Introduced by: Mayor Jermaine Hatton
Introduction on: July 24, 2013

ORDINANCE 13-02
Amendment to the 2010 Comprehensive Plan

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

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

WHEREAS, on April 6, 2011, the Town Council adopted two amendments to the 2010 Plan Update as follows:
1. Ordinance 11-02 on April 6, 2011, and
2. Ordinance 12-03 on May 5, 2012; and,

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

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

WHEREAS, pursuant to Title 29, Section 9103 of the *Delaware Code*, the proposed land use changes were submitted for review under the Preliminary Land Use Service (PLUS); and,

WHEREAS, following the PLUS (Application 2013-04-01) meeting of April 24, 2013, the Office of State Planning Coordination registered no objection to the proposed plan amendments in a letter dated May 22, 2013; and,

WHEREAS, pursuant to Section 401 of the Town Charter, this Ordinance was introduced in writing on July 24, 2013; and,

WHEREAS, pursuant to Section 401 of the Town Charter and Section 66-98 (UDC 2002, § 904C) of the *Zoning and Unified Development Code*, a fair summary of this Ordinance and notice of a public hearing appeared in the *Middletown Register* on August 1, 2013; and,

WHEREAS, on August 21, 2013, the Town Council:
1. Held a public hearing on the plan amendment,
2. Read this Ordinance for the first and second times,
3. Gave all interested citizens and parties an opportunity to be heard; and

WHEREAS, on September 4, 2013, this Ordinance was read for the third time, and the Town Council took action on the plan amendment by majority voice vote pursuant to Section 401 of the Town Charter.

Introduced by: Mayor Jermaine Hatton
Introduction on: July 24, 2013

ORDINANCE 13-02
Amendment to the 2010 Comprehensive Plan

NOW, THEREFORE THE TOWN OF TOWNSEND ORDAINS that, having received and reviewed comments from the Office of State Planning Coordination, considered revisions, and received testimony, hereby adopts the "Town of Townsend 2013 Amendment to the 2010 Comprehensive Plan," a copy of which is attached to and made a part of this Ordinance.

THE TOWN COUNCIL FURTHER ORDAINS that a copy of the "Town of Townsend 2013 Amendment to the 2010 Comprehensive Plan" shall be submitted to the Office of State Planning Coordination.

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

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

Introduction	July 24, 2013
Publication of Fair Summary	August 1, 2013
First & Second Reading	August 21, 2013
Public Hearing	August 21, 2013
Third and Final Reading	September 4, 2013
Adoption	September 4, 2013

Signed By

_____

Jermaine Hatton
Mayor
Town of Townsend, New Castle County, Delaware

SUMMARY

This ordinance adopts an amendment to the 2010 Comprehensive Plan that changes the future land use for seven parcels.

TOWN OF TOWNSEND

2013 Amendment
to the
2010 Comprehensive Plan

Adopted
[INSERT DATE]

PLACEHOLDER FOR ORDINANCE ADOPTING PLAN

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

May 22, 2013

Dawson Green
Town of Townsend
P.O. Box 223
Townsend, DE 19734

RE: PLUS 2013-04-01; Town of Townsend Comprehensive Plan Amendment

Dear Mr. Green:

Thank you for meeting with State agency planners on April 24, 2013 to discuss the proposed Town of Townsend draft comprehensive plan amendment to change Maps 7a and 7b, Future Land Use Map, to change the proposed zoning of several parcels to achieve consistency between land use and zoning.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

No certification comments are noted as a result of this proposed amendment.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: Herb Inden 739-3090

The Office of State Planning Coordination has no objection to these amendments.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- The parcel owned by the Artesian Water Company at 565 Railroad Avenue (Map reference E, Tax Parcel 25-001.00-016) is presently occupied by what appears to be a well. The proposed plan change would change its designation from Industrial to Commercial. While DelDOT agrees with the justification statement, that "Commercial uses are more compatible with surrounding residential than industrial uses," they suggest that there may be a better way to address parcels occupied by utilities. Specifically, DelDOT suggests that Town consider allowing utilities as a conditional use in residential districts or, for that matter, in all districts. Wells and small wastewater facilities can be placed in buildings that will blend into residential neighborhoods architecturally. Zoning these lands for residential use prevents the owners of neighboring parcels from arguing that there is an existing commercial zone that might reasonably be expanded

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include a revised version of the Future Land Use Map as well as any text that is necessary to amend the comprehensive plan and describe the change.

