

# Memo

To: PLUS Reviewers  
From: Dorothy Morris  
Date: October 3, 2007  
Re: Town of Clayton Pre-update Review of Comprehensive Plan

---

The Town of Clayton has submitted a copy of their most recently certified comprehensive plan which is due to be updated by 2008. The Town is beginning its update process and has requested that we review the plan to determine if any changes have been made to State regulations since its certification. Our review should also provide suggestions for revisions and improvement, in addition to any code changes since the last planning cycle.

The Town of Clayton has submitted two annual reports since their last plan certification. They are attached. The Town of Clayton also amended their comprehensive plan in 2005. this amendment went through PLUS and is included in the comp. plan that is on the University of Delaware website.

Link to the certified plan: <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>

Preliminary Land Use Service (PLUS) Application  
Municipal Comprehensive Plans  
Pre-Update Review Request—Town of Clayton

Delaware State Planning Coordination  
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

|   |                        |                                |  |
|---|------------------------|--------------------------------|--|
| <b>Name of Municipality:</b>                            | Town of Clayton        |                                |  |
| <b>Address:</b><br>414 Main Street<br>Clayton, DE 19938 | <b>Contact Person:</b> | Jeff Hurlock                   |  |
|   | <b>Phone Number:</b>   | 302-653-8419                   |  |
|   | <b>Fax Number:</b>     | 302-653-2017                   |  |
|   | <b>E-mail Address:</b> | jahurlock@clayton-delaware.com |  |

**Plan Certification Date:** June 28, 2005

**The Town of Clayton requests that the *2005 Amendment to the 2000 Update of the 1996 Clayton Comprehensive Plan* be reviewed to provide suggestions for revisions and improvements. The review is also to notify the municipality of any code changes since the certification of this plan that should be included in the scheduled update.**

**Plan URL:** <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>

|  |                        |                                |  |
|--|------------------------|--------------------------------|--|
| <b>Information prepared by:</b>  | IPA/UDel               |                                |  |
| <b>Address:</b><br>180 Graham Hall<br>University of Delaware<br>Newark, DE 19716 | <b>Contact Person:</b> | Linda Raab                     |  |
|  | <b>Phone Number:</b>   | 301-881-1997                   |  |
|  | <b>Fax Number:</b>     | 240-230-1724                   |  |
|  | <b>E-mail Address:</b> | linda.raab@raab-associates.com |  |

|  |                                       |                                |  |
|--|---------------------------------------|--------------------------------|--|
| <b>Maps Prepared by:</b>   | Linda Raab and Nicole Minni, UDel/IPA |                                |  |
| <b>Address:</b><br>180 Graham Hall<br>University of Delaware<br>Newark, DE 19716 | <b>Contact Person:</b>                | Linda Raab                     |  |
|  | <b>Phone Number:</b>                  | 301-881-1997                   |  |
|  | <b>Fax Number:</b>                    | 240-230-1724                   |  |
|  | <b>E-mail Address:</b>                | linda.raab@raab-associates.com |  |

Preliminary Land Use Service (PLUS) Application  
Municipal Comprehensive Plans  
Pre-Update Review Request—Town of Clayton

Delaware State Planning Coordination  
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

**Comprehensive Plan / Amendment Checklist**

*See list of parcels proposed for annexation and maps in appendices that follow the plan text.*

| <b>Public Participation</b>              | <b>Yes</b> | <b>No</b> | <b>Pages</b> |
|--|------------|-----------|--------------|
| Public Participation Summary and Results | X          |           | 12-13        |

| <b>Population Data and Analysis</b> | <b>Yes</b> | <b>No</b> | <b>Page #</b>                        |
|-------------------------------------|------------|-----------|--------------------------------------|
| Past Population Trends              | X          |           | 5-6                                  |
| Population Projections              | X          |           | 6-7                                  |
| Demographics                        | X          |           | 4, 5, 9, 10                          |
| Position on Population Growth       | X          |           | 11, Sec 1-5a, paragraph 1 & Sec 1-5b |

