

**Preliminary Land Use Service (PLUS)  
Comprehensive Plan Amendments and Municipal Ordinances**

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

<b>Name of Municipality:</b>	
<b>Address:</b>	<b>Contact Person:</b>
	<b>Phone Number:</b>
	<b>Fax Number:</b>
	<b>E-mail Address:</b>

**Date of Most Recently Certified Comprehensive Plan:** \_\_\_\_\_

**Application Type:**

**Comprehensive Plan Amendment:** \_\_\_\_\_

**Ordinance:** \_\_\_\_\_

**Other:** \_\_\_\_\_

<b>Comprehensive Plan Amendment or Municipal Ordinance prepared by:</b>	
<b>Address:</b>	<b>Contact Person:</b>
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**Please describe the submission:**

**TOWN OF WYOMING**  
*2014 Amendment*  
*to the*  
*2011 Comprehensive Plan*



**Adopted**

[INSERT DATE]

PLACEHOLDER FOR ORDINANCE ADOPTING PLAN

PLACEHOLDER FOR PLUS COMMENTS

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## TOWN, COUNTY, AND STATE OFFICIALS

### Town of Wyoming

Town Council

Frankie Dale Rife, Mayor  
Terry Witt, Vice Mayor  
Georgette Williams, Secretary  
Kyle Dixon, Treasurer  
Paul W. Cable, Council Member

Planning & Zoning Committee

Phyllis Brooks Collins, Chair  
Kelly Alstott  
Doug Denison  
Jonny Johnson  
Tiffany Rife

Town Attorney

D. Barrett Edwards, IV, Esq.

Town Staff

Pamela Haddick, Town Clerk  
Nicole Amour, Finance Clerk  
Lew Denham, Town Maintenance

### Kent County

Levy Court Commission

P. Brooks Banta, District 1  
Bradley S. Eaby, District 2  
Alan F. Angel, District 3  
Eric L. Buckson, District 4  
George Jody Sweeney, District 5  
Glen M. Howell, District 6  
Terry L. Pepper, At-Large

County Administrator

Michael J. Petit de Mange, AICP

Planning Services Department

Sarah Keifer, AICP, Director

### State of Delaware

Governor

Jack A. Markell

Senate

Colin R. J. Bonini, District 16  
Brian J. Bushweller, District 17

House of Representatives

Sean M. Lynn, District 31  
Lyndon D. Yearick, District 34

Office of State Planning Coordination

Constance C. Holland, AICP, Director

## **INSTITUTE FOR PUBLIC ADMINISTRATION**

This Plan Amendment was prepared by the Town of Wyoming Zoning Committee with assistance from the Institute for Public Administration (IPA), a unit within the University of Delaware's School of Public Policy & Administration. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums.

### **Institute Director**

Jerome R. Lewis, Ph.D.

### **Wyoming Plan Amendment Team**

Linda Raab, AICP, Project Manager

Nicole Minni, GISP, Mapping and GIS Support

## **INTRODUCTION**

On May 2, 2011, the Town of Wyoming adopted a complete update to its comprehensive plan which was certified by the governor on November 18, 2011. Since then, the Town, to comply with Title 22, Section 702(c) of the *Delaware Code*, has been preparing to:

*... amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.*

While preparing the zoning map, a number of inconsistencies and mapping errors between the desired zoning districts and the future land uses (Map 7) in the 2011 plan were identified. At the same time, the Town received an inquiry about annexing a parcel located on the north side of Westville Road and placing it in a zoning district that would allow a mix of residential and commercial uses in a single building.

This Plan Amendment considers the issues just identified and changes the land use designations depicted on Maps 7, 8, and 9 for 11 parcels. It also recognizes farmland, once identified for annexation, that has entered the Delaware Agricultural Preservation Program.

## **RELATIONSHIP TO 2011 PLAN UPDATE**

This Plan Amendment must be read together with the *2011 Update to the 2004 Town of Wyoming Comprehensive Plan*, adopted May 2, 2011 and certified by the governor on November 18, 2011. The maps and text in this document supersede the maps and text of the 2011 Plan Update. Where there appears to be conflicts between this Plan Amendment and the 2011 Update, this Plan Amendment shall govern.

## **PLAN AMENDMENT PROCESS**

This section describes the Plan Amendment adoption process. It includes plan preparation by the Planning & Zoning Committee, state review under the Preliminary Land Use Service (PLUS), local public outreach, and Town Council adoption.

### **Planning & Zoning Committee Review**

Title 22, Section 702(a) of the *Delaware Code* assigns responsibility for the preparation of comprehensive plans to planning commissions. Section 2-1C of the *Wyoming Land Use and Development Ordinance*, charges the planning and zoning committee with this responsibility.

