLASGOW REGIONAL PARK	VARLANO
GRAY ACRES	VILLAGE OF BECKS PND
HICKORY WOODS SEC 4	WOODLAND RUN
MANSION FARM PH 1	WOODSHADE SEC 1
MELODY MEADOWS II	WOODSHADE SEC 2
MILLERS POST	

BACKGROUND

The history of rezoning processes dates to the 1950s. Subsequent sections examine how State and County codes evolved over time.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.[1] New Castle County adopted zoning regulations in September of 1954.

Rezonings in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan)[2] was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element. As a result of these efforts, Strategy 1.1.6 was created to consider the establishment of a preservation zoning category.

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[1] Zoning Enabling Legislation: https://legis.delaware.gov/SessionLaws/Chapter?id=33182 Dillon's Rule additional reading: https://www.planning.org/planning/2020/mar/tools-legal-lessons/

[2] New Castle County Comprehensive Plan 2050: https://ssl02.nccde.org/gisfiles/Images/NCC2050/Comp%20Plan%20Final%20Draft/Complete%20Plan%20Final%20Draft%20%2006272022.pdf

Ordinance 24-130 Zoning District for Publicly Owned Conserved Land and Public Parks

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for properties that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Ordinance 25-161 County Council District 11 – Rezoning of County-owned Land to P-Zoning

The proposed ordinance would rezone 30 parcels located within County Council District 11 consisting of County-owned parks and open space to the Publicly Conserved Lands & Parks District (P) established in Ordinance 24-130.

PLUS REVIEW (Preliminary Land Use Service)

The text amendment that established P Zoning (Ord. 24-130) was reviewed at a PLUS meeting held on August 28, 2024.

The PLUS Review Letter, dated September 23, 2024, includes comments from the Office of State Planning and Coordination, who commended New Castle County for their continued work on establishing the Publicly Conserved Lands & Parks District (P) and requested a collaboration with DNREC regarding concerns over State-Owned public lands.[3] The Department of Natural Resources and Environmental Control (DNREC) additionally commended New Castle County's effort to preserve natural open space through the establishment of the proposed zoning district. DNREC listed concerns regarding potential restrictions in DNREC operations on state-owned lands and asked that state-owned lands are explicitly exempt from the changes outlined in Table 40.03.110 of the Unified Development Code. The State Historic Preservation Office (SHPO) recommended that the ordinance consider making the proposed zoning district apply to publicly owned land that includes areas of cultural or heritage preservation. DelDOT, DEMA and DE State Fire Marshal noted that they did not have any comments or objection to approval of the proposed ordinance.

PLANNING BOARD PUBLIC HEARING – *January 6, 2026*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.[4]

Presentation

[3] PLUS Report:
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2C65831502A6D587F61602538894DF47B&x=temp.pdf

[4] January 6, 2026, Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

Alec Davis, Planner for the Department of Land Use, presented the *Ordinance 25-161*, discussing parcels located in County Council District 11 proposed for rezoning to the Publicly Conserved Lands & Parks District (P) designation. He mentioned that the Ordinance 24-130 first established the P Zoning District and was adopted on March 25th, 2025. He proceeded to show the exhibit maps for all of the affected properties and explained the neighborhoods and locations of each cluster of parcels.

There were no questions from the Planning Board.

Public Comment

There was no public comment on the application.

ANALYSIS

Application 2025-0723-Z (Ordinance 25-159) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 11 to the newly established P Zoning District, consistent with Ordinance 24-130 (adopted in March of 2025) which established the Publicly Conserved Lands & Parks District (P), and require County owned properties that are publicly protected and identified as protected in perpetuity for the public benefit to be rezoned to P.

These parcels[5] are all located within County Council District 11. District 11 encompasses parts of Rt. 896 south of Glasgow, along Rt. 40 (Pulaski Highway), and ending along Old Baltimore Pike and Christiana Road. The area is characterized by a number of subdivisions developed prior to 1997 (adoption of the UDC) with some open space areas owned and maintained by New Castle County.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

A. *Consistency with the Comprehensive Development Plan and the purposes of this Chapter.*

This ordinance implements Strategy 1.1.6 of the 2022 Comprehensive Development Plan by proposing the subject 30 parcels be rezoned to the Publicly Conserved Lands & Parks District

[5] Ordinance 25-159 (Including Exhibit Maps):
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2E9E84C026BE79338AEEECB942100595B&x=temp.pdf

(P). The establishment of P Zoning on these parcels will better identify and emphasize the protection and preservation of these existing open space and park parcels.

B. *Consistency with the character of the neighborhood.*

All 30 parcels identified in the rezoning are currently public parks and open space. The P Zoning designation will not change the use of these parcels.

C. *Consistency with zoning and use of nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

D. *Suitability of the property for the uses for which it has been proposed or restricted.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

E. *Effect on nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 25-159.

PLANNING BOARD RECOMMENDATION

At a business meeting held on February 17, 2026, 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 Neal Cantrell and seconded by Kiana Drake, the Board voted to recommend **APPROVAL** of application 2025-0723-Z as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-1-3 (In Favor: Cantrell, Drake, Ott, Snowden, Visvardis; In Opposition: None; Abstention: Brutus; Absent: Chamblee, Cochran, Daigle).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

There were no questions from the Planning Board.

STATUTORY GUIDELINES
In the phraseology of 9 Delaware Code Section 2603(a), the Department finds that this rezoning will promote the convenience, order and welfare of the present and future inhabitants of this State.

2-27-26

David M. Culver date
General Manager
Department of Land Use

2/25/2026

Robert B. Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Ms. Kilpatrick
Requested by: Land Use Department
Date of introduction: December 9, 2025

ORDINANCE NO. 25-160

COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 3 REGARDING THE FOLLOWING TAX PARCELS: MILL CREEK HUNDRED: 08-007.00-042 (1023 Valley Rd, Hockessin Public Library), 08-007.00-049 (4338 Mill Creek Rd, Buck Subdivision), 08-007.40-124 (623 Yorklyn Rd, Hockessin Center), 08-008.30-100 (7259 Lancaster Pike, Hockessin Park), 08-008.30-102 (7259 Lancaster Pike, 17-41 Co Subdivision), 08-012.20-121 (513 Hemingway Dr, Hickory Hill), 08-013.20-046 (0 Deergrass Rd, Bon Ayre), 08-013.20-083 (32 Basil Ct., Brackenville Woods), 08-013.30-013 (4129 Mill Creek Rd Hickory Hill), 08-013.30-039 (4089 Mill Creek Rd, Gateway Farms Sec 2), 08-013.40-038 (47 Staten Dr, Stuyvesant Hills), 08-013.40-048 (27 Staten Dr, Stuyvesant Hills), 08-017.30-004 (3 Welwyn Rd, Hillstream), 08-019.10-074 (100 Ramunno Cir, Belle Terre), 08-012.00-041 (740 Evanson Rd), 08-012.30-001 (188 A Thompson Dr, Hockessin Valley Fal), 08-020.00-150 (0 Off Hobson Dr, West Riding), 08-020.30-032 (115 Westgate Dr, Westgate Farms), 08-013.30-074 (1800 Brackenville Rd), 08-024.10-121 (9 Jarrell Farms Dr, Jarrell Farms III), 08-025.00-008 (0 Mill Creek Rd), 08-025.00-011 (3850 Mill Creek Rd), 08-020.40-021 (104 Oldbury Dr, Westgate Farms), 08-020.40-028 (112 Alexis Ct, Canterbury Hills), 08-026.30-127 (200 Whitekirk Dr, Highland West), 08-026.30-176 (200 Whitekirk Dr), 08-036.20-001 (4901 Mermaid Blvd, Linden Heath), 08-037.30-015 (5134 New Kent Rd, Linden Hill Village), 08-042.10-236 (9 Ware Rd, Deacons Walk), 08-042.20-029 (9 Ware Rd, Preserve At Deacons Walk), 08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue), 08-042.40-255 (0 Upper Pike Creek Rd, Linden Way), 08-053.40-011 (16 St Regis Dr, Chapel Hill), 08-053.40-049 (21 St Regis Dr, Chapel Hill), 08-047.00-124 (0 Briggs Ln, Chanterelle)

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

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

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

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

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

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

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

Section 1. The Zoning Maps of Mill Creek Hundred are hereby amended by changing the zoning classification of the land shown on attached Exhibit “A”, Maps 1-10 dated November 18, 2025, as set forth therein.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

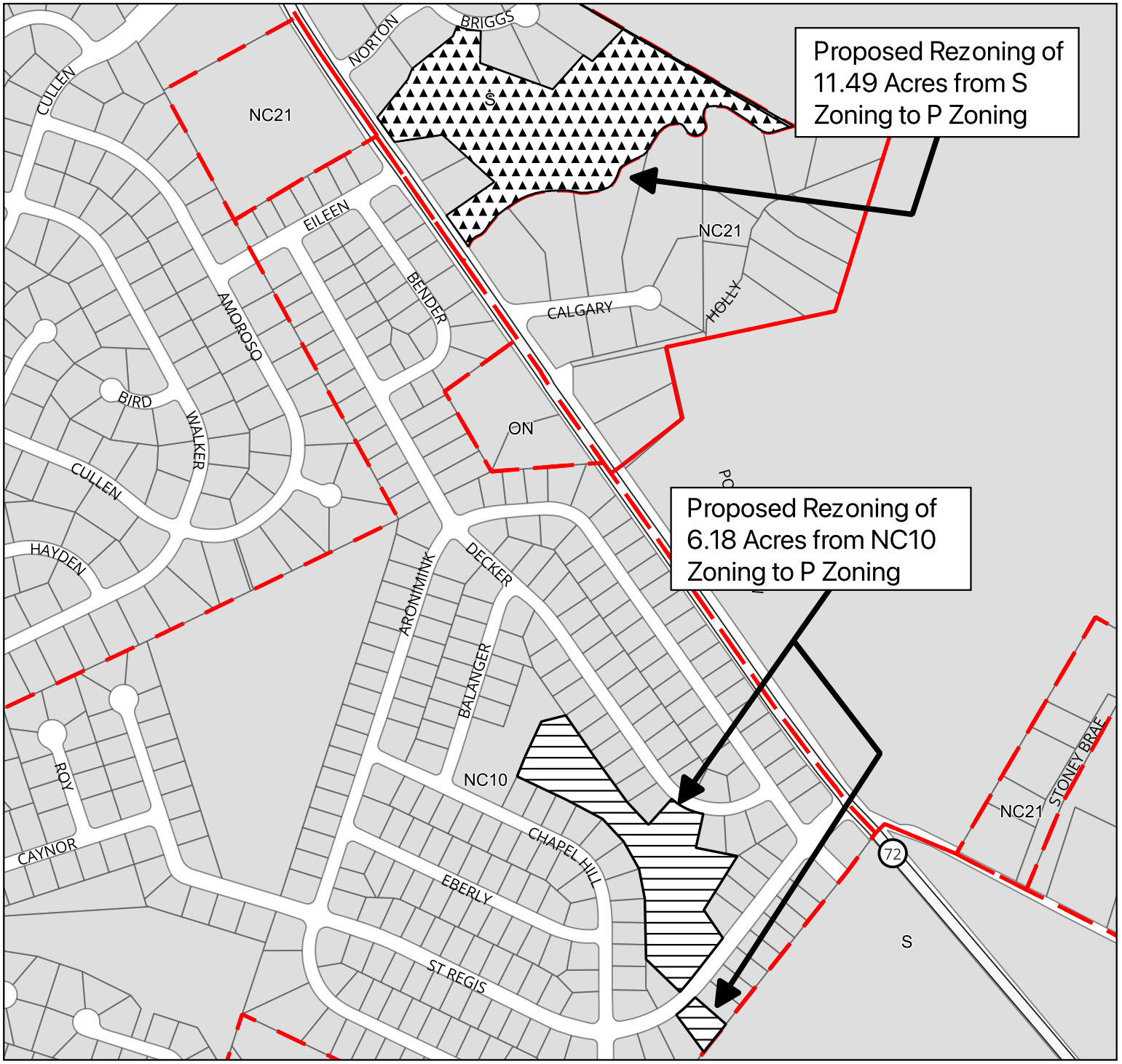
SYNOPSIS: Same as title.

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

PROPERTY MAP

EXHIBIT A MAP 1
ZONING ORDINANCE AS INTRODUCED
APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-047.00-072,
08-047.00-124, 08-053.40-011, 08-053.40-049

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



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6203
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

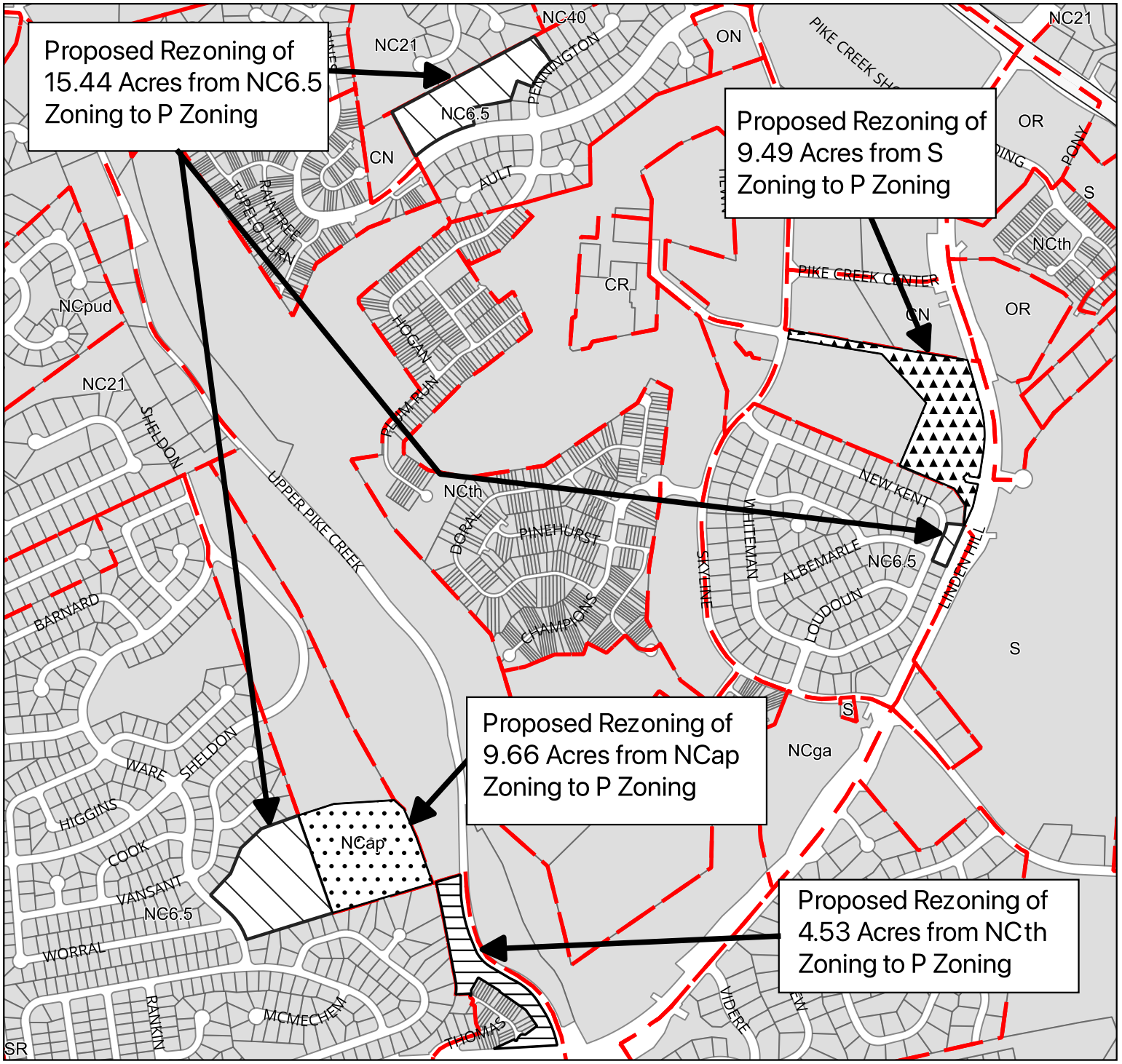
NC10 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 2
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-036.20-001, 08-037.30-015, 08-042.10-236, 08-042.20-029, 08-042.40-255



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:10763
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25- 160
Date Adopted by County Council:
Date Approved by County Executive:

