

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**

1           **WHEREAS**, County Council adopted Substitute No. 2 to Ordinance No. 22-024  
2 as amended by Floor Amendment No. 1 (“New Castle County Comprehensive Plan” or  
3 “the Ordinance”), on July 26, 2022, and the County Executive approved the Ordinance  
4 on August 4, 2022; and  
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6           **WHEREAS**, the State of Delaware adopted the *2022 Delaware State Freight*  
7 *Plan*, which is incorporated by reference in the New Castle County Comprehensive  
8 Development Plan, that identified the need for safe truck parking spaces and staging  
9 areas; and  
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11           **WHEREAS**, the Federal Highway Administration’s *2022 Truck Parking*  
12 *Development Handbook* identifies the importance of proximity of safe truck parking  
13 spaces to major roadway corridors; and  
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15           **WHEREAS**, the Federal Highway Administration’s *2022 Truck Parking*  
16 *Development Handbook* identifies recommended truck parking spaces, truck staging  
17 spaces, and bathroom facilities for Fulfillment and Distribution Centers; and  
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19           **WHEREAS**, the safe truck parking spaces, accessible at all times, with  
20 appropriate bathroom facilities provides an opportunity for truck drivers to comply with  
21 the Federal Hours of Service Regulations, making the roads safer for all New Castle  
22 County residents; and  
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24           **WHEREAS**, absent on site safe truck parking spaces with appropriate bathroom  
25 facilities and truck staging spaces, truck drivers park on local roads; and  
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27           **WHEREAS**, land development applications for warehousing facilities have  
28 increased in size and operational intensity beyond that which was anticipated when the  
29 Unified Development Code was adopted in 1997; and  
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31           **WHEREAS**, recent land use and transportation trends have demonstrated the  
32 need to clearly define fulfillment and distribution centers and differentiate them from  
33 general warehousing to assure proper distancing from residential uses and to assure  
34 that appropriate infrastructure is present to support the use.

35           **WHEREAS**, the New Castle County Comprehensive Plan guides development  
36 and redevelopment to be sensitive to the context of neighboring residential  
37 development; and  
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39           **WHEREAS**, the County recognizes the importance of updating its development  
40 regulations to be consistent with, and implement, the New Castle County  
41 Comprehensive Plan; and  
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43           **WHEREAS**, County Council has determined that the provisions of this Ordinance  
44 substantially advance, and are reasonably and rationally related to, legitimate  
45 government interests (i.e., promoting the health, safety, morals, convenience, order,  
46 prosperity and/or welfare of the present and future inhabitants of this State).  
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48           **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**  
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50           **Section 1.** *New Castle County Code* Chapter 40 (Unified Development Code or  
51 “UDC”), Article 3 (“Use Regulations”), Division 40.03.100 (“Use Regulations”), is hereby  
52 amended by adding the material that is underscored and deleting the material that is  
53 bracketed and stricken, as set forth below:

54 **Sec. 40.03.110. Use Table.**

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56 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 <sup>1</sup>	ST	MM	ON	OR	CR	BP	I	CN	S <sup>3</sup>	SE	NC <sup>2</sup>	HI	EX	SR	Parking	Limited & Special Use Standards
<b>Industrial Uses</b>									<b>Industrial Uses</b>						<b>Industrial Uses</b>		
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
<u>Fulfillment or Distribution Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Table 40.03.210 Section 40.03.344</u>
<u>Truck Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>L</u>	<u>L</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Table 40.03.210 Section 40.03.345</u>
<u>Warehouse</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>Y</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>N</u>		<u>Table 40.03.522</u>	<u>Section 40.03.430...</u>

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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
<b>Industrial Uses</b>						<b>Industrial Uses</b>					<b>Industrial Uses</b>	
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	<u>Within 1,000 feet of a Residentially zoned parcel [and]</u>	0.3	Minimum 8 ft. berm	Residential and Schools	500 ft.*							Requirements for OR, BP, and CR Zoned Land



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

66           **Section 3.** *New Castle County Code* Chapter 40 (Unified Development Code or  
67 “UDC”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special  
68 use standards”), is hereby amended by adding the material that is underscored and  
69 deleting the material that is stricken, as set forth below:  
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71 **Sec. 40.03.333. Light Industry uses in OR, BP, and CR zoning districts.**  
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73 A. Light Industry uses as defined in Subsection 40.33.270.D are considered Limited  
74 Uses in the BP, CR, and OR zoning districts, except that the following uses require  
75 a special use permit:  
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77       Marijuana cultivation facility (NAICS 111419, NAICS 424590)...

