TOWN OF TOWNSEND

2016 Amendment to the
2010 Comprehensive Plan

Adopted
August 24, 2016
Ordinance 16-07
ORDINANCE 16-07
AMENDMENT TO THE 2010 COMPREHENSIVE PLAN

WHEREAS, Title 22 of the Delaware Code empowers municipalities to develop comprehensive plans to guide their futures; and,

WHEREAS, pursuant to Title 22, Section 702 of the Delaware Code, the Town of Townsend adopted the 2010 Update to the 2003 Town of Townsend Comprehensive Plan (herein after referred to as the 2010 Plan Update) on July 7, 2010 (Ordinance 10-05) that was certified by the governor on August 5, 2010; and,

WHEREAS, on April 6, 2011, the Town Council adopted the following amendments to the 2010 Plan Update:
1. Ordinance 11-02 on April 6, 2011, and
2. Ordinance 12-03 on May 5, 2012, and
3. Ordinance 13-02 on September 4, 2013; and,

WHEREAS, the Town Council desires to amend the land use designations, depicted in the 2010 Plan Update, as amended, on Maps 7a and 7b; and,

WHEREAS, on March 23, 2016, pursuant to Section 702(a) of the Delaware Code and Section 66-129 (UDO 2002, § 907) of the Zoning and Unified Development Code, the Zoning Committee reviewed the proposed land use change and made a recommendation on it to the Town Council; and,

WHEREAS, at the mid-month meeting of March 23, 2016, the town council approved submitting the proposed rezoning for PLUS (Preliminary Land Use Service) review as recommended by the Zoning Committee

WHEREAS, pursuant to Title 29, Section 9103 of the Delaware Code, the proposed land use changes were submitted for PLUS review; and,

WHEREAS, following the PLUS (Application 2016-06-01) meeting of June 22, 2016, the Office of State Planning Coordination registered no objection to the proposed plan amendments in a letter dated July, 14, 2016; and,

WHEREAS, pursuant to Section 401 of the Town Charter, this Ordinance was introduced in writing on July 20, 2016; and,

WHEREAS, pursuant to Section 401 of the Town Charter and Section 66-98 (UDO 2002, § 904C) of the Zoning and Unified Development Code, a fair summary of this Ordinance and notice of a public hearing appeared in the Middletown Transcript on August 4, 2016; and,
ORDINANCE 16-07
Amendment to the 2010 Comprehensive Plan
Introduced by: CM Jermaine Hatton
Introduction on: July 20, 2016

WHEREAS, on August 24, 2016, the Town Council:
1. Held a public hearing on the plan amendment,
2. Read this Ordinance by title and synopsis, and
3. Gave all interested citizens and parties an opportunity to be heard; and

WHEREAS, on August 24, 2016, the Town Council took action on the plan amendment by majority voice vote pursuant to Section 401 of the Town Charter.

NOW, THEREFORE THE TOWN OF TOWNSEND ORDAINS that, having received and reviewed comments from the Office of State Planning Coordination, considered revisions, and received testimony, hereby adopts the “Town of Townsend 2016 Amendment to the 2010 Comprehensive Plan,” a copy of which is attached to and made a part of this Ordinance.

THE TOWN COUNCIL FURTHER ORDAINS that a copy of the “Town of Townsend 2016 Amendment to the 2010 Comprehensive Plan” shall be submitted to the Office of State Planning Coordination.

THE TOWN OF TOWNSEND FURTHER ORDAINS that, pursuant to Title 10, Section 8126 of the Delaware Code, notice of the action taken by this Ordinance shall be published in a newspaper of general circulation in the Town.

THE TOWN OF TOWNSEND FURTHER ORDAINS that this Ordinance shall take effect upon adoption.

Introduction July 20, 2016
Publication of Fair Summary August 4, 2016
Public Hearing August 24, 2016
Final Reading August 24, 2016
Adoption August 24, 2016

Signed By

[Signature]
Rudolph Sutton, Jr.
Mayor
Town of Townsend, New Castle County, Delaware

SUMMARY
This ordinance adopts an amendment to the 2010 Comprehensive Plan that changes the future land use for 307 Main Street, Townsend, DE 19734 from Commercial to Residential.
July 14, 2016

Mr. Dawson Green
Town of Townsend
P.O. Box 223
661 South Street
Townsend, DE 19734

RE: PLUS review 2016-06-01, Townsend Comprehensive Plan Amendment

Dear Dawson,

Thank you for meeting with State agency planners on June 22, 2016 to discuss the proposed comprehensive Plan Amendment for the Town of Townsend. This amendment will change the future land use of the parcel location at 307 Main Street from Commercial to Residential.

Please note that changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

This office has received the following comments from State agencies:

**Office of State Planning Coordination – Contact Herb Inden 739-3090**
- Given that the commercial operations of this parcel have ceased and that the parcel is surrounded by residential uses our office has no objections to this amendment.

