

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: New Castle County	
Address: 87 Reads Way New Castle, DE 19720	Contact Person: David Culver
	Phone Number: 302-395-5463
	Fax Number: 302-395-5443
	E-mail Address: krbieri@nccde.org

Date of Most Recently Certified Comprehensive Plan: July 31, 2007

Application Type:

Comprehensive Plan Amendment: Not applicable

Ordinance: Ord. 10-018, Text Amendment Chapter 40 UDC

Other: _____

Comprehensive Plan Amendment or Municipal Ordinance prepared by:	
Address: ---- same ----	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Maps Prepared by:	
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Please describe the submission:

This amendment will: (1) allow college use as a Limited Use in ON-Office Neighborhood Districts and CN-Commercial Neighborhood Districts, (2) require colleges to use existing structures and buildings in ON and CN Districts.

See attached Ordinance 10-018.

1

ORDINANCE NO. 10 - 018

**TO REVISE CHAPTER 40 OF THE NEW CASTLE COUNTY CODE
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”) REGARDING
ARTICLE 3 (“USE REGULATIONS”)**

WHEREAS, colleges serve as important anchors in New Castle County by, among other things, creating jobs, supporting local businesses, facilitating research and providing essential educational and training opportunities to our residents; and

WHEREAS, because a well-educated and well-qualified workforce is an essential part of our shared economic health, it is in the County’s interest, where possible, to make colleges more accessible and convenient to its residents; and

WHEREAS, under Chapter 40 of the *New Castle County Code* (UDC), college use is currently not permitted in ON (Office Neighborhood) or CN (Commercial Neighborhood) zoning districts; and

WHEREAS, to provide residents with greater access to post-secondary educational opportunities, while balancing the need for orderly growth, it is desirable to amend the UDC to allow college use as a permitted use in the ON and CN zoning districts to encourage infill development and discourage development of “greenfields”; 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. Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), Section 40.03.110 (“Use Table”), Table 40.03.110 (“General Use Table”), of the UDC is hereby amended by the addition of the underlined text and the deletion of text that is bracketed 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....

Table 40.03.110 A GENERAL USE TABLE										Table 40.03.110 B GENERAL USE TABLE						Table 40.03.110 C GENERAL USE TABLE		
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory.										Zoning District (Suburban and Special Character)						Additional Standards (all districts)		
Land Use	* TN	ST	M M	ON	OR	CR	BP	I		CN	*** S	SE	** NC	HI	EX	SR	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	na.	---
....											
Institutional										Institutional						Institutional		
Assembly and worship	L	L	N	N	L	Y	L	L		L	L	L	L	N	N	L	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	Table 40.03.522	Section 40.03.307
Colleges	Y	Y	N	<u>[N]</u> <u>L</u>	Y	Y	Y	Y		<u>[N]</u> <u>L</u>	N	N	N	N	N	N	Table 40.03.522	<u>---</u> <u>Section 40.03.307</u>
....											

Section 2. Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”), Section 40.03.307 (“Assembly and worship, schools”), of the UDC is hereby amended by the addition of the underlined text as follows:

Sec. 40.03.307. Assembly and worship, schools, colleges.

A. In the OR, BP and I Districts, churches and other places of worship shall be required to use existing structures and buildings. In ON and CN Districts, colleges shall be required to use existing structures and buildings. No additions to existing buildings or new buildings related to the assembly and worship shall be constructed in the BP and I Districts. The Department may request a parking plan for review and approval.

Section 3. 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 4. 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 5. 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 6. Effective Date. This ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive

President of County Council of
New Castle County

SYNOPSIS: This amendment will: (1) allow college use as a Limited Use in ON-Office Neighborhood Districts and CN-Commercial Neighborhood Districts, (2) require colleges to use existing structures and buildings in ON and CN Districts.

FISCAL NOTE: There is no fiscal impact unless the property is bought out right.