

Prime sponsor(s): Mr. Carter, Ms. Durham,
Mr. Toole, Mr. Cartier, Mr.
Caneco, Mr. Tackett

Date of introduction: July 23,2024

SUBSTITUTE 1 TO ORDINANCE NO. 24-130

**AMENDING NEW CASTLE COUNTY CODE CHAPTER 40
(THE “UNIFIED DEVELOPMENT CODE”) TO ESTABLISH
A ZONING DISTRICT FOR PUBLICLY OWNED
CONSERVED LAND AND PUBLIC PARKS**

1 **WHEREAS**, in 1997, New Castle County Council enacted a comprehensive overhaul
2 of New Castle County’s original 1954 zoning and subdivision regulations with the addition of
3 Chapter 40 to the *New Castle County Code* (the “Unified Development Code” or “UDC”);
4 and
5

6 **WHEREAS**, the Unified Development Code has since undergone considerable
7 evolution to better reflect growth trends in the County and to advance the UDC regulations
8 to include planning and land use ideas and values to meet today’s needs; and
9

10 **WHEREAS**, both the 2007 and 2012 Comprehensive Plans of New Castle County
11 called for the creation of a zoning category recognizing conserved lands, and
12

13 **WHEREAS**, Strategy 1.1.6 of the 2022 New Castle County Comprehensive Plan
14 reiterates that the County should consider the addition of a preservation zoning category,
15 and defines “Protected Open Space” as privately or publicly held land that has been
16 protected from future development; and
17

18 **WHEREAS**, the zoning of parks and open space protected in perpetuity in categories
19 which describe other uses is confusing to the public and leads to a practical
20 misunderstanding of the future growth patterns of the County, rather than clearly depicting
21 the real world current and future land use conditions; and
22

23 **WHEREAS**, it is important to establish a Publicly Conserved Lands & Parks Zoning
24 District (P) to readily show the extent of publicly protected lands and provide a clearer vision
25 of the size and extent of these important land uses; and
26

27 **WHEREAS**, the County established a goal in its 2022 Comprehensive Plan to
28 conserve a minimum of 7,100 additional acres of its land by 2050 and the current estimate
29 of government-owned protected open space is estimated at more than twenty percent, a
30 significant portion of the County’s overall acreage deserved of its own zoning category,
31 and
32

33 **WHEREAS**, the establishment of a zoning category recognizing parcels owned by
34 Federal, State, County, and municipal governments within unincorporated New Castle
35 County and which have been acquired through donation or purchased with public funds for
36 the purpose of conservation or public parkland will provide a clearer picture of the extent of
37 permanently protected open space and recreational lands in the County and their protected

class; and

WHEREAS, this Ordinance is enabling legislation in nature and does not rezone any parcel within the unincorporated areas of the County currently utilized as parkland or conserved open space as such a rezoning would require separate parcel specific rezoning legislation; and

WHEREAS, County Council has determined that the provisions of this Ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests, including the protection and preservation of public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 2 ("Establishment of Zoning Districts"), Division 40.02.200 ("Statement of purpose and intent of districts") is hereby by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.02.248. - Publicly Conserved Lands & Parks (P) District.

- A. This district shall only include publicly owned, governmental parkland and nature preserves, or any other land owned by Municipal, County, State, and Federal governments for the purpose of environmental protection, habitat protection, passive recreational uses, or active recreational uses.
- B. Except for County and Federal owned parcels, rezoning of parcels to the Publicly Conserved Lands & Parks (P) district is subject to the requirements and standards for a rezoning amendment application in Article 31, and shall only occur at the request of the property owner. County and Federal owned parcels may be rezoned to the Publicly Conserved Lands & Parks (P) district as County-initiated Rezoning or part of a comprehensive rezoning.
- C. On or before July 1 of each year, the Departments of Land Use and Public Works shall jointly advise County Council if within the past year any new parcels in the unincorporated County satisfy the above criteria, and which are therefore qualified to be rezoned to the P designation.

Section 2. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), Division 40.03.100 ("Use regulations"), Section 40.03.110 ("Use table") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.03.110. – Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components...

