

Introduced by: Mr. Tackett  
Date of introduction: June 14, 2016

**SUBSTITUTE NO. 1 TO ORDINANCE NO. 16-066  
AS AMENDED BY AMENDMENTS NO. 1 AND No. 2**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40  
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)  
REGARDING THE ESTABLISHMENT OF A NEW ZONING DISTRICT  
TO BE KNOWN AS THE ECONOMIC EMPOWERMENT DISTRICT (EED)**

**WHEREAS**, it is important to continue to coordinate and facilitate proposals to retain and expand existing businesses, while also attracting new businesses to New Castle County; and

**WHEREAS**, Chapter 9 of the New Castle County 2012 Comprehensive Plan Update, pertaining to economic development, encourages business investment that advances productivity, innovation, technology, and entrepreneurship; and

**WHEREAS**, the competition to draw and encourage high-technology and other clean industries is especially intense in today’s economy; and

**WHEREAS**, New Castle County must be innovative in its approach to land use regulation to successfully compete in a global marketplace; and

**WHEREAS**, the establishment of an Economic Empowerment District (EED) is intended to facilitate the growth and development of high-technology businesses, job rich businesses and businesses with high job retention rates and to support new industry ranging from small business incubator facilities to large business organizations; and

**WHEREAS**, New Castle County land use regulations must be sensitive to the evolving needs of businesses while fostering healthy communities; 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 2 (“Establishment of Zoning Districts”), Division 40.02.200 (“Statement of purpose and intent of districts”), Section 40.02.240 (“Special districts”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

## **Sec. 40.02.240. Special districts.**

A. [ Four (4) of the special districts are applied to existing development areas and t]Intensive uses. Two (2)[of the] special districts were created to allow a limited amount of Heavy Industry (HI) and Extraction (EX).

B. Existing neighborhoods. The Neighborhood Conservation (NC) district applies to neighborhoods or planned areas whose character is already set by existing uses and lotting, and which should be protected or conserved. The Diversified Planned Unit Development (DPUD) district is only for existing DPUD developments.

C. The Economic Empowerment District (EED). The EED allows the creation of zoning regulations for an identified area based upon a set of guidelines, procedures and permitted uses to accommodate development consistent with the County's Comprehensive Plan and the 2014 Economic Development Strategic Plan, as those plans may be amended or updated.

D. Overlay zones. The Historic (H) [D]district is an overlay [district]zone to preserve the County's historic heritage. The Hometown (HT) Overlay district may be used for communities built before zoning regulations were established (pre-1954) and with a unique development pattern that does not conform to existing zoning standards.

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or "UDC"), Article 2 ("Establishment of Zoning Districts"), Division 40.02.200 ("Statement of purpose and intent of districts"), is hereby amended to establish a new Section 40.02.246 ("Economic Empowerment (EED) District"), as set forth below, by adding the material that is underscored below:

## **Sec. 40.02.246. Economic Empowerment District (EED).**

A. The Economic Empowerment District (EED) is intended to create a master planned, campus-like setting consisting of target industry uses as identified in the 2014 Economic Development Strategic Plan, as may be amended or updated, comprising corporate headquarters, high technology offices, research and/or light assembly centers, or master planned employment centers.

B. The EED also may be used to transition existing industrial/office campuses to accommodate the expansion or re-use of target industries with streamlined reviews.

C. The ordinance establishing each EED will clearly define anticipated future uses and create development standards and design features to facilitate long-term, sustainable job growth for the County at that location, while protecting surrounding neighborhoods.

D. The EED will complement and enhance features of the UDC with respect to bulk and area standards and design guidelines that require more specificity to accommodate the unique types of development and uses anticipated within an EED.

