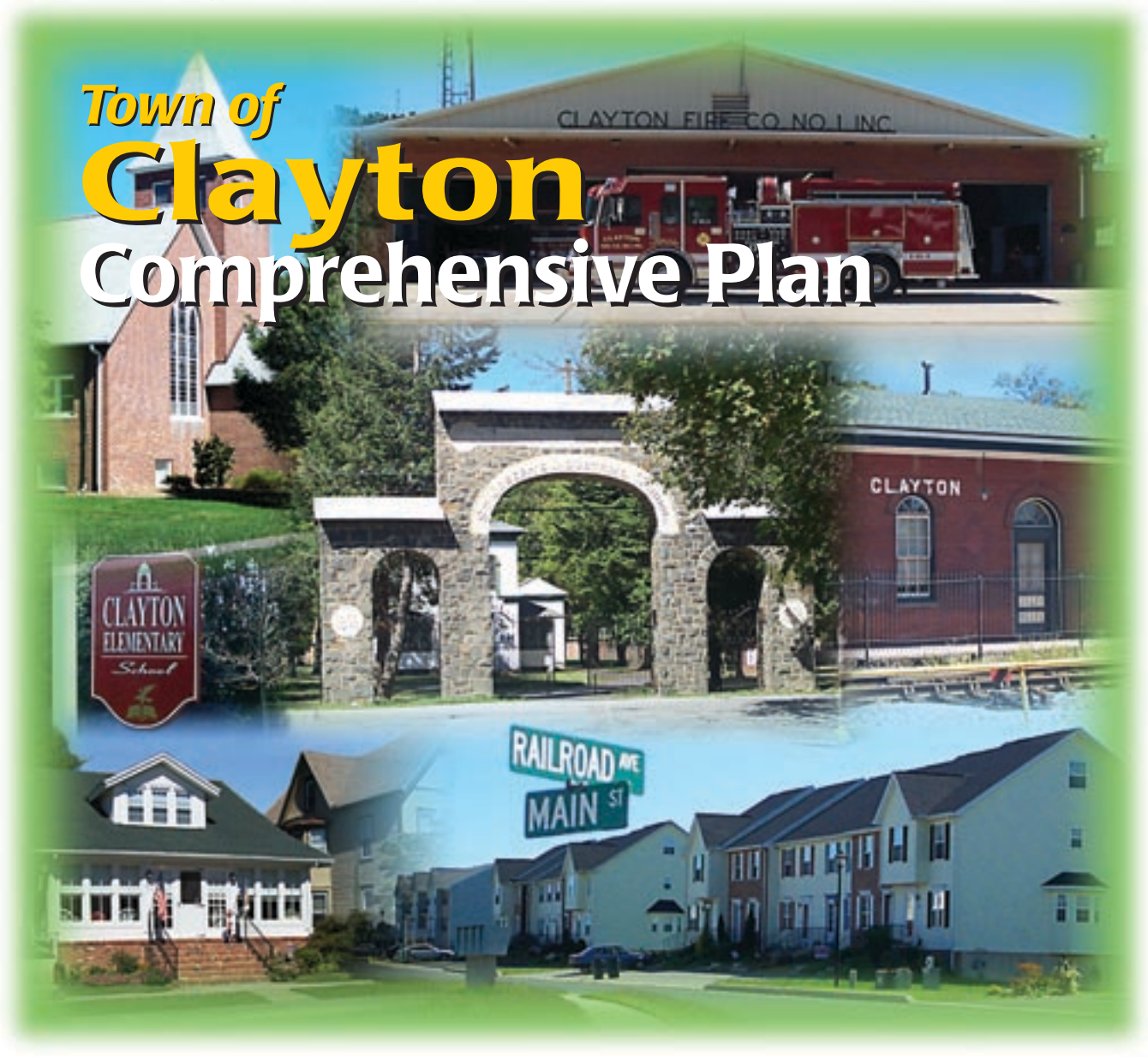


**2002 Update** to the 1996

# *Town of* **Clayton** Comprehensive Plan



*adopted and certified*  
**January 2003**



**Institute for Public Administration  
College of Human Services, Education & Public Policy  
University of Delaware**

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Town of  
**Clayton**  
*2002 Comprehensive Plan Update*

**Adopted**  
*by the*  
Clayton Town Council  
January 16, 2003

**Certified**  
*by the*  
Office of State Planning Coordination  
January 24, 2003

*Prepared by*  
Clayton Town Council  
Clayton Planning & Zoning Committee

*with assistance from the*  
Institute for Public Administration  
College of Human Services, Education & Public Policy  
University of Delaware



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## Town, County & State Officials

### ***Town of Clayton***

Mayor & Council	Robert E. Berghorn, Mayor & Council President Wayne Stover, Vice Mayor William C. Donavon, Secretary Thomas E. Horn, Treasurer Rodney Whalen, Assistant Treasurer
Planning & Zoning Committee	David Letterman, Chairperson Les Bartlett, Committee Member Charles Cooper, Committee Member Wayne Gryzik, Committee Member Pat Wilson, Committee Member
Town Solicitor	Scott Chambers, Esq.
Town Staff	Jeffrey A. Hurlock, Town Foreman Jeanette Hurlock, Senior Clerk/Recording Secretary Davey Ann Davis, Town Clerk Darold Weber, Chief of Police

### ***Kent County***

Levy Court Commission	P. Brooks Banta, Commissioner First District
County Administrator	Robert S. McLeod
Planning Department	Mike Petit de Mange, AICP, Director Sarah E. Keifer, Assistant Director

### ***New Castle County***

County Council	J. Christopher Roberts, Council Member Sixth District
County Executive	Thomas P. Gordon
Land Use Department	Charles L. Baker, General Manager

### ***State of Delaware***

Governor	Ruth Ann Minner
Senate	James T. Vaughn, Senator Fourteenth District
House of Representatives	Bruce C. Ennis, Representative Twenty-Eighth District
Office of State Planning Coordination	Constance S. Holland, AICP, Director

## Institute for Public Administration

This plan was prepared by the Institute for Public Administration of the College of Human Services, Education & Public Policy at the University of Delaware. The Institute 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. The Institute provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

Jerome R. Lewis is the director of the Institute. Linda P. Raab, AICP served as project manager. Vern Svatos and Nicole Minni from IPA's Water Resources Agency provided the Geographic Information System used to develop the maps for the plan. Peer reviewers included David Edgell, AICP, from the Office of State Planning Coordination and IPA staff Lori Athey, and Ed O'Donnell, AICP. Lisa Moreland edited the draft document, and Mark Deshon designed the cover.

## State Planning Certification



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF  
STATE PLANNING COORDINATION

January 24, 2003

Mr. Robert E. Berghorn, Mayor  
Town of Clayton  
P.O. Box 920  
Clayton, DE 19938

RE: Certification of Comprehensive Plan

Dear Mr. Berghorn:

I am pleased to inform the Town of Clayton that as of January 16, 2003, per the recommendation of the Office of State Planning Coordination, the comprehensive plan for the Town of Clayton is hereby certified provided no major changes to the plan are enacted. The certification signifies that the comprehensive plan is currently in compliance with State Strategies.

I would like to take this opportunity to thank the Town of Clayton for working with the State to incorporate our recommendations into the plan before adoption. My staff and I look forward to working with the Town of Clayton to accomplish the mission of allowing economic development while protecting Delaware's heritage and natural resources.

Once again, congratulations on your certification.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland  
Director

## Resolution Adopting Plan

### **A RESOLUTION BY THE CLAYTON TOWN COUNCIL ADOPTING THE 2002 COMPREHENSIVE PLAN UPDATE TO THE 1996 COMPREHENSIVE DEVELOPMENT PLAN**

WHEREAS, Section 4.2(e)(15) of the *Town Charter of Clayton, Delaware*, authorizes the Town Council “to exercise all powers and authorities vested in the Town by virtue of Chapter 3, Title 22 of the Delaware Code regarding the zoning and subdivision of lands as the same may, from time to time hereafter be amended”; and,

WHEREAS, pursuant to Title 22, Section 701 of the *Delaware Code*, the Town of Clayton established a planning and zoning committee; and,

WHEREAS, pursuant to Title 22, Section 702 of the *Delaware Code*, the Town adopted its first comprehensive development plan in 1978; and,

WHEREAS, pursuant to Title 22, Section 702 of the *Delaware Code*, the Town of Clayton adopted a new comprehensive plan on December 11, 1996; and,

WHEREAS, Title 22, Section 702(e) of the *Delaware Code* requires that “[A]t least every five 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”; and,

WHEREAS, having adopted a comprehensive plan in 1996, the Town desires to comply with the provisions of Section 702(e) by reviewing and updating the 1996 Plan; and,

WHEREAS, the Town contracted with the Institute for Public Administration (IPA), Graduate College of Human Resources, Education and Public Policy, University of Delaware to assist with the plan update; and,

WHEREAS, pursuant to Section 6.2-3.1 of the Clayton Zoning Ordinance requires that the Planning & Zoning Committee prepare comprehensive plans or changes to comprehensive plans; and,

WHEREAS, the Planning & Zoning Committee held a public workshop to solicit input from the community at its regular meeting of June 19, 2002; and,

WHEREAS, notice of the workshop was included in the Town utility bills sent on June 1, 2002 and was mailed to the General Manager of the New Castle County Department of Land Use, the Kent County Planning Director, and the Smyrna Town Manager; and,

WHEREAS, the Planning & Zoning Committee directed IPA planning consultants to prepare a draft Plan Update incorporating input from the public workshop and the requirements of Title 22, Section 702(e) of the *Delaware Code*; and,



WHEREAS, at a special meeting of October 23, 2002, the Clayton Planning and Zoning Committee:

- (a) reviewed the *Draft 2002 Clayton Comprehensive Plan Update*,
- (b) forwarded it, with revisions, to the Town Council for adoption;
- (c) directed the planning consultant to forward it, with amendments, to the Office of State Planning Coordination for review and comment as required by the Land Use Planning Act (LUPA); and,

WHEREAS, notice of this special meeting appeared in the *Smyrna-Clayton SunTimes* on October 9, 16, and 23, 2002; and,

WHEREAS, the revised *Draft Plan Update* was mailed electronically to the Office of State Planning Coordination, the General Manager of the New Castle County Department of Land Use, the Kent County Planning Director, and the Smyrna Town Manager for review and comment on October 24, 2002; and,

WHEREAS, the Town received written comments from the Office of State Planning Coordination on December 3, 2002; and,

WHEREAS, the Town Council held a public hearing on the Plan Update on January 13, 2003 to consider the Planning & Zoning Committee's recommended Plan Update and the comments from the Office of State Planning Coordination; and,

WHEREAS, notice of the Town Council's hearing appeared in the *Smyrna-Clayton SunTimes* on January 1 and January 8, 2003; and,

NOW, THEREFORE BE IT RESOLVED that the Clayton Town Council adopts the *2002 Clayton Comprehensive Plan Update, Draft 10/23/2002, Revised 12/30/2002*, a copy of which is attached to and made a part of this Resolution.