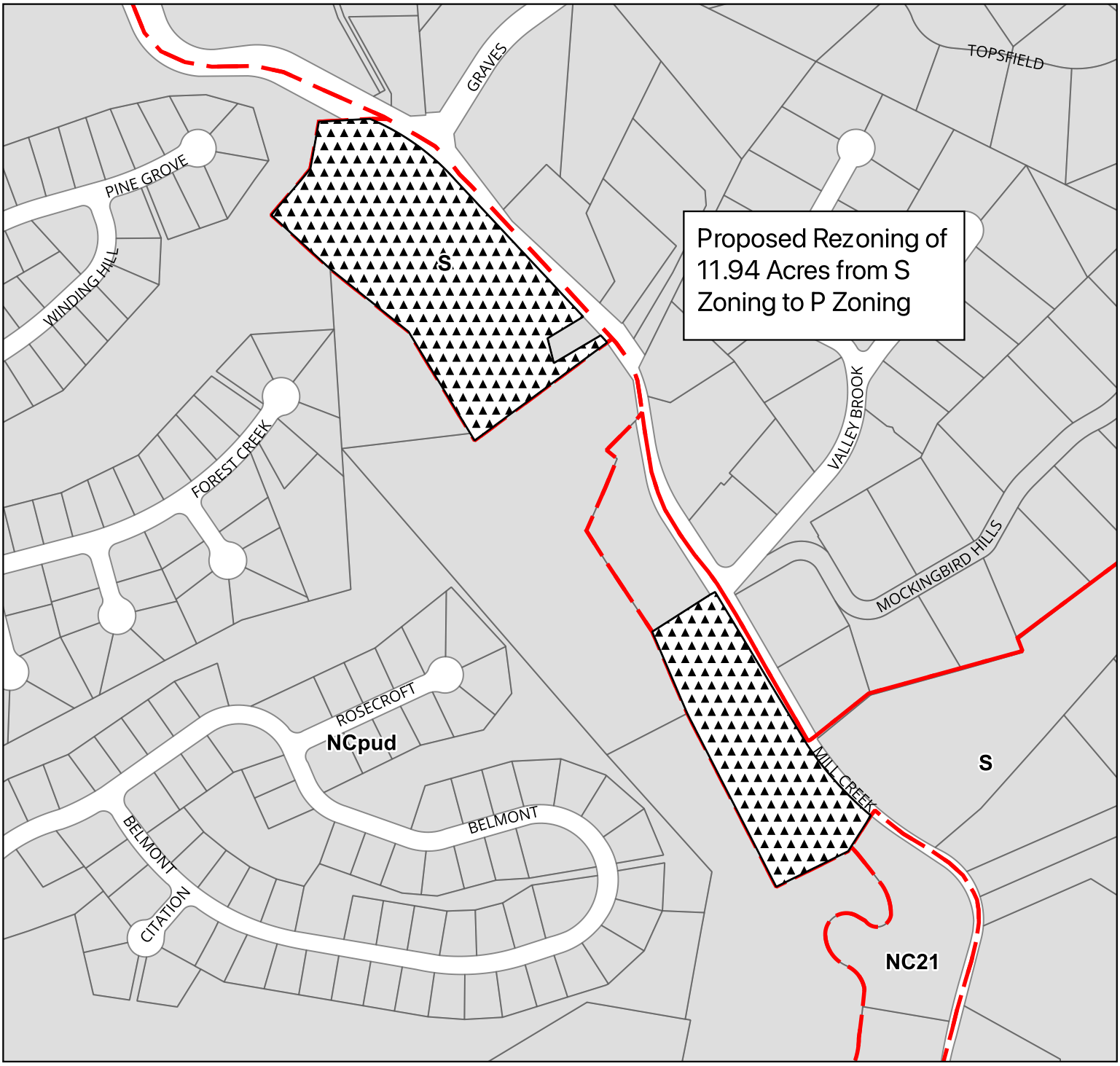
NC6.5 to P
NCth to P
S to P
NCap to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-025.00-008,
08-025.00-011



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4469
Prepared by: Matthew Rogers

Date: 11/18/2025

N

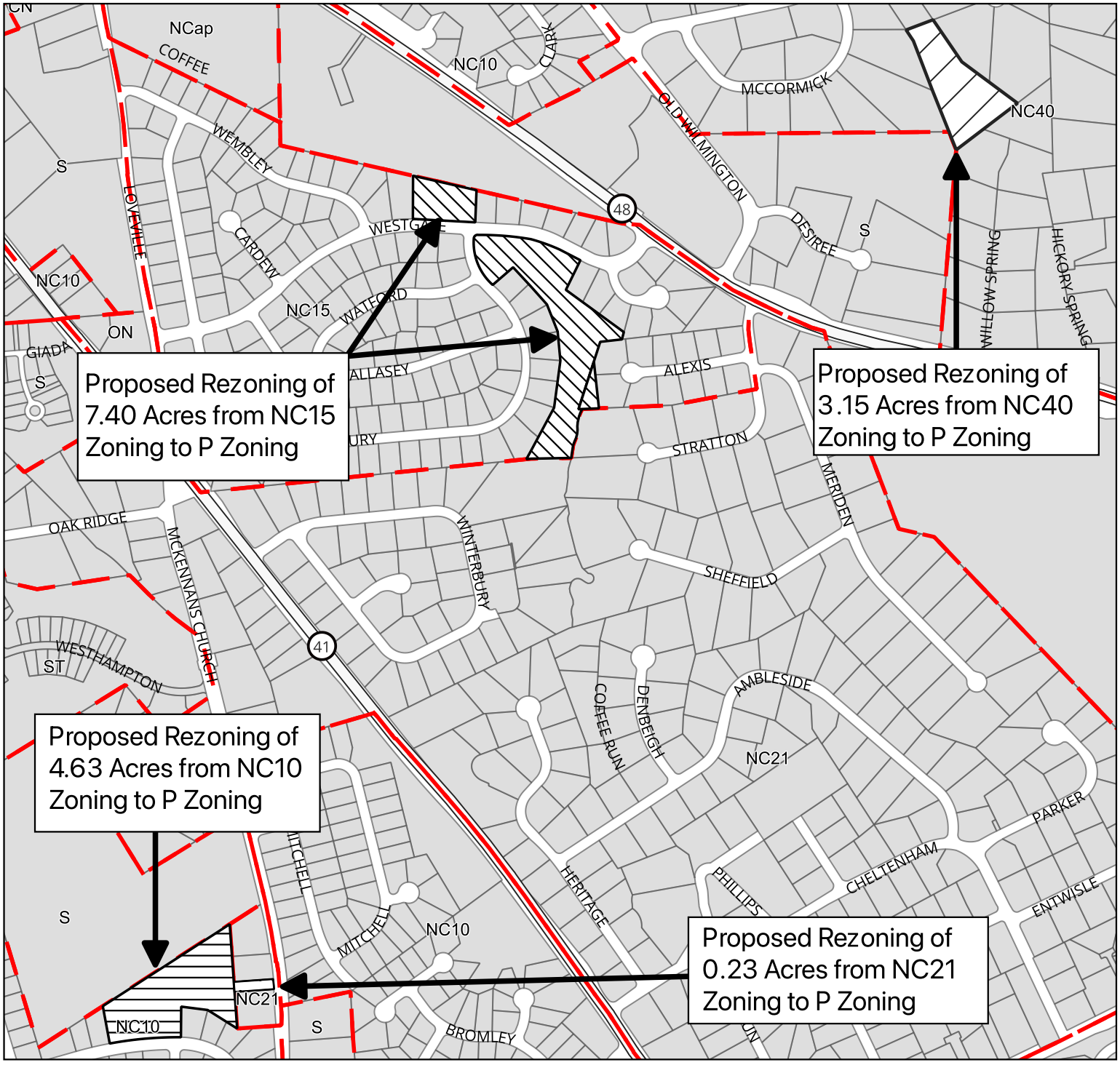
PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 4
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC10, NC15, NC21 & NC40) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-020.00-150, 08-020.30-032, 08-020.40-021, 08-020.40-028, 08-026.30-127, 08-026.30-176



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8234
Prepared by: Matthew Rogers
Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

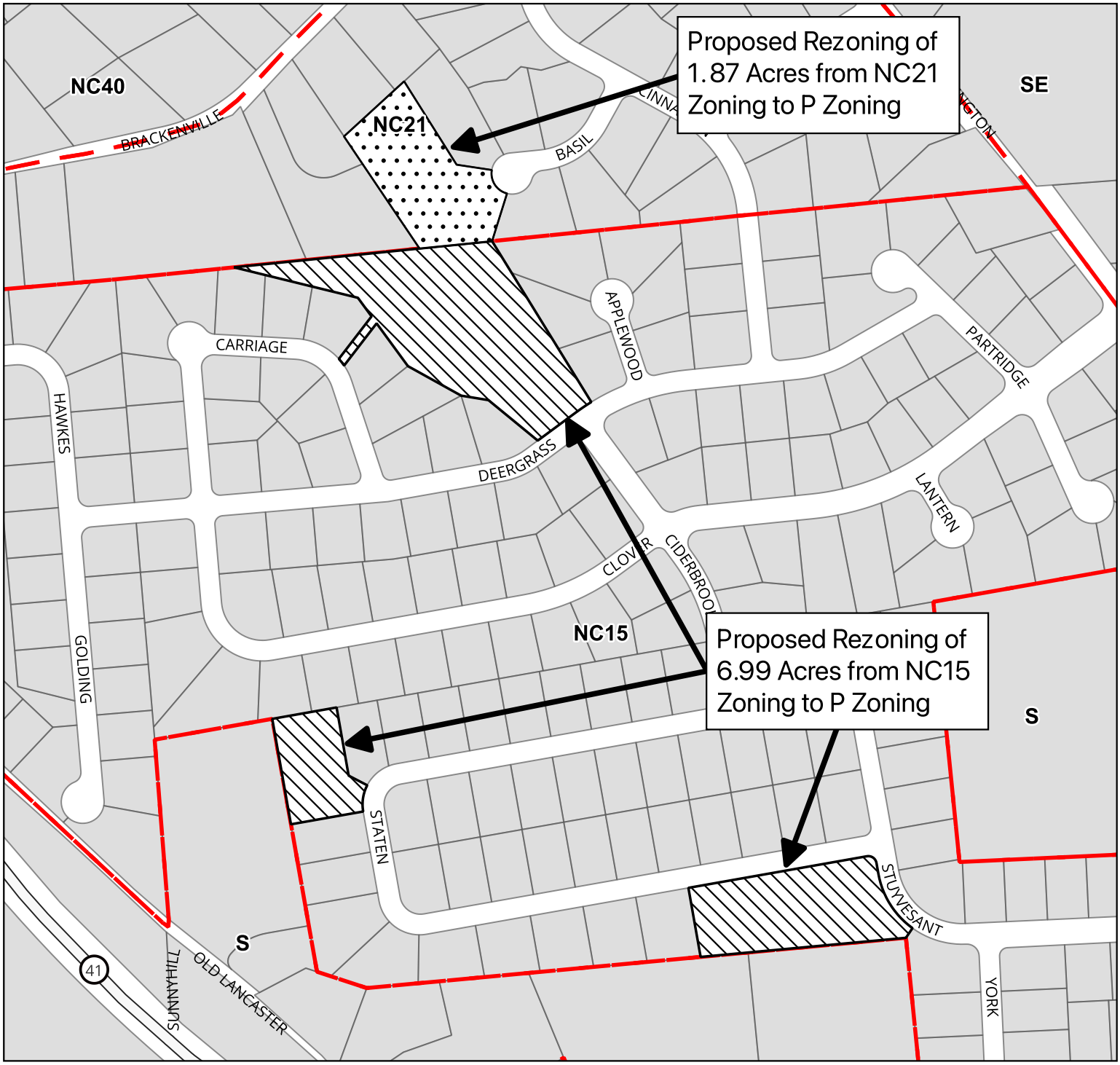
NC10 to P
NC21 to P
NC15 to P
NC40 to P

PROPERTY MAP

EXHIBIT A MAP 5
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC15 & NC21) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-013.20-046, 08-013.20-083, 08-013.40-038, 08-013.40-048



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4072
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

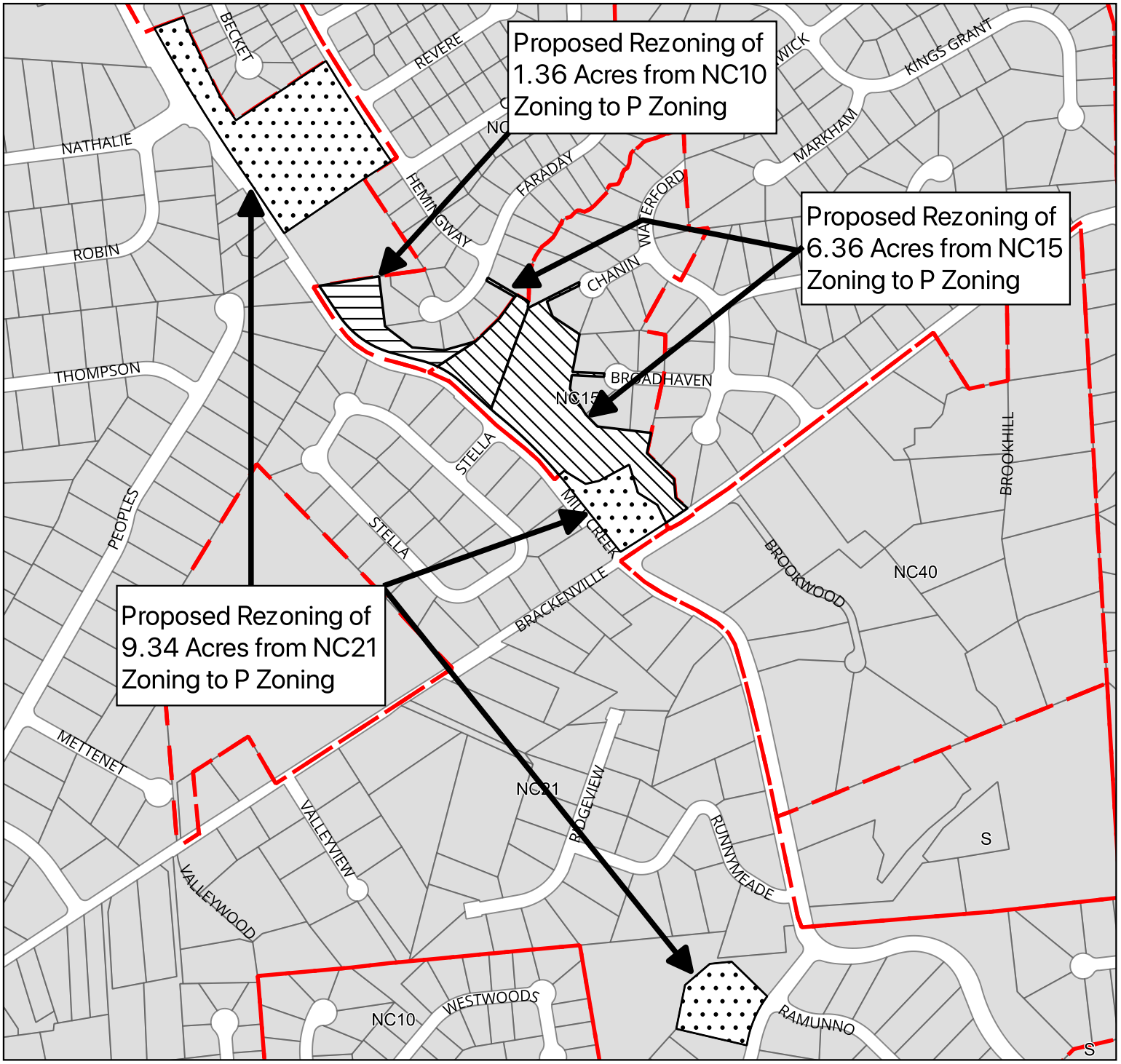
NC15 to P
NC21 to P

PROPERTY MAP

EXHIBIT A MAP 6
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC10, NC15, & NC21) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-012.20-121, 08-013.30-013, 08-013.30-039, 08-013.30-074



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6409
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

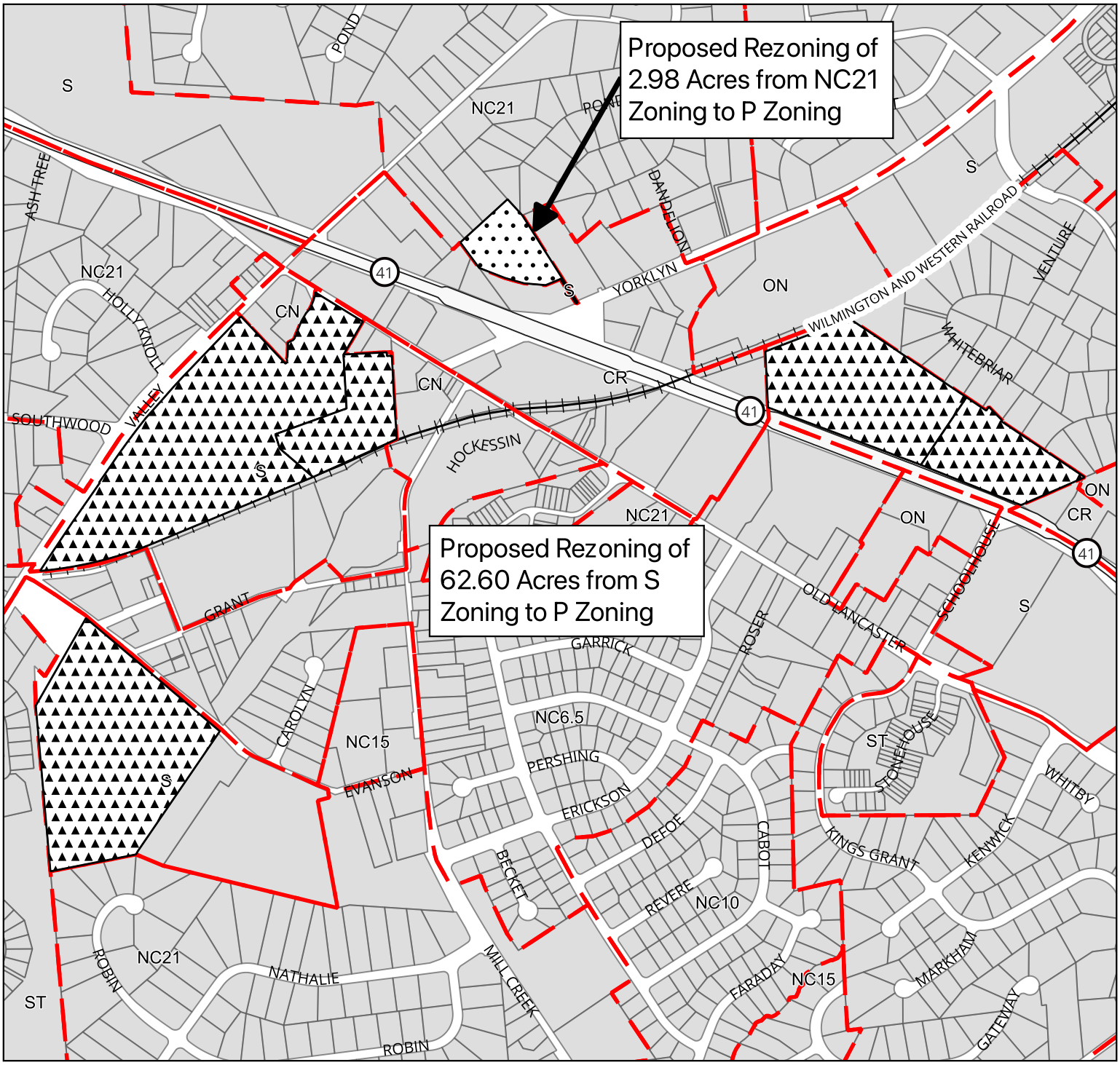
NC10 to P
NC21 to P
NC15 to P

PROPERTY MAP

EXHIBIT A MAP 7
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-007.00-042, 08-007.00-049, 08-007.40-124, 08-008.30-100, 08-008.30-102, 08-012.00-041



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8827
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