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 <u>use</u> 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	P	Parking	Limited & Special Use Standards	
Agricultural									Agricultural									Agricultural	
Agriculture (includes uses pursuant to Delaware Law)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	na.	—	
Clearing	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	na	Section 40.03.301	
Farmstead	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	Y	2.0/du.	—	
Farm market	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	8 spaces	Section 40.03.328	
Commercial stables	N	N	N	N	N	N	N	N	N	L	L	N	N	N	L	L	1 per 2 stalls	Section 40.03.302	
Residential									Residential									Residential	
Single-family, detached	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	2.0/du.	—	
Open space subdivision, Option 1	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y	N	3.0/du.	—	
Open space subdivision, Option 2	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	2.0/du.		

Single-family, attached	Y	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	<u>N</u>	2.25/du.	—	
Open space planned	Y	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	<u>N</u>	2.25/du.		
Apartments	Y	Y	N	N	N	N	N	N	N	N	N	L	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.303	
Apartment conversions	L	L	N	N	N	N	N	N	N	L	N	L	N	N	N	<u>N</u>	2.25/du.	Section 40.03.304	
Commercial apartments	L	N	N	N	N	L	N	N	L	N	N	N	N	N	N	<u>N</u>	2.0/du.	Section 40.03.305	
Hamlet	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	<u>N</u>	Division 40.25.100	Division 40.25.100	
Village	N	N	N	N	N	N	N	N	N	L	N	N	N	N	N	<u>N</u>	Division 40.25.100	Division 40.25.100	
Pocket Neighborhood	Y	Y	N	N	N	N	N	N	N	Y	N	N	N	N	N	<u>N</u>	Section 40.25.333	Section 40.25.333	
Group home	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	<u>N</u>	1.0/2 beds	—	
Manufactured home park	N	N	L	N	N	N	N	N	N	N	N	L	N	N	N	<u>N</u>	2.25/du.	Section 40.03.306	
Small single-family detached dwelling	L	L	N	N	N	N	N	N	N	L	N	L	N	N	N	<u>N</u>	2.0/du.	Only permitted in as an ADU Section 40.03.410, or in a Pocket Neighborhood	
Home Uses									Home Uses									Home Uses	
Day care, family/large family	A	A	A	N	N	N	N	N	N	A	A	A	N	N	A	<u>N</u>	Section 40.03.420	Section 40.03.420	

Home occupation	A	A	A	N	N	A	N	N		A	A	A	A	N	N	A	<u>N</u>	Table 40.03.522	Section 40.03.420
Home business	N	N	N	N	N	N	N	N		N	L	L	N	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Cottage industry	N	N	N	N	N	N	N	N		N	L	L	N	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210, Article 25 for design standards
Institutional									Institutional									Institutional	
Assembly and worship	L	L	N	N	L	Y	L	L		L	L	L	L	N	N	L	<u>N</u>	Table 40.03.522	Section 40.03.307, Division 40.25.200
Schools	L	L	N	N	L	Y	L	L		L	L	L	L	N	N	L	<u>N</u>	Table 40.03.522	Section 40.03.307
Colleges	Y	Y	N	L	Y	Y	Y	Y		L	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.307
Hospitals	N	N	N	N	Y	Y	Y	Y		N	N	N	L	N	N	N	<u>N</u>	1/bed	Table 40.02.210
Institutional, regional	N	L	N	N	L	L	L	L		N	L	L	L	N	N	L	<u>L</u>	Table 40.03.522	Section 40.03.308
Institutional, neighborhood	L	L	L	L	L	L	L	L		L	L	L	L	N	N	L	<u>L</u>	Table 40.03.522	Section 40.03.309
Institutional, residential (Type I)	L	L	N	N	N	Y	N	N		L	L	L	L	N	N	Y	<u>N</u>	Table 40.03.522	Table 40.03.210
Institutional, residential (Type II)	L	L	N	N	N	L	N	N		L	L	L	L	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210

Protective care	N	N	N	N	S	N	S	S		N	N	N	N	S	N	S	<u>N</u>	Table 40.03.522	Table 40.03.210, Section 40.03.310
Public service	L	L	L	Y	Y	Y	Y	Y		Y	L	L	L	Y	Y	L	<u>Y</u>	Table 40.03.522	Section 40.03.311
Commercial									Commercial									Commercial	
Adaptive reuse, historic building	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	Table 40.03.522	Section 40.15.240
Adult uses	N	N	N	N	N	S	N	N		N	N	N	N	N	N	N	<u>N</u>	1/100 GFA	Section 40.03.313
Agricultural support and other rural services	N	N	N	N	Y	Y	Y	Y		Y	S	S	S	Y	Y	S	<u>L</u>	Table 40.03.522	Section 40.03.314 and Section 40.03.336
Bed and breakfast	L	L	N	N	N	N	N	N		L	L	L	L	N	N	L	<u>L</u>	1/room plus 2/du.	Section 40.03.315
Commercial lodging	N	N	N	N	L	Y	L	L		Y	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Table 40.03.210
Commercial retail and service	L	N	N	N	L	Y	L	L		Y	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Table 40.03.210, Division 40.25.200
Corporate guest house	N	L	N	N	Y	Y	Y	Y		N	L	L	L	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210
Craft alcohol production establishment	N	N	N	N	N	L	L	L		L	L	L	N	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210 Section 40.03.318 Section 40.03.338
Drive-in facility	L	N	N	L	L	L	L	L		L	N	N	N	L	N	N	<u>N</u>	Table 40.03.522	Table 40.03.210, Section 40.03.316