AND BE IT FURTHER RESOLVED THAT this Resolution shall take effect upon adoption.

ADOPTED THIS 16<sup>th</sup> DAY OF JANUARY, 2003.

TOWN COUNCIL  
TOWN OF CLAYTON  
KENT COUNTY, DELAWARE

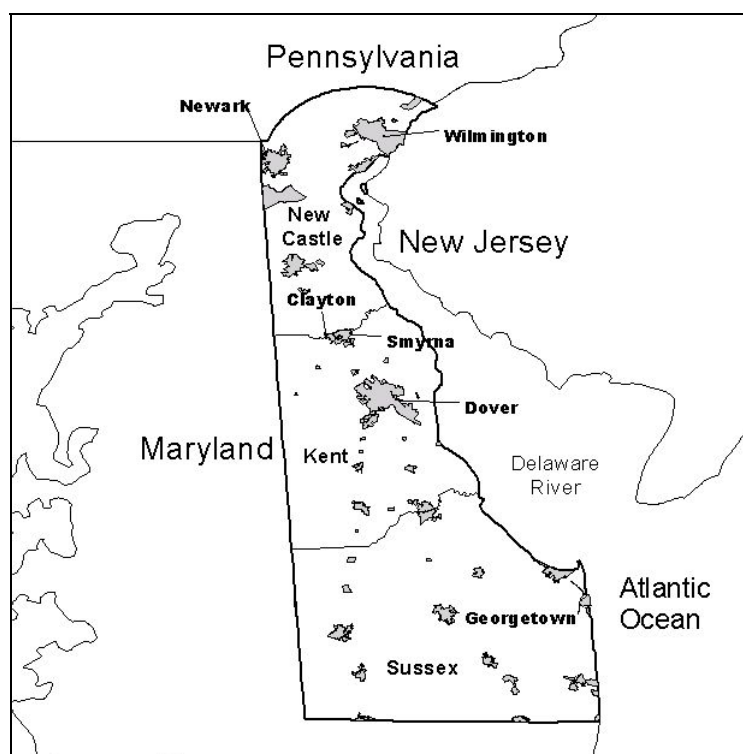
BY:   
Robert E. Berghorn  
Mayor & Council President

# Introduction

On December 11, 1996, the Clayton Town Council adopted the Town's current comprehensive plan. Clayton is undertaking this Plan Update to comply with Title 22, Section 702(e) of the Delaware Code which requires that:

At least every five 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.

This Plan Update begins by reviewing Clayton's planning accomplishments since adoption of the 1996 Plan. The next section portrays the current planning environment at all levels of government including the *Strategies for State Policies and Spending*, pertinent provisions of New Castle and Kent Counties' comprehensive plans, and a pending plan update for the neighboring Town of Smyrna. The third section describes the process of public review and intergovernmental coordination that guided adoption of this Plan Update. The Plan Update itself is in the fourth section. The Town Council resolution adopting the Plan and maps are found at the end of the document.



# Plan Review

This section reviews the goals and recommended actions adopted in the 1996 Plan. It outlines what has been done since 1996 to accomplish these goals.

## Transportation Infrastructure

### 1996 Goals and Actions

#### Goals

- Provide safe and reliable circulation within town.
- Improve transportation links to areas outside of town.

#### Actions

- Vehicular Transportation
  - Evaluate on-street parking pattern and off-street parking areas to determine if existing areas could be used more efficiently.
  - Review parking requirements in zoning ordinance.
  - Work with DelDOT to re-route through traffic south of Clayton onto Route 300.
  - Present alternate truck routes to DelDOT traffic engineers.
  - Request that DelDOT assess the feasibility of reopening the railroad crossing at Old Duck Creek Road and Duck Creek Parkway.
- Bicycle & Pedestrian Transportation
  - Do a sidewalk inventory; rank areas for new sidewalks or repairs.
  - Develop capital improvements project for annual, incremental sidewalk construction and repair.
  - Retain public rights-of-way that later could serve as pedestrian paths, bicycle links, or access to in-fill development.
  - Require developers to provide pedestrian and bike connections as part of their subdivision plans.
- Mass Transit
  - Work with DelDOT to obtain additional bus service.
- Rail Service
  - Investigate eligibility for ISTEA funds to acquire, rehabilitate, and operate railroad station.
  - Participate in state study concerning the establishment of rail passenger service through Clayton; advocate Clayton's position to DelDOT officials.

### Accomplishments

- New TC (Town Center) Zone established for Main Street commercial area in 1998 zoning ordinance that enables the Planning & Zoning Committee to tailor off-street parking requirements to each request for a Certificate of Zoning Compliance.
- Worked with DelDOT to re-open railroad crossing at Old Duck Creek Road and Duck Creek Parkway; determined that re-opening crossing unlikely since the Federal Railroad Administration will not approve new at-grade crossings and has ordered a 25percent reduction in existing at-grade crossings.
- Designated former rail right-of way paralleling the north side of East Main Street as Open Space on the land use map.

- Included requirement for sidewalks and easements to facilitate pedestrian access to schools, parks, and playgrounds in Subdivision Regulations adopted June 28, 1999.

## **Water and Wastewater**

### **1996 Goals and Actions**

#### **Goals**

- Provide a safe and reliable supply of drinking water.
- Ensure sufficient sewage treatment capacity.

#### **Actions**

- Continue developing strategies for connecting unsewered properties to the sewer system.
- Continually monitor the quality and quantity of water supply.
- Periodically inspect and maintain water and sewer transmission lines.
- Maintain relationship with Kent County regional sewer system officials.
- Establish capital improvement projects for annual, incremental repairs and upgrades to water and sewer transmission systems.
- Assess long-term needs for water supply and storage; establish capital improvement projects for upgrades and major repairs to wells and storage towers.

### **Plan Accomplishments**

- Connection to town water and sewer system required if economically feasible.
- Continued routine maintenance; water supply determined adequate to accommodate development anticipated in the 1996 Plan.
- Sewage treatment and transmission determined sufficient to accommodate development anticipated in the 1996 Plan; current allocation at the Kent County Regional Sewage Treatment Facility is 400,000 gallons per day; current sewer flow approximately 150,000 gallons per day.
- Continued developing strategies for connecting unsewered properties to the sewer system.

## **Housing**

### **1996 Goals and Actions**

#### **Goal**

- Provide sound and affordable housing for residents of all income levels.

#### **Actions**

- Seek financial assistance from state.
- Work with Kent County staff to encourage strong code enforcement.
- Seek opportunities for “move up” housing to encourage growing families to remain in Clayton.

### **Plan Accomplishments**

- Continued working with Kent County staff to respond to complaints.
- Drafting property maintenance code scheduled for adoption in December 2002.
- Budgeted funds to hire part-time code enforcement officer.
- New RS zoning classification increasing the minimum lot from 7,500 to 10,000 square feet included in 1998 zoning ordinance.

## **Public Safety**

### **1996 Goals and Actions**

#### **Goals**

- Regularly review police protection requirements.
- Monitor fire protection and emergency medical services.

#### **Actions**

- No specific actions.

### **Plan Accomplishments**

- Continued to review Clayton's public safety needs.

## **Recreation & Open Space**

### **1996 Goals and Actions**

#### **Goals**

- Provide an adequate supply of open space for recreational activities.
- Balance demand for recreation and open space with both fiscal resources and responsibilities associated with ownership and maintenance of public properties.

#### **Actions**

- Purchase land around Greens Branch for recreation and/or open space.
- Adopt amendment to subdivision regulations mandating that developers either dedicate recreational land or pay a fee in lieu of dedication.
- Work with private land owners to utilize their land either permanently or temporarily for recreation, e.g., VFW land for ball fields.
- Designate greenways adjacent to floodplains and roads on land use map.
- Apply for park acquisition funds and request technical assistance from DNREC on open space preservation.
- Encourage owners of land adjacent to Greens Branch to plant native trees and to take other actions to restore streamside wetlands in order to enhance the stream's attractiveness for biking and walking.
- Develop standards for protecting greenways in the zoning ordinance and subdivision regulations.
- Establish formal coordination with Smyrna, Kent County, and New Castle County to conserve wetlands and develop greenways along Providence Creek and Greens Branch.
- Seek technical assistance from DNREC and the Urban Forestry Program under the state Department of Agriculture to determine appropriate restoration methods for Greens Branch.

### **Accomplishments**

- Requirement for dedication of land for recreation or payment of a fee in lieu of land dedication incorporated in new Subdivision Regulations adopted June 12, 1999.
- Open Space (OS) Zone adopted whose purposes include preserving lands having natural limitations and identifying areas suitable for non-intensive recreational uses.
- Land on either side of streams and along the abandoned rail right-of-way paralleling the north side of East Main Street designated open space on the land use map; most of these areas rezoned as OS in 2000 comprehensive rezoning.

- New playground on the south side of Smyrna Avenue near railroad built on land donated through the Land Conservation Trust Fund.
- Currently working with the state Division of Parks & Recreation to develop strategy for preserving rail spurs for bike and equestrian trails.

## ***Economic Development***

### **1996 Goals and Actions**

#### **Goals**

- Attract new business to downtown.
- Encourage additional businesses in industrial park.

#### **Actions**

- Work with the Delaware Economic Development Office (DEDO) to market sites in industrial park.
- Seek technical assistance through DEDO's Delaware Main Street Program.
- Coordinate with state Historic Preservation Office.
- Conduct market study to determine demand for additional retail establishments.
- Delineate areas suitable for commercial development on land use plan.

### **Accomplishments**

- New Town Center (TC) Zone enacted to relax bulk standards and to permit mixes of uses in the "downtown" area west of Main Street and the railroad.
- Masten's property, located at Railroad Avenue and East Street, redeveloped to accommodate new users.

## ***Community Development***

### **1996 Goals and Actions**

#### **Goals**

- Preserve Clayton's heritage.
- Maintain visually pleasing community.

#### **Actions**

- Purchase the train station.
- Continue utilizing the Historic Preservation District overlay zone.
- Develop a capital improvements program that includes a project for beautification; earmark money in a special fund.
- Work with Kent County staff to encourage strong code enforcement.
- Seek assistance from the Delaware Main Street Program through DEDO for design and financial assistance.
- Work with State Historic Preservation Office to obtain financial and technical assistance for restoration and to identify historic resources.

