

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: 07/02/2025

Re-Introduced on: 10/1/2025



ORDINANCE 2025-003

An Ordinance to Amend Chapter 24 of the Townsend Municipal Code

**Mayor
Scott Lobdell**

WHEREAS, the Town of Townsend seeks to ensure that its Zoning and Unified Development Code aligns with the goals of the Town's Comprehensive Plan, supports responsible growth, and reflects the needs of its residents; and

**Councilman
Joseph Bangura,
PhD**

WHEREAS, the Planning Commission of the Town of Townsend has completed a comprehensive review of Chapter 24 of the Municipal Code and held public discussions; and

**Councilman
Matthew
Chapman**

WHEREAS, the Planning Commission, at its duly noticed meeting on June 12, 2025, voted to recommend a series of amendments to Chapter 24 of the Municipal Code to the Mayor and Town Council, as reflected in the recommendation letter dated June 13, 2025;

**Councilman
Syed Sharif**

WHEREAS, following a properly advertised public meeting held on July 2nd, 2025, the Town Council for the Town of Townsend held a discussion and vote on the recommendations of the Planning Commission which vote was passed by a vote of 4 to 0;

**Councilman
Dylan K. Wiggins**

NOW, THEREFORE, be it ordained by the by the Town Council of the Town of Townsend approves the following sections of Chapter 24 of the Townsend Municipal Code to be amended as follows by striking the following s noted with strikethrough and adding the following as noted by underline:

SECTION 1: Section 24.04.090 #10

10. An ornamental fence or wall not more than Four (4)3-1/2 feet in height may project into or enclose any front or side yard to a depth from the street line to the required depth of the front yard.

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validity of the remaining portions of this Ordinance.

SECTION 17: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 18: 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 5th Day of November 2025.

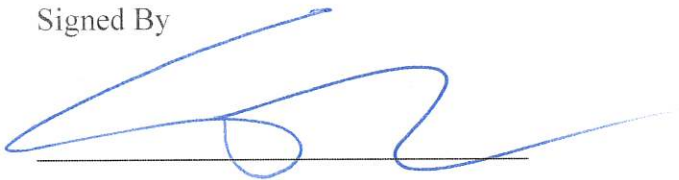
Introduction 07/02/2025

Re-Introduction: 10/1/2025

Final Reading 11/05/2025

Adoption 11/05/2025

Signed By



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Mayor

Town of Townsend, Delaware

Attest:



Town Manager

SECTION 2: Section 24.08.020 #3

The board of adjustment shall fix a reasonable time from the hearing of the application or appeal, giving public notice thereof as well as due notice to the parties in interest. Upon the hearing any party may appear in person, by agent or attorney. Public notice of the hearing shall consist of publication of legal notice at least 15 days prior to the hearing ~~in a~~ on the Town's social media, website, and newspaper of general circulation in the town. ~~newspaper of general circulation in the town.~~ Such notice shall specify the time, place, and nature of the hearing. The hearing shall be held not less than five days nor more than ten days after final publication. Personal notice of such hearing shall be given to all property owners within 200 feet of the property affected by said appeal. The board shall provide written notification of the decision of said appeal within 60 days of the hearing.

SECTION 3: 24.08.030 #3

3. *Public Hearing Required.* No proposed change, amendment, modification or repeal of any zoning regulation, restriction or boundary shall become effective until after a public hearing in relation hereto shall have been held by the council, at which interested parties and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published on the Town's social media, website and in a newspaper of general circulation. ~~in a newspaper of general circulation.~~

SECTION 4: 24.12.010

Map Of Zoning Districts. Zoning districts established by this article are bounded and defined as shown on the official map of the town, which together with all explanatory materials thereon is hereby made a part of this Code. The location and boundaries of zoning districts are set forth and indicated on said map or maps, entitled "Official Zoning District Map of Townsend." Please see most recent Comprehensive Plan for zoning map.