| <b>Housing—</b>            | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|----------------------------|------------|-----------|---------------|
| Housing Stock Inventory    | X          |           | 23-24         |
| Housing Pipeline           | X          |           | 18            |
| Housing Needs Analysis     |            | X         |               |
| Position on Housing Growth | X          |           | 24            |
| Affordable Housing Plan    |            | X         |               |

| <b>Annexation</b>                 | <b>Yes</b> | <b>No</b> | <b>Page #</b>            |
|-----------------------------------|------------|-----------|--------------------------|
| Analysis of Surrounding Land Uses | X          |           | 50-55                    |
| Annexation Plan                   | X          |           | 49-55, Map 6 in Appendix |

| <b>Redevelopment Potential</b>                             | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|--|------------|-----------|---------------|
| Identification of Redevelopment Areas and Issues           | X          |           | 44-48         |
| Redevelopment Strategy                                     | X          |           | 12            |
| Community Development Strategy— <i>See “Redevelopment”</i> |            |           |               |

| <b>Community Character</b>  | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|---|------------|-----------|---------------|
| History of the Town or City   | X          |           | 3-4           |
| Physical Conditions— <i>See paragraphs 1 &amp; 2</i>                      | X          |           | 4             |
| Significant Natural Features— <i>See Environmental Features on Map 3.</i> | X          |           | 20-21         |
| Community Character— <i>See Vision Section</i>                            | X          |           | 11            |
| Historic and Cultural Resources Plan                                      |            | X         |               |
| Community Design Plan   | X          |           | 43-48         |
| Environmental Protection Plan— <i>See Goals &amp; Recommendations</i>     | X          |           | 22            |

| <b>Land Use Plan</b> | <b>Yes</b> | <b>No</b> | <b>Page #</b>  |
|----------------------|------------|-----------|--|
| Existing Land Use    | X          |           | 41-43, Map 5 in Appendix   |
| Land Use Plan        | X          |           | 43-44 Future Land Use in current town limits<br>49-55 Land Uses for annexation areas<br>Both depicted in Map 6 in Appendix |

Preliminary Land Use Service (PLUS) Application  
Municipal Comprehensive Plans  
Pre-Update Review Request—Town of Clayton

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

| <b>Critical Community Development and Infrastructure Issues</b>            | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|--|------------|-----------|---------------|
| Review of Community Conditions   | X          |           | 20-43         |
| Inventory of Community Infrastructure                                      | X          |           | 28-40         |
| Inventory and Analysis of Community Services                               | X          |           | 28-40         |
| Water and Wastewater Plan— <i>See Goals and Recommendations</i>            | X          |           | 32            |
| Transportation Plan— <i>See Goals and Recommendations, Map 4 in Append</i> | X          |           | 35            |
| Community Development Plan   |            | ?         |               |
| Community Facilities Plan— <i>See Goals and Recommendations</i>            | X          |           | 40            |

| <b>Intergovernmental Coordination</b>                        | <b>Yes</b> | <b>No</b> | <b>Page #</b>       |
|--|------------|-----------|---------------------|
| Description of Intergovernmental Relationships               | X          |           | 58                  |
| Intergovernmental Coordination Strategy                      | X          |           | 58                  |
| Analysis and Comparison of Other Relevant Planning Documents | X          |           | 14-17, Map 2 in App |

| <b>Economic Conditions</b>                                      | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|---|------------|-----------|---------------|
| Economic Base / Major Employers                                 | X          |           | 26-27         |
| Labor Market  | X          |           | 27            |
| Income and Poverty  | X          |           | 25            |
| Economic Development Plan— <i>See Goals and Recommendations</i> | X          |           | 28            |

| <b>Open Space and Recreation</b>                                     | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|--|------------|-----------|---------------|
| Inventory of Open Space and Recreation Facilities                    | X          |           | 28-29         |
| Open Space and Recreation Plan— <i>See Goals and Recommendations</i> | X          |           | 29            |

| <b>Implementation Strategies—Pages 56-58</b>                                     | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|--|------------|-----------|---------------|
| Evaluation of Current Codes and Ordinances— <i>Existing Zoning Map in Append</i> | X          |           | 56-57         |
| Zoning Map Revisions   | X          |           | 56            |
| Zoning and Subdivision Code Revisions  | X          |           | 56            |
| Implementation Plan— <i>CIP recommended</i>                                      | ?          |           | 57-58         |
| Coordination with Other Government Agencies                                      | X          |           | 58            |

