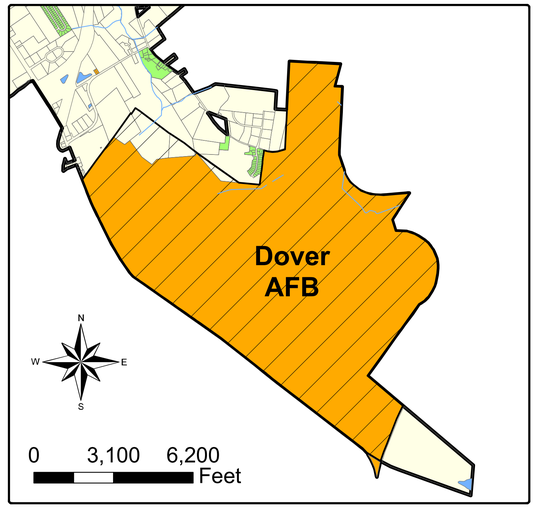
City of Dover

Single Family Residences

N
W E
S



Total Acreage

R-7: 108 Acres
R-8: 1327 Acres
R-10: 779 Acres
R-15: 83 Acres
R-20: 2686 Acres
Total: 4983 Acres

Cahoon Branch
Delaware State Police
Dover Mall
Dover Downs
Delaware State University
Wild Meadows
Persimmon Park Place
Fork Branch
Lower Moores Corner
Maidstone Branch
Fox Hall
Woodcrest
Richardson Park
East Lake Gardens
Towne Point
Williams Park
White Oak Farms
Chestnut Grove
The Hamlet
Fairview
Silver Lake
Silver Lake Park
Edgehill
Lexington Glen
Bicentennial Village
Greens of Dover
Clearview Meadows
Gateway West Shopping Center
Woodmill
Capitol Green
Kent County Admin Building
Schoolview
John E Morris Correctional Institute
Village of Westover
Blue Hen Corporate Center
Laffertys Corner
Dover Street Park
Transportation Administration Center
Morris Estates
Eden Hill
Joseph Island
Sherwood
Carrolls Corner Shopping Center
Grossgates
Nottingham Meadows
Wedgewood
Mayfair

0 1,500 3,000 6,000
Feet

Legend

- Dover Boundary
- Dover Parcels

ZONING

- R-7
- R-8
- R-10
- R-15
- R-20
- Rivers & Streams
- Water Bodies

Date Created: August 7, 2008
Date Printed: August 8, 2008
File: m:\gis_data\projects\tech_mxds
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Department: Public Services GIS
City of Dover, Delaware

ATTACHMENT #1
PR&CE Committee Meeting of 08/12/2008

ATTACHMENT #2
PR&CE Committee Meeting of 08/12/2008

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August 14, 2008

Ann Marie Townshend, AICP
Director, Planning & Inspections
City of Dover City Hall
P.O. Box 475
Dover, Delaware 19903-0475

Dear Ann Marie:

I am responding to your question on a petition for a zoning text amendment. You correctly pointed out that the Zoning Ordinance, Article 10, Sec. 5, provides that it may be amended, supplemented, or repealed from time to time by City Council on its own motion or on petition as provided in Chapter 3 of Title 22 of the Delaware Code. The pertinent section of the Delaware Code is Chapter 22, Sec. 305, which merely provides in part:

> The regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed.

However, no such regulations, restrictions, or boundaries can be changed until a public hearing is held in accordance with the provisions of Sec. 304.

Your question was whether you could summarily deny a request for a zoning text amendment or put restrictions on applications or petitions for a zoning text amendment. We believe that according to the Delaware Code above cited and our Code of Ordinances that only Council has the power and authority to initiate and enact text amendments to the zoning code. Of course, if a citizen is interested in a text amendment this should be taken up with a member of Council or directly with you, but it must be handled through Council and should not be handled similar to a petition

for re-zoning. Thus, in our opinion, you have the power to reject any petition by a citizen for a zoning text amendment.

Your other question was whether a councilperson as a member of Council and not as a member of the public could request a zoning text amendment. I would think this should be handled through an appropriate committee for study with a recommendation from the committee. Obviously, the same procedure would follow with the committee recommending the text amendment to Council, at which time Council could refer the proposed text amendment to the Planning Commission for study and report to Council, after which a public hearing would be held regarding the proposed text amendment.

Very truly yours,

NICHOLAS H. RODRIGUEZ

NHR:cef

From: Townshend, Ann Marie
Sent: Monday, August 11, 2008 5:15 PM
To: Nick Rodriguez
Cc: City Clerks Office
Subject: Petition for Zoning Text Amendment

Nick,

Article 10, Section 5 of the *Zoning Ordinance* sets out the procedure for amending both the map and text. The section states in its introduction,

"This ordinance or any part thereof may be amended, supplemented or repealed, from time to time, by the city council on its own motion or on petition, as provided in chapter 3 of title 22, Municipalities of the Delaware Code Annotated (22 Del. C. § 301 et seq.). Every such proposed amendment may be referred by the city council to the planning commission for a report before the public hearing."

Section 5.12 sets the fees as follows:

"5.12*[Fees.]* Each petition for a rezoning amendment shall be accompanied by a minimum fee of $325.00. In addition, each district would require the following supplemental fee per acre: Residential and single-family (R-7, R-8, R-10, R-15, [and] R-20), $10.00 per acre; multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, [and] RM-2), cluster and MHP, $30.00 per acre; commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO), $50.00 per acre; shopping center development (SC-1, SC-2 and SC-3), $60.00 per acre; and manufacturing and industrial development (M and IPM), $60.00 per acre. All applications for amendment to the zoning ordinance [appendix B] shall be accompanied by a fee in the amount of $250.00."

We recently received an application for text amendment, which has caused concern among several members of council. It was requested that I set standards for when we'd accept a text amendment, and there was also concern expressed that a councilman would need two additional sponsors to introduce an ordinance. In my view, because the code sets a process and associates a fee with amending the text, this is an issue of due process, and I cannot refuse to forward a proposal to amend the zoning text. Is this the case? Do I have any latitude? If my read is correct, could we legally propose an amendment that prohibits "just anyone" from proposing a zoning text amendment?

Thank you,
Ann Marie

Ann Marie Townshend, AICP
Director, Planning & Inspections
City of Dover
P.O. Box 475
Dover, DE 19903
(302) 736-7010
(302) 736-4217

Appendix B - Zoning Ordinance, Article 10 - Planning Commission, Section 5 - Amendments

5.111 Concerning a proposed amendment involving a change in the zoning map by way of a petition to rezone property or by way of annexation:

a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;

b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residence likely to be constructed as a result of such change;

c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;

d. The effect of the proposed amendment upon the growth of the city as envisaged by the comprehensive plan;

e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the city and the probable effect thereof.

5.12 *[Fees.]* Each petition for a rezoning amendment shall be accompanied by a minimum fee of $325.00. In addition, each district would require the following supplemental fee per acre: Residential and single-family (R-7, R-8, R-10, R-15, [and] R-20), $10.00 per acre; multifamily (RG-0, RG-1, RG-2, RG-3, RG-4, RG-5, RM-1, [and] RM-2), cluster and MHP, $30.00 per acre; commercial and institutional (C-1, C-1A, C-2, C-2A, C-3, CPO, RC and IO), $50.00 per acre; shopping center development (SC-1, SC-2 and SC-3), $60.00 per acre; and manufacturing and industrial development (M and IPM), $60.00 per acre. All applications for amendment to the zoning ordinance [appendix B] shall be accompanied by a fee in the amount of $250.00.

Appendix B - Zoning Ordinance, Article 3 - District Regulations, Section 26 - Commercial/Professional Office Development District (C-PO).

26.1 *Generally.* In order to encourage, promote and protect superior professional office development and, in particular, to encourage the establishment and grouping of office complexes for safer access, greater convenience and to prevent the development of professional offices in healthy, mature residential neighborhoods, office development shall be permitted in the C-PO district. Such district shall be located in order to serve as a transition area between low, medium and high intensity development.

Middle Income Housing

In the 1996 Comprehensive Plan, the concept of a Planned Neighborhood Design Concept was implemented to provide for a wide variety of housing types to appeal to a wide variety of income levels. Some examples include The Village of Cannon Mills, The Village of Westover, and BayTree. These developments have filled a niche for affordable attached housing and have partially addressed the desire of the general public for detached single family homes. However, barriers such as sidewalks and landscaping requirements have pushed large scale single family detached housing developments out of the affordable range. Developers have indicated that the profit margin is too little to justify building middle income housing developments without the mixed use option.

Market Rate Upper Income Housing

The upscale housing market continues to be one of the most rapidly growing segments of the housing market in Kent County. The continued sprawl outside of the corporate limits in Kent County has captured most of this market. The developments around the Jonathon's Landing area between US Routes 13 and 113 north of Magnolia and south of Dover has seen an increased burden on the infrastructure including police, sewer and educational services. The area southwest of the City, with Wild Quail Country Club at its center, has further stretched the services. This area is not currently served by public sewer or water and has no municipal police force. To attract this type of development back into areas served with public utilities and public safety agencies, the City must coordinate with Kent County to encourage this type of development in and immediately adjacent to the City where these services can be efficiently provided.

Part II – Housing Goals

The City of Dover has adopted a series of broad goals for housing in the City of Dover.

Goal 1: *Provide Homeownership Opportunities for Low/Moderate Income*

Provide homeownership opportunities throughout the City, especially within low and moderate income neighborhoods.

Goal 2: *Preserve Existing Housing Stock*

Preserve the existing housing stock in the City of Dover.

Goal 3: *Provide Safe Neighborhoods*

Provide decent and safe neighborhoods.

Goal 4: *Increase Neighborhood Livability*

Increase the livability of neighborhoods.

Goal 5: *Provide Special Needs Housing Opportunities*

Provide housing opportunities for the special-needs people of the community.

Goal 6: *Continue to Provide Safe Housing for Senior Segment*

Continue to provide adequate and safe housing for the senior segment of the population.

The Percent of "Older Buildings" In Dover Is Rapidly Increasing

There are a rapidly increasing percentage of buildings that will attain ages where property maintenance needs begin to occur. According to the 1990 census about 1000 housing structures were identified as being 50 years old or older. During the 1960s and 1970s Dover went through a housing boom and by 1990, 39% of the total housing stock was built during these two decades. By the year 2020 over 5600 housing structures will be 50 years old or older. Clearly the property maintenance and upkeep needs being experienced in Dover's central neighborhoods could expand into the aging suburbs. Community redevelopment will be a growing issue.

Demographic Trends Indicate a Continued Need for a Variety of Housing Choices

Population forecasts show that the number of senior citizens will increase, the number of younger working adults will remain a significant portion of the population and that household sizes are growing smaller. These three trends will require housing choices that include apartments, townhouses and smaller single family homes. The analysis of employment trends further supports the need for a variety of housing options because the retail and service employment are expected to continue to expand. These jobs generally pay lower wages and require affordable housing options for workers. Lastly, offering a variety of housing options and affordable housing is important for Dover Air Force Base enlisted personnel, the majority of whom live off base.

Land Development Plan

The Land Development Plan (Map 11-1) designates land uses for all areas of the City in accordance with the goals and policies of *The Dover Plan*. Each individual land use is discussed below.

Residential Land Uses

Residential land uses are realized through a variety of housing types including single family houses, duplexes, townhouses and apartments. Various zoning categories have been established to specify permitted housing types and maximum residential densities by zone. The Land Development Plan sets forth assumptions and goals for residential land uses as follows:

Assumptions: *Residential Land Uses*

1. As housing costs continue to rise, it is essential to the economic well being of the community to provide for a range of housing opportunities for all income levels and age groups.

