



Town of Townsend
Townsend Council Public Hearing
Wednesday, April 17th, 2024, at 7:00 p.m.
Via Town Hall & Conference Call

7:00 p.m. Townsend Town Council

Public Hearing

- I. Call to Order
- II. Opening Ceremonies
 - A. Roll Call:
 - B. Pledge of Allegiance:
 - C. Recognition of Visitors:
 - D. Announcements:
- III. Additions and Deletions to published Agenda.
- IV. Public hearing Ordinance 2024-002, An Ordinance to Amend Section 24.0.060 of the Town Code to Add the Definition of Commercial Vehicle.
- V. Public hearing of Ordinance 2024-004, An Ordinance to Amend Board of Adjustment Appeals.
- VI. Public hearing Ordinance 2024-008, An Ordinance to Annex 6170 Summit Bridge Rd.
- VII. Adjourn at 7:30 pm

Town Meetings will held both in person and in a virtual format. Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **407-702-6733#** and then the following password **332763#** to enter the meeting. If you choose to access the meeting online click the following link:

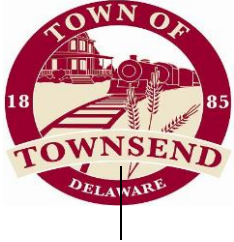
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xiME1HV0Z0cHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

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:
Mayor Lobdell
Introduction on: January 10th, 2024



ORDINANCE 2024-002

AN ORDINANCE TO AMEND SECTION 24.04.060 OF THE TOWN CODE TO ADD THE DEFINITION OF COMMERCIAL VEHICLE AND SECTION 24.04.090 OF THE TOWN CODE

Mayor
Scott Lobdell

Councilman
Joshua Mertz,
PhD

Councilman
Joseph Bangura,
PhD

Councilman
Matthew
Chapman

Councilman
Marcus Suhr

Town Manager
Antonina Tantillo,
MPA,

WHEREAS, the Town Code currently states that commercial vehicles may not be parked overnight anywhere within the Town limits; and

WHEREAS, the Town Code does not define “commercial vehicle;” and

WHEREAS, the Town Council desires to amend the definition section of the Zoning and Unified Development Chapter of the Town Code to include a definition for commercial vehicles.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Townsend, as follows:

SECTION 1: That Section 24.04.060 of the Code of Ordinances, Town of Townsend, Delaware is hereby amended by adding a section after the line beginning “Church” and before the line beginning “Demolition,” which said section shall read as follows:

“Commercial vehicle” shall mean a vehicle of a type required to be registered as commercial under state law or used or maintained for the transportation of persons or property for hire, compensation, or profit, except taxicabs. Commercial vehicles are further defined by the federal Highway Administration as a Class 3- vehicle which is classified as a four tire, single unit vehicle.

SECTION 2: That Section 24.04.090 of the Code of Ordinances, Town of Townsend, Delaware is hereby amended by striking *G. The overnight parking of trucks or commercial vehicles in a residential area shall be prohibited* and adding said section shall reads as follows:

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Located on the Web at <https://townsend.delaware.gov>

1. Vehicles and trucks above a Class 3 as defined by the FHWA shall be parked in driveways overnight. Overnight parking on streets is prohibited.
2. No buses or mini-buses are allowed to be kept, parked overnight or stored in the residential districts with the exception that they are fully parked within a closed garage overnight or are on a business-service call to an owner or occupant.
3. Recreational Vehicles. Any boat, boat trailer, motor home, self-contained camper, mobile home, trailer, pop-up camper/tent trailer, horse trailer or similarly oriented vehicle as defined in Title 21 of the Delaware Code as amended from time to time are prohibited, with the exception of 48 hours to load and unload. Storage of the vehicles listed in this paragraph is allowed, so long as they are wholly parked within a closed garage.

SECTION 32: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 43: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 54: This Ordinance shall become effective immediately upon passage.

Adopted by at least a majority of the Council members of the Town of Townsend on this _____ day of _____, 2024.