| <b>Other State Programs, Policies, and Issues</b>  | <b>Yes</b> | <b>No</b> | <b>Page #</b> |
|--|------------|-----------|---------------|
| Total Maximum Daily Loads  | X          |           | 22            |
| Corridor Capacity Preservation Program   |            | X         |               |
| Agricultural Preservation Program <ul style="list-style-type: none"> <li>• <i>Identified in last paragraph, page 14</i></li> <li>• <i>Included in annexation criteria, page 49, paragraph 6 and page 55, last paragraph</i></li> </ul> | X          |           |               |
| Sourcewater Protection   | X          |           | 21            |

**Additional Comments:** Please keep in mind that Clayton’s population was 1,273 in 2000. The plan is more detailed than a Municipal Development Strategy, but perhaps not as detailed as a full-blown Comprehensive Plan document required for jurisdictions over 2000.

Preliminary Land Use Service (PLUS) Application  
Municipal Comprehensive Plans  
Pre-Update Review Request—Town of Clayton

Delaware State Planning Coordination

122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

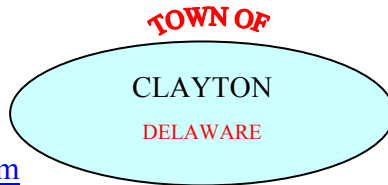
---

**General Plan Approval Process**

- Step 1:** Draft prepared by local government.
- Step 2:** Planning Commission and/or Legislative Body approves draft plan to send to PLUS.
- Step 3:** PLUS meeting, application submitted by 1<sup>st</sup> business day of the month for that month's meeting.
- Step 4:** State comments submitted to local government within 20 business days of meeting.
- Step 5:** Local government replies to state comments in writing and submits revised plan (if necessary) to the Office of State Planning Coordination (O S P C) for review.
- Step 6:** OSPC requires 20 working days to reply to revised plan. State sends a letter accepting changes or noting discussion items or if no changes are necessary see step 7.
- Step 7:** Certification letter will be sent within 10 business days of final submission to OSPC.
- Step 8:** The local jurisdiction shall adopt the plan as final following certification. Plan is effective on the date of adoption.
- Step 9:** A copy of the final document and written notification of adoption is to be sent to OSPC.

TEL: 302-653-8419

E-Mail: [clayton1@delanet.com](mailto:clayton1@delanet.com)



FAX: 302-653-2017



January 8, 2004

Constance S. Holland, Director  
Office of State Planning Coordination  
Suite 7, 3rd Floor  
Thomas Collins Building  
540 S. DuPont Highway  
Dover, DE 19901

Re: Clayton 2003 Annual Report

Dear Ms. Holland:

The Town of Clayton is pleased to submit its *2003 Annual Report on Comprehensive Plan Implementation*. As required in Title 22, Section 702(f) of the *Delaware Code*, this report describes Clayton's implementation of its comprehensive plan by summarizing the Town's planning accomplishments, describing current planning activities, and identifying several issues that have surfaced since the plan was adopted.

As our report shows, we have identified two problems with the comprehensive plan. To solve these problems, the Town Council will consider a plan amendment and a comprehensive rezoning to implement the amendment for LUPA review on January 12, 2003. These will be sent under separate cover.

We appreciate the help and support from the Office of State Planning Coordination.

Sincerely,

Robert E. Berghorn  
Mayor & Council President

# TOWN OF CLAYTON

## 2003 Annual Report on Comprehensive Plan Implementation

---

### Accomplishments

**Comprehensive Plan.** On January 16, 2003, the Town Council adopted an *Update to the 1996 Comprehensive Plan* as required in Title 22, Section 702(e) of the *Delaware Code*. On July 14, 2003, the Town Council amended this update.

**Comprehensive Rezoning.** On July 14, 2003, the Town Council comprehensively rezoned the Town to implement the January Plan Update and the July Plan Amendment.

**Annexation.** On April 14, 2003, the Town Council annexed the Davis Farm as recommended in the Comprehensive Plan Update. See Map Reference C.