2. The 2000 Census reveals that the total number of households is growing faster than the total population, resulting in increased demand for housing.

3. A more efficient and effective interior circulation pattern within residential areas will provide improved traffic circulation, school bus access, service delivery access and emergency response services access and alternative access points. These elements can help foster a greater sense of community among residents while providing them with greater convenience.

4. A more efficient and effective residential development pattern can be achieved by encouraging the development of land closer to existing neighborhoods, making the delivery

of police, fire, sanitation, school transportation, sewer, water, and electric services easier and less expensive.

5. Proper separation of incompatible land uses through physical distance and buffering creates stronger neighborhoods.

Goals: *Residential Land Uses*

To develop and maintain an adequate supply of housing of varying type, size, and densities that are aesthetically pleasing and located within neighborhoods designed or redesigned to promote convenience, conservation, and access to the greater community, but which are properly buffered through distance and landscaping from incompatible land uses.

Policies: *Residential Land Uses*

1. Establish residential density limitations Citywide while allowing greater flexibility in the types of housing units permitted.

2. Require linkage streets and sidewalks between adjoining residential subdivisions and street right-of way stubs to adjoining vacant developable land.

3. Promote the efficient use of land and delivery of City services through encouraging the favorable zoning of vacant tracts already located within developed neighborhoods and the re-development of existing neighborhoods.

4. Encourage the separation of residential areas from incompatible uses through buffering distances and the use of transitional zoning categories such as office zoning.

Recommendations: *Residential Land Uses*

The following is a summary description of the various residential densities permitted in Dover as reflected on the Comprehensive Land Development Plan:

Recommendation for Low Density Residential
Low-density residential land uses involve a maximum gross density of four (4) dwelling units per acre. Usually expressed as homogeneous single family developments, provisions are made via the *Zoning Ordinance* to permit variety in housing types through the Planned Neighborhood Design Option, provided density caps are maintained. Specific low-density residential zoning districts include: A (Agricultural); R-20 (One Family Residence); R-15 (One Family Residence); and R-10 (One Family Residence). There are a number of properties in the northwestern portion of the City which have been voluntarily deed restricted to 2 dwelling units per acre or less. Zoning districts allowing other housing styles may be appropriate on these parcels to allow the clustering of development on one portion of these sites while maintaining the integrity of significant natural features elsewhere on the parcels, provided the voluntary density caps are maintained.

The Comprehensive Land Development Plan recommends that low-density residential uses be directed toward peripheral suburban/rural fringe areas and in locations with significant environmental constraints. Vacant tracts involving vast woodland areas, wetlands, and areas impacted by the regulatory 100 Year Flood Plain have been designated for low density residential uses where more intensive uses would be inappropriate. Low-density residential uses

are also recommended in areas immediately adjacent to existing low-density residential neighborhoods for reasons of compatibility.

Recommendation for Medium Density Residential
Medium density residential land uses involve a maximum gross density of eight (8) dwelling units per acre. This type of development may include single family houses on smaller lots, duplexes and townhouses. Apartments may be permitted if approved through the Planned Neighborhood Design option. Mobile home park developments would also be considered medium density. Medium density residential uses are permitted in the following zoning districts: R-8 (Single Family Residential), R-7 (Single Family Residential), RM-1 (Medium Density Residential), and MHP (Mobile Home Park).

The Comprehensive Land Development Plan recommends that medium density residential uses be permitted in close proximity to existing and planned service and employment centers and in locations well supported by transportation infrastructure and mass transit services.

Recommendation for High Density Residential
High Density Residential land uses involve a gross density of 8 or more dwelling units per acre and may include high rise, mid-rise or garden apartments, and townhouse developments. Duplexes and single family homes are also permitted in mixed-use developments. The following Zoning Districts permit high density residential development: RG-1 (General Residence), RG-2 (General Residence), RG-3 (Group Housing), RG-4 (Multi-Story Apartments), RG-5 (Mid-Rise Apartments), and RM-2 (Medium Density Residential - note: the name of this zone was proposed to be changed in the implementation of the 1996 Plan to reflect High Density).

The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas and other compatible non-residential land use areas. Although very few vacant developable acres have been designated for high-density residential use, housing types usually associated with higher density zones may be accommodated through the Planned Neighborhood Design option.

Participants in the 1996 community planning workshops generally viewed high-density residential development as less desirable. However, analysis of population and employment projections and trends in the local housing market indicate that there will be continued demand for high-density development.

Mixed Use Areas

The 1996 Plan noted the land use of Downtown Mixed Use. This category has been renamed Mixed Use since other areas of the City are also appropriate for this type of land use.

Downtown Dover
One Mixed-Use area consists of the Downtown area. The historic City center -- clustered around The Dover Green -- dates back as early as the 1700s. It expands to also include the traditional City pattern of grid streets, which developed during the 19th and early 20th centuries. As a result of its earlier development, Downtown Dover like many other historic cities includes a variety of intermingled land uses. The area is bounded by Wesley College on the north, the

railroad tracks on the west, Water Street on the south and St. Jones River on the east. It includes residential, commercial, office, cultural and institutional uses.

***Assumptions**: Downtown Dover*

1. Downtown Dover is the traditional and symbolic center of the community and is vitally important to the overall image and identity of the City.

2. As the largest area of employment in the City, Downtown Dover is vital to the economy. It is important to preserve the area as a safe, convenient and aesthetically pleasing environment.

3. Downtown provides a unique residential environment in close proximity to commercial, cultural, education and employment resources. There is a wide variety of housing types Downtown.

4. Downtown provides a unique and affordable commercial environment where locally owned businesses reflect the small town nature of the community.

5. The age of the buildings and infrastructure in the downtown area requires special attention and incentives to assist in continual use and revitalization activities.

***Goal:** Downtown Dover*

Preserve and enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

***Policies:** Downtown Dover*

1. Enhance the Downtown area through economic development and historic preservation programs.

2. Continue to support the preservation of buildings and infrastructure through public investments, property maintenance enforcement, housing grants and financial incentives.

3. Promote zoning districts and regulations that support the traditional mixed-use nature of the Downtown area.

A second large area has been designated mixed use – the Eden Hill Farm Property.

Eden Hill Farm

The City of Dover and the State of Delaware share an extraordinary opportunity to shape the future development of a large tract of land within the community. Eden Hill Farm comprises 265 acres of lands available to market. Found between the Norfolk Southern railroad tracks and the Kraft General Foods Plant, the property represents a wonderful opportunity to the development community. Currently, the property is zoned industrially with permitted uses ranging from manufacturing, researching design laboratories, warehouses, professional and governmental offices, to retail and services establishments within a planned industrial park. Certainly, the community can anticipate a rezoning request to provide for more desirable development known as "mixed use." – development plans that produce the greatest variety of land usage. It is rare for a community to find a large tract of land enveloped by urbanization

available to the development community providing for a central theme to be established rather than tracts of land sold off piecemeal.

The project also represents an opportunity to address some major traffic concerns within the community through the extension of Saulsbury Road. The connection of Saulsbury Road with New Burton Road will ease traffic congestion on the North Street corridor. The State of Delaware in 2002 expressed in their bond legislation the importance of this land and was committed, "to increase and expedite employment, economic development, transportation, cultural and recreational opportunities." It charged appointed officials to pursue a plan that would make the best use of this property and still protect its character.

It is with that knowledge that the City, the State, and the community need to work cooperatively to ensure that the development of the Eden Hill Farm is in keeping with Governor Minner's Livable Delaware initiative and to ensure that the rich heritage and historic significance of the property is not diminished. The type of development should provide the same quality of life for residents in the community that they have enjoyed and the qualities that have attracted residents in the past.

Goal: *Eden Hill Farm and Other Appropriate Areas*

1. Encourage creation of neighborhood centers.

2. Within the close knit neighborhood fabric there are opportunities for the creation of "urban villages" or centers. These centers should be established along major roadways and feature mixed use development, pedestrian-friendly public environments and opportunities for connection to future transit.

3. In order to encourage non-automobile access to the center, the activities should be clustered within a one-half mile radius (or 10-minute walk), and be located so as to draw upon residents from a number of surrounding neighborhoods.

4. Rezoning of strategic parcels to permit mixed-use.

5. Develop a strategy for accommodating on-street and behind building parking, and the creation of build-to lines for new development. These strategies will encourage the creation of well-defined public street spaces and pedestrian-friendly village areas that encourage walking and bicycle use.

Commercial Land Uses

As a central City, Dover serves as a regional center for commerce and trade within the Delmarva Peninsula. An integrated transportation system consisting of arterial highways, freight rail service, and air transport provide for the efficient movement of goods to and from Dover in support of business development and activities. Dover's residential neighborhoods also create various local commercial needs. The Comprehensive Land Development Plan identifies specific locations for the development of neighborhood retail and community shopping center uses within the suburban fringe. More intensive regional commercial development is directed toward the US Route 13/113 corridor close to existing highway commercial and regional shopping center establishments.

Assumptions: *Commercial Land Uses*

1. Dover will continue to be the dominant commercial center within the central Delmarva region.

2. Ease of access to commercial establishments is highly desirable within urban environments.

3. Jobs and commerce in the retail, wholesale, and service sectors are an important part of Dover's economic vitality.

4. Well designed, aesthetically pleasing commercial centers and corridors contribute to the City's overall image and the positive feeling of its residents.

Goal: *Commercial Land Uses*

To maintain and improve the City's position as a regional commercial center, while providing its citizens convenient access to needed goods and services through well designed and spaced community and neighborhood commercial centers.

Policies: *Commercial Land Use*

1. Encourage the preservation and adaptive re-use of existing commercial buildings and properties.

2. Effectively eliminate speculative commercial rezoning by providing ample commercial development capacity through the Zoning Plan. Upon adoption of the Plan, commercial rezoning requests that do not conform to the Land Development Plan should not be approved unless it is determined that the commercial use of a specific property would represent an extraordinary and unique benefit to Dover and its citizens.

3. Limit the frequency of commercial site entrances along arterial roadways by promoting shared use entrances and cross-access easements among adjoining properties.

4. Periodically review the performance of commercial sign codes to determine their effectiveness and the codes' impact on the quality of commercial corridors.

5. Promote pedestrian improvements and connecting sidewalks between existing and proposed neighborhood commercial sites and the residential areas they serve.

6. Encourage the establishment of transit amenities such as bus shelters and bicycle racks to accommodate alternative means of access to commercial centers.

Recommendations: *Commercial Land Use*

The Land Development Plan includes specific recommendations for each of the major commercial areas in Dover which are explained below.

US Route 13/113 Corridor

The US Route 13/113 corridor is dominated by highway commercial development. For the most part, the Comprehensive Land Development Plan proposes to continue US Route 13/113 as the major commercial corridor in Central Delaware.

Few vacant developable parcels exist within this area. However, potential for redevelopment of older retail stores and strip shopping centers is significant particularly in the area south of White Oak Road. The Comprehensive Plan encourages the renovation and adaptive reuse of older structures within the highway corridor as means of restoring property value, preventing blight and demolition by neglect, and enhancing the overall image of the highway environment. In some cases the demolition of older structures may be necessary, and should be supported, to enable redevelopment to occur within the corridor.

Delaware Route 8 - Village Center

The Delaware Route 8 corridor continues to be an area subject to increasing commercial development pressure. As a result of a study conducted of the DE Route 8 and Saulsbury McKee Road corridors in 1991, a strategy for the development along these roads was formulated. This area is subject to the Corridor Overlay Zone (COZ-1).

