

**City of New Castle Delaware
Planning Commission Public Hearing
Community Room
1 Municipal Blvd, Monday, August 31, 2026, 6:30 p.m.**

PUBLIC HEARING

The Planning Commission will hold a Public Hearing on:

Ordinance 567- An Ordinance to extend the deadline to obtain approvals under Ordinance No. 536 concerning the rezoning of portions of property located at 130 Lukens Drive and 150 Lukens Drive, New Castle, Delaware (Tax Parcels 21-023.00-001 and 21-022.00-002, totaling 168.76 acres) from the IOP zoning classification (Industrial Office Park) to the R-3 zoning classification (Multi-Family Residential) as to 149.08 acres, and to the GC zoning classification (General Commercial) as to 13.96 acres, and further concerning an amendment to the City's 2020 Comprehensive Plan in a manner consistent therewith. (Council President Suzanne Souder 06/02/2026)

AND

Ordinance 568 An Ordinance to Amend the City of New Castle Zoning Code to Establish Standards for the Review, Siting, and Operation of Data Centers (Council Person Joseph Day 07/07/2026)

The Public Hearing is scheduled for Monday, August 31 at 6:30 p.m. at the Community Room, 1 Municipal Blvd, New Castle, DE 19720. The Public Hearing will be followed by the August Planning Commission meeting at 7:00 p.m. or immediately after the Public Hearing has ended.

Posted: 8/10/2026

If you are unable to attend the Public Hearing, questions and comments will be taken via email up to 3:00 p.m. on Monday, August 31, 2026, at info@newcastlecity.delaware.gov.

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CITY OF NEW CASTLE PLANNING COMMISSION

Community Room

1 Municipal Blvd.

New Castle, DE 19720

Monday, August 31, 2026

7:00 p.m.

Agenda

1. Roll Call
2. Approval of Minutes

3. Public Comments as related to agenda items. Three minutes per person with a maximum of one hour of public comment.
4. **Discussion and Possible vote regarding a recommendation to Council on Ordinance 567-** An Ordinance to extend the deadline to obtain approvals under Ordinance No. 536 concerning the rezoning of portions of property located at 130 Lukens Drive and 150 Lukens Drive, New Castle, Delaware (Tax Parcels 21-023.00-001 and 21-022.00-002, totaling 168.76 acres) from the IOP zoning classification (Industrial Office Park) to the R-3 zoning classification (Multi-Family Residential) as to 149.08 acres, and to the GC zoning classification (General Commercial) as to 13.96 acres, and further concerning an amendment to the City's 2020 Comprehensive Plan in a manner consistent therewith. (Council President Suzanne Souder 06/02/2026)
5. **Discussion and Possible vote regarding a recommendation to Council on Ordinance 568** An Ordinance to Amend the City of New Castle Zoning Code to Establish Standards for the Review, Siting, and Operation of Data Centers (Council Person Joseph Day 07/07/2026)
6. **HAC Report**

If you are unable to attend questions and comments will be taken via email up to 3:00 p.m. on Monday, August 31, 2026 at info@newcastlecity.delaware.gov.

Posted 8-24-2026

Join Zoom Meeting

<https://us02web.zoom.us/j/83248529644?pwd=NE9LY0VFaS9vMVEyMU9JS0NIV24wUT09>

Meeting ID: 832 4852 9644

Passcode: 033173

Items on the agenda may be discussed out of sequence.

New Castle City Planning Commission Meeting
Minutes
New Castle Senior Center
400 South Street, New Castle, DE
May 18, 2026 – 7:00 p.m.

Members Present: Margo Reign, Chair
Cynthia Batty
Tamara Stoner
David Majewski
Brie Rivera, Vice Chair
Kristin Zumar

Absent: Marc-Anthony Williams
Stephen Franklin

Also Present: Antonina Tantillo, City Administrator
Christopher J. Rogers, City Planner
Lisa Hatfield, City Solicitor

Ms. Reign called the May 18, 2026, Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

March 23, 2026 – A motion to approve the minutes of the March 23, 2026, Planning Commission meeting as presented was made by Mr. Majewski. The motion was seconded by Ms. Stoner. There not being a quorum of Commissioners present who attended the March 23, 2026, meeting, the motion was tabled to the June meeting.

Discussion regarding preparation of possible ADU Zoning Code addition survey to be recommended to City Council.

Ms. Reign stated that she presented the Planning Commission's proposal to City Council. She noted that Council was reluctant; however, Ms. Reign explained that many young adults are living at home and ADUs could be an option for them. She cautioned that the survey should be very clear. Ms. Reign added that City Council asked to review the survey before it is distributed to the public.

Ms. Reign noted that there are two (2) Bills currently in Dover: one (1) regarding ADUs and one (1) regarding affordable housing.

In response to a question from Ms. Batty, Ms. Hatfield stated that both Bills are available on the State website.