**Site Plan Review.** A site plan was reviewed and approved for the Davis Farm.

**Zoning Text Amendment.** In January the Town Council adopted amendments to the bulk regulations governing development in the RS (Residential Suburban) Zone.

**Permits.** The Town issued 72 Certificates of Zoning Compliance.

**Variances.** The Board of Adjustment heard 4 variance applications.

**Code Enforcement.** In March, the Town hired a part-time code enforcement officer.

**Subdivision.** The Town Council approved one subdivision plat for the consolidation of two parcels and a record plat for the Davis Farm.

### Current Activities

#### ***Plan Amendment & Comprehensive Rezoning***

The Town Council is reviewing a Plan Amendment and Comprehensive Rezoning to determine a consistent the land use and zoning for the Stoney Knoll property and to consider industrial land use and zoning for the Southern States property.

#### ***Lester Farm Annexation—Map Reference B***

As called for in the January Comprehensive Plan Update, the Town Council is processing an annexation application for the Lester Farm.

#### ***Providence Creek Charter School—Map Reference E***

The Town Council will review a conditional use application for expansions at Providence Creek Charter School on January 12, 2004.

# TOWN OF CLAYTON

## 2003 Annual Report on Comprehensive Plan Implementation

---

### Issues

#### ***Clayton-Smyrna Industrial Park—Map Reference F***

Though this park is Clayton's major employer, the industrial park has not attracted new businesses for some time. Recently the Town received an inquiry about the feasibility of residential development on this property. Since there seems to be no prospects for an industrial use at this time, residential development seems attractive. In addition, development of this property may provide an opportunity to gain better access to the Clayton portion of the adjacent Johnson Farm.

The issue is whether Clayton needs additional residential development given the ongoing and planned residential development especially in the western portion of the Town.

#### ***Johnson Farm Resubdivision—Map Reference G***

The Johnson Farm is located in both Clayton and Smyrna and was subdivided initially for single family detached homes and townhouses. Smyrna's portion of the farm included both single-family and townhouses while Clayton's portion consisted (and still consists) entirely of townhouses. Recently, Smyrna's townhouse portion was subdivided for single-family detached homes, and development on the entire Smyrna section has commenced.

An issue has arisen as to whether the Clayton portion of the Johnson Farm should be re-subdivided for single-family homes. It has long been thought that no market exists for townhouses at that location and that single-family homes would be, not only more marketable than townhouses, but also more compatible with the area which consists primarily of single-family detached homes.

#### ***Stoney Knoll Land Use & Zoning—Map Reference H***

The land use and zoning for this parcel are inconsistent. The land use map designates the entire parcel as residential while the zoning map maintains a residential and industrial split that has existed since before 1978. This was an oversight in the Plan Update and comprehensive rezoning process.

#### ***Southern States Land Use & Zoning—Map Reference D***

After many years of commercial or industrial zoning, the January Plan Update changed this property's land use from Commercial to Residential and, accordingly, was zoned R (Residential 1-Family & Townhouse) in the July comprehensive rezoning. Following the adoption of these just-cited land use and zoning changes, the Delaware Economic Development Office (DEDO) identified this parcel for the production of biodiesel fuel from soybeans, a use that would be permitted only in an industrial zone.

#### ***Cluster Provisions in Zoning Ordinance***

When reviewing an inquiry about a town house cluster subdivision, it was noted that Clayton's Zoning Ordinance permits cluster layouts only for subdivisions consisting of single-family detached homes. Unless the zoning ordinance is amended, the Town cannot approve a cluster development with townhouses, semi-detached or any mix of residential uses.



# TOWN OF CLAYTON

## 2003 Annual Report on Comprehensive Plan Implementation

---






### *Byler Property—Map Reference A*

This property has been the subject of recent inquiries about annexation. As the map shows, this property is located outside of the area identified for annexation in Clayton's comprehensive plan. Annexation of this property would require a comprehensive plan update. The issues involved in such an update include:







- contiguity since the Hanover Farm food processing facility lies between the Byler property and Clayton's municipal boundaries;
- its location outside of Kent County's growth zone;
- whether Hanover Farm's owners would desire annexation;
- Clayton's ability to provide water supply to the facility; and
- the desirability of yet another large residential subdivision in Clayton.