One of the prime objectives of this corridor plan involves the clustering of new commercial development around the existing Greentree Village Shopping Center.

The Comprehensive Land Development Plan recommends that the area south of Greentree Village Shopping Center and fronting DE Route 8, from Mifflin Road to Independence Boulevard be designated for commercial uses. Similarly, the southerly frontage of DE Route 8 from Independence Boulevard to a location just west of Bennington Street is also recommended for commercial use consistent with the prevailing land uses, which exist at this time in this location. At the intersection with Independence Boulevard, a neighborhood shopping center was established in close proximity to the Woodmill, Mifflin Run and Presidential Courts developments. Areas immediately adjacent to residential neighborhoods are recommended for professional office uses to serve as a transitional buffer. A property recently annexed into the City also located on the south side of Route 8 was zoned Commercial Professional Office. The southwesterly corner of the intersection of DE Route 8 and Saulsbury Road has been developed as a community shopping center facility.

Neighborhood Commercial

The Plan recommends the reservation of a few key locations for neighborhood commercial use to meet the convenience retail need of existing and future residential areas.

Among these sites is a 10-Acre +/- parcel of land located on the northerly side of White Oak Road, west of and adjacent to the SR 1 right-of-way. This site is convenient to several medium and high-density residential neighborhoods including Bay Tree, Town Point/White Oak Farms, Independence Village, Oak Shadows, Manchester Square and The Laurels.

An example of a neighborhood commercial node occurs at College and McKee Roads in the northwest portion of the City. Several large properties surrounding this intersection are proposed for residential use in the future.

The Planned Neighborhood Development Option allows for limited commercial use with this type of residential development.

Government and Institutional Land Uses

As the capital city and county seat of government, Dover has an above average amount of land area dedicated to government use. All major departments of State Government except the Department of Agriculture are headquartered within the City limits. Dover is also home to the offices of Kent County Government.

All branches of the judiciary are represented in central Dover including the State Supreme Court, Delaware Court of Chancery, Kent County Superior Court, Delaware Family Court, and the Justice of the Peace Court. As a central City, Dover is also the location of a growing medical services community Bayhealth Medical Center (Kent General Hospital) at its center.

As the City has experienced a prolonged period of growth and development, numerous other institutions within the community have expanded and many others have plans for future expansion. This includes educational institutions. At the primary and secondary school level, the local public school system is in the process of completing building renovations projects. Charter schools are also located within the City, with several currently under construction. At the post-secondary level, colleges are involved in building construction projects on existing campuses and constructing new campus areas.

Assumptions: *Government and Institutional Land Uses*

1. As the State Capital and County Seat, Dover projects a prominent public image as a center of government.

2. Dover will continue to be the home of major institutions including hospitals and medical centers, places of higher learning, and agencies providing services to senior citizens.

3. Employment in the government, education, and medical sectors will continue to play an important role in Dover's economic vitality.

Goal: *Government and Institutional Land Uses*

To maintain and improve the City's position as a center of government, higher education, and medicine through support of existing institutions and encouraging well designed campuses that are integrated into the community and have room to expand.

Policies: *Government and Institutional Land Use*

1. Preserve and promote the long-term vitality of our major institutions and governmental entities through appropriate zoning, providing protection from incompatible uses, and by providing ample land for future expansion.

2. Promote alternative modes of access to government facilities and institutions by requiring pedestrian and bicycle amenities, landscaping and bus shelters.

3. Encourage the State of Delaware to prepare, in cooperation with the City, a "Capital Complex Plan" that would establish locations for office expansion and public improvements in central Dover.

4. Participate in the Master Planning process for institutional facilities and campuses and encourage approval by the Planning Commission of the Master Plan as outlined in the *Zoning Ordinance.*

Recommendations: *Major Institutional and Governmental*

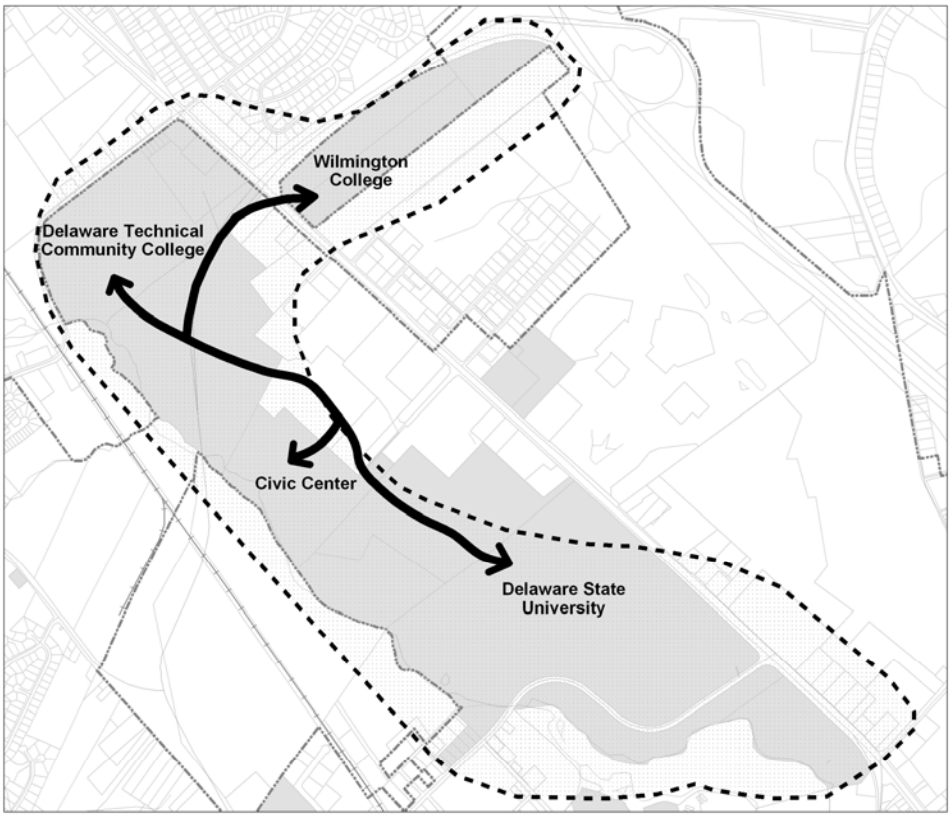
The Land Development Plan recommendations for major institutional and governmental uses are presented in the following paragraphs:

Capitol Complex
The Land Development Plan recommends the continuance of institutional and office uses within the State Capitol Complex as the predominant land use. Very little vacant developable land exists within the Capitol area. The State of Delaware is in the process of purchasing the Robert O'Brien Building known as the Kent County Administration Building for future expansion of court facilities. Kent County has proposed construction of a new administrative office building on SR 113. The City Hall parking area between City Hall and the Post Office is viewed as the premier site for future development of an office building of substantial size within this area. Parking limitations would need to be addressed in order to accommodate such a request.

Hospital Complex
Bayhealth Medical Center (Kent General Hospital) is a major institutional land use within the central area of Dover. The Land Development Plan designates the hospital proper and associated hospital properties including the day surgery center, the Scull Mansion and hospital day care center for institutional use. The Zoning Plan recommends that all properties directly associated with the hospital be zoned I-O (Institutional & Office) which is consistent with their existing and intended future use. The hospital is beginning a master planning process for future expansion.

The Land Development Plan also recommends inclusion of the Holy Cross church and school complex in the institutional use designation in recognition of the existing use of the premises and its adjacency to the hospital properties referenced above.

Delaware State University, Delaware Technical & Community College and Wilmington College Educational Corridor:
Delaware State University (DSU), Delaware Technical & Community College - Terry Campus (DTCC) and Wilmington College – Dover Campus are all located within proximity of each other along US Route 13 in north Dover. All are currently involved in construction projects for buildings and infrastructure within their existing campuses. Looking at the existing street patterns and connecting lands, there should be an attempt by all three facilities to create a unifying "educational image" in this area, i.e. an Educational Corridor. Within the Educational Corridor, the three campuses should be linked by bike, pedestrian and transit routes. Currently, an elongated area of vacant developable land exists between the DSU and DTCC campuses. These properties should be reserved for future economic development related to the needs or resources of the educational community. Already within this area is land set aside for the Delaware Civic Center--a sports arena that could be used in the future by all three institutions. Research facilities and business incubators would be ideal within the Corridor.



In light of the existing land uses represented on these college/university campuses and the future development potential for his area, the Land Development Plan recommends that this area be designated for institutional uses. Also designated for institutional uses are two large tracts of land controlled by Delaware State University adjacent to Silver Lake and College Road.

Wesley College Area

The Land Development Plan supports the continuation of Wesley College as an important institutional use within the central area and recognizes this campus as a significant contributor to the unique image and charm of the traditional urban neighborhoods north of the downtown business district. Review of the campus master plan for Wesley College is highly recommended due to its location in a residential neighborhood. Recent issues within the neighborhood led to approval of an ordinance establishing "student homes" as a conditional use within the RG-1 and RG-2 zoning classifications. The Land Development Plan recommends that the campus and surrounding properties controlled by the college be designated for institutional use and that these properties be zoned I-O (Institutional & Office).

Other Major Institutional Uses

The Plan recommends institutional uses north of DE Route 8 and west of Saulsbury Road on vacant lands adjacent to, and including the Dover Elks Club and Modern Maturity Center properties. The vacant land north of Modern Maturity Center and the Elks Lodge is seen as an ideal location for senior housing or similar use in conjunction with the senior center use.

At the present time, virtually all public school buildings and numerous places of worship are situated within residential areas. These properties designated for institutional use should be zoned I-O (Institutional & Office).

Employment Centers: Office Park, Manufacturing and Industrial Land Uses

To a large extent, office parks and industrial land uses are relegated to areas partially or completely occupied by existing industrial and/or manufacturing uses. A vast area of vacant developable land north of and adjoining Dover Air Force Base has been designated for industrial and manufacturing uses. Such uses are generally more compatible with military operations and seem to be less effected by noise associated with military over flights. Other areas are adjacent to transportation routes (vehicle and rail).

Assumptions: *Employment Centers*

1. The Dover community is fortunate to harbor several regional, national and international industry leaders within the City limits. Dover intends to accommodate the reasonable aspirations and expectations of its industrial and manufacturing community to support the vitality of these precious resources.

2. A healthy and well-rounded local economy will depend upon diversity in business and employment opportunities.

Goal: *Employment Centers*

Create a more vibrant, growing economy with a broader range of job opportunities through an increase in office and industrial development in appropriate and designated areas.

Policies: *Employment Centers*

1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses, which could result in nuisance complaints, hazardous situations, and human conflict.

2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries and the establishments of new facilities.

3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large industrial establishments within planned industrial parks.

4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.

Recommendations: *Employment Centers*

The following is a description of the areas within Dover designated for office park, manufacturing and industrial uses as reflected on the Land Development Plan Map:

Office Parks
The Land Development Plan designates specific tracts of land of various sizes for office park development. Office park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an office park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the office park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) designation.

A large tract of land south of Dover Downs and west of SR 1 has been designated for this purpose. This site would be accessible from US Route 13 via Leipsic Road and Jefferic Boulevard, and would have a high degree of visibility from SR 1. The office park designation would serve as a transition from the more intense commercial uses in the vicinity of Dover Downs and US Route 13 to the north and west, and the vast residential areas of Towne Point, White Oak Farms and Bay Tree to the south.

Another sizable area west of Bayhealth Medical Center (Kent General Hospital) which has been developing into a medical office environment has been designated for future office park development as well. This area includes frontage areas of South Queen and South New Streets and the westerly side of South Governors Avenue from Water Street to Waples Avenue. Much of this area is currently in service commercial use and includes several automobile dealerships and related businesses as well as the Spence's Bazaar property.

Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue and areas along Route 8.

Large Scale Manufacturing
The Land Development Plan designates all existing major industrial facilities and associated vacant lands for industrial and manufacturing use. These properties include the manufacturing facilities of Kraft General Foods, Playtex Products, Sunroc, Scott Paper and General Metalcraft.

Industrial Parks
Several planned industrial parks have been initiated since 1986, which offer industrial development potential. The Land Development Plan designates these sites for continued industrial use. These sites include Kent County AeroPark, Enterprise Business Park, College Business Park and McKee Business Park.

Dover Air Force Base

Although Dover Air Force Base (DAFB) is within the City limits, as a land holding of the federal government it is not subject to municipal regulation. In recognition of the strategic importance of DAFB with respect to the national interest, as well as the contributions of DAFB to the local economy and overall image of Dover, it is essential that the Comprehensive Plan support and protect the vital interests of DAFB as an integral part of Dover.

A majority of the land area surrounding DAFB is within the City limits. Much of this land is impacted by noise associated with base operations and specific locations in close proximity to aircraft runways have been identified by the Department of Defense as accident potential zones.

It is within these areas that Dover can play an important role in protecting the mission of DAFB by restricting development within these areas to uses that would be relatively compatible with military operations. To assist with this effort the Airport Environs Overlay Zone (AEOZ) was adopted in 2001.

Assumptions: *Dover Air Force Base*

1. Dover Air Force Base influences the Dover community in many positive ways. Its benefits include positive economic impacts through employment and commerce. Skilled military personnel and their families from all over the country come to Dover and become an important part of our community. Dover residents also take great pride in the important role Dover Air Force Base plays in the defense of our nation and its peacekeeping and emergency relief efforts.

Goal: *Dover Air Force Base*

Create a favorable and compatible environment for Dover Air Force Base through a resolute commitment to provide all reasonable planning accommodations to protect the Base.

Policies: *Dover Air Force Base*

1. Restrict land uses surrounding Dover Air Force Base to uses defined in the most current edition of the Air Installation Compatible Use Zone (AICUZ) document produced by the United States Department of Defense.

2. Require special noise attenuation measures to be incorporated within plans for the construction of new buildings in the vicinity of Dover Air Force Base.

3. The City designated on the official Zoning Map the Airport Environs Overlay Zone (AEOZ) which includes the accident potential zones and noise zones as defined by the Air Installation Compatible Use Zone (AICUZ) document. This ordinance sets forth regulations within the *Zoning Ordinance* governing development within these areas. The boundaries of the AEOZ may be updated in the future to coincide with the most current edition of the AICUZ document.

Recommendations: *Dover Air Force Base*

The Land Development Plan reflects the existing limits of Dover Air Force Base for location purposes. No enlargement of the land use area associated with DAFB is proposed at this time. Areas immediately north of DAFB within the City limits have been designated for industrial and manufacturing uses. A few small pockets of existing residential development exist north of DAFB along Horsepond Road and Lafferty Lane are designated for continued residential use.

Parks and Open Space

While much of this plan considers the built environment in Dover, the unbuilt or natural environment is just as important. The unbuilt world includes all areas that are not formally constructed as places of human habitation and use. This can include "open space" areas within residential developments, in either private or public ownership. Another important type of non-urban area is environmentally sensitive land, such as woodlands and wetlands. Finally, the City's parks and recreation areas are developed and maintained to provide formal areas to participate in sports and simply enjoy being out of doors.

Public open space refers to park areas owned by the City, the state, or the federal government. There are several types of public open areas represented in Dover.

Assumptions: *Public Open Space*

1. Public parks are a desirable and necessary element of any community. Parks provide relief to the urban environment, allowing residents to enjoy nature and participate in sports in close proximity to their homes.

2. Significant natural features should be preserved as public parks where these areas provide benefits to the public such as aesthetic enhancement of the community, passive or active recreation, and/or resource conservation.

Goal: *Public Open Space*

Preserve and enhance the existing network of public parks, and expand the public park system to meet the needs of the current and future population. Special consideration should be given to preserving natural features, such as Silver Lake and the St. Jones River, for public use and aesthetic enjoyment, and to make future and existing parks more accessible via a citywide network of bicycle and pedestrian pathways.

Policies: *Public Open Space*

1. Maintain existing parks and recreation areas.

2. Develop new active and passive open spaces in public ownership to serve the needs of the current and future population in accordance with a Parks and Recreation Plan (to be developed) and the Bicycle and Pedestrian Transportation Plan.

3. Continue to promote civic open spaces and squares, such as The Green, as places for public events and community interaction. It should be the City's policy to require the creation of new civic open spaces as a component of large institutional, commercial, or residential projects where appropriate.

Recommendations: *Public Open Space*

It will be necessary throughout the planning period to provide various types of open spaces for public use. Different segments of the population have different recreational needs, which can be met with a combination of active recreation areas, passive or "natural" parks, and formal greens and squares.

Recreation areas are publicly owned and managed lands which contain playing fields, playground equipment, and other developed recreational equipment. These areas are designed for the public to participate in active recreation and fitness programs. Dover Park in east Dover, Schutte Park in west Dover, and Silver Lake Park in central Dover are the largest examples of this type of park in the Dover park system. Numerous other recreational facilities are located throughout the City in smaller neighborhood settings and as part of educational facilities.

Passive open spaces are park areas that are designed to preserve the natural environment, and provide the public with opportunities to enjoy nature in the midst of the City. These types of areas often include open fields, mature woodlands, and preserved waterfronts. Many park areas combine active and passive open spaces to serve a variety of users. Silver Lake Park is an

example that contains both passive (woods, swimming beach, St. Jones River) and active (boat ramp, play equipment) recreational features.

A third type of public open space is formal squares and greens that serve as places of public assembly in key locations. Local examples include The Green, which dates back to the 1700s, and Legislative Mall at the State Capitol Complex. Institutional complexes also include areas of public open space.

Private Open Space

Private open space is most often located within residential communities. These lands are frequently owned and maintained by private homeowners associations. Private open space may be improved to include playground equipment and playing fields to serve active recreational needs. Private open space may also consist of vacant fields, wooded areas, stormwater ponds, and floodplain areas, which serve as passive recreation.

A purely recreational type of private open space comes in the form of private clubs. These include golf and country clubs, such as the Maple Dale Country Club. Other types of clubs, such as the Kent Swim Club, provide various recreational opportunities to their members.

Assumptions: *Private Open Space*

1. Neighborhood parks and other recreation areas under the management of private homeowners associations allow residents to have a sense of ownership of these areas and more freedom in terms of the type of park area desired.
2. Private clubs and organizations provide significant opportunities for the recreation of members.

Goal: *Private Open Space*

Promote the construction of neighborhood parks and playgrounds within new residential developments and cooperate with the private sector and community homeowners associations to help them meet their recreational needs. Support the creation of new private efforts that help meet the recreational needs of the community.

Policies: *Private Open Space*

1. Continue, through provisions of the *Zoning Ordinance*, to ensure that new developments are provided with private recreational areas and open space commensurate with the size and nature of the development.

2. Develop creative ways to meet the City's recreational needs, possibly through partnerships with the private sector, the state, or local community groups.

Recommendations: *Private Open Space*

The Land Development Plan does not generally specify open space areas within large tracts of developable land. Their placement and size is dependent on individual design proposals and the needs of the particular community. In general, these areas should be centrally located and accessible to residents via sidewalks and pedestrian paths.

Agricultural Land Uses

There are currently properties within the City limits that are in active agricultural use. Some of these properties are zoned for residential or other uses, and are being farmed for the time being until being converted to another land use. Other properties are zoned "A" for Agriculture, which is a zone that specifically permits agricultural uses. Several properties in the A zone are also enrolled in agricultural preservation programs with the State of Delaware Department of Agriculture, indicating that the owners intend to continue farming at least for the 10 year duration of the program and potentially for a longer time. The bulk of the land zoned A is located east of SR 1, south of Dover Air Force Base and along Route 8 in the western portion of the City adjacent to the Cranberry Run development.

Assumptions: *Agricultural Land Uses*

1. Some agricultural land uses, particularly those which the owners have chosen to place in agricultural preservation programs, are likely to continue as a long term component in the City's land use mix.

2. Agricultural land uses are appropriate where they form logical transitions to larger tracts of farmland in the County, where they compliment sensitive natural features, and where they can be economically viable while retaining open space in the City.

3. Higher density urban land uses, such as those anticipated in the City, are not always compatible with active agricultural operations. Consideration will have to be given to proper buffering and other measures to mitigate conflicts between agricultural and other land uses.

Goal: *Agricultural Land Uses*

To support the continuation of existing active agricultural uses as a viable and important component of the land use and open space mix in Dover, especially where agricultural lands form logical transitions between developed areas in the City and rural, agricultural areas in the County.

Policies: *Agricultural Land Uses*

1. Support efforts of property owners in appropriate areas who elect to enroll their properties in agricultural preservation districts.

2. Evaluate the impact of new development applications on active farming operations, especially those which have been preserved through the farmland preservation program. Conversely, evaluate new agricultural zoning requests based on the potential impact of long term farming activities on existing neighborhoods and planned or existing City infrastructure investments.

3. Collaborate with the County and the State regarding planning for agricultural preservation and open space protection on the periphery of the City.

Recommendations: *Agricultural Land Uses*

The Land Development Plan indicates active agricultural land uses in two locations: South of Dover Air Force Base and East of State Route 1. In addition, Chapter 12 describes in more detail

some unique issues surrounding the continuation of active agriculture East of State Route 1. See Chapter 12 and Map 12-1 for more information on this issue.

Environmentally Sensitive Areas

Environmentally sensitive areas refer to lands that are unsuitable for development because of moderate to severe environmental constraints. These areas often have significant ecological benefits, which are worthy of preserving. Conservation areas consist of wetlands, rivers and tributaries, significant woodlands, and areas in the floodplain.

Environmentally sensitive areas may be either in public or private ownership. In some cases, the City or the state owns these natural areas to protect them and maintain their ecological capacities. Often, these areas are in private ownership. The preservation of sensitive areas on private lands relies upon stewardship by the owner and relevant environmental regulations. Natural areas, such as woodlands and wetlands, can be preserved as a part of the open space network in a residential development. At times, these lands are preserved simply due to their unsuitability for placing buildings upon them.

Assumptions: *Environmentally Sensitive Areas*

1. Environmentally Sensitive Areas should be protected in order to preserve the numerous ecological benefits provided by these lands.

2. Lands with certain environmental features (wetlands, woodlands, steep slopes, and poor soils) are undesirable for urban development because of increased construction and engineering costs as well as higher long-term maintenance costs.

Goal: *Environmentally Sensitive Areas*

To protect the natural environment and prevent the destruction of property through the preservation of significant ecological systems which naturally work to enhance the quality of life for residents.

Policies: *Environmentally Sensitive Areas*

1. Identify for preservation as private or public open space environmentally sensitive areas within development projects early in the approval process, so accurate base data can be collected and the project redesigned if necessary.

2. Encourage developers of residential projects to take advantage of the provisions of the Planned Neighborhood Design Option, which allows considerable design flexibility and encourages the preservation of natural features.

3. Continue to work with state and federal environmental regulatory agencies to help them meet their conservation goals. Respect other agencies' ordinances through sound land use planning.

