Jermaine Hatton, Mayor
John Ness, Councilman
Joel Esler, Councilman
Lorraine Gorman, Councilwoman
Rudy Sutton, Councilman

Dawson Green, Town Manager
Azure DeShields, Finance Officer
Cathy Beaver, Town Clerk
Owen Hyne, Town Engineer
Fred Townsend, III, Town Attorney

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

ORDINANCE 13-03
Comprehensive Rezoning

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zoning "… regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed;" and;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 three amendments to the 2010 Plan Update as follows:
1. Ordinance 11-02 on April 6, 2011,
2. Ordinance 12-03 on May 5, 2012,
3. Ordinance 13-02 on September 4, 2013; and,

WHEREAS, 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 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 Transcript* on August 1, 2013; and,

WHEREAS, on August 21, 2013, the Town Council:
1. Held a public hearing on the Proposed Zoning map,
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 Proposed Zoning map by majority voice vote pursuant to Section 401 of the Town Charter.

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.

ORDINANCE 13-03
Comprehensive Rezoning

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 September 4, 2013, 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 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 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 a new zoning map for the Town of Townsend.

SUPPORTING DOCUMENTATION FOR ORDINANCE 13-03
TOWNSEND PROPOSED ZONING CHANGES

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

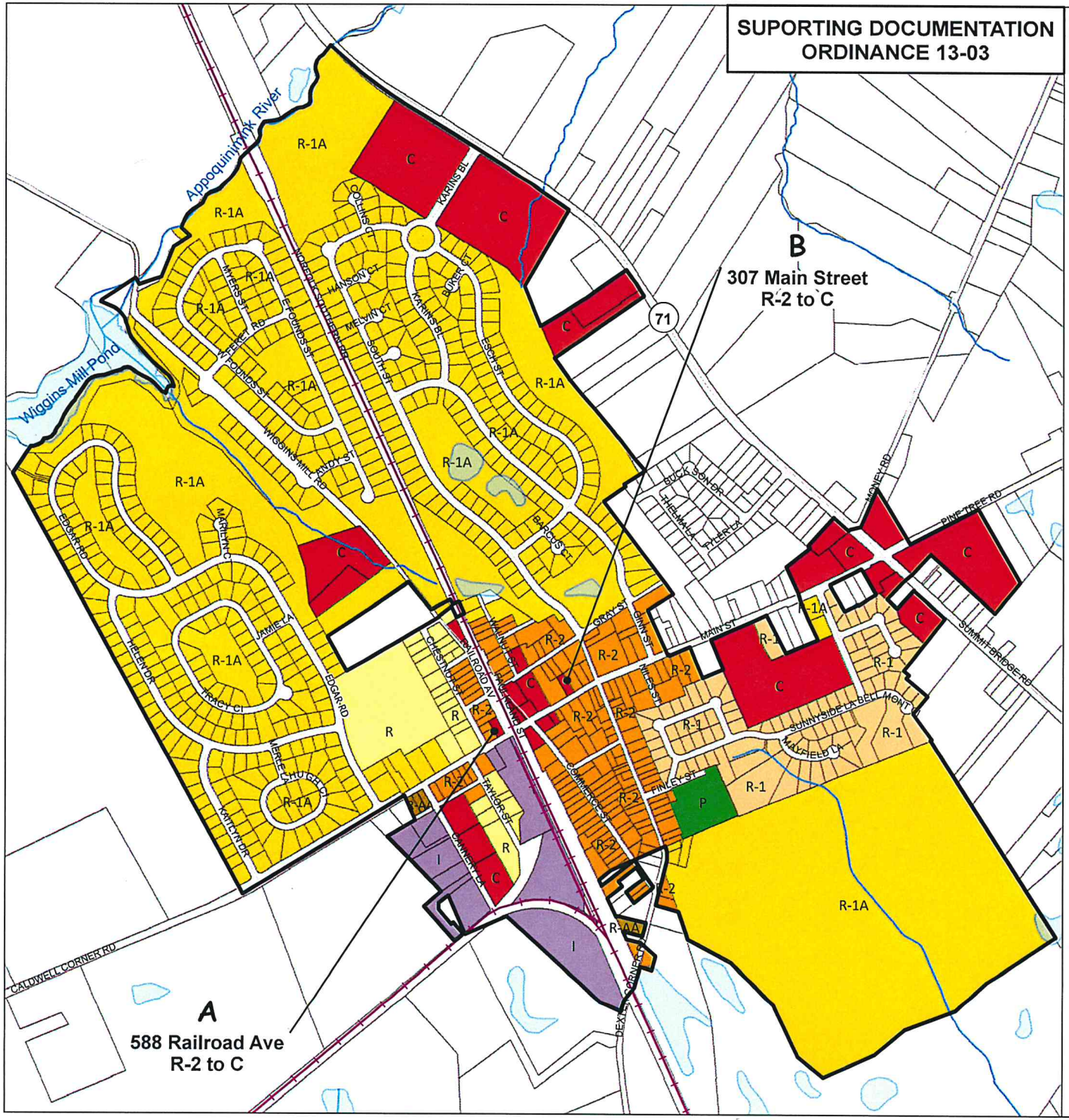
Land Use Category in Map 7b	Zoning District(s) to be Considered in Comprehensive Rezoning	Notes
Residential	R Residential R-1 Residential R-1A Residential R-A Residential R-AA Residential R-2 Residential	(a)
Commercial	C Commercial	(a)
Industrial	I Industrial	(a)
Community/Institutional	All Zoning Districts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

