



## Town of Townsend Code Review Committee Meeting

April 8<sup>th</sup>, 2025, @ 2:00pm

VIA Conference Call & Town Hall

141 Main St, Townsend, DE 19734

### 2:00 pm Code Review Committee Meeting

- I. Call to Order:
- II. Opening Ceremonies
  - A. Roll Call:
  - B. Pledge of Allegiance:
  - C. Recognition of Visitors:
  - D. Announcements:
- III. Citizens Comments & Participation.
- IV. Adoption of Agenda.
- V. Approval/ Rejection of minutes:
  - A. **ACTION ITEM:** Approval/rejection of Code Review minutes from the March 10th, 2025, \_\_\_ meeting.
- VI. Discussion and Review of municipal code for discrepancies and required edits.
- VII. Discussion regarding new business.
- VIII. Discussion regarding next meeting date.
- IX. Adjourn.

Committee Meetings will be 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 **827-6421-7575#** and then the following password 361631# to enter the meeting. If you choose to access the meeting online click the following link:  
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xjME1HV0ZOcHRxSHZ3QT09>

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.

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**RE: Code Review Questions**

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**From** Lisa Hatfield <lhatfield@connollygallagher.com>

**Date** Tue 3/18/2025 5:09 PM

**To** Julie Goodyear <jgoodyear@townsend.delaware.gov>

**Cc** Scott Lobdell <Slobdell@townsend.delaware.gov>; Matthew Chapman <mchapman@townsend.delaware.gov>; Longo Robert (Townsend PD) <Robert.Longo@CJ.State.de.us>

This message originated from outside the organization

Good afternoon all.

Thank you for your patience on this one and my apologies for not meeting the March 10 request. Responses in RED below.

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**From:** Julie Goodyear

**Sent:** Monday, February 24, 2025 3:57 PM

**To:** Lisa Hatfield <lhatfield@connollygallagher.com>

**Cc:** Scott Lobdell <Slobdell@townsend.delaware.gov>; Matthew Chapman <mchapman@townsend.delaware.gov>; Longo Robert (Townsend PD) <Robert.Longo@CJ.State.de.us>

**Subject:** Code Review Questions

Hey Lisa,

During our Code Review meeting today, we started to make some edits on sections of our Town Code. During this discussion, largely surrounding Sections 16, a few legal questions came up that I hope you are able to review and provide an opinion on.

1. When an Owner wants to appeal a fine that was issued in a violation from the Town, what is the correct appeal process?
  - a. There was large conversations surrounding does the appeal go to the Town Council or does it go to Delaware Courts. Conversation started to circle around "it depends on the issues". ? This is correct. For example, a fine issue by the Town under the building code would fall under 18.28.110 which says that any person aggrieved by any decision of the Town shall have the right to appeal to the Mayor and council in writing within 30 days
  - b. Example: Section 16.04.010 Parking on Certain Streets. Another example, except under this section, it state that the JP court's have jurisdiction over these citations.
    - i. If an Owner is not in compliance with this code section, it states they could be subjected to a \$25.00 fine (TM would be issuing out the violation and fine). Who would hear the appeal? JP Court. In fact, you should check your citations to make sure they include how to appeal information on the ticket.
2. Violation Letters- In these letters, do we have to cite the courts and the appeal procedure in the letter?
  - a. Contexts- Our letters are form letters generated by Edmunds, municipal software that holds all our Owner details. They currently do not cite any authority for an appeal. They should include appeal information.
3. Abandoned Vehicles (Section 16.08)

- a. What legal recourse does the Town have for abandoned vehicles on Private Property? Under the "failure to remove section" the code only gives the town authorization to remove property that is on public land, not private. That is consistent with State code. Additionally, if you remove from public property, that must be done (enforce) by police.
  - i. Very large conversation today surrounding this topic. Does the Town have any legal recourse? Should the Town govern what is on Private Property? Do they have the right to do that? Is it encroaching on civil liberties? Under 16.08.050 abandoned property even on private property is a fine after 7 days follow notification. Under the code however, you issue a citation that is to be heard in JP court. Therefore, that citation should have a payable fine \$10-\$50 as currently written, and information on how to appeal to JP Court.
1. How "involved" should the Town be in this section, or how involved can they legally be? Would it be an area that if challenged, the Town would lose? Citations are fine. Removal on public AFTGER notice is fine but must be done by police (i.e. write citation, meet tow truck, etc). You cannot remove from private. You can citation every single day after the 7 days notice.

Based on your answers, there may be follow up questions.

Committee is meeting again on Monday, March 10<sup>th</sup> @ 1pm.... Do you think you would have a change to review by then?

Best Regards,

Julie M. Goodyear  
Town Manager  
Phone: 302-378-8082  
Fax: 1-302-378-7099  
[jgoodyear@townsend.delaware.gov](mailto:jgoodyear@townsend.delaware.gov)



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SPONSOR: Sen. Huxtable & Rep. Harris

DELAWARE STATE SENATE  
153rd GENERAL ASSEMBLY

SENATE BILL

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO ACCESSORY DWELLING UNITS.