On March 11, 2014, the Planning & Zoning Committee met with the staff from the Institute for Public Administration to kick-off preparation of this Plan Amendment. The meeting began with an overview of the process: 1) Amendment preparation, 2) Recommendation to council, 3) PLUS review, and 4) Plan amendment adoption and rezoning.. Committee members then discussed future land use within the town boundaries (Map 7 in the 2011 Plan) and in the growth area (Maps 8 and 9). Their discussion is summarized as follows:

- Mapping Errors—Identified the land use changes that would be required to correct inconsistencies and mapping errors.
- Wyoming Mill Area—Discussed several parcels in the Wyoming Mill area identified in the 2011 plan for Waterfront and concluded that since a proposal for waterfront development is unlikely

to materialize in the near future, the parcels designated Waterfront in the 2011 plan should be returned to their previous land uses.

- Farmland—Requested update on the parcels north of the Isaac Branch identified for annexation in the 2011 plan to ascertain which farms are continuing participation in, or have joined, the state’s agricultural preservation program.
- Mixed-Use—Expressed interest in idea of mixed residential and commercial, but voiced concern about the impacts of such a mix near residential areas and the proportions of residential and commercial in a single development; also noted need for amendment to the Land Use and Development Code to allow mixed residential and commercial use.

At its meeting of July 8, 2014 the Committee approved the draft Plan Amendment document. At the regular meeting of September 14, 2015, the Plan Amendment document was given to the members of the Town Council; they reviewed and approved it at the October 5, 2015 meeting.

**State Review**

Title 29, Section 9203 of the *Delaware Code* requires that the state review and comment on county and municipal comprehensive plans, including amendments to plans. Known as the Preliminary Land Use Service (PLUS), the process involves review and comment from state departments and agencies. The Office of State Planning Coordination (OSPC) organizes the review and comment process.

On \_\_\_\_\_, OSPC and the state agencies involved in the PLUS process reviewed this Plan Amendment. In a letter dated \_\_\_\_\_, the OSPC \_\_\_\_\_.

**Public Outreach**

Will include description of public workshops and/or hearings.

**Adoption**

On \_\_\_\_\_, the Town Council adopted this Plan Amendment.

