

**Delaware Downtown  
Development District Program  
Application for  
Designation as a District**

August 1, 2014

## **Downtown Development District Program How to Use this Application Form**

This application is a Microsoft Word document that has been modified. The text in the document is “locked” meaning that you can’t edit it. The fields where you are supposed to enter information are “open” allowing you to type or paste information into these fields. The fields that can be edited are in gray.

First, we recommend that you save this document with a unique file name that includes the name of your jurisdiction. An example would be “DDD-Application-Dagsboro.” Then you can work on the document without fear of overwriting it, and when you send it to us we will know who it came from (and we won’t be in danger of overwriting it).

Some of the fields are informational in nature, such as places to type in the name and address of your jurisdiction. It should be relatively straightforward to type this information in and save it. Some of the fields are check boxes, which are similarly straightforward.

Many of the fields are questions that ask you to respond in either 100 or 750 words. You might find it helpful to write and edit your responses in a separate Word document and then paste them in to the application once they are complete. The 100 word statement is to be used internally for review and in printed materials where we need a concise description of each proposed District. Almost all other questions are suggested to be no more than 750 words, which is about a page and a half of text (using 12 point font). In these responses it is important to clearly and concisely answer each question. Your District Plan can go into much more detail about each topic, and it is appropriate and expected that you will reference your District Plan in these 750 word responses. There is no penalty for exceeding 750 words, but if you find that you are writing much more than 750 words please consider putting the additional information in your District Plan.

There are numerous attachments mentioned throughout this application. The most obvious one will be the District Plan. The application also asks for various maps, spreadsheets, letters of support, resolutions and data to be attached associated with particular questions. Please compile all of the attachments into one Adobe Acrobat (.pdf) document. It would be wonderful if you could include a table of contents, and organize these attachments in the order of the questions.

It is likely that when you are done with the application form (Word document) and the attachments (.pdf document) the combination of both documents will be larger than 15mb, which is the limit for external email in the State system. In these cases, we will arrange for you to have access to a sftp file transfer site to upload your documents. Email the OMB Application Team at [OMB\\_APP\\_Team@state.de.us](mailto:OMB_APP_Team@state.de.us) to request an account and a password to upload the file. You must include the following information in your email in order for the OMB Application Team to process your account access: Name, Company, Email Address, and Phone Number.

OSPC will provide technical assistance with Census data and GIS mapping if requested by local governments that can demonstrate the need for the assistance. We will provide assistance to all local governments on the technical aspects of completing this application and transmitting / uploading finished applications. To request assistance or if you have questions about any part of this application or the program in general please contact your Circuit Rider Planner at the Office of State Planning Coordination, (302) 739-3090.



# *Downtown Development Districts*

## **Application for Designation as a District**

### **Section I General Guidelines**

The Downtown Development Districts Act of 2014 (the Act) was enacted by the General Assembly in order to:

- Spur private capital investment in commercial business districts and other neighborhoods;
- Stimulate job growth and improve the commercial vitality of such districts and neighborhoods;
- Help build a stable community of long term residents by improving housing opportunities; and
- Assist local governments in strengthening neighborhoods while harnessing the attraction that vibrant downtowns hold for talented people, innovative small businesses and residents from all walks of life.

Local governments<sup>1</sup> that wish to take advantage of this program must identify a downtown district in their community and apply for designation. To make an application for designation this form must be completed, supporting materials must be attached, and the entire packet submitted to the Office of State Planning Coordination as detailed herein in order for the request to be considered.

<sup>1</sup> Municipalities and counties are eligible to apply for Downtown Development District designation. Throughout this document, the terms “local government” and “applicant” refer to either the municipality or county that is presenting the application.

Completed applications will be considered by the Cabinet Committee on State Planning Issues (the Committee). The Committee will make recommendations to the Governor, who will then designate between one and three Downtown Development Districts in the current program year. Additional Districts may be designated in future program years. The number of Districts is limited to 15 at any one time. District designations last for 10 years, and the Committee can consider up to two five year extensions.

Selection as a Downtown Development District will entitle private construction projects within the identified District to receive grants to offset 20% of their capital construction costs. There are a host of other benefits that will be described in more detail in other materials. Grant funds will be administered by the Delaware State Housing Authority (DSHA).

Applications must be addressed to the Office of State Planning Coordination as follows:

Mrs. Constance C. Holland, AICP  
Director  
Office of State Planning Coordination  
122 Martin Luther King Jr. Blvd, S.  
Dover, DE 19901

**Application Due Date for  
FY15 Cycle:  
November 1, 2014**



# Downtown Development Districts

## Application for Designation as a District

### Section II Specific Requirements

Local governments must identify proposed Downtown Development Districts in accordance with the Act. Districts must include a traditional mixed-use downtown area, commonly known as a Central Business District (CBD)<sup>2</sup>. Districts must be no more than 85 acres in area for jurisdictions with a population under 9,000<sup>3</sup> persons, no more than 170 acres in area for jurisdictions with a population between 9,000 and 30,000 persons, and no more than 225 acres in area for jurisdictions with a population over 30,001 persons. Applicants are encouraged to geographically concentrate the incentives to the greatest extent possible.

The size and shape of the proposed District must make sense from an urban planning and revitalization perspective. The applicant must fully describe the rationale for choosing the boundaries as a part of this application. Guidelines for preparing District boundaries are found elsewhere in this application.

A map of the District is required as a part of this application. Local governments must also supply maps showing the future land use and zoning of the district area, and discuss how the

<sup>2</sup> Central Business District: An area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental, and similar uses intended to serve the community and surrounding areas of the city or town.

<sup>3</sup> Population to be based on the 2010 US Census.

plan and land use regulations support the application for the District.

The Act identifies three components of the application for designation as a District:

- The need and impact of the District designation;
- The quality of the District Plan
- The quality of the local incentives offered

Each of these components will now be described in more detail.

**Need and Impact:** The applicant must describe the need for the economic incentives that will be available in designated District. The need must be documented through the use of relevant data and other methods. The conditions of the local economy, income, poverty, homeownership rates, prevalence of vacant or abandoned buildings and other metrics may be used to make the case that the proposed District is in need of the incentives.

In addition, the applicant must describe the potential positive impacts that are likely to accrue due to designation as a District. Applicants are encouraged to describe the impacts using both data and other methods.

The **Need and Impact** section will account for 50% of the consideration given to scoring each application.

**District Plan –** The local government must present a District Plan that will be used to guide development activities and



# Downtown Development Districts

## Application for Designation as a District

revitalization efforts in the District. The District Plan is to be a detailed description of the overall strategy for the development of a proposed district.

The applicant must demonstrate that the District Plan is consistent with the local government’s certified Comprehensive Plan and the *Strategies for State Policies and Spending* and any other local planning documents or studies that are applicable. Additionally, if other governmental, non-governmental and/or quasi governmental organizations are involved with revitalization efforts in the downtown area they must be identified and it must be demonstrated that coordination of all activities will be part of the District Plan.

The District Plan should clearly and concisely describe the key actions and strategies that are in place and / or will be used to guide growth and revitalization efforts in the proposed District. The overall vision of the plan, the clarity of actions to be taken, and proof of the ability and the will of the municipality or county and other partners to implement the plan will be key considerations when evaluating this section of the application.

Changes to the District Plan must be reviewed by the Committee. District designation may be rescinded if the District Plan is not adhered to.

The quality of the **District Plan** will account for 30% of the consideration given to scoring each application.

**Local Incentives** – The local government must detail a package of local development incentives that will apply within the proposed District. These incentives may include, but are not limited to, a reduction in fees or taxes; regulatory flexibility; permit process and licensing reform; special zoning districts; or exemptions from local ordinances. These incentives may either be currently in place and in use by the municipality or county or they may be proposed for implementation upon designation as a District.

Upon designation as a District the local government is required to implement the incentive package as described and proposed for the duration of the District designation. Grant funds will not be available to projects until the incentive package is adopted by the local government and made available to the project developer. Changes to the incentive package must be approved by the Committee. The District designation may be rescinded by the Committee if these conditions are not adhered to.

The quality of the **Local Incentives** will account for 20% of the consideration given to scoring each application.

### Section III Application Instructions

**Check List** - self-explanatory.

**Information Sheet** - The local government must supply the jurisdiction's name, mailing address, and phone numbers. The applicant must provide the date of the last update of the



## *Downtown Development Districts*

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### **Application for Designation as a District**

comprehensive plan and briefly describe the District being proposed.

**Map of the Proposed District** – The local government must submit a map of the proposed District in sufficient detail to clearly identify the boundaries of the District and calculate its area. Maps should be created with GIS software, and the associated computer files should be made available to aid our review of the proposal. Districts must be contiguous, and be no more than 85 acres in area for local governments with a population under 9,000 persons, no more than 170 acres in area for jurisdictions with a population between 9,000 and 30,000 persons, and no more than 225 acres in area for jurisdictions with a population over 30,001 persons. There are guidelines detailed elsewhere in this application that must be followed when preparing the proposed District boundaries. Applicants must also supply maps showing the future land use and zoning of the district area, and discuss how the plan and land use regulations support the application for the District.

**Summary of Need and Impact** – The local government must complete this form to summarize the need for District designation and the potential positive impact of the district. Supporting documentation should be attached to this form.

**Summary of District Plan** – The local government must complete this form to summarize the District Plan for the proposed District. Copies of the District Plan or Plans must be attached to this

form, along with any relevant supporting documentation.

**Written Documentation from Supporting Organizations** – The local government must supply written documentation from other organizations that will be relied upon to implement the District Plan. The documentation must be attached to the “Summary of District Plan” form.

**Summary of Local Incentives** – The local government must complete this form to summarize the local incentive package to be made available within the District upon designation. The local ordinances (or other regulations or documentation) enabling and governing these incentives must be attached to this form, along with any relevant supporting documentation. In the case of incentives proposed upon designation, the draft ordinances must be attached.

