

**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>
	<b>Phone Number:</b>
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**Please describe the submission:**

**TOWN OF TOWNSEND**  
*2016 Amendment*  
*to the*  
*2010 Comprehensive Plan*



**Adopted**  
[INSERT DATE]

Jermaine D. Hatton, Mayor  
John Ness, Councilman  
Lorraine Gorman, Councilwoman  
Cindy Cook, Councilwoman  
Randolph Sutton, Jr., Councilman



Dawson Green, Town Manager  
Cathy Beaver, Town Clerk  
Owen Hyne, Town Engineer  
Fred Townsend, III, Town Attorney

PLACEHOLDER FOR ORDINANCE ADOPTING PLAN

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## TOWN, COUNTY, AND STATE OFFICIALS

### Town of Townsend

Town Council

Jermaine D. Hatton, Mayor  
John Ness, Councilman  
Lorraine Gorman, Councilwoman  
Cindy Cook, Councilwoman  
Randolph Sutton, Jr., Councilman

Zoning Committee

Rick Anibal  
Dwain Haines  
Owen Hyne

Town Staff

Dawson Green, Town Manager  
Cathy Beaver, Town Clerk  
Melissa Faedtke, Administrative Assistant  
Shirley Hart, Office Assistant  
George Hargrove, Public Works  
Owen Hyne, Town Engineer  
Fred Townsend III, Esq.

### New Castle County

County Executive

Thomas P. Gordon

County Council

Chris Bullock, Council President  
Joseph Reda, 1st District  
Robert S. Weiner 2nd District  
Janet Kilpatrick, 3rd District  
Penrose Hollins, 4th District  
Lisa Diller, 5th District  
William Powers, 6th District  
George Smiley, 7th District  
John J. Cartier 8th District  
Timothy P. Sheldon, 9th District  
Jea P. Street, 10th District  
David L. Tackett, 11th District  
Bill Bell, 12th District

Chief Administrative Officer

Timothy Mullaney

Department of Land Use

George O. Haggerty, Acting General Manager

### State of Delaware

Governor

Jack Markell

Senate

Bruce C. Ennis, District 14

House of Representatives

Jeffrey N. Spiegelman, District 11

Office of State Planning Coordination

Constance C. Holland, AICP, Director

## INSTITUTE FOR PUBLIC ADMINISTRATION

This Plan Amendment was prepared by the Town of Townsend 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.

### Townsend Plan Amendment Team

Linda Raab, AICP, Project Manager

Nicole Minni, GISP, Mapping and GIS Support

## PLAN AMENDMENT PROCESS

### ZONING COMMITTEE AND TOWN COUNCIL RECOMMENDATION

On March 23, 2016, the Zoning Committee reviewed the change proposed in this Plan Amendment and recommended that the Town Council approve transmission of the amendment for review under the Preliminary Land Use Service (PLUS). The Town Council held a meeting also on March 23, 2016 after the Zoning Committee's meeting, and the council voted unanimously to forward this Plan Amendment for PLUS review.

### STATE REVIEW

Title 29, Section 9203 of the *Delaware Code* requires the state-level 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 comment process.

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

### TOWN COUNCIL ADOPTION

This section outlines the Town Council's adoption process.

### ORDINANCE INTRODUCTION

In accordance with Section 401 of the town charter, an ordinance adopting this Plan Amendment was introduced in writing on \_\_\_\_\_. On \_\_\_\_\_, a fair summary the ordinance was published in the *Middletown Register*.

### PUBLIC OUTREACH

The \_\_\_\_\_ notice in the *Middletown Register* also announced the date for a public hearing in accordance with the Section 66-98 (UDC, § 904C) of the *Zoning and Unified Development Code*. In addition, notices were posted on the Town's website and at the post office.

### TOWN COUNCIL HEARING

On \_\_\_\_\_, the Town Council held a public hearing on this Plan Amendment at which all persons desiring to testify were given a chance to be heard.

### ADOPTION

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

## PLAN-AMENDMENT DETAILS

This Plan Amendment calls for changing the future land use from Commercial to Residential for a 9,745 square-foot parcel. This parcel is located at 307 Main Street.