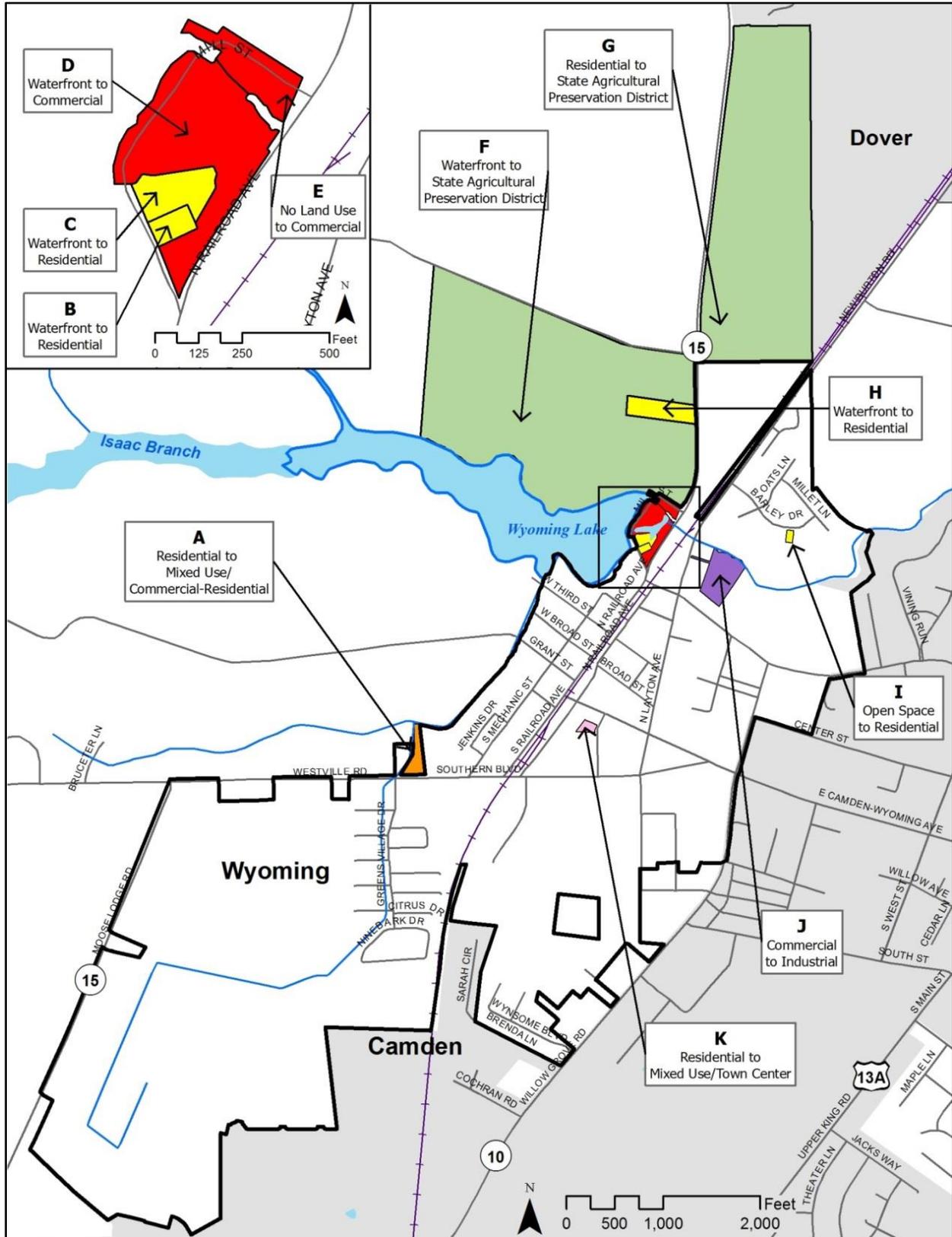
## LAND USE CHANGES

Table 1 lists each parcel, whose land use is changed in this Plan Amendment, and documents the basis for each change. Figure 1 shows their locations.

**Table 1. Summary of Future Land Use Changes**

Map Ref	Parcel ID Property Location State Strategies Level	Future Land Use in 2011 Plan	Future Land Use in this Plan Amendment	Justification for Change
<b>A</b>	2-00-08500-01-2200 Westville Road Level 1	Residential	Mixed Use/ Commercial- Residential	<ul style="list-style-type: none"> <li>Provide opportunities for developments with mixes of commercial and residential uses.</li> </ul>
<b>B</b>	7-20-08518-01-0101 9 Mill St Level 1	Waterfront	Residential	<ul style="list-style-type: none"> <li>Waterfront development determined not viable in near future.</li> <li>Return property to 2004 Residential land use and retain current R-1 (Single-Family Residential) zoning.</li> </ul>
<b>C</b>	7-20-08518-01-0102 Mill area Level 1	Waterfront	Residential	<ul style="list-style-type: none"> <li>Waterfront development determined not viable in near future.</li> <li>Return property to 2004 land use and retain current R-1 (Single-Family Residential) zoning.</li> </ul>
<b>D</b>	7-20-08518-01-0100 11 Old Mill Level 1	Waterfront	Commercial	<ul style="list-style-type: none"> <li>Waterfront development determined not viable in near future</li> <li>Return property to 2004 Commercial land use and retain current CG (Commercial) zoning.</li> </ul>
<b>E</b>	7-20-08500-01-0100 Wyoming Mill area Level 1	None	Commercial	<ul style="list-style-type: none"> <li>Correct mapping error.</li> <li>Land use should have been Commercial to retain the parcel's current CG (Commercial) zoning.</li> </ul>
<b>F</b>	2-00-08500-01-2100 203 Wyoming Mill Rd Level 4, Agricultural Preservation	Waterfront	State Agricultural Preservation District	<ul style="list-style-type: none"> <li>Waterfront development determined not viable in near future</li> <li>Reflect that parcel is in State Agricultural Preservation District.</li> </ul>
<b>G</b>	2-00-08500-01-2100 Wyoming Mill Rd Level 4, Agricultural Preservation	Residential	State Agricultural Preservation District	<ul style="list-style-type: none"> <li>Reflect that parcel is in State Agricultural Preservation District.</li> </ul>
<b>H</b>	2-00-08500-01-2101 203 Wyoming Mill Rd Level 4	Waterfront	Residential	<ul style="list-style-type: none"> <li>Waterfront development determined not viable in near future.</li> <li>Reflects property's current residential use.</li> </ul>
<b>I</b>	2-20-08518-01-2300 518 Barley Drive Level 1	Open Space	Residential	<ul style="list-style-type: none"> <li>Correct mapping error and allow subsequent zoning to be R-1 (Single-Family Residential).</li> <li>Reflect current Residential land use.</li> </ul>
<b>J</b>	7-20-08518-01-0400 317 N Layton Ave. Level 1	Commercial	Industrial	<ul style="list-style-type: none"> <li>Make land use consistent with desired I-1 (Light Industrial) Zone.</li> <li>Take advantage of opportunity for job-creation.</li> </ul>
<b>K</b>	7-20-09406-03-3000 128 W. Camden-Wyoming Ave. Level 1	Residential	Mixed Use/ Town Center	<ul style="list-style-type: none"> <li>Correct mapping error.</li> <li>Land use should have been Mixed Use/Town Center to retain the parcel's current TC (Town Center) zoning.</li> </ul>

Figure 1. Future Land Use Change Map



## INTERGOVERNMENTAL CONSIDERATIONS

This section points out two important considerations for the designation of municipal growth areas. The first is the *Strategies for State Policies and Spending*. The second is the state's agricultural preservation programs.

