The Mayor and Council of the Town of Townsend

141 Main Street, P.O. Box 223, Townsend, DE 19734
Phone (302) 378-8082 Fax (302) 378-7099

Introduced by: CM Jermaine Hatton
Introduction on: July 20, 2016

Mayor
Rudy Sutton

Councilman
John Ness

Councilwoman
Lorraine Gorman

Councilman
Jermaine Hatton

Councilwoman
Cindy Cook

Town Manager
Dawson Green

ORDINANCE 16-08

ADOPT ZONING MAP

WHEREAS, Title 22, Section 305 of the *Delaware Code* authorizes that municipal zoning "... regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed;" and;

WHEREAS, pursuant to Title 22, Section 720(c) of the *Delaware Code*, the Town Council desires 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:" 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, the Town Council adopted the following amendments to the 2010 Plan Update:

1. Ordinance 11-02 on April 6, 2011,
2. Ordinance 12-03 on May 5, 2012,
3. Ordinance 13-02 on September 4, 2013
4. Ordinance 16-07 on August 24, 2016; and,

WHEREAS, on March 23, 2016, pursuant to Section 66-129 (UDC 2002, § 907) of the *Zoning and Unified Development Code*, the Zoning Committee reviewed the "Proposed Zoning" map, a copy of which is attached to and made a part of this Ordinance, and made a recommendation on it to the Town Council; and,

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

WHEREAS, pursuant to Section 401 of the Town Charter and Section 66-98 (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 Transcript* on August 4, 2016; and,

WHEREAS, on August 24, 2016, the Town Council:

1. Held a public hearing on the Proposed Zoning map,
2. Read this Ordinance by title and synopsis,
3. Gave all interested citizens and parties an opportunity to be heard; and

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Comprehensive Rezoning | Introduction on: July 20, 2016

WHEREAS, the Town Council of the Town of Townsend finds that the Proposed Zoning map is in conformance with and is consistent with the land uses contained in the 2010 Plan Update as amended.

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

NOW, THEREFORE BE IT ORDAINED THAT THE TOWN OF TOWNSEND, that any and all maps depicting zoning districts for the Town of Townsend are hereby repealed and replaced by the zoning map titled "Town of Townsend, New Castle County, Delaware Official Zoning Map," dated August 24, 2016, a copy of which is attached to and made a part of this Ordinance, and to which an original signature of the Mayor of the Town of Townsend is affixed.

AND, BE IT FURTHER ORDAINED 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.

AND, BE IT FURTHER ORDAINED that this Ordinance shall take effect upon adoption.

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

Signed By

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

SUMMARY

This Ordinance adopts a new zoning map for the Town of Townsend.

Basis for Proposed Zoning Map

The 2010 Townsend comprehensive plan on page 62 includes the table below titled "Table 17: Land Use and Zoning Link" This table is the basis for ensuring consistency between the future uses of land shown on Maps 7a and 7b of the plan and the proposed zoning map.

Table 17: Land Use and Zoning Link

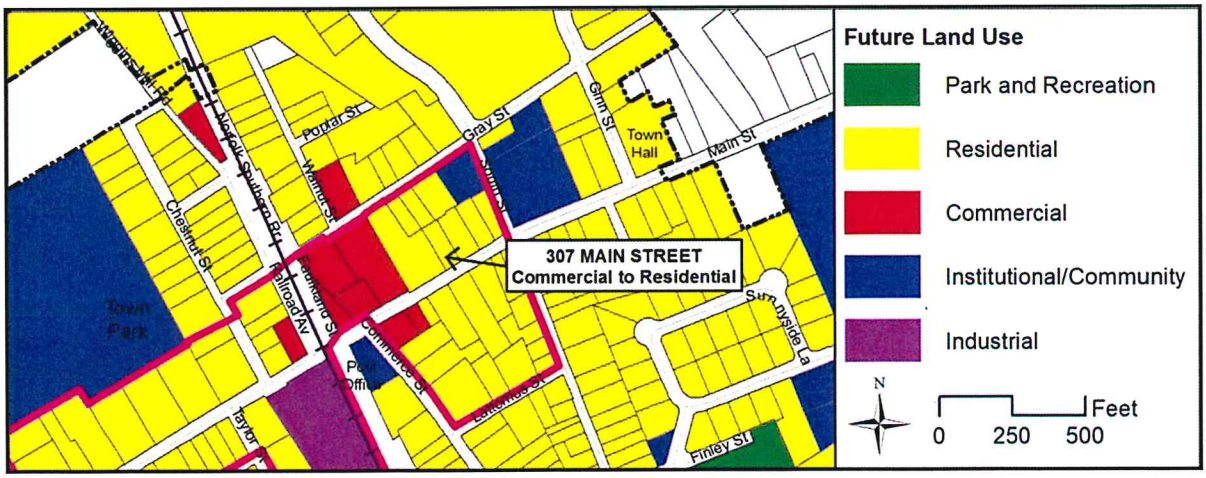
Land Use Category in Map 7b	Zoning District(s) to be Considered in Comprehensive Rezoning	Notes
Residential	R Residential R-1 Residential R-1A Residential R-A Residential R-AA Residential R-2 Residential	(a)
Commercial	C Commercial	(a)
Industrial	I Industrial	(a)
Community/Institutional	All Zoning Districts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