### **Accomplishments**

- Continued working with Kent County staff to respond to complaints.
- Drafting property maintenance code scheduled for adoption in December 2002.
- Budgeted funds to hire part-time code enforcement officer.

## **Land Use**

### **Thorpe Property (Longwood Lane)**

#### **1996 Plan Recommendations**

- Cluster away from tracks.
- Encourage a mix of residential uses, e.g. townhouses and detached.
- Require a visual buffer from tracks.

#### **Accomplishments**

- Property nearly developed with single-family detached homes.
- Homes set back from tracks.

### **Town Center**

#### **1996 Plan Recommendations**

- Delineate a new land use called “Town Center.”
- Create a new zoning classification to encourage a small town scale and mix of uses. e.g., eliminate setbacks, limit building height to 2 or 3 stories, set a maximum floor area, permit residential on second floor with commercial on street level.
- Do the parking study recommended in the transportation discussion.
- Create a town center at the intersection of the railroad and Main Street.
- Establish and maintain parking areas in the town center and design street patterns that minimize vehicular speed.
- Create a capital improvement project for street furniture, signs and other visible features to define a boundary for Clayton’s downtown.
- Continue to sponsor community events, such as 4th of July celebrations.
- Develop additional mechanisms for reaching out to the community and encouraging citizen involvement. For example, periodically place invitations to council or planning commission meetings in utility bills.
- Increase personal contacts between elected officials and the community (For example, set up informal meetings in citizens’ homes so citizens can talk one-on-one with council members outside of the formal setting of a mayor and council meeting).

#### **Accomplishments**

- New Town Center (TC) Zone created that permits mixes of uses and flexible bulk regulations for an area west of the railroad along Main Street.
- New parking area organized on the north side of Main Street between the railroad and Railroad Avenue.
- Community events continuing.

### **Greens Branch**

#### **1996 Plan Recommendations**

- Get FEMA maps to delineate floodplain boundaries.
- Maintain Open Space designation on land use map for floodplain.

#### **Accomplishments**

- Open Space (OS) Zone adopted for approximately 50 feet on either side of Greens Branch in 2000 comprehensive rezoning.

## **South Bassett Street**

### **1996 Plan Recommendations**

- Create new “light industrial” land use category for the South Bassett Street area.
- Create a “new general industrial” land use category for other industrial areas, particularly the industrial park.
- Adopt a new I-1 zoning classification that permits small-scale commercial-industrial uses.
- Rename existing I (Industrial) Zone to I-2 to accommodate larger-scale industrial uses and rewrite regulations if necessary.

### **Accomplishments**

The 1998 review of the zoning ordinance indicated that the provisions of the existing industrial zone served both the businesses along South Bassett Street and in the industrial area along Duck Creek Parkway. Accordingly, the 1998 zoning ordinance and subsequent comprehensive rezoning did not provide for a second industrial zone.

## **St. Joseph’s School**

### **1996 Plan Recommendations**

- Annex the property.
- Consider an “open-space dominated” development for the property.
- Conduct a market study of development alternatives.
- Identify and resolve issues involved in developing the property such as sewer service, access, wetlands, and historic sites.

### **Accomplishments**

- Property annexed 1997; included 108 acres in Kent County and 127 acres in New Castle County.
- Most of property zoned RS (Suburban Residential) which permits single-family detached homes on 10,000 square foot lots as well as clustered development; buffer area along Providence Creek zoned OS
- Charter school established, September 2002.

## **Hanover Home Farm**

### **1996 Plan Recommendations**

- Designate developable portion for residential land use and open space for stream and floodplain.
- Adopt new zoning classification permitting larger lot sizes than in current ordinance.
- Obtain open space to tie into Wheatley’s Pond, within subdivision process.

### **Accomplishments**

No action.



## **Implementation Strategies**

### **1996 Plan Recommendations**

- *Zoning*. Incorporate plan recommendations for new zones and review entire ordinance.
- *Subdivision*. Update as needed to ensure consistency with zoning regulations.
- *Building Code*. Continue to work with Kent County on permit review and code enforcement.
- *Housing Code*. Continue to work with Kent County regarding enforcement.
- *Capital Improvements Program (CIP)*. Review feasibility of a CIP for Clayton.

### **Accomplishments**

- Adopted new zoning ordinance, December 14, 1998.
- Adopted new subdivision regulations, June 2, 1999.
- Adopted comprehensive rezoning, June 12, 2000.
- Housing Code scheduled for adoption, December 2002.

## Current Planning Environment

Clayton's planning environment consists of more than its own plans and policies. Rather, it encompasses the plans and policies of the state, the county(ies) in which the jurisdiction is located, and adjacent municipalities. This section summarizes plans and policies of the State of Delaware, New Castle County, Kent County, and the Town of Smyrna. Together with Clayton's planning issues, state, county, and other relevant municipal plans form the backdrop for Clayton's Plan Update.

### State of Delaware

For more than 40 years, the State of Delaware has wrestled with growth management and the wise investment of state funds. Beginning with the State Planning Council in 1959, state officials have pursued a variety of strategies to channel development to existing communities, preserve farmland, provide employment opportunities, and maintain a high quality of life.

In 1999, the Cabinet Committee on State Planning Issues adopted the *Strategies for State Policies and Spending* to guide state funding decisions and policy formation. Consisting of text and maps, the *Strategies* classify the entire state using 7 "levels" based on the predominant type of development. These levels form the basis for identifying locations where state-supported growth should occur and establishes guidelines for state investment. Table 1 lists each level, its characteristics, and a summary of its state investment strategies.

**Table 1. State Strategies**

<b>Level</b>	<b>Characteristics</b>	<b>Strategy</b>
Communities	Population centers built around a core commercial area	Provide maximum number of options to encourage redevelopment and reinvestment as well as the efficient use and maintenance of existing public and private investment
Urban Centers	Cities of Wilmington, Newark, Dover	Same as for Communities
Employment Centers	Areas designated by state and local officials for employment concentrations	Promote new economic development and a balance between workplaces and residences
Developing Area	Suburban neighborhoods surrounding municipalities, transitions between communities and rural areas	Target state investments to accommodate existing development and orderly growth
Environmentally Sensitive Developing Areas	Areas surrounding the Inland Bays where development is pressuring the natural environmental and infrastructure	Seek a balance between resource protection and sustainable growth
Secondary Developing Areas	Designated for growth in county plans, but not included in state's Developing Areas	Promote efficient, orderly development and coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth, and within the limitations of state financial resources.
Rural Areas	Open, natural, or forested areas; farms and agribusinesses; small settlements	Preserve rural lifestyle and discourage new development

**Source:** *Shaping Delaware's Future: Managing Growth in 21<sup>st</sup> Century Delaware, Strategies for State Policies and Spending*, approved by the Governor's Cabinet Committee on State Planning Issues, 12/23/1999. <<http://www.state.de.us/planning/shape/strategy/strategy.pdf>>.

The *Strategies* are important for municipal planning because they depict graphically, as well as describe, the areas to which the State will channel its resources. While the State does not intend that the *Strategies* direct local land use decisions, it does intend that the *Strategies* guide the State's funding decisions. Delaware local governments should strongly consider the *Strategies* in their comprehensive plans and land use decisions because the *Strategies* form the basis for state review of local land use actions as required under the Land Use Planning Law (LUPA).

Map 1 depicts the *State Strategies* map for the Clayton area. As the map shows, Clayton's current corporate limits are almost entirely within the Community Level. Like Clayton, the Town of Smyrna lies entirely within the Community Level. The Developing Area between Clayton and Smyrna depicts properties surrounded by the two municipalities that remain under Kent County jurisdiction. The area west of Clayton is designated Rural except for a small Secondary Developing Area south and west of Clayton adjacent to the railroad right-of-way.

Map 1 also identifies lands in Delaware's Farmland Preservation Program. Authorized by the Delaware Agricultural Lands Preservation Act of 1991, this program's primary goal, like that of the *State Strategies*, is to channel development to areas where public facilities and services can accommodate it so that land best suited for agriculture can be conserved. Two of the Act's provisions for farmland preservation include the purchase of development rights (PDR) and the establishment of Agricultural Preservation Districts. A PDR parcel is one whose owner has sold the development rights. This allows a farmer to maintain agricultural uses permanently. An Agricultural Preservation District is an area of at least 200 continuous acres committed to agricultural use. Qualified properties receive tax concessions in return for continued farming. As Map 1 shows, several PDR parcels and Agricultural Preservation Districts are located south and west of Clayton.

## **New Castle County**

New Castle County's plans and policies are important because Clayton's corporate limits extend into the County and generally because Clayton is adjacent to the County. In addition, the Clayton community supports maintaining the existing rural character of the area north of Duck Creek which forms the boundary between New Castle and Kent Counties.

Ensuring the rural character of southern New Castle County (which includes the area north of Duck Creek) between the Middletown-Odessa area and the Clayton-Smyrna area is a cornerstone of the County's recent land use actions:

- *1997 Comprehensive Development Plan Update*. This Plan Update designated the area north of Duck Creek as appropriate for "Very Low" density of no more than "0 to 1 Dwelling Units Per Acre."
- *1997 Unified Development Code (UDC), 1997*. The UDC contains strong standards to protect natural resources and farmland. Some of these are:
  - Suburban Reserve Zone. Land in the SR Zone is reserved for long-term development and the preservation of open space and agricultural activities are encouraged. Public sewer and water service is not provided in this area and densities generally may not average more than one dwelling per five acres. Development plans, that cluster homes and leave substantial amounts of open space, are encouraged.

- Sunsetting. Approved development plans, for which construction has not begun after five years from the approval date (or the UDC's adoption date), may be subject to revision if not in compliance with current standards.
- Environmental Standards. The UDC includes strict standards to protect wetlands, stream valleys, steep slopes, and forested areas.
- *1998 Comprehensive Rezoning*. Following adoption of the 1997 Plan Update and enactment of the UDC, the entire county was rezoned to reflect the land uses adopted in the Plan. The rural areas north of Duck Creek were zoned Suburban Reserve (SR).
- *2002 Comprehensive Plan Update*. In March 2002, New Castle County adopted an update to its 1997 Plan Update. Consistent with the *State Strategies* and continuing the land use policies of the 1997 update, this plan once again designates the land the area north of Duck Creek as rural.

## Kent County

Kent County's plans and policies are important for Clayton's planning efforts because, except for the New Castle portion of the St. Joseph property, Clayton's corporate limits are in the county. In addition, Clayton receives a number of services from the County including sewer service and inspection services. Finally, the most likely properties for annexation into Clayton are located in Kent County west and southwest of Clayton's current boundaries along State Routes 6 and 300.