### Strategies for State Policies and Spending

The *Strategies for State Policies and Spending* were adopted in 1999 and most recently updated in 2010. Consisting of text and maps, the *Strategies* document describes and graphically depicts areas intended for development. It classifies the entire state into four investment levels based on the predominant type of development. These levels form the basis for determining where state-supported growth should occur and establishes guidelines for state investment in those areas. The state is most prepared for growth to occur in Levels 1 and 2. In Level 3 areas, development is not anticipated in the immediate future, but it is not precluded, since these areas are adjacent to, and sometimes within, built-up areas in Levels 1 or 2. In Level 4 areas, development is generally not expected.

Municipal and county comprehensive plans must consider the *Strategies* in the development of future land use within their boundaries and, for municipalities, identification of annexation areas. Figure 2 shows the four investment strategy levels and parkland and open space in the Wyoming vicinity and identifies land use changes proposed by this Plan Amendment. As the figure indicates, Parcels A-E and I-K are in Level 1. Parcel H, on which is located a dwelling, is in Level 4.

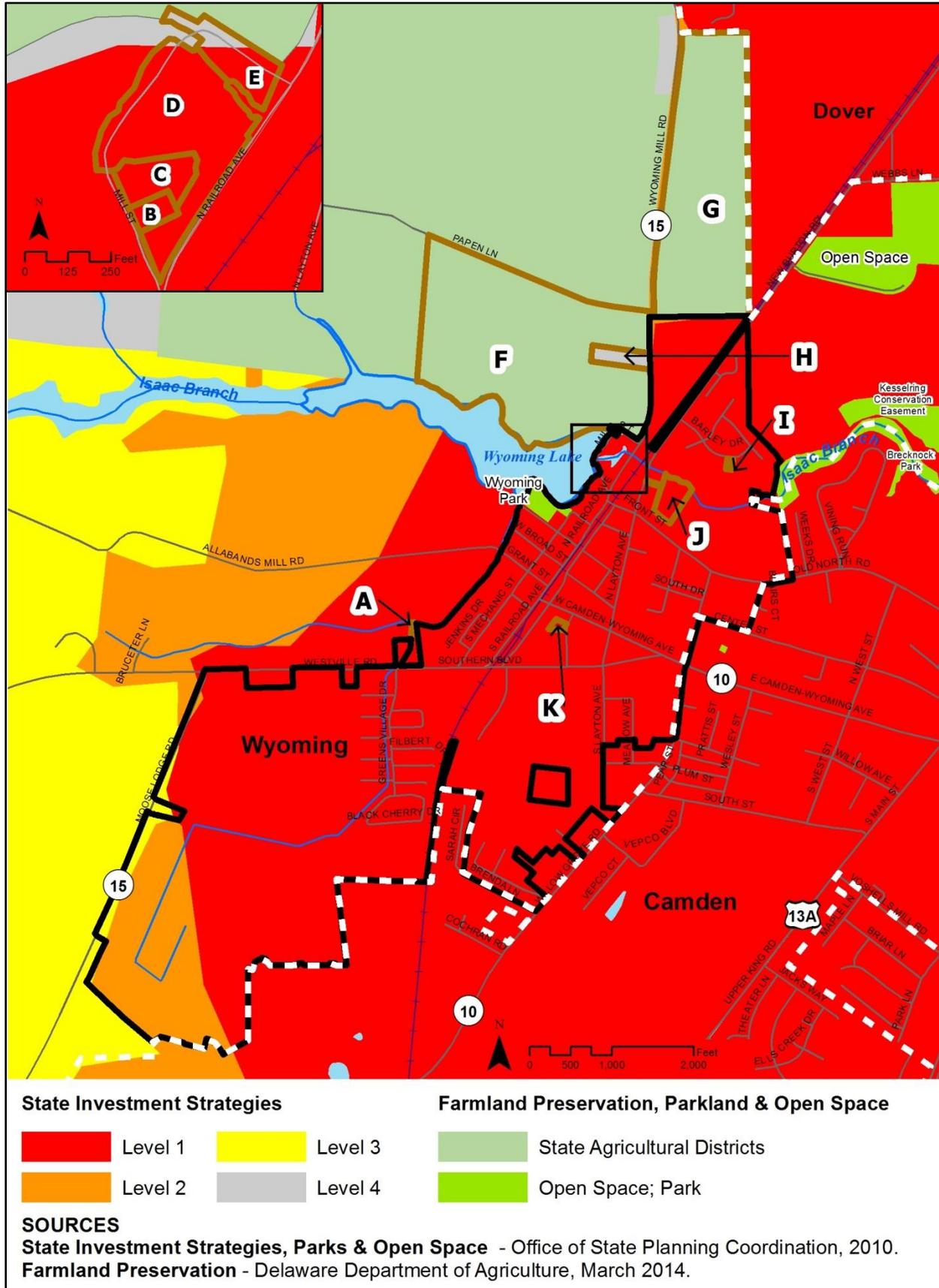
### State Agricultural Preservation Areas