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

Sincerely,

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

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TOWN, COUNTY, AND STATE OFFICIALS

Town of Townsend

Town Council	Jermaine Hatton, Mayor Joel Esler, Councilman Lorraine Gorman, Councilwoman John Ness, Councilman Rudolph Sutton, Councilman
Zoning Committee	Rick Anibal Granville "Bud" Higgins Owen Hyne
Town Attorney	Fred Townsend III, Esq.
Town Staff	Dawson Green, Town Manager Azure DeShields, Financial Officer Cathy Beaver, Town Clerk George Hargrove, Public Works

New Castle County

County Executive	Thomas P. Gordon
County Council	Chris Bullock, Council President Joseph Reda, 1st District Robert S. Weiner 2nd District Janet Kilpatrick, 3rd District Penrose Hollins, 4th District Lisa Diller, 5th District William Powers, 6th District George Smiley, 7th District John J. Cartier 8th District Timothy P. Sheldon, 9th District Jea P. Street, 10th District David L. Tackett, 11th District Bill Bell, 12th District
Chief Administrative Officer	David Grimaldi
Department of Land Use	James Smith, Acting General Manager George O. Haggerty, Assistant General Manager

State of Delaware

Governor	Jack Markell
Senate	Bruce C. Ennis, District 14
House of Representatives	Jeffrey N. Spiegelman, District 11
Office of State Planning Coordination	Constance C. Holland, AICP, Director

INSTITUTE FOR PUBLIC ADMINISTRATION

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

Institute Director

Jerome R. Lewis, Ph.D.

Townsend Plan Amendment Team

Linda Raab, AICP, Project Manager
Nicole Minni, GISP, Mapping and GIS Support

INTRODUCTION

Following adoption of the 2010 comprehensive plan, the Town of Townsend, to comply with Title 22, Section 702(c) of the *Delaware Code*, has been preparing to:

> *… amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.*

The purpose of this Plan Amendment is to change the land use designations depicted on Maps 7a and 7b for seven parcels.