Even though Residential for this parcel might have been the preferred planning choice in previous plans, Commercial land use and zoning was maintained to avoid creating a nonconforming situation. The parcel had been used for a funeral home, a use allowed only in Townsend's Commercial (C) Zone. Now that the funeral home has ceased operations, the Town wishes to designate this parcel for Residential.

Residential land uses are proposed for this parcel because they are more compatible with the neighborhood than Commercial uses. As the "Proposed Land Use Change" map shows, the future land use for the area immediately surrounding subject parcel is Residential.

## PLAN-AMENDMENT IMPLEMENTATION

This section identifies the provisions of the *Delaware Code* that Townsend must comply with following adoption of this Plan Amendment.

### 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.

The table below titled "Land Use and Zoning Link," shown in the 2010 Plan on page 62, identifies how Townsend's zoning districts might match up with future land use designations. As noted in the 2010 Plan (and the table's notes), the match-ups between land use categories and zoning districts are intended as guidance for the Town Council to consider during the rezoning process. They are not intended to preclude either the development of new zoning districts or revisions to the Unified Development Ordinance and other land use regulations.

Land Use and Zoning Link

Land Use Category in Map 7b	Zoning District(s) to be Considered in Comprehensive Rezoning	Notes
Residential	R Residential	(a)
	R-1 Residential	
	R-1A Residential	
	R-A Residential	
	R-AA Residential	
	R-2 Residential	
Commercial	C Commercial	(a)
Industrial	I Industrial	(a)
Community/Institutional	All Zoning Districts	(a)
Town Center	All Zoning Districts	(a), (b)

- Notes:
- a. While the Town has designated certain areas on its future land use maps (Maps 7a and 7b) as “Community/Institutional”, and “Town Center,” this Comprehensive Plan does not require the Town Council to zone with these specific designations when rezoning in accordance with this Comprehensive Plan. These uses may be placed in any zoning district which the Town Council designates as permissible under Townsend’s Unified Development Ordinance or other applicable land use regulations.
  - b. While the Town Center Area is encouraged by this Comprehensive Plan, the Town is not required to adopt a Town Center zoning designation within its land use ordinances. Other zoning classifications (including but not limited to residential, commercial, and planned community designations) may be used to encourage flexible development strategies in the Town Center Area.

Source: 2010 Townsend Comprehensive Plan, adopted July 2010 by the Townsend Town Council and certified by the governor August 2010, Table 17, page 62.

**PLAN UPDATE**

Title 22, Section 702(e) of the Delaware Code also requires that:

At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.

Townsend’s last complete plan update was adopted July 2010 and certified by the governor in August 2010. Since this document is a plan amendment, the next full plan update will be due in August 2020.

**ANNUAL REPORT**

Section 702(f) requires the submission of annual reports to the Office of State Planning Coordination each July 1.

**PROPOSED LAND USE CHANGE MAP**



# TOWN OF TOWNSEND

New Castle County, Delaware

## 2016 Comprehensive Plan Amendment

### Proposed Land Use Change

#### Details

**Location** - 307 Main Street

**Proposed Change** - Commercial to Residential

**Justification** - Residential land uses more compatible with surrounding residential land uses than commercial land uses.

#### Future Land Use

- Park and Recreation
- Residential
- Commercial
- Industrial
- Institutional/Community
- Town Center

#### Base Map Data

- Townsend Boundary
- Parcel Boundaries
- Roads
- Railroads
- Water Bodies
- Streams



0 500 1,000 2,000 Feet

#### Sources

**Future Land Use Designations** - Comprehensive Plan Update, adopted July 2010 and certified by the governor in August 2010, as amended in 2011, 2012, and 2013.

**Townsend Boundary, Water Bodies, Streams, Railroads** - FirstMap,

**Parcel Boundaries, Streets** - New Castle County GIS & Mapping Services, downloaded 09/22/2015.

#### 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 IPA, nor will IPA be held responsible for any use of this document for purposes other than for which it was intended.



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institute for Public Administration

Map Prepared - 05/11/2016

PLUS Review Draft 05/24/2016