Figure 2 also shows parcels in Delaware's Farmland Preservation Program. This program authorizes the creation of preservation districts and easements.

- *Preservation District*—To create a preservation district, a property owner must sign a voluntary agreement pledging to use his/her property for agriculture or forest land for ten years. At the end of ten years, the property owner may withdraw from the program, continue the preservation easement for at least five years, or make application to create an agricultural easement. Owners, who elect to continue in the preservation program after the initial 10 years, are eligible to re-apply every five years.
- *Conservation Easement*—Delaware's farmland preservation program provides for purchase of the development rights of agricultural or forest land that have been in Agricultural Preservation Districts for a minimum of ten years.

As Figure 2 indicates, Parcels F and G, once identified for Waterfront and Residential in Wyoming's annexation area, are agricultural preservation districts. They will remain preservation districts until 2018 at which time they may apply to continue as preservation districts for another five years.

Figure 2. State Strategies, Farms, Parks & Open Space Map



## ANNEXATION PROCESS

Title 22, Section 101 of the *Delaware Code* outlines the provisions governing municipal annexations.

1. Areas proposed for annexation must be identified in the comprehensive plan.
2. Any parcel proposed for annexation must be contiguous to the existing municipal boundary. “Contiguous” means that some part of a parcel proposed for annexation must be co-terminus with the boundaries of the annexing municipality. Roads or rights-of way cannot be used to create “corridor” annexations.
3. Before a municipality can approve an annexation, a plan outlining how public services will be provided must be approved by the state. This review is coordinated by OSPC.
4. At the time of annexation, the municipality must enact an ordinance placing the newly annexed area in a zoning district that is consistent with the comprehensive plan.
5. As part of the annexation process, a municipality must provide public notice to affected parties and hold public hearings in a manner that complies with state and local statutes. The public outreach must include at least a 30-day comment period.

Section 34 of Wyoming’s charter outlines the application procedure including the contents for an annexation petition, the requirement for a town council report identifying the advantages and disadvantages of a proposed annexation, and the format for adoption by the Town Council. It also identifies the circumstances as to when an election must be held to approve an annexation.

## IMPLEMENTATION

### Comprehensive Rezoning

Title 22, Section 702(c) of the *Delaware Code*, requires that every municipality:

*... within 18 months of the adoption of a comprehensive development plan or revision thereof, amend its official zoning map to rezone all lands within the municipality in accordance with the uses of land provided for in the comprehensive development plan.*

Table 2 shows the link between land use and zoning. This link is important because it provides guidance as to the zoning districts that would be considered consistent with the future land use designations in the 2011 Comprehensive Plan as amended by this Plan Amendment and Wyoming’s zoning districts.

**Table 2. Land Use and Zoning Link**

Land Use Designation	Zoning District(s)
Open Space	OS
Residential	R-1, R-2
Mixed Use/Commercial Residential	New Zoning District or revision of an existing zoning district
Mixed Use/Town Center	TC
Commercial	C-G
Industrial	I-1
Community Uses	All Zoning Districts
Utilities	All Zoning Districts

### **Land Use Code Review**

As Figure 1 shows, a Parcel A is identified for Mixed Use/Residential-Commercial. Although there is an interest in mixed residential and commercial developments for Wyoming, there is concern about the impacts of such developments especially in the vicinity of residential areas. It is also recognized that the Land Use and Development Code should be reviewed to determine whether existing standards are sufficient or new standards must be drafted to regulate commercial-residential development projects.

Prior to the annexation of Parcel A, the Town should consider reviewing the Land Use and Development Code to determine whether changes are needed to permit the mixed residential and commercial uses. Some of the items that might be studied include, but are not limited to:

- Whether to permit a mix of commercial and residential in existing zone(s) or develop a new zoning district;
- Whether to allow commercial-residential developments as conditional uses especially when they abut residential properties;
- Requiring greater building setbacks from residential properties than from non-residential properties;
- Specifying how residential and non-residential uses should be distributed within a single-building; for example, consider requiring that non-residential uses be on lower floors and apartments be located on upper floors;
- Specifying landscaping requirements, such as plantings or fencing to buffer mixed-use areas from residential properties.