Recommendations: *Environmentally Sensitive Areas*

Environmentally sensitive areas are shown on the Natural Features Map, including wetlands, woodlands, and floodplains. Generally, environmentally sensitive areas follow the stream courses of the St. Jones River, the Puncheon Run, the Maidstone Branch, the Fork Branch and

the tributaries of the Little River. Chapter 5 describes these areas in more detail and outlines areas of special consideration.

The following is the matrix of possible zoning categories in each of the land use categories included on the Land Development Plan Map:

Table 11-1: Land Use and Zoning Matrix

Land Use Category	Zoning District
Residential Low Density	R-20 (One Family Residential) R-15 (One Family Residential) R-10 (One Family Residential) R-8 (One Family Residential) R-7 (One Family Residential) C-1 (Neighborhood Commercial)
Residential Medium Density	R-8 (One Family Residential) R-7 (One Family Residential) RM-1 (Medium Density Residential) RM-2 (Medium Density Residential) RG-1 (General Residential) RGO (Residence/Office) C-1 (Neighborhood Commercial)
Residential High Density	RM-2 (Medium Density Residential) RGO (General Residence/Office) RG-1 (General Residential) RG-2 (General Residential) RG-3 (Group Housing Residential) RG-4 (High Rise Residential) RG-5 (Mid Rise Residential) C-1 (Neighborhood Commercial)
Commercial	C-1 (Neighborhood Commercial) C-1A (Limited Commercial) C-2 (Central Commercial) C-2A (Limited Central Commercial) C-3 (Service Commercial) C-4 (Highway Commercial) SC-1 (Shopping Center Commercial) SC-2 (Shopping Center Commercial) SC-3 (Shopping Center Commercial) RC (Recreational Commercial) RGO (General Residence/Office) CPO (Commercial/Professional Office) IO (Institutional Office)
Mixed-Use	Zoning Contingent on Parcel/Location
Industrial and Public Utilities	M (Manufacturing) IPM (Industrial Park Manufacturing) IPM-2 (Technology Center Manufacturing) C-3 (Service Commercial)
Institutional	IO (Institutional Office) Institutional Uses May Conditionally Permitted in Residential Zones
Office and Office Parks	CPO (Commercial/Professional Office) IO (Institutional Office) IPM (Industrial Park Manufacturing) RGO (General Residence/Office)
Active Agriculture	A (Active Agriculture)

CHAPTER 12

GROWTH AND ANNEXATION PLAN

(Amended May, 2005)

Part I – Growth and Annexation Background

Dover has a history of growth through annexation. One of the most outspoken advocates of annexation was the late Mayor Crawford Carroll. Under his guidance and leadership, Dover's land area grew in size from 8,267 acres in 1969 to 12,287 acres in 1971 through annexation. Mayor Carroll understood the wisdom of annexing lands surrounding the City that were under development pressure, and during his period the City had a policy of not providing services unless the property was annexed into the City. Over time these lands developed into bustling commercial, industrial, institutional, and residential areas that provided Dover with the tax base needed to continue to offer the high quality public services which are the trademark of the City.

Since Mayor Carroll's time the City has continued to grow through annexation at a more modest pace. By 1996 the City's land area was approximately 14,400 acres, and between 1996 and 2003 only a few parcels consisting of approximately 59 acres were annexed. These recent annexations were mostly enclaves surrounded by other lands in the City. Several were located along the US Route 13 corridor in areas many people already considered part of Dover.

Dover is again at a time when it is considering annexing larger parcels on the City's periphery. It is also important for the City to annex enclaves of land which are currently benefiting from City services without the opportunity to participate in the local government that provides those services, or fulfilling the obligation to pay municipal taxes. This plan represents a restatement of Dover's annexation policies, and a new set of annexation objectives that are consistent with House Bill 255, the Governor's Livable Delaware initiatives, the State Strategies for Policies and Spending, and the relevant plans of adjacent jurisdictions and the County. The following sections will discuss the above mentioned plans, and how this Annexation Plan has been coordinated with them.

General Policy Statement

Annexation is the systematic expansion of the City's corporate boundaries into an unincorporated area.

Annexation provides municipal services and allows residents to have a political voice within the City government that is providing them with city services and utilities. Without timely and properly planned annexations, developing local jurisdictions would be burdened with tax inequities, municipal service inefficiencies, political fragmentation, and disorderly growth patterns.

People residing just outside a local boundary often enjoy many of the services of the municipality without providing monies to support the cost of the services such as parks

and recreation programs, libraries, police, fire and 911, as well as other essential services provided by incorporated jurisdictions.

Some problems that result from fragmentation of boundaries include the fact that cities and towns cannot properly plan or address orderly growth, transportation issues, environmental issues such as pollution control, sewer districts, water services, and school districts just to name a few.

Benefits of Annexation

- Orderly Growth – true reflection of existing social, economic and cultural components of the local jurisdiction.
- Unified Community – Prevents fragmentation of government authority and duplication of services.
- Transportation Issues – Roads, sidewalks, mass transportation and bike paths are more easily addressed within an incorporated area.
- Unified Political Representation – Citizens may participate in the local government jurisdiction which is providing them with City services.
- Access to Full Range of Municipal Services – Properties that are annexed become eligible for the full range of City services provided by the municipality, such as street sweeping, trash removal, street lighting and the like.

Property planned annexation preserves a growing urban area and facilitates the full utilization of existing municipal resources. Administrative staff is able to address municipal needs of further growth consistent with annexation areas depicted within the certified comprehensive plans. The State also benefits from this process by being able to address future budget needs to provide the state services and infrastructure in tandem with the community.

Before the Annexation Plan Amendment of May, 2005, the City agreed to:

- Identify areas to be annexed within the next 5 years. Annexation areas will establish logical expansion with minimal conflicts with neighboring jurisdictions. Growth patterns, wherever possible, will avoid irregular boundaries and avoid the creation of enclaves.
- Have the Cost Benefit Analysis done on all lands in Category 1, 2 & 3 considered for annexation. Services were to be assessed for the annexed areas.
- Consideration given to government or franchise areas that have already invested in the infrastructure to support the proposed annexation area as part of the review process prior to plan amendment.
- Undertake a carefully planned public relations program on annexation. Issues will be addressed by inviting the citizens, preferably in small neighborhood groups, to address their concerns.

Coordination with Relevant Planning Documents and Efforts

State Strategies for Policies and Spending

With the formation of the Governor's Cabinet Committee on State Planning Issues, the State of Delaware has adopted an active role in land use planning issues in recent years. The initial state policies for coordinating spending are described in the document *Managing Growth in 21st Century Delaware: Strategies for State Policies and Spending.* This strategy document was adopted by the Cabinet Committee on State Planning Issues on December 23, 1999, after an extensive process of public consultation with citizens and municipal leaders. The strategies are predicated on the fact that, while local governments exercise control over land use decisions in their own jurisdictions, state investment and policy decisions can influence land use and the pattern and pace of growth. The strategies were created as a tool to help manage new growth in Delaware while revitalizing existing towns and cities and protecting the state's environment and unique quality of life.

The *Strategies for State Policies and Spending* was updated and adopted with Governor Minner's signature on September 23, 2004. The Update of the *Strategies* included a more sophisticated analysis of the attributes of the lands within the State that resulted in a map with a series of data layers. The layers related to critical determinants in land use, such as environmental conditions, current land uses, current and planned infrastructure and the Comprehensive Plans of the state's municipalities and counties. The method of the analysis was a cumulative color system in which the density of color ultimately related to the designation of Investment Level from 1 to 4. The analysis included some assumptions that certain parcels of land should not be considered for development and identified them as "out-of play". The analysis that The Strategies map for the Dover area may be found as Map 13-1 at the end of this document.

Both of these documents were designed to support the concepts in what became known as Governor Minner's Livable Delaware agenda to address sprawl, congestion, and other growth issues. The actions proposed were State and Local legislation and policy changes that direct growth to areas where the state, counties and local governments have planned for it to occur.

One of the core principles guiding Livable Delaware is to direct urban development to occur in and adjacent to existing towns and developed areas. The Strategies Map 13-1 designates the majority of the land within the City of Dover boundaries as Level 1, described as higher density development, a variety of transportation options, mixed uses and a sense of pace with a common identity. The State policy will be to encourage redevelopment and reinvestment along with providing services to the community. The Level 1 areas have the highest priority for State investment and spending. The strategies indicate that the State will invest in infrastructure, public facilities, and employment and social services in these areas.

With the small exception of lands that have significant environmental or policy impediments to development, the balance of the land within the City is designated as Level 2. These are described as less developed areas either near larger communities or as independent small towns and rural villages, but all with services. The State's intent for

properties within these areas is to "…use spending and management tools to promote well designed development…(that) provides for a variety of housing types, user-friendly transportation systems and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community."

There are few Level 3 areas within the City and they generally are on the upper reaches of the St. Jones River or the Mudstone Branch, and the agricultural lands east of State Route 1. These lands in the City of Dover context are described as being "…adjacent to or intermingled with fast growing areas..." identified as Level 1 or 2. The state intends that while these lands may be developed, there are issues of timing, phasing, site characteristics or state agency programs that may make the development inappropriate in the short term. The investments encouraged by the state are for "… agricultural preservation, natural resource protection, (and) parks and open space…" The state will maintain the existing infrastructure, but while supporting local growth management efforts.

There are a few parcels or areas that are identified as out-of-play by the state. These are the waterways of the St. Jones, the Mudstone Branch, the two agricultural parcels whose owners have sold their development rights to the state, and the Dover Air Force Base. These are identified as "…not at all available for development or redevelopment…"

There are no Level 4 areas within the city, but a portion of the Growth Area is identified as such. Level 4 properties are identified as predominantly agricultural and agriculture related or naturals areas, parks and preserves. As documented in *Strategies for State Policies and Spending Update-2004*, "It is the state's intent to discourage additional development in Investment Level 4 areas unrelated to the area's need."

To summarize, the State Strategies seek to limit sprawl by supporting and encouraging the growth and redevelopment of communities. New growth outside of communities should be located adjacent to existing infrastructure and services.

Kent County Comprehensive Plan

Kent County adopted their most recent update to their comprehensive plan update on March 23, 2002. The plan map at the end of the document (and available on the Internet) designates a broad area in the center of the county as the "Overlay Zone." The Kent County Planning Office indicates that this overlay zone is delineated in the zoning ordinance as a "Growth Overlay Zone." Kent County in June 2003 adopted a new Subdivision Ordinance. This ordinance provides bonuses for development within the defined Growth Overlay Zone and utilization of public utilities (sewer and water).

The entire City of Dover is located within the Overlay Zone. The Overlay Zone is depicted as a dashed blue line on Map 12-1 located in the Map Appendix. This boundary area generally corresponds to the Secondary Growth Area in the State Strategies document, although there are some variations in the Southwest around Wyoming. The Kent County Comprehensive Plan designates the land on the periphery of Dover, both inside and outside of the growth zone, for low or medium density residential uses.

Camden and Wyoming

Camden and Wyoming are the only two municipalities which are close to or adjacent to the boundaries of the City of Dover. Both jurisdictions have comprehensive plans in different stages of completion.

The Town of Camden Comprehensive Plan was certified by the Office of State Planning Coordination on May 8, 2003 and amended and recertified on September 13, 2004. This plan does not include any potential annexation areas that approach the Dover area. The annexations predicted by Camden are to the south of the town, infill parcels or enclaves.

Wyoming's most recent plan was adopted in January 2004, and include an annexation component. On February 27, 2003 representatives from the City of Dover and the Town of Wyoming met to discuss their respective draft annexation plans. At that meeting it was discovered that Wyoming intends to annex two parcels which Dover has identified to study for potential annexation. One parcel is located on the east side of New Burton Road immediately adjacent to the existing Wyoming Mills development. The other is located on the east side of Wyoming Mill road immediately south of the Hidden Creek Development, a subdivision located in the City of Dover and under construction. At that meeting the Town of Wyoming noted that there is a proposal by a church to annex a portion of this parcel into their town.