- Introduction
- Public Hearing
- Final Reading
- Adoption

Signed By

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Mayor

Town of Townsend, Delaware

Attest: _____
Town Clerk

DRAFT

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:
Mayor S. Lobell and
Councilman J. Mertz
Introduction on:
03/06/2024

**Mayor
Scott Lobdell**

**Councilman
Joshua Mertz,
PhD**

**Councilman
Joseph Bangura,
PhD**

**Councilman
Matthew
Chapman**

**Councilman
Marcus Suhr**

ORDINANCE 2024-004 AN ORDINANCE TO AMEND SECTION 24.08.020(D)(1) OF THE TOWN CODE TO REQUIRE APPEALS FROM THE BOARD OF ADJUSTMENT TO BE FILED IN THE SUPERIOR COURT FOR THE STATE OF DELAWARE

WHEREAS, the Town Code currently states that any person aggrieved by a decision of the Board of Adjustment who wishes to file an appeal may file an appeal to the Town Council within a reasonable time; and

WHEREAS, the Town Council desires to amend such instruction to comply with Delaware State Code Chapter 22, Section 347 which requires appeals to be filed within thirty (30) days to the Superior Court of the State of Delaware.

NOW, THEREFORE, be it ordained by the by the Town Council of the Town of Townsend, as follows:

SECTION 1: That Section 24.08.020(D)(1). (2), & (3) of the Code of Ordinances, Town of Townsend, Delaware, is hereby replaced to read as follows:

Any person or persons, or any taxpayer or any officer, department, board or bureau of the Town aggrieved by any decision of the Board of Adjustment may seek review by the Superior Court of such decision, in the manner provided by the laws of Delaware and particularly by Chapter 3, Title 22, Annotated code of Delaware. Such appeal must be filed within thirty (30) days from the date the Board of Adjustment issues it's written opinion on the matter which is the subject of the appeal.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

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SECTION 4: This Ordinance shall become effective immediately upon passage.

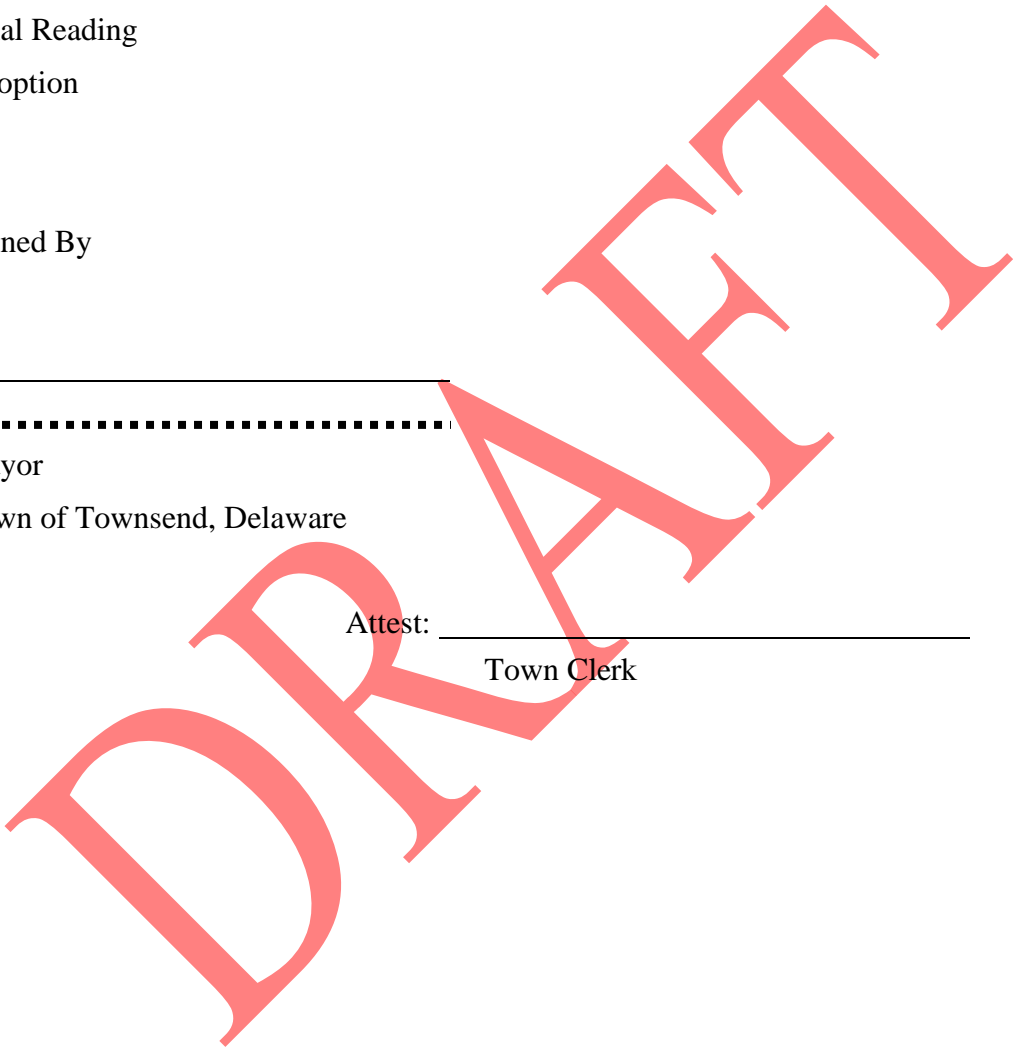
Adopted by at least a majority of the Council members of the Town of Townsend on this ____ day of _____, 2024.