**Legislative Body Resolution** – The local government must attach an adopted resolution from the jurisdiction’s legislative body that indicates the local government’s desire to apply for designation as a District, and the local government’s willingness to adhere to the District Plan and the Local Incentives for the duration of the District designation.



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Application for Designation as a District

# Application Cover Sheet and Check List

Jurisdiction Name:

Clayton

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Date of Application 10/31/2014

Date Received \_\_\_\_\_

### Check List for Application Materials

- Application Cover Sheet and Check List.**
- Information Sheet.**
- Map of the Proposed District (GIS files encouraged).**
- Map of Future Land Use in Proposed District (GIS files encouraged)**
- Map of Zoning in Proposed District (GIS files encouraged)**
- Summary of Need and Impact (with attachments).**
- Summary of District Plan (with attachments).**
- Written Documentation from Supporting Organizations.**
- Summary of Local Incentives (with attachments).**
- Legislative Body Resolution.**



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## Application for Designation as a District

### Information Sheet

Municipality / County: Clayton \_\_\_\_\_

Contact Person for Application	
Name: <u>Jeff Hurlock</u>	
Address: <u>Town of Clayton,</u> <u>P.O. Box 1130</u> <u>414 Main Street, Clayton, DE 19938</u>	
Phone: <u>302-653-8419</u>	
Email: <u>jahurlock@clayton-delaware.com</u>	
	<u>10-31-14</u>
Signature	Date

Proposed District Administrator (if different)	
Name: _____	
Address: _____	
Phone: _____	
Email: _____	
Signature	Date

Date of certified Comprehensive Plan 12/08/2008

Population of the municipality or county (as per 2010 US Census) 2,918

Population of proposed District (based on 2010 US Census Block data) 229

Area of proposed District in acres 24.0 Total Acres; 20.2 Net Acres

Brief description of the proposed Downtown Development District (100 words or less)  
Note: this description will be used as a summary for internal review and in printed materials

<p>Clayton's proposed Downtown Development District (DDD) is the town's central business area. Situated on both sides of Main Street between Bassett Street and Highland Avenue, the proposed District is anchored on the east by Clayton's historic railroad station, and on the west by the town offices and police station. Its 24 acres and 96 properties include the mix of uses typical of a small town center including government and community services, small neighborhood business often with apartments of offices on upper levels, and one-and two-family homes.</p>
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# *Downtown Development Districts*

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## Application for Designation as a District

### Map of the Proposed Downtown Development District

**Instructions:** Prepare a map of the proposed Downtown Development District. The map must clearly show the boundaries of the District. The area of the proposed District, in acres, must be calculated from the boundaries designated on the map. The following guidelines must be adhered to when preparing the boundaries of the proposed District:

- The maximum size of the District is 85 acres for local governments with populations below 9,000, 170 acres for local governments with a population between 9,000 and 30,000, and 225 acres for local governments with populations over 30,001 (population as per the 2010 US Census).
- Districts must be contiguous.
- Districts must include the streets and right-of-ways within it. These count towards the maximum acreage.
- Enclaves within District boundaries are not acceptable.
- Prioritizing, phasing and /or timing of redevelopment activities in different geographic areas of the District is acceptable, and will be considered favorably when it can be demonstrated that this will concentrate the incentives to achieve specific revitalization goals.
- If any portion of the proposed District is in the floodplain, the FEMA floodplain map must be included as a layer on the map. Contact OSPC for technical assistance if needed.

Attach the map of the proposed Downtown Development District

Attach a map showing the future land use in the proposed District from the municipality's or county's certified Comprehensive Plan. Attach a map showing the zoning or land use regulations that apply to lands within the District. Discuss how the plan and land use regulations support the application for the District.

It is encouraged that the map(s) be created using GIS software. If the municipality or county is able to use this software, please submit digital files to our office to supplement the application and aid us in our review. Please contact OSPC if you need assistance and / or to arrange to electronically transfer the files.

District Boundaries Map Attached

GIS data is available and will be electronically transferred to OSPC

Name of person who created the map: Linda Raab, Institute for Public Administration, University of Delaware

Phone 301-881-1997

Email [linda.raab@gmail.com](mailto:linda.raab@gmail.com)



## *Downtown Development Districts*

### Application for Designation as a District

#### **Map of the Proposed Downtown Development District - continued**

Describe the rationale for choosing the boundaries of the proposed District (please limit your response to 750 words or less).

Simply put, the rationale for delineating the boundary of the proposed Downtown Development District is that it is Clayton's center.

It includes the town's central business area and adjacent residential properties. There are several government and community services, including the post office, the town government offices and police station, the volunteer fire department, the senior center, and small local park. Most businesses are small, neighborhood-oriented enterprises located on the street level of mixed-use structures with apartments or offices on the second or third floors.

The residential properties in the proposed District are one- and two-family homes. Most appear to be properly maintained. However, there are a few properties on the south side of Main Street between Roth Alley and the railroad that have fallen into disrepair, have been abandoned, or have substantial building code violations.

The proposed District also includes an area devoted to an industrial use. This area was included to because it currently provides about 25 jobs. The single user is Atlantic Tractor, a company selling John Deere farming, construction, diesel, and a wide varied of heavy equipment.

There is one historic property in the proposed District. Constructed in about 1855, the Clayton Railroad Station is on the National Register of Historic Places. It is an important part of the Town's railroad heritage and a logical component of the proposed District. In the years following its cessation as a rail station, the building has been in private ownership and used for small-scale commercial enterprises. To ensure that the station is maintained as a historic property, the Town holds a right of first refusal to purchase the railroad station should current owners decide to sell the property.

The volume of through traffic on Main Street has increased, but this area is accessible, and on-street parking is available on both sides of Main Street. There are sidewalks on both sides of Main Street, enabling customers to park and walk conveniently to a number of stores and for residents to interact.

Attach a map showing the future land use of the District from the local government's certified Comprehensive Plan.

Map Attached



## *Downtown Development Districts*

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### **Application for Designation as a District**

GIS data is available and will be electronically transferred to OSCP

Attach a map showing the zoning or land use regulations that apply to lands within the District

Map Attached

GIS data is available and will be electronically transferred to OSCP



## *Downtown Development Districts*

### Application for Designation as a District

#### **Map of the Proposed Downtown Development District - continued**

Discuss how the plan and land use regulations support the application for the District (Please limit your response to 750 words or less).

The 1996 Comprehensive Plan stated that:

In order to maintain its small town atmosphere, Clayton must strengthen its town center as a focal point for shopping, socializing, and civic activities. An initial step is to delineate the boundaries of a town center. A second step is to adopt land use regulations that permit — and encourage — the mix of residential and commercial enterprises at a scale that is characteristic of a small town.

Accordingly, the 1996 plan's future land use map identified a new Town Center area. The rationale underlying this new land use was a desire for Clayton to maintain its small town atmosphere by strengthening its town center as a focal point for shopping, socializing, and civic activities. Subsequent comprehensive plans continued the Town Center on future land use maps. Map \_\_\_ shows the future land uses for the proposed District in Clayton's current Comprehensive Plan (adopted 12/08/2008; certified 01/07/2009).

In 1998, Clayton undertook a complete revamping of its Zoning Ordinance. A key component of that update was the creation of the Town Center (TC) Zone to implement the Town Center land use identified in the 1996 comprehensive plan. The intent of the Town Center (TC) Zone is (Clayton Zoning Ordinance, Section 6.4-2.6 at <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>):

1. To preserve and strengthen Clayton's small town atmosphere by encouraging a mix of retail, office, and residential uses consistent with the scale and existing character of the town center.
2. To encourage the economic stability and improvement of the town center.
3. To provide a modification procedure, utilizing site plan review, to alleviate undue hardship relating to parking and other bulk regulations in order to maintain the small town atmosphere of the town center.
4. To emphasize small-scale retail, office, and service uses.
5. To provide for a limited amount of multiple-family dwellings in conjunction with retail, office and service uses, but only on the second and third stories of commercial buildings.
6. To provide for the continuation of single and two family homes typical in town centers.

A wide variety of uses are allowed in the Town Center Zone ranging from single family and duplex homes to offices and retail establishments to community facilities. To encourage a mix of housing and non-residential uses in the town center, the ordinance provides that apartments (multiple-family dwellings) must be located on the second or third stories; they are not allowed



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### **Application for Designation as a District**

at street level.

Each application for change in use and/or building alterations is reviewed the Clayton Planning and Zoning Committee in accordance with Section 6.5-2.9 (Clayton Zoning Ordinance, page 28 at <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>). This section specifies that:

Except for building height, the Planning Commission shall determine the bulk regulations and parking requirements for new, changed or expanded uses in the TC Zone. In making this determination, the Commission shall make the following findings:

- A. That the placement of buildings and structures is compatible with the neighborhood and with existing development in character and scale.
- B. That proposed parking spaces, building coverage, and overall design of the project are sufficient to avoid congestion and will not place unreasonable demand on public facilities.

All properties in the TC Zone are included in the proposed District accounting for 7.35 acres, or 37%, of the proposed District. The remaining areas are industrial (6.4 acres, 32%) and residential (6.2 acres, 31%)..

Are there other special overlays, districts, or areas that intersect the proposed District? Examples of such special areas include historic districts, BID taxing districts, etc. Please describe any of these special areas and how they will interact with the proposed Downtown Development District. Include maps, if applicable. (Please limit your response to 750 words or less).

With the exception of National Historic Register Listing for the Clayton Railroad Station, there are no other special areas within Clayton's proposed Downtown Development District.



## *Downtown Development Districts*

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### **Application for Designation as a District**

### **Summary of Need and Impact 50%**

**Instructions:** Complete this form to document the need for the District designation and its potential to positively impact your community. Attachments of data and other documentation are required. There is no specific page or word limit on the information that can be attached, *however* please be aware that applications that provide clear and concise documentation that is directly related to the need and impact of the District proposal will be scored the highest.