The City of Dover agreed with the Town of Wyoming to identify these parcels as Areas of Joint Concern and indicated that both municipalities were interested in annexation. The adopted and State certified Wyoming Plan indicates that these properties are to be annexed if they do not renew their Agricultural District tax status.

Part II -- Annexation Goals and Policy

Purpose

The purpose of having an annexation policy is to provide the City Council, Planning Commission, and Staff a basis from which to make sound and consistent decisions regarding the growth of the City. Specific goals to support this policy include:

- Direct urban development toward the City center where more efficient and effective provision of City services is provided.
- Direct urban development away from agricultural lands, environmentally sensitive areas, and natural open spaces existing at the City's periphery.
- Avoid premature annexation of lands that could lead to development contrary to the goal of containing urban development within planned areas where the basic services of sewer, water, streets, waste management, police, fire, electricity, community facilities, schools, recreation and transportation can be provided without lowering the quality of services currently provided to the existing population.

Part III - City of Dover 2003 Annexation Plan

Lands Considered for Annexation

The City of Dover's 2003 Annexation Plan is depicted in this chapter and is graphically depicted on Map 12-1 located in the map appendix at the end of this document. **The term "Annexation Plan" refers to both the text and the map, and in practice and use neither should be considered or relied upon without referencing the other.** Using the above goals as a framework, the city has identified four distinct areas of annexation potential for the City of Dover, including Category 1, 2, 3, and the Area of Concern. For Categories 1-3, the city prepared a detailed annexation cost/benefit analysis to determine the potential fees and revenues associated with each parcel being considered for annexation. The City and State have recommended that lands east of Route 1 remain undeveloped, and therefore, the cost/benefit analysis did not evaluate those lands.

Category 1 – Lands Identified for Annexation

These lands are show in green on Map 12-1. Lands in this category are enclaves of unincorporated territory mostly surrounded by the City of Dover. In most or all of these cases the City provides these parcels with one or more essential service (sewer, water, police, fire, trash). It is the intention of the City to annex these properties within the five year planning period. The City will work with those interested in annexation and their neighbors, as well as market annexation to residents of these areas.

Category 2 – Lands Desirable for Annexation

These lands are shown in yellow on Map 12-1. Lands in this category are on the periphery of the City, and in many cases close gaps or holes in what would appear to be the orderly limits of the City. These are parcels where either there has been recent interest in annexation by property owners, or where the City provides services or otherwise feels that the parcels are immediately desirable for annexation. It is the intention of the City to annex these properties within the five year planning period as development proposals or other factors allow it to consider such action. Lands in Category 2 will be further scrutinized through the cost-benefit analysis study.

The Category 1 and 2 lands represent the City of Dover's five year annexation plan. With the exception of the new Category 2 property along Route 8 and Artis Drive, all Category 1 and 2 lands are consistent with the Kent County Comprehensive Plan Update, the Comprehensive Plan of Camden and Wyoming's Comprehensive Plan. The entire Growth and Annexation Plan map was reviewed with the Kent County Levy Court Planning Services Committee on May 3, 2005. The Committee discussed the change in designation of the three general areas proposed and the existing area south of the City on South State Street. The Planning Services Committee found no objections to the Plan map as proposed.

Category 3 – Lands to be Evaluated for Annexation

These lands are shown in pink on Map 12-1. Lands in this category have been evaluated through the completion of a cost-benefit analysis now completed by Kise Straw and Kolodner (KSK) and Urban Partners, the private consultants. The cost-benefit analysis has evaluated whether it is desirable for the City to annex these parcels weighing the

costs of providing essential City services against the potential tax revenue which might be generated should these lands be annexed into the City.

These lands are generally adjacent to or near the City boundaries, but a bit farther away than the parcels in Categories 1 and 2. Some of these lands are vacant, while some include existing developments which may or may not be already receiving City services at unincorporated rates. The City does not intend to annex these parcels within the five year planning period.

The majority of the Category 3 lands are consistent with the Kent County Comprehensive Plan and the plans of Camden and Wyoming. The 2005 Amendment to this Chapter was reviewed with Kent County Levy Court , including the inconsistencies, the Artis Drive area, where the City has a planned water service loop and the property behind Dover Downs. The City has discussed these areas with the State and the relevant jurisdictions through the continuing intergovernmental coordination process. The other inconsistency was in the vicinity of Wyoming as noted above.

Area of Concern

Map 12-1 indicates an "Area of Concern" outside of Category 2 and 3 lands. **Lands in the Area of Concern are not intended for annexation.** The City is concerned about how land activities in this area will affect the Category 2 and 3 lands and land currently within the city. The City intends to stay appraised of development applications in these areas through coordination with Kent County, other adjacent jurisdictions, and the State of Delaware. The purpose of this designation is to graphically illustrate lands where the City has unique concerns about future development activity and land use changes, and wishes to work collaboratively with Kent County, other adjacent jurisdictions, and the State of Delaware regarding future plans for these areas.

The Area of Concern depicted along the western and northern boundaries of the City is generally shown as a 1000' buffer, indicating that land use activities near Category 2 and 3 lands are of concern, and will be evaluated as they occur.

The Area of Concern east of State Route 1 is considerably larger, and extends to the numerous Agricultural Preservation Districts and to Route 9 in some cases. The area east of State Route 1 is of particular concern because of the following:

1. The State has invested a significant amount in farmland preservation in this area, and there are currently large contiguous blocks of land in active agricultural use.

2. The area is perceived as a rural area, and participants in the Dover Plan workshops both in 1995-96 and in 2003 indicated a strong preference to protect the agricultural character of this area by limiting urban expansion east of State Route 1.

3. The City, County and State have a Memorandum of Understanding limiting the expansion of sewer and other infrastructure east of State Route 1 until such time as all levels of government can agree on the best use of land and infrastructure investment funding in this area.

4. There are environmental constraints on urban development in portions of this area including the AICUZ zone, wetlands, floodplains and the potential negative impact that urban development could have on the continued long term viability of active agricultural use.

5. Some of these lands are located within the National Register of Historic Places as the "Little Creek Hundred Rural Historic District" which is recognized for its agricultural uses and farm landscapes.

6. The City has requested that if the property identified as Parcel B on and behind Horsepond Road be granted any industrial/manufacturing type zoning by Kent County that the City have the ability to annex the property unimpeded (see discussion that follows).

Through the inclusion of the areas east of State Route 1 as an Area of Concern, the City is signaling its intentions to work collaboratively with the State of Delaware and Kent County to determine the best strategy for land use and infrastructure investments in this area. The first phase of this collaboration was the process for reviewing and updating the State Strategies for Policies and Spending, which was prepared by the Office of State Planning Coordination and approved in 2004.

Classification of Potential Annexation Lands

The Annexation Map included in the Comprehensive Plan Update and as amended indicates a potential land use for each of the identified annexation areas. The areas are identified as:

A	Agriculture
C	Commercial;
I	Institutional; or
Ind	Industrial
O	Office
R	Residential

Obviously within each land use category are several potential zoning designations. There are two areas for which the City had proposed changes in designation for the amendment; to the east of the railroad north of College Road and on the east side of South State Street extended, south of the Puncheon Run Connector. The matrix of permutations of land use and zoning district is included at the end of the Chapter 11, Land Development Plan.

Zoning Review for Annexations

The review of each parcel should reflect a consideration if the details that may not be accommodated in a city-wide Plan. That review may include:

- Recalculation of the cost/revenue analysis for individual parcels based on changes in proposed use or density ;

- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Each annexation request will be evaluated based on these criteria.

Notes A and B

The Amended Annexation Plan of 2005 includes two properties that the City is particularly interested in their future. In the interest of abiding by the wishes of state agencies, they are represented on the Plan Map by the notes.

Parcel A is due to renew for Agricultural District standing in 2008. If the owner does not renew the district, the City reserves the ability to enter into discussions with the owner or equitable owner on potential annexation and to annex the property with no further amendments necessary to the Annexation Plan.

A portion of Parcel B has been zoned General Industrial. If the rear 16 acres are rezoned as well, and the owner is allowed to move forward with a plan for an allowed use, the City of Dover reserves the ability to annex the property with no further amendments necessary to the Annexation Plan as long as the request is made within five years of the Comprehensive Plan amendment certification.

Cost-Benefit Analysis

Overview

The City of Dover developed a model cost/revenue analysis model to apply in evaluating individual annexation requests. Conceptually, the model seeks to measure all potential fees and revenues associated with a particular annexation and all direct and indirect service costs as well as potential opportunity costs. Where appropriate, it accounts for quality of life impact factors and indicators.

The analysis model consists of a series of calculations and tables preceded by a development program for each annexation area under consideration. The development program draws physical data from existing City information, presents population and housing unit data from the US Census, and shows base calculations for land and property values as well as property tax impact for non-residential uses. The model analyzes both existing and proposed development and considers residential and non-residential uses separately. Non-residential uses include both commercial and industrial development.

The analysis model calculates fiscal impacts for ten primary cost areas including sewer and water, sanitation, police, fire, planning and inspections, streets, library, parks and recreation, electric, and general administrative (tax assessor, city clerk, council, mayor, city manager, information technology, finance, public works, central services, facilities management, fleet maintenance, administrative services, human resources, insurance, and retiree health care). Eleven revenue sources are included in the model: property tax,

transfer tax, municipal street aid fund, electric, sewer and water, sanitation, permits and licenses, wastewater impact fees, Comcast franchise, library, and miscellaneous (fines and police, 911 fees, miscellaneous charges, and recreation).

The model was applied to the 37 potential annexation areas identified in the City. Cost and revenue calculations were determined over a ten-year period with the first four years representing a development (build out) period. Cost and revenue generated by proposed development increases incrementally over these first four development period years. Cost and revenue from existing development is reflected in full as of Year 1. The total fiscal impact reflecting both proposed and existing development is reflected annually as of Year 5.

The detailed methodology for the cost/revenue analysis is a 465 page document available from the Department of Planning and Inspections. Other relevant data, calculations, and tables prepared by Kise Straw & Kolodner/Urban Partners are also available at the Department. The results of the model were applied to the build-out scenarios for the 37 annexation areas. Few of the areas are likely to be annexed at the same time. Therefore, the cost/revenue results are not included as a part of the Annexation Plan. The model will be used for the actual parcels proposed to be annexed as requests are submitted.

Interpretation of Results:

Findings vary widely by module depending on factors such as number and value of existing housing units and square feet of non-residential uses, developable area, and proposed zoning type for new development. In interpreting these findings it is important to consider the following key points:

1. **Findings should not be viewed cumulatively:**
    - Not all modules will be annexed and developed simultaneously. The tool is intended to review the fiscal impact of individual annexations and does not consider cumulative impacts;
    - The development of a particular module may not occur precisely within the four-year development period defined in the analysis tool. Both the pace of development by module and the overall pace of development will vary considerably from what is shown in this report depending on specific development proposals.

2. **Findings by module will vary as the analysis tool is updated to reflect specific development proposals:**
    - Analysis by module is based on a uniform development potential analysis, with the exception of the few modules for which the City provided detailed development proposals;

- As modules come up for annexation consideration, the City may wish to update the analysis inputs to reflect particular development proposals or alternative zoning.

3. **Annexation decisions should not be made solely on cost/revenue analysis findings:**
   - Analysis findings are intended to be considered as one of several variables taken into account by the City when weighing the pros and cons of the annexation of a particular site, as identified above;
   - Other variables include quality of life and social benefits not accounted for in the tool, City growth management objectives, and infrastructure capacity.