Parcels Proposed for Zoning Change

Map Ref	Parcel ID Property Address Owner Name	Existing Zoning	2010 Plan Future Land Use	Proposed Zoning	Justification for Proposed Changes
A	2500300020 588 Railroad Av 2211 Inc.	R-2, Residential-7,000 SF	Commercial	C, Commercial	• C, Commercial Zone consistent with future land use map • County tax records seem to indicate office and apartments on property. • Apartments and office allowed in C Zone, but not in R-2 Zone
B	2500100033 307 Main St M & R investments LLC	R-2, Residential-7,000 SF	Commercial	C, Commercial	• C, Commercial consistent with future land use map • Funeral parlors allowed in C Zone (Sec. 418-8), but not in R-2



TOWN OF TOWNSEND

New Castle County, Delaware

Proposed Zoning

Zoning Districts

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

Proposed Zoning Changes

A Properties proposed for zoning change

Base Map Data

- Townsend Boundary
- Parcel Boundaries
- Streets & Roads
- Railroads
- Rivers & Streams
- Lakes & Ponds

N W E S

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

Sources

Municipal Boundary - Office of State Planning Coordination, 07/26/2012, amended by IPA tp reflect annexation of 5988 Summit Bridge Road.
Parcel Boundaries - New Castle Co. GIS & Mapping Services, 09/24/2012.
Roads - New Castle County GIS & Mapping Services, 05/10/2012; Delaware Department of Transportation Routes File, September 2011.
Railroads, Water Features - Delaware DataMil, downloaded 08/13/2012.

Disclaimer

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TOWN OF TOWNSEND 1885 DELAWARE

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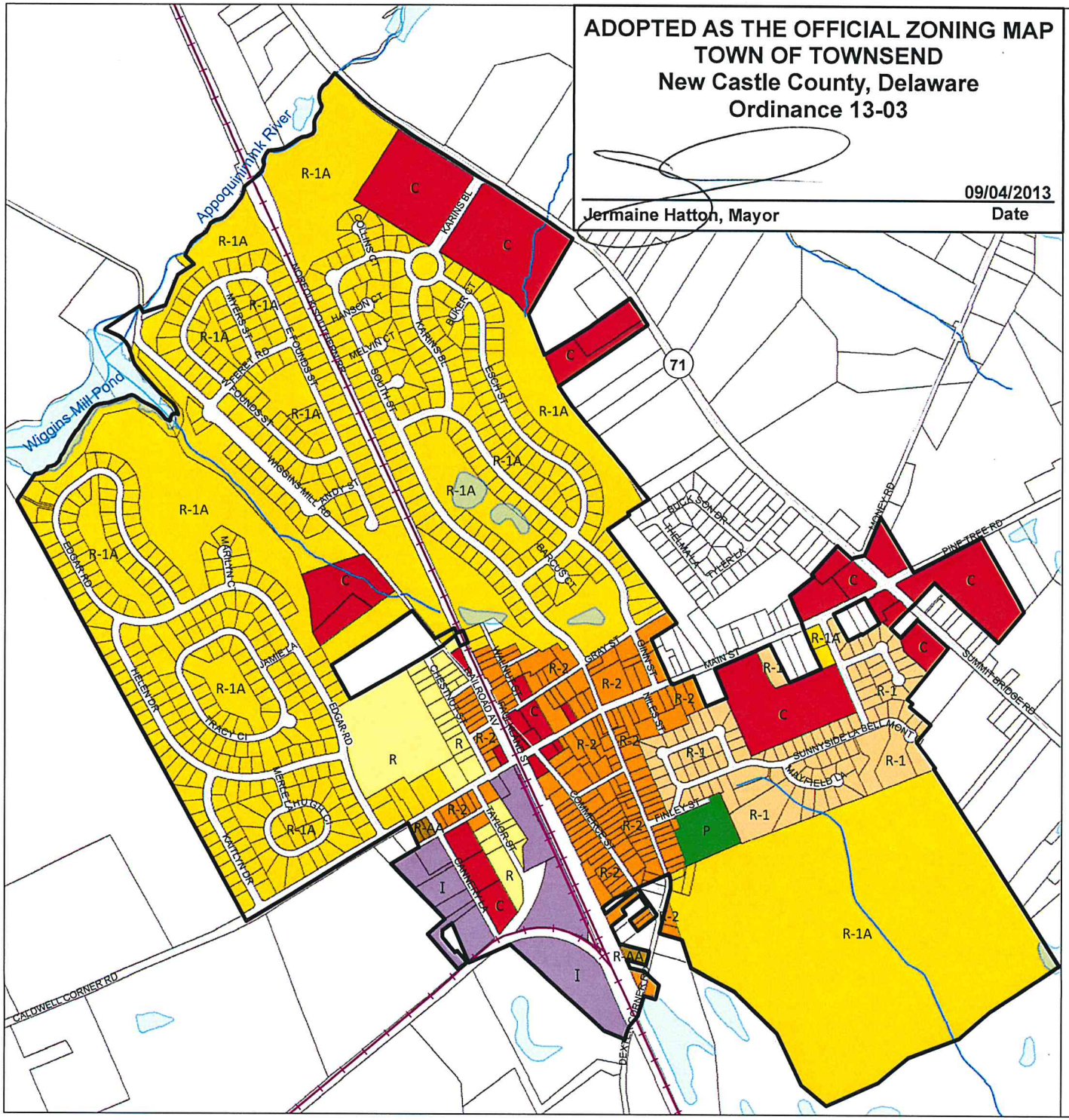

ADOPTED AS THE OFFICIAL ZONING MAP
TOWN OF TOWNSEND
New Castle County, Delaware
Ordinance 13-03

09/04/2013
Jermaine Hatton, Mayor — Date

TOWN OF TOWNSEND

New Castle County, Delaware

Official Zoning Map

Zoning Districts

- P, Preservation
- R, Residential-12,500 SF
- R-1A, Residential-10,000 SF
- R-1, Residential-9,000 SF
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- Townsend Boundary
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