Please describe the **need for** the Downtown Development District designation in your community (please limit your response to 750 words or less).

Although Clayton's population more than doubled from 1,273 to 2,918 persons between 2000 and 2010, the central business District has changed little. However, there is reason to believe that this area might be on the verge of a focus on improvements. Since 2010, 24 of the 96 properties in the proposed District have changed hands. New businesses have either opened their doors or replaced businesses that have left the Town. There are still a few vacant structures in the proposed District. The financial incentives of District designation might be just what is needed for these property owners to improve their buildings and open businesses that can bring jobs and encourage shopping and socializing in Clayton's downtown as well as an opportunity for the rehabilitation of structures that have fallen into disrepair and the continued maintenance of properties that are currently in good condition.



# *Downtown Development Districts*

## Application for Designation as a District

### Summary of Need and Impact – continued 50%

Attach relevant data to that demonstrates and documents the **need for** the Downtown Development District designation.

The following table summarizes the **required** data from the US Census. Input the data into the summary spreadsheet provided, and attach any other written documentation that can summarize the data. Contact OSPC for assistance with the Census data, if needed.

Required Data from the US Census

<b>The municipality or county as a whole</b>			
Median Income	Poverty Rate	Age of Structures	% Homeownership
% Rental	Vacancy	Median Home Value	
<b>The Census Tract(s) that contains the proposed District</b>			
Median Income	Poverty Rate	Age of Structures	% Homeownership
% Rental	Vacancy	Median Home Value	% Low / Mod Income
<b>The Census Block(s) that most closely correspond to the proposed District</b>			
Total Population	% Homeownership	% Vacancy	

Summary spreadsheet and other documentation attached

Please provide any other data that support the municipality’s application for the District. The following table contains some **suggested** data sources that can serve to supplement the required data. Please attach any that apply, and any other data that is relevant. Cite the source for each dataset.

Suggested Data from a Variety of Sources

Blight	Condemned Properties	Code Violations
Crime Statistics	Economic Analysis	CDBG Program Statistics
Market Studies	Redevelopment Authority Activities	Public Works Projects
Education Data	Infrastructure Condition or Need	Other

Additional data and documentation attached



## *Downtown Development Districts*

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### Application for Designation as a District

### Summary of Need and Impact – continued 50%

Describe how the attached data demonstrates the **need for the** Downtown Development District designation in your community (please limit your response to 750 words or less).

Map 6 shows Clayton’s location and the Census tracts and blocks in the Clayton vicinity. Table 2 provides population, income, and housing data for Census Tract 402.01, the Town of Clayton, and the census blocks included in the proposed Downtown Development District.

Table 3 summarizes population and housing data for the District’s census blocks. Map 7 shows the boundary of Clayton’s proposed Downtown Development District and the census blocks included in the proposed District. It includes Blocks 1036, 1037, 1039, 1068, 1069, and 1070 in their entireties and a portion of Block 1067.

Since no income or housing value data at the census block level is available, this Plan is not able to compare incomes or housing values in the proposed District with those of the Town as a whole or Census tract 401. A comparison of household incomes and home values indicates that the Town of Clayton as a whole is better off than Census Tract 402.01. Median household income is almost \$20,000 higher than that of the census tract. The percentage of low and moderate income households is higher in the census tract than in Clayton as is the median home value.

Clayton has a slightly higher percentage of housing built before 1949 than Census Tract 402.01. However, regarding home ownership, the proposed generally District falls behind. The percentage of owner-occupied homes in each block of the proposed District ranges from 33.3% in Block 1036 to 63.2% in Block 1067—in all cases lower than the 79.4% home ownership rate for the Town and the 66.3% rate of home ownership in Census Tract 402.01. A likely reason for this is that there are a number of 2-family homes and apartments above commercial uses.

The vacancy rate for the proposed District is 7.4%—higher than the Town, but lower than Census Tract 402.01. Within the proposed District, vacancies range from 3.8% in Block 1069 to 25% in Blocks 1039 and 1070.

Describe the potential positive impacts of the proposed Downtown Development District designation in your community. Impacts can include economic, social and / or cultural impacts among others. Attach



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### **Application for Designation as a District**

supporting documentation if applicable (please limit your response to 750 words or less).

It is hoped that District designation will breathe new life into Clayton's downtown. As pointed out earlier the area within the proposed District boundary has changed little over the last 20 years. District designation is anticipated to give the area a "jump start" towards becoming a place of civic pride where people want to go.

It is also hoped that District designation will increase property values and prompt property owners who have postponed overdue improvements to undertake them. Finally, it is hoped that District designation will create jobs.



# *Downtown Development Districts*

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## Application for Designation as a District

### Summary of District Plan 30%

**Instructions:** through this application the municipality or county will be presenting the District Plan that will guide future revitalization, growth and development activities in the District. Upon designation, the local government will be required to adhere to the District Plan in order to qualify for grants and other incentives. Attach the District Plan, and summarize the content, goals, and objectives in the space provided.

The District Plan Checklist is provided as a separate document. The proposed District Plan must be prepared in accordance with the Checklist.

Attach the District Plan.

District Plan Attached.

Summarize the content, goals and objectives of the District Plan. (please limit your response to 750 words or less).

Goals

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.
3. Maintain existing housing stock.
4. Encourage property owners to undertake improvements that may have been postponed.
5. Encourage new business to come to Clayton's town center.
6. Keep existing business in Clayton.



## *Downtown Development Districts*

### Application for Designation as a District

### Summary of District Plan – continued

### 30%

Please summarize how the local government envisions itself in a leadership role to guide the successful implementation of the District Plan (please limit your response to 750 words or less).

The limited time frame for preparing the District application did not allow sufficient time to consider mechanisms or formation of committees. The Town Foreman has been designated as District Administrator. Should Clayton receive District designation, the Town Council may consider formation of a group to promote the District and follow the progress of redevelopment projects.

List key implementation strategies for the District Plan. Please also list any known projects or proposals that can be underway within six to twelve months of District designation. Key Priority Projects<sup>4</sup> should be identified, if applicable. See the Checklist for more details (please limit your response to 750 words or less).

#### FLEXIBLE ZONING

A fundamental action in implementing this District plan is Clayton's Town Center Zone. Adopted in 1998, this zone allows the wide variety of uses and provides flexible bulk standards. This streamlines the land use and zoning review process in two ways:

1. Except for height, there are no minimum bulk standards (setbacks, building coverage, lot size, off-street parking).
2. The Planning & Zoning Committee only is responsible for approving each application in the Town Center. A typical application requires a single meeting, and generally a completed application can be scheduled in as little as two weeks.

#### PRIORITY PROJECT 1. MIXED-USE - 305 MAIN STREET

The first priority project is located in the heart of Clayton's proposed Downtown Development District at the northeast corner of Clayton Avenue and Main Street. It has approximately 250 feet of frontage on Main Street and extends approximately 220 feet along Clayton Avenue. It consists of 5 parcels totaling almost 40,000 square feet. There are six structures on the site totaling about 13,000 square feet. The structures are connected to one another and clustered

<sup>4</sup> Key Priority Projects are specific projects identified in the District Plan that are considered to be potential catalysts for other redevelopment activity and / or contribute to superior urban design or other benefits to the District.



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### **Application for Designation as a District**

along the corner of Clayton Avenue and Main Street.

Over the years, the structures have fallen into disrepair. In 2013, the entire site was sold to Main Street Clayton, LLC. Currently, the structures are used for a contractor's office, a data storage consulting business, and a small office for the current property owner. The current owner plans to rehabilitate the property. The first phase of the renovation schedule calls for converting the lower level of the building to a restaurant and small food market. Phase 1 will also include improvements to the exterior of at least the first floor along Main Street. The second phase will focus on the second level which will be converted to either apartments or additional commercial and office.

If/when completed, this project would contribute towards achievement of the following goals:

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.
5. Encourage new business to come to Clayton's town center.

#### **PRIORITY PROJECT 2. HOUSING REHABILITATION - 300 SMYRNA AVENUE**

Clayton's second priority project is located at 300 Smyrna Avenue. A single-family home that is empty and fallen into disrepair is on the property. In early 2014, this property was sold, and the current owner intends to rehabilitate the home. The property is about 2,186 square feet, and the structure has approximately 1,000 square feet.

If/when completed, this project would contribute towards achievement of the following goals:

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.



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### Application for Designation as a District

### **Summary of District Plan – continued**

### **30%**

List any other governmental, quasi-governmental or non-governmental organizations that will be involved in the creation and / or implementation of the District Plan. A Main Street organization would be an example of such an organization. For each organization, describe how the local government will coordinate their activities to encourage revitalization and economic development in the District.

There are no formal business organizations in Clayton. However, several people involved in the business area of the proposed district attended the Town Council's October 13 meeting. These included property owners as well as employees of businesses in downtown Clayton. A number of these attendees spoke in favor of applying for District designation and expressed interest in being involved should Clayton receive District designation. Two letters of support for District designation are included in Appendix B of the supporting documentation.

Attach written documentation (in the form of letters of agreement, memorandums of understanding, board resolutions etc) from each of the above listed organizations indicating support for this application to be designated as a Downtown Development District and identifying a willingness to coordinate with the municipal government to implement the District Plan.

Written documentation attached from all other organizations



## *Downtown Development Districts*

---

### Application for Designation as a District

### Summary of District Plan – continued 30%

Describe any actions your local government has taken to ensure energy efficient and environmentally sensitive development, and to prepare for flooding and sea level rise, if applicable. How will these efforts be implemented in the proposed District? (please limit your response to 750 words or less).

Clayton’s proposed DDD is not in Source Water Protection Areas (Wellhead Protections and Excellent Groundwater Recharge Areas). In addition, there are no wetlands or floodplains within the proposed District boundaries. Although the proposed District is not within any of these environmentally sensitive areas, the Town recently adopted new flood-prevention regulations on April 14, 2014 and is working with the Delaware Department of Natural Resources and Environmental Control to develop source water protection area standards in conjunction with a comprehensive plan amendment.