Ms. Batty noted that there is much interest in ADUs across the State, and whatever the State decides may influence or override what New Castle does.

Ms. Batty opined that demographically New Castle does not match many other cities in the United States; noting that New Castle has the same population today that it had 20 years ago, and there are about 1,000 more dwelling units.

Ms. Batty proposed a “sentiment-based” perception survey that will tell how people feel about things and what their values are on a particular issue. She explained the proposed survey concept, noting that:

- The survey asks for age-range and residence by neighborhood.
- Questions are positive statements with a five-point response:
 - Strongly Disagree
 - Disagree
 - Neither Disagree nor Agree
 - Agree
 - Strongly Agree
- Each statement question will have a secondary question with a five-point response asking how important this matter is to the respondent.
 - Completely unimportant
 - Unimportant
 - Neither unimportant nor important
 - Important
 - Very important

Ms. Batty explained how the responses would be charted, and recommended that Census data be reviewed in terms of age.

Ms. Batty reviewed proposed statement questions for the survey and a discussion of the relevance and wording of the questions ensued.

With regard to who would occupy an ADU, Mr. Rogers stated that although not part of the survey, the Commission should be aware that in general, Zoning restricted to family members is very difficult to enforce over time.

Various methods to circulate the survey were discussed, including via a QR code on flyers/posters, in The Crier, in The Weekly, at City events (concerts, Saturday market, etc.) and at community events.

Ms. Stoner presented a list of generic survey questions that could be leveraged in terms of how they could be tailored for New Castle.

A discussion of the relevance of having a question regarding “affordable apartments and houses” ensued, during which Ms. Hatfield opined that the question of affordable housing is not relevant to the conversation of ADUs, and recommended that it not be part of the survey.

Ms. Hatfield suggested that getting hard data of how people would take advantage of this opportunity would be beneficial to Council; and offered that what City Council needs to know is if they vote to change the Zoning Code, do people want ADUs and will they be helped by it. In

response to a question from Ms. Rivera, Ms. Tantillo stated that Council did not opine on what questions they would like in the survey. Ms. Tantillo opined that getting residents' feelings about ADUs will sway the survey differently than if the questions were straightforward in terms of whether they want ADUs or not. Ms. Hatfield added that asking "how likely" questions could be a middle ground.

Ms. Batty opined that New Castle is aging out. Ms. Tantillo noted that according to Census data, in 2014 the age of New Castle residents 60 and over was 23.5% of the population, and in 2024 it was 33.9%. Ms. Reign added that overall the birth rate has declined sharply over the past few years.

The consensus of the Commission was that Ms. Batty's proposed survey is a good place to start. Ms. Reign suggested that Ms. Stoner give her questions to the Ms. Batty to create one large spreadsheet of all questions. She asked Ms. Batty to send the spreadsheet to all Commissioners prior to the next meeting so they can rank their top 10 questions to discuss in June.

Public Comment

Phil Gross

Mr. Gross stated that:

- He is part of New Castle Matters. They have legal counsel. Every meeting will be distributed to a Philadelphia radio station and a Delaware radio station that have agreed to review all minutes of all meetings.
- His feeling is that the Planning Commission is opening a Pandora's Box by pursuing ADUs. Stating that:
 - Any ADU must pass normal Code restrictions and must supply its own parking,
 - ADUs should be restricted to family members or caregivers, but should not be rented.
- For the survey:
 - Put "Do you live here" in a prominent place.
 - Ask for an email address instead of a phone number.

Miscellaneous

Ms. Reign asked Ms. Tantillo to talk about how the survey will be distributed at the June meeting.

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

A motion to adjourn was made by Mr. Majewski and seconded by Ms. Rivera. The motion was unanimously passed and the meeting adjourned 8:10 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

New Castle City Planning Commission Public Hearing
Minutes
Community Room
1 Municipal Blvd, New Castle, DE
June 22, 2026 – 6:30 p.m.

Members Present: Margo Reign, Chair
Brie Rivera
Kristin Zumar
Cynthia Batty
Stephen Franklin
David Majewski

Absent: Marc-Anthony Williams
Tamara Stoner

Also Present: Christopher J. Rogers, City Planner
Lisa Hatfield, City Solicitor

Ms. Reign called the June 22, 2026, Planning Commission Public Hearing to order at 6:35 p.m.

Ordinance 565 - An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Regarding Expiration of Approvals.

Ms. Reign read Ordinance 565.

Public Comment

There were no public comments from the assembly and no written comments were submitted to be read.

At 6:57, Ms. Hatfield advised Ms. Reign that she could close the Public Hearing.

There being no further public comment and on the advice of Counsel, Ms. Reign called for a motion to close the Public Hearing.

