

Town of Townsend
141 Main Street
Townsend, DE 19734

SUBDIVISION & LAND DEVELOPMENT PROCESS

The procedures described herein are in accordance with §66 of the Townsend Code (“Zoning and Unified Development Code”).

Variances

1. If an applicant seeks a variance from a portion of the Townsend Code, the applicant must submit an appeal to the Town’s Board of Adjustment.

Sketch Plan Review

The Applicant shall submit a concept plan (Sketch Plan) to the Town Manager for review by Town Council and the Planning Commission.

- a. Town Council will determine whether the plan is acceptable; changes will be recommend to the applicant, if necessary.

Plan Review & Approval

The Town Manager will assure that all subdivision and land development plans submitted to the Town are distributed to the appropriate personnel and monitors the progress through completion.

1. Applicant shall submit the Subdivision and/or Land Development Plan to the Town. The application must be received by 15th of the Month preceding the Council meeting, including the following materials:
 - a. Subdivision and Land Development Application. Provide a completed application form with all project information, including a copy of the property deed.
 - b. Plans. Provide ten (10) copies of all plans for distribution as follows:
 - i. Town Council Land Use and Development Committee – 2 copies
 - ii. Town Planning Commission – 5 copies
 - iii. Town Engineer – 1 copy
 - iv. Townsend Fire Co. – 1 copy
 - v. Town Manager – 1 copy
 - c. Studies/Reports. Provide two (2) copies of each study and/or report for distribution as follows:
 - i. Town Manager – 1 copy
 - ii. Town Engineer – 1 copy
 - d. Fee/Escrow. Provide a single check made payable to the “Town of Townsend” for the required Filing Fee, Initial Engineering and Plan Review Escrow. The amounts thereof are established by the Town’s fee schedule.

2. Administrative Review for Completeness. The Town Manager will receive the application and perform a cursory administrative review for completeness. If the application does not include adequate copies of all materials or the required fees, then the Applicant will be notified that they must provide the missing items. Once the complete application is received, materials will be distributed by the Town Manager per the schedule given above. In order for a project to be considered by the Town's Council, the complete application must be received by the Town by the 15th of the month preceding the Town Council meeting.
 - a. *Example: In order to appear on the agenda for the June Council meeting, the complete application must be received by the Town Manager on or before May 15th.*
3. Review.
 - a. Town Engineer. The Town Engineer will review the submitted materials for consistency with the Townsend Code and prepare a review letter with any comments. The Town Engineer will issue the review letter to the Town Manager and applicant one (1) week in advance of the project's discussion at a Council meeting.
 - b. Townsend Fire Co. The Townsend Fire Co. will review the submitted materials to ensure adequate emergency vehicle access, fire hydrant availability, etc. These comments may be supplemented by comments received from the Delaware State Fire Marshal. The Townsend Fire Co. will issue a review letter to the Town Manager and applicant one (1) week in advance of the project's discussion at a Council meeting.
4. Planning Commission. The Planning Commission may ask questions, provide comments or make a recommendation concerning the application.
 - a. If the Planning Commission provides comments, the Applicant can decide to:
 - (1) address the comments and resubmit revised plans for consideration by the Planning Commission
 - (2) request consideration by the Town Council without addressing comments; or
 - (3) address the comments and request consideration by the Town Council. If revised plans are being resubmitted to the Town, the Town Manager will distribute the revised plan as described previously and request updated reviews from the Town Engineer and the Townsend Fire Co.
 - b. The Planning Commission can make a recommendation FOR or AGAINST approval of the application to the Town Council. The Planning Commission's recommendation for approval may be given conditionally based on the Applicant satisfactorily addressing certain items.

5. Town Council. After appearing before the Planning Commission and receiving comments and/or recommendations, the Applicant may submit a written request to the Town Manager seeking approval by the Town Council.
 - a. The Town Council's approval may be given conditionally based on the Applicant satisfactorily addressing certain items. Typical conditions for approval include:
 - i. Satisfactorily addressing Town Engineer comments
 - ii. Satisfactorily addressing Townsend Fire Co. comments
 - iii. Other agency approvals (DeIDOT, DNREC, USACE, State Fire Marshal, Water Company, NCC Public Works, New Castle Conservation, etc.)
 - iv. Financial Security
 - v. Inspection Escrow
 - vi. Plan Recording
 - b. If Town Council denies the plan approval, then the application is terminated.
6. Satisfaction of Approval Conditions. After receiving approval from the Town Council, the Applicant must address conditions of the approval, if any.
 - a. The Applicant should submit three (3) copies of all revised plans, agency approval letters and other necessary documentation to the Town Manager, who will distribute copies to the Town Engineer and Townsend Fire Co., as necessary.
 - b. The Town Engineer will determine if the conditions of approval have been met and prepare a review letter with any comments or indicating that all items have been satisfactorily addressed.
7. Plan Recording. Once the Applicant has received approval from the Town Council and all conditions have been met, including posting of required financial security and inspection escrow, seven (7) copies of the final plan shall be provided by the Applicant to the Town Manager for signature and plan recording.
 - a. The plans shall be signed as follows:
 - i. Plan Preparer
 - ii. Property Owner
 - iii. Town Engineer
 - iv. Town Council
 - b. The Applicant shall be responsible for recording the final plan with New Castle County and for providing two (2) copies of the final recorded plan to the Town Manager along with one (1) electronic copy.

Construction

1. Estimate. The Applicant's engineer shall provide the Town with a detailed estimate of the cost of the required on- and off-site improvements. This estimate will be reviewed and approved by the Town Engineer.
2. Inspection Fee Escrow. The Applicant shall deposit an inspection fee escrow with the Town. The amount of the inspection fee escrow shall be not less than five percent (5%) of the approved estimated cost of the required on- and off-site improvements.
3. Performance Guaranty. The Owner shall provide the Town with a performance guaranty. The performance guaranty shall be one hundred twenty percent (120%) of the approved estimated cost of the required on- and off-site improvements.
4. Pre-Construction Meeting. After the required inspection fee escrow and performance guaranty have been provided to the Town, a pre-construction meeting will be held. No site work may begin until the pre-construction meeting has been conducted.
5. Inspection. All site improvements and utility installations for site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Town Engineer to ensure satisfactory completion.
6. Acceptance of Improvements. The Owner shall complete the Improvement Acceptance Checklist.