Like New Castle County, Kent County's recent land use actions have underscored the County's commitment to agricultural preservation and growth management. Responding to the *Cabinet Committee on State Planning Issues Report* of April 1995, the Levy Court enacted an ordinance strengthening the County's ability to conserve farmland and to direct growth to areas where infrastructure is in place. A key component of this legislation was the delineation of a growth overlay zone constructed by drawing circles consisting of roughly a 2-mile radius from each of the County's sewage pumping stations and combining the circles. The ordinance also established density standards and open space requirements for developments for the County's two agricultural zones inside and outside of the overlay zone.

Kent County's growth overlay zone is important for Clayton because it shows the area within which Kent County intends to provide sewer service. The *2001 Comprehensive Plan Update* confirms this policy:

Present County policy on provision of service is to provide that service in areas of the growth zone wherever economically feasible. Areas outside the growth zone are considered for service when there are environmental and health concerns for existing development.

<[http://www.smartmap.com/kent\\_co/comp\\_plan/chapter\\_12.htm](http://www.smartmap.com/kent_co/comp_plan/chapter_12.htm)>

Map 1 depicts Kent County's growth zone in conjunction with the *State Strategies* map. Clayton must give serious consideration to this boundary as the community charts the direction of the Town's growth.

## Town of Smyrna

Smyrna's plans and policies are important for Clayton because most of the Town's eastern boundary adjoins Smyrna's western boundary. In addition, both Smyrna's and Clayton's boundaries create enclaves around a number of parcels that remain in Kent County. Further, the boundary line between the two towns bisects a recorded, but undeveloped, subdivision planned for the Johnson Farm located between DE 6 and Duck Creek Parkway adjacent to Smyrna High School. Finally, Smyrna has experienced and will continue to experience a growth spurt; some of this growth directly affects Clayton's land use decisions especially the Wal-Mart distribution center planned for the Smyrna Industrial Park located adjacent to Clayton's corporate limits on the south side of DE 300.

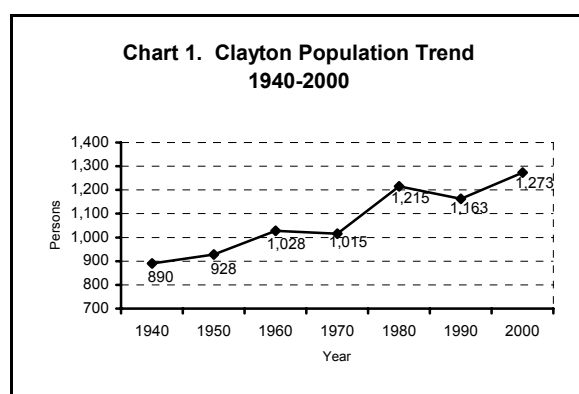
Like Clayton, Smyrna is updating its comprehensive plan. The *Final Draft Annexation Plan Amendment to the Smyrna Comprehensive Plan*, dated November 20, 2002, recommends the railroad as Smyrna's western boundary. It also recommends that annexation petitions from properties between the boundaries of Clayton and Smyrna—the Spruance City and DE 300 area—be evaluated on a case-by-case basis and consistent with Clayton's desires. Accordingly, the Smyrna Plan's growth area maps depict Smyrna's ultimate boundaries as co-terminus with the areas proposed for annexation in Clayton's Plan Update. If Clayton and Smyrna are able to annex the areas depicted in their respective comprehensive plans, the Kent County enclave between the two municipalities will be eliminated.

## Town of Clayton

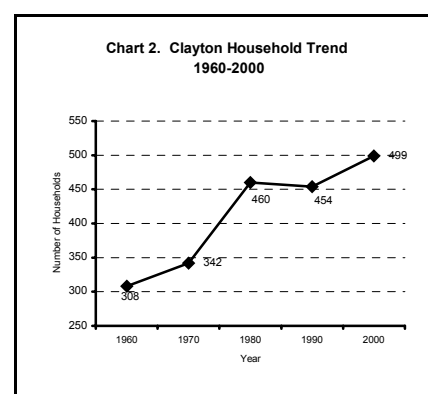
This section looks at Clayton's current planning environment. It summarizes the Town's growth and development and outlines its planning accomplishments since 1996.

### Demographic Trends

Perhaps Clayton's most significant change is its population and household growth. Charts 1 and 2 show that between 1990 and 2000 Clayton reversed a downward trend in both population and households. The Town's population and households have reached all-time highs.



Source: US Census 2000.



## Development & Annexation Activity 1996-2002

Table 2 tracks Clayton's development and annexation activity from adoption of the 1996 Plan to 2002. As the table shows, the Wheatley's Pond single-family homes are completed, while the townhouses in that development are almost half completed. The Longwood Lane Subdivision is nearly built-out. In addition, a number of homes have been built on infill properties scattered throughout the Town.

**Table 2. Development & Annexation Activity 1996-2002**

<i>Property</i>	<i>Location</i>	<i>Acres</i>	<i>Status 1996</i>	<i>Status 2002</i>
Wheatley's Pond	Southwest quadrant, School Lane & DE 300	21.1	Subdivided, under development for 35 single-family homes and 93 townhouses	Single-family portion built-out; approximately 40 town homes (43%) complete
Thorpe	Between Greenspring Road and Conrail Line north of Old Duck Creek Rd	21.0	Recently annexed for residential development	Longwood Lane Subdivision, nearly built-out with 48 single-family detached homes
Clayton Sq, Gander Drive	Northeast corner, Duck Creek Road & DE 6	0.7	3 single-family lots developed; 6 undeveloped	1 vacant lot remaining
St. Joseph Property	Between Greenspring Rd & Providence Creek	235.0	Proposed for annexation	Annexed 1997; existing buildings redeveloped for charter school

**Source:** Table 11, *Clayton Comprehensive Plan*, adopted 12/11/1996, updated by the IPA and the Town of Clayton, August 2002.

The 1996 Plan recommended annexation of two parcels: the Hanover Home Farm and the St. Joseph's School Property. The owners of the Hanover Home Farm have not requested annexation, and the property remains undeveloped. Shortly after adoption of the 1996 Plan, owners of the St. Joseph's property petitioned for annexation of the 235-acre tract located in both New Castle and Kent Counties. The Clayton Town Council annexed this property in 1997 and zoned the entire property RS which permits the development of single-family detached homes on 10,000 square foot lots. The entire New Castle County portion is being farmed. Although most of the Kent County portion remains vacant, the buildings and grounds once occupied by the former St. Joseph's Industrial School have been rehabilitated to accommodate a new charter school.

## Current Development Conditions

Given the population and household changes portrayed in Charts 1 and 2, it is not surprising that Clayton is on the verge of build-out. Map 2, which depicts Clayton's current land use, shows that the Town has few vacant properties available for development. Table 3 shows Clayton's current vacant and agricultural land inventory within the Town's existing corporate limits and estimates the number of dwelling units (DUs) that each parcel could accommodate. The table shows that if Clayton develops at current recommended densities and does not annex, the Town could have 300 new homes.

**Table 3. Vacant & Agricultural Land within Current Town Limits 2002**

<i>Property &amp; Location</i>	<i>Acres</i>	<i>DUs</i>	<i>Notes</i>
St. Joseph—New Castle County	127.4	0	Dwellings not permitted in OS
St. Joseph—Kent County	108.0	100	Allows for small development in conjunction with school facilities
Johnson Farm partially in Smyrna	3.6	60	Approved development plan
Wheatley's Pond Townhouses School Lane & DE 300	21.1	55	Approved development plan
Clayton Elementary School School Lane & Main Street	11.5	0	Assumes property will continue its current use as a school
Southern States "Farm" School Lane adjacent to Clayton Elementary	3.8	55	Assumes 90% developable at 4.2 DUs/acre
North side DE 300 between S. Bassett & S. Rodney		0	Proposed Industrial
North side of DE 300 from S. Rodney to Town limits	15.0	0	Proposed Commercial
Hare—South side Smyrna Ave at end of Kirkwood St	2.1	7	Assumes 80% developable at 4.2/Dus/acre
Other Infill	11.5	23	IPA estimate
Total DUs		300	

**Source:** IPA tabulations.

Table 4 calculates the impact of the addition of 300 new homes on Clayton's population. Using the 2000 Census estimate of 2.55 persons per household, Clayton's population could increase by 765 persons from 1,273 to 2,038.

**Table 4. Population at Build-Out within Current Town Limits**

<i>Item</i>	<i>Calculations</i>	<i>Sources and Notes</i>
Current Clayton Population	1,273	US Census 2000
Number of homes at build-out within current Town limits	300	See calculations in Table 3
Average Family Size	2.55	US Census 2000
Additional population at build-out	765	DUs X Average Family Size
Total population at build-out within current Town limits	2,038	Current population + additional population

**Source:** IPA tabulations.

## Plan Update Process

This Plan Update began in March 2002. This section describes the public review and intergovernmental coordination components of the Plan Update process.

### Public Workshop

On June 19, 2002, the Planning & Zoning Committee held a public workshop to seek input from the community. In order to encourage maximum community participation, notices were placed in the utility bills sent to each Clayton household at the beginning of each month. The first notice, included in the May utility bills, announced the beginning of the Plan Update and that a public workshop would be held in June. The second notice, placed in the June bills, specified the date, place, and time for the workshop. Notices were also placed in the *Delaware State News* and the *Smyrna-Clayton Sun* and were mailed to planning officials representing the Office of State Planning Coordination, (OSPC) New Castle County, Kent County, and the Town of Smyrna.

Approximately 30 people participated in the workshop including representatives from the Delaware General Assembly, the Office of State Planning Coordination, New Castle County, Kent County, and the Town of Smyrna as well as several members of the Clayton Town Council. The meeting began by reviewing the Plan Update's purpose and schedule. The group then assessed the goals and objectives of the 1996 Plan. Discussion moved to an evaluation of the adopted land use plan. The meeting concluded with a discussion of growth, annexation, and development of the area surrounding Clayton.

### Goals

Perhaps the most important component of the public workshop was the review and discussion of the 1996 Plan goals. IPA planners summarized these goals as shown in Table 5. The complete list of goals and actions is in the "Plan Review" section.

**Table 5. Summary of 1996 Plan Goals**

- |  |
|--|
| <ul style="list-style-type: none"> <li>■ Retain Small Town Atmosphere</li> <li>■ Maintain Small-Scale Development</li> <li>■ Preserve Housing Stock</li> <li>■ Control Through Traffic</li> <li>■ Beautify Town</li> <li>■ Earmark Open Space</li> <li>■ Coordinate with Other Governments</li> <li>■ Manage Growth</li> </ul> |
|--|

**Source:** *Clayton Comprehensive Plan*, adopted 12/11/1996.

The ensuing discussion revealed that although workshop participants support continuation of the goals and objectives adopted in the 1996 Plan, they believe that Clayton must redouble its efforts to create a favorable climate for small and home businesses by adding an economic development goal to the plan.