78       ...~~[Warehousing and storage facilities, including logistics services related to the~~  
79       ~~distribution of goods (NAICS 493)]~~  
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82 ~~[B. The only Light Industry use as defined in Section 40.33.270.D that is permitted in~~  
83       ~~the CR zoning district is warehousing and storage facilities (NAICS 493). This use~~  
84       ~~requires a special use permit and is subject to the following standards:~~  
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- 86       ~~1. Property must be developed in accordance with Section 40.08.130.B.6.~~
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- 88       ~~2. The gross site area must be a minimum of forty (40) acres.~~
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- 90       ~~3. Where a warehousing and storage facility is adjacent to an existing residential~~  
91       ~~use or residential zoning district, lighting shall be designed so that there is zero~~  
92       ~~(0) footcandle at the property line of the residential area.~~
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- 94       ~~4. A noise study shall be completed and submitted as part of the special use~~  
95       ~~application to evaluate potential noise impact on adjacent properties.~~
- 96
- 97       ~~5. The special use application shall include a narrative identifying how the proposal~~  
98       ~~addresses Table 2 of Appendix 7 with respect to the design principles for the~~  
99       ~~applicable Character Area.]~~

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101 **Sec. 40.03.344. Fulfillment and Distribution Centers.**  
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103       Fulfillment and Distribution Centers are subject to the following standards:

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- 105       A. Shall meet the requirements for large industrial structures in Section  
106       40.26.260.
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- 108       B. Shall only take direct access from arterial or collector streets that have a  
109       minimum of sixty (60) feet of right-of-way and that can accommodate a  
110       minimum average annual daily traffic rate of 7,000 vehicles per day.  
111       Fulfillment and Distribution Centers may take access from roads or  
112       accessways within an industrial park provided that the industrial park takes  
113       access from an arterial or collector street meeting the requirements of this  
114       subsection.

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C. In addition to meeting all the requirements of Article 11, anticipated trip generation for fulfillment 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.

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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 fulfillment 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:**

207 **Sec. 40.03.430. Accessory uses, nonresidential.**  
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209 Nonresidential uses (not including agricultural uses) may have a variety of  
210 accessory uses within the principal structure or in separate structures, provided they  
211 meet the following standards:  
212

213 A. *Uses.* ...

214 B. *General.* ...

215 C. *Fences.* A fence may not exceed eight (8) feet in height in a nonresidential  
216 zoning district. To account for installation on sloping ground and any necessary  
217 space between the ground and the bottom of the fence panels or materials, the  
218 top of the fence panels, materials, and posts may not exceed nine (9) feet in  
219 height when measured from the ground.  
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221 1. Where barbed or razor wire fence is used in a nonresidential zoning  
222 district, a minimum three-tenths (0.3) opacity bufferyard shall be provided  
223 between the fence and any street or residential use.  
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225 2. Notwithstanding the above, any fence or barrier required pursuant to a  
226 provision of State or Federal law shall be constructed to meet the  
227 applicable rule or standard.  
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229 D. ~~[Reserved]~~ *Warehouse.* A warehouse shall be no larger than thirty thousand  
230 (30,000 SF) or thirty (30) percent of the built GFA for the principal use of the site,  
231 whichever is greater.  
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233 E. *Community recycling bins.* ...  
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235 **Section 5. New Castle County Code Chapter 40 (Unified Development Code or**  
236 **“UDC”), Article 4 (“District and Bulk Standards”), Division 40.04.100 (“District and Bulk**  
237 **Standards”), is hereby amended by adding the material that is underscored and**  
238 **deleting the material that is bracketed and stricken, as set forth below:**  
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240 **Sec. 40.04.110. District and bulk standards.**  
241

242 This Section contains the basic district standards applicable to all uses. Table 40.04.110  
243 contains intensity, lot, bulk and exterior storage standards. These standards may be  
244 modified by the Department pursuant to Article 26.  
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246 A. *Minimum open space ratio.* ...  
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248 B. Site area ...

