

**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 Land Use Department	
Address: 87 Reads Way New Castle, DE 19720	Contact Person: George Haggerty
	Phone Number: 302-395-5455
	Fax Number: 302-395-5443
	E-mail Address: krbieri@nccde.org

Date of Most Recently Certified Comprehensive Plan: June 11, 2012

Application Type:

Comprehensive Plan Amendment: Not applicable

Ordinance: Ord. 14-xxx Regarding Light Industrial Uses in the EX (Etraction) Zoning District. A text amendment to Chapter 40 (“UDC”), Article 3 (“Use Regulations) of the New Castle County Code.

Other: _____

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

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

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Please describe the submission:

This amendment amends the permitted by right uses in the EX (Extraction) zoning district to permit light industrial uses.

See attached Ordinance 14-xxx.

Introduced by: George Smiley
Date of introduction:

ORDINANCE NO. 14 –

**TO AMEND THE *NEW CASTLE COUNTY CODE* CHAPTER 40
(ALSO KNOWN AS THE UNIFIED DEVELOPMENT CODE OR “UDC”)
REGARDING LIGHT INDUSTRIAL USES**

WHEREAS, the EX (Extractive Use) zoning district was established when Chapter 40 (Unified Development Code – “UDC”) of the *New Castle County Code* was adopted in December 1998 for the sole purpose of accommodating mining and quarry type operations, and;

WHEREAS, the list of permitted uses was amended by Ord. 00-065 in October 2000 to permit high intensity recreation uses that may be permitted contemporaneous with or following the extractive use; and

WHEREAS, it has been determined that the EX zoning district is also appropriate to accommodate light industrial uses, 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, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

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

Section 1. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 2 (“Establishment of Zoning Districts”), Division 40.02.200 (“Statement of purpose and intent of districts”), Section 40.02.243 (“Extraction (EX) District”), is hereby amended by the addition of the underlined text as set forth below:

Sec. 40.02.243. Extraction (EX) District.

The Extraction District is to be used initially for the purpose of mining, or quarry type operations. Recreation, high intensity uses and light industry uses may be permitted contemporaneous with or following the extractive use.

Section 2. *New Castle County Code* Chapter 40 (Unified Development Code or “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use regulations”), Section 40.03.110 (“Use table”), Table 40.03.110 (“General Use Table”), is hereby amended by the deletion of the text in brackets and with strikethroughs and the addition of the underlined text as set forth below:

Sec. 40.03.110. Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer....

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	MM	ON	OR	CR	BP	I		CN	*** S	SE	** NC	HI	EX	SR	Parking	Limited & Special Use Standards
Agricultural										Agricultural							Agricultural	
.....										
Industrial										Industrial							Industrial	
....										
Light Industry	N	N	N	N	L	N	Y	Y		N	N	N	N	Y	[N] Y	N	Table 40.03.522	Section 40.03.333
...										
NOTES: * Refer to Article 25 for design standards for TN District. ** Refer to Section 40.02.241 for identification of permitted residential uses by specific NC zoning district. *** See Division 40.25.100 for Village and Hamlet Standards.																		

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 passage by New Castle County and approval by the County Executive or as otherwise provided in 9 *Del. C.* § 1156.

Approved on:

Adopted by County Council of
New Castle County on:

County Executive

President of New Castle County Council

SYNOPSIS: This amendment amends the permitted by right uses in the EX (Extraction) zoning district to permit light industrial uses.

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