# Clayton

## 2003 Annual Report on Comprehensive Plan Implementation

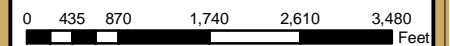
-  County Boundary
-  Clayton Town Limits
-  Smyrna Town Limits
-  Kent County Growth Zone
-  Parcel Boundaries

### Land Use

-  Residential
-  Commercial
-  Town Center
-  Industrial
-  Open Space
-  Railroad

### Proposed for Annexation

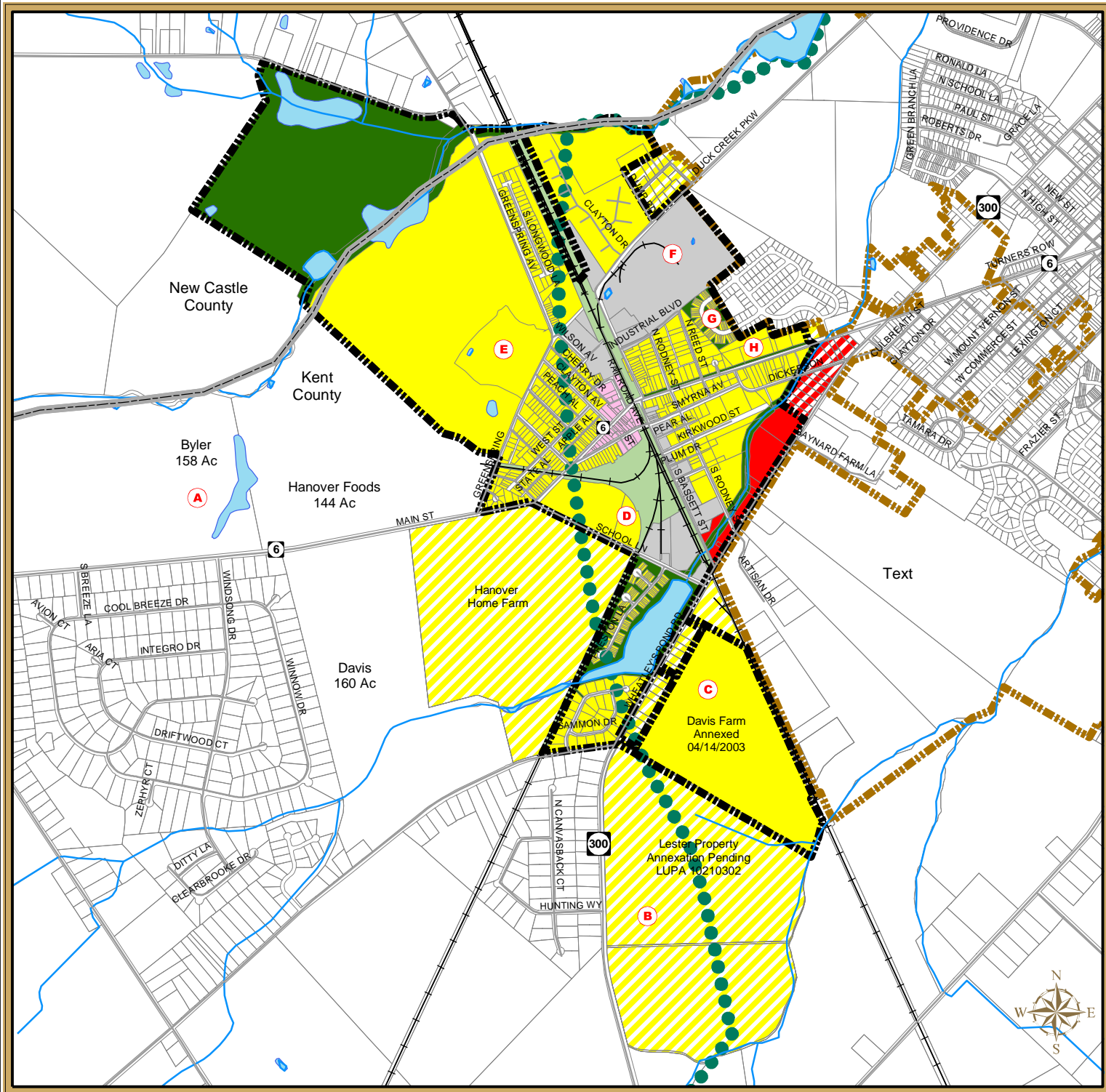
-  Residential
-  Commercial



Date Printed: 12/07/2004

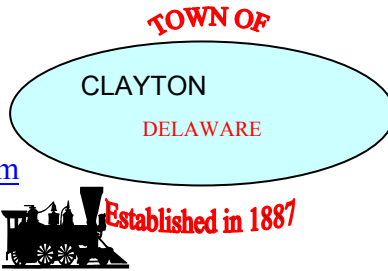
**Sources**  
**Base Map** - Delaware Department of Transportation centerline file (1997) created from Digital Orthophoto Quarter Quads (1997).  
**Hydrology** - USGS 7.5 Minute Series Topographic Maps, created in cooperative agreement between the State of Delaware and the USGS (1991-1993).  
**Municipal Boundaries** - Office of State Planning Coordination, 2002.  
**Parcels** - New Castle County Department of Land Use, January 2001; Kent County Department of Planning Services, January 2003.

**Disclaimer**  
 This map is provided by the Institute for Public Administration (IPA), solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision or any data contained herein are made by the IPA, nor will the IPA be held responsible for any use of this document for purposes other than for which it was intended.



TEL: 302-653-8419

E-Mail: [clayton1@delanet.com](mailto:clayton1@delanet.com)



FAX: 302-653-2017

October 28, 2004

Constance S. Holland, Director  
Office of State Planning Coordination  
Suite 7, 3rd Floor  
Thomas Collins Building  
540 S. DuPont Highway  
Dover, DE 19901

Re: Clayton 2004 Annual Report

Dear Ms. Holland:

The Town of Clayton is pleased to submit its *2004 Annual Report on Comprehensive Plan Implementation*. As required in Title 22, Section 702(f) of the *Delaware Code*, this report describes Clayton's implementation of its comprehensive plan by summarizing the Town's planning accomplishments, describing current planning activities, and identifying several issues that have surfaced since our last Annual Report on January 8, 2004.

As our report shows, a number of the issues described in our last Annual Report have turned into accomplishments. In addition, we have identified new issues as well as updated information on last year's issues.