NC21 to P

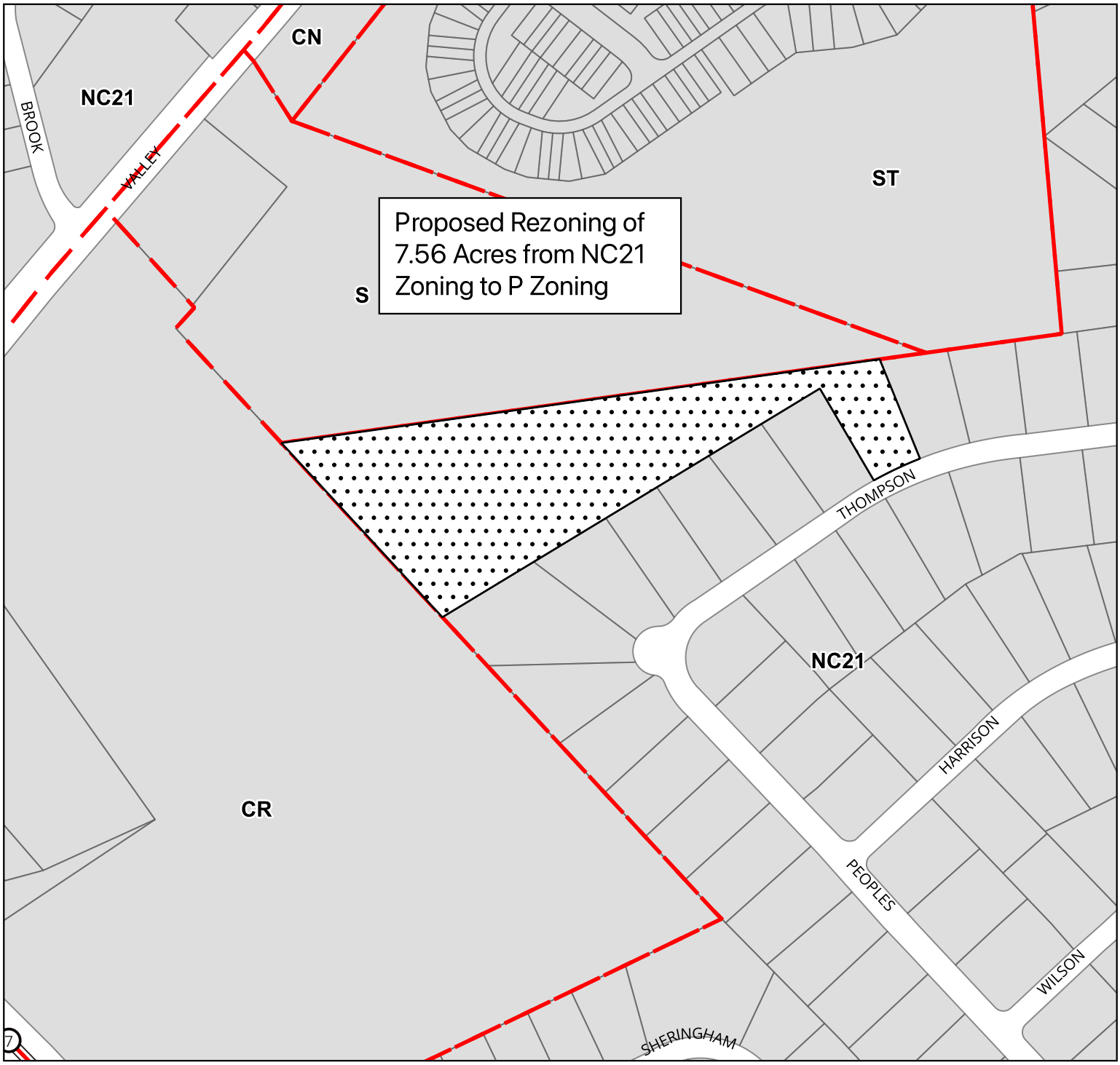
S to P

PROPERTY MAP

EXHIBIT A MAP 8
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-012.30-001



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:3810
Prepared by: Matthew Rogers

Date: 11/18/2025

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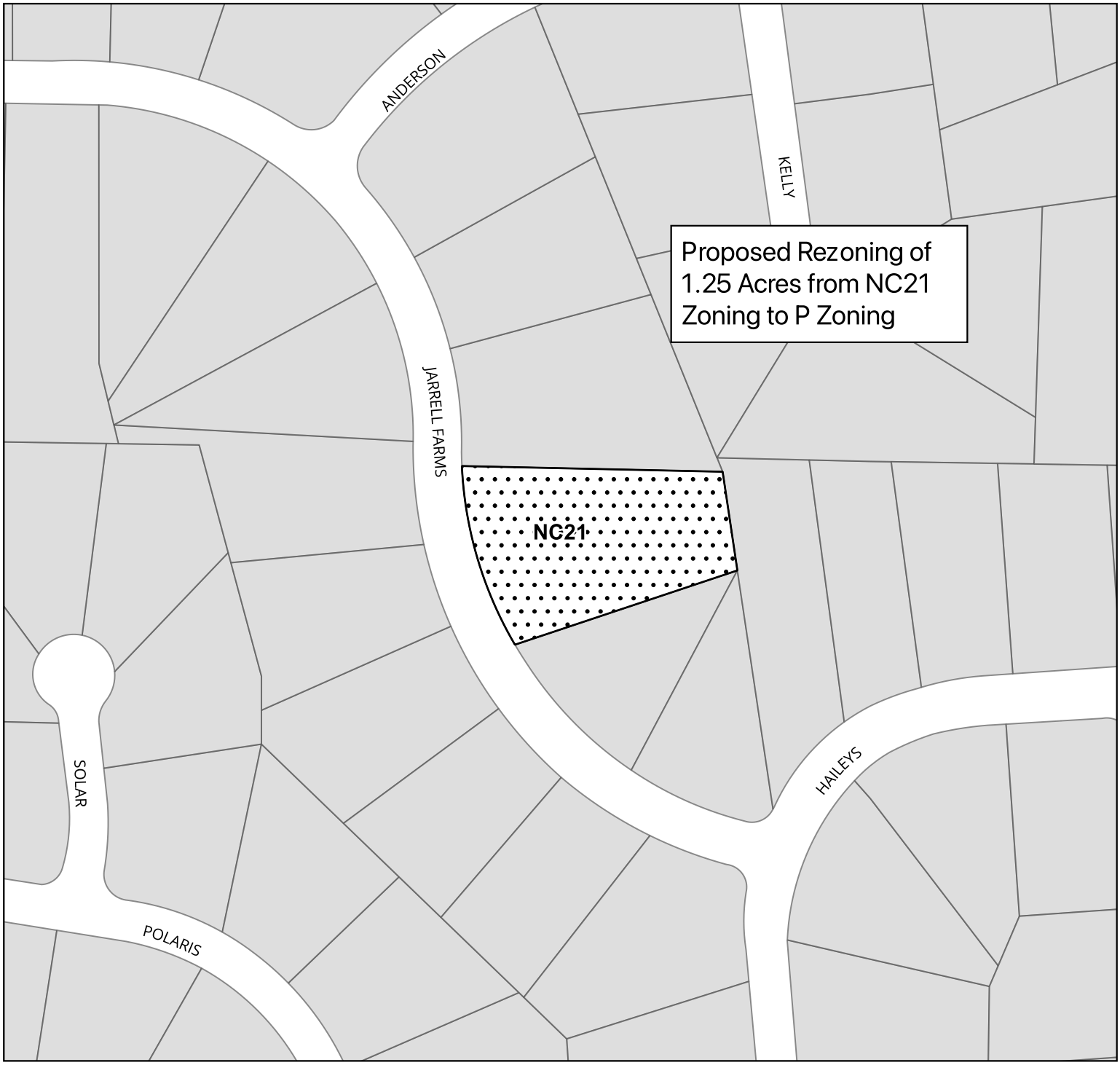
PERMANENT ORDINANCE NO. 25- 160
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 9
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-024.10-121



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:2059
Prepared by: Matthew Rogers

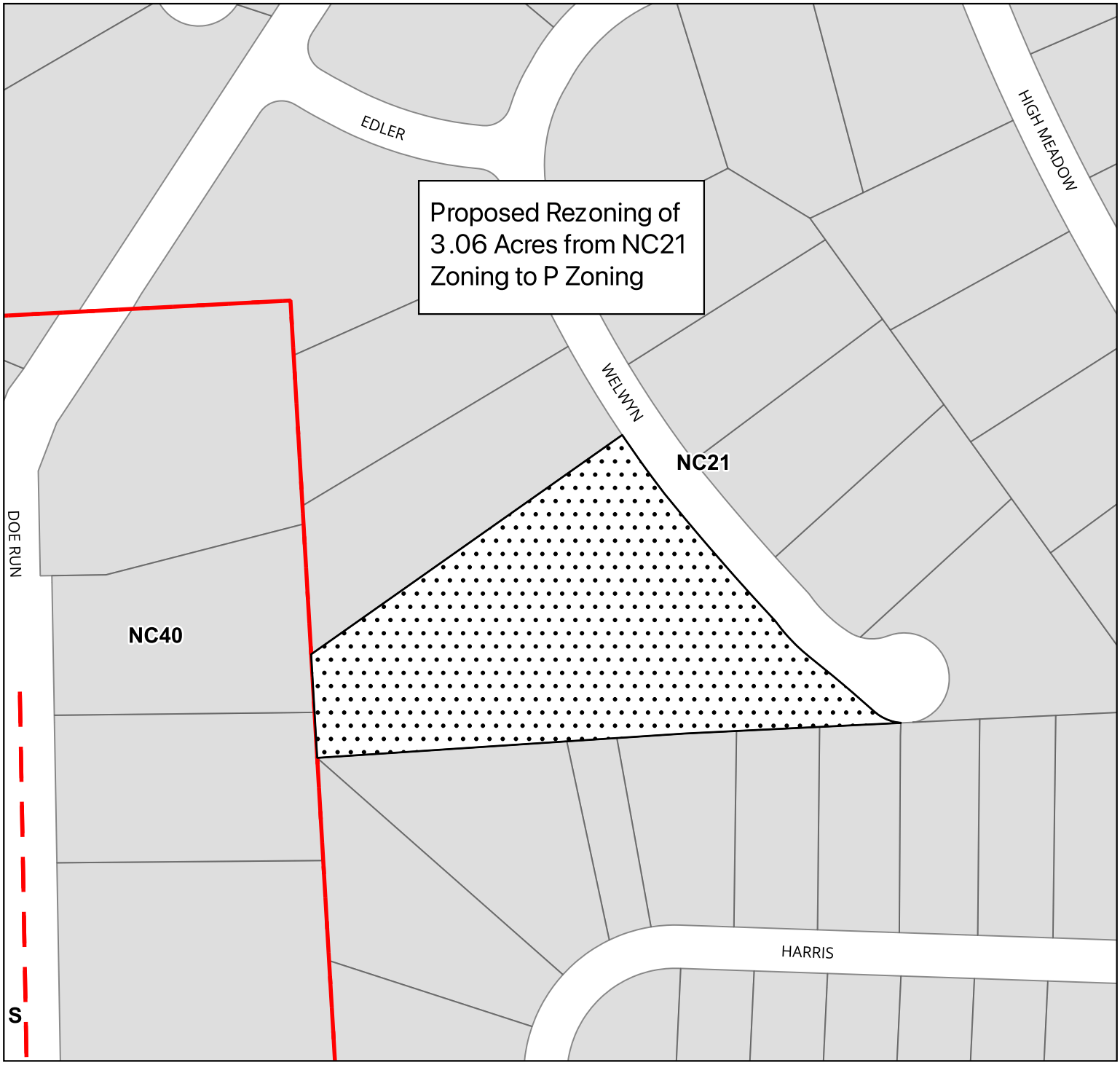
Date: 11/18/2025

PROPERTY MAP

EXHIBIT A MAP 10
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-017.30-004



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1941
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-160
Date Adopted by County Council:
Date Approved by County Executive:

New Castle County Department of Land Use

JOINT DEPARTMENT OF LAND USE / PLANNING BOARD RECOMMENDATION

Ordinance No. 25-160
Application No. 2025-0721-Z
County Council District 3 – Rezoning of County-owned Land to P-Zoning

February 17, 2026

Sponsor: Councilwoman Kilpatrick (District 3)

Description: Revise the New Castle County Zoning Maps in County Council District 3 regarding county-owned land

EXECUTIVE SUMMARY

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for County Owned properties, and available for governmentally owned properties (at the request of the owner) that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Application 2025-0721-Z (Ordinance 25-160) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 to the newly established P Zoning District. The subject 38 parcels are:

08-007.00-042 (1023 Valley Rd, Hockessin Public Library)
08-007.00-049 (4338 Mill Creek Rd, Buck Subdivision)
08-007.40-124 (623 Yorklyn Rd, Hockessin Center)
08-008.30-100 (7259 Lancaster Pike, Hockessin Park)
08-008.30-102 (7259 Lancaster Pike, 17-41 Co Subdivision)
08-012.20-121 (513 Hemingway Dr, Hickory Hill)
08-013.20-046 (0 Deergrass Rd, Bon Ayre)
08-013.20-083 (32 Basil Ct., Brackenville Woods)
08-013.30-013 (4129 Mill Creek Rd Hickory Hill)
08-013.30-039 (4089 Mill Creek Rd, Gateway Farms Sec 2)
08-013.40-038 (47 Staten Dr, Stuyvesant Hills)
08-013.40-048 (27 Staten Dr, Stuyvesant Hills)
08-017.30-004 (3 Welwyn Rd, Hillstream)
08-019.10-074 (100 Ramunno Cir, Belle Terre)

08-012.00-041 (740 Evanson Rd)
08-012.30-001 (188 A Thompson Dr, Hockessin Valley Fal)
08-020.00-150 (0 Off Hobson Dr, West Riding)
08-020.30-032 (115 Westgate Dr, Westgate Farms)
08-013.30-074 (1800 Brackenville Rd)
08-024.10-121 (9 Jarrell Farms Dr, Jarrell Farms III)
08-025.00-008 (0 Mill Creek Rd)
08-025.00-011 (3850 Mill Creek Rd)
08-020.40-021 (104 Oldbury Dr, Westgate Farms)
08-020.40-028 (112 Alexis Ct, Canterbury Hills)
08-026.30-127 (200 Whitekirk Dr, Highland West)
08-026.30-176 (200 Whitekirk Dr)
08-036.20-001 (4901 Mermaid Blvd, Linden Heath)
08-037.30-015 (5134 New Kent Rd, Linden Hill Village)
08-042.10-236 (9 Ware Rd, Deacons Walk)
08-042.20-029 (9 Ware Rd, Preserve At Deacons Walk)
08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue)
08-042.40-255 (0 Upper Pike Creek Rd, Linden Way)
08-053.40-011 (16 St Regis Dr, Chapel Hill)
08-053.40-049 (21 St Regis Dr, Chapel Hill)
08-047.00-124 (0 Briggs Ln, Chanterelle)

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Application 2025-0721-Z (Ordinance 25-160) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 to the newly established P Zoning District. A list of subdivisions with parks and open space proposed to be rezoned to P Zoning in this rezoning are as follows (a full list of parcels can be found above):

17-41 CO SUBD	HOCKESSIN CENTER
BELLE TERRE	HOCKESSIN PARK
BON AYRE	HOCKESSIN PUBLIC LIB
BRACKENVILLE WOODS	HOCKESSIN VALLEY FAL
BUCK SUBD	JARRELL FARMS III
CANTERBURY HILLS	LINDEN HEATH

CHANTERELLE	LINDEN HILL VILLAGE
CHAPEL HILL	LINDEN WAY
DEACONS WALK	PRESERVE AT DEACONS WALK
GATEWAY FARMS SEC 2	STUYVESANT HILLS
HICKORY HILL	TRI STATE BIRD RESCUE
HIGHLAND WEST	WEST RIDING
HILLSTREAM	WESTGATE FARMS

BACKGROUND

The history of rezoning processes dates to the 1950s. Subsequent sections examine how State and County codes evolved over time.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.[1] New Castle County adopted zoning regulations in September of 1954.

Rezonings in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

[1] Zoning Enabling Legislation: https://legis.delaware.gov/SessionLaws/Chapter?id=33182 Dillon's Rule additional reading: https://www.planning.org/planning/2020/mar/tools-legal-lessons/

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan)[2] was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element. As a result of these efforts, Strategy 1.1.6 was created to consider the establishment of a preservation zoning category.

Ordinance 24-130 Zoning District for Publicly Owned Conserved Land and Public Parks

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for properties that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Ordinance 25-160 County Council District 3 – Rezoning of County-owned Land to P-Zoning

The proposed ordinance would rezone 38 parcels located within County Council District 3 consisting of County-owned parks and open space to the Publicly Conserved Lands & Parks District (P) established in Ordinance 24-130.

PLUS REVIEW (Preliminary Land Use Service)

The text amendment that established P Zoning (Ord. 24-130) was reviewed at a PLUS meeting held on August 28, 2024.

The PLUS Review Letter, dated September 23, 2024, includes comments from the Office of State Planning and Coordination, who commended New Castle County for their continued work on establishing the Publicly Conserved Lands & Parks District (P) and requested a collaboration with DNREC regarding concerns over State-Owned public lands.[3] The Department of Natural Resources and Environmental Control (DNREC) additionally commended New Castle County's effort to preserve natural open space through the establishment of the proposed zoning district. DNREC

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[2] New Castle County Comprehensive Plan 2050:
https://ssl02.nccde.org/gisfiles/Images/NCC2050/Comp%20Plan%20Final%20Draft/Complete%20Plan%20Final%20Draft%20%2006272022.pdf

[3] PLUS Report:
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2C65831502A6D587F61602538894DF47B&x=temp.pdf

listed concerns regarding potential restrictions in DNREC operations on state-owned lands and asked that state-owned lands are explicitly exempt from the changes outlined in Table 40.03.110 of the Unified Development Code. The State Historic Preservation Office (SHPO) recommended that the ordinance consider making the proposed zoning district apply to publicly owned land that includes areas of cultural or heritage preservation. DelDOT, DEMA and DE State Fire Marshal noted that they did not have any comments or objection to approval of the proposed ordinance.