Section 3. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 4 (“District Intensity and Bulk Standards”), Division 40.04.100 (“District performance standards”), Section 40.04.110 (“District and bulk standards”), is hereby amended by the addition of the material that is underscored as set forth below:

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

Table 40.04.110 A. DISTRICT AND BULK STANDARDS								Table 40.04.110 B. DISTRICT AND BULK STANDARDS								Table 40.04.110 C. DISTRICT AND BULK STANDARDS	
District Standards								Lot, and Building Standards								Storage and Comments	
Zoning District & Development Type	Min. OSR / LSR	Density		Floor Area Ratio		Utilities (on-site, public)	Min. Site Area	Minimum							Maximum	Exterior Storage	Notes
		Max. Gross	Max Net	Max. Gross	Max Net			Lot Area	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/other yard (feet)	Unit Mix (%)	Building Height (feet)	Percent of Lot Area	
Suburban Reserve (SR)								Suburban Reserve (SR)								Suburban Reserve (SR)	
Farmstead	0.00	0.0 2	0.0 2	na.	na.	OS	50 ac.	50 ac.	600	50	50	50	na.	na.	50	na.	
.....																	
Extraction (EX)								Extraction (EX)								Extraction (EX)	
.....																	
Other permitted uses	0.30	na.	na.	0.15	.030	P	10 ac.	10 ac.	200	100	100	100	100/100	na.	60	No limit	Section 40.03.324
DPUD – See Adopted Ordinance and Resolution for each DPUD																	
EED – See Adopted Ordinance for each EED																	

Section 4. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”) is hereby amended to establish a new Article 17 (“Economic Empowerment District”), Division 40.17.000 (“Purpose”), Division 40.17.100 (“Applicability”), Division 40.17.200 (“Zoning designation and development review process”) and Division 40.17.300 (“Development standards), and associated new division sections by adding the material that is underscored and deleting the material that is bracketed and stricken, as set forth below:

**~~[ARTICLE 17. RESERVED]~~**

**ARTICLE 17. ECONOMIC EMPOWERMENT DISTRICT (EED)**

**Division 40.17.000. Purpose.**

A. This Article establishes the Economic Empowerment District (EED) to facilitate employment uses and complementary accessory uses in a master planned, campus-like setting. Uses shall consist of targeted industries as identified by the New Castle County, Delaware, Economic Development Strategic Plan, dated September 2014, as may be amended or updated, and shall consist of corporate headquarters, high technology offices, research and/or light assembly centers, or master planned employment centers.

B. The EED implements the Comprehensive Plan and the New Castle County, Delaware, Economic Development Strategic Plan, dated September 2014, as those plans may be amended or updated, by:

1. Clearly defining uses that implement the County’s economic development priorities; and  
Creating standards that facilitate employment sectors which create long term, sustainable job growth for the County while protecting surrounding neighborhoods; and
3. Establishing a clear and predictable path to approval for the target industries identified in the EED regulations.

**Division 40.17.100. Applicability.**

**Sec. 40.17.101. Classification.**

A. The EED is a Special District.

B. Each EED district shall have a separate designation and shall have a set of guidelines to accommodate development or reuse of land located within that EED. Each EED district establishes development standards that apply to development in that district. Development standards shall be part of the ordinance that is approved by County Council. UDC standards that apply to the site prior to adoption of the ordinance designating an EED shall continue to apply to the development unless those standards are replaced or modified in the EED ordinance.

C. The EED shall not affect any of the following standards, all of which supersede the requirements of this section or any conditions of an EED approval:

1. Site capacity and concurrency calculations (Article 5) – site carrying capacity shall be based on the applicable bulk and area standards from Table 40.04.110, using the zoning district and use category that most closely matches the proposed development.

Environmental standards (Article 10).

3. Transportation impact (Article 11) – except that the applicant must annotate and evaluate the estimated gross floor area of future buildings for a traffic analysis and if required, a traffic impact study shall be completed and reviewed by DelDOT and the Department of Land Use prior to approval by County Council.

4. Sewer and water impact (Article 12).

5. Impact fees (Article 14).

6. Minimum required bufferyards along any boundary with a residential (ST, S, SE, SR, TN, MM, or NC) zoning district.

#### **Sec. 40.17.102. EED designation criteria.**

The County may apply an EED to areas of the County only where the development meets the criteria provided in this section.