SECTION 5: 24.12.030

In a Residential (R) District the following uses are permitted when approved as a special exception by the board of adjustments pursuant to the following requirements:

~~Home occupations when the following conditions are met:~~

~~A member of the family residing in the dwelling will carry out the occupation or profession contained in the home.~~

~~The occupation or profession shall be carried out wholly within the principal building or a structure accessory thereto already existing on the property.~~

~~Not more than one non family member is employed.~~

~~Not more than 25 percent of the dwelling may be utilized for the home occupation.~~

~~No customers visit the subject property.~~

~~No signs of any kind identifying the home occupation may be displayed.~~

~~Deliveries are provided by vehicles no larger than a step van or panel type truck.~~

~~No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced by the home occupation.~~

~~The proposed occupation or profession does not violate any town ordinances and otherwise conforms to the requirements of this section.~~

~~Residential professional offices when the following conditions are met:~~

~~A residential professional office shall be permitted for a recognized professional occupation.~~

~~A land development application and plan must be submitted.~~

~~The proposed residential professional office shall result in no negative impacts upon the local community, especially with regard to on-street parking, traffic congestion, refuse, noise, vibration, dust, odor, heat or glare.~~

~~The proposed occupation or profession does not violate any town ordinances and otherwise conforms to the requirements of this section.~~

~~Home day care when the following conditions are met:~~

~~The maximum number of children (exclusive of children living in the home and related to the caregiver by blood, marriage or legal adoption) permitted to be cared for in any single home day care facility shall be six, unless further restrictions by other codes.~~

~~The caregiver shall be registered or licensed by the state.~~

~~There shall be no structural change to the exterior of the dwelling to accommodate the day care use unless normal revisions to a typical dwelling.~~

~~There shall be a minimum of 40 square feet of floor space per child, inclusive of space occupied by furniture and equipment but exclusive of closets, halls, bathrooms, kitchens and related areas, which shall be on the first floor of the single family dwelling.~~

~~A minimum of 100 square feet of outdoor space per child shall be available on the same lot.~~

~~A driveway shall be available to provide safe and convenient offstreet drop-off and pick-up.~~

~~Churches when the following conditions are met:~~

~~A land development application and plan must be submitted.~~

~~The proposed church shall result in no negative impacts upon the local community, especially with regard to on-street parking, traffic congestion, refuse, noise, vibration, dust, odor, heat or glare.~~

~~The proposed church does not violate any town ordinances and otherwise conforms to the requirements of this section.~~

Home occupation/home-based business (major and minor/no impact). A home occupation/home-based business is defined as any activity carried out for gain by a resident and conducted in the resident's dwelling.

Home Occupations are separated into (1) Minor home occupations and (2) Major home occupations. Minor home occupation/no impact home-based business and major home occupation/major home-based business shall be permitted when in accordance with the following standards:

A. Minor home occupation. Minor home occupations shall meet all of the following requirements:

The business activity shall be comparable with the residential zoning of the property and surrounding uses.

The use is carried on entirely by the inhabitants of the dwelling, and shall employ no employees other than family members residing in the dwelling.

The use does not involve any customer, client, or patient visits, whether vehicular or pedestrian, to the dwelling.

Such use involves no pickup, delivery, or removal functions to or from the premises in excess of those normally associated with the residential use.

There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

The business activity shall only be conducted within the dwelling and the floor area devoted to such use shall not exceed 20 percent of the total floor area of the principal residential structure.

Such business use shall not involve any illegal activity.

B. . Major home occupation. A home occupation that does not meet one or more of the criteria listed under subsection A. above shall be defined as a major home occupation/major home-based business. Major home occupations shall be permitted only by special exception in those zoning districts where major home occupations are permitted and when other applicable criteria of this Section and Ordinance ~~should probably reword to fit Townsend ordinance wording~~ can be met.