PLANNING BOARD PUBLIC HEARING – *January 6, 2026*
*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.[4]

Presentation

Alec Davis, Planner for the Department of Land Use, presented the *Ordinance 25-160*, discussing parcels located in County Council District 3 proposed for rezoning to the Publicly Conserved Lands & Parks District (P) designation. He mentioned that the Ordinance 24-130 first established the P Zoning District and was adopted on March 25th, 2025. He proceeded to show the exhibit maps for all of the affected properties and explained the neighborhoods and locations of each cluster of parcels.

There were no questions from the Planning Board.

Public Comment

Eric Ennis, president of the Brackenville Woods Civic Association, stated that the information provided in the presentation could have been provided in the mailings. Roopa Bhat, a resident of Hockessin Valley Falls, brought up concerns over the loss of trees associated with a sewer improvement project nearby their home. Dale Swain supports the ordinance and feels the P-zoning is a good thing for the community. Liz Carlisle expressed concerns over the development around Middle Run Park. Michele Puzio supports Roopa Baht's statements regarding the tree removal nearby her home. General Manager of Land Use, David Culver, confirmed that the Department would verify with Public Works regarding the referenced sewer project. Prasad Khansana agreed with the statements from Michele Puzio and Roopa Baht.

ANALYSIS

Application 2025-0721-Z (Ordinance 25-160) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 to the newly established P Zoning District, consistent with Ordinance 24-130 (adopted in March of 2025) which established the Publicly Conserved Lands & Parks District (P), and require County owned

[4] January 6, 2026, Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

properties that are publicly protected and identified as protected in perpetuity for the public benefit to be rezoned to P.

These parcels[5] are all located within County Council District 3, which encompasses parts of White Clay Creek State Park, through Pike Creek and Hockessin, ending at Auburn Valley State Park. The area is characterized by a number of subdivisions developed prior to 1997 (adoption of the UDC) with some open space areas owned and maintained by New Castle County.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

A. *Consistency with the Comprehensive Development Plan and the purposes of this Chapter.*

This ordinance implements Strategy 1.1.6 of the 2022 Comprehensive Development Plan by proposing the subject 38 parcels be rezoned to the Publicly Conserved Lands & Parks District (P). The establishment of P Zoning on these parcels will better identify and emphasize the protection and preservation of these existing open space and park parcels.

B. *Consistency with the character of the neighborhood.*

All 38 parcels identified in the rezoning are currently public parks and open space. The P Zoning designation will not change the use of these parcels.

C. *Consistency with zoning and use of nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

D. *Suitability of the property for the uses for which it has been proposed or restricted.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

E. *Effect on nearby properties.*

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[5] Ordinance 25-160 (Including Exhibit Maps):
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2E9E84C026BE79338E92E8E5A27047F27&x=temp.pdf

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use Map, the comments received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 25-160.

PLANNING BOARD RECOMMENDATION

At a business meeting held on February 17, 2026, 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 Neil Cantrell and seconded by Kiana Drake, the Board voted to recommend **APPROVAL** of application 2025-0721-Z as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-1-3 (In Favor: Cantrell, Drake, Ott, Snowden, Visvardis; In Opposition: None; Abstention: Brutus; Absent: Chamblee, Cochran, Daigle).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

There were no questions from the Planning Board.

STATUTORY GUIDELINES

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

2-27-26

David M. Culver date
General Manager
Department of Land Use

Robert B Snowden 2/25/2026

Robert B. Snowden date
Acting Chair
New Castle County Planning Board

Prime Sponsor(s): Ms. Kilpatrick, Mr. Sheldon
Requested by: Land Use Department
Date of introduction: December 9, 2025

ORDINANCE NO. 25-161

COUNTY INITIATED REZONING - TO REVISE THE NEW CASTLE COUNTY ZONING MAPS IN COUNTY COUNCIL DISTRICT 3 AND COUNTY COUNCIL DISTRICT 9 REGARDING THE FOLLOWING TAX PARCELS: CHRISTIANA HUNDRED: 07-034.30-070 (0 Newell Dr, Historic Red Clay Valley), 07-034.40-236 (2161 Elder Dr, New Castle County), 07-034.40-293 (2101 Inman Dr, Faulkland Heights Sec A), 07-034.40-534 (2130 Faulkland Rd, Davis Terrace), 07-034.40-537 (613 Armstrong Ave, Brookland Terrace), 07-035.10-042 (2130 Faulkland Rd, Woodland), 07-035.10-042 (2130 Faulkland Rd, Woodland), 07-037.20-001 (2161 Elder Dr, New Castle County), 07-037.20-250 (250 Greenbank Rd, New Castle County), 07-037.20-251 (323 Greenbank Rd, New Castle County), 07-037.20-257 (319 Greenbank Rd, New Castle County), 08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent), 08-033.00-012 (0 Faulkland Rd)**; MILL CREEK HUNDRED:** 08-026.40-042 (2518 Mill Creek Rd, Crossgates), 08-032.00-013 (2920 Duncan Rd, Delcastle Tennis Center), 08-032.10-064 (2626 Mill Creek Rd, Crossgates), 08-032.20-111 (212 Lister Dr, Hyde Park), 08-032.40-014 (2815 Duncan Rd, Hyde Park), 08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent), 08-033.00-012 (0 Faulkland Rd), 08-033.30-098 (2400 Cedar Ave, Cedars), 08-035.20-079 (585 Polly Drummond Hill Rd, Middle Run Crossing), 08-035.20-080 (103 Wren Way, Middle Run Crossing), 08-035.40-003 (0 Mourning Dove Dr, Middle Run Crossing), 08-035.40-071 (0 Mourning Dove Dr, Middle Run Crossing), 08-035.40-073 (0 Wren Way, Middle Run Crossing), 08-035.40-124 (0 Mourning Dove Dr, Middle Run Crossing), 08-037.00-035 (3700 Limestone Rd, New Castle County Carousel Park), 08-037.20-105 (1225 Arundel Dr, Arundel Sec 2), 08-037.20-106 (1401 Arundel Dr, Arundel Sec 1), 08-037.20-329 (19 A Ascension Dr, Winding Bridge), 08-038.10-001 (1230 Arundel Dr, Arundel Sec 1), 08-038.10-127 (1103 A Highgate Rd, Sherwood Park II), 08-038.20-045 (2609 Sherwood Dr, Sherwood Park Sec 2), 08-038.20-290 (55 A St John Dr (Dunlinden Acres), 08-038.20-328 (48 A St John Dr (Dunlinden Acres), 08-038.30-388 (2446 W Eric Dr ,Limestone Gardens), 08-041.00-026 (101 Fox Den Rd, Middle Run Crossing), 08-041.20-092 (391 Polly Drummond Hil Rd (Middle Run Crossing), 08-042.00-013 (273 Polly Drummond Hil Rd, Delaware Hospice), 08-043.10-041 (3007 Ridgevale Rd, Hills of Skyline), 08-043.20-178 (1802 Milltown Rd, Village of Lindell), 08-043.30-005 (5439 Crestline Rd, Hills of Skyline), 08-043.30-019 (5434 Crestline Rd, Hills of Skyline), 08-043.30158 (2660 Longfellow Dr, Highlands of Heritage), 08-043.40-014 (2660 Longfellow Dr, Heritage Farm), 08-043.40-015 (2661 Longfellow Dr, Grendon Farms), 08-043.40-320 (2010 Marlboro Dr, Montclare), 08-043.40-377 (2510 Grendon Dr, Grendon Farms), 08-044.10-278 (2446,W Eric Dr ,Sheridan Square), 08-044.30-382 (4998, E Woodmill Dr, Woodmill), 08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue), 08-048.00-045 (0 Upper Pike Creek Rd), 08-048.20-231 (7 Creek Xing, Creek Landing), 08-048.20-247 (19 Taylors Mill Ln, Taylors Mill), 08-049.20-013 (2616 A Whitman Dr, Heritage Farm), 08-049.20-045 (2609 Whitman Dr, Heritage Farm), 08-049.30-008 (122

Rockrose Dr, Meadowood Sec 1), 08-053.00-050 (331 Delaplane Ave, Delaplane Manor Iii), 08-060.00-007 (148 Fairway Rd, Red Mill Farms), 08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts), 08-060.20-090 (315 Darwin Dr, Sycamore Gardens), 08-060.20-116 (132 Longview Dr, Peoples Subd), 08-060.20-118 (120 Longview Dr, Newkirk Estates Sc 2), 08-060.20-119 (122 Longview Dr, Newkirk Estates Sc 2), 08-060.20-120 (134 Longview Dr, Peoples Subd), 08-060.20-121 (121 Longview Dr, Newkirk Estates Sc 2), 08-060.20-146 (115 Phyllis Dr (Newkirk Estates Sc 2), 08-060.20-148 (127 Longview Dr), 08-060.20-149 (125 Longview Dr, Peoples Subd), 08-060.20-150 (123 Longview Dr, Peoples Subd), 08-060.20-152 (0 Off Longview Dr), 08-060.30-005 (21 Mary Ella Dr, Millrace), 09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor), 09-010.30-066 (74 Green Ridge Rd, Brookhaven), 09-017.00-028 (0 Tamara Cir, Harmony Hills Sec 2); **PENCADER HUNDRED:** 11-006.20-166 (0 Scottfield Dr, Scottfield Sec 3)**; WHITE CLAY CREEK HUNDRED:** 08-060.00-007 (148 Fairway Rd, Red Mill Farms), 08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts), 08-060.20-146 (115 Phyllis Dr, Newkirk Estates Sec 2), 08-060.30-005 (21 Mary Ella Dr, Millrace), 09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor), 09-010.30-066 (74 Green Ridge Rd, Brookhaven), 09-015.20-027 (136 N Dillwyn Rd, Windy Hills Sec 1), 09-016.20-028 (52 A Millwright Dr, Old Mill Manor), 09-016.20-091 (22 A Gristmill Ln, Old Mill Manor), 09-016.30-167 (136 N Dillwyn Rd, Windy Hills Sec 2), 09-016.40-017 (27 A Old Manor Rd, Old Mill Manor), 09-017.00-028 (0 Tamara Cir (Harmony Hills Sec 2), 09-017.30-046 (139 W Rutherford Dr, Rutherford Sec 3), 09-017.301-87 (0 Harmony Crest Dr (Harmony Crest Sc III), 09-017.40-149 (121 E Rutherford Dr, Rutherford Sec 1), 09-021.40-069 (110 Old Newark Rd, Greenbridge), 09-021.40-256 (50 Durham Ct (New Castle County Police Academy), 09-022.30-411 (0 Lisbeth Rd, Chestnut Hill Estates 2), 09-022.30-412 (0 E Cherokee Dr, Cherokee Woods), 09-022.30-422 (0 E Cherokee Dr, Cherokee Woods), 09-023.10-203 (801 Prides Xing, Harmony Crest Sc II), 09-023.10-232 (801 Prides Xing, Harmony Crest Sec II), 09-028.10-220 (127 Garrett Rd, Todd Estates Sec 4), 09-033.00-033 (24 Upland Ct, Breezewood Sec II), 09-033.20-073 (499 Gender Rd, Gender Woods), 09-033.20-074 (545 Gender Rd, Gender Woods)

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

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

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

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

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

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

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

Section 1. The Zoning Maps of Christiana Hundred, Mill Creek Hundred, Pencader Hundred, and White Clay Creek Hundred are hereby amended by changing the zoning classification of the land shown on attached Exhibit "A", Maps 1-15 dated November 18, 2025, as set forth therein.

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

Adopted by County Council of
New Castle County on:

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

Approved on:

_____
Marcus Henry
County Executive
New Castle County

SYNOPSIS: Same as title.

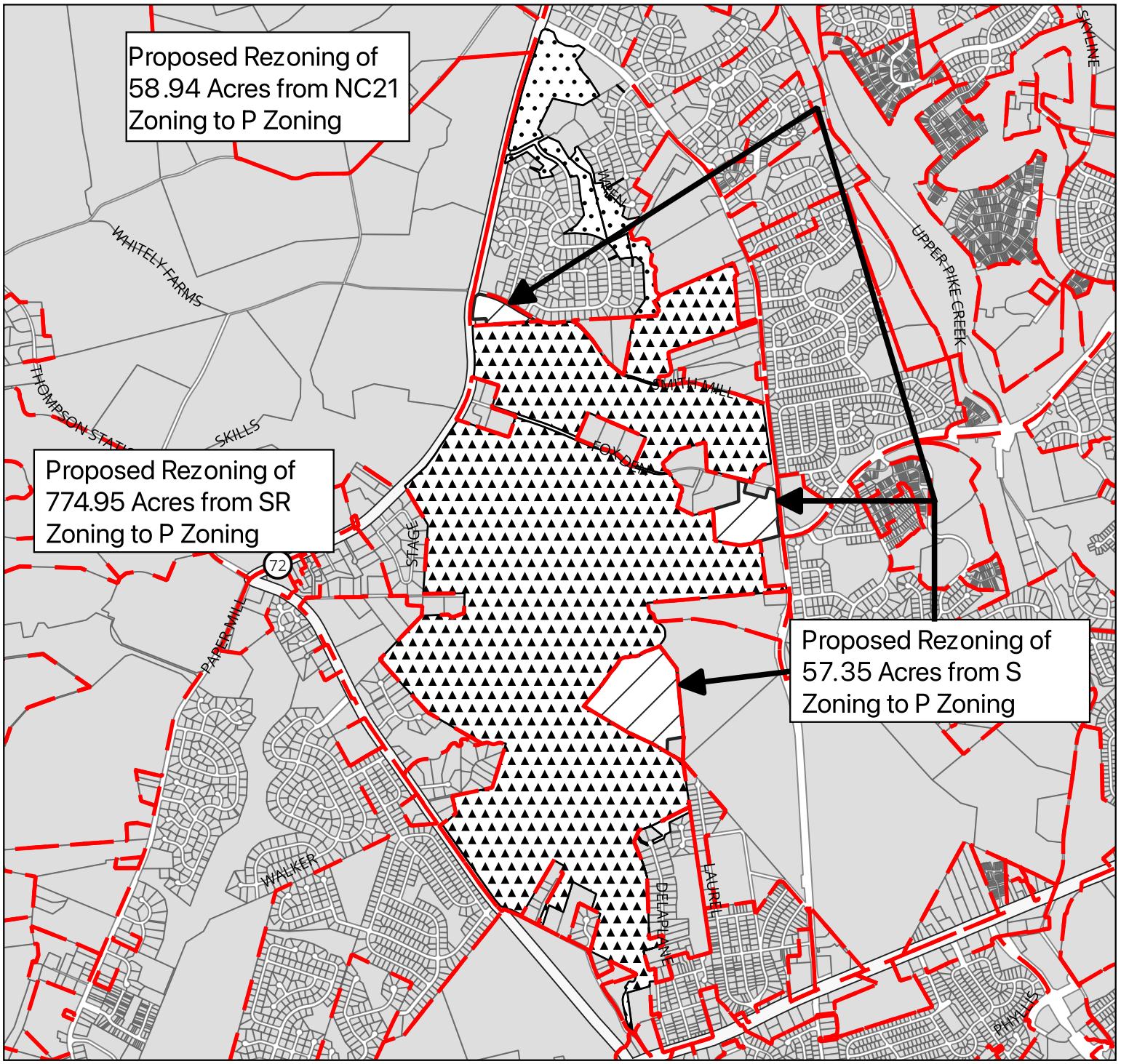
FISCAL IMPACT: There is no discernible fiscal impact with the adoption of this ordinance.

PROPERTY MAP

EXHIBIT A MAP 1
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC21), SUBURBAN (S) AND SUBURBAN RESERVE (SR) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-035.20-079, 08-035.20-080, 08-035.40-003, 08-035.40-071,08-035.40-073, 08-035.40-124, 08-041.00-026, 08-041.20-092, 08-042.00-013, 08-047.00-072, 08-053.00-050



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:26157
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

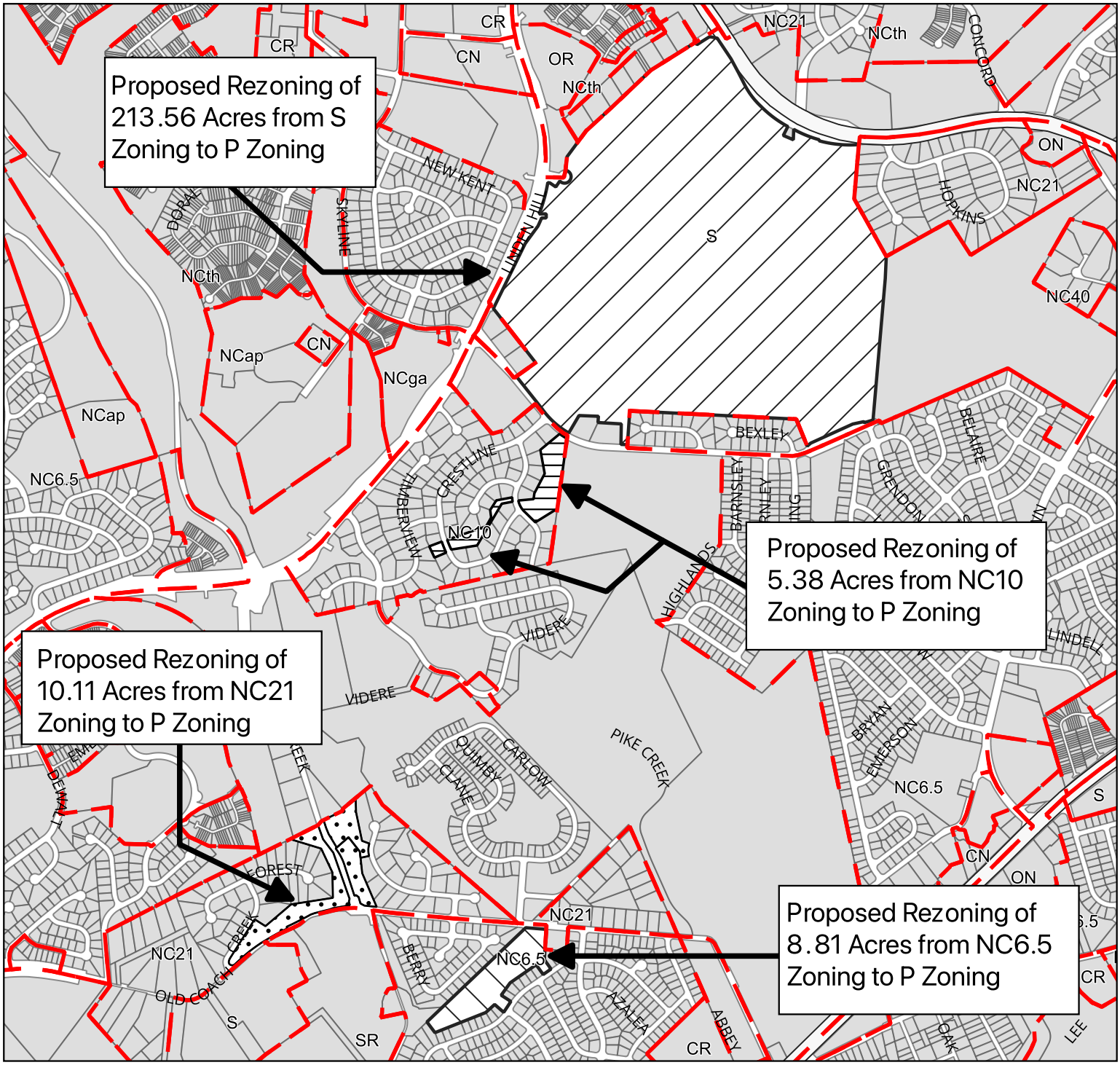
NC21 to P
S to P
SR to P

PROPERTY MAP

EXHIBIT A MAP 2
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC6.5 NC10, & NC21), AND SUBURBAN (S) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-037.00-035, 08-043.10-041, 08-043.30-005, 08-043.30-019, 08-048.00-045, 08-048.20-231, 08-048.20-247, 08-049.30-008