A. *Parcel size.* The minimum parcel size for an EED is ten (10) acres. However, the County Council may approve an EED of between five (5) and ten (10) acres if:

1. At least ninety (90) percent of the total floor area within the proposed EED consists of target industries as identified in Sec. 40.17.302.A.2;

At least twenty-five (25) percent of the projected trips are reduced through the use of transportation demand management (TDM) measures (see 40.17.303.E); and

3. The EED is not rezoned from any residential district.

B. *Location.* The area or site within the proposed district must take access from a collector or arterial street, or be located within one quarter (1/4) mile of a bus stop or within one half (1/2) mile of a commuter rail station.

C. The EED is consistent the County's policies to attract target industries as identified in the New Castle County, Delaware, Economic Development Strategic Plan, dated September 2014, as may be amended, revised, or updated.

D. *Boundaries.*

1. All land within the district boundary shall be contiguous.

County Council may expand the boundaries of the proposed EED to include additional contiguous land if it finds that the modification meets the purpose of the proposed EED.

E. *Guiding principles.* The applicant is encouraged to consult The New Castle County Guiding Principles.

F. *Overlapping districts.* An EED may overlap an overlay zone; however, the EED or conditions of approval do not supersede the requirements of any overlay zone.

G. *Use allocation for target industries.* The allocation of gross floor area (GFA) for a proposed EED shall comply with the following percentages:

1. 80% of GFA for target industries for projects up to 100,000 SF GFA.

85% of GFA for target industries for projects from 100,001 SF to 500,000 SF GFA.

3. 90% of GFA for target industries for projects over 500,000 SF GFA.

#### **Division 40.17.200. Zoning designation and development review process.**

##### **Sec. 40.17.201. Zoning authority.**

An ordinance shall be required to establish each EED. The ordinance establishing an EED shall identify the boundaries for the EED, establish development and design standards for the EED, and contain a designation distinguishing the EED from other EEDs.

##### **Sec. 40.17.202. Initiation procedures.**

A. *Initiation.* The establishment of an EED may be initiated by:

1. The Department; or

Submission of an application signed by owners of one hundred (100) percent of the property within the proposed EED.

B. *Application contents.* An application shall be accompanied by the required filing fee and shall include the following information:

1. Applicants' names, contact information, and signatures;

Precise boundaries indicated on a map and including a list of all tax parcel numbers within the proposed EED; and

3. Statement of justification describing how the application meets the EED designation criteria, and why the rezoning would promote the best interest of the economy, surrounding neighborhood, and the County.

C. *Pre-application sketch plan review/conference.* In addition to the requirements of Section 40.31.112 of this Chapter, the following is required:

1. A site plan that demonstrates compliance with the proposed design standards; and

Building elevations or architectural sketches that demonstrate compliance with the proposed design standards. The applicant shall provide building elevations before the final exploratory plan report is prepared, and those elevations must be made part of the public record for at least 30 days before the public meeting at which County Council renders a decision.

#### **Sec. 40.17.203. Rezoning procedure for EED.**

A. *Property owner/stakeholder meeting.* The applicant is strongly encouraged to engage the community at the earliest possible moment. The applicant shall arrange for an area-wide meeting to inform the community about the EED after the pre-application sketch plan review conference. The applicant shall complete the area-wide meeting before submitting the exploratory plan.

B. *EED planning process.* The applicant shall prepare the required studies, reports and draft development and design standards per Division 40.17.300.

C. *Notice.* After the Department determines that the application is complete and the area-wide meeting has occurred, notice of the rezoning shall be provided in accordance with Article 31.

D. *Procedure.*

1. Department shall authorize the application to be heard by PLUS upon receiving a complete submission.

The Department shall schedule a public hearing before the Planning Board pursuant to Article 31 after the Department has prepared the draft EED ordinance.