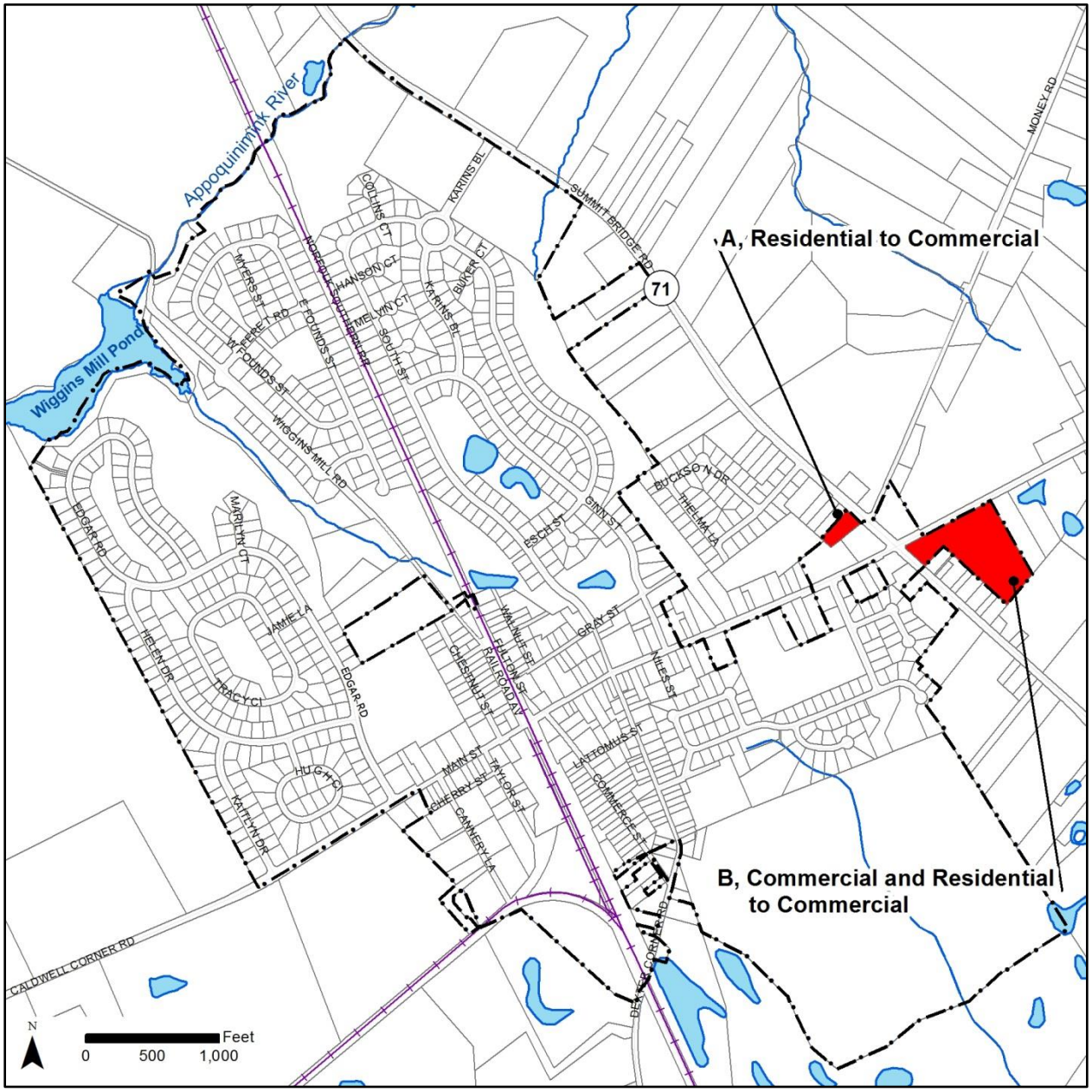
PREVIOUS PLAN AMENDMENTS

Since adopting the 2010 comprehensive plan, the Town Council adopted two amendments to Maps 7a and 7b. Table 1 identifies these changes, and Figure 1 shows their locations.

Table 1. 2011 and 2012 Future Land Use Changes

Map Ref	Ordinance Number and Date	PLUS Application Number	Parcel ID Property Address	Description and Justification
A	2012 Amendment Ord. 12-03 05/12/2012	2012-01-01	2500200096 5988 Summit Bridge Rd	Changed land use designation from **Residential to Commercial** in order to place the parcel in the Commercial (C) Zoning district upon annexation
B	2011 Amendment Ord. 11-02 04/06/2011	2011-01-02	2500200095 6007 Summit Bridge Rd 104 Pine Tree Road	Changed land use designation from **split Residential and Commercial to Commercial** in order to place the entire parcel in the Commercial (C) Zoning District

Figure 1. 2011 and 2012 Land Use Change Locations



PLAN AMENDMENT PROCESS

While preparing a zoning map to follow up on the adoption of the 2010 plan, the Zoning Committee found that the zoning districts determined best for several parcels were not consistent with the future land use designations on Maps 7a and 7b the plan (as amended in 2011 and 2012). Accordingly, the Committee recommended that the Town Council pursue this Plan Amendment to change those land uses to designations to make them consistent with the recommended zoning districts.

Zoning Committee Recommendation

In accordance with Section 66-129 (UDC 2002, § 904) of Townsend's *Zoning and Unified Development Code*, the Zoning Committee met to determine which land use designations would be consistent with the desired zoning districts. The Committee then recommended seven land uses changes to the Town Council.

State Review

Title 29, Section 9203 of the *Delaware Code* requires that the state review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the comment process and works with each jurisdiction makes recommendations on proposed documents.

On April 24, 2013, OSPC and the state agencies involved in the PLUS process reviewed this Plan Amendment. In a letter dated May 22, 2013, the OSPC registered no objection to it.

Town Council Adoption

This section outlines the Town Council's adoption process.