A Motion to close the Public Hearing was made by Mr. Franklin. The motion was seconded by Ms. Zumar and the Public Hearing closed at 6:58 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

New Castle City Planning Commission Meeting
Minutes
Community Room
1 Municipal Blvd
May 18, 2026 – 7:00 p.m.

Members Present: Margo Reign, Chair
Cynthia Batty
Brie Rivera, Vice Chair
Kristin Zumar
Marc-Anthony Williams
Stephen Franklin

Absent: Tamara Stoner
David Majewski

Also Present: Christopher J. Rogers, City Planner
Lisa Hatfield, City Solicitor

Ms. Reign called the June 22, 2026, Planning Commission meeting to order at 7:00 p.m. Roll call followed and a quorum to conduct business was declared.

Minutes

March 23, 2026 and May 18, 2026

Ms. Reign stated for the record that approval of the March 23, 2026 minutes and the May 18, 2026 minutes would be postponed to the July meeting due to a lack of a quorum of Commissioners present who attended those meetings.

Public Comment

Connie Davis – 9 Stuyvesant Avenue

Ms. Davis stated that the City is not calling to remind residents of street sweeping and asked when, or if, they were going to start this year; noting that it is very confusing. Ms. Reign explained that she would pass Davis' request to City staff. A discussion of where the information can be obtained and how confusing some individuals feel the information is published online, on posted signage, and in the City calendar ensued. It was recommended that the City use the Code Red system to notify the public when street sweeping will be done.

Ms. Davis asked if the Commission had any information about a variance she thought her neighbor was requesting. She was advised to contact the City office for information.

Discussion and Possible vote regarding the Site Plan for New Castle Self Storage, LLC, 300 W. 7th St.

Mr. Julian Pellegrini Project Engineer with the PELSA Company explained the project, noting that the applicant has addressed comments and requested revisions; and received approval from

DelDOT and addressed final comments from AECOM. The applicant is seeking to have the project advance to City Council for final approval.

Mr. Rogers referenced his letter dated June 15, 2026, stating that:

- The property is zoned DG.
- Expansion of self-service storage facilities are permitted in the DG zone by special exception with conditions.
- A special exception for an expansion of an existing self-service storage facility was approved by the Board of Adjustment on January 7, 2026.
- The site plan is consistent with what was presented to the Board of Adjustment.
- The Planning Commission and the Board of Adjustment found that the existing fencing and screening is adequate to meet the screening requirements stated in the Code.
- AECOM received a Letter of No Contention from DelDOT.
- Comment 7 is a minor signature block comment.
- The land disturbance exceeds 5,000 square feet and some form of approval and/or waiver of stormwater management and erosion and sediment control should be demonstrated by the new Castle Conservation District.
- If approved by the Planning Commission the site plan should be submitted to City Council for approval via Resolution.

Mr. Rogers stated there is nothing in the comments that would cause him to recommend disapproval or tabling the matter. He recommended that any motion to approve is conditioned on the applicant meeting the comments of AECOM's June 15, 2026, letter before proceeding to City Council.

In response to questions from Council it was noted that:

- The subject property is not part of Harvest Academy.
- Comment #7 was to have been addressed previously, which delayed the project by over one month. Mr. Rogers stated that the applicant has received the appropriate verbiage to make the required correction to the signature block.

A motion was made by Ms. Batty to approve the revised Site Plan and recommend it be submitted to City Council with the provision that the points in AECOM's letter dated June 15, 2026, prior to submission to City Council. The motion was seconded by Ms. Zumar and a roll-call vote was taken.

Mr. Franklin – Yes

Ms. Rivera – Yes

Ms. Reign – Yes

Ms. Zumar – Yes

Ms. Batty – Yes

Mr. Williams – Yes

The motion passed unanimously.

Discussion and Possible vote regarding a recommendation to Council on Ordinance 565 - An Ordinance to Amend the City of New Castle Municipal Code, Chapter 230 (Zoning Code), Regarding Expiration of Approvals.

Ms. Hatfield explained that Ordinance 565 addresses the fact that the current City Code does not have any provisions regarding expiration of approvals. She added that five (5) years is typical. She added that the Ordinance addresses situations where the approved development is never built and is grandfathered in due to an indefinite approval. Ms. Hatfield stated that from a legal standpoint it is highly recommended to have an expiration date of approvals in the Code.

Mr. Rogers explained that the editorial revision in Section 1 is to address wording that was inadvertently left in when the Ordinance was recommended five (5) years ago. He added that the goal is for the applicant to have 80% to 90% of all required approvals before the matter comes to the Planning Commission, and it should not take more than one (1) year to obtain all final approvals. The Site Plan should be 99% complete when it is submitted to City Council.

In response to a question from Ms. Zumar, Ms. Hatfield stated that if an extension is granted, it is a one-time one-year extension.

In response to a question from Ms. Batty, Mr. Rogers stated that Staff does not notify the applicant when the deadline for meeting all requirements is near.