We appreciate the help and support from the Office of State Planning Coordination.

Sincerely,

Robert E. Berghorn  
Mayor & Council President

**TOWN OF CLAYTON**  
**2004 Annual Report on Comprehensive Plan Implementation**

---

**OSPC Cover Sheet**

**Name of Municipality:** Town of Clayton **Report Date:** 10/29/2004

**Plan Certification Date:** \_\_\_\_\_ **Date of Last Annual Report:** 01/08/2004

1. Please state the municipality's accomplishments in implementing its comprehensive plan since the last annual report.  
See "Accomplishments."
2. Title 22, Chapter 7, Section 702, Del Code requires that within 18 months of comprehensive plan adoption, lands be rezoned in accordance with the land uses provided for in the comprehensive plan. Has this process been completed? If not, why? When is it expected to be complete?  
Yes
3. Has any land been annexed into the municipality since the adoption of the comprehensive plan or the last annual report? X Yes \_\_\_\_\_ No. If yes, list below.  
See "Lester Farm Annexation" under "Accomplishments."
4. The annual report is the municipality's opportunity to submit any plan corrections or minor plan amendments to the Office of State Planning Coordination for review. Does the municipality have any such corrections or minor amendments to offer at this time? If yes, please describe. (Please note that any amendments to a certified comprehensive plan may be subject to review under the Preliminary Land Use Service. Major plan amendments may require a more thorough review and/or update of the comprehensive plan)
5. Please review the recommendations and implementation items in your comprehensive plan. Indicate on the list which items are complete, underway, or not yet started. Also if there are other comments to add, please include them.  
See "Accomplishments" and "Current Activities."
6. Are there any planning issues that the municipality is currently facing for which the Office of State Planning Coordination may be able to offer technical or financial assistance? (Livable Delaware Grants are available for development and implementation of comprehensive plans) If yes, please describe below.  
See "Issues."