In addition, the Town is participating in a project with the Delaware Municipal Electric Corporation (DEMAC) in a project to install LED lights. The Town is also investigating using funds from the Green Energy Program to install solar panels on public and semi-public buildings.

Describe how the District Plan is consistent with your certified Comprehensive Plan and the *Strategies for State Policies and Spending* (please limit your response to 750 words or less).

<http://stateplanning.delaware.gov/strategies/>

The proposed District is almost entirely in State Strategies Investment Level 1. The only property not in Level 1 is a small local park which is designated “Out of Play” indicating that is not available for development or redevelopment.



# *Downtown Development Districts*

## Application for Designation as a District

### Summary of Local Incentives 20%

**Instructions:** The municipality or county must complete this form to summarize the local incentive package to be made available within the District upon designation. The local ordinances (or other regulations or documentation) enabling and governing these incentives must be attached to this form, along with any relevant supporting documentation. In the case of incentives proposed upon designation, the draft ordinances must be attached.

Attach the Local Incentives. The following table includes **suggested** local incentives. Please attach any that are relevant, and others that have not been listed.

Suggested Local Incentives

Fee or Tax Reductions	Regulatory Flexibility	Permit or Licensing Reform
Special Zoning Districts	Exemptions from Local Ordinances	Streamlined Permitting
Other		

Written documentation attached for all Local Incentives

List the Local Incentives that are already in place. Please detail the geographic extent of each incentive (i.e. is the incentive available throughout the entire jurisdiction, or only in certain geographic areas?)

Local Incentive	In effect since (approx.)	Geographic area covered
Flexible Town Center Zoning	1998	Area of proposed District that is zoned Town Center (TC)
Planning & Zoning Committee Review of completed applications within 2-3 weeks	At least 1998	Entire town
Review of completed applications for building permits within 2 weeks		Entire town



## *Downtown Development Districts*

---

### **Application for Designation as a District**




# *Downtown Development Districts*

## Application for Designation as a District

### Summary of Local Incentives - continued 20%

List any of the existing Local Incentives that will be modified to have specific benefits to properties in the proposed District.

Local Incentive	How modified?	Geographic area covered
		DDD Only

List the Local Incentives that are new and will be available only in the proposed District.

Local Incentive	Date enacted (or proposed date of adoption)	Geographic area covered
		DDD Only





## *Downtown Development Districts*

---

Application for Designation as a District

### **Summary of Local Incentives - continued 20%**

Summarize the package of Local Incentives, and describe how these incentives will work in concert with the Downtown Development District benefits to encourage revitalization and economic development in your proposed District (please limit your response to 750 words or less).

The Town believes that the most significant incentive for redevelopment in the proposed District is the flexible zoning for the town center portion of the proposed District.



## *Downtown Development Districts*

---

### Application for Designation as a District

### **Legislative Body Resolution**

**Instructions:** Attach a resolution that has been adopted by the legislative body of your municipality or county. The resolution must affirmatively indicate that the legislative body supports the application for designation as a Downtown Development District and is willing to adhere to the District Plan and the Local Incentives for the duration of the District designation.

Date of Resolution 10/13/2014

Resolution Number No number

Resolution Attached.

**A RESOLUTION BY THE CLAYTON TOWN COUNCIL AUTHORIZING THE SUBMISSION OF  
AN APPLICATION FOR DESIGNATION AS A DOWNTOWN DEVELOPMENT DISTRICT**

---

WHEREAS, under the Downtown Development Districts Act, 22 Del.C. §§ 1901 et seq. (the "Act"), the State of Delaware may designate districts within Delaware's cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

WHEREAS, these districts are known as Downtown Development Districts ("Districts"); and

WHEREAS, the State is accepting applications for the designation of the initial round of Districts, with such applications being due on November 1, 2014; and

WHEREAS, under the Act, each applicant must submit a plan that includes the boundaries of, and a detailed planning and development strategy for, the proposed District (the "District Plan"); and

WHEREAS, under the Act, each applicant must also propose incentives that address local economic and community conditions, and that will help achieve the purposes set forth in the Act (the "Local Incentives in Place and the New Local Incentives"); and

WHEREAS, if an application is successful and the Town of Clayton receives District designation, the District Plan, which the exception of the "New Local Incentives" shall be binding upon the applicant; and

WHEREAS, if an application is successful and the Town of Clayton receives District designation, the New Local Incentives, on page 2 of the Supporting Documentation, shall be considered by the Town on a case-by-case basis; and

WHEREAS, the Local Incentives In Place and New Local Incentives associated with designation as a Downtown Development District would greatly benefit current and future residents, businesses, non-profit organizations, and others within the Town of Clayton; and

WHEREAS, the Clayton Town Council strongly believes that it is in the best interest of the Town of Clayton to apply for District designation.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Clayton Town Council supports the Application for Designation as a Downtown Development District prepared by the Institute for Public Administration, University of Delaware and dated November 1, 2014 (the "Application"); and
2. The Town of Clayton appoints the Town Foreman to file the Application on behalf of the Town of Clayton, and to provide such other documents and information as may be necessary or desirable in connection with the Application; and
3. If the Application is successful and the Town of Clayton receives notice that it has been selected for designation as a District:
  - a. The Town of Clayton shall adhere to the District Plan and the Local Incentives contained in the Application for the duration of the District designation; and
  - b. The Administrator, or his or her designee(s), is authorized to execute such documents and enter into such agreements as may be necessary or desirable in connection with the Downtown Development Districts program and the rights and obligations of the Town of Clayton thereunder; and
  - c. The Administrator, or his or her designee(s), is authorized to carry out all District administrative and reporting requirements on behalf of the Town of Clayton for the duration of the District.

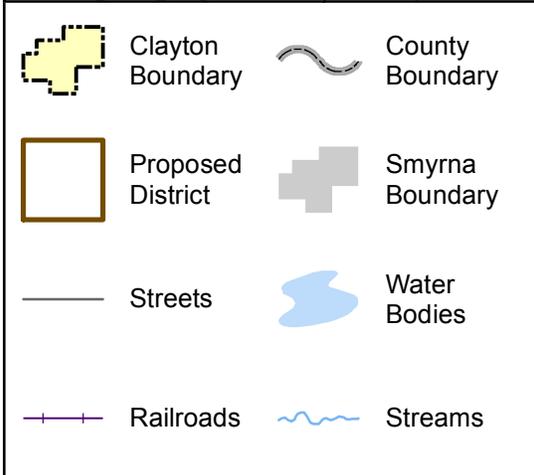
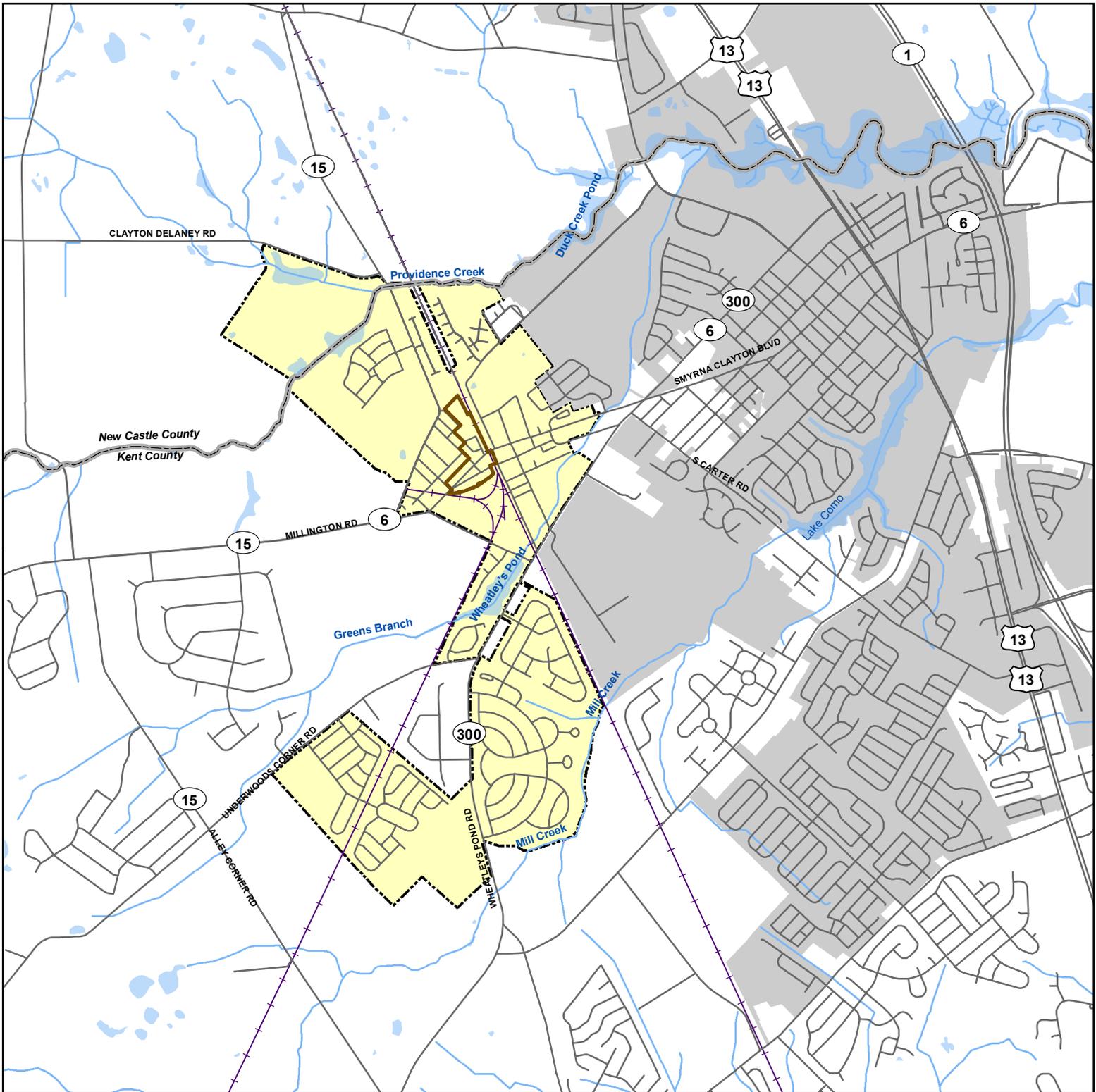
RESOLVED this 13th day of October, 2014.