Implementation

The City of Dover has or will take the following steps to implement the Annexation Plan:

1. Adoption of the Original Annexation Chapter and Annexation Plan Map
2. Initiate Owner-requested Annexations with the Adoption of the Annexation Plan;
3. Implement the Cost/Revenue model as a means of reviewing annexation proposals
4. Adoption of the 2005 Amended Annexation Chapter and an Amended Annexation Plan Map as an amendment to the Comprehensive Plan Update of 2003.

An annexation policy would not effectively bring about the City's desired goal of directing urban development toward the City center and away from rural, valued agricultural, and environmentally sensitive areas without coordination with Kent County Planning Services Staff and zoning practices. Therefore, the City will work with the County to develop the required coordination. These may include:

1. Kent County has stopped using the Development Advisory Committee (DAC) model for plan and proposal review. The City does receive notice of proposals that are being presented to the Board of Adjustment or the Regional Planning Board. The City may comment on the proposals through their standard process.
2. The City will initiate discussions with Kent County on, at least, coordinated reviews of projects within the four areas identified in the Amended Annexation Plan Map.
3. Explore the potential of joint zoning designations within the boundary areas of the City in which the City and County have an interest in future use. The extension of that effort would be to develop consistent zoning districts both levels of government use for their area of jurisdiction.

Annexation requirements as per the Delaware Code: There is a proposal to alter Delaware Code in relation to Annexation of enclaves. The process may change significantly if adopted by the State legislature and accepted by the Governor. The current process for the City to annex properties is:

1. All annexations must be consistent with the City's most recently adopted municipal comprehensive plan. The area(s) being considered must be depicted as area(s) for future annexation on the adopted plan.

2. The City shall have the ability to annex a parcel only if and to the extent that such parcel is contiguous with existing municipal boundaries. Nothing herein shall be construed to allow rights of way, utility easements and waterways or like entities to be annexed in corridor fashion or to be utilized as a corridor route for annexation to gain contiguity.

3. The City shall prepare a plan of services indicating those services it expects to provide to the newly annexed area, how such services will be provided, and the fiscal and operating capabilities of the City to provide such services.

4. At the time of annexation the City shall by ordinance rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan or development strategy.

5. The City when proposing annexation must fully comply with the provisions of Chapter 92 of Title 29 as to state notice, and must demonstrate that it has notified all other affected jurisdictions, conducted a public hearing, and provided a comment period of at least 30 days before formal annexation. The City shall file with the State Office of Planning Coordination any written comments received concerning such proposed annexation together with any response(s) thereto.

6. The Advisory Council on Planning Coordination has established a mechanism for resolving disputes between jurisdictions regarding annexations. The mechanism developed by the Council includes:

    a. Determination of how the costs for the dispute resolution process are born among the parties;

    b. Timeline for the dispute resolution process; and

    c. Extent to which the dispute resolution process will be enforceable. (42 Del. Laws, c. 120, §1; 22 Del. C. 1953, § 101; 55 Del. Laws, c. 265; 70 Del. Laws, c. 186, § 1;73 Del. Laws, c. 186, § 10; 73 Del. Laws, c. 213.)

CHAPTER 13

INTERGOVERNMENTAL COORDINATION

Intergovernmental coordination is essential to accomplish the goals identified through the planning process. The coordination of planning and other activities with those of near-by municipalities (such as Camden, Cheswold, Little Creek and Wyoming), Kent County, and the State of Delaware will have a direct impact on the well being and quality of life for all residents living in or near Dover.

Coordination with Near-By Municipalities

- **Camden:** The Town of Camden's recent comprehensive plan was reviewed and it was determined that Camden intended to annex and grow south of their current town limits. It is not anticipated that Camden and Dover will have any jurisdictional issues, at least not during this planning period. However, Dover and Camden officials should keep each other appraised of activities in either municipality which could have an effect on the other.
- **Cheswold:** The Town of Cheswold is currently in the process of drafting a comprehensive plan. Although this document is not available for review yet, it seems very unlikely that Cheswold and Dover would have any jurisdictional issues related to annexations. However, Dover does provide Cheswold with trash service. This service was arranged at the request of the town, but there is currently no binding contract which requires Dover to provide this service. Each individual property owner requests the service, and billing is done on an individual basis. The City of Dover should seek to be advised if Cheswold seeks to grow by annexation in order to coordinate any extensions of this service that would be required. If Cheswold decides to develop a Planning Commission review process for new developments, Dover should request to be on the mailing list and to participate when there are issues related to additional service provisions. Dover may also be in the position to provide additional services, such as street sweeping, in the future if requested by the town.
- **Little Creek:** The Town of Little Creek does not have a comprehensive plan, nor does the town appear to have any intentions for growth through annexation. Dover provides trash service to Little Creek through the same arrangement as service is provided to Cheswold. There have also been discussions in the past about the potential for Dover providing water service to this small community. Dover should continue to work with the Town of Little Creek regarding these service arrangements, and any potential future services that the City may be able to provide.
- **Wyoming:** The Town of Wyoming is in the process of updating their comprehensive plan. Officials from Dover and Wyoming have met and discussed two areas where both communities have some interest in future annexation activities. These areas have been designated as "areas of mutual concern" on the growth and annexation map in this plan. They are also shown as annexation areas on Wyoming's plan. The City of Dover intends to study these areas to determine the costs and benefits of annexing and/or providing services to these areas. However, any future discussion of annexation or the provision of services would be coordinated with the Town of

Wyoming to ensure that the most beneficial and efficient arrangement is decided upon. Opportunities for the two jurisdictions to coordinate will be explored, along with the desires of the property owners and the infrastructure needs of any proposed development activity. The City of Dover is sensitive to the fact that in some cases the areas designated as "mutual concern" are historically and culturally tied to the Wyoming community, and this factor will be considered as a part of any discussions regarding annexation.

Coordination with Kent County:

The Dover Plan used the Kent County comprehensive plan as a guiding document when preparing the Growth and Annexation map and plan component. These components follow the land use recommendations found in the Kent County Comprehensive Plan for Categories 1 and 2, which are enclaves and other lands directly adjacent that are seen as desirable for annexation. This plan also respects the Growth Overlay Zone component in Kent County's comprehensive plan with two notable exceptions. First, east of State Route 1 there are several properties which are designated as Category 2 "desirable for annexation." These properties were included to fill in obvious enclaves, and were not intended to indicate any large scale new growth or utility expansion east of State Route 1. Second, the growth and annexation plan proposes to study an area west of the current City limits in the area of Artis Drive. The City intends to install water service in the area, and it is the intention of the City to evaluate the desirability of annexing this area or providing other services. This area is to the west of the current Growth Overlay Zone depicted in Kent County's plan.

City of Dover representatives have met with both the Kent County Levy Court and the Kent County Planning Staff on (dates and times). It is the intention of the City of Dover to continue this dialogue throughout the plan review and approval stages.

Coordination with the State of Delaware

The City of Dover has worked with the Office of State Planning Coordination throughout the process of preparing this Comprehensive Plan update. In fact, the OSPC provided direct staffing assistance to the City. The City Planning Staff has met with the Director of the OSPC on several occasions, and has made every attempt to address agency concerns in different elements of the text. Data layers from certain state agencies (notably DNREC and SHPO) and the Dover/Kent MPO were used to prepare the plan maps for this plan update. The State Strategies for Policies and Spending for the Dover area is found in the map appendix of this document. This map demonstrates that Dover is a "Community" area where the State will focus infrastructure investments and direct growth. The City of Dover will continue to work with the State through the Office of State Planning Coordination on planning, growth management and infrastructure issues.

Future Coordination Activities:

- **For land use planning and transportation**, establishing and maintaining close coordination with the Office of State Planning Coordination, the Delaware Department of Transportation (DelDOT), Wyoming, Camden, Cheswold, Little Creek and Kent County is crucial. Other important state agencies, the actions of which may interact with the City's activities are the State Historic Preservation office (SHPO), the Department of Natural Resources and Environmental Control (DNREC) and the Delaware Economic Development Office (DEDO).
- **Coordination with the State** is also relevant with respect to various funding opportunities. For example, Federal TEA 21 grants administered through DelDOT may be available for improving local streets.
- **The Quality of Life Act** requires counties to adopt procedures for coordination of land use planning in neighboring jurisdictions. Therefore, Kent County is an important partner for the town, particularly with regard to annexation and development in peripheral areas and for economic development in general. The town should work closely with the Kent County Planning Department and Economic Development Department regarding issues surrounding Dover.
- **Legislation** is currently under consideration at the State level to revise the Quality of Life act and the current Land Use Planning act into a consolidated process called the Preliminary Land Use Service (PLUS). If this legislation is passed and implemented by the OSPC, the City may use this process to coordinate State comments on new development applications based on the criteria found in the legislation.

Development that is occurring outside the City limits is highly relevant to Dover, because land uses outside the City have economic and social impacts on the City.

- The City should make an effort to keep itself appraised of land use applications in nearby areas that will impact Dover. The City should comment through the State's LUPA review process (or PLUS process pending legislative approval), the County's planning process, or the planning process of other jurisdictions where applicable.
- It is recommended that Dover develop a coordination strategy with the County regarding zoning, subdivision plans and the type of development occurring in neighboring areas. A formal memorandum of agreement with the county may be one mechanism to define the process for coordination and interaction.

Coordination with Planning Activities

The City should become involved in planning activities of other agencies when they are addressing land use, transportation, infrastructure, or service delivery in and around the Dover area. Dover should provide representatives to serve on committees drafting and reviewing plans. The City should also review and comment on draft plans and otherwise become an active participant in planning activities that impact Dover's future.

The following are some current or intended planning activities in which the town should participate:

- The Kent County Comprehensive Plan (next update scheduled 2006-2007).

- Kent County revisions to subdivision and zoning ordinances (ongoing).
- The Dover/Kent County MPO Long Range Transportation Plan (next update scheduled 2004-2005).
- The Delaware Transit Corporation Strategic Plan (DelDOT).
- Comprehensive Plans for near-by jurisdictions, including Camden, Cheswold, Little Creek, and Wyoming.
- Livable Delaware, and the Governor's Advisory Panel on Planning Coordination.
- The State Strategies for Policies and Spending (next update scheduled 2003-2004).

CHAPTER 14

IMPLEMENTATION

(Amended May, 2005)

Implementation Recommendations

For a Comprehensive Plan to be effective in guiding the growth and development of a community it must be implemented using a systematic process consisting of specific actions. This section lists the recommended actions necessary to make the *Dover Plan: From the People-For the People* a living Plan that will guide Dover's future. The recommendations in this section are categorized into four types:

Phase I Actions - These are actions needed to begin the immediate implementation of the Land Development Plan and companion zoning changes. The documents related to these actions will be prepared and require adoption by the Planning Commission and City Council. The adoption of these actions will complete Phase I.

Phase II Actions - These are important to the implementation of the Land Development Plan and Transportation Element but require further study and work before they can be adopted. Included are additional Plan chapters to be incorporated into the Comprehensive Plan. Phase II Actions are planned to be completed with one to three years of adoption of Phase I Actions.

Phase III Actions - These actions were deemed to be of a less immediate nature or require significant further study and time to complete. Included are additional Plan Chapters to be incorporated into the Comprehensive Plan. Phase III Actions should be completed within three to five years after Phase II Actions are completed.

Phase IV Actions – State law requires that comprehensive plans be updated every five years and thoroughly revised every 10 years. This 2003 Update of the Dover Plan is intended to guide the City through the next five year period, but by 2007 the City will need to begin work on the revision of this plan. Phase IV actions will encompass the plan update process.