On behalf of the Town of Clayton, I respectfully submit this comprehensive plan annual report to the Office of State Planning Coordination. The information contained in the report is correct and complete.

\_\_\_\_\_  
Robert E. Berghorn  
Mayor & Council President

\_\_\_\_\_  
Date

# TOWN OF CLAYTON

## 2004 Annual Report on Comprehensive Plan Implementation

---

### Accomplishments

#### ***Plan Amendment & Comprehensive Rezoning***

##### **Stoney Knoll Land Use & Zoning**

The 2003 Annual Report noted an inconsistency between the land use and zoning for this parcel. The land use map had designated the entire parcel as residential while the zoning map maintained a residential and industrial split that had existed since before 1978. This was an oversight in the Plan Update and comprehensive rezoning process.

Following up on the *2003 Annual Report*, the Town Council adopted a Plan Amendment made no change in the residential land use designation covering the entire property. A simultaneous comprehensive rezoning changed the industrial portion of the property to R (Residential 1-Family and Townhouse) which is compatible with the residential portion of the property and the surrounding area.

##### **Southern States Land Use & Zoning**

After many years of commercial or industrial zoning, the *2002 Comprehensive Plan Update* changed this property's land use from Commercial to Residential and, accordingly, was zoned R (Residential 1-Family & Townhouse) in the comprehensive rezoning of July 14, 2003. Following the adoption of these just-cited land use and zoning changes, the Delaware Economic Development Office (DEDO) identified this parcel for the production of biodiesel fuel from soybeans, a use that would be permitted only in an industrial zone.

Following up on the *2003 Annual Report*, the Town Council adopted a Plan Amendment returning the Southern States property's land use to Industrial. A simultaneous comprehensive rezoning changed its zoning from R to I (Industrial).

#### ***Lester Farm (Providence Crossing) Annexation***

As called for in the 2002 Comprehensive Plan Update adopted January 2003, the Town Council approved an annexation petition for the 182-acre Lester Farm on January 24, 2004. In accordance with the Comprehensive Plan which proposed residential land uses, the property was zoned RS (Residential-Suburban).

#### ***Zoning Text Amendment***

On March 8, 2004, the Town Council amended the text of the Zoning Ordinance as follows:

1. Adds a number of industrial uses to those allowed in the Railroad Zone including a biodiesel plant. These uses were designated as conditional uses so that the Town Council can hold a formal public hearing after the Planning & Zoning Committee makes its recommendation.
2. Requires that an environmental impact study be submitted as part of the conditional use application.
3. Adds a definition of the term "manufacturing."
4. Revises language in the Industrial Zone regarding manufacturing.
5. Adds a purpose clause to the section that establishes the Railroad Zone to recognize the appropriateness of some non-railroad uses.

#### ***Development Plan Reviews***

##### **Ross Property**

On September 15, 2004, the Town Council approved a development plan for the 3-acre Ross property located between Dickerson Street and Smyrna Avenue. The development plan calls for the construction of 12 townhouses for persons aged 55 and over.

#### ***Conditional Uses***

##### **Mid-Atlantic Biodiesel Company**

On May 24, 2004, the Town Council approved a conditional use permit for the Mid-Atlantic Biodiesel facility. The facility includes a 9,300 square foot plant and an 8,500 square foot farm tank generating 9 rail cars and 4-5 trucks per week. Following Planning and Zoning Commission recommendation, the Town Council included in its approval 4 conditions: a landscape screen; construction of an

# TOWN OF CLAYTON

## 2004 Annual Report on Comprehensive Plan Implementation

---

emergency entrance acceptable to the fire chief; prohibition of on-site fuel blending; and the installation of soft lighting that does not cause glare on nearby properties.

### ***Code Enforcement***

On April 14, 2004, the Town Council named Brian de Young as the first Town Building Inspector and established the ICC International Residential and Business Code, 2003 edition as the Town's building regulations. At the same time, local service functions (inspections, regulations and permits) were transferred from Kent County to the Town.