Introduction

In accordance with Section 401 of the town charter, an ordinance adopting this Plan Amendment was introduced in writing on July 24, 2013. On August 1, 2013, a fair summary the ordinance was published in the *Middletown Register*.

Public Outreach

The August 1, 2013 notice in the *Middletown Register* also the announced the date for a public hearing in accordance with the Section 66-98 (UDC, § 904C) of the *Zoning and Unified Development Code*. In addition, notices were posted on the Town's website and at the post office.

Town Council Hearing

On August 21, 2013, the Town Council held a public hearing on this Plan Amendment at which all persons desiring to testify were given a chance to be heard.

Adoption

On September 4, 2013, the Town Council adopted this Plan Amendment by ordinance.

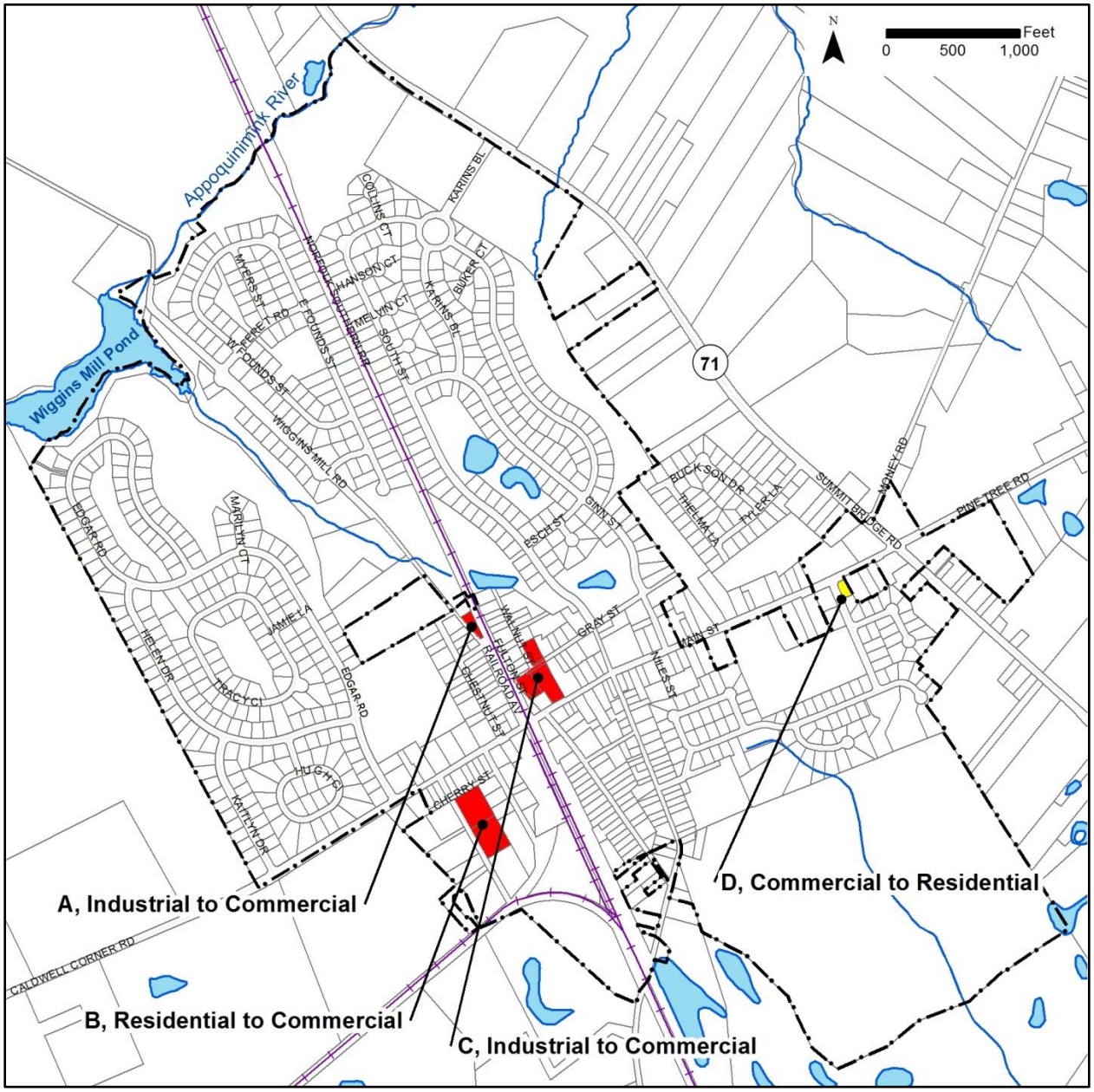
2013 AMENDMENT

Table 2 lists each parcel whose land use is changed in this Plan Amendment and documents the basis for each change. Figure 2 shows their locations.

Table 2. 2013 Future Land Use Changes

Map Ref	Parcel ID Property Address State Strategies Level	Future Land Use in 2010 Plan	Future Land Use in this Plan Amendment	Justification for Change
A	2500100016 565 Railroad Av Level 2	Industrial	Commercial	• Commercial uses are more compatible with surrounding residential than industrial uses. • Avoids creating a nonconforming situation; lot does not meet the 43,560 square foot minimum size for the Industrial Zone.
B	2500300059 605 Cannery La Level 2	Residential	Commercial	• Commercial uses are more compatible with adjacent commercial zoning at south end of Cannery Land than residential uses. • Commercial uses act as a buffer between industrial on the west side of Cannery Lane and the residential uses on Taylor Street.
	2500300060 615 Cannery La Level 2			
C	2500100028 316 Gray St Level 1	Industrial	Commercial	• Commercial uses are more compatible in town center area than industrial. • Avoids creating a nonconforming situation; lot does not meet the 43,560 square foot minimum size for the Industrial Zone. • Properties used residentially would become nonconforming uses since dwellings not allowed in Industrial Zone.
	2500100029 317 & 319 Main St Level 1			
	2500100044 315 & 317 Gray St Level 1			
D	2500200045 1 Brook Ramble La Level 2	Commercial	Residential	• Residential land uses are more compatible with surrounding residential and institutional uses. • County records indicate only a residence; might have grandfathered home-based business.