- Introduction
- Public Hearing
- Final Reading
- Adoption

Signed By

.....
Mayor
Town of Townsend, Delaware

Attest: _____
Town Clerk



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: Mayor S. Lobdell

Introduction on: 04/03/2024



ORDINANCE 2024-008

AN ORDINANCE TO APPROVE THE ANNEXATION AND ASSIGNMENT OF ZONING CLASSIFICATION OF TAX PARCEL # 14-016.00-047, LOCATED AT 6170 SUMMIT BRIDGE ROAD

Mayor
Scott Lobdell

WHEREAS, the equitable owner of certain real property, with the consent of the legal owners, have sought to annex said property into the Town of Townsend; and,

Councilman
Joshua Mertz,
PhD

WHEREAS, the said property, consisting of tax parcel number 14-016.00-047 located at 6170 Summit Bridge Road, Townsend, DE 19734; and,

Councilman
Joseph Bangura,
PhD

WHEREAS, the Planning Commission of the Town of Townsend has reviewed the request and provided their recommendation to Town Council to annex said property on June 24, 2021; and

WHEREAS, the property is one of the recommended annexations per the 2020 Update to the 2010 Town of Townsend Comprehensive Plan; and

Councilman
Matthew
Chapman

WHEREAS, New Castle County and the Town of Townsend are parties to a sewer agreement dated October 24, 2001, that requires the New Castle County Executive and New Castle County Council to approve all annexation proposals; and

Councilman
Marcus Suhr

WHEREAS, by resolution dated April 12, 2022, New Castle County Council confirmed that the sewer capacity for connection to the New Castle County sanitary sewer system is currently within the capacity limits established in the 2001 Town of Townsend/ New Castle County sewer agreement; and

WHEREAS, the Town Council believes the annexation is appropriate and is prepared to grant approval of the Annexation as a ~~(RI) Industrial-Residential~~ Zone in accordance with the Town of Townsend Municipal Code, Chapter 24; and,

WHEREAS, a copy of the public hearing notice was also posted at the Townsend Post Office on 04/03/2024 and on the home page of the Town website <https://townsend.delaware.gov/> on 04/03/2024 and published in a newspaper of general circulation on 04/03/2024; and,

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WHEREAS, on _____, 04/17/2024, the Town Council held a public hearing on this Ordinance, read this Ordinance by title and synopsis, and provided opportunity for all interested citizens and parties to be heard; and,

WHEREAS, on _____ the Town Council acted on this Ordinance by majority voice vote pursuant to Section 4.1.3 of the Town Charter.

NOW, THEREFORE, BE IT RESOLVED that the proposed annexation be and hereby is, approved subject to reconsideration as may be desired by Town Council as set forth below; and,

Town Council, on the recommendation of the Planning Commission assigns the Zoning Classification of **R** to this parcel; and

The Planning Commission and Town Clerk is to modify the Town Zoning Map to reflect the annexation of this property and to assign the Zoning Classification of **R**.

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

Introduction 04/03/2024

Public Hearing 04/17/2024

Final Reading

Adoption

Adopted by at least a majority of the Council members of the Town of Townsend on this _____ day of _____, 2024.

Signed By

.....

Mayor

Town of Townsend, Delaware

Attest: _____

Town Clerk

SUMMARY

This act *approves* the annexation and assignment of zoning classification of tax parcel number **14-016.00-047** located at 6170 Summit Bridge Road, Townsend, DE 19734.