3. The EED ordinance shall be subject to the requirements and procedures contained in Article 31 for rezoning applications and shall include conditions of approval that incorporate the development and design standards.

E. *Findings.* County Council may adopt an EED ordinance upon finding that:

1. The rezoning meets the standards in Section 40.31.410 (standards for zoning map amendment);



The EED meets the designation criteria above; and

3. The applicant has demonstrated that it has adequately mitigated traffic concerns through a traffic impact study (if required) pursuant to Article 11.

F. Expiration.

1. The applicant shall secure exploratory sketch plan approval and commence construction of approved floor area within five (5) years from the effective date of the rezoning or it will become subject to the sunset provisions of Section 40.01.130. County Council may establish additional time in the rezoning conditions. The Department may initiate a rezoning to the former zoning classification if the applicant does not submit a timely exploratory sketch plan.

If commencement of construction does not occur on at least 20% of the approved floor area within five (5) years from the effective date of the rezoning:

- a. The applicant shall file an updated traffic impact study based on the conditions identified in Sec. 40.11.130 at that time. The Department shall approve, approve with conditions or disapprove the traffic impact study before any further minor land development plan or building permit is approved for the project; and
- b. The applicant shall obtain new water capacity calculations pursuant to Section 40.05.310 and verification that sewer capacity will be available pursuant to Section 40.05.320.

**Sec. 40.17.204. Development review.**

A. After the EED is approved, any submission shall be reviewed as a minor land development plan and must comply with the EED ordinance that was approved by County Council.

B. In addition to the information required for a minor land development plan application, the exploratory sketch plan shall include:

1. Building elevation drawings prepared by a registered architect for each proposed structure;

Conceptual drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features;

3. Conceptual landscape, stormwater management, open space and amenity plans; and
4. The identification of the total floor area to be allocated to the required target industry as outlined in Section 40.17.102.G.

C. The Department shall review the exploratory sketch plan to determine compliance with the development and design standards adopted for the district.

D. If the Department determines that the exploratory sketch plan conforms to the development and design standards adopted for the EED, it shall approve the exploratory sketch plan.

E. If the Department determines that the exploratory sketch plan does not conform to the development and design standards adopted for the EED, the Department shall not approve the exploratory sketch plan and shall identify the specific development and design standards of non-compliance.

F. After the applicant obtains exploratory sketch plan approval, the applicant may proceed to record plan review.

**Division 40.17.300. Development standards.**

**Sec. 40.17.301. Applicability.**

A. The development standards established in this division and any condition of the EED approval shall apply to all minor land development plans and building permits issued within the designated EED.

**Sec. 40.17.302. Permitted uses.**

A. Conditions of EED approval shall identify the allowable uses permitted in the EED. Uses not specifically listed in the conditions of approval are not allowed in the EED. Required uses, permitted uses, limited uses, special uses and allocation of uses by floor area shall be approved as part of the ordinance creating the EED.

1. Conditions of EED approval may include any of the following uses:

<u>EED District Uses</u>	
<u>Y=permitted, N=prohibited, L=limited, S=special use review, A=accessory</u>	
	<small>(The total floor area of all uses or any combination thereof, designated with “%” below, shall not exceed the designated percentage of the total project floor area)</small>
<u>Residential</u>	
<u>Commercial apartments</u>	<u>Y</u>
<u>Institutional</u>	
<u>Schools</u>	<u>Y</u>
<u>Colleges</u>	<u>Y</u>
<u>Institutional, regional</u>	<u>Y</u>
<u>Healthcare and life sciences (including hospitality) *</u>	<u>Y</u>
<u>Commercial</u>	<small>Refer to Section 40.17.102.G for the required percentages for target industries</small>
<u>Commercial lodging</u>	<u>Y (10%)</u>
<u>Commercial retail and service</u>	<u>Y (10%)</u>