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:15566
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

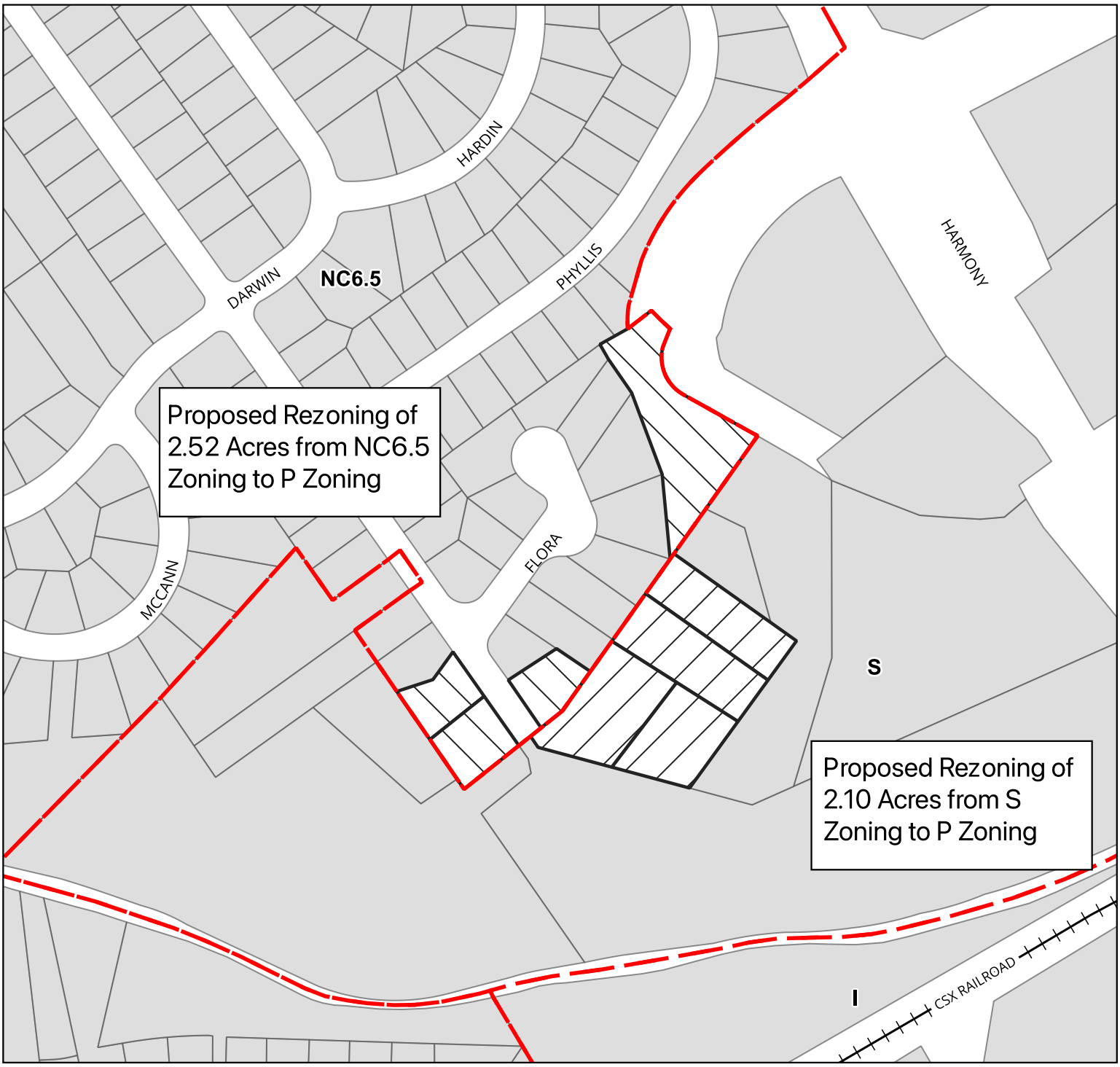
NC10 to P
NC6.5 to P
NC21 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 3
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-060.20-118, 08-060.20-119, 08-060.20-121, 08-060.20-146, 08-060.20-148, 08-060.20-149, 08-060.20-150, 08-060.20-152



HUNDRED: MILL CREEK HUNDRED &
WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2855
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

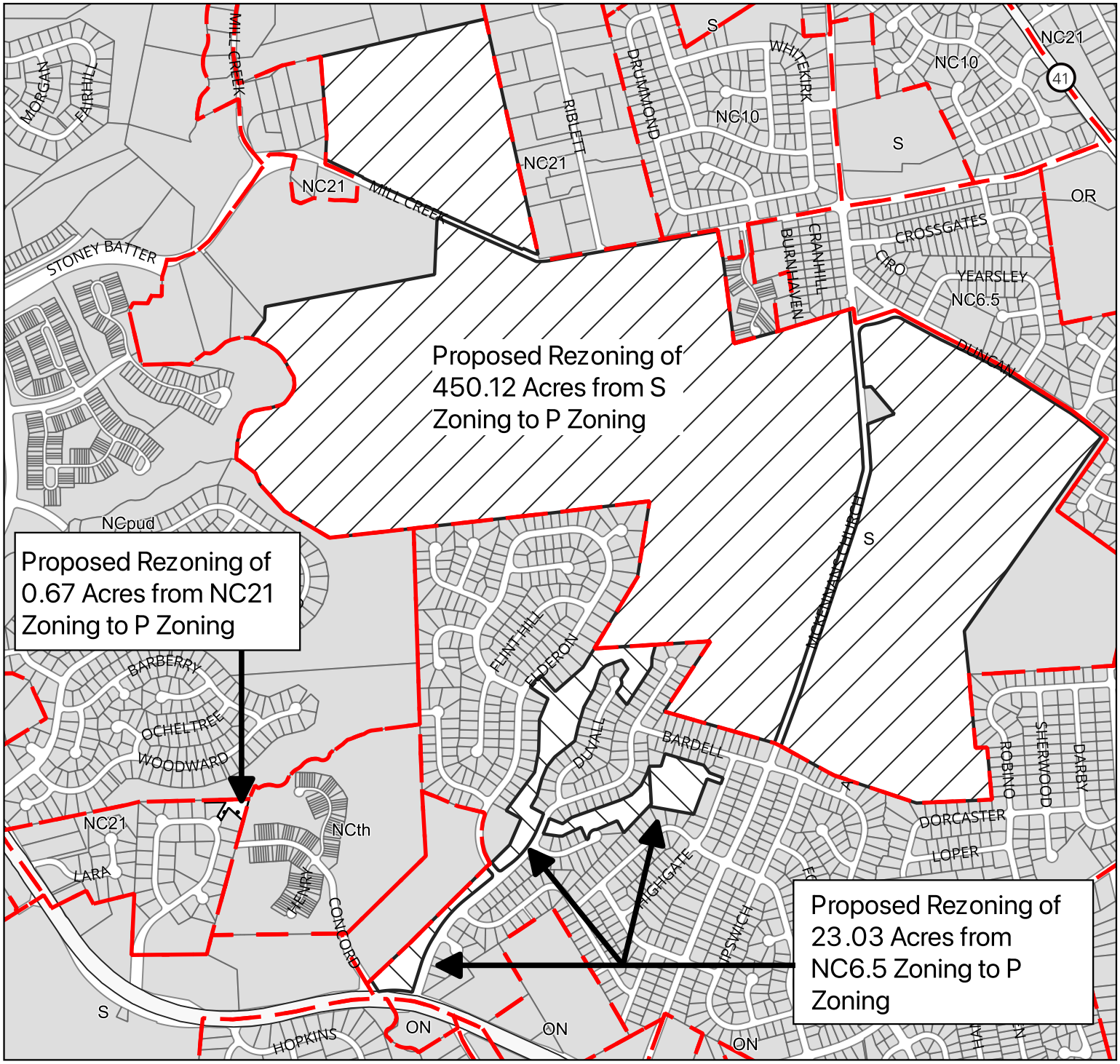
NC6.5 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 4
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC6.5 & NC21) AND SUBURBAN (S) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-032.00-013, 08-037.20-105, 08-037.20-106, 08-037.20-329, 08-038.10-001, 08-038.10-127



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:13783
Prepared by: Matthew Rogers

Date: 11/18/2025

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PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

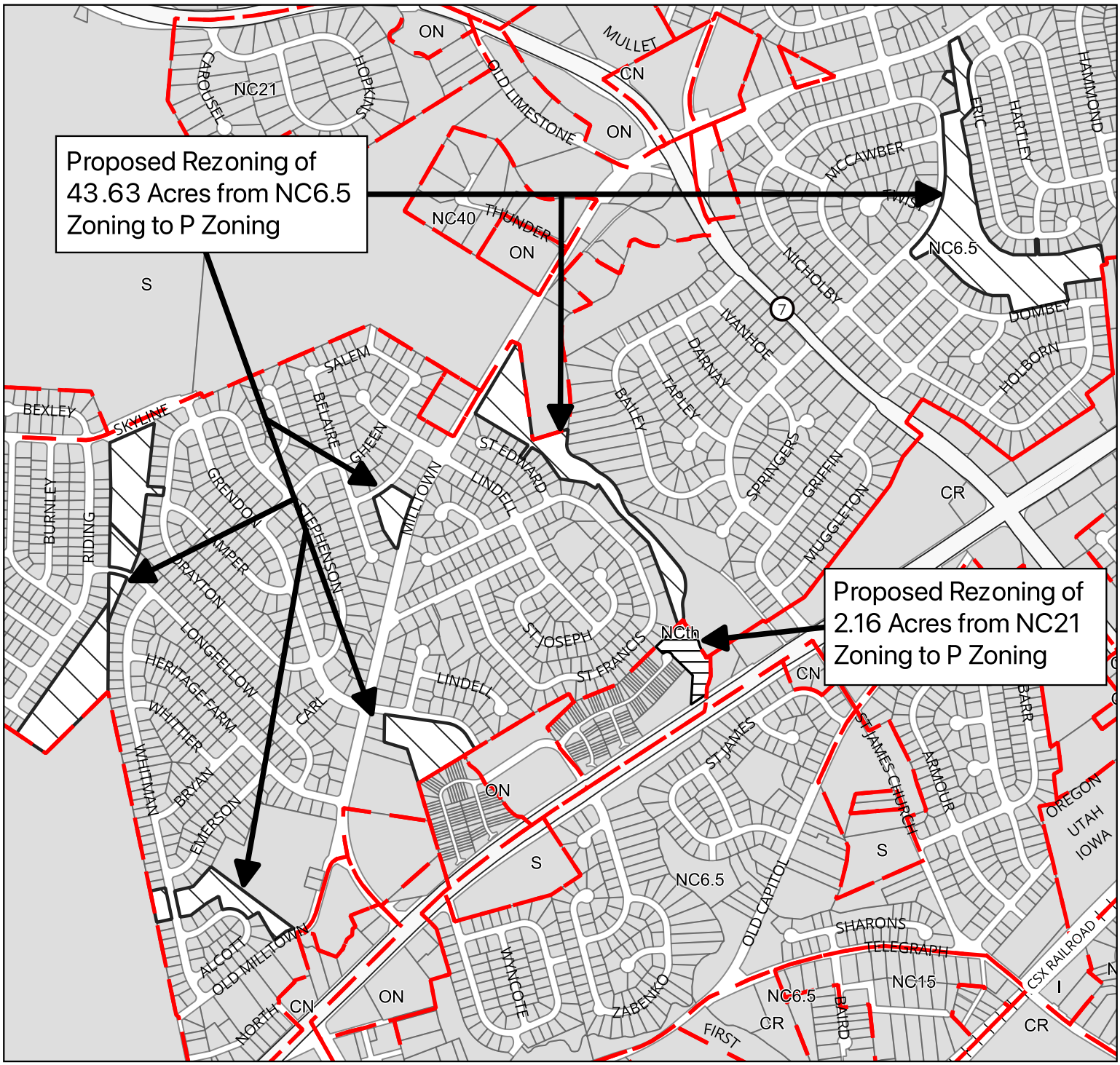
NC21 to P
NC6.5 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 5
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-038.30-388, 08-043.20-178, 08-043.30-158, 08-043.40-014, 08-043.40-015, 08-043.40-320, 08-043.40-377, 08-044.10-278, 08-044.30-382, 08-049.20-013, 08-049.20-045



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:11783
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

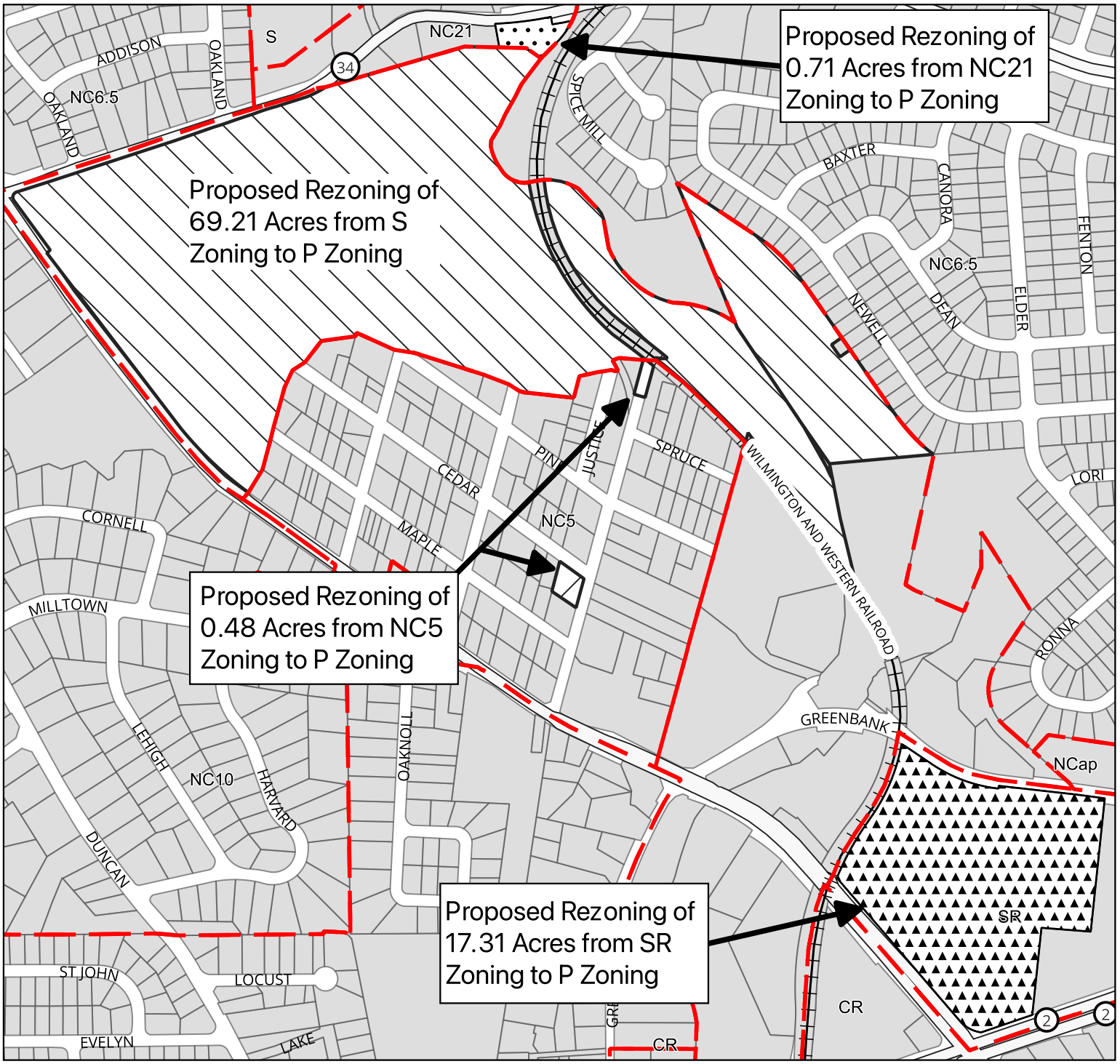
NC6.5 to P
NCth to P

PROPERTY MAP

EXHIBIT A MAP 6
ZONING ORDINANCE AS INTRODUCED

APPLICANT: NEW CASTLE COUNTY
PROPOSED REZONING: NEIGHBORHOOD CONSERVATION (NC5 & NC21), SUBURBAN (S) AND SUBURBAN RESERVE (SR) TO PUBLICLY CONSERVED LANDS & PARKS (P)

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 07-034.30-070, 07-037.20-250, 08-033.00-008,08-033.00-012, 08-033.30-098



HUNDRED: MILL CREEK HUNDRED & CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6783
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