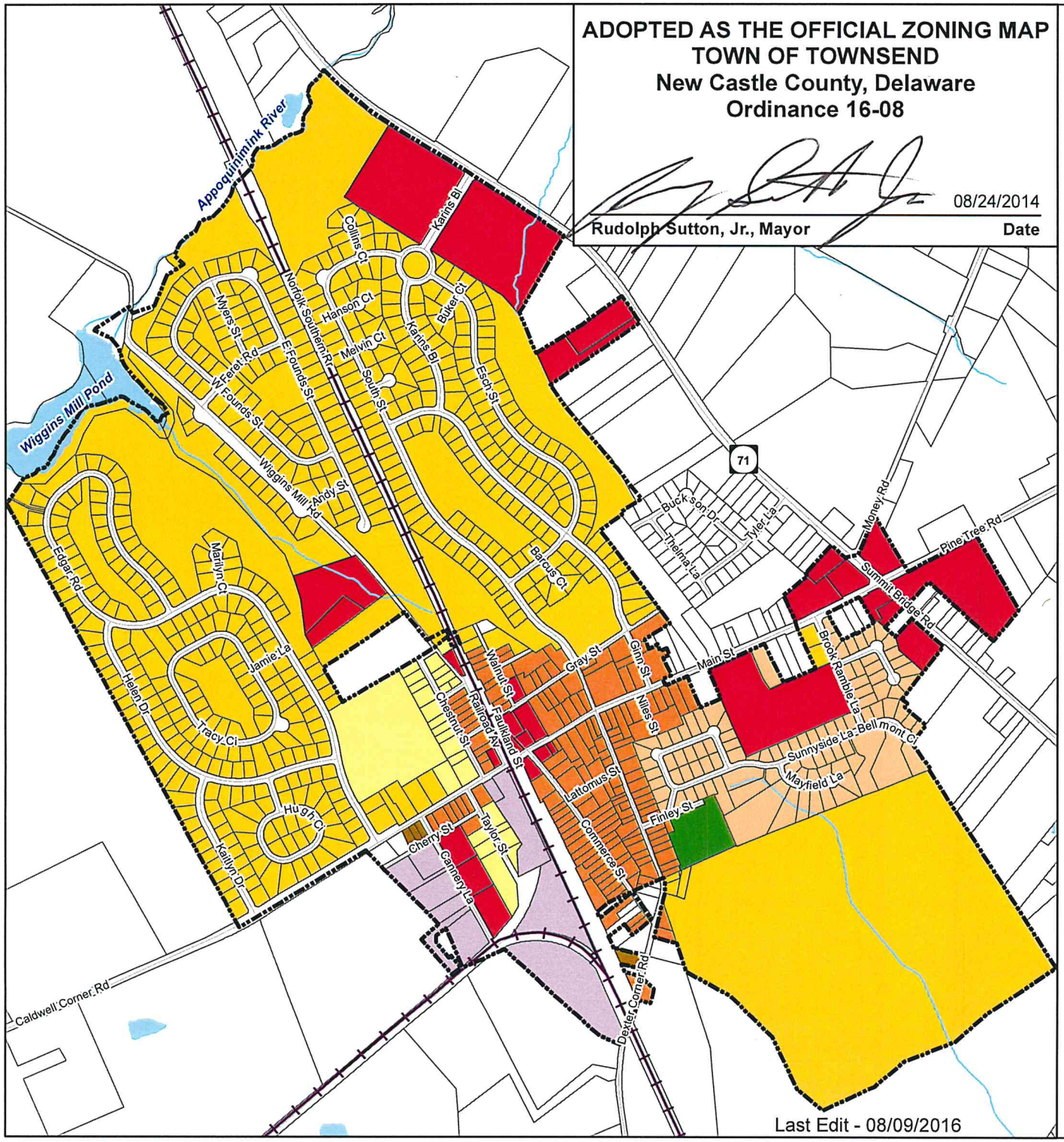
Notes: a. While the Town has designated certain areas on its future land use maps (Maps 7a and 7b) as "Community/Institutional", and "Town Center," this Comprehensive Plan does not require the Town Council to zone with these specific designations when rezoning in accordance with this Comprehensive Plan.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

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

Parcel Proposed for Zoning Change

Parcel ID Property Address Owner Name	Existing Zoning	2010 Plan Future Land Use	Proposed Zoning	Justification for Proposed Changes
2500100033 307 Main St M & R investments LLC	C, Commercial	Residential *Per Plan Amendment adopted 08/24/2016, Ordinance 16-07*	R-2, Residential-7,000 SF	• R-2, Residential consistent with surrounding/adjacent properties on future land use map • SFD allowed in R-2 Zone (Sec. 66-241 (a)(1)), but not in C (Commercial) Zone





ADOPTED AS THE OFFICIAL ZONING MAP
TOWN OF TOWNSEND
New Castle County, Delaware
Ordinance 16-08

08/24/2014

Rudolph Sutton, Jr., Mayor — Date

Last Edit - 08/09/2016

TOWN OF TOWNSEND
New Castle County Delaware

Official Zoning Map

Zoning Districts

- P, Preservation
- R, Residential-12,500 SF
- R-1, Residential-9,000 SF
- R-1A, Residential-10,000 SF
- R-2, Residential-7,000 SF
- R-AA, Residential Active Adult
- C, Commercial
- I, Industrial

Base Map Data

- Townsend Boundary
- Parcel Boundaries
- Roads
- Railroads
- Water Bodies
- Streams

N

0 500 1,000 2,000 Feet

Sources

Townsend Boundary - FirstMap, amended to show annexation of 0 Main Street and 608 Caldwell Corner Road on 02/04/2015.

Water Bodies, Streams, Railroads - FirstMap, **Parcel Boundaries, Streets** - New Castle County GIS & Mapping Services, downloaded 09/22/2015.

Note

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

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