<u>EED District Uses</u>	
<u>Y=permitted, N=prohibited, L=limited, S=special use review, A=accessory</u>	
<u>Corporate guest house</u>	<u>Y (10%)</u>
<u>Restaurants</u>	<u>Y (5%)</u>
<u>Office/ business, insurance and financial services *</u>	<u>Y</u>
<u>Recreation and amusement</u>	<u>The total floor area of all recreation and amusement uses listed shall not exceed 10% of the total project floor area</u>
<u>Recreation, high intensity</u>	<u>L</u>
<u>Recreation, low intensity</u>	<u>L</u>
<u>Industrial and employment uses</u>	
<u>Heavy industry</u>	<u>Y</u>
<u>Light industry</u>	<u>Y</u>
<u>Advanced materials *</u>	<u>Y</u>
<u>Information technologies *</u>	<u>Y</u>
<u>Aerospace and defense *</u>	<u>Y</u>
<u>Utilities, minor</u>	<u>Y</u>
<u>Utilities, major</u>	<u>Y</u>
<u>Other uses</u>	
<u>Commercial communication towers</u>	<u>L</u>
<u>Community recycling bins</u>	<u>A</u>
<u>Exterior lighting for outdoor recreational uses</u>	<u>S</u>
<u>Park and ride facility</u>	<u>Y</u>
<u>* Land uses marked with an asterisk are defined more specifically in subsection 2, below.</u>	

2. The following industrial classifications (defined in the NAICS or as further provided below) shall be considered target industries for the purpose of satisfying the use allocation requirements of Section 40.17.102:

a. Advanced materials. Advanced materials include establishments that process new materials or existing materials that have been modified so as to have different atomic and structural properties leading to different characteristics and suitability for different applications and purposes that provide superior performance. The advanced materials sector includes business or management methodologies, research and development, manufacturing processes, and products made from those materials. Materials may include metals, polymers, ceramics, fabrics and textiles, glasses and composites, or additional materials customarily included within this industry category. Advanced materials include any of the following categories:

Textile and Fabric Finishing and Fabric Coating Mills (NAICS 3133)  
Other Textile Product Mills (NAICS 3149)  
Converted Paper Product Manufacturing (NAICS 3222)  
Plastic Product Manufacturing (NAICS 3261)  
Rubber Product Manufacturing (NAICS 3262)

Offices or research and development functions associated with and accessory to the uses listed above, including any of the following: (NAICS 54199, 55, 6117, 4885, 7113-7115, 8132-8133, 8134, 8139, 921, 92211, 92213, 92219, 923-928)

Accounting, Tax Preparation, Bookkeeping, and Payroll Services (NAICS 5412)

Architectural, Engineering, and Related Services (NAICS 5413)

Specialized Design Services (NAICS 5414)

Computer Systems Design and Related Services (NAICS 5415)

Management, Scientific, and Technical Consulting Services (NAICS 5416)

Scientific Research and Development Services (NAICS 5417)

All Other Professional, Scientific, and Technical Services (NAICS 54199)

Management of Companies and Enterprises (NAICS 551)

Office Administrative Services (NAICS 5611)

All Other Professional, Scientific, and Technical Services (NAICS 54199)

b. Information technology.

Custom Computer Programming Services (NAICS 514511)

Computer Systems Design Services (NAICS 541512)

Computer Facilities Management Services (NAICS 541513)

Data Analytic Processes for Business and Government Applications (NAICS 548210)

c. Aerospace and defense.

Small Arms, Ordnance, and Ordnance Accessories Manufacturing (NAICS 332994)

Radio and Television Broadcasting and Wireless Communications Equipment

Manufacturing (NAICS 334220)

Space Research and Technology (NAICS 927)

National Security (NAICS 92811)

Other Support Activities for Air Transportation (NAICS 48819)

d. Healthcare and life sciences.

Ambulatory Health Care Services (NAICS 621)

Hospitals (NAICS 622)

Nursing and Residential Care Facilities (NAICS 623)

Social Assistance (NAICS 624)

e. Business, insurance and financial services.