### **MAPS**

This Plan Amendment hereby replaces Maps 7, 8, and 9 to reflect the changes identified in Table 1 and depicted on Figures 1 and 2.

2014 Plan Amendment  
Proposed Changes



Town of Wyoming  
Kent County, Delaware

Map 7: Future Land Use

- Town of Wyoming
- Parcel Boundaries
- Residential
- Commercial
- Community Uses
- Industrial
- Mixed Use/Town Center
- Waterfront
- Open Space
- Utilities
- Lakes & Ponds
- Wetlands
- Wyoming Lake
- Stream or River
- Roads
- Dover & Camden

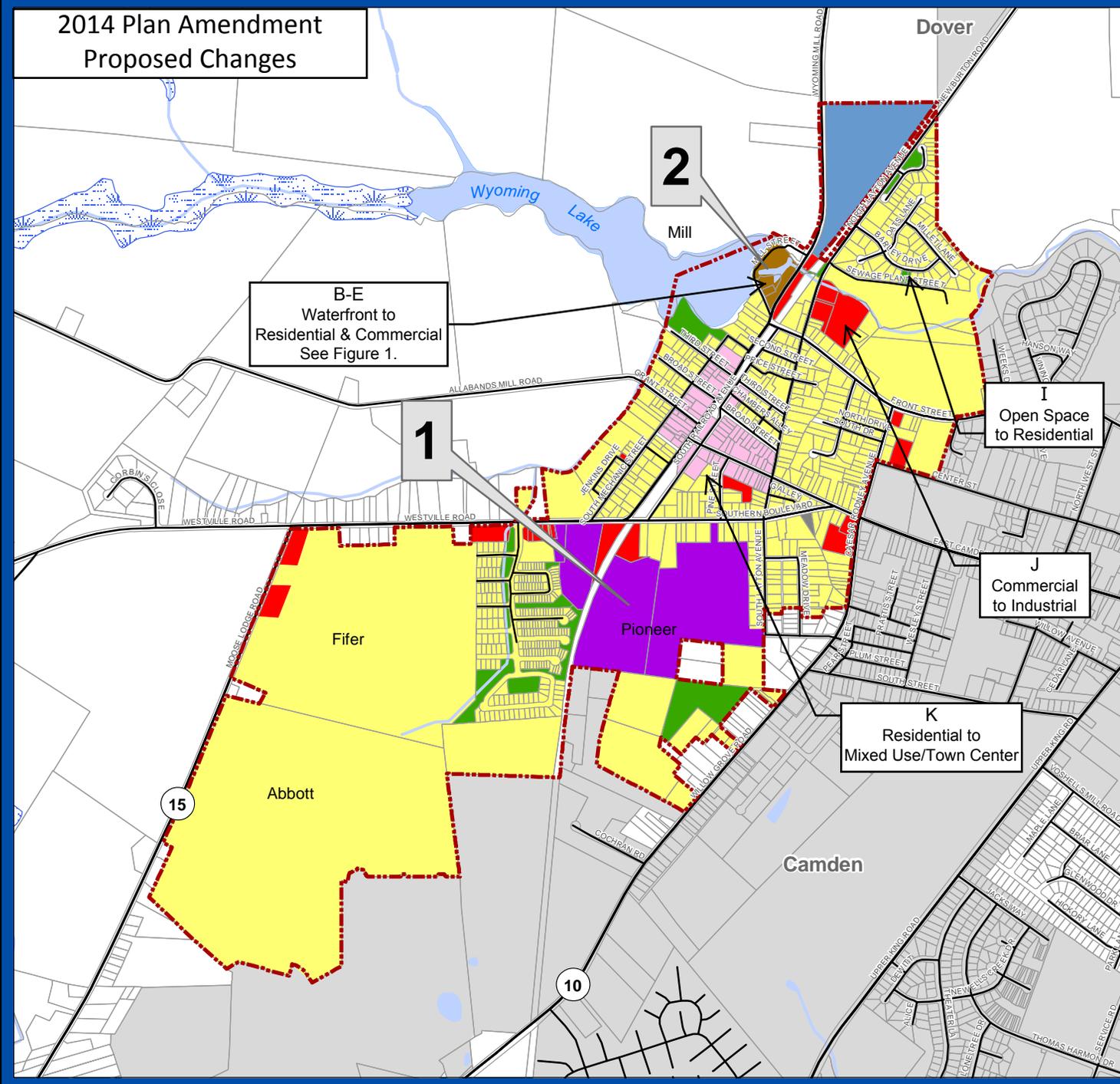


Adopted 05/02/2011  
Certified 11/18/2011