Figure 2. 2013 Future Land Use Change Locations

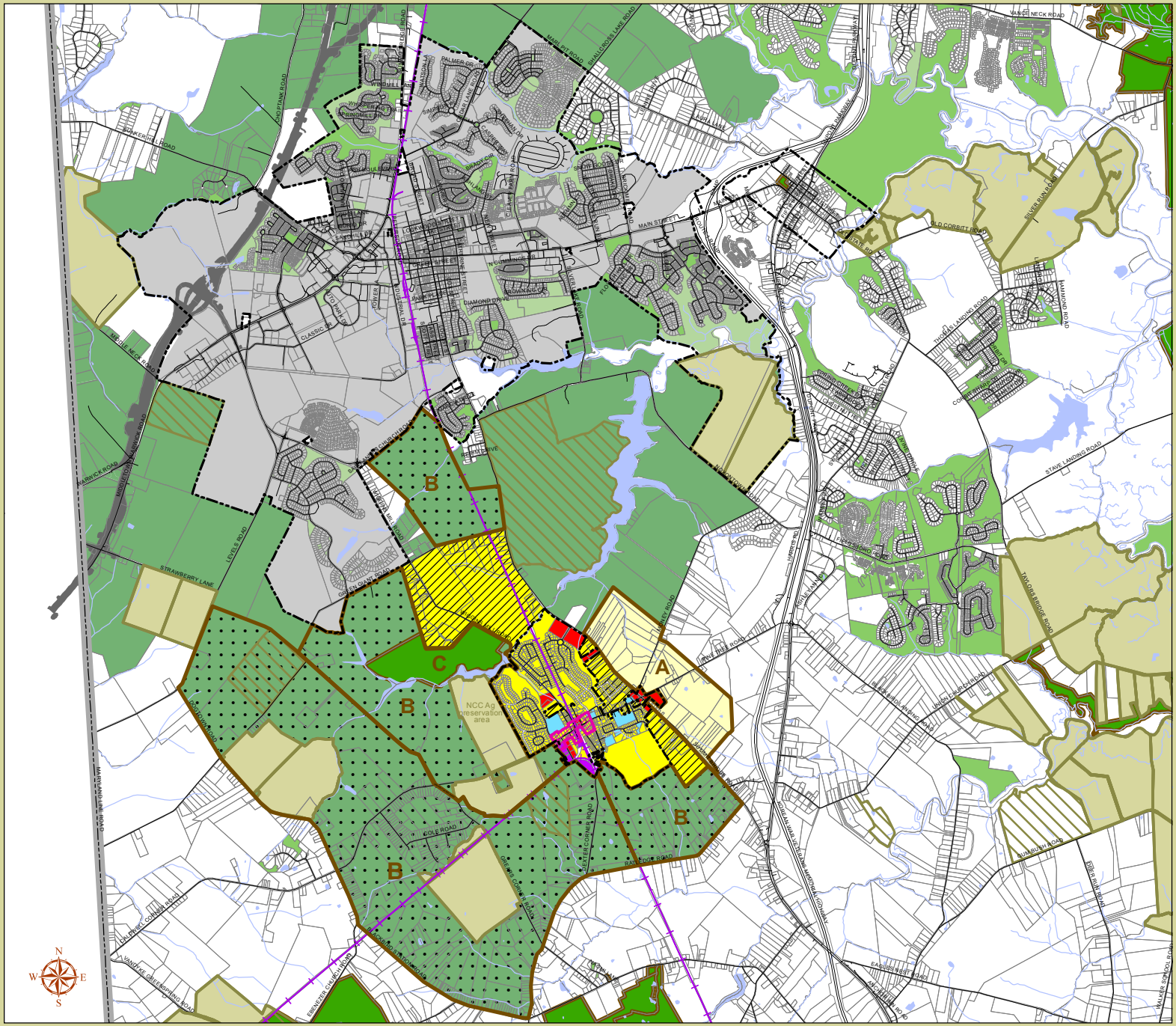


IMPLEMENTATION

The Town of Townsend will adopt a new zoning map that is consistent with the land use designations in this Plan Amendment and those adopted in 2011 and 2012.

MAPS

This Plan Amendment hereby replaces Maps 7a and 7b to reflect the changes identified in Tables 1 and 2 and depicted on Figures 1 and 2.



Town of Townsend, Delaware

Map 7a. Future Land Use

- Residential
- Commercial
- Industrial
- Institutional/Community
- Town Center Redevelopment
- Potential Annexation
  Possible future annexation area, potential receiving zone for TDRs - detailed master planning required.

Areas of Concern

- Area A - Partially deed restricted
- Area B - Possible future greenbelt area - potential sending area for TDRs.
- Area C - NCC Parkland

- Municipal Boundaries
- Agricultural Districts
- Agricultural Easements
- Incorporated Middletown
- Greenbelt
- NCC Private Open Space
- NCC Public Open Space
- Green North & Spur Road Alternative

PUBLIC HEARING DRAFT
07/24/2013

0 0.125 0.25 0.5 0.75 1 Miles

Sources:
Future Land Use - 2010 Townsend Comprehensive Plan, adopted 07/07/2010, certified 08/05/2010, as amended 2011 and 2012.
Green North & Spur Road Alternative - RK&K Engineers, 02/09.
Agricultural Areas - Delaware Department of Agriculture, 2013.
Parcels - New Castle County Mapping & Addressing 06/13.
Roads - Delaware Department of Transportation (DelDOT) centerline file, 03/13.
Hydrology - USGS, 1991-1993 and National Hydrography Dataset (NDH), flowline, USGS and EPA.
Municipal Boundaries - New Castle County, 06/2013; amended by IPA to reflect the annexation of 5988 Summit Bridge Road.