Commercial Printing (except screen and books, includes digital printing, manifold business forms printing) (NAICS 323111)

Data Processing, Hosting, and Related Services (including internet service providers, web search portals) (NAICS 518)

Non-depository Credit Intermediation (NAICS 5222)

Activities Related to Credit Intermediation (NAICS 5223)

Securities, Commodity Contracts, and Other Financial Investments and Related Activities (NAICS 523)

Insurance Carriers and Related Activities (NAICS 524)

Funds, Trusts, and other Financial Vehicles (NAICS 525)

Activities Related to Real Estate (NAICS 5313)

Lessors of Nonfinancial Intangible Assets (NAICS 533)  
Legal Services(NAICS 5411)  
Accounting, Tax preparation, Bookkeeping, and Payroll Services (NAICS 5412)  
Architectural, Engineering, and Related Services (NAICS 5413)  
Specialized Design Services (NAICS 5414)  
Computer Systems Design and Related Services (NAICS 5415)  
Management, Scientific, and Technical Services (NAICS 5416)  
Advertising and Related Services (NAICS 5418)  
Marketing Research and Public Opinion Polling (NAICS 54191)  
Commercial Photography (NAICS 541922)

B. *Use allocation.* Required uses, permitted uses, limited uses, and allocation of uses by gross floor area shall be designated as part of each EED ordinance.

### **Sec. 40.17.303. Design standards.**

A. *Required design standards.* Design standards shall be approved as part of each EED ordinance. The EED shall identify what is critical to attract target industries with an appropriate level of design and amenities, and may require additional and/or modified standards, as approved by County Council. In addition to regulations, each EED shall include design guidelines standards.

B. *Minimum elements.* The design standards for the EED shall include the following minimum elements governing the physical characteristics and features of all property (public or private) within the proposed district:

Building height in feet and number of stories  
Building size, massing (frontage, entrance location/features)  
Building orientation  
General site planning (primary, ancillary structures)  
Floor area ratio (FAR)  
Lot size and coverage (LSR)  
Setbacks  
Architectural style and details  
Landscaping  
Off-street and on-street parking requirements  
Off-street loading requirements  
Fences and walls  
Block design and layout  
Ground level open space requirements  
Garage entrance locations  
Building materials  
Driveways and sidewalks  
Street trees  
Lighting standards for safety and security  
Paving patterns, hardscape covering, and roadway and/or streetscape layout and design  
Signage

Pedestrian scale and walkability  
Street furniture  
Design standards not otherwise listed

C. Building materials.

1. Building materials are divided into primary and secondary materials. Building exteriors facing and visible from an adjacent public street shall be composed predominantly of primary materials, with any secondary materials limited to accents or subordinate elements of the façade. Additional materials not listed below are permitted if the County Council determines, as a condition of rezoning, that they are similar in appearance and quality to the listed materials.

Permitted primary and secondary materials are as follows:

**Primary Materials**

- Brick – solid or modular
- Concrete masonry units – split faced, or burnished
- Precast concrete
- Concrete tilt-wall
- Glass – clear
- Glass – architectural panels
- Metal panels
- Native stone (or cast stone equivalent)
- Tile masonry / terra cotta
- Stucco / EIFS (reinforced)

**Secondary Materials**

- Brick - panel/veneer, imprint or overlay systems
- Cement fiber board / cementitious siding
- Concrete masonry units (flush/plain, split faced or burnished)
- Gypsum Reinforced Fiber Concrete
- Metal panels
- Pre-cast concrete (for trim and cornice elements only)
- Cast stone
- Wood or cementitious siding
- Composite Wood Trim
- Fiber reinforced plastic

3. A building material not listed above may be permitted by the Department if it is similar to the other materials in the same category with regard to durability and quality, appearance, and compatibility with the architectural style of neighboring buildings.

4. Wall materials shall be consistent horizontally (i.e., joints between different materials shall be horizontal and continue around corners) except for panel inserts (up to fifteen (15) percent of facade) and/or towers, chimneys and piers.