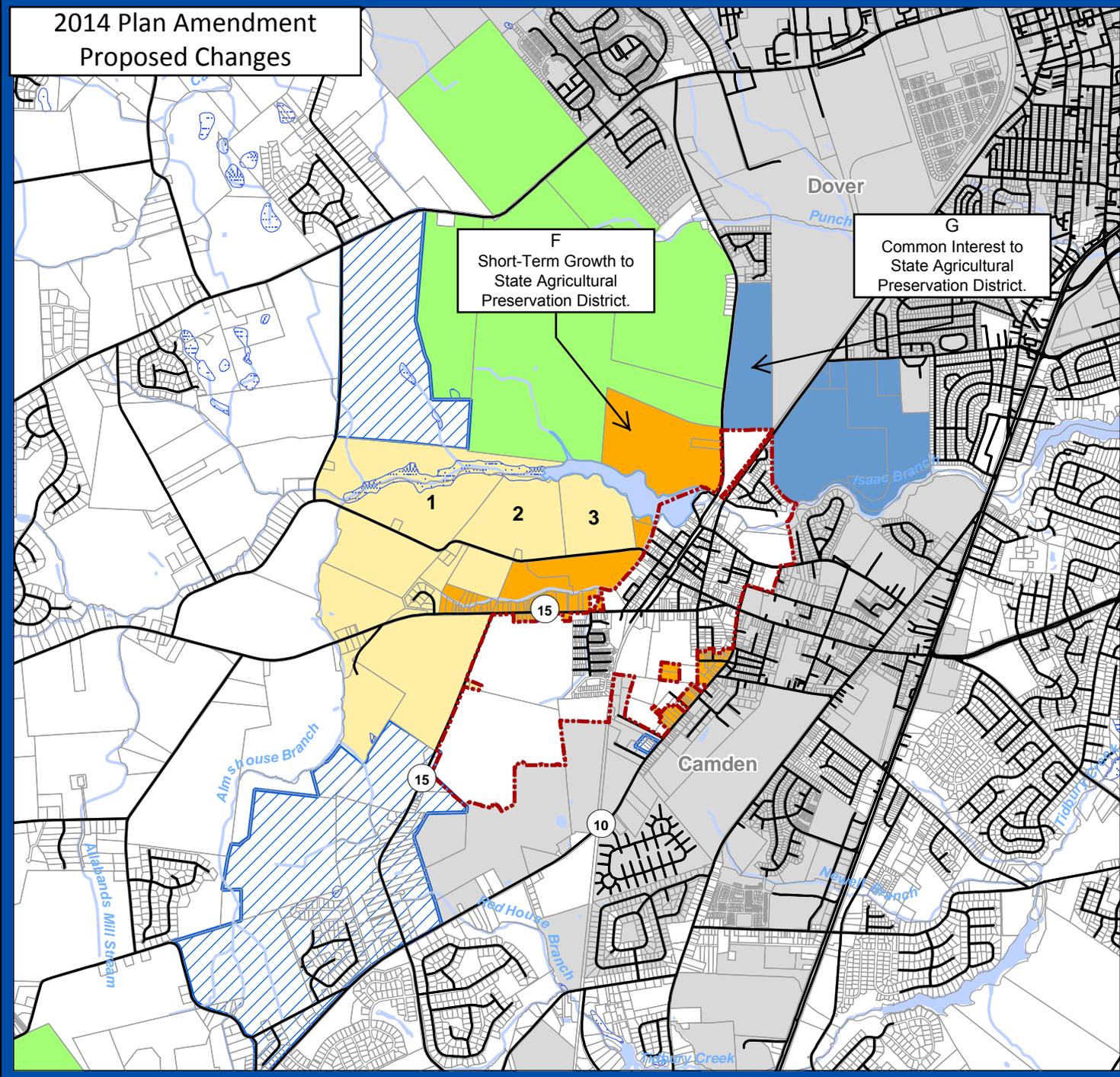


Sources:  
Future Land Use - Created from Existing Land Use and modified by University of Delaware Institute for Public Administration, 03/10.  
Roads - Delaware Department of Transportation (DelDOT) centerline file, May 2009.  
Hydrology - USGS, 1991-1993 and National Hydrography Dataset (NHD) flowline, USGS and EPA, Communities - Downloaded from the Delaware DataMILL, May 2008.  
Parcels - Downloaded from the Delaware DataMILL, July 2009.  
Municipal Boundaries - Office of State Planning Coordination (OMB), downloaded February 2010.