C. Prohibited home occupations. Home occupations shall not include the following uses, which shall be classified as commercial or instructional uses:

- (1) Animal shelter, commercial kennel or veterinary office;
- (2) Rooming or boarding home;
- (3) Bed and breakfast;
- (4) Funeral home;
- (5) Restaurant;
- (6) Outdoor café;
- (7) Club or lodge;
- (8) Medical or dental clinic (two or more doctors or dentists);
- (9) Retail shop;
- (10) Rental business;
- (11) Furniture stripping;
- (12) Auto or small engine repair;
- (13) Painting of vehicles, trailers, or boats;
- (14) Manufacturing, repairing or other mechanical work performed in connection with the home occupation performed in any outdoor area;
- (15) Private school with organized classes; private schools are defined as any building or groups of buildings, the use of which meets state requirements for elementary, secondary or higher education and which does not secure the major part of its funding from any governmental agency.
- (16) Welding shop; or
- (17) Other uses of similar character to those listed above.

D. [Home occupation—Minor, major or prohibited.] The Town Manager or his/her designee shall determine whether a proposed home occupation falls under the category of minor, major, or prohibited. The applicant shall be responsible for supplying such

information as deemed necessary by the Town Manager or his/her designee to make this determination. The following requirements for approval and permitting shall apply:

(1) Upon determining that the proposed use is a minor home occupation and is in conformance with the requirements of this ordinance, the town zoning officer shall issue a certificate of zoning compliance.

(2) Where the town manager or his designee determines that the proposed use is a major home occupation, the use shall be permitted only as a special exception and shall require review and approval by the board of adjustment in accordance with the provisions in (Add Townsend Ordinance), Special Exceptions; conditions governing; procedures, and the criteria of this section. The board of adjustment may attach such reasonable conditions and safeguards as it deems necessary to implement the purposes of this Ordinance. Following approval, the town zoning officer shall issue a certificate of zoning compliance.

(3) An approved certificate of zoning compliance for a home occupation shall not be transferable to another property or to another type of home occupation. The certificate of zoning compliance issued shall only be valid for the use and on the property for which it was originally issued. In the event that a property with an existing home occupation is sold, leased, or rented to someone other than the original permit holder, the new owner, lessee or renter, shall be required to obtain a certificate of zoning compliance, demonstrating full compliance with the requirements of this ordinance and any other applicable regulations.

(4) Per the [Municipal Code Section 18.16.050](#) (need to add the applicable Townsend ordinance), a town official shall be permitted to inspect the home occupations to ensure that the requirements of this Section and other applicable town regulations are being carried out.

E. General standards applicable to home occupations. The following standards shall apply to all home occupations, whether major or minor:

(1) As long as all other criteria is met, more than one home occupation shall be permitted per lot or dwelling in the case of minor home occupations.

(2) The practice of a home occupation shall be conducted entirely within the dwelling which is the bona fide residence and under ownership of the principal practitioner or contained entirely within an accessory building and located on the same lot as the dwelling.

(3) All applicants for a home occupation shall be required to obtain an approved certificate of zoning compliance from the town in accordance with the requirements of subsection D. above within 30 days prior to beginning operation of the use.

(4) There shall be no change in the exterior appearance of the dwelling, any accessory building and/or the lot, which would cause the premises to differ from its residential character by the use of advertising, materials, show windows, or special lighting visible from the outside of the premises to attract customers or clients. No public display of any goods and/or product, information and/or advertising concerning any goods and/or product or interior display shall be visible from the outside.

(5) The home occupation shall not cause noise, glare, vibration, fumes, dust and/or electrical interference detectable to normal senses beyond the property in excess of levels customarily generated by a residential use.

(6) There shall be no storage or use upon the premises (beyond normal household use) of toxic, explosive, polluting, dangerous, or other substances defined as hazardous by DNREC, or through applicable regulations.

(7) Deliveries from major commercial suppliers which may be disruptive to the neighborhood shall not be made between the hours of 8:00 p.m. prevailing time and 8 a.m. prevailing time.

(8) ~~There shall be no unenclosed exterior storage of material or refuse resulting from the home occupation. All home occupations shall meet applicable outdoor storage standards set forth in this ordinance.~~

(9) ~~All commercial vehicles shall be parked on the same lot as the home occupation, and only one commercial vehicle may be parked outside of a garage, enclosed structure, or screened parking space within the lot boundaries. Such a commercial vehicle shall have no more than two axles. There shall be no storage of tractor trailers on the lot on which the home occupation is located.~~

10. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

11. Such business use shall not involve any illegal activity.

F. Standards applicable to minor home occupations. In addition to other applicable criteria of this Ordinance, the following standards shall apply to minor home occupations:

(1) No employees shall be permitted, except the inhabitants of the dwelling in which the home occupation is located.