Consistent with their endorsement of small and home businesses, workshop participants supported the town center boundary depicted in the 1996 Plan and recommended that the comprehensive rezoning, that will follow adoption of this Plan Update, reflect that



boundary. They reconfirmed support for the Town Center Zone included in the Zoning Ordinance adopted in 1999, which allows mixes of uses within single buildings, such as retail or office on lower levels with apartments on upper levels. In addition, it authorizes the Planning & Zoning Committee to determine, on a case-by-case basis, the appropriate setbacks, lot coverage, and off-street parking requirements for each application for a certificate of zoning compliance rather than mandating strict adherence to an inflexible set of standards. Participants felt that this zone would implement the goal of providing employment opportunities.

## **Land Use**

The community discussed the 1996 Plan's future land uses. Current Delaware law requires that the zoning classifications match the land use designations depicted on the future land use map. The planning consultant pointed out several inconsistencies between the adopted land use map and the zoning map. The community made recommendations for correcting many inconsistencies and asked IPA to propose changes for the remainder.

## **Growth**

As in 1996, the community strongly endorsed the goal of managing growth. Clayton residents acknowledged that their town must grow to remain a vibrant community and to continue providing a wide variety of housing types as well as employment opportunities. They cautioned that growth should occur at a pace commensurate with the Town's ability to provide public services and infrastructure. They recommended that the land use plan continue to identify the Hanover Home Farm for annexation and subsequent residential development. They endorsed directing Clayton's growth south and west between the railroad and DE 300 (Wheatley's Pond Road) within Kent County's growth boundary.

They also expressed concern about the growth taking place around Clayton in both Smyrna and southern New Castle County. They articulated support for Smyrna's draft Annexation Plan depicting the railroad as Smyrna's western boundary. They also recommended that Clayton and Smyrna together determine the most appropriate boundaries in the DE 6/300 area where the boundaries of both towns form an enclave around properties in Kent County. Another area of concern is the rural area north of Duck Creek in New Castle County. This area consists of a number of large agricultural and undeveloped properties. The community supports New Castle County UDC standards aimed at maintaining the rural character of this area.

## **Planning & Zoning Committee Review**

Following the June 19 workshop, IPA planners prepared a preliminary draft for review by the Planning & Zoning Committee. This draft incorporated the direction provided at the public workshop as well as the components required by state law.

On October 23, the Planning & Zoning Committee met to discuss the preliminary draft Plan Update. The Committee's most substantial revision to the preliminary draft was the addition of several properties in the DE6/300 area for annexation. The Committee authorized transmission of the revised Plan Update to the Town Council for adoption and to the Office of State Planning Coordination for LUPA review, and to the public.

## ***Intergovernmental Review***

Recognizing the importance of and as the state requirement for intergovernmental coordination, the Clayton town staff and IPA planners initiated and maintained contact with planning staff in the Office of State Planning Coordination, New Castle County, Kent County, and the Town of Smyrna throughout the Plan Update.

Simultaneous with the Planning & Zoning Committee's transmittal to the Town Council, the draft Plan Update was forwarded to the Office of State Planning Coordination in compliance with Delaware law. Copies were sent also to New Castle County, Kent County, and the Town of Smyrna. The Office of State Planning Coordination and the Institute for Public Administration at the University of Delaware posted the Plan Update on their websites. In addition, copies of the Plan Update were available at the Clayton Town office.

Delaware's Land Use Planning Law requires that the State certify county and municipal comprehensive plans. The certification process involves review and comment from state departments and agencies. The Office of State Planning Coordination organizes the comment process and works with each jurisdiction on items required for plan certification.

On December 4, 2002, the Office of State Planning Coordination released Clayton's LUPA review comments. The Town made several revisions to the Plan Update to respond to the issues regarding certification.

## ***Town Council Review***

On January 13, 2003, the Town Council held a public hearing on the Plan Update.

## ***Plan Adoption***

On January 16, 2003, the Town Council adopted the Plan Update.

## ***Plan Certification***

On January 24, 2002, the Office of State Planning Coordination certified the plan.

## Plan Amendments

Although this entire document, together with the 1996 Plan, constitutes Clayton's Comprehensive Development Plan, this section presents changes to specific components of the 1996 Plan. These changes are drawn from the review of the 1996 Plan's accomplishments, Delaware's current planning environment, community input, and LUPA review comments. It is intended that the plan amendments contained herein be read in concert with the 1996 Plan. Should conflicts between the 1996 Plan and this Plan Update exist, the provisions of this Plan Update supercede those of the 1996 Plan.

***This Plan Update replaces paragraphs 3 and 4 in the section titled Clayton Today-Utilities-Sewage Service of the 1996 Plan with the following:***

### **Clayton Today-Utilities**

#### **Sewage Service**

Clayton receives sewage collection, transmission, and treatment services from the Kent County Regional Wastewater System. Established in 1973, the system consists of a trunk collection system running north-south from Smyrna to Milford that transmits sewage to a single treatment facility near Frederica. The County supplies service through the establishment of sewer districts serving municipalities, that do not provide sewer service, and major residential subdivisions in unincorporated areas. Clayton joined the County system in 1986.

Sewage from Clayton's homes and businesses flows to a lift station adjacent to the former town landfill at the north end of Dump Road. Sewage is pumped from the lift station through Smyrna to County Pump Station No. 1, located on Route 13 near Mill Creek. From there, sewage enters the County's principal trunk system which leads to the regional plant. Clayton's current sewage flow is estimated at 180,000 gallons per day.

Clayton's contract with Smyrna limits Clayton's flow to the Kent County Regional Wastewater System to 400,000 gallons per day (gpd). This limit reflects the capacity of the pump serving the lift station and the force main into which the lift station pumps Clayton's sewage. Should Clayton require more than 400,000 gpd, either the lift station's pump must be upgraded and a parallel force main installed; or sewage must be routed to the County system in a way that does not involve the lift station on Dump Road.

***This Plan Update adds the following action to the plan:***

#### **Water & Wastewater**

- Monitor future sewer service demand; explore with Smyrna sewer service options that do not involve the lift station on Dump Road as well as upgrades to the lift station and force main.

***This Plan Update adds the following goal to the plan:***

#### **Economic Development**

- Provide opportunities for employment, especially small and home businesses at a scale that is compatible with Clayton's development characteristics.

***This Plan Update incorporates the following into the plan's discussion of recreation and open space:***

## **Recreation & Open Space**

Clayton's railroad rights-of-way present opportunities for providing recreational opportunities especially for pedestrians and bicyclists. One of these rail corridors is the Clayton-Easton line that begins at School Lane and extends 44 miles to Easton, Maryland; 14 miles of the line is in Delaware. In the 1980s, the State of Maryland purchased this line from Conrail. After some commercial use, the Maryland Department of Transportation has banked this rail line and will entertain interim uses for it. In the last decade communities in Delaware and state agencies have constructed pedestrian and bicycling trails, some that stretch across large areas. The state Department of Natural Resources & Environmental Control's (DNREC) Division of Parks and Recreation published the Greenway & Trail Atlas for Delaware identifying completed trails and potential trails.

The 14-mile Clayton-Easton segment has been identified as having rail-trail potential in a portion of Kent County that has few active recreational opportunities. The Division is working to obtain a lease from MDOT to use the rail line as a recreational facility. Developing a facility of this type will require support and financial partners to build the rail-trail and other support facilities. Operation and maintenance of the linear recreational facility would become the responsibility of the Division of Parks & Recreation

### ***This Plan Update adds the following actions to the plan:***

- Support DNREC's efforts to develop the Clayton-Easton rail-trail; participate in the design, planning, and public participation associated with the project.
- Work the Parks and Recreation Division to identify opportunities to target unused railroad rights-of-way for hiking, biking, or other recreational purposes.
- Apply for funding to develop bicycle and pedestrian facilities in the town.
- Work with Smyrna to develop bicycle/pedestrian links between the towns; develop a link from Greens Branch Trail to Clayton.

### ***This Plan Update adds the following to the Current Issues section of the 1996 Plan:***

## **Environmental Protection**

### **Pollution Control**

Section 303(d) of the federal Clean Water Act mandates that each state compile a list of impaired water bodies. Impaired water bodies do not meet standards for their designated uses, such as fishing, swimming, recreation, or drinking. Each state must establish limits on the amounts of certain pollutants that can be discharged into impaired water bodies without exceeding water quality standards and develop strategies for meeting those standards. These limits are referred to as "total maximum daily loads," or TMDLs.

DNREC has identified 377 impaired water bodies [[http://oaspub.epa.gov/waters/state\\_rept.control?p\\_state=DE](http://oaspub.epa.gov/waters/state_rept.control?p_state=DE)] accessed 12/11/2002] and is in the process of setting TMDLs for every Delaware watershed. Clayton is located in Smyrna River watershed which has been designated as impaired. DNREC must establish TMDLs by December 2006. The TMDL determination will address bacteria, dissolved oxygen, and nutrients.

### **Goals**

- To preserve nearby water bodies for their designated uses.
- To support and contribute to the State's strategies for curbing pollution of the State's water bodies.

**Actions**

- Work with DNREC to develop policies, procedures, and best management practices (BMPs) aimed at controlling pollution.
- Continue working on economically feasible means to connect all properties within the Town limits to the water and sewer system.
- Condition annexation on connection to Clayton's water and sewer system.
- Review development procedures in Clayton's zoning and subdivision laws.

**Land Use****Existing Land Use**

Map 3 portrays Clayton's current land uses. It reflects updates and corrections to the "Land Use 1995" map adopted in Clayton's 1996 Plan.

***This Plan Update replaces "Map 3 Land Use in Clayton 1995" in the 1996 Plan with Map 2 "Clayton 2002 Comprehensive Plan Update Existing Land Use."***

**Future Land Use**

Map 4 depicts Clayton's desired land use pattern. It reconciles the land use inconsistencies discussed at the public workshop and designates the New Castle County portion of the St. Joseph property for open space. Table 6 lists the inconsistencies.

***This Plan Update replaces "Map 4 Recommended Land Use for Clayton" in the 1996 Plan with Map 3 "Clayton 2002 Comprehensive Plan Update Future Land Use" and adds the following to the section titled "Land Use Plan—In Town."***

**St. Joseph's School**

The St. Joseph's School property is located in the northwest quadrant of Duck Creek and Green Spring Roads. The property consists of approximately 235 acres and extends north across Providence Creek into New Castle County. It is vacant except for several school buildings near the corner of Green Spring and Duck Creek Roads.