By



Thomas E. Horn, Jr., Mayor and Council President  
Town of Clayton  
Kent County & New Castle County, Delaware

ADOPTED 10/13/2014





**CLAYTON**  
Downtown  
Development  
District

**MAP 1**  
**Clayton Vicinity**

Map Prepared: 10/31/2014



0 500,000 2,000 3,000 4,000 Feet

**Sources**

**Aerial Photography** - "Orthos 2013," Delaware Environmental & Analysis Center (DEMAC), [www.maps.udel.edu](http://www.maps.udel.edu).

**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.

**Kent County Streets** - Department of Planning Services, 05/21/2014.

**New Castle County Streets** - Information Services, 05/30/2014.

**Water Bodies & Streams** - National Hydrography Dataset-Delaware, downloaded from the Delaware DataMil 07/24/2010.

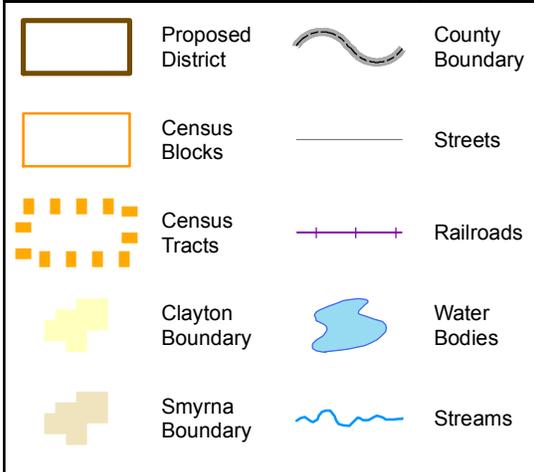
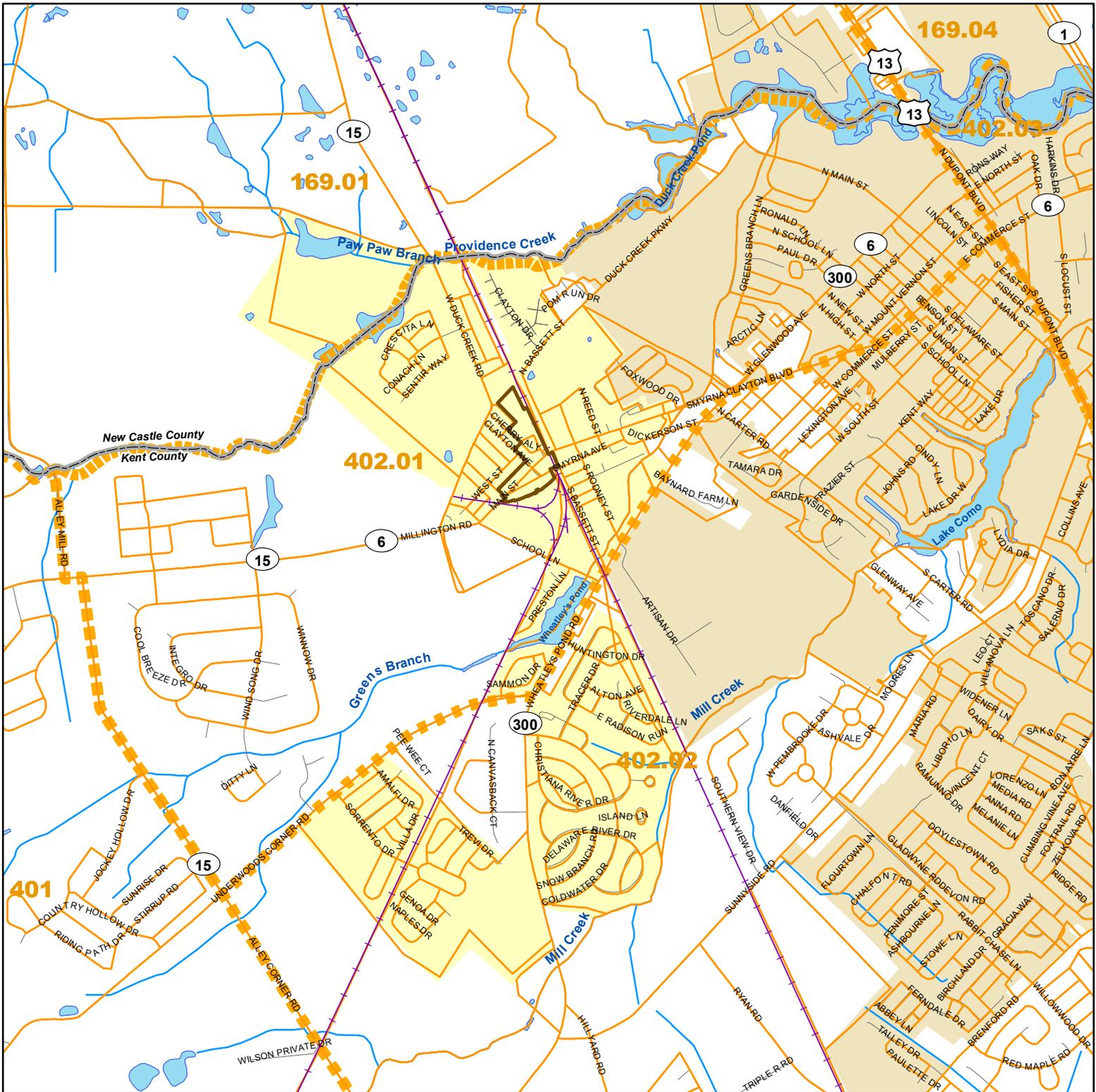
**Note**

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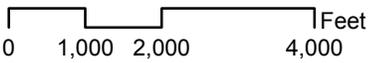


**CLAYTON**  
Downtown  
Development  
District

**MAP 3**  
**District Location**  
**Census Geographies**

Map Prepared: 10/31/2014



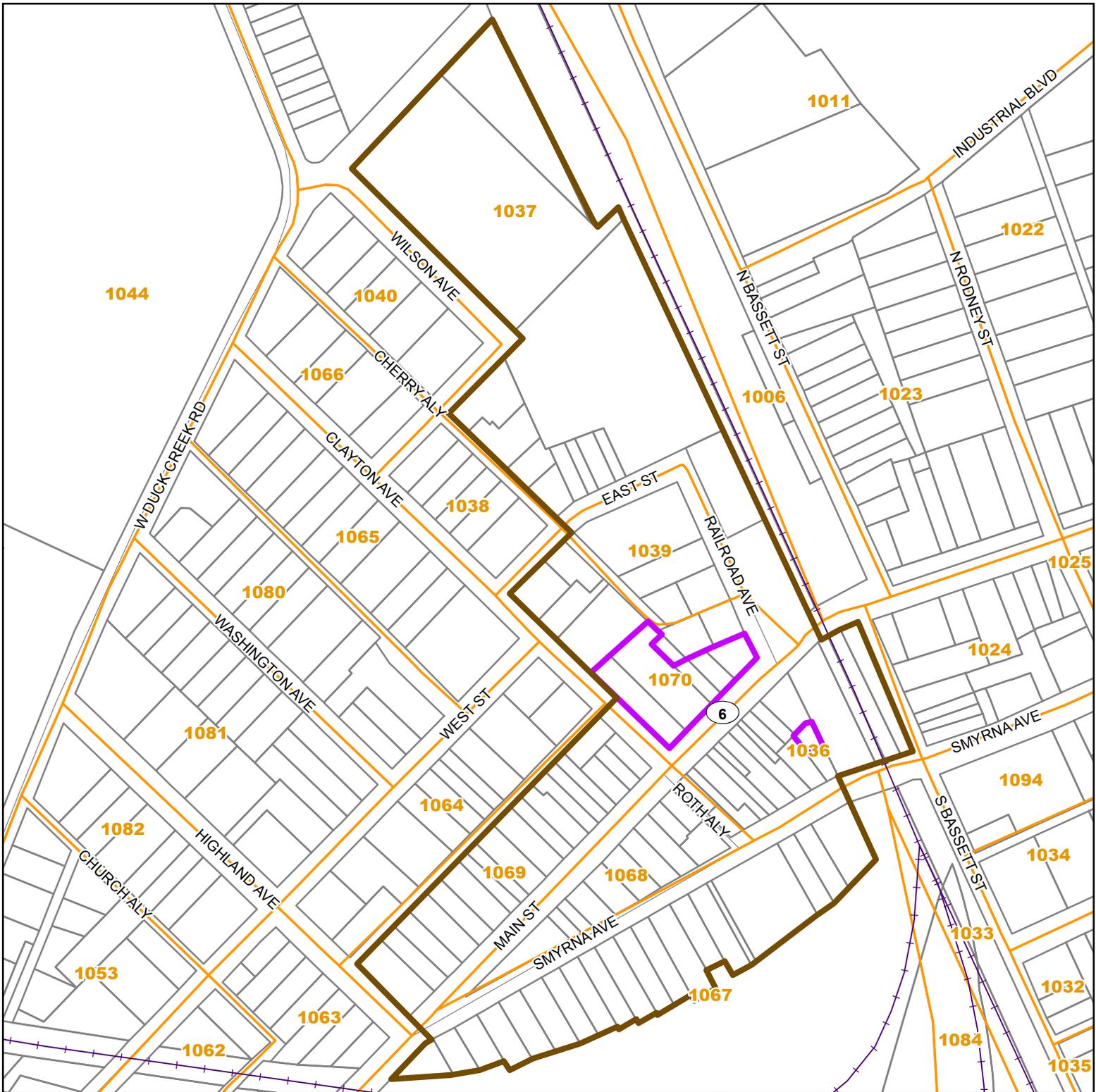


**Sources**  
**Tract & Block Boundaries** - Census TIGER Line Files.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Streets** - Department of Planning Services, 05/21/2014.  
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**District & Blocks**

-  Census Blocks
-  Proposed District
-  Priority Projects

**Base Map Data**

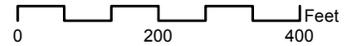
-  Parcel Boundaries
-  Streets
-  Railroads



**CLAYTON**  
Downtown  
Development  
District

**MAP 4**  
**Census Blocks &  
District Boundary**

Map Prepared: 10/31/2014



**Sources**

**Tract & Block Boundaries** - Census TIGER Line Files.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Parcel Boundaries & Streets** - Department of Planning Services, 05/21/2014 & 10/03/2014.