Phase I: Immediate Actions

Adoption of the Comprehensive Plan

The first step in the implementation of the Comprehensive Plan was its official adoption by the Planning Commission as required under Delaware law. In addition, it is tradition in Dover to have the City Council adopt the Comprehensive Plan. Both City Council and Planning Commission adopting the Plan affirms their common goal with respect to the future. This occurred on September 16 and 22, 2003 respectively.

Phase II Actions (2003 - 2006)

Adoption of Zoning Map Amendments

As a part of the Comprehensive Plan Update process, the zoning district map must be evaluated. Zoning changes necessary to implement the land uses proposed by the Plan will be evaluated immediately after the plan is adopted, and any necessary revisions will be proposed and adopted within 18 month of plan adoption as required by the State. By making the changes represented in the Land Development Plan Map, the cit will be forwarding significant new projects, including the Westside Redevelopment Plan.

Completion of Supplementary Planning Studies and Comprehensive Plan Chapters

The development of this plan update identified the following additional planning studies and comprehensive plan chapters that will address specific issues:

Annexation Study

The development of land in the unincorporated areas that surround the City of Dover can impact City services and the quality of life for residents. Chapter 12 of this plan describes the City's policy for seeking the annexation of enclaves and other lands immediately adjacent to the community. Chapter 12 also designates other near-by lands as a study area where the City will evaluate the costs and benefits of providing public services. The City has received a model for evaluation and a study of these areas from Kise, Straw and Kolodner. The model and its application will aid the City's decision making process regarding future annexation.

Zoning Ordinance Amendments

Reevaluate Zoning Districts

Over the years new zones were created when existing zones did not meet new demands. As a result the City has thirteen different residential zones, and thirteen different commercial zones. These zones often overlap and the regulations have become difficult to work with. A complete reevaluation of permitted uses and bulk standards is in order. Within the context of this reevaluation some specific recommendations from the workshops, the initial Phase II projects will be:

Alter the Agricultural Zone:

The City has a zone that does not truly protect the valuable agricultural lands in the City. The City will create a zone that it protects agricultural uses by making it an exclusive use in the zone.

Create new zones

Through the community planning workshops and the land use analysis it is apparent that there is a need for four additional zones:

Mixed Use Traditional Development Zone

The City has created a new zoning designation that specifically permits development projects which focus on mixed commercial, residential, and employment uses which are

developed in a traditional town pattern (commonly known as "neo-traditional" or "new urbanism") This zone was designed in consideration of the proposals for the Eden Hill Farm, but may also be applicable in other locations where mixed use development is desirable.

Downtown Mixed Use Traditional Development Zone
The potential of developing a similar mixed use zone for the Downtown Neighborhood has been identified as an opportunity for Downtown redevelopment. The TND ordinance may be reshaped to apply to an existing neighborhood. Rather than leave all uses and areas with significant flexibility, however, the ordinance may be an overlay district that offers conditional opportunities to develop in new patterns. **This would also serve as the downtown redevelopment overlay zone** that targets specific properties or small areas for redevelopment and which provides special incentives for the inclusion of mixed use development, transit oriented design, building renovation, historic preservation and housing components.

Silver Lake/St. Jones Watershed Overlay Zone
Improving Silver Lake's water quality is an important goal of the people of Dover. Controlling nutrients and sediments is one important strategy in this clean up. An overlay zone requiring more stringent stormwater management, wetland protection, sediment and nutrient control regulations in the watershed should be adopted. It will likely be required to meet a new code or best management practices for Total Maximum Daily Loads (TMDL's) identified below. This process will continue from Phase II into Phase III to accommodate their education and outreach process.

Incentive Zoning for Affordable Housing Options
The City of Dover is involved in several efforts to promote homeownership, throughout the City, but particularly in the Downtown area. The City will review alternatives for zoning amendments that promote the construction or general availability of affordable home ownership opportunities.

Other Phase II Actions

Street Standards
Re-evaluate the City's street design standards. Concern was voiced that they did not provide adequate design flexibility, and unnecessarily increase the costs of construction and stormwater impacts. The linkage of streets and sidewalks between adjoining residential subdivisions and street right-of way stubs to adjoining vacant developable land through the subdivision review process should be required. The Ordinance was moved to a Phase II project from Phase III with in 2004. The City Council approved an ordinance on February 14, 2005.

Transfer of Development Rights
The City will develop and ordinance that allows the City to participate in the Kent County TDR program. The program allows the owners of properties to be permanently held as agriculture to sell the development rights to a developer. The developer may use those rights in appropriate receiving areas. The City may be an appropriate receiving

area and adopting a participation ordinance will allow the City to influence annexations and development proposal outside of City boundaries.

Total Maximum Daily Loads and Best Management Practices.
The City should participate with DNREC's tributary action team when it reviews the pollution standards for the Silver Lake/St. Jones Watershed, and be an active partner with that agency in developing Best Management Practices (BMPs) which will be applied in the watershed. It will also be important for Kent County to be involved in this process, since the majority of the watershed lies in the jurisdiction of the County.

Historic Resource Programs
The Department of Planning and Inspections has initiated the process and is working to complete an application for approval of Certified Local Government (CLG) status. Staff of the State Historic Preservation Office has already met with the Historic District Commission to outline the process and benefits of becoming a CLG. Another element is to identify corridors for evaluation and consideration for Scenic & Historic Highways designation.

Utilities and Community Infrastructure
Dover water, sewer and electric will have their long-range plans updated every five years and integrated into the Consolidated Utility Plan for the City of Dover.

Transportation
Continue to provide a leadership role in the Dover/Kent County MPO in order to achieve the overriding goals of preserving the existing transportation system and increasing the capacity of the transportation system.

Work with the MPO and DelDOT the complete the miscellaneous improvements to the transportation system described in Chapter 8.

Complete additional planning studies for road improvements to serve Dover Air Force Base; US Route13/113 intersections andpursue potential passenger rail service to Wilmington.

The City should advocate to DelDOT through the Development Advisory Committee (DAC) and the Dover/Kent County MPO the following:

- Transformation of Route 8 and US Route 13 into "commercial boulevards"
- Support for access management along minor arterials and collector roads to protect traffic capacity and preserve the character of existing neighborhoods.
- Support for pedestrian, bikeways, and public transit in subdivisions and site plan applications.
- The City should consider the implementation of the recommendations of the US 13 / 113 Corridor Study, which would most likely involve developing an overlay zone to implement the study's many design recommendations.
- Using the Suburban & Community Street Design Standards Project as a basis, the City should reevaluate the subdivision street design standards and revise the subdivision ordinance accordingly.

- The City should work with DelDOT, the MPO, private property owners, neighborhood and school organizations to evaluate the desirability of extending Saulsbury Road to New Burton Road. Any study regarding this extension should evaluate the impact of the road extension on the surrounding neighborhoods, environmental resources (such as the Puncheon Run stream corridor) and surrounding land uses such as schools and parks. The study should identify recommendations to mitigate traffic impacts in existing neighborhoods when and if the road extension is completed.
- The City should review the bicycle and pedestrian transportation network to identify gaps and important segments needed to provide a continuous network. The City should develop an implementation plan to complete this network. The construction of the missing sidewalk / bike path segments can be accomplished utilizing a combination of private development activities, City funding through the CIP, and funding available through DelDOT and TEA-21.

Economic and Community Development

The City should develop a new Economic Development Plan to represent the goals, objectives and opportunities for the City of Dover. The City would continue to support public and private organizations established to protect and enhance the Downtown area and the City as a whole through economic development and historic preservation programs. The application of those programs in the City should be based on our priorities. Implementation of the ED Plan will be coordinated with the Community Development Plan as well. The Department would have the ability to house these functions, along with other development functions.

Phase III Actions (2006 - 2008)

Recreation and Parks Plan

An assessment of the City's recreational facilities should be completed. The Plan should evaluate how well the available parks and recreation programs fulfill the public's needs with respect to location and services offered. The open space requirements of the zoning ordinance should also be evaluated in the study.

Community Facilities Plan

An assessment of the City's public buildings including fire, police, library, school, and administration buildings should be completed to determine whether expansion are necessary and if so, what areas of the City should be reserved for possible future locations.

Wellhead Protection and Well Zone Recharge Areas

The City should add the development of well-head and recharge area protection ordinance in Phase III. It will be required by December 2007 by DNREC.

Performance Standards
The City's Performance Standards used to regulate environmental nuisances such as noise, odors, and smoke are clearly outdated and difficult to enforce. More modern standards should be adopted.

General Revisions
A complete revision of *Zoning Ordinance* should be undertaken to make it easier to understand and use. It should follow the Subdivision review and change. In addition, use and bulk regulations should be changed from the current prescriptive regulations, to being more design and performance oriented.

Light Industrial Zone
There are three industrial zones in the City of Dover, the M (Manufacturing) zone and the IPM (Industrial Park/Manufacturing) zone, and the IPM-2 (Industrial Park Manufacturing Zone – Technology Center). The principle differences between M and IPM are area requirements and setbacks. The Manufacturing zone prohibits more obnoxious uses than the IPM zone. There is a need for light industrial zone that would only permit uses that would have few external environmental effects or heavy traffic associated with it. These zones would be more appropriate near residential areas and could serve as transitional zones. Consideration should be given to converting one of the heavy industrial zones or the C-3 (Service Commercial) zone to a light industrial zone.

Historic District Overlay Zone
Evaluate the potential fro expansion of the Historic District Overlay Zone into the areas of the National Register District.

Unified Commercial Landscape Guidelines
Develop a unified set of commercial landscape guidelines and design criteria to improve the visual attributes of the center of the community and to support the First State Historic Park at Dover.

Conclusion

This plan update is the culmination of nearly one year's efforts by the Planning Department, City Council, the Planning Commission, and the citizens of Dover to define the future of our City. This plan began, appropriately, with the input of the public. It does not end here, however. *The Dover Plan: From the People - for the People* is intended to be a living document. It should be used to guide the future development of the City, while at the same time remaining dynamic enough to respond to the needs of the City and its residents. As such, this is not the end of a static document, but the beginning of a new period in the growth of Dover where the desires of its citizens will guide the public and private development activities that work to shape the City in which we live and work.

Appendix B - Zoning Ordinance, Article 1 - Enactment and Intent

Section 1. Enactment.

There is hereby established a zoning plan for the City of Dover, which plan is set forth in the text and map that constitute this ordinance.

Section 2. Intent.

It is the legislative intent of this zoning ordinance to provide for the orderly and desirable development and use of land. This ordinance provides specifications, procedures, and a precise plan designed to guide new development while improving, conserving, or facilitating desirable change in existing portions of the city. As provided in the Delaware Code Municipalities Law (title 22, section 303, 22 Del. C. § 303), this ordinance is to serve the purpose of protecting and promoting the general welfare, which is intended to include the following:

1. To encourage the most appropriate use of land throughout the city.

2. To assure [ensure] adequate sites for present and future local and regional needs for residence, industry and commerce.

3. To allow the greatest freedom in development and design consistent with other purposes expressed herein.

4. To enhance the general appearance of the city.

5. To provide for the privacy of family residences.

6. To facilitate the adequate and efficient provision of community facilities, services, and utilities.

7. To promote the safe and efficient circulation of vehicles and pedestrians.

8. To require the adequate provision for off-street parking and loading.

9. To retain the overcrowding of land with persons or structures in relation to open space, circulation, and neighboring land uses.

10. To prevent and eliminate other hazards and nuisances.

11. To attain the objectives set forth in the comprehensive