***Kent County Tract***

About 108 acres of the St. Joseph property is in Kent County. Once operated as a educational institution for special students by the Catholic Josephite Brothers, the property has been home to the Providence Creek Academy charter school since September 2002. This school serves 483 students from kindergarten through sixth grade and provides after-school activities and care. The school's current plans call for the addition of seventh and eighth grades by 2004. Long-term plans include construction of a new building to house grades nine through twelve.

There are several issues involved with developing the Saint Joseph's property. The first – and most important – issue is compatibility with Providence Creek Academy's programs, space requirements, and schedules. The second question concerns sewage service. Although Clayton's allocation at the Frederica sewage treatment plant is adequate at present, new development must be managed carefully so that Clayton has sufficient treatment and transmission capacity to accommodate growth. A third development issue is access. There is no direct route from Route 13 through Smyrna and Clayton to this property. The feasibility of gaining access from Duck Creek Parkway

east of the railroad appears improbable because the Federal Railroad Administration will not approve new at-grade crossings and has ordered a 25percent reduction in existing at-grade crossings. The feasibility of improved access from the north via Green Spring Road also is doubtful since it would likely involve improvements to the Providence Creek crossing. A fourth development issue is Providence Creek and other wetlands that would render much of the property unsuitable for development. A fifth issue concerns determining the historical significance of St. Joseph's Church and the school buildings.

The extensive floodplain, the limits on improving access to this site, sewage service issues, and the likely presence of wetlands, strongly suggest an open-space dominated development plan that focuses on Providence Creek Academy. An open-space dominated development concept, focused on Providence Creek Academy, not only can address many issues associated with the St. Joseph's property, but also can be turned into assets benefiting the Academy. Sewage service is already in place to serve the property. Additional sewage service demands are not likely to have a significant impact on either the transmission system or Clayton's allocation at the Kent County treatment facility. An open-space dominated, low-intensity development is unlikely to place as great a burden on the road system as a conventional development.

Environmental constraints of the St. Joseph's property, which are often viewed as burdensome by developers, can be turned into assets for the Academy. Since it is likely that substantial portions of the property are undevelopable, the Academy gains opportunities to provide fields for sports and other outdoor activities. It also creates opportunities for a partnership between the Academy and the Clayton community for joint development and joint use of recreational facilities.

This Plan recommends the following for the St. Joseph Kent tract:

<i>Recommended Land Use.</i>	Residential.
<i>Recommended Zoning.</i>	RS.
<i>Demographic Impact.</i>	DUs—100      Population—255

### ***New Castle County Tract***

Approximately 127 acres of the St. Joseph's property is in New Castle County. Like the Kent County tract, the New Castle tract faces many of the same development issues. Not only is this tract further from existing infrastructure than is the Kent County tract, but also it is outside of the areas to which neither New Castle County nor Kent County intends to extend public services in the foreseeable future.

Workshop participants supported New Castle County's land use plan that calls for a rural development pattern in the area north of Duck Creek. Accordingly, Clayton's comprehensive plan for future land use for this area should be compatible with the land use recommended for the surrounding area.

This Plan recommends the following for the St. Joseph New Castle tract:

<i>Recommended Land Use.</i>	Open Space.
<i>Recommended Zoning.</i>	OS.
<i>Demographic Impact.</i>	None

**Table 6. Land Use-Zoning Inconsistencies**

Map 2 Ref	Tax Parcel ID Location	Acres	1996 Recommended Land Use	Existing Zoning	Existing Land Use	Recommended Land Use	Recommended Zoning
A	3-04-01806-01-3800 Coleman/Old Duck Cr	N/A	Industrial	C2	Industrial Clements Supply	Industrial	I
A	3-04-01806-01-3900 RR-Coleman-Wilson	3.00	Industrial	C2	Industrial Clements Supply	Industrial	I
A	3-04-01806-01-5800 East-Coleman	2.80	Industrial	C2	Industrial Masten	Industrial	I
B	3-04-01811-01-0100 414 Main St	0.10	Town Center	R	Community Service Town Hall	Town Center	TC
B	3-04-01811-01-0200 Main-Smyrna	N/A	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-0300 SE Main-2DUs	N/A	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-0400 412 W. Main St.	0.07	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-0500 410 Main St	0.07	Town Center	R	Community Service Senior Center	Town Center	TC
B	3-04-01811-01-0600 408 Main St.	0.12	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-0700 406 Main St.	0.11	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-0800 404 Main St.	0.10	Town Center	R	Residential	Town Center	TC
B	3-04-01811-01-2900 S.E. SD. Smyrna Ave.	0.09	Town Center	TC	Industrial	Town Center	TC
B	3-04-01811-01-3000 304 Smyrna Ave.	0.13	Residential	TC	Residential	Town Center	TC
B	3-04-01811-01-3100 306-308 Smyrna Ave.	0.17	Residential	TC	Residential	Town Center	TC
B	3-04-01811-01-3200 310 Smyrna Ave?	0.17	Residential	TC	Industrial	Town Center	TC
C	3-04-01811-01-4900 School Lane	11.50	Open Space	R	Community Service Clayton Elementary	Residential	R
C	3-04-01811-01-5100 School Lane	3.75	Commercial	I	Agricultural Southern States	Residential	R
C	3-04-01811-01-5200 School Lane	1.80	Commercial	I	Industrial Southern States	Industrial	I
C	3-04-01811-01-5300 School Lane	1.70	Commercial	I	Industrial Southern States	Industrial	I
C	3-04-01811-01-5400 School Lane	N/A	Commercial	I	Industrial Southern States	Industrial	I
D	1-04-01811-01-2700 N.W. Side DE 300	3.00	Industrial	R	Vacant	Commercial	C2
D	1-04-01811-01-2800 NW corner 300/S Rodney	0.30	Residential	C1	Residential	Commercial	C2
D	1-04-01811-01-2900 4617 Wheatley's Pd Rd	0.13	Industrial	R	Residential	Commercial	C2
D	1-04-01811-01-3000 N side DE 300 4877 Wheatley's Pond Rd	10.0	Residential	C2	Commercial Bid Master, Academy Learning Center	Commercial	C2
D	1-04-01811-01-3001 N side DE 300, VFW	2.24	Residential	C2	Community Service VFW	Commercial	C2

**Note:** N/A means not available.

**Sources:** Clayton Comprehensive Plan, adopted 12/11/1996; Clayton Zoning Map, adopted 06/12/2000; field investigation by IPA and the Town of Clayton; Kent County Interactive Maps at [http://www.smartmap.com/kent\\_co/](http://www.smartmap.com/kent_co/).

*The following language replaces the portion of the 1996 Plan titled “Land Use—Annexation.”*

## **Annexation**

The areas from which Clayton can annex are limited. Providence Creek defines a logical northern boundary for Clayton, especially since it also forms the border between Kent and New Castle Counties. A number of small parcels, “sandwiched” between Clayton and Smyrna in Kent County, constrain eastward growth. Delaware Route 300 and the railroad limit growth to the southeast because the land on the south side of DE 300 is either in, or would constitute logical extensions of, Smyrna’s town limits.

The most feasible area for Clayton’s growth is west of its current boundaries especially on both sides of Delaware Route 300 west of the railroad. The annexation of Wheatley’s Pond indicates that Clayton has already charted an expansion in this direction. As the Existing Land Use map illustrates, the Wheatley’s Pond area is isolated physically from the rest of Clayton. Growth in a westerly direction not only would help to unite Wheatley’s Pond with the heart of Clayton, but also would create a logical service area for municipal services.

## **Annexation Review Criteria**

An important factor to consider when identifying properties for annexation is the economic feasibility of providing public services. Clayton should give top priority to areas where the Town currently provides services and high priority to areas where town services can be provided easily and economically.

The economic feasibility of service extension is especially important with regard to sewage treatment capacity. Clayton currently uses about 180,000 gallons per day (gpd). This is less than half of the 400,000 gpd that the lift station and force main at the old Town landfill can handle. This appears sufficient to accommodate build-out within Clayton’s current corporate limits, the Dennison’s Area, the 6/300 Area, and the Hanover Home Farm. However, as Clayton contemplates annexation west of its current town boundary, Town officials must either upgrade the lift station and force main or develop a sewer service plan that does not involve the lift station.

When considering annexation of developed area, Clayton also must evaluate the condition of the area’s existing infrastructure. In some cases, the costs of bringing roads, street lighting, and storm water management facilities, into compliance with Clayton’s standards may exceed the revenues and other benefits of annexation.

Another factor is plans and policies of other governmental levels. High priority must be given to the *Strategies for State Policies and Spending* because they indicate where the State is most likely to allocate its resources. Closely related to the *State Strategies* is Kent County’s growth zone which depicts the area where the County intends to provide sewer service. Yet another consideration is Delaware’s Farmland Preservation Program that identifies areas earmarked for farming.

Review of any annexation petition should include a fiscal impact analysis of the proposed development plan. This analysis should include an estimate of the revenues that the proposed development would generate to the town. It should also include an estimate of the costs of bringing existing infrastructure into compliance with town standards as well as the costs of providing on-going town services to the area proposed for annexation.



## Annexation Areas

Drawing on the annexation criteria outlined in the previous section, this section identifies and discusses areas suitable for annexation. It must be emphasized that Clayton may consider annexing only when a property owner requests to be annexed. Identification as suitable for annexation in this plan does not mean that a property automatically becomes part of Clayton, nor does it authorize Clayton to take unilateral action to annex it.

Map 3 of this Plan Update depicts the location of, proposed land use for, and the demographic impact of six annexation areas, and Table 7 provides additional land use information about each area. Two of the six proposed annexation areas are located between Clayton and Smyrna. Consistent with the community consensus from the June 19 public workshop, four areas west of Clayton's current corporate limits are also highlighted.

### Dennison's Area

***Future Land Use Map Reference.*** A.

***State Strategy Level.*** Community.

***Within Kent County Growth Zone?*** Yes.

***Recommendation.*** Upon property owners' petition, annex with the following conditions:

- That the entire area be annexed at the same time.
- That each annexed property owner connect to Clayton's water and sewer system.
- That roads and other infrastructure meets Clayton standards prior to annexation.

***Recommended Land Use:*** Residential.

***Recommended Zoning:*** RS.

***Demographic Impact.*** Dwellings: 25 Population: 64.

The Dennison's Area is located on the north side of Duck Creek Parkway just east of the Clayton Courts Mobile Home Park. It is totally surrounded by Smyrna's and Clayton's town limits. The area includes 25 parcels, each of which is developed with a single-family detached home or a mobile/manufactured home. The parcels range in size from 0.3 to one acre with the most typical being about 0.4 acre.