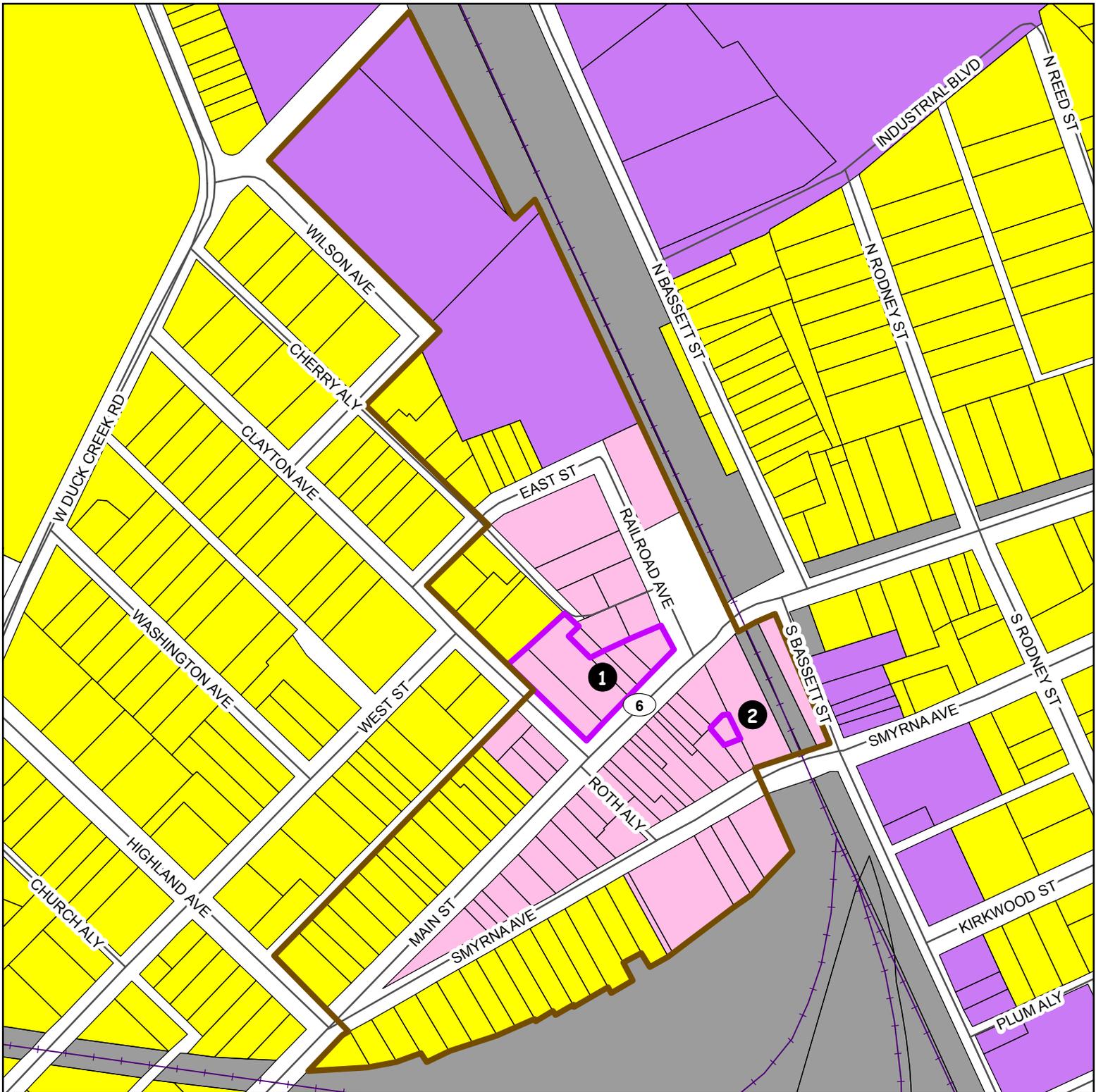
**Note**

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**Proposed District**



**Priority Projects**



- 1** Mixed-Use
- 2** Housing Rehab

**Future Land Use**

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



**CLAYTON**  
Downtown  
Development  
District

**MAP 6**  
**Future Land Use 2008**

Map Prepared: 10/31/2014

**Base Map Data**

- Parcel Boundaries
- Streets
- Railroads



0 100 200 400 Feet

**Sources**

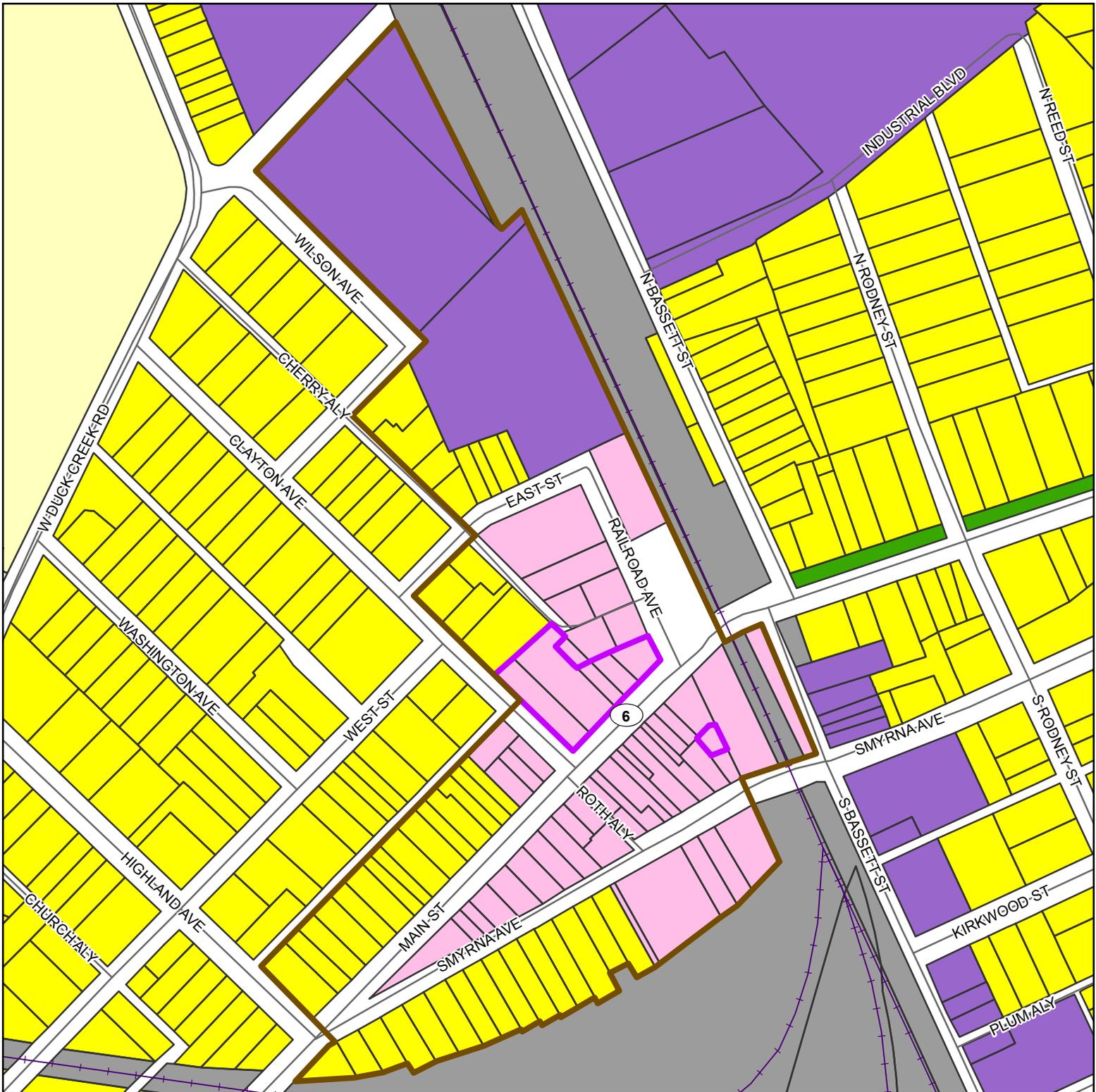
Land Use Designations - 2008 Comprehensive Plan, adopted 12/08/2008, certified 01/07/2009.  
Kent County Parcel Boundaries & Streets - Department of Planning Services, 05/21/2014 & 10/03/2014.

**Note**

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



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**Proposed District**



**Priority Projects**



**Zoning Districts**

- OS, Open Space
- RS, Residential Suburban
- R, One-Family & Townhouse
- R1, Multiple-Family
- RMH, Manufactured Housing

- TC, Town Center
- C2, General Commercial
- I, Industrial
- RR, Railroad



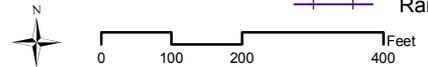
**CLAYTON**  
Downtown  
Development  
District

**MAP 7**  
Existing Zoning

Map Prepared: 10/31/2014

**Base Map Data**

- Parcel Boundaries
- Streets
- Railroads



**Sources**

**Zoning Districts** - Clayton Comprehensive Rezoning 12/12/2011.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Parcel Boundaries & Streets** - Department of Planning Services, 05/21/2014 & 10/03/2014.