249 C. Maximum building height. ...  
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251 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		
Zoning District & Type	Min. OSR/LSR	Density		Floor Area Ratio		Utilities (on-site, public)	Site Area	Minimum								Max.	Exterior Storage	Notes
		Max. Gross	Max Net	Max. Gross	Max Net			Lot Area	Lot Width (feet)	Front and Street Yards (feet)	Side Yard (feet)	Rear Yard (feet)	Paving street yard/ other yard (feet)	Unit Mix (%)	Building Height (feet)	Percent of Lot Area		
<b>...Industrial (I)</b>								<b>Industrial (I)</b>								<b>Industrial (I)</b>		
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		
<b>Heavy Industrial (HI)</b>								<b>Heavy Industrial (HI)</b>								<b>Heavy Industrial (HI)</b>		
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	...

254 **Sec. 40.04.111. Landscape and illumination standards.**

255 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	HI					EX	C=Cutoff fc=footcandles S=Semi-Cutoff
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																											
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	0.4	0.2	-	-	50	C=20 fc S=20 fc	C=50 ft S=45 ft	
Other industrial																											
Other permitted uses																											
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	0.4	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.

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

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262 **Sec. 40.11.130. - Traffic impact study requirements.**

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

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

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

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

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285 **Sec. 40.33.130. Abbreviations.**

286 The following abbreviations are used in this Chapter:

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

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

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294 **Sec. 40.33.270. Industrial uses.**

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

297

- 298 B. Distribution Center. Facilities designed to process large quantities of goods and  
299 distribute them to various locations including retailers, often in bulk (ITE 156).  
300 Distribution Centers do not ship directly to consumers.  
301
- 302 C. *Extraction. ...*  
303
- 304 D. Fulfillment Center. Facilities designed to process individual customer orders (sort),  
305 large box items (non-sort) including picking, packing, and shipping directly to the  
306 consumer (ITE 155).  
307
- 308 E[G]. *Heavy industry. ...*  
309
- 310 F[D]. *Light industry.* This category is designed to accommodate limited intensity levels  
311 of manufacturing and assembly activities, storage, warehousing, services,  
312 associated offices and similar uses. This includes the following uses:  
313
- 314 Construction of buildings (NAICS 236) ...  
315 [~~Warehousing and storage facilities, including logistics services related to the~~  
316 ~~distribution of goods (NAICS 493)]...~~  
317
- 318 G[E]. *Recycling or storage. ...*  
319
- 320 H[F]. *Solar energy system, large scale. ...*  
321
- 322 I. Truck Terminal. Structures and facilities used primarily to accommodate the  
323 transfer of goods or chattels from trucks or truck trailers to other trucks or truck  
324 trailers or to vehicles of other types, in order to facilitate the transportation of such  
325 goods or chattels as origin or destination point of goods being transported, for the  
326 purpose of storing, transferring, loading, and unloading goods as well as for the  
327 dispatching, coordination, preparation; or for truck or truck-trailer parking or  
328 storage. (NAICS 4887490)  
329
- 330 J[G]. *Utility, major. ...*  
331
- 332 K[H]. *Utility, minor. ...*  
333
- 334 L[I]. *Utilities, maintenance facilities. ...*  
335
- 336 M. Warehouse. A building or part of a building used or intended to be used primarily  
337 for the storage of goods or chattels that are to be sold retail or wholesale from other  
338 premises and excludes Fulfillment and Distribution Centers. These establishments  
339 provide facilities to store goods and control the incoming flow of goods (received  
340 from suppliers, production centers, etc.) and the outgoing flow of goods. (NAICS  
341 493)  
342

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

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**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

395 otherwise provided in 9 Del. C. § 1156 and shall only apply to Land Use applications  
396 submitted after such date(s) unless the applicant by written request agrees to submit to  
397 the provisions of this Ordinance.

Adopted by County Council of  
New Castle County on:

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

Approved on:

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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.