**State Historic Preservation Office – Contact Terrence Burns 736-7404**
- The parcel on 307 Main Street is a part of Townsend Historic District (N10297), which is listed on the National Register of Historic Places. When a historic district is on the National Register, historic houses and buildings in the district, may qualify for preservation grants or incentive, such as state or federal credit program. These grants and incentives can also be a benefit, in the preservation, protection and maintenance of historic properties. If you have any questions, inquiries or concerns, just contact Alice Guerrant at 302-736-7412.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our
records. The plan amendment must include a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination
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TOWN, COUNTY, AND STATE OFFICIALS

Town of Townsend

Town Council
Rudolph Sutton, Jr., Mayor
John Ness, Councilman
Lorraine Gorman, Councilwoman
Jermaine D. Hatton, Councilman
Cindy Cook, Councilwoman

Zoning Committee*
Rick Anibal
Dwain Haines
Owen Hyne

Town Staff
Dawson Green, Town Manager
Cathy Beaver, Town Clerk
Shirley Hart, Office Assistant
Dave Naples, Building Code Official
George Hargrove, Public Works
Richard Gray, Public Works
Owen Hyne, Town Engineer
Fred Townsend III, Esq., Town Attorney

New Castle County

County Executive
Thomas P. Gordon

County Council
Chris Bullock, Council President
Joseph Reda, 1st District
Robert S. Weiner 2nd District
Janet Kilpatrick, 3rd District
Penrose Hollins, 4th District
Lisa Diller, 5th District
William Powers, 6th District
George Smiley, 7th District
John J. Cartier 8th District
Timothy P. Sheldon, 9th District
Jea P. Street, 10th District
David L. Tackett, 11th District
Bill Bell, 12th District

Chief Administrative Officer
Timothy Mullaney

Department of Land Use
George O. Haggerty, Acting General Manager

State of Delaware

Governor
Jack Markell

Senate
Bruce C. Ennis, District 14

House of Representatives
Jeffrey N. Spiegelman, District 11

Office of State Planning Coordination
Constance C. Holland, AICP, Director

*Zoning Committee abolished by Ordinance 16-03, adopted April 6, 2016; Planning Commission established June 2016 pursuant to Title 22, Section 701 of the Delaware Code.
INSTITUTE FOR PUBLIC ADMINISTRATION

This Plan Amendment was prepared by the Town of Townsend Zoning Committee with assistance from the Institute for Public Administration (IPA), a unit within the University of Delaware’s School of Public Policy & Administration. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

Institute Director
Jerome R. Lewis, Ph.D.

Townsend Plan Amendment Team
Linda Raab, AICP, Project Manager
Nicole Minni, GIS, Mapping and GIS Support
2016 Amendment to the 2010 Townsend Comprehensive Plan

**PLAN AMENDMENT PROCESS**

**ZONING COMMITTEE AND TOWN COUNCIL RECOMMENDATION**

On March 23, 2016, the Zoning Committee reviewed the change proposed in this Plan Amendment and recommended that the Town Council approve transmission of the amendment for review under the Preliminary Land Use Service (PLUS). The Town Council held a meeting also on March 23, 2016 after the Zoning Committee’s meeting, and the council voted unanimously to forward this Plan Amendment for PLUS review.

NOTE: *Zoning Committee abolished by Ordinance 16-03, adopted April 6, 2016; Planning Commission established June 2016 pursuant to Title 22, Section 701 of the Delaware Code.*

**STATE REVIEW**

Title 29, Section 9203 of the Delaware Code requires the state-level review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the comment process.

On June 22, 2016, OSPC and the state agencies involved in the PLUS process reviewed this Plan Amendment. In a letter dated July 14, 2016, OSPC provided comments on the Plan Amendment.

**TOWN COUNCIL ADOPTION**

This section outlines the Town Council’s adoption process.

**ORDINANCE INTRODUCTION**

In accordance with Section 401 of the town charter, an ordinance adopting this Plan Amendment was introduced in writing on July 20, 2016. On August 4, 2016, a fair summary the ordinance was published in the Middletown Register.

**PUBLIC OUTREACH**

The notice in the Middletown Register also announced the date for a public hearing in accordance with the Section 66-98 (UDC, § 904C) of the Zoning and Unified Development Code. In addition, notices were posted on the Town’s website and at the post office.

**TOWN COUNCIL HEARING**

On August 24, 2016, the Town Council held a public hearing on this Plan Amendment at which all persons desiring to testify were given a chance to be heard.

**ADOPTION**

On August 24, 2016, the Town Council adopted this Plan Amendment by ordinance.
PLAN-AMENDMENT DETAILS

This Plan Amendment calls for changing the future land use from Commercial to Residential for a 9,745 square-foot parcel. This parcel is located at 307 Main Street.