(2) A minor home occupation shall be permitted in any dwelling type.

G. Standards applicable to major home occupations. In addition to other applicable criteria of this ordinance, the following standards shall apply to major home occupations:

(1) Major home occupations shall be permitted only in single-family detached dwellings or an accessory structure to a single-family detached dwelling.

(2) The area used for a major home occupation shall not exceed 30 percent or 600 square feet of the total floor area of the principal residential structure or accessory structure.

(3) No more than one person, other than resident members of the immediate family may be employed or subcontracted at the residence. Use of nonresident employees must have prior approval from ~~the Town Council.~~ the board of adjustment.

(4) No more than two (2) clients at any one given time shall be permitted to visit the premises to conduct business related to the major home occupation.

(5) No articles shall be sold or offered for sale except those produced on the premises. Such sales must have prior approval by the board of adjustment.

(6) Where employees or customer visits are anticipated, off-street parking shall be provided in a sufficient capacity to prevent interference with normal residential parking in the neighborhood. ~~(We may want to add additional verbiage around parking)~~

(7) Beauty salons and barber shops may be permitted as a major home occupation provided that no more than two stylist or barber chairs are provided, and all other provisions of this ordinance are met.

(8) Instructional services may be permitted as a major home occupation provided that a maximum of three students may be instructed at any one time.

When subdivision and/or land development process is considered, pursuant to the requirements of TMC 24.20.100 in a Residential (R) District a minimum of ten percent of the gross tract area shall be dedicated to public use as open space for the purpose of active and passive recreation.

Area and bulk regulations and requirements for buffer yards, offstreet parking, loading and signs are contained in [24 Appendix A](#) and other sections of this chapter.

SECTION 6: 24.12.065 #2, #8 & subsection 4

1. *Permitted Uses And Regulations.*

1. In Residential (R-3) Districts the permitted uses and regulations shall be same as those contained in TMC 24.12.030 paragraph B.
2. Townhomes meeting the following requirements.
 1. Minimum Yard Requirements:
 1. Minimum lot area: 2,200 sq. ft.
 2. Minimum lot width: 20 ft.
 3. Minimum lot depth: 110 ft.
 4. Maximum height: 40 ft.
 5. Minimum front yard setback, principal dwelling 20 ft.
 6. Minimum front yard setback, open front porch, steps 6 ft.
 7. Minimum side yard setback: ~~12 ft~~ 6 ft. (20 ft for corner lot)
 8. Minimum rear yard setback: 20 ft.
 9. Maximum lot coverage: ~~N/A~~ 50%
 10. Maximum of 7 units within a building footprint
 8. Off-street parking required minimum 2 spaces per unit. Ref to ~~Division 3~~ Section C. guidelines. Additional parking in the amount 0.25 per unit must be provided for overflow parking in the development.
 4. In regard to parking requirement for apartments the following shall mandate available spaces: 1.5 per 1 bedroom dwelling unit, 2 per 2 or 3 bedroom dwelling unit, ~~3.25~~ 2.5 per 4 bedroom dwelling unit, 4.5 per 5+ bedroom dwelling unit; ~~1.25~~ additional guest parking space per ~~5 dwelling~~ units.

SECTION 7: 24.12.070 Subsection #15

15. Drive-in restaurants and ~~fast food~~ fast-food establishments.

SECTION 8: 24.20.040 #3

3. All stormwater management facilities shall be designed in accordance with the State of Delaware Sediment and Stormwater Regulations and will be subject to the review and approval of the ~~Town Engineer~~ New Castle County Conservation District and Town Engineer.

SECTION 9: 24.20.060 #1

1. *Sanitary Sewer.* All proposed sanitary sewer systems shall be designed in accordance with the standards and specification of ~~the county~~ New Castle County.