1 WHEREAS, accessory dwelling units (ADU's) are a valuable form of housing and can serve to increase the  
2 supply of an affordable and diverse type of housing; and

3 WHEREAS, accessory dwelling units are also known as in-law units, secondary dwelling units, granny flats,  
4 garage apartments, or carriage houses; and

5 WHEREAS, accessory dwelling units offer lower cost housing to meet the needs of existing and future residents  
6 within existing neighborhoods, while respecting architectural character; and

7 WHEREAS, accessory dwelling units can create a convenient living arrangement that allows family members,  
8 including seniors who would like to age in place in the community, students, or other persons to provide care and support  
9 for someone in a semi-independent living arrangement while remaining in their community; and

10 WHEREAS, the creation of accessory dwelling units can promote more compact urban and suburban growth,  
11 which reduces the loss of farm and forest lands, as well as natural areas and resources, while limiting increases in pollution  
12 that contributes to climate instability; and

13 WHEREAS, the State can play an important role in reducing the barriers that prevent homeowners from building  
14 ADUs; and

15 WHEREAS, Delaware is facing a severe housing crisis, with home prices and rents unaffordable to many  
16 households of low and middle incomes; and

17 WHEREAS, the Delaware State Housing Authority's 2023 Housing Needs Assessment report finds that the State  
18 is over 19,000 affordable units short to accommodate demand; and

19 WHEREAS, permitting the creation of accessory dwelling units will help diversify Delaware housing stock and  
20 help alleviate Delaware's housing shortage.

21 NOW, THEREFORE:

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all  
23 members elected to each house thereof concurring therein):

Section 1. Amend Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1701. Purpose.

Accessory dwelling units are a valuable form of housing that can serve to increase Delaware’s supply of affordable housing, promote compact urban and suburban growth, and provide the option for a convenient living arrangement for seniors, students, and other residents. Through this chapter, local governments are required to permit the construction of accessory dwelling units within their jurisdictions without prohibitive barriers or onerous application or zoning requirements, with the goal of expanding affordable housing stock, diversity, and access.

§ 1702. Definitions.

For the purposes of this chapter:

(1) “Accessory Dwelling Unit” (ADU) means a residential living unit on the same lot where the principal use is a legally established single-dwelling unit. An ADU provides complete independent living facilities, including its own cooking, sleeping, and sanitation facilities, for one or more individuals. It may take various forms, including a detached unit, a unit that is part of an accessory structure such as a detached garage, or a unit that is part of an expanded or remodeled primary dwelling.

(2) “By right” means the ability to be approved without requiring any of the following:

a. A public hearing.

b. A variance.

c. A conditional use permit, special permit, or special exemption.

d. Any other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations.

(3) “Local government” means a municipality, county, or other political subdivision of the State.

§ 1703. Responsibilities of Local Governments.

(a) By [1 year after the effective date of this Act], each local government must adopt ordinances under this chapter that do all of the following:

(1) Allow a minimum of one ADU by right on a lot or parcel that contains a single-family dwelling.

(2) Allow an ADU that is currently constructed or may be constructed and that is any of the following:

a. Attached to a single-family dwelling.

b. Detached from a single-family dwelling.

c. Contained within a single-family dwelling.

54                   (3) Allow an ADU to be used as rental housing.

55                   (c) Local governments may adopt regulations consistent with their needs and capacity, so long as they are not  
56 otherwise prohibited by this chapter and do not violate the purpose of this chapter.

57                   (d) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument  
58 affecting the transfer or sale of any interest in real property, or any covenant, restriction, or condition contained in a deed or  
59 declaration under the Unit Property Act, or any rule based thereon that is not in effect on June 30, 2027, is created after  
60 June 30, 2027, or is used as the basis for any rule that is created or takes effect after June 30, 2027, which effectively  
61 prohibits or unreasonably restricts the construction or use of an ADU on a lot zoned for single-family residential use that  
62 otherwise meets the requirement of this section is void and unenforceable.

63                   (e) In adopting an ordinance under this chapter, a local government may establish an application and permitting  
64 process for ADUs that does not do any of the following:

65                   (1) Require planning board approval.

66                   (2) Create additional restrictions that would run contrary to the purpose and intent of this chapter.

#### SYNOPSIS

Accessory dwelling units (ADUs), also known as in-law units or garage apartments, are valuable and convenient forms of housing that can help to increase Delaware's housing supply. In order to expand affordable housing opportunities, this Act requires local governments to permit the construction of ADUs within their jurisdictions without prohibitive barriers or onerous application or zoning requirements.

This Act carries a 2/3 vote requirement as it may indirectly affect municipal charters.

Author: Senator Huxtable