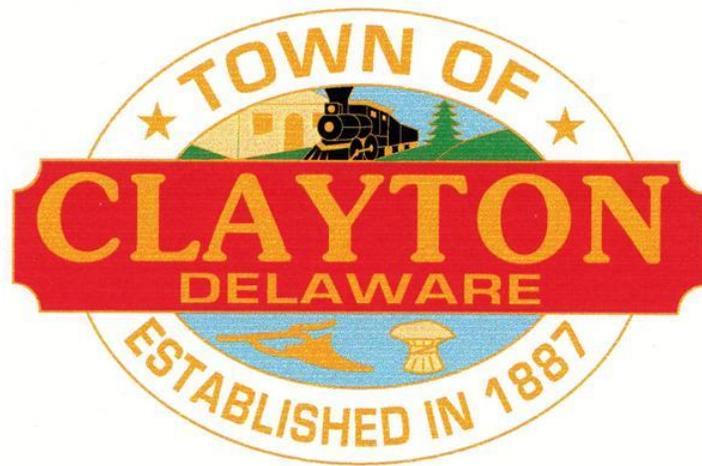
**Note**

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# **TOWN OF CLAYTON**

## **Downtown Development District**



### ***Supporting Documentation***

**October 31, 2014**

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**A RESOLUTION BY THE CLAYTON TOWN COUNCIL AUTHORIZING THE SUBMISSION OF  
AN APPLICATION FOR DESIGNATION AS A DOWNTOWN DEVELOPMENT DISTRICT**

---

WHEREAS, under the Downtown Development Districts Act, 22 Del.C. §§ 1901 et seq. (the "Act"), the State of Delaware may designate districts within Delaware's cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

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3. If the Application is successful and the Town of Clayton receives notice that it has been selected for designation as a District:
  - a. The Town of Clayton shall adhere to the District Plan and the Local Incentives contained in the Application for the duration of the District designation; and
  - b. The Administrator, or his or her designee(s), is authorized to execute such documents and enter into such agreements as may be necessary or desirable in connection with the Downtown Development Districts program and the rights and obligations of the Town of Clayton thereunder; and
  - c. The Administrator, or his or her designee(s), is authorized to carry out all District administrative and reporting requirements on behalf of the Town of Clayton for the duration of the District.

RESOLVED this 13th day of October, 2014.

By



Thomas E. Horn, Jr., Mayor and Council President  
Town of Clayton  
Kent County & New Castle County, Delaware

ADOPTED 10/13/2014

## District Description

Map 1 provides a regional view of the Clayton vicinity and the boundaries of a proposed Downtown Development District. Most of Clayton is in Kent County, but approximately 127 acres are in New Castle County. The Town is situated about two miles west of the intersection of U.S. Route 13 and State Road (SR) 6. Clayton's eastern boundary adjoins the western boundary of the Town of Smyrna. The areas to the west and south of Clayton's corporate limits are mostly a mix of farms, large-lot subdivisions, and a food-processing plant.

Maps 2 gives a closer look at Clayton's proposed District. It shows current land uses and community facilities in and around the District and identifies two priority projects.

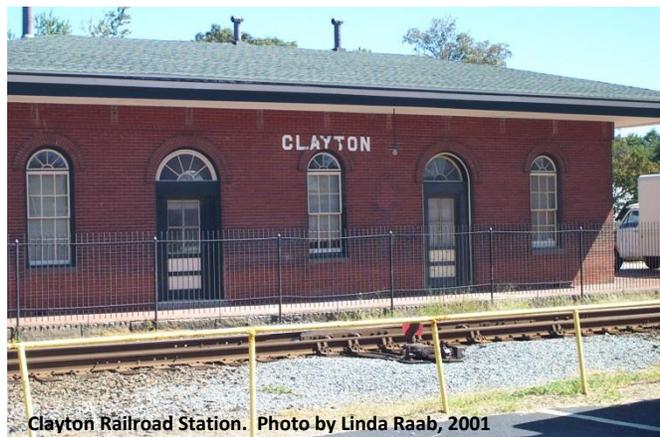
Simply put, the rationale for delineating the boundary of the proposed Downtown Development District is that it is Clayton's center. It includes the Town's central business area and adjacent residential properties. Situated on both sides of Main Street between Bassett Street and Highland Avenue, the proposed District is anchored on the east by Clayton's historic railroad station, and on the west by the Town offices and police station. It consists of 24 acres and 96 properties.

The proposed District includes the mix of uses typical of a small town center. There are several government and community services, including the post office, the town government offices and police station, the volunteer fire department, the senior center, and small local park. Most businesses are small, neighborhood-oriented enterprises located on the street level of mixed-use structures with apartments or offices on the second or third floors.

The residential properties in the proposed District are one- and two-family homes. Most appear to be properly maintained. However, there are a few properties on the south side of Main Street between Roth Alley and the railroad that have fallen into disrepair, have been abandoned, or have substantial building code violations.

The proposed District also includes an area devoted to an industrial use. This area was included to because it currently provides about 25 jobs. The single user is Atlantic Tractor, a company selling John Deere farming, construction, diesel, and a wide varied of heavy equipment.

There is one historic property in the proposed District. Constructed in about 1855, the Clayton Railroad Station is on the National Register of Historic Places. It is an important part of the Town's railroad heritage and a logical component of the proposed District. Since the end of passenger service, the building has been in private ownership and used for small-scale commercial enterprises. To ensure that the station is maintained as a historic property, the Town holds a right of first refusal to purchase the railroad station should current owners decide to sell the property.



Another factor in the delineation of the boundaries of the proposed District is that many community-wide activities take place particularly those sponsored by the Clayton Fire Department. These include a town yard sale, Toys for Tots, teen dances, and a Christmas parade.

The volume of through traffic on Main Street has increased, but this area is accessible, and on-street parking is available on both sides of Main Street. There are sidewalks on both sides of Main Street, enabling customers to park and walk conveniently to a number of stores and for residents to interact.

Although Clayton's population more than doubled from 1,273 to 2,918 persons between 2000 and 2010, the central business District has changed little. However, there is reason to believe that this area might be on the verge of improvement. Since 2010, 24 of the 96 properties in the proposed District have changed hands. New businesses have either opened their doors or replaced businesses that have left the Town. There are still a few vacant structures in the proposed District. The financial incentives of District designation might be just what is needed for these property owners to improve their buildings and open businesses that can bring jobs and encourage shopping and socializing in Clayton's downtown as well as an opportunity for the rehabilitation of structures that have fallen into disrepair and the continued maintenance of properties that are currently in good condition.

### **Clayton Town Center Vision**

The photo on the next page provides one example of the type of development envisioned in for Clayton's town center in the 2008 Comprehensive Plan (pages 29-31) and this District plan. The buildings in the photo are located on the south side of Main Street between 310 and 314. There is a 2-family home at 310 Main Street. The 2-story structure with the white fence at 312 Main Street is a commercial building for an insurance agency on the first floor and storage on the second floor.

A 3-story, mixed-use building is at 314 Main Street is an example of an adaptive reuse having once housed the town offices before relocation to 414 Main Street. The site was purchased by the current owners in 2007. The first floor was converted from offices to a restaurant, and the exterior façade was renovated. A commercial establishment, "The Young Bean" coffee shop ([www.theyoungbean.com/](http://www.theyoungbean.com/)), is on the street level. There is an apartment and office space on the upper levels. The store is open for breakfast and lunch every day, and features live music performances on Friday evenings.



The photo below provides a second example of the type of housing found in the residential portion of the proposed District. These homes are located on the north side of Main Street opposite the town offices and police station. There is a 2-family home at 421 and 423 Main Street and a single family home at 425 Main Street. As the photo shows, these homes are in good condition, but their location across the street from the town offices makes them logical inclusions in Clayton's proposed District.



## Need for District

Map 3 shows Clayton's location and the Census tracts and blocks in the Clayton vicinity. Table 1 provides population, income, and housing data for Census Tract 402.01, the Town of Clayton, and the census blocks included in the proposed Downtown Development District.

Table 2 summarizes population and housing data for the District's census blocks. Map 4 shows the boundary of Clayton's proposed Downtown Development District and the census blocks included in the proposed District. It includes Blocks 1036, 1037, 1039, 1067, 1068, 1069, and 1070 in their entireties and a portion of Block 1067.

**Table 1. Tract, Town, and Summary-Block Data**

Item	Tract 402.01		Town		Blocks		Source
	Number	Percent	Number	Percent	Number	Percent	
Population	5,041		2,918		229		A
Median Household Income	\$49,288		\$68,452				C
% Low/Moderate Income		39.4%		31.2%			B
Poverty Rate		10.2%		4.5%			C
Median Home Value	\$203,000		\$212,500				C
Housing Built 1949 or earlier	323	16.0%	178	16.9%			C
Occupied Housing Units							
Owner-Occupied	1,341	66.3%	838	79.4%	46	48.9%	A
Renter-Occupied	508	25.1%	154	14.6%	41	43.6%	A
Total Occupied	1,849	91.4%	992	93.9%	87	92.6%	
Vacant	174	8.6%	64	6.1%	7	7.4%	A
Total Housing Units	2,023	100.0%	1,056	100.0%	94	100.0%	A

### Sources

- A. U.S. Census Bureau, 2010 Census, block data from Table 2.
- B. FY 2014 LMISD (Low and Moderate Income Summary Data) National Data Set, based on 2006-2010 American Community Survey, <https://www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-national/>
- C. U.S. Census Bureau, 2008-2012 American Community Survey, 5-Year Estimate.