In response to a question from Ms. Zumar, Mr. Rogers explained that subdivisions fall under a different Ordinance, and explained subdivisions in more detail for the benefit of the Commissioners.

Mr. Rogers noted that other agencies have sunset regulations, but out of an abundance of caution City Council wants to have locally mandated sunset laws.

A motion was made by Ms. Rivera to approval recommending Ordinance 565 as written to proceed to City Council with no public comments or changes. The motion was seconded by Mr. Franklin and a roll-call vote was taken.

Mr. Franklin – Yes

Ms. Rivera – Yes

Ms. Reign – Yes

Ms. Zumar – Yes

Ms. Batty – Yes

Mr. Williams – Yes

The motion passed unanimously.

Discussion regarding Office of State Planning Coordination Comprehensive Plan Annual Report for the City of New Castle Comprehensive Plan.

The Commissioners reviewed a draft of the Comprehensive Plan Annual Report to be submitted to the Office of State Planning Coordination. Several editorial edits were recommended that will

be incorporated in the final Report. Mr. Rogers explained that he updated the previous report with the current status.

A motion was made by Ms. Zumar to approve the Comprehensive Plan Annual Report for the City of New Castle Comprehensive Plan with corrections as voiced. The motion was seconded by Mr. Williams and a roll-call vote was taken.

Mr. Franklin – Yes

Ms. Rivera – Yes

Ms. Reign – Yes

Ms. Zumar – Yes

Ms. Batty – Yes

Mr. Williams – Yes

The motion passed unanimously.

Discussion regarding preparation of possible ADU zoning code addition survey to be recommended to City Council.

Ms. Batty reported that Senator Nicole Porter informed her that many municipalities are opposed to state-wide ADU legislation; however SB23 being endorsed by Senator Russell Huxtable will be considered by the Senate tomorrow. Senator Porter felt that the Bill has a good chance of passing. Ms. Batty stated that part of the purpose of the survey was to get a sense of whether or not residents want ADUs. She added that the proposed legislation would require any municipality with over 2,000 in habitants to permit ADUs. Ms. Batty suggested that discussion of the survey be postponed until after SB23 is voted on; adding that if the Bill passes, New Castle would not have any choice in the matter beyond implementing local regulations to mitigate the impact of the law. Mr. Rogers stated that if SB23 passes, the Ordinance would have to be added to the City Code.

A motion was made by Ms. Batty to defer discussion regarding an ADU survey until after the Senate vote on SB23. The motion was seconded by Ms. Zumar and was unanimously passed.

In response to a question from Ms. Zumar, Ms. Hatfield stated that if SB23 is passed the City could make minor adjustments but requirements of the Bill would have to be adhered to. She added that the Local League of Governments has been very active on this matter. Mr. Rogers added that typically municipal regulations can be more restrictive than the State Law; however, in this case the State is compelling municipalities to comply; which he opined is indicative of the housing situation. Ms. Zumar opined that whether or not ADUs are permitted should be up to the municipality.

In response to a question from Ms. Zumar, Mr. Rogers stated that he would need to do further research to state whether ADUs are allowed via special exception.

HAC Report

Mr. Franklin reported that four (4) applications were considered at the June HAC meeting:

- 24 East 4th Street – An application to remove and replace an existing porch was approved.
- 46 East 3rd Street – An application to construct a new shed was tabled due to concerns over the height of the roof.
- 104 East 3rd Street – An application to repoint masonry, build a brick parking space, build a wood deck, repair and replace fencing, replace a front door, install metal and railing steps, and install an EV charger was tabled because the application was incomplete and there was no one present to discuss the project.
- 900 Washington Street – An application to replace the rear deck was tabled due to concerns over scale and materials.

The next HAC meeting is scheduled for July 9th.

There being no further business to discuss, Ms. Reign called for a motion to adjourn.

A motion to adjourn was made by Ms. Rivera and seconded by Mr. Williams. The motion was unanimously passed and the meeting adjourned 8:00 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Ordinance No. 567

An Ordinance to extend the deadline to obtain approvals under Ordinance No. 536 concerning the rezoning of portions of property located at 130 Lukens Drive and 150 Lukens Drive, New Castle, Delaware (Tax Parcels 21-023.00-001 and 21-022.00-002, totaling 168.76 acres) from the IOP zoning classification (Industrial Office Park) to the R-3 zoning classification (Multi-Family Residential) as to 149.08 acres, and to the GC zoning classification (General Commercial) as to 13.96 acres, and further concerning an amendment to the City's 2020 Comprehensive Plan in a manner consistent therewith.