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2014 Plan Amendment  
Proposed Changes



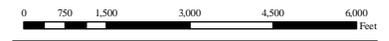
Town of Wyoming  
Kent County, Delaware

Map 8: Future Growth  
and Annexation Areas

- Town of Wyoming
- Short-Term Common Interest
- Short-Term Growth
- Long-Term Growth
- Area of Concern
- State Agricultural Districts
- Wyoming Lake
- Lakes & Ponds
- Wetlands
- Stream or River
- Roads
- Dover & Camden



Adopted 05/02/2011  
Certified 11/18/2011

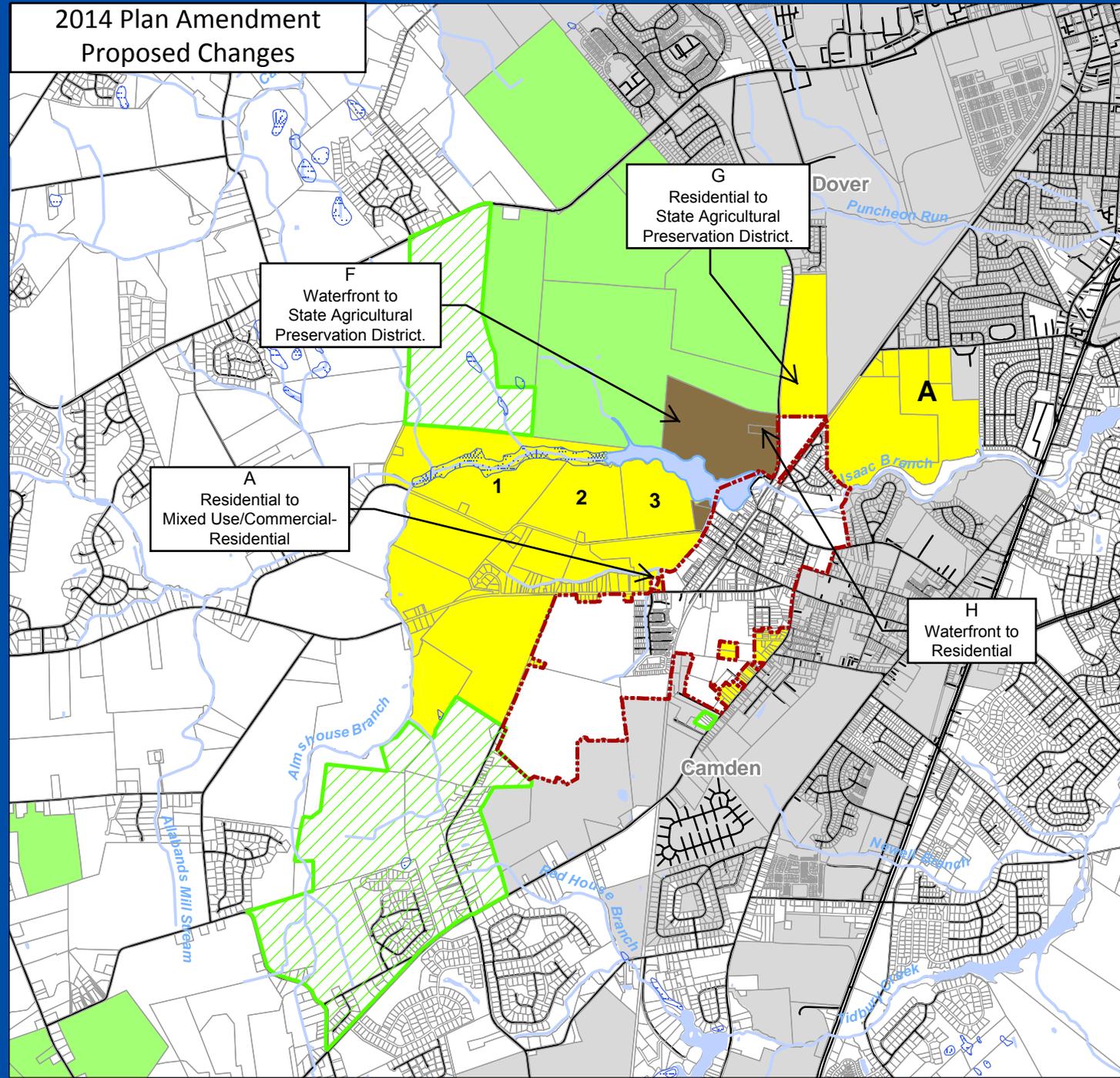


Sources:  
Future Growth and Annexation Areas - defined by the Town of Wyoming, 2009.  
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2014 Plan Amendment  
Proposed Changes



Town of Wyoming  
Kent County, Delaware

Map 9: Potential Land Use  
Within Growth Areas

- Town of Wyoming
- Residential
- Water Front
- State Agricultural Districts
- Area of Concern
- Wyoming Lake
- Lakes & Ponds
- Wetlands
- Stream or River
- Roads
- Dover & Camden



Adopted 05/02/2011  
Certified 11/18/2011



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