**Table 2. Block Data, Clayton Downtown Development District**

Item/Block	1036		1037		1039		1067		1068		1069		1070		Total	
	Num	%	Num	%												
Population	28		56		5		53		22		59		6		229	
Occupied Housing Units																
Owner-Occupied	4	33.3%	11	50.0%	-	0.0%	12	63.2%	4	57.1%	13	50.0%	2	50.0%	46	48.9%
Renter-Occupied	7	58.3%	10	45.5%	3	75.0%	6	31.6%	2	28.6%	12	46.2%	1	25.0%	41	43.6%
Total Occupied	11	91.7%	21	95.5%	3	75.0%	18	94.7%	6	85.7%	25	96.2%	3	75.0%	87	92.6%
Vacant Housing	1	8.3%	1	4.5%	1	25.0%	1	5.3%	1	14.3%	1	3.8%	1	25.0%	7	7.4%
Total Housing Units	12	100.0%	22	100.0%	4	100.0%	19	100.0%	7	100.0%	26	100.0%	4	100.0%	94	100.0%

**Source:** U.S. Census Bureau, 2010 Census.

Since no income or housing value data at the census block level is available, this Plan is not able to compare incomes or housing values in the proposed District with those of the Town as a whole or Census tract 401. A comparison of household incomes and home values indicates that the Town of Clayton as a whole is better off than Census Tract 402.01. Median household income is almost \$20,000 higher than that of the census tract. The percentage of low and moderate income households is higher in the census tract than in Clayton as is the median home value.

Clayton has a slightly higher percentage of housing built before 1949 than Census Tract 402.01. However, regarding home ownership, the proposed generally District falls behind. The percentage of owner-occupied homes in each block of the proposed District ranges from 33.3% in Block 1036 to 63.2% in Block 1067—in all cases lower than the 79.4% home ownership rate for the Town and the 66.3% rate of home ownership in Census Tract 402.01. A likely reason for this is that there are a number of 2-family homes and apartments above commercial uses.

The vacancy rate for the proposed District is 7.4%. It is higher than that of the Town, but lower than that of Census Tract 402.01. Within the proposed District, vacancies range from 3.8% in Block 1069 to 25% in Blocks 1039 and 1070.

On October 3, 2014, a land use survey was conducted in the proposed District. A visual inspection of each structure indicated that the greatest need for both commercial and housing is in Block 1036. There are two unoccupied homes that need substantial repairs. One of these properties, located at 301 Smyrna Avenue, was purchased by Delaware Habitat for Humanity in May 2014. The other, located at 300 Smyrna Avenue, also purchased in May 2014, has been designated a priority project.

In addition to the two residential properties in Block 1036, two unoccupied commercial properties were identified as appearing to need substantial redevelopment. At this time, it is not known whether their owners anticipate redeveloping or making improvements to them. However, it is hoped that the financial incentive from designation as a Downtown Development District will encourage these property owners to move forward.

## **Redevelopment Strategy**

### **Goals**

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.
3. Maintain existing housing stock.
4. Encourage property owners to undertake improvements that may have been postponed.
5. Encourage new business to come to Clayton's town center.
6. Keep existing business in Clayton.

### **Key Action 1—Town Center Zoning**

A fundamental action in implementing this District plan is Clayton's Town Center Zone. Adopted in 1998, this zone allows the wide variety of uses and provides flexible bulk standards. This streamlines the land use and zoning review process in two ways:

1. Except for height, there are no minimum bulk standards (setbacks, building coverage, lot size, off-street parking).
2. The Planning & Zoning Committee only is responsible for approving each application in the Town Center. A typical application requires a single meeting, and generally a completed application can be scheduled in as little as two weeks.

## Key Action 2—Priority Projects

Map 2 identifies two projects whose owners are in the early stages of preparing redevelopment plans, and it is anticipated that, at this writing, both could be underway within 6-12 months following District designation. This first is a mixed use project for a large structure in the heart of Clayton’s downtown. The second is a housing rehabilitation effort in in Block 1036 which was identified earlier as perhaps the block with the greatest need.

Both properties are in Clayton’s Town Center Zone. The flexible zoning standards in this zone will serve these properties owners well. Since there are no minimum lot sizes, building coverage restrictions, setbacks, or off-street parking requirements, the owners of these properties do not need any zoning variances, thus saving time and money that can be allotted to rehabilitation efforts. They need only have the Planning and Zoning Committee review their applications to ensure that their proposals are compatible with the character and scale of existing development.

### ***Priority Project 1. Mixed Use—305 Main Street***

The first priority project is located in the heart of Clayton’s proposed Downtown Development District at the northeast corner of Clayton Avenue and Main Street. It has approximately 250 feet of frontage on Main Street and extends approximately 220 feet along Clayton Avenue. It consists of 5 parcels totaling almost 40,000 square feet. There are six structures on the site totaling about 13,000 square feet. The structures are connected to one another and clustered along the corner of Clayton Avenue and Main Street.

In 2002 when the photo below was taken, the site was Clements Supply. Later it was used as Atlantic Tractor’s retail store. Atlantic Tractor sells new and used John Deere equipment to business and retail customers in Delaware, Maryland, and Pennsylvania. In 2012, Atlantic Tractor consolidated its operations on the industrial parcels north of East Street.



In 2013, the entire site was sold to Main Street Clayton, LLC. As the photo below, taken on October 3, 2014, shows, the buildings have fallen into disrepair. Currently, the structures are used for a contractor’s office, a data storage consulting business, and a small office for the current property owner. The current owner plans to rehabilitate the property. The first phase of the renovation schedule calls for converting the lower level of the building to a restaurant and small food market. Phase 1 will also include improvements to the exterior of at least the first floor along Main Street. The second phase will

focus on the second level which will be converted to either apartments or additional commercial and office.



If/when completed, this project would contribute towards achievement of the following goals:

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.
5. Encourage new business to come to Clayton's town center.

***Priority Project 2. Housing Rehabilitation—300 Smyrna Avenue***

Clayton's second priority project is located at 300 Smyrna Avenue. A single-family home that is empty and fallen into disrepair is on the property. In early 2014, this property was sold, and the current owner intends to rehabilitate the home. The property is about 2,186 square feet, and the structure has approximately 1,000 square feet.



If/when completed, this project would contribute towards achievement of the following goals:

1. Achieve the comprehensive plan's vision of maintaining a small town center.
2. Promote a mix of uses in the proposed District.
3. Maintain existing housing stock.
4. Encourage property owners to undertake improvements that may have been postponed.

### **Benefits of District Designation**

It is hoped that District designation will breathe new life into Clayton's downtown. As pointed out earlier the area within the proposed District boundary has changed little over the last 20 years. District designation is anticipated to give the area a "jump start" towards becoming a place of civic pride where people want to go.

It is also hoped that District designation will increase property values and prompt property owners who have postponed overdue improvements to undertake them. Finally, it is hoped that District designation will create jobs.

### **Local Incentives**

The limited time frame for preparing and submitting this application for District designation did not provide sufficient time for development and adoption of a permanent set of new incentives. However, this Plan identifies an important existing incentive and suggests two new incentives for consideration should Clayton be awarded District designation.

#### **Existing Incentive**

The Town believes that the most significant incentive for redevelopment in the proposed District is the flexible zoning for the town center portion of the proposed District. The regulations governing this zone provide for a wide variety of uses suitable for the downtown area of a small town. In this zone, property owners are not subject to minimum lot sizes and setbacks, maximum building coverages, or required off-street parking spaces. Generally, the Planning and Zoning Committee can review completed applications within two weeks. A fuller description of The Town Center Zone can be found under "Zoning" in the section titled "Regulations to Be Applied in the Proposed District."

#### **New Incentives**

The limited time frame for preparing and submitting this application for District designation did not provide sufficient time for development and adoption of a permanent set of new incentives. Clayton will consider, on a case-by-case basis, the following.

- *Staggered Payment of Permitting Fees.* An example might be an agreement between the Town and an applicant where Town fees are paid in installments.
- *Simultaneous Review of Plans.* An example might involve Planning and Zoning Committee review of a site and/or subdivision plan while construction plans are being reviewed by First State Inspections, the State Fire Marshall, and the Health Department.

However, it must be pointed out that Clayton, like many other small jurisdictions, does not have control over the fees or review schedules of other reviewing agencies.

## Consistency with Other Planning Documents

### State Strategies

Map 5 shows the location of the proposed District on a map of the Strategies for State Policies and Spending. As the map shows, the proposed District is almost entirely in State Strategies Investment Level 1. The only property not in Level 1 is a small local park which is designated “Out of Play” indicating that is not available for development or redevelopment. Most of the area surrounding the proposed District is also in Investment Level 1.

### Comprehensive Plan

The District plan is consistent with the comprehensive plan, and Map 6 of this document is the District plan. It maintains the same future land uses as shown on Map 7 of the 2008 Town of Clayton Comprehensive Plan.

Nearly 20 years ago, the Town realized that the rigid separation of land uses along with building setbacks, lot coverage, and minimum parcel sizes could be deterring property owners from improving their properties or exploring new uses for them. For example, a property owner with a store or an office on the street level might not be able to convert the second or third level to an apartment because the zoning regulations did not allow commercial and residential in the same building. Another example might involve a situation where a property owner might not be able to build an addition to his/her building because he/she could not comply with setback or building coverage standards. In addition, many buildings did not have sufficient space for even a few off-street parking spaces.

The 1996 Comprehensive Plan stated that:

In order to maintain its small town atmosphere, Clayton must strengthen its town center as a focal point for shopping, socializing, and civic activities. An initial step is to delineate the boundaries of a town center. A second step is to adopt land use regulations that permit — and encourage — the mix of residential and commercial enterprises at a scale that is characteristic of a small town.

Accordingly, the 1996 plan’s future land use map identified a Town Center area. Subsequent comprehensive plans continued the Town Center on future land use maps. Map 7 shows the future land uses for the proposed District in Clayton’s current Comprehensive Plan (adopted 12/08/2008; certified 01/07/