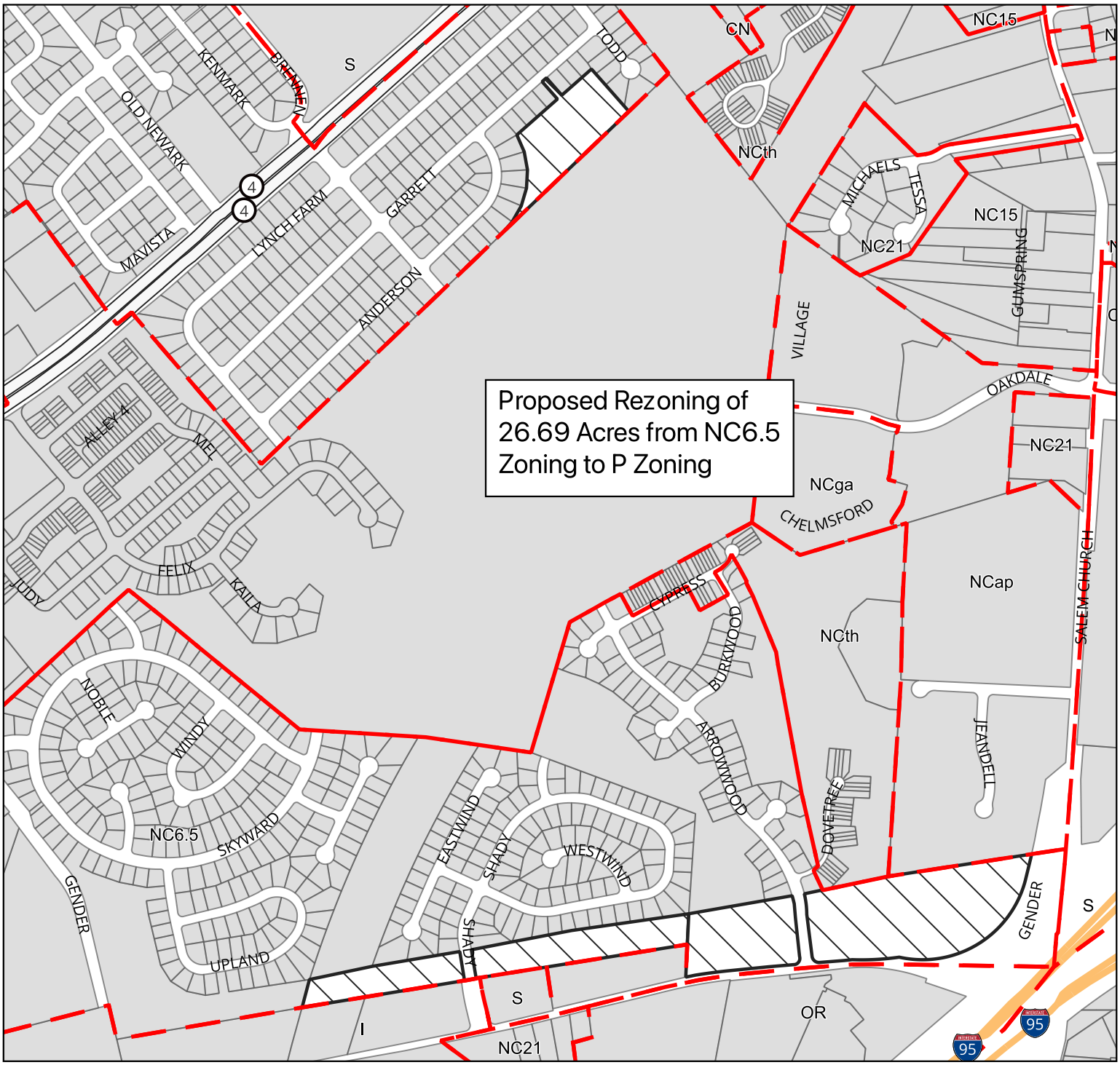
NC21 to P
S to P
NC5 to P
SR to P

PROPERTY MAP

EXHIBIT A MAP 7
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-028.10-220, 09-033.00-033, 09-033.20-073, 09-033.20-074, 11-006.20-166



HUNDRED: PENCADER HUNDRED &
WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:8673
Prepared by: Matthew Rogers

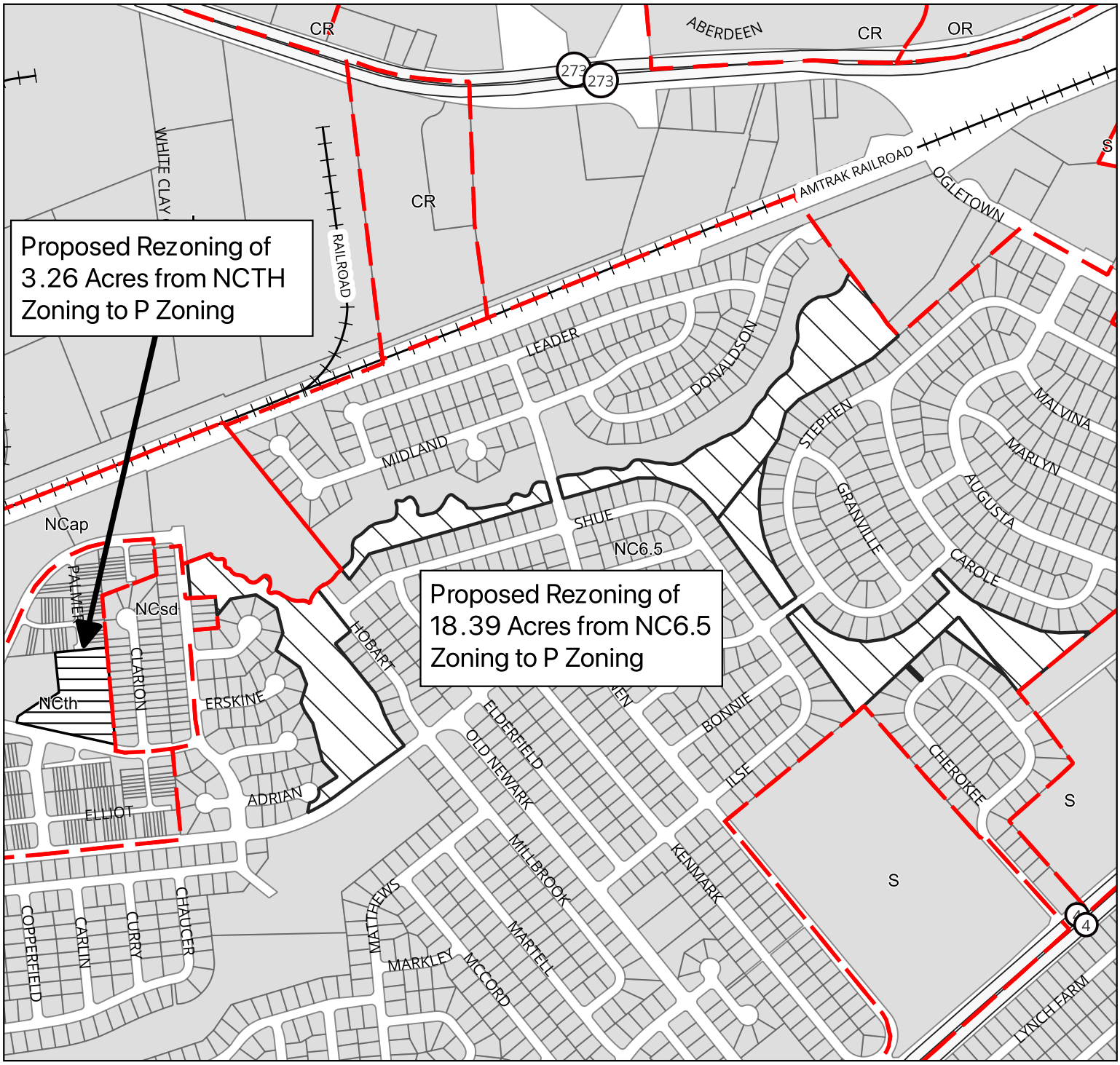
Date: 11/18/2025

PROPERTY MAP

EXHIBIT A MAP 8
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-021.40-069, 09-021.40-256, 09-022.30-411, 09-022.30-412, 09-022.30-422



HUNDRED: WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8421
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

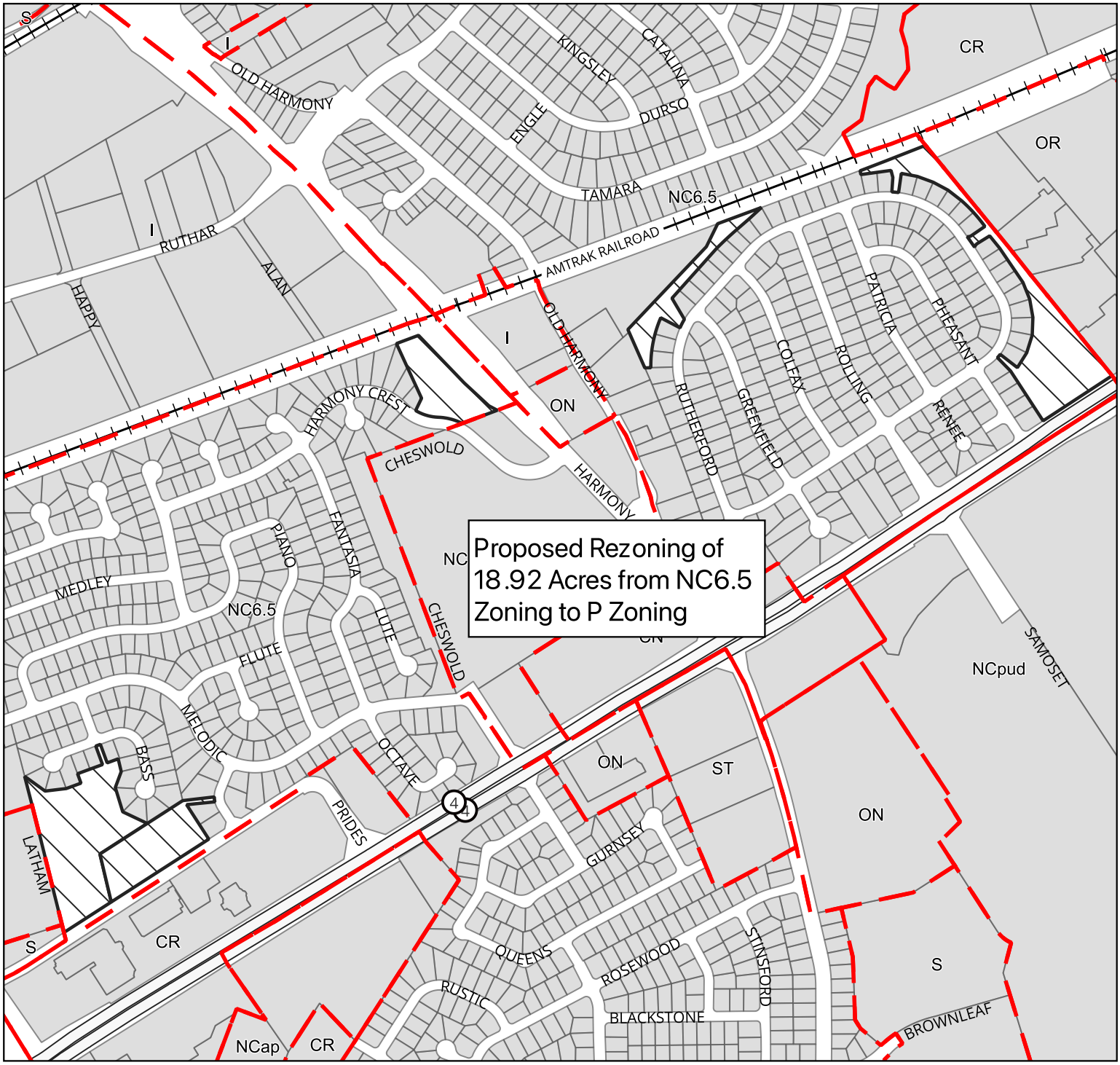
NC6.5 to P
NCth to P

PROPERTY MAP

EXHIBIT A MAP 9
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-017.30-046, 09-017.30-187, 09-017.40-149, 09-023.10-203, 09-023.10-232



HUNDRED: WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:8511
Prepared by: Matthew Rogers

Date: 11/18/2025

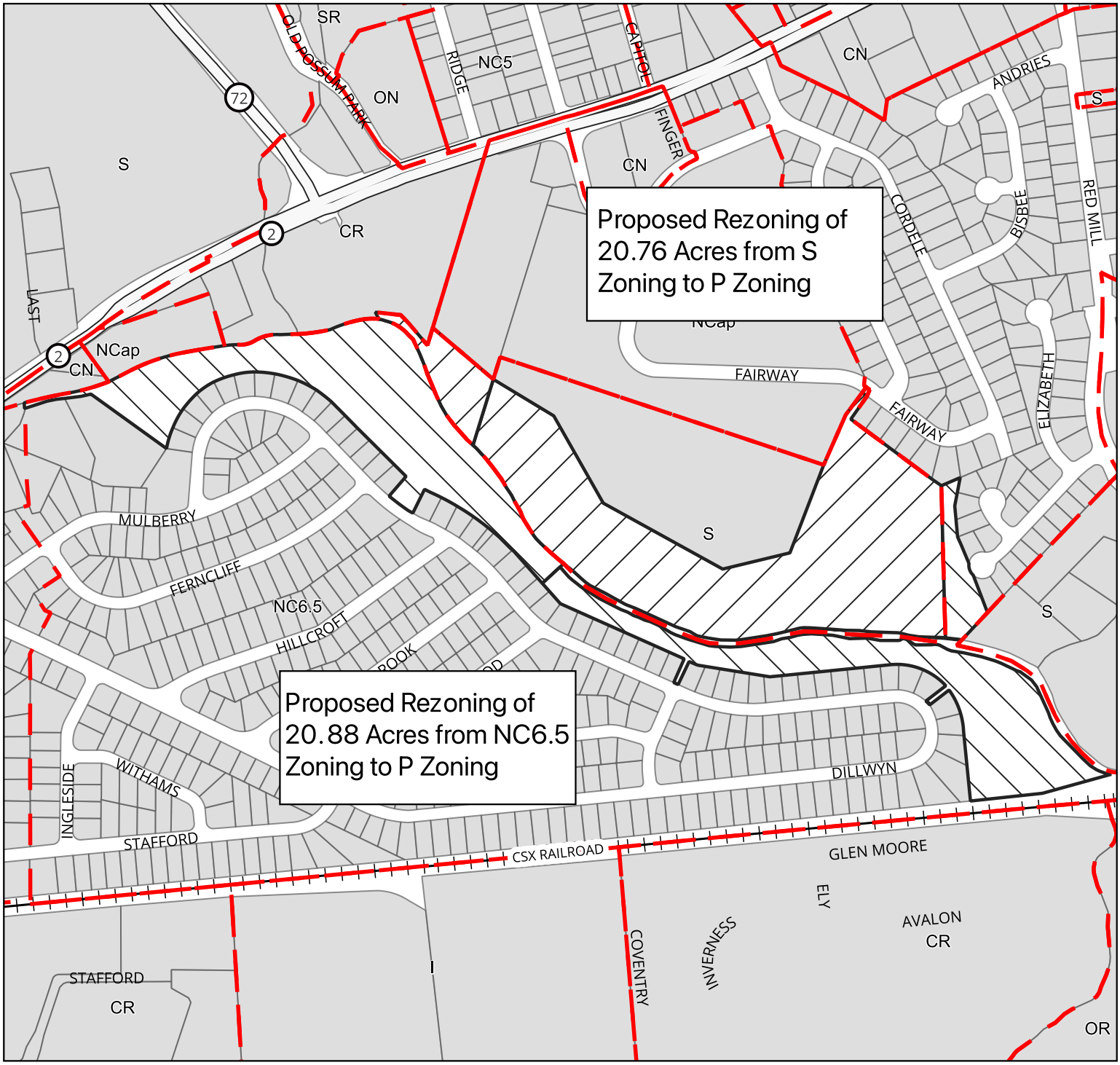
PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 10
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-060.00-007, 08-060.10-018, 08-060.30-005, 09-015.20-027, 09-016.30-167



HUNDRED: MILL CREEK HUNDRED &
WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:6524
Prepared by: Matthew Rogers

Date: 11/18/2025

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

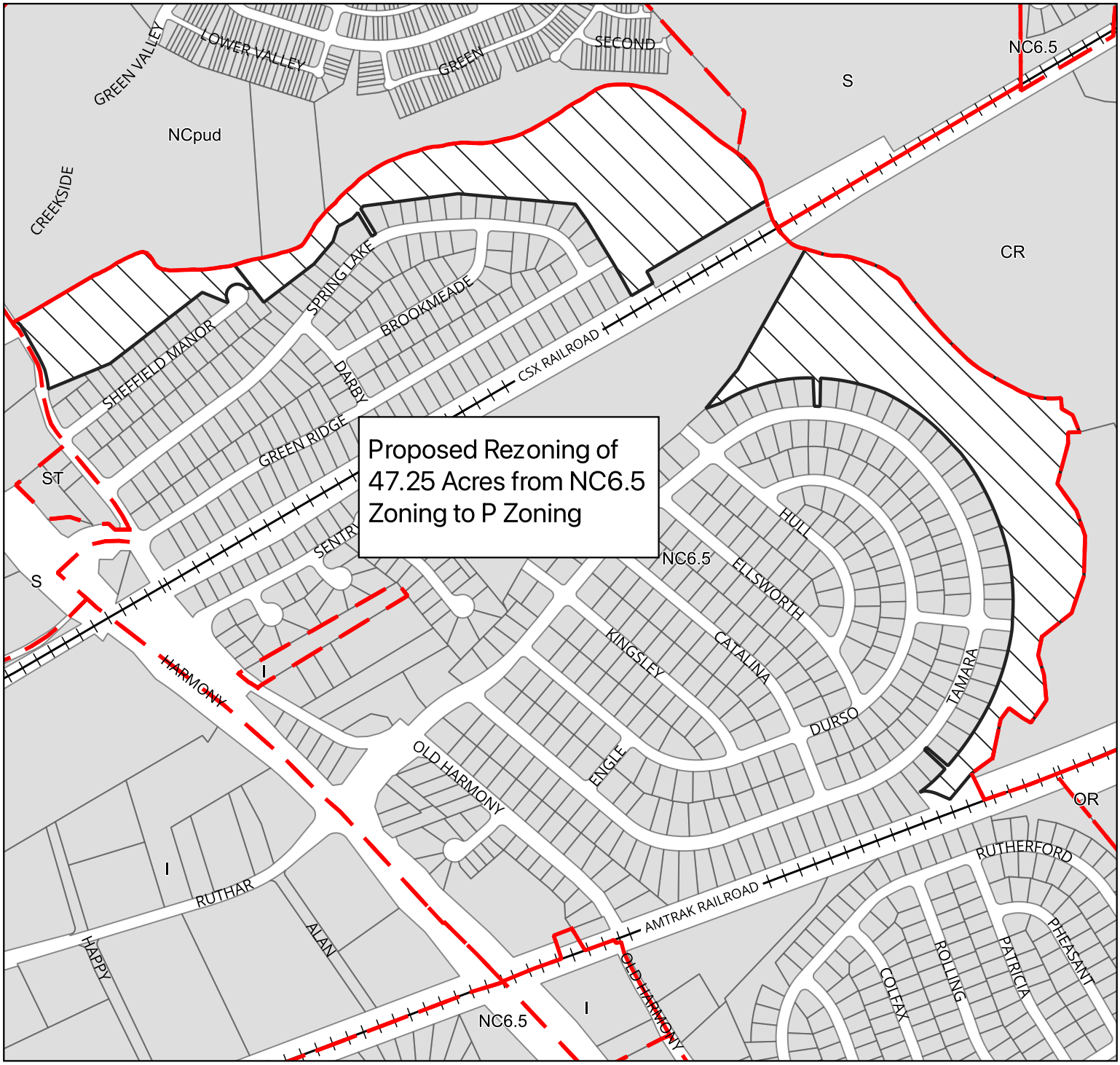
NC6.5 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 11
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-010.30-001, 09-010.30-066, 09-017.00-028