WHEREAS, Tax Parcels 21-023.00-001 (130 Lukens Drive) and 21-022.00-002 (150 Lukens Drive) (collectively, the "Property") comprise 168.76 acres, more or less, of undeveloped land; and

WHEREAS, Parkway Gravel, Inc., the owner of the Property (the "Owner"), petitioned the City Council to alter the Property's zoning classification from IOP (Industrial Office Park) to R-3 Multi-Family Residential) as to 149.08 acres, and to GC (General Commercial) as to 13.96 acres, with the remainder of the Property (5.72 acres) retaining its current IOP zoning; and

WHEREAS, Owner pursued this rezoning intending to re-subdivide the Property into 2 parcels of land for the purpose of developing the R-3 zoned parcel as a 451-unit mixed-use project including 46 single family homes, 26 twin units, 107 townhomes and 272 apartment units. The GC zoned parcel is proposed to be developed as 12,000 sq. ft. of retail space with second floor apartment units, a community clubhouse and a public restaurant; and

WHEREAS, the Council approved this rezoning of the Property on May 9, 2023 with the adoption of Ordinance No. 536; and

WHEREAS, Ordinance 536, *inter alia*, contained a requirement that, "within eighteen (18) months of the date hereof, the owner of the Property shall successfully complete the site plan and subdivision approval process as set forth in Chapters 213 and 230 of the City Code, detailing the proposed subdivision and site plan, and must obtain all required special exceptions and variances for the development contemplated on the concept plan attached hereto as Exhibit A. The final recorded site plan shall generally conform to the concept plan set forth in Exhibit A. If the owner of the Property does not obtain all approvals within eighteen (18) months of the date hereof, and record a subdivision and site plan that generally conforms with the concept plan attached hereto as Exhibit A, this Ordinance shall expire and shall automatically be null and void"; and

WHEREAS, Owner asserts that it has been unable to obtain these required approvals within eighteen (18) months of the May 9, 2023 approval of Ordinance No. 536 due to Owner's entering into a voluntary cleanup program with the Department of Natural Resources and Environmental Control ("DNREC"), under which it was required to obtain DNREC's approval for managing contaminated soils and to remediate approximately 5 truckloads of contaminated soil, thereby requiring an extension to the eighteen month approvals period under Ordinance No. 536; and

WHEREAS, Owner obtained a Special Exception and variance approval, on April 30, 2024, that was expressly tied to the above-described rezoning, which approval therefore also expires were the above-described rezoning to expire under the terms of Ordinance No. 536, but which approval remains active so long as Ordinance No. 536 does not expire.

NOW, THEREFORE, be it ordained by the Council of the City of New Castle, as follows:

SECTION 1: Ordinance No. 536, Section 3 is amended to replace “eighteen (18) months” therein with “fifty-four (54) months.” The effect of this change is to extend the deadline by which Owner must obtain site plan and subdivision approval for the project from November 9, 2024 to November 9, 2027. If Owner does not obtain all approvals by November 9, 2027, and record a subdivision and site plan that generally conforms with the concept plan attached to Ordinance No. 536 as Exhibit A, then the rezoning shall expire and shall automatically be null and void as required under Ordinance No. 536.

SECTION 2. All other provisions of Ordinance No. 536 remain in full force and effect as approved by Council on May 9, 2023.

SECTION 3: If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 6. Notwithstanding the date of its approval, this Ordinance extending the deadline under Ordinance No. 536 shall become effective retroactive to November 8, 2024.

First Reading _____

Second Reading _____

Signed this _____ day of _____, 2026

Suzanne Souder, President of Council

Attest:

Courtaney Taylor, City Clerk

Approved:

Valarie Leary, Mayor

Ordinance No. 536 (Revised)

An Ordinance, as amended, to rezone portions of property located at 130 Lukens Drive and 150 Lukens Drive, New Castle, Delaware (Tax Parcels 21-023.00-001 and 21-022.00-002, totaling 168.76 acres) from the IOP zoning classification (Industrial Office Park) to the R-3 zoning classification (Multi-Family Residential) as to 149.08 acres, and to the GC zoning classification (General Commercial) as to 13.96 acres, and further to amend the City's 2020 Comprehensive Plan in a manner consistent therewith.

WHEREAS, Tax Parcels 21-023.00-001 (130 Lukens Drive) and 21-022.00-002, (150 Lukens Drive) (collectively, the "Property") comprise 168.76 acres, more or less, of undeveloped land currently zoned IOP (Industrial Office Park) under the City's Zoning Code; and

WHEREAS, the City's 2020 Comprehensive Plan's "Suggested Land Use" map shows the entirety of the Property to be designated for "Light Industrial, Office Park" use; and

WHEREAS, Parkway Gravel, Inc., the owner of the Property, has petitioned the City Council to alter the Property's current zoning classification from IOP (Industrial Office Park) to R-3 (Multi-Family Residential) as to 149.08 acres, and to GC (General Commercial) as to 13.96 acres, with the remainder of the Property (5.72 acres) retaining its current IOP zoning, all as reflected on Exhibit A attached hereto; and