Even though Residential for this parcel might have been the preferred planning choice in previous plans, Commercial land use and zoning was maintained to avoid creating a nonconforming situation. The parcel had been used for a funeral home, a use allowed only in Townsend’s Commercial (C) Zone. Now that the funeral home has ceased operations, the Town wishes to designate this parcel for Residential.

Residential land uses are proposed for this parcel because they are more compatible with the neighborhood than Commercial uses. As the map below shows, the future land use for the area immediately surrounding subject parcel is Residential.

Proposed Land Use Change Map

PLAN-AMENDMENT IMPLEMENTATION

This section identifies the provisions of the Delaware Code that Townsend must comply with following adoption of this Plan Amendment.

COMPREHENSIVE REZONING

Title 22, Section 702(c) of the Delaware Code, requires that every municipality:

... within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.

The table below titled “Land Use and Zoning Link,” shown in the 2010 Plan on page 62, identifies how Townsend’s zoning districts might match up with future land use designations. As noted in the 2010 Plan (and the table’s notes), the match-ups between land use categories and zoning districts are intended as guidance for the Town Council to consider during the rezoning process. They are not intended to preclude either the development of new zoning districts or revisions to the Unified Development Ordinance and other land use regulations.
Land Use and Zoning Link

<table>
<thead>
<tr>
<th>Land Use Category in Map 7b</th>
<th>Zoning District(s) to be Considered in Comprehensive Rezoning</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>R Residential</td>
<td>(a)</td>
</tr>
<tr>
<td></td>
<td>R-1 Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-1A Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-A Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-AA Residential</td>
<td></td>
</tr>
<tr>
<td></td>
<td>R-2 Residential</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>C Commercial</td>
<td>(a)</td>
</tr>
<tr>
<td>Industrial</td>
<td>I Industrial</td>
<td>(a)</td>
</tr>
<tr>
<td>Community/Institutional</td>
<td>All Zoning Districts</td>
<td>(a)</td>
</tr>
<tr>
<td>Town Center</td>
<td>All Zoning Districts</td>
<td>(a), (b)</td>
</tr>
</tbody>
</table>

Notes:  
(a) While the Town has designated certain areas on its future land use maps (Maps 7a and 7b) as “Community/Institutional”, and “Town Center,” this Comprehensive Plan does not require the Town Council to zone with these specific designations when rezoning in accordance with this Comprehensive Plan. These uses may be placed in any zoning district which the Town Council designates as permissible under Townsend’s Unified Development Ordinance or other applicable land use regulations.

(b) While the Town Center Area is encouraged by this Comprehensive Plan, the Town is not required to adopt a Town Center zoning designation within its land use ordinances. Other zoning classifications (including but not limited to residential, commercial, and planned community designations) may be used to encourage flexible development strategies in the Town Center Area.

Source: 2010 Townsend Comprehensive Plan, adopted July 2010 by the Townsend Town Council and certified by the governor August 2010, Table 17, page 62.

Plan Update

Title 22, Section 702(e) of the Delaware Code also requires that:

At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.

Townsend’s last complete plan update was adopted July 2010 and certified by the governor in August 2010. Since this document is a plan amendment, the next full plan update will be due in August 2020.

Annual Report

Section 702(f) requires the submission of annual reports to the Office of State Planning Coordination each July 1.

Maps

Maps 7a and 7b on the following pages replace and supersede Maps 7a and 7b depicted in the 2010 comprehensive plan update and amendments thereto.
Map 7a: Future Land Use

- Residential
- Commercial
- Industrial
- Institutional/Community
- Town Center Redevelopment
- Potential Annexation
  - Partially deed restricted
  - Possible future greenbelt area
  - Greenbelt
  - Nature Preserves
  - Public Protected Lands
  - Green North & Spur Road Alternative

Areas of Concern
- Area A - Partially deed restricted
- Area B - Possible future greenbelt area
- Area C - NCC Parkland

2016 Amendment to the 2010 Townsend Comprehensive Plan
Adopted 08/24/2016
Ordinance 16-07

Supersedes all previous versions of this map

Note: This map is provided by the University of Delaware, Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by IPA, nor will IPA be held responsible for any use of this document for purposes other than those in which it was intended.

Sources:
- Municipal Boundaries - Delaware Office of State Planning Coordination 08/16.
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Map 7b. Future Land Use and Annexation Areas

Sources:
- Nature Preserves - Delaware State Parks 08/16.
- Green North & Spur Road Alternative - RK&K Engineers, 02/09.
- Agricultural Areas - Delaware Department of Agriculture, 08/16.
- Parcels - New Castle County Mapping & Addressing 08/16.
- Roads - Delaware Department of Transportation (DelDOT) centerline file, 08/16.
- Hydrology - USGS, 1991-1993 and National Hydrography Dataset (NDH), flowline, USGS and EPA.
- Municipalities - Delaware Office of State Planning Coordination 08/16.

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