HUNDRED: MILL CREEK HUNDRED &
WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

Scale: 1:7421
Prepared by: Matthew Rogers

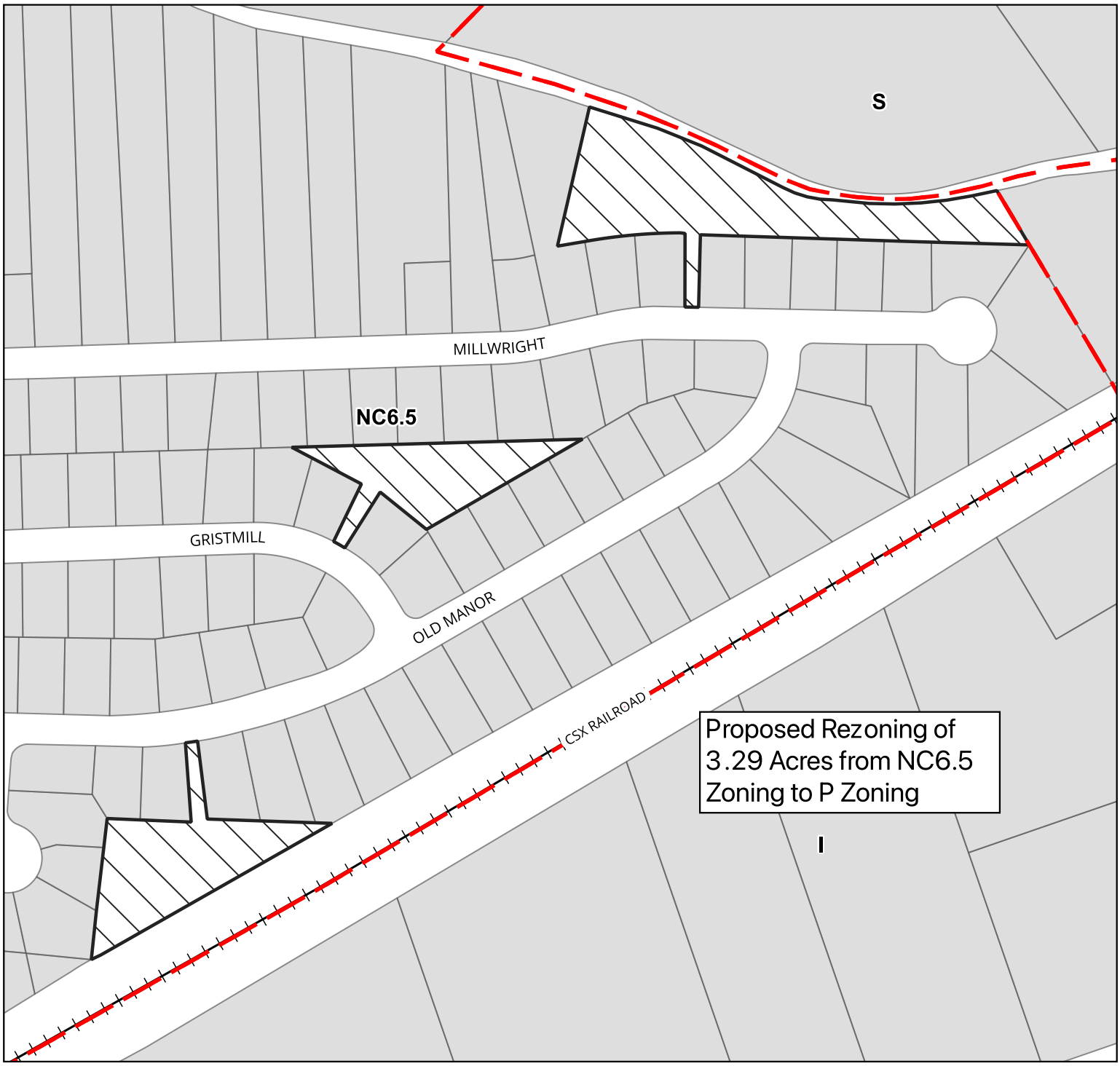
Date: 11/18/2025

PROPERTY MAP

EXHIBIT A MAP 12
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 09-016.20-028, 09-016.20-091, 09-016.40-017



HUNDRED: WHITE CLAY CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2568
Prepared by: Matthew Rogers

Date: 11/18/2025

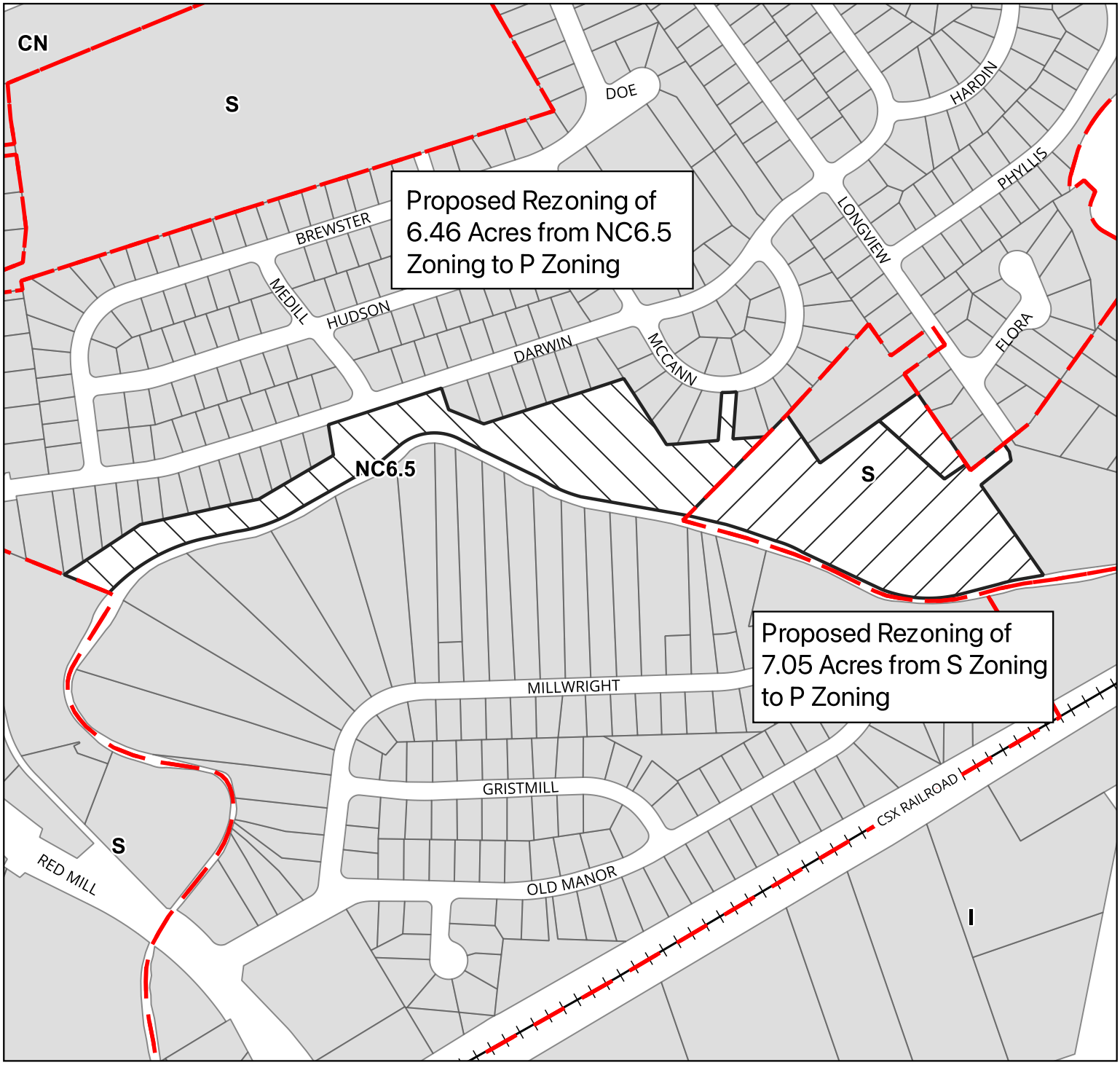
PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 13
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-060.20-090, 08-060.20-116, 08-060.20-120



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:4711
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

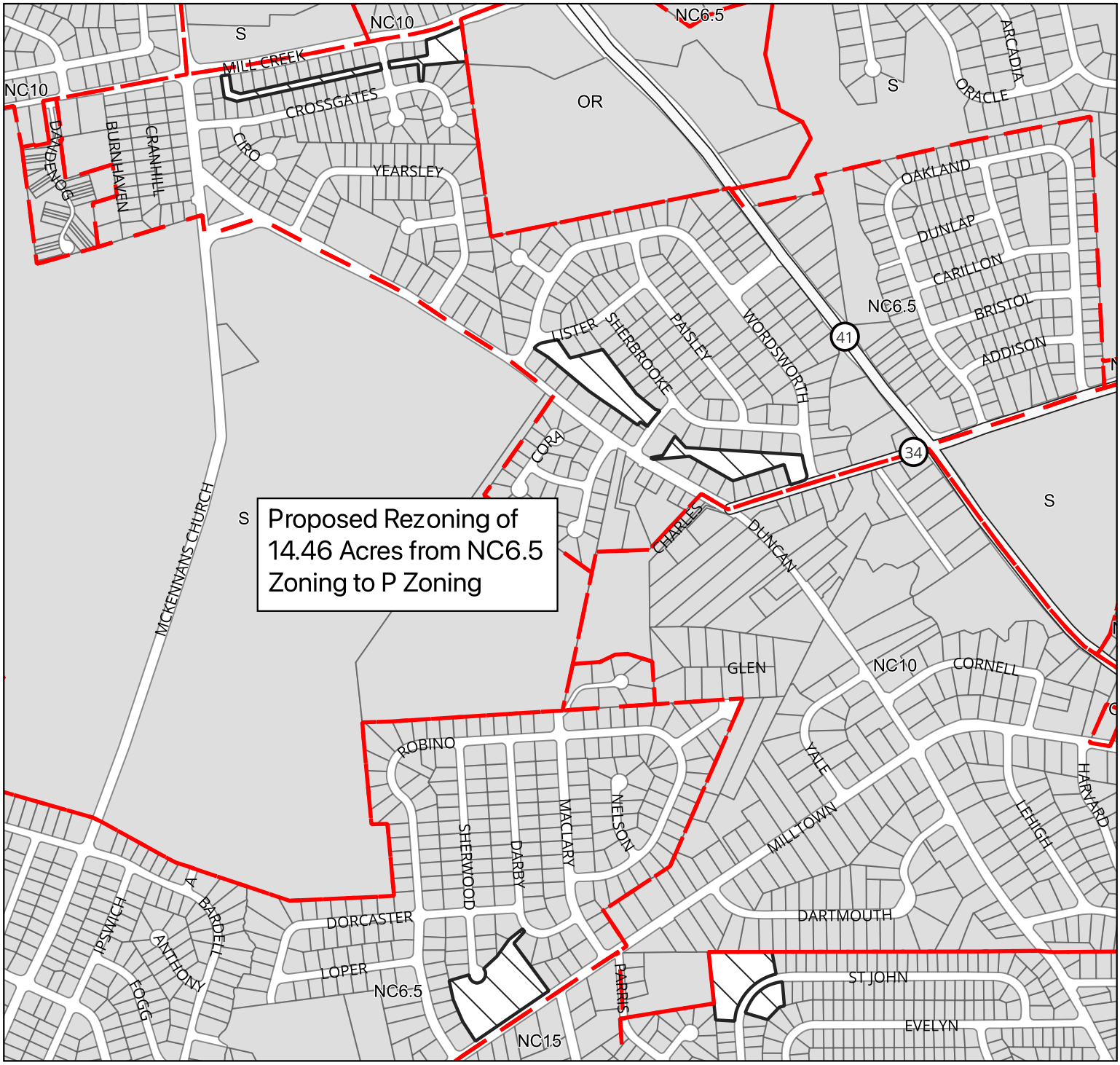
NC6.5 to P
S to P

PROPERTY MAP

EXHIBIT A MAP 14
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 08-026.40-042, 08-032.10-064, 08-032.20-111, 08-032.40-014, 08-038.20-045, 08-038.20-290, 08-038.20-328



HUNDRED: MILL CREEK HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:9957
Prepared by: Matthew Rogers

Date: 11/18/2025

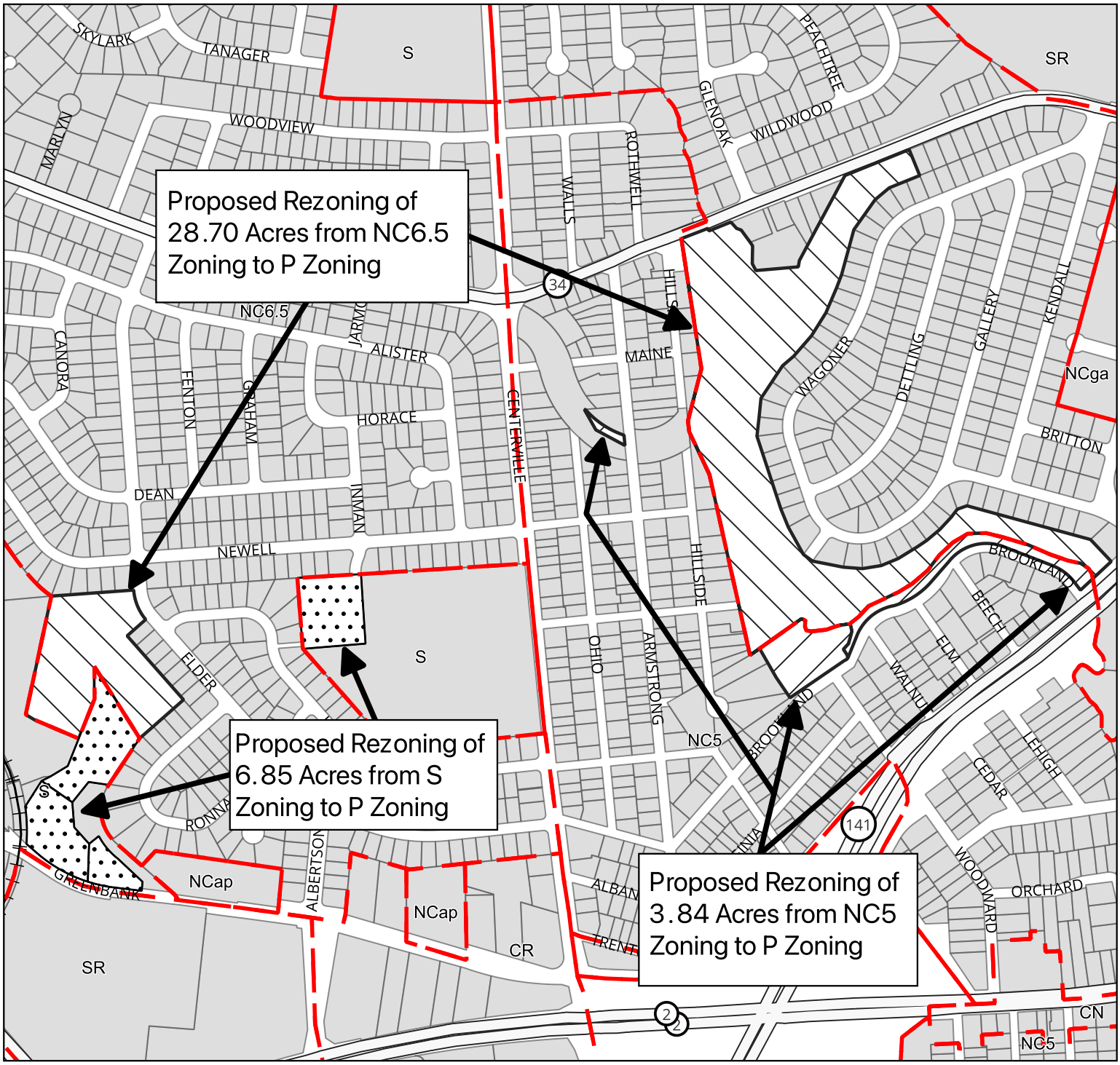
PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT A MAP 15
ZONING ORDINANCE AS INTRODUCED

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

APPLICATION NO. 2025-_____-Z
TAX PARCEL NO: 07-034.40-236, 07-034.40-293, 07-034.40-534, 07-034.40-537, 07-035.10-042, 07-037.20-001, 07-037.20-251, 07-037.20-257



HUNDRED: CHRISTIANA HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:7478
Prepared by: Matthew Rogers

Date: 11/18/2025

N

PERMANENT ORDINANCE NO. 25-161
Date Adopted by County Council:
Date Approved by County Executive:

NC5 to P
S to P
NC6.5 to P

New Castle County Department of Land Use

JOINT DEPARTMENT OF LAND USE / PLANNING BOARD RECOMMENDATION

Ordinance No. 25-161
Application No. 2025-0722-Z
County Council District 3 & 9 – Rezoning of County-owned Land to P-Zoning

February 17, 2026

Sponsor: Councilwoman Kilpatrick (District 3), Councilman Sheldon (District 9)

Description: Revise the New Castle County Zoning Maps in County Council District 3 & 9 regarding county-owned land

EXECUTIVE SUMMARY

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for County Owned properties, and available for governmentally owned properties (at the request of the owner) that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Application 2025-0722-Z (Ordinance 25-161) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 to the newly established P Zoning District. The subject 106 parcels are:

07-034.30-070 (0 Newell Dr, Historic Red Clay Valley)
07-034.40-236 (2161 Elder Dr, New Castle County)
07-034.40-293 (2101 Inman Dr, Faulkland Heights Sec A)
07-034.40-534 (2130 Faulkland Rd, Davis Terrace)
07-034.40-537 (613 Armstrong Ave, Brookland Terrace)
07-035.10-042 (2130 Faulkland Rd, Woodland)
07-035.10-042 (2130 Faulkland Rd, Woodland)
07-037.20-001 (2161 Elder Dr, New Castle County)
07-037.20-250 (250 Greenbank Rd, New Castle County)
07-037.20-251 (323 Greenbank Rd, New Castle County)
07-037.20-257 (319 Greenbank Rd, New Castle County),
08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent)
08-033.00-012 (0 Faulkland Rd)
08-026.40-042 (2518 Mill Creek Rd, Crossgates)

08-032.00-013 (2920 Duncan Rd, Delcastle Tennis Center)
08-032.10-064 (2626 Mill Creek Rd, Crossgates)
08-032.20-111 (212 Lister Dr, Hyde Park),
08-032.40-014 (2815 Duncan Rd, Hyde Park)
08-033.00-008 (3300 Faulkland Rd, Brandywine Convalescent)
08-033.00-012 (0 Faulkland Rd)
08-033.30-098 (2400 Cedar Ave, Cedars)
08-035.20-079 (585 Polly Drummond Hill Rd, Middle Run Crossing)
08-035.20-080 (103 Wren Way, Middle Run Crossing)
08-035.40-003 (0 Mourning Dove Dr, Middle Run Crossing)
08-035.40-071 (0 Mourning Dove Dr, Middle Run Crossing)
08-035.40-073 (0 Wren Way, Middle Run Crossing)
08-035.40-124 (0 Mourning Dove Dr, Middle Run Crossing)
08-037.00-035 (3700 Limestone Rd, New Castle County Carousel Park)
08-037.20-105 (1225 Arundel Dr, Arundel Sec 2)
08-037.20-106 (1401 Arundel Dr, Arundel Sec 1)
08-037.20-329 (19 A Ascension Dr, Winding Bridge)
08-038.10-001 (1230 Arundel Dr, Arundel Sec 1)
08-038.10-127 (1103 A Highgate Rd, Sherwood Park II)
08-038.20-045 (2609 Sherwood Dr, Sherwood Park Sec 2)
08-038.20-290 (55 A St John Dr (Dunlinden Acres)
08-038.20-328 (48 A St John Dr (Dunlinden Acres)
08-038.30-388 (2446 W Eric Dr ,Limestone Gardens)
08-041.00-026 (101 Fox Den Rd, Middle Run Crossing)
08-041.20-092 (391 Polly Drummond Hil Rd (Middle Run Crossing)
08-042.00-013 (273 Polly Drummond Hil Rd, Delaware Hospice)
08-043.10-041 (3007 Ridgevale Rd, Hills of Skyline)
08-043.20-178 (1802 Milltown Rd, Village of Lindell)
08-043.30-005 (5439 Crestline Rd, Hills of Skyline)
08-043.30-019 (5434 Crestline Rd, Hills of Skyline)
08-043.30158 (2660 Longfellow Dr, Highlands of Heritage)
08-043.40-014 (2660 Longfellow Dr, Heritage Farm),
08-043.40-015 (2661 Longfellow Dr, Grendon Farms)
08-043.40-320 (2010 Marlboro Dr, Montclare)
08-043.40-377 (2510 Grendon Dr, Grendon Farms)
08-044.10-278 (2446,W Eric Dr ,Sheridan Square)
08-044.30-382 (4998, E Woodmill Dr, Woodmill)
08-047.00-072 (170 Possum Hollow Rd, Tri State Bird Rescue)
08-048.00-045 (0 Upper Pike Creek Rd)
08-048.20-231 (7 Creek Xing, Creek Landing)

08-048.20-247 (19 Taylors Mill Ln, Taylors Mill)
08-049.20-013 (2616 A Whitman Dr, Heritage Farm)
08-049.20-045 (2609 Whitman Dr, Heritage Farm)
08-049.30-008 (122 Rockrose Dr, Meadowood Sec 1)
08-053.00-050 (331 Delaplane Ave, Delaplane Manor Iii)
08-060.00-007 (148 Fairway Rd, Red Mill Farms)
08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts)
08-060.20-090 (315 Darwin Dr, Sycamore Gardens)
08-060.20-116 (132 Longview Dr, Peoples Subd)
08-060.20-118 (120 Longview Dr, Newkirk Estates Sc 2)
08-060.20-119 (122 Longview Dr, Newkirk Estates Sc 2)
08-060.20-120 (134 Longview Dr, Peoples Subd)
08-060.20-121 (121 Longview Dr, Newkirk Estates Sc 2)
08-060.20-146 (115 Phyllis Dr (Newkirk Estates Sc 2)
08-060.20-148 (127 Longview Dr)
08-060.20-149 (125 Longview Dr, Peoples Subd)
08-060.20-150 (123 Longview Dr, Peoples Subd)
08-060.20-152 (0 Off Longview Dr)
08-060.30-005 (21 Mary Ella Dr, Millrace)
09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor)
09-010.30-066 (74 Green Ridge Rd, Brookhaven)
09-017.00-028 (0 Tamara Cir, Harmony Hills Sec 2)
11-006.20-166 (0 Scottfield Dr, Scottfield Sec 3)
08-060.00-007 (148 Fairway Rd, Red Mill Farms)
08-060.10-018 (1600 Melrose Place Dr, Country Squire Apts)
08-060.20-146 (115 Phyllis Dr, Newkirk Estates Sec 2)
08-060.30-005 (21 Mary Ella Dr, Millrace)
09-010.30-001 (0 Sheffield Manor Dr, Sheffield Manor)
09-010.30-066 (74 Green Ridge Rd, Brookhaven)
09-015.20-027 (136 N Dillwyn Rd, Windy Hills Sec 1)
09-016.20-028 (52 A Millwright Dr, Old Mill Manor)
09-016.20-091 (22 A Gristmill Ln, Old Mill Manor)
09-016.30-167 (136 N Dillwyn Rd, Windy Hills Sec 2)
09-016.40-017 (27 A Old Manor Rd, Old Mill Manor)
09-017.00-028 (0 Tamara Cir (Harmony Hills Sec 2)
09-017.30-046 (139 W Rutherford Dr, Rutherford Sec 3)
09-017.301-87 (0 Harmony Crest Dr (Harmony Crest Sc III)
09-017.40-149 (121 E Rutherford Dr, Rutherford Sec 1)
09-021.40-069 (110 Old Newark Rd, Greenbridge)
09-021.40-256 (50 Durham Ct (New Castle County Police Academy)

09-022.30-411 (0 Lisbeth Rd, Chestnut Hill Estates 2)
09-022.30-412 (0 E Cherokee Dr, Cherokee Woods)
09-022.30-422 (0 E Cherokee Dr, Cherokee Woods)
09-023.10-203 (801 Prides Xing, Harmony Crest Sc II)
09-023.10-232 (801 Prides Xing, Harmony Crest Sec II)
09-028.10-220 (127 Garrett Rd, Todd Estates Sec 4)
09-033.00-033 (24 Upland Ct, Breezewood Sec II)
09-033.20-073 (499 Gender Rd, Gender Woods)
09-033.20-074 (545 Gender Rd, Gender Woods)

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use map, comments received from outside agencies, and comments received from the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of the rezoning application.

DESCRIPTION

Application 2025-0722-Z (Ordinance 25-161) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 & 9 to the newly established P Zoning District. A list of subdivisions with parks and open space proposed to be rezoned to P Zoning in this rezoning are as follows (a full list of parcels can be found above):

ARUNDEL SEC 1	DELAWARE HOSPICE	HYDE PARK	RUTHERFORD SEC 3
ARUNDEL SEC 2	DELCASTLE TENNIS CENTER	LIMESTONE GARDENS	SCOTTFIELD SEC 3
BRANDYWINE CONVALESC	DUNLINDEN ACRES	MEADOWOOD SEC 1	SHEFFIELD MANOR
BREEZEWOOD SEC II	FAULKLAND HGTS SEC A	MIDDLE RUN CROSSING	SHERIDAN SQUARE
BROOKHAVEN	GENDER WOODS	MILLRACE	SHERWOOD PARK II
BROOKLAND TERRACE	GREENBRIDGE	MONTCLARE	SHERWOOD PARK SEC 2
CEDARS	GRENDON FARMS	NEW CASTLE COUNTY	SYCAMORE GARDENS
CHEROKEE WOODS	HARMONY CREST SC II	NEW CASTLE COUNTY CAROUSEL PARK	TAYLORS MILL
CHESTNUT HILL ESTS 2	HARMONY CREST SC III	NEW CASTLE COUNTY POLICE ACADE	TODD ESTATES SEC 4
COUNTRY SQUIRE APTS	HARMONY HILLS SEC 2	NEWKIRK ESTATES SC 2	TRI STATE BIRD RESCUE
CREEK LANDING	HERITAGE FARM	OLD MILL MANOR	VILLAGE OF LINDELL
CROSSGATES	HGHLNDS OF HERITAGE	PEOPLES SUBD	WINDING BRIDGE
DAVIS TERRACE	HILLS OF SKYLINE	RED MILL FARMS	WINDY HILLS SEC 1
DELAPLANE MANOR III	HISTORIC RED CLAY	RUTHERFORD SEC 1	WINDY HILLS SEC 2

WOODLAND	WOODMILL

BACKGROUND

The history of rezoning processes dates to the 1950s. Subsequent sections examine how State and County codes evolved over time.

Establishment of Zoning & the Rezoning Process

The process and set of standards established in Delaware State Code for rezonings has largely been unchanged since 1951. On June 5, 1951, the State of Delaware granted the Levy Court of New Castle County the authority to adopt zoning regulations and provided a process and legal notice requirements for the establishment and amendment of zoning maps. The process required that the Levy Court establish a Zoning Plan, have a public hearing with the Zoning Commission with notice at least 15 days prior to the hearing in the newspaper of general circulation in the County and adoption by the Levy Court. The process for amendments to the zoning map largely mirrored that of establishing zoning, except for reducing the notice requirement to seven days prior to the Zoning Commission hearing.[1] New Castle County adopted zoning regulations in September of 1954.

Rezonings in New Castle County

Since the adoption of zoning in 1954, all changes to New Castle County's zoning map have fundamentally followed the process that was originally established in 1951, whether for 1 or 100,000 parcels. The utility of these rezonings ranged from larger initiatives, such as the adoption of the UDC, Diversified Planned Unit Developments, Hometown and Historic Overlays to smaller initiatives such as to legalize existing uses or to support the subsequent recordation of a plan that provides for important residential and nonresidential development.

2022 Update to the New Castle County Comprehensive Plan

The 2022 Update to the New Castle County Comprehensive Plan (The Plan)[2] was the product of more than two years of extensive public outreach. During that process, the Department made extensive efforts to reach out and garner public feedback on not only the overall Goals/Objectives/Strategies expressed in the plan, but also the Future Land Use map and Element.

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[1] Zoning Enabling Legislation: https://legis.delaware.gov/SessionLaws/Chapter?id=33182 Dillon's Rule additional reading: https://www.planning.org/planning/2020/mar/tools-legal-lessons/
[2] New Castle County Comprehensive Plan 2050: https://ssl02.nccde.org/gisfiles/Images/NCC2050/Comp%20Plan%20Final%20Draft/Complete%20Plan%20Final%20Draft%20%2006272022.pdf

As a result of these efforts, Strategy 1.1.6 was created to consider the establishment of a preservation zoning category.

Ordinance 24-130 Zoning District for Publicly Owned Conserved Land and Public Parks

Adopted in March of 2025, Ordinance 24-130 established a new zoning district, Publicly Conserved Lands & Parks District (P). This zoning district designation would be required for properties that are publicly protected and identified as protected in perpetuity for the public benefit. The district's intent is to provide a clearer picture of permanently protected, publicly conserved lands and parks in New Castle County.

Ordinance 25-161 County Council District 3 & 9 – Rezoning of County-owned Land to P-Zoning

The proposed ordinance would rezone 106 parcels located within County Council District 3 & 9 consisting of County-owned parks and open space to the Publicly Conserved Lands & Parks District (P) established in Ordinance 24-130.

PLUS REVIEW (Preliminary Land Use Service)

The text amendment that established P Zoning (Ord. 24-130) was reviewed at a PLUS meeting held on August 28, 2024.

The PLUS Review Letter, dated September 23, 2024, includes comments from the Office of State Planning and Coordination, who commended New Castle County for their continued work on establishing the Publicly Conserved Lands & Parks District (P) and requested a collaboration with DNREC regarding concerns over State-Owned public lands.[3] The Department of Natural Resources and Environmental Control (DNREC) additionally commended New Castle County's effort to preserve natural open space through the establishment of the proposed zoning district. DNREC listed concerns regarding potential restrictions in DNREC operations on state-owned lands and asked that state-owned lands are explicitly exempt from the changes outlined in Table 40.03.110 of the Unified Development Code. The State Historic Preservation Office (SHPO) recommended that the ordinance consider making the proposed zoning district apply to publicly owned land that includes areas of cultural or heritage preservation. DelDOT, DEMA and DE State Fire Marshal noted that they did not have any comments or objection to approval of the proposed ordinance.

PLANNING BOARD PUBLIC HEARING – *January 6, 2026*

[3] PLUS Report:
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C2C65831502A6D587F61602538894DF47B&x=temp.pdf

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use and hyperlinked below.[4]

Presentation

Alec Davis, Planner for the Department of Land Use, presented the *Ordinance 25-161*, discussing parcels located in County Council District 3 & 9 proposed for rezoning to the Publicly Conserved Lands & Parks District (P) designation. He mentioned that the Ordinance 24-130 first established the P Zoning District and was adopted on March 25th, 2025. He proceeded to show the exhibit maps for all of the affected properties and explained the neighborhoods and locations of each cluster of parcels.

There were no questions from the Planning Board.

Public Comment

Susie Esterly questioned if there were any proposed changes along with the proposed rezoning to the parks and open space. General Manager of Land Use, David Culver, states that the P-zoning will better identify parks and open space areas within the County zoning maps. Nancy Patterson asks if this will change any aspect of maintenance of parks. David Culver responds that this rezoning will not affect Public Work's ability to maintain these parks.

ANALYSIS

Application 2025-0722-Z (Ordinance 25-161) proposes to amend the County's official zoning map to rezone County-owned parks and open space in County Council District 3 & 9 to the newly established P Zoning District, consistent with Ordinance 24-130 (adopted in March of 2025) which established the Publicly Conserved Lands & Parks District (P), and require County owned properties that are publicly protected and identified as protected in perpetuity for the public benefit to be rezoned to P.

These parcels[5] are all located within County Council District 3 & 9. District 3 encompasses parts of White Clay Creek State Park, through Pike Creek and Hockessin, ending at Auburn Valley State Park. The area is characterized by a number of subdivisions developed prior to 1997 (adoption of the UDC) with some open space areas owned and maintained by New Castle County. District 9 includes parts of east Newark and north of Kirkwood Highway. This area is characterized by

[4] January 6, 2026, Planning Board Public Hearing: https://www.newcastlede.gov/agendacenter

[5] Ordinance 25-161 (Including Exhibit Maps):
https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C27674B7767B4DB734A118E4AB3CCCF4D5&x=temp.pdf

numerous subdivisions (ca. 1960-present) with open space areas incorporated within their design.

Standards of Review

Pursuant to Section 40.31.410 of the New Castle County Code, in determining whether an amendment to the zoning map shall be recommended or approved, the following factors shall be considered:

A. *Consistency with the Comprehensive Development Plan and the purposes of this Chapter.*

This ordinance implements Strategy 1.1.6 of the 2022 Comprehensive Development Plan by proposing the subject 106 parcels be rezoned to the Publicly Conserved Lands & Parks District (P). The establishment of P Zoning on these parcels will better identify and emphasize the protection and preservation of these existing open space and park parcels.

B. *Consistency with the character of the neighborhood.*

All 106 parcels identified in the rezoning are currently public parks and open space. The P Zoning designation will not change the use of these parcels.

C. *Consistency with zoning and use of nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

D. *Suitability of the property for the uses for which it has been proposed or restricted.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

E. *Effect on nearby properties.*

These properties were initially designed to serve as parks and open space areas within the communities they are located. P Zoning designation will not change the residential open space or parkland nature of the areas.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Zoning Map Amendment in Section 40.31.410, A through E *of the Unified Development Code*, the Future Land Use Map, the comments

received from outside agencies, and the comments received by the public. Based on this analysis, the Department is of the opinion that the standards are met by this proposal. Therefore, the Department of Land Use recommends **APPROVAL** of Ordinance 25-161.

PLANNING BOARD RECOMMENDATION

At a business meeting held on February 17, 2026, 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 Robert Ott and seconded by Ruth Visvardis, the Board voted to recommend **APPROVAL** of application 2025-0722-Z as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-1-3 (In Favor: Cantrell, Drake, Ott, Snowden, Visvardis; In Opposition: None; Abstention: Brutus; Absent: Chamblee, Cochran, Daigle).

Prior to the vote, the following discussion occurred:

Alec Davis read the Department of Land Use recommendation into the record.

There were no questions from the Planning Board.

STATUTORY GUIDELINES

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

2-27-26

David M. Culver date
General Manager
Department of Land Use

2/25/2026

Robert B. Snowden date
Acting Chair
New Castle County Planning Board