Most of these homes were constructed in the 1950s and 1960s and are served with individual wells and septic systems. A public health problem does not exist currently, but it is unlikely that the individual septic systems can continue to provide adequate waste removal indefinitely. Should it become necessary to extend sewer service to this area or should residents of the area desire sewer and water service, it is likely to be more economically feasible for Clayton, than for Smyrna, to provide service because this area drains by gravity to and is within 2,000 feet of Clayton's sewage pumping station on Dump Road. Public water should be extended in conjunction with sewer service.

Although it may be economically feasible to extend water and sewer service to this area, Clayton must also evaluate the condition of the infrastructure serving the area especially the roads and streets. If these elements do not meet Clayton's standards, Clayton should consider requiring upgrading to Town standards as a condition of annexation.

Another issue affecting the annexation of this area is the most appropriate zoning for the property following annexation. Most of the parcels in this area are larger than the 10,000 square foot minimum lot size of the RS Zone, Clayton's least dense zone. Although placing the area in the RS Zone might enable the owners of the larger lots to subdivide

their properties into smaller lots, the existing road pattern and placement of structures on each lot precludes resubdivision of most lots.

### **6/300 Area**

***Future Land Use Map Reference.*** B.

***State Strategy Level.*** Developing Area.

***Within Kent County Growth Zone?*** Yes.

***Recommendation.*** Upon property owners' petitions, annex on condition that each annexed property owner agree to connect to Clayton's water and sewer system.

***Recommended Land Use:*** Residential for parcel on north side DE 6.  
Commercial for remaining area.

***Recommended Zoning:*** R for parcel on north side DE 6.  
C1 or C2 for remaining area.

***Demographic Impact.*** Dwellings: 15 Population: 38

The 6/300 Area is located east of Clayton's town limits between State Routes 6 (Main Street) and 300 (Wheatley's Pond Road). The properties in the area are served with individual wells and septic systems, and the Town of Clayton supplies electricity to them.

This area includes:

- a one-acre lot on the north side of DE 6 whose western boundary is adjacent to the Clayton town limits and eastern border is adjacent to the Smyrna town limits. This lot is developed with a single-family detached home.
- eight lots in the William G. Anthony Subdivision located between Wheatley's Pond Road and Dickerson Avenue, east of Greens Branch and the Clayton town limits. The Anthony Subdivision lots range in size from 0.5 to 0.9 acre, and each lot is developed with a single-family detached home.
- six parcels east of Greens Branch between DE 6 and Dickerson Avenue. These lots range in size from one-third acre to almost two acres, and most are developed with single-family homes.

Regardless of other reasons, the properties in 6/300 Area should be part of Clayton because Clayton provides electricity to them. In addition, Clayton can easily extend water and sewer service to these properties.

This plan recommends that the one-acre lot on the north side of DE 6 be designated for residential land uses. This designation is consistent with existing uses as well as with the planned use of the Johnson Farm for single-family homes and townhouses.

Commercial land uses are recommended for the properties between Main Street and Wheatley's Pond Road as a logical continuation of the commercial area fronting on Wheatley's Pond Road east of South Rodney Street. This designation is appropriate for these properties to create a commercial area for uses that can complement and service the Smyrna Industrial Park. The park has been developing rapidly and no doubt will generate demand convenience stores, personal services, and business uses associated with the park. It also recognizes that the development of the Hanover, Davis, and Lester properties, recommended for annexation, are likely to generate demand for additional commercial locations. It further provides an opportunity for Clayton to diversify its tax base.

## **Hanover Home Farm**

**Future Land Use Map Reference.** C.

**State Strategy Level.** Secondary Developing Area & Rural.

**Within Kent County Growth Zone?** Partially.

**Recommendation.** Upon petition of the property, annex and follow development plan review recommendations discussed below.

*Recommended Land Use:* Residential.

*Recommended Zoning:* RS.

**Demographic Impact.** Dwellings: 394 Population: 1,004

The Hanover Home Farm is a 131-acre property located south of the intersection of Delaware Route 6 and School Lane, adjacent to the Wheatley's Pond Subdivision. This parcel is currently utilized to grow some of the food processed at the nearby Hanover Food processing plant on the north side of Delaware Route 6.

This parcel provides an opportunity for Clayton to annex a sufficiently large parcel for "move-up" housing. In 1998, the Town Council included in its zoning ordinance update the RS Zone with a 10,000 square foot minimum lot size. Growing families, seeking larger homes, would have more housing choices within Clayton.

Two issues affect the development of this property. The first is sewage service. A pumping station would be required to direct sewage into the Clayton system. A second issue is the floodplain associated with a stream which forms the southern boundary of this property. Homes should be located a sufficient distance from the boundary of this floodplain. Since the stream connects with Wheatley's Pond, this provides yet another opportunity to connect Clayton's neighborhoods with walking and bike paths as long as the railroad and road crossings separating the two properties can be dealt with safely. Like the St. Joseph's property, this property presents an opportunity for Clayton to create open space as well as ball fields by requiring the developer to dedicate land under the mandatory dedication standards of Clayton's Subdivision Regulations.

If this property is annexed, development plan review should include the following:

- Encourage a cluster layout.
- Designate the developable portion for residential land use and the stream and floodplain as open space.
- Obtain open space to tie into Wheatley's Pond, within subdivision process.

## **Fertilizer Plant**

**Future Land Use Map Reference.** D.

**State Strategy Level.** Secondary Developing Area.

**Within Kent County Growth Zone?** Partially.

**Recommendation.** Upon property owners' petition, annex with the following conditions:

- That the fertilizer processing operation be designated a legal, nonconforming use.
- That the property connect to the Clayton water and sewerage system when service is extended to serve the area.

*Recommended Land Use.* Residential.

*Recommended Zoning.* RS.

**Demographic Impact.** Dwellings: 7 Population: 18

The Royster-Clark fertilizer plant is located on a 2.4-acre parcel at the southwest corner of Wheatley's Pond Road and the railroad. As its name implies, the parcel is currently utilized to process fertilizer for agriculture. It is logical to include this property within Clayton as the town limits extend to the south side of Wheatley's Pond Road.

### **Wheatley's Pond Road Single-Family**

***Future Land Use Map Reference.*** E.

***State Strategy Level.*** Secondary Developing Area, 2 lots in Rural.

***Within Kent County Growth Zone?*** Partially.

***Recommendation.*** Upon property owners' petitions, annex on condition that each annexed property owner agree to connect to Clayton's water and sewer system.

*Recommended Land Use:* Residential.

*Recommended Zoning:* RS.

***Demographic Impact.*** Dwellings: 15 Population: 38

The Wheatley's Pond Road Single-Family Area includes 15 single-family detached homes located on the south side of Wheatley's Pond Road opposite the Wheatley's Pond town homes and detached homes. Most of these homes are on half to one acre lots. Like the homes in the 6/300 Area, the homes in this area are served with individual well and septic systems, and receive electricity from the Town of Clayton.

That Clayton supplies electricity to the homes in this area in and of itself makes a strong case for their inclusion within Clayton's town limits. Furthermore, should it become necessary to provide, or should the home owners wish to receive, water and sewer service, it is likely to be economically feasible for Clayton to provide the service especially if Clayton can extend service to other nearby properties at the same time.

The Wheatley's Pond lots are substantially larger than the 10,000 square foot minimum for lots in the RS Zone. Though theoretically possible, resubdivision is unlikely on most of the 15 lots given the placement of existing structures and the requirements for new construction particularly access. Since these lots front on Wheatley's Pond Road, they present no problems regarding road standards.

### **Davis & Lester Farms**

***Future Land Use Map Reference.*** F.

***State Strategy Level.*** Secondary Developing Area, Rural.

***Within Kent County Growth Zone?*** Partially.

***Recommendation.*** Upon property owners' petition, annex both tracts at the same time.

*Recommended Land Use:* Residential.

*Recommended Zoning:* RS.

***Demographic Impact.*** Dwellings: 535 Population: 1,365.  
[based on current development plan]

The Lester and Davis farms are discussed together because their owners have petitioned for annexation into Clayton and have expressed interest in joint development of their properties. Together the Davis and Lester properties total about 265 acres. Both properties are in agricultural use.

The development issues related to these properties are similar to those of the Hanover Home Farm. First, a plan for providing sewer service must be developed. The Town should explore the feasibility of joining with the Town of Smyrna whose Draft Comprehensive Plan has proposed the creation of a sewer district to serve properties that drain to Mill Creek. If the Davis, Lester, and the single-family homes discussed in the previous section can be served via Mill Creek, it is unlikely that Clayton would need to upgrade the lift station and force main at the old Town landfill. Second, these properties contain two streams whose floodplains must be protected. One stream forms the southeast boundary of the properties. The second, a tributary of the first stream, separates the Davis and Lester holdings. Homes must be sited away from the floodplain, and care must be taken to protect the streams during construction.

Like the Hanover Home Farm, annexation of the Davis and Lester properties gives Clayton yet another opportunity to add “move-up” homes to its housing stock. As pointed out earlier, Clayton’s current zoning ordinance includes the RS Zone to accommodate such development. It also creates an occasion to achieve open space and recreational land. One way to obtain open space for recreation is through the mandatory dedication provision in Clayton’s Subdivision Regulations. Another method involves clustering, which the Clayton Zoning Ordinance allows on tracts of at least five acres. Clustering is a way of laying out a subdivision that places buildings on a part of a site and leaves the remainder to be used for open space, recreational use, preservation of historic sites, or environmental protection. A cluster subdivision has the same number of lots as a conventionally-built development, but the lot sizes, yards, and setbacks are reduced to allow the developer to achieve a reasonable yield while providing substantial open space.

Should residential development for these properties prove infeasible, this Plan recommends that the Town explore other development options for these properties. Development alternatives should envision joint development of the properties and substantial open space as well as compatibility with the surrounding area. In order to accomplish this, it is recommended that the RS Zone be amended to include conditional uses that are compatible with a semi-rural environment. Examples of such uses include: an educational institution, a conference center, a golf complex, or, given the proximity to working farms, an agri-business facility.

If these properties are annexed, the following is recommended as part of the development plan review:

- Encourage a site layout that provides substantial open space, such as clustering.
- Designate the developable portion for residential land use and the stream and floodplain as open space.