D. Transportation demand management.

1. The conditions of approval shall include trip reduction/transportation demand management (TDM) measures where possible to reduce the number of vehicle trips to and from the site.

If transit is available, the site shall be designed to provide access to transit facilities or provide features that enhance access to the transit.

3. If transit is not currently available, pull-in-pull-out infrastructure must be provided along the frontage or access road to the development so that bus transit can be provided at a later time.

E. *Retail and restaurant uses.* Retail and restaurant uses in an EED shall be functionally integrated with the EED targeted uses so that they are accessible within walking distance from the buildings or structures devoted to the EED targeted uses. The retail and restaurant uses shall be oriented so that they are internal to the site and are designed to serve employees working at the site rather than the general public. The standard is met if the retail and restaurant uses are:

1. Located in a building that is accessed by an internal street, and not a collector or arterial street along the site's frontage or external boundaries.

Located in a building that is attached as a wing wall, by a breezeway, or similar architectural feature, or is located on the same block or within one hundred fifty (150) feet of a building, that includes the EED targeted uses.

3. Located within a building that is connected to other buildings containing EED targeted uses by a sidewalk or pedestrian path. The sidewalk or pedestrian path may be included as part of the internal street network or integrated with landscaping.

4. The use includes building materials and architectural features that are similar to or compatible with adjacent buildings. The following features must match those of adjacent buildings:

- a. Frontage types,
- b. Roofline features such as cornices and eaves,
- c. Window styles and proportions,
- d. Primary building materials, and
- e. Spacing of entryways, projections, and other vertical elements of the façade at the ground level.

5. Signage associated with retail and restaurant buildings shall not be visible from any public right-of-way.

F. *Incentives.* The EED ordinance, as approved by County Council, may include incentives (such as alternative parking or landscaping calculations and customized design standards) that are appropriate and encourage economic development within the EED. The designation of an EED does not preclude other regulatory or tax incentives for an applicant, property owner, or business within the EED.

Section 5. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 33 (“Definitions”), Division 40.33.300 (“General definitions”), is hereby amended by the addition of the underlined text as set forth below:

**Division 40.33.300. General definitions.**

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

*Abandonment.* That the use, structure, or sign is not used, occupied . . . .

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

A. A subdivision . . . .

B. Except for single-family . . . .

1. Proposed buildings . . . .

7. Any land development plan subject to, and in compliance with, an approved Economic Empowerment District.

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

Section 7. **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 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 County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.



Section 8. **Effective Date.** This Ordinance shall become effective immediately upon passage by New Castle County Council and signature of the County Executive or as otherwise provided in 9 *Del. C* § 1156.

Adopted by County Council of  
New Castle County on: 1/10/17

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President of County Council  
of New Castle County

Approved on:

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County Executive  
New Castle County

**SYNOPSIS:** The purpose of this Ordinance is to revise Chapter 40 of the *New Castle County Code* to create a new zoning district to encourage business and foster job rich and job retention businesses in the County. The ordinance will allow the creation of an Economic Empowerment District (EED) that will create new standards and incentives for development within the EED including streamlining the review and approval process. The ordinance recognizes and fully supports the economic development goals and objectives of the New Castle County Comprehensive Development Plan, specifically: (1) encouraging a diversified economic base; (2) encouraging the growth and development of high technology business and other job rich and job retention businesses; and (3) encouraging the use of land for new industrial development ranging from small business incubator facilities to larger business organizations. Targeting job rich and job retention businesses is recognized as a desirable development option that will support economic development throughout the County. Substitute No. 1 amends *New Castle County Code* Division 40.33.300 to modify the definition of minor land development to include a land development plan submitted for review under an approved Economic Empowerment District. The Substitute also includes grammatical and formatting changes. The Floor Amendment removes all references to “farm management services” since Delaware law does not allow the County to regulate land, buildings or structures used for agricultural purposes.

**FISCAL NOTE:** This Ordinance has no discernable fiscal impact.