SECTION 10: 24.20.090

A. *Street Lighting.*

1. All new streets constructed as part of development proposal shall be equipped with streetlights.
2. When development occurs on an existing street, where currently no street lighting exists, the provisions of this paragraph shall also apply.
3. ~~Street lighting shall be provided pursuant to DeIDOT standards and specifications.~~
4. All new streetlights shall only light the area that needs it. Fixtures that shield the light source to minimize glare and light trespass and use a low-color-temperature bulb but facilitates better vision at night shall be used when possible.
- 4.5. Lights shall be placed 90 feet on center.

SECTION 11: 24.20.100 #A

- A. All residential development proposals containing ~~ten or more~~ dwellings shall be required to dedicate to public use a minimum of ten percent of the gross tract area for the purpose of passive and active recreation.

SECTION 12: 24.24.020

1. *Sign Area.*

1. The area of a sign shall mean the area of the entire structure; all lettering, wording, and accompanying designs, logos and symbols, together with the background on which they are displayed (whether such background is open or enclosed); ~~but excluding~~ including any supporting framework and bracing which are solely incidental to display itself providing the same do not contain any letters, designs or symbols.

SECTION 13: 24.24.050

1. *Prohibited Signs.*

- ~~1. Animated signs.~~
- ~~2.1. Beacon lighting.~~
- ~~3. Flashing, moving or reflective signs.~~
- ~~4.2. Illuminated temporary signs.~~
- ~~5.3. Revolving or rotating signs.~~
- ~~6.4. Roof signs.~~
- ~~7.5. Trailer signs.~~
- ~~8.6. Vehicular signs.~~
- ~~9.7. Billboards.~~
2. No sign shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals.
3. No sign shall be placed in such a position as to obstruct or endanger pedestrian using the public sidewalk.
4. No sign, other than official street signs, street banner signs (when authorized by town council) or political signs may be erected within any public right-of-way unless authorized by town council.

5. No sign shall be erected or maintained so as to prevent free ingress and egress to or from any door, window or fire escape.
6. ~~Property Sign~~ owners shall assume the cost of relocating ~~any~~their sign within the ultimate right-of-way of a street that is widened.
7. All signs shall be constructed of durable materials in good condition and repair at all times.
8. *Illuminated Signs.*
 1. Signs may be illuminated, unless otherwise specified herein. Floodlighting of any sign shall be so shielded that the source of the light shall not be visible from any point off the property on which the sign is erected and so that only the sign is directly illuminated. No more than one-half foot-candle of light shall be detectable along the boundary of any adjacent property. Illumination of signs shall be subject to the national electrical code.
 2. Translucent covers must conceal the source of light.
9. *Sign Location Requirements.*
 1. *Yard requirements.* No portion of any freestanding sign, business sign or advertising sign may be located within the side or rear yard setback or within the required buffer zone when located in a commercial or industrial zone adjoining a residential district.
 2. *Public use areas.* No portion of any freestanding business sign or advertising may be located within the side or rear yard setback or with the required buffer zone in a commercial or industrial district adjoining a residential district.
 3. No sign may be located within 660 feet of the right-of-way edge along the Harriet Tubman Underground Railroad Byway, or any other scenic byway. See: <https://deldot.gov/Programs/byways/index.shtml?dc=railroad>.

SECTION 14: 24.24.060 #4

4. *Residential Signs.* For residential developments containing more than ten dwelling units, one freestanding identification sign per external street frontage not exceeding ~~15-6 square~~ feet in ~~area~~height and ~~ten-10~~ feet in ~~height~~length. The sign shall be aesthetically compatible with the structures.

SECTION 15: 24.36.170

All open spaces to be reforested shall be planted according to the tree replacement schedule listed in table 11-17 and the plant species listed in Table 11-16. The area around each tree shall be mulched. The entire area may be mulched or seeded in a perennial grass mix with a minimum 30 percent indigenous herbaceous forest, or grassland species. Canopy trees shall be selected to provide a diversity of native plants. Plantings shall include a minimum of four species. Where more than 100 canopy trees are required, a minimum of six species shall be provided; no one species shall have less than five or more than 30 percent of the total trees.

SECTION 16: 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