Note:
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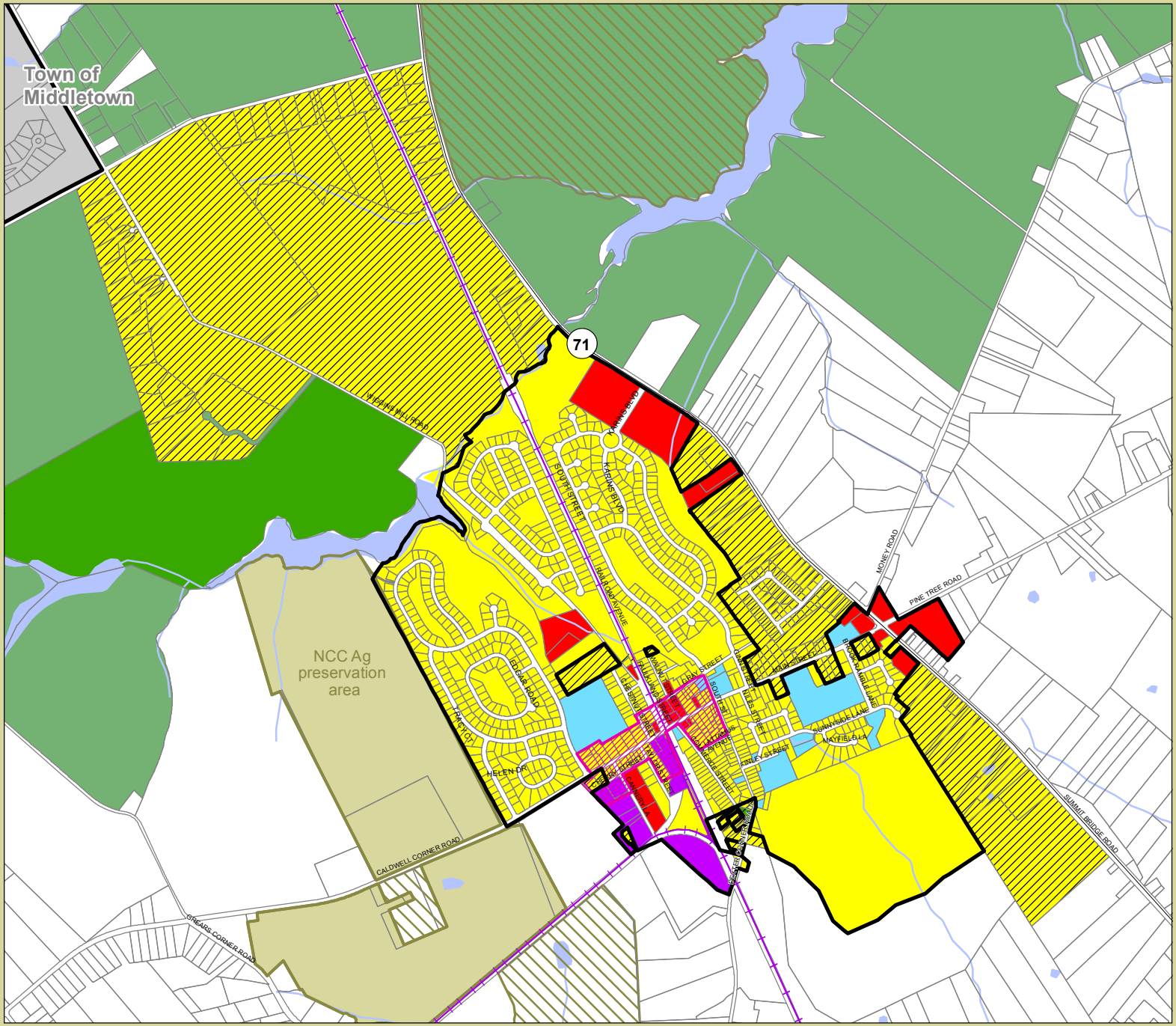

Town of Townsend, Delaware

Map 7b. Future Land Use and Areas of Annexation

- Residential
- Commercial
- Industrial
- Institutional/Community
- Town Center Redevelopment
- Potential Annexation
  Possible future annexation area, potential receiving zone for TDRs - detailed master planning required.

- Municipal Boundaries
- Incorporated Middletown
- Agricultural Districts
- Agricultural Easements
- Greenbelt
- NCC Parkland

PUBLIC HEARING DRAFT
07/24/2013

Sources:
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