WHEREAS, if the Property is so rezoned, Parkway Gravel, Inc. intends to re-subdivide the Property into 2 parcels of land for the purpose of developing the R-3 zoned parcel as 451 unit mixed-use project including 46 single family homes, 26 twin units, 107 townhomes and 272 apartment units. The GC zoned parcel is proposed to be developed as 12,000 sq. ft. of retail space with second floor apartment units, a community clubhouse and a public restaurant; and

WHEREAS, the owner of the Property has submitted a concept plan for consideration of the Planning Commission and will be required to successfully complete the site plan and subdivision approval process as set forth in Chapters 213 and 230 of the City Code detailing the proposed subdivision, the precise areas to be rezoned to the R-3 and GC zoning classifications, the area that will remain zoned IOP and the specific nature of all development proposed on the Property as a condition of the rezoning proposed herein; and

WHEREAS, the Council believes that rezoning the Property, and amending the 2020 Comprehensive Plan in accordance therewith, to be reasonable and will further the general welfare of the City, subject to the conditions set forth below.

NOW, THEREFORE, be it ordained by the Council of the City of New Castle, as follows:

SECTION 1: The City's 2020 Comprehensive Plan's "Suggested Land Use" Map #3 is hereby amended to a "Mixed Use" designation in regard to Tax Parcels 21-023.00-001 (130 Lukens Drive), and 21-022.00-002, (150 Lukens Drive), which is consistent with the project depicted upon the concept plan for Riveredge, as more particularly depicted upon Exhibit "A", attached hereto, and made a part hereof, as if fully set forth herein.

SECTION 2. The official zoning map of the City of New Castle, incorporated into the City Code pursuant to Section 230-2 of the Code, is hereby amended to rezone Tax Parcels 21-023.00-001 (130 Lukens Drive) and 21-022.00-002, (150 Lukens Drive) to the R-3 (Multi-family residential) and GC (General Commercial) zoning classifications consistent with zoning district boundaries depicted upon Exhibit “B”, attached hereto, and made a part hereof, as if fully set forth herein. Furthermore, Map #4 “Zoning” of the City’s 2020 Comprehensive Plan is amended consistent with this Section.

SECTION 3. Within eighteen (18) months of the date hereof, the owner of the Property shall successfully complete the site plan and subdivision approval process as set forth in Chapters 213 and 230 of the City Code, detailing the proposed subdivision and site plan, and must obtain all required special exceptions and variances for the development contemplated on the concept plan attached hereto as Exhibit A. The final recorded site plan shall generally conform to the concept plan set forth in Exhibit A. If the owner of the Property does not obtain all approvals within eighteen (18) months of the date hereof, and record a subdivision and site plan that generally conforms with the concept plan attached hereto as Exhibit A, this Ordinance shall expire and shall automatically be null and void. If this Ordinance expires and is deemed null and void, the comprehensive plan and zoning designations in place one day before the adoption of this Ordinance apply to all future land use approvals and development applications for the Property. Nothing in this Ordinance shall be interpreted to imply approval or acceptance of the concept plan, site plan, subdivision, variances, special exceptions, or any other approval necessary for the recordation of the subdivision and site plan.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 6. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

First Reading May 10, 2022

Second Reading May 9, 2023

Signed this 9th day of May, 2023

Suzanne M. Souder

Suzanne Souder, President of Council

Attest: Courtney Taylor
Courtney Taylor, City Clerk

Approved: Valarie Leary
Valarie Leary, Mayor

Ordinance No. 2026-568

AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE ZONING CODE TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATION OF DATA CENTERS

WHEREAS, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, and repeal the City of New Castle Municipal Code (“City Code”); and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to proactively regulate data center development to ensure compatibility with surrounding land uses and to protect public health, safety, and welfare; and

WHEREAS, data centers present unique siting and operational considerations, including energy demand, backup power systems, cooling systems, noise, and potential environmental impacts; and

WHEREAS, it is in the public interest to adopt clear standards governing buffers from sensitive receptors, noise performance, cooling technologies, air quality, electrical capacity coordination, abandonment, and decommissioning security; and

WHEREAS, this Ordinance proposes standards addressing data center siting, noise, cooling systems, generator technology, utility coordination, abandonment, and financial assurances, which the City finds instructive for adaptation of data centers and application within the City of New Castle; and

WHEREAS, the City Council further finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life.

