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 D. Hatton
Introduction on: January 24, 2018

Mayor
Rudy Sutton

Councilman
Steve High

Councilwoman
Lorraine Gorman

Councilman
Jermaine Hatton

Councilwoman
Cindy Cook

Town Manager
Dawson Green

ORDINANCE 18-02
REZONE 0 SOUTH STREET
FROM THE R-1A ZONING DISTRICT TO THE R-2 ZONING DISTRICT
AND RE-ADOPT THE OFFICIAL ZONING MAP TO REFLECT THE 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 regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed;" and,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 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

WHEREAS, the Town Council desires to change the zoning district for Parcel No. 25.004-00.121 (0 South Street) from Residential (R-1A) to Residential (R-2); and,

WHEREAS, the R-2 Zoning District, which allows residential uses, is consistent with the Residential land use designation in the 2010 Plan Update; and,

WHEREAS, pursuant to Section 4.1.3 of the Town Charter, this Ordinance was introduced in writing on January 24, 2018; and,

WHEREAS, the Planning Commission:
1. Per a request from Town Council on November 1, 2017 to review the zoning change request, and
2. Held a Public Hearing on February 14, 2018 to receive, discuss and consider public comments on the zoning change request, and
3. In a Formal Notice sent to Town Council on February 16, 2018, transmitted its determination to have the zoning changed; and,

WHEREAS, pursuant to Section 4.1.3, of the Town Charter and Section 66-137C 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 February 21, 2018 and March 14,

2018; and,

WHEREAS, pursuant to Section 66-137C of the *Zoning and Unified Development Code*, a copy of the public hearing notice was:

1. sent by regular mail to the owner/applicant on February 15, 2018,
2. sent by regular mail to the last known address of all property owners within a 100-foot radius of the subject properties measured at each property line on February 15, 2018,
3. posted at the Town Hall on February 15, 2018 and March 14, 2018; and,

WHEREAS, a copy of the public hearing notice was also posted at the Townsend Post Office on FEBRUARY 21, 2018 and March 14, 2018 and on the home page of the Town website https://townsend.delaware.gov/ on FEBRUARY 21, 2018 and March 14, 2018; and,

WHEREAS, on April 4, 2018, the Town Council:

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

WHEREAS, the Town Council of the Town of Townsend finds that changing the zoning district for the Parcel No. 25.004-00.121 (0 South Street) is consistent with the land uses contained in the 2010 Plan Update as amended.

WHEREAS, on April 4, 2018, the Town Council took action on this Ordinance by majority voice vote pursuant to Section 4.1.3 of the Town Charter.

NOW, THEREFORE BE IT ORDAINED THAT Parcel No. 25.004-00.121 (0 South Street) is hereby changed from Residential (R-1A) Zoning District to the Residential (R-2) Zoning District.

AND, BE IT FURTHER ORDAINED THAT the official zoning map be updated to reflect the changes adopted in this Ordinance.

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	January 24, 2018
Publication of Fair Summary	February 21, 2018 and March 14, 2018
Public Hearing	April 4, 2018
Final Reading	April 4, 2018
Adoption	April 4, 2018

Signed By

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

SUMMARY

This Ordinance changes the zoning for 0 South Street from the R-1A Zoning District to the R-2 Zoning District and re-adopts the zoning map accordingly.

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	(a)
	R-1 Residential	
	R-1A Residential	
	R-A Residential	
	R-AA Residential	
	R-2 Residential	
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.

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

Parcels Proposed for Zoning Change

Parcel ID **Property Address**	2500400121 0 South Street
Existing Zoning	R-1A
2010 Plan Future Land Use	Residential
Proposed Zoning	R-2, Residential-7,000 SF
Justification for Proposed Changes	Consistency with Residential land use shown on the 2010 Plan Update as mandated in the Delaware Code, Title 22, Section 101(4)