### **Current Activities**

#### ***Huntington Mills (Davis Farm)***

A subdivision plat has been recorded, and development is proceeding on the property.

#### ***Providence Crossing (Lester Farm)***

Development plans are being prepared.

#### ***Cluster Provisions in Zoning Ordinance***

When reviewing an inquiry about a town house cluster subdivision, it was noted that Clayton's Zoning Ordinance permits cluster layouts only for subdivisions consisting of single-family detached homes. Unless the zoning ordinance is amended, the Town cannot approve a cluster development with townhouses, semi-detached or any mix of residential uses.

The Town Council decided to postpone adoption of new cluster provisions to allow time for a more in-depth review.

# TOWN OF CLAYTON

## 2004 Annual Report on Comprehensive Plan Implementation

---

### Issues

#### ***Computerized Sign***

On October 12, 2004, the Town Council heard a request for a computerized sign on commercial property fronting on DE 300. The sign change messages every 10-15 minute announcements 24 hours a day. The announcements would be civic and non-commercial announcements as well as paid local business advertisements.

This sign raises two issues. First, since the *Delaware Code* does not address these types of signs, they technically are not permitted even though they can be found throughout the State. Second, Clayton's Zoning Ordinance doesn't permit signs that change messages more than 8 times in a day.

#### ***Annexation and Growth West of Town***

On September 28, the Kent County Levy Court approved a subdivision for the 158-acre Byler property (Twin Farms). This property had been the subject of inquiries about annexation into Clayton, since but the Town could have not annexed the property without amending the comprehensive plan, the property owners sought development approval in Kent County.

County approval of the Byler property subdivision raises the issue as to whether Clayton might become the de facto provider of urban services (such as electricity, water, sewer, police) to this and similar developments that have taken, and could take, place outside of its corporate limits. This issue was underscored on September 1, 2004 when the Planning & Zoning Committee discussed informal annexation inquiries from the owners of the 163-acre Diemeke Farm and the 78.1-acre Moore (Green Gable Farm) property. Consisting of about 240 acres, these properties are located between DE 300 (Wheatley's Pond Road) and Underwoods Corner Road south of and adjacent to the Pheasant Run II Subdivision.

Together the Town Council and the Planning & Zoning Committee have identified the following issues regarding annexation of the Diemeke and Moore properties.

- their location outside of Kent County's growth zone;
- their designation as a Level 4 Area in the State Strategies, adopted September 23, 2004, where development is not encouraged and State investment is limited;
- contiguity of the Diemeke property unless either the Moore property is annexed first, or the properties are annexed at the same time;
- economic feasibility of providing water and sewer service past the intervening Pheasant Run II subdivision served with individual wells and septic systems.

However, the situation goes beyond the consideration of annexing one or two properties. It seems that development pressure is building west of Clayton. Clearly, a comprehensive, intergovernmental approach is warranted in order to avoid frequent plan revisions, piecemeal rezonings, and illogical infrastructure decisions in both Kent County and Clayton.



# Town of Clayton

## Vicinity Map 2004 Annual Report

- Clayton Town Limits
  - Smyrna Town Limits
  - County Boundary
  - County Growth Boundary
  - Roads
  - Railroads
  - Streams
  - Lakes & Ponds
  - Ag Preservation Districts
  - Agricultural Easements
  - Parcel Boundaries
- State Strategy Levels**
- Level 1
  - Level 2
  - Level 3
  - Level 4

Printed: 10/27/2004

**Sources:**  
**Base Map** - Delaware Department of Transportation centerline file (2001) created from Digital Orthophoto Quarter Quads (1997).  
**Hydrology** - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).  
**Agricultural Easements & Districts** - Delaware Department of Agriculture <http://smartmap.com/dda/downloads.html>.  
**Municipal Boundaries & Strategies** - Delaware Office of State Planning Coordination, 2004.  
**Parcels** - New Castle County Department of Land Use, January 2001; Kent County Department of Planning Services, August 2004.

**Note:**  
 This map is provided by the Institute for Public Administration (IPA) solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by the IPA, for purposes other than which it was intended.