**Table 7. Parcels Recommended for Annexation**

Map 3 Ref	Tax Parcel ID Location	Acres	Kent Co. Existing Zoning	Kent Co. Existing Land Use	Recommended Land Use	Recommended Zoning
A	1-00-00919-01-0100-000 114 Dump Road	0.90	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0100-001 Land of James Blanchfiel	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0200-000 0 Duck Creek Pkwy.	0.04	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-0400-000 0 Duck Creek Pkwy.	0.56	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-0500-000 0 Duck Creek Pkwy.	0.00	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-0500-001 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0500-002 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0500-003 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0500-004 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0500-005 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0500-006 0 Dennison's Mobile Park	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0600-000 0 Duck Creek Pkwy.	0.37	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0700-000 117 Pom Run Drive	0.44	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-0800-000 0 Duck Creek Pkwy.	0.64	RMH	Residential	Residential	RS
A	1-00-00919-01-0800-001 0 Land of T. August	0.00	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-0900-000 0 Duck Creek Pkwy.	0.30	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-1000-000 0 Duck Creek Pkwy.	0.50	RMH	Residential Mobile home	Residential	RS
A	1-00-00919-01-1100-000 0 Duck Creek Pkwy.	0.91	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1200-000 235 Duck Creek Pkwy.	0.40	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1300-000 0 Duck Creek Pkwy.	0.45	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1400-000 271 Duck Creek Pkwy.	0.45	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1500-000 299 Duck Creek Pkwy.	0.58	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1600-000 1612 Duck Creek Pkwy.	0.47	RMH	Residential Single-family	Residential	RS
A	1-00-00919-01-1700-000 0 Duck Creek Road	1.00	RMH	Residential Single-family	Residential	RS

**Table 7. Parcels Recommended for Annexation**

Map 3 Ref	Tax Parcel ID Location	Acres	Kent Co. Existing Zoning	Kent Co. Existing Land Use	Recommended Land Use	Recommended Zoning
A	1-00-00919-01-1800-000 0 Duck Creek Pkwy.	0.37	RMH	Residential Single-family	Residential	RS
B	1-00-01807-01-0100-000 1100 Smyrna Clayton Blvd. Spruance Farm Subdivision	1.0	BG	Residential Single-family	Residential	R
B	1-00-01808-01-0700-000 0 Glenwood Ave. Subdivision not known	0.37	AR	Residential Single-family	Commercial	C1 or C2
B	1-00-01808-01-0800-000 0 Glenwood Ave. Subdivision not known	0.37	IG	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0300-000 0 Smyrna-Clayton Blvd. Subdivision not known	0.26	BG	Vacant	Commercial	C1 or C2
B	1-00-01807-01-0400-000 0 Smyrna Ave. Subdivision not known	0.25	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0500-000 0 Smyrna Ave. Subdivision not known	0.67	MULTI	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0600-000 0 Smyrna Ave. Spruance Farm Subdivision	1.8	MULTI	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0700-000 0 Glenwood Ave. Wm. G. Anthony Subdivision	0.61	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0800-000 5099 Wheatley's Pond Road Wm. G. Anthony Subdivision	0.40	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-0900-000 5087 Wheatley's Pond Road Wm. G. Anthony Subdivision	0.51	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-1000-000 0 Glenwood Avenue Wm. G. Anthony Subdivision	0.82	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-1100-000 0 Glenwood Avenue Wm. G. Anthony Subdivision	0.88	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-1200-000 5029 Wheatley's Pond Road Wm. G. Anthony Subdivision	0.87	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-1300-000 5011 Wheatley's Pond Road Wm. G. Anthony Subdivision	0.87	RS1	Residential Single-family	Commercial	C1 or C2
B	1-00-01807-01-1400-000 4993 Wheatley's Pond Road Wm. G. Anthony Subdivision	0.89	AR	Residential Single-family	Commercial	C1 or C2
C	KH0001800010500 Hanover Home Farm Corner DE 6/School Road	131.3	AC	Agricultural	Residential	RS
D	KH0001800011400 Wheatley's Pond Rd	1.0	AC	Residential Single-family	Residential	RS

**Table 7. Parcels Recommended for Annexation**

Map 3 Ref	Tax Parcel ID Location	Acres	Kent Co. Existing Zoning	Kent Co. Existing Land Use	Recommended Land Use	Recommended Zoning
D	KH0001800011500 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800011600 4336 Wheatley's Pond Rd	0.4	AC	Residential Single-family	Residential	RS
D	KH0001800011700 4336 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800011800 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800011900 4256 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012000 4248 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012100 4212 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012200 4200 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012300 4147 Wheatley's Pond Rd	1.0	AC	Residential Single-family	Residential	RS
D	KH0001800012400 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012500 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012600 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
D	KH0001800012601 Wheatley's Pond Rd	0.6	AC	Residential Single-family	Residential	RS
D	KH0001800012900 4270 Wheatley's Pond Rd	0.5	AC	Residential Single-family	Residential	RS
E	KH0001800011300 SE Railroad/DE 300	2.4	AC	Industrial Fertilizer Plant	Residential	RS
F	KH0001800012700 Davis Property	84.4	IL	Agricultural	Residential	RS
F	KH0001800012800 Lester Property	182.0	AC	Agricultural	Residential	RS

**Note: Kent County Zoning Classifications**

AC Agricultural-Conservation  
 AR Agricultural-Residential  
 RS1 Single-Family Residential  
 RMH Residential Manufactured Home  
 IL Limited Industrial

**Source:** Kent County Interactive Maps at <[http://www.smartmap.com/kent\\_co/](http://www.smartmap.com/kent_co/)>, accessed July & October, 2002;  
 field investigation by IPA, July-August 2002



## Areas of Concern

Identifying concern about an area or a property does not mean Clayton envisions a future annexation. Rather it means that its development is likely to have an impact on the Town.

This Plan Update identifies the rural area north of Duck Creek as an area of concern. This concern is prompted by the scattered, uncoordinated, single-family development pattern that occurred through the mid-1990s in southern New Castle County. The Clayton community endorses a development pattern that continues the rural character of the area. As pointed out earlier, New Castle County set out to halt the scattered development pattern of the southern part of the County with the adoption of the *1997 Comprehensive Development Plan Update* and the subsequent enactment of the UDC.

Accordingly, this Plan Update strongly supports:

- The “Very Low” density land use designation in the *1997 Comprehensive Development Plan Update* and continuation of that land use designation in the *2002 Comprehensive Plan Update*.
- New Castle County UDC development plan review process that incorporates environmental standards, permits clustering, and requires substantial open space.

## Implementation Strategies

As noted in the Plan Accomplishments section of this Plan Update, Clayton has utilized its plan implementation strategies to accomplish many of the goals articulated in the 1996 Plan. This Plan Update supports using these implementation strategies to continue achieving the 1996 goals and to begin work on this Plan Update’s goals.

### Zoning

This Plan Update recommends that Clayton keep the zoning ordinance current. It further recommends a review of the provisions regarding nonconforming uses. Workshop participants expressed concern about recommending land uses whose subsequent zoning classifications might result in nonconforming uses in order to achieve consistency as Delaware law requires. Although standards governing nonconforming uses were updated in 1999, this Plan Update recommends that they be reviewed once again especially with regard to properties re-classified from residential to commercial.

### Subdivision

This Plan Update recommends that Clayton keep its subdivision regulations current. It further recommends the addition of a provision that would require the lots resulting from a resubdivision to be of the same character with respect to street frontage, alignment, size, shape, width, and area as the lots within the existing neighborhood. Even though resubdivision of a lot may meet the dimensional standards of zoning and subdivision regulations, the resulting development pattern may not be compatible with the surrounding area. Adoption of such a provision would ensure that potential annexed areas, developed with lots larger than the RS Zone’s 10,000 square foot minimum, maintain their current character.

# Clayton

2002 Comprehensive Plan Update

## Map 1 State Investment Strategies

- ▬▬▬▬▬ Clayton Town Limits
- ▬▬▬▬▬ Smyrna Town Limits
- Roads & Streets
- Railroads
- ~ Rivers & Streams
- ~ Lakes & Ponds
- Kent County Growth Zone
- Purchased Development Rights
- Agricultural Preservation District
- LEVEL**
- Community
- Developing Area
- Rural
- Secondary Developing Area

### Adopted by the Clayton Town Council

January 16, 2003  
Certified by the Office of State Planning Coordination  
January 24, 2003

500 250 0 500 1,000 1,500 2,000 2,500  
Feet



#### Sources

**Base Map** - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).

**Hydrology** - USGS 7.5 Minute Series Topographic Maps, created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

**Municipal Boundaries, State Strategies, Agricultural Preservation Districts** - Office of State Planning Coordination, 2002.  
**Kent County Growth Zone** - Kent County 2001 Comprehensive Plan Update, adopted 03/23/2002.

<[http://www.smartmap.com/kent\\_co/comp\\_plan/](http://www.smartmap.com/kent_co/comp_plan/)>

**Parcels** - New Castle County Department of Land Use, January 2001; Kent County Department of Planning Services, January 2003.

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# Clayton

2002 Comprehensive Plan Update

## Map 2 Existing Land Use

- ▬▬▬ Clayton Town Limits
- ▬▬▬ Smyrna Town Limits

### Land Use

- Agriculture
- Residential
- Commercial
- Industrial
- Community Service
- Utilities
- Open Space
- Railroad
- Vacant

A, B, C, D. See Table 6, page 22.

### Adopted by the Clayton Town Council

January 16, 2003  
Certified by the Office of State Planning Coordination  
January 24, 2003

500 250 0 500 1,000 1,500 Feet



### Sources

**Base Map** - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).

**Hydrology** - USGS 7.5 Minute Series Topographic Maps, created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

**Municipal Boundaries** - Office of State Planning Coordination, 2002.

**Parcels** - New Castle County Department of Land Use, January 2001; Kent County Department of Planning Services, January 2003.

**Land Use** - IPA Survey 1995; updated by the Town of Clayton and IPA, August 2002.

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# Clayton

2002 Comprehensive Plan Update

## Map 3

### Future Land Use

●●● Kent County Growth Zone

■■■■ Clayton Town Limits

■■■■ Smyrna Town Limits

#### Land Use

■ Residential

■ Commercial

■ Town Center

■ Industrial

■ Open Space

■ Railroad

#### Proposed for Annexation

■ Residential

■ Commercial

A, B, C, D, E, F. See pages 23-31.

#### Adopted by the Clayton Town Council

January 16, 2003  
Certified by the Office of State Planning Coordination  
January 24, 2003

500 250 0 500 1,000 1,500 2,000  
Feet



#### Sources

**Base Map** - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).

**Hydrology** - USGS 7.5 Minute Series Topographic Maps, created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

**Municipal Boundaries** - Office of State Planning Coordination, 2002.

**Kent County Growth Zone** - Kent County 2001 Comprehensive Plan Update, adopted 03/23/2002.

<[http://www.smartmap.com.kent\\_co/comp\\_plan/](http://www.smartmap.com.kent_co/comp_plan/)>

**Parcels** - New Castle County Department of Land Use, January 2001; Kent County Department of Planning Services, January 2003.

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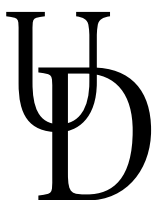


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