NOW, THEREFORE, making the express finding that the provisions of this Ordinance enhance and promote the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle Council as follows:

SECTION 1. City Code Chapter 230, Zoning, Section 230-1(B), is hereby amended by adding the following definitions to correspond with the alphabetical order of the current list of definitions (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

B. Definitions

Data Center. **A facility, campus, building, or portion thereof designed, constructed, or operated primarily for the processing, storage, management, transmission, distribution, exchange, or recovery of digital data and information through networked computers, servers, storage systems, telecommunications equipment, networking equipment, and related information technology systems. A Data Center includes all supporting and integral infrastructure necessary for its operation, whether located within or outside the principal building, including but not limited to electrical infrastructure; utility service equipment; substations; transformers; switchgear; power distribution equipment; uninterruptible power supply (UPS) systems; battery energy storage systems; backup power systems; emergency generators and associated fuel storage and delivery systems; cooling, ventilation, air conditioning, heat rejection, and other mechanical systems; water and thermal management systems; fire detection and suppression systems; monitoring, security, and building management systems; telecommunications and fiber infrastructure; and all other ancillary equipment, structures, and improvements that support the continuous and reliable operation of the facility.**

SECTION 2. City Code, Chapter 230, Zoning, Section 230-25(B), Industrial District I, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

B. The following uses may be permitted as special exceptions upon approval of the Board of Adjustment in accordance with §230-57B of this chapter:

(3) Data Centers subject to the following requirements:

- (a) **No portion of any Data Center, including but not limited to, generators, cooling equipment, fuel storage, and equipment yards, may be located within one thousand (1,000) feet of:**

- (i) any residentially zoned property;
 - (ii) the property line of any lot with an existing school; or
 - (iii) the property line of any lot with an existing daycare center.
- (b) Visual screening in the form of walls or fencing in combination with suitable landscaping must be provided to reasonably shield the Data Center use from residential property. The visual screening must consist of a combination of an opaque wall, decorative fence, berm, or similar screening feature together with a landscape buffer designed to provide effective year-round screening of buildings, equipment, parking areas, loading areas, and other operational features of the Data Center from adjacent properties. The landscape buffer must include a mixture of evergreen trees, evergreen shrubs, and other plant materials sufficient to create a continuous visual screen. Evergreen trees must be installed at a minimum height of five (5) feet at the time of planting and must be spaced no more than fifteen (15) feet on center, or an equivalent planting arrangement that achieves a continuous year-round screen within three (3) years of installation.
- (c) Rooftop mechanical equipment and other appurtenances must be concealed or integrated within the roof such that they are not visible at ground level from public rights of way.
- (d) The site must be designed to minimize noise impacts on neighboring residential properties, schools, and daycares through siting, shielding, enclosures, and comparable measures.
- (e) A noise study prepared by a qualified acoustical professional must be submitted with the Board of Adjustment application. The study must establish pre-development ambient noise levels at the property lines of the nearest residential properties, schools, daycare centers, and other sensitive receptors; model operational noise from all Data Center equipment and infrastructure, including but not limited to

backup generators, cooling systems, transformers, substations, electrical infrastructure, HVAC equipment, battery energy storage systems, and other mechanical or electrical equipment; and demonstrate that operation of the Data Center will not increase pre-development ambient noise levels by more than five (5) dBA at the nearest residential property lines, schools, daycare centers, or other sensitive receptors. The study must also include an analysis of low-frequency noise and infrasound generated by all major operational equipment, evaluating octave-band sound pressure levels between one (1) Hz and two hundred (200) Hz and identifying any tonal, impulsive, or periodic characteristics. The difference between unweighted sound levels (dBZ) and A-weighted sound levels (dBA) at the nearest residential property line, school, daycare center, or other sensitive receptor must not exceed twenty (20) decibels during normal operations unless the Applicant demonstrates through a site-specific acoustical analysis that no adverse impacts will occur. Any approved Data Center will be subject to a condition that the City may require post construction acoustical testing upon receiving a Complaint. Additionally, any approved Data Center will be subject to a condition that the City may require mitigation measures, including acoustical enclosures, barriers, equipment relocation, or operational limitations, as necessary to achieve compliance. Upon receipt of a documented complaint, the City may require post-construction acoustical testing by a qualified acoustical professional, and if noncompliance is demonstrated, the owner must implement corrective measures within a timeframe established by the City. Compliance with the standards of this section must be maintained throughout the operational life of the Data Center.

(f) The Board of Adjustment may require that a Data Center incorporate site-specific noise attenuation and screening techniques, including, but not limited to, the following measures:

(i) Vibration Isolation Systems: including spring and

- neoprene isolators to prevent structure-borne noise transmission from generators, chillers, or HVAC units.
- (ii) Acoustic Fencing and Walls: solid or composite barriers with a minimum Sound Transmission Class (STC) rating of 35, extending fully above the line of sight between the noise source and the property line.
 - (iii) Building Orientation and Shielding: siting of Data Center buildings or equipment yards so that structures themselves block direct noise paths toward residential or institutional uses.
- (g) Water Supply. The Applicant must submit a written statement from the applicable water utility confirming the availability of adequate water service and sufficient system capacity to serve the proposed Data Center. The Applicant must also submit a Water Management Plan that identifies estimated daily and annual water consumption, projected peak demand, anticipated sources of supply, water conservation measures, cooling system efficiency, and contingency measures for drought conditions, utility interruptions, emergencies, or other events that could affect the availability of water resources. The Board of Adjustment may require modifications to the plan or additional mitigation measures to minimize impacts on public utilities and ensure the reliable and efficient operation of the facility.
- (h) Energy Supply. The Applicant must submit a written statement from the applicable energy utility confirming the availability of adequate energy service and sufficient system capacity to serve the proposed Data Center. The Applicant must also submit an Energy Management Plan that identifies estimated daily and annual energy consumption, projected peak demand, anticipated sources of supply, energy conservation measures, and contingency measures for utility interruptions, emergencies, or other events that could affect the availability of energy resources. The Board of Adjustment may require modifications to the plan or additional mitigation measures to minimize impacts on public utilities and ensure the reliable and efficient operation of the facility.

- (i) The Data Center must use closed-loop cooling systems for process and equipment cooling, meaning a system in which the cooling medium is contained within a piping circuit for reuse, unless the Board of Adjustment approves an open-loop or once-through cooling system after coordination with applicable state agencies.**
- (j) The Applicant must submit to the Board of Adjustment a written statement from the applicable local electric utility confirming either the availability of sufficient grid capacity to meet projected connected and peak loads for all proposed phases, or documentation of onsite generation meeting or exceeding projected load.**
- (k) Any emergency/backup generator must be certified Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) and achieve equivalent or superior emissions performance to Tier IV diesel. Emergency generators will be used solely to provide backup electrical power during utility outages, emergency conditions, routine maintenance, and periodic testing necessary to ensure operational readiness. Routine generator testing will be permitted only between the hours of 8:00 a.m. and 6:00 p.m. Emergency generators will not be used for peak shaving, demand response programs, commercial power generation, or the sale or export of electricity to the electrical grid, except as may be necessary during an actual utility outage or emergency event.**
- (l) The Applicant must submit a Hazardous Materials Management Plan with the Board of Adjustment application identifying all hazardous materials proposed to be stored, used, or maintained on the site, including but not limited to fuels, battery energy storage systems, batteries, refrigerants, lubricants, chemicals, and other regulated substances. The plan must identify the type, quantity, and location of each material and describe all storage, secondary containment, spill prevention, leak detection, fire protection, inspection, and emergency response procedures. The plan must also identify the facility's emergency response personnel, provide**

current emergency contact information, and describe coordination procedures with local fire, emergency medical, and hazardous materials response agencies. The plan must be updated as necessary to reflect material changes in operations or hazardous material storage throughout the life of the facility.

(m) Site lighting must be designed and shielded to achieve zero (0) footcandles at adjoining residential property lines.

(n) Prior to the issuance of a Certificate of Occupancy, the owner or operator must submit a Decommissioning Plan for review and approval by the City. The plan must describe the procedures for the removal of all buildings, structures, equipment, generators, battery energy storage systems, fuel storage facilities, utility infrastructure, foundations, and other improvements associated with the Data Center upon permanent cessation of operations. The plan must also describe the restoration of the site to a safe and stable condition in accordance with applicable federal, state, and local laws and regulations. The approved Decommissioning Plan must be maintained throughout the operational life of the facility and updated as necessary to reflect significant modifications to the site or its operations.

(o) Approved Data Centers must include a condition requiring that the operator or property owner must provide written notice to the Building Official whenever the use approved as a Special Exception under this Section is out of active operation for more than six (6) consecutive months. Should the Data Center cease operation for a period of one (1) year or longer, it will be deemed abandoned, unless the Board of Adjustment grants an extension for good cause shown. After a Data Center is deemed abandoned, the operator or property owner must, within six (6) months, either: (a) schedule a site inspection with the Building Official to verify compliance with all applicable approval conditions and use requirements prior to recommencing operation; or (b) remove all equipment, structures, systems, and associated improvements related to the approved Data Center use in

accordance with a decommissioning plan approved by the Building Official.

(p) Periodic Compliance Report. As a condition of Board of Adjustment approval, the owner or operator must submit a compliance report to the City every three (3) years following the issuance of the Certificate of Occupancy. The report must be prepared and certified by the owner or operator and must demonstrate continued compliance with all applicable conditions of approval and the requirements of this Ordinance, including but not limited to noise, lighting, landscaping and screening, hazardous materials management, operational conditions, generator operation, electric consumption, water consumption, and any other applicable Special Use Permit or Board of Adjustment conditions. The City may require supporting documentation, studies, or inspections as necessary to verify compliance.

(3) (4) Any other industrial use not permitted as a matter of right which would not violate the intent of this section.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this _____ day of _____, 2026

_____, President of City Council

Attest: _____, City Clerk

Approved: _____, Mayor

DRAFT