Heavy retail and service	N	N	N	N	N	L	N	L		N	N	N	N	S	N	N	<u>N</u>	Table 40.03.522	Section 40.03.339 Section 40.31.430
Light automobile service	L	N	N	N	L	Y	L	Y		Y	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.317
Mixed use	L	N	N	L	L	L	N	N		L	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.318, Division 40.25.200
Multifamily conversion	L	N	N	L	L	L	N	N		L	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.340
Restaurants	L	N	N	N	L	Y	L	L		Y	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Table 40.03.210, Division 40.25.200
Office	L	N	N	Y	Y	Y	Y	Y		Y	N	N	N	L	N	N	<u>N</u>	Table 40.03.522	Table 40.03.210, Section 40.03.321, Division 40.25.200
Shopping center	N	N	N	N	N	Y	N	N		Y	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	—
Vehicular sales, rental and service	N	N	N	N	N	L	N	N		N	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.339
Retail marijuana store	N	N	N	N	N	L	N	L*		S	N	N	N	N	N	N	<u>N</u>	Table 40.03.522	Section 40.03.341 *Site must have been established and operational as a medical marijuana dispensary before July 1, 2024

Recreation and Amusement									Recreation and Amusement								Recreation and Amusement	
Campground	N	N	N	N	N	N	N	N	N	L	N	N	N	N	L	<u>L</u>	1/space + 3/50 spaces at office	Table 40.03.210
Recreation, high intensity	N	N	N	N	S	Y	S	S	L	N	N	N	N	L	N	<u>L</u>	Table 40.03.522	Table 40.03.210 In EX, see also Section 40.03.324
Recreation, low intensity	L	L	L	L	L	Y	L	L	Y	L	L	L	L	N	L	<u>Y</u>	Table 40.03.522	Table 40.03.210
Resort	N	N	N	N	N	L	N	N	N	L	L	N	N	N	L	<u>N</u>	Table 40.03.522	Table 40.03.210, Section 40.03.322
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	<u>N</u>	Table 40.03.522	Section 40.03.336
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	<u>N</u>	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	<u>N</u>	Table 40.03.522	Section 40.03.323
Light industry	N	N	N	N	L	S	L	Y	N	N	N	N	Y	Y	N	<u>N</u>	Table 40.03.522	Section 40.03.333 for OR 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	<u>N</u>	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	<u>L</u>	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	<u>L</u>	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	<u>S</u>	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	<u>N</u>	na.	Section 40.03.337
Other Uses									Other Uses									Other Uses	
Airports	N	N	N	N	L	N	L	L		N	S	N	N	L	N	S	<u>N</u>	Special study, Section 40.03.524	Table 40.03.210, Section 40.03.325 and 40.03.432
Commercial communications towers	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	2 per tower	Section 40.03.326
Community recycling bins	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	<u>A</u>	—	Section 40.03.430
Exterior lighting for outdoor recreational uses	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	<u>S</u>	Table 40.03.522	Table 40.03.210 and Division 40.22.700
Park and ride facility	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	—	Section 40.03.210
Parking structures	N	N	N	S	S	S	S	S		S	S	N	N	S	N	N	<u>L</u>	—	Sections 40.03.528, 40.04.320, and 40.25.137
Temporary Uses									Temporary Uses									Temporary Uses	

Temporary storage, office or classroom modulars or trailers	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	Table 40.03.522	Table 40.03.210
Concrete/asphalt batch plant	N	N	N	N	N	N	N	L		N	N	N	N	L	L	L	<u>N</u>	Table 40.03.522	Section 40.03.327
Contractor's office	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	1/200 sf.	—
Model homes/sale office	L	L	L	N	N	N	N	N		N	L	L	L	N	N	L	<u>N</u>	2/model	Section 40.03.335
Commercial temporary outdoor sales	L	N	N	N	N	L	N	N		L	N	N	N	N	N	N	<u>L</u>	none	Section 40.03.329
Public interest and special events	L	L	L	L	L	L	L	L		L	L	L	L	L	L	L	<u>L</u>	Table 40.03.522	Section 40.03.330
Temporary miscellaneous sales	L	N	N	N	N	L	N	N		L	N	N	N	N	N	N	<u>L</u>	Table 40.03.522	Table 40.03.210, Section 40.03.331
	Notes: [*]¹ Refer to Article 25 for design standards for TN District. [**]² Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning districts. [***]³ See Division 40.25.100 for Village and Hamlet Standards.																		

Section 3. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), Division 40.03.430 ("Accessory Uses, nonresidential) is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, 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.* . . .

I. *On-site residence.* In the ON, OR, CR, CN, I, BP, Hi, P Districts a building may be used, erected or altered for residential purposes for an owner, caretaker, watchman, janitor or employee employed on the premises.

Section 4. *New Castle County Code* Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), Division 40.03.500 ("Loading and parking standards"), Section 40.03.522 ("Off-street parking") is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

Sec. 40.03.522. Off-street parking.

A. *Minimum parking requirements....*

B. *Changes in use. ...*

C. *Parking requirements along designated byways....*

Table 40.03.522. OFF-STREET PARKING FOR SPECIFIC USES

Uses	Parking Spaces Required	
	Per 1,000 sf. of Gross Floor Area	Other Standard
PARKING STANDARDS ¹		
Institutional: Community, Neighborhood, and Residential...		
...Recreation and Amusement Uses: Outdoor Recreational		
Camps, day or youth...	—	1 per 1500 sf. of area
Parks, playground	—	1 per 5000 sf. of area
Equestrian facilities	—	1 per 4 stalls, plus 1 per 2000 sf. of inside riding area
Swimming pool	—	1 per 400 sf. pool surface area
Tennis courts	—	3 per court
Athletic fields	—	15 per field plus 1 per 4 permanent seats
All other active	—	1 per 10,000 sf. of area

All other passive	—	5 space minimum plus [1 per acre for areas less than 50 acres or] 1 per 3 acres [for areas over 50 acres]
Recreation and Amusement Uses: Indoor Recreational		
Swimming pool	—	1 per 100 sf. pool surface area
Indoor court games	—	3 per court
Community center, auditorium, stadium, gymnasium and other similar uses	—	1 per 4 permanent seats or 10 per 1000 sf. of public assembly area, whichever is greater
All others	—	1 per 4 permanent seats or 10 per 1000 sf. of public assembly area, whichever is greater
Notes: ¹ Parking for institutional uses on governmental parkland is determined and certified by owner.		

119 **Section 5.** *New Castle County Code* Chapter 40 (“Unified Development
 120 Code”), Article 4 (“District Intensity and Bulk Standards”), Division 40.04.100 (“District
 121 performance standards”), Section 40.04.110 (“District and bulk standards”) is hereby
 122 amended by adding the material that is underlined and deleting the material with
 123 strikethroughs, as set forth below.

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Sec. 40.04.110. - District and bulk standards.

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		
Publicly Conserved Lands & Parks District (P)								Publicly Conserved Lands & Parks District (P)								Publicly Conserved Lands & Parks District (P)			
Permitted uses*	0.70	na.	na.	0.12	0.45	P/OS	na.	na.	na.	50	40	50	50/30	na.	40		na.	*The standards are applicable unless explicitly established otherwise by a governmental agreement. ...	

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Section 6. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 4 (“District Intensity and Bulk Standards”), Division 40.04.100 (“District performance standards”), Section 40.04.111 (“Landscape and illumination standards”), Table 40.04.111 (“Use and Lot Standards”) is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.

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 *NC6.5 or less includes NC5, NCap, NCga, NCth, NCsd, CNmm, and NCpud
				Adjoining Streets			Adjoining District or Use (1) (No bufferyard shall be required where like zoning district and like developments options are adjacent)																		Illumination	Height	
	Lot	Acre Open Space	Parking Spaces				Arterial	Collector	Minor	SR	SE & NC 2a	S	NC 40-10	ST	TN	MM	NC 6.5 or less*	ON	OR	CN	CR	BP	I				
Publicly Conserved Lands & Parks District (P)							Publicly Conserved Lands & Parks District (P)																	Publicly Conserved Lands & Parks District (P)			
Permitted uses	5/ac.	4	1/12	0.4	0.3	0.2	0.3	0.3	0.3	0.3	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	-	40	C=4 ft S=2 ft	C=20 ft S=20 ft	...

Section 7. *New Castle County Code Chapter 40 (“Unified Development Code”), Article 6 (“Sign Regulations”), Division 40.06.000 (“Applicability”) is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.*

Sec. 40.06.060. Schedule of sign restrictions.

Signs shall be permitted in accordance with the following regulations and in accordance with other applicable Sections of this Article:

1. *Residence districts. ...*

5. *Publicly Conserved Lands & Parks (P) district.*

a. Wall sign area: 2 square feet per lineal foot of building wall to which it is attached (maximum 200 sq. ft.)

b. Ground sign:

<u>Street Functional Classification</u>	<u>Minimum Distance from street lot line (feet)</u>	<u>Maximum Height (feet)</u>	<u>Maximum Area (square feet)</u>	<u>Maximum Aggregate</u>
<u>Local</u>	<u>15</u>	<u>25</u>	<u>40</u>	<u>80 square feet no more than 1 sign per street frontage</u>
	<u>25</u>	<u>30</u>	<u>50</u>	
<u>Collector</u>	<u>15</u>	<u>25</u>	<u>75</u>	<u>100 sf + 0.5 for each foot of street frontage not to exceed 150 sf</u>
	<u>25</u>	<u>30</u>	<u>100</u>	
	<u>40</u>	<u>45</u>	<u>125</u>	
<u>Arterial</u>	<u>15</u>	<u>25</u>	<u>150</u>	<u>100 sf + 0.5 for each foot of street frontage not to exceed 300 sf</u>
	<u>25</u>	<u>30</u>	<u>175</u>	
	<u>40</u>	<u>45</u>	<u>200</u>	

Section 8. *New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Division 40.33.300 (“General Definitions”) is hereby amended by adding the material that is underlined and deleting the material with strikethroughs, as set forth below.*

Division 40.33.300. – General definitions.

...Minor change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards or parking, or alter the alignment or layout of streets by more than five (5) feet.

Minor land development. A plan that proposes one (1) or more of the following:

- A. A subdivision of land resulting in five (5) lots or less and not creating new street rights-of-way.
- B. Except for single-family dwellings and residential accessory structures on fee simple lots, land development proposing new buildings or additions one thousand (1,000) square feet GFA or greater, or five thousand (5,000) square feet GFA or greater in the P, OR, BP, I, and HI zoning districts and meeting one (1) or more of the following criteria: ...

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.

Adopted by County Council of
New Castle County on: 3/25/25

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

Approved on:

Marcus A. Henry
County Executive of New Castle County

SYNOPSIS: This ordinance proposes the creation of a new zoning district known as the Publicly Conserved Lands & Parks District (P). The P Zoning District will become the new zoning designation of publicly owned parks and conservation lands that have been conserved as such or acquired for public use primarily for outdoor recreation or natural resource protection in perpetuity. The Ordinance sets forth the purposes of the P District. Moreover, the Ordinance establishes permitted and prohibited uses, as well as limited and accessory uses within the district.

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

Sec. 40.02.248. This amendment revises the Statement of purpose and intent for the Publicly Conserved Lands & Parks (P) District consistent with recommendations from the New Castle County Planning Board and Department of Land Use.

Sec. 40.03.110. This amendment revises the Use Table regarding Publicly Conserved Lands & Parks (P) District consistent with recommendations from the New Castle County Planning Board and Department of Land Use. This amendment also clarifies that composting operations are permissible as an accessory use to a permitted nonresidential use in specific zoning districts.

Sec. 40.03.430. This amendment revises Accessory Uses to allow parcels zoned as P to include residential purposes for park staff or interns.

Sec. 40.03.522. This amendment revises the parking requirements for governmental parkland.

Sec. 40.06.060. This amendment established sign regulations for permissible uses in the Publicly Conserved Lands & Parks (P) District.

Division 40.33.300. This amendment removes the proposed definition Protected Public Parks and Conservation Lands since it is duplicative of governmental parkland. This amendment also revises the definition of minor land development to include P zoned land and clarify that the exception for accessory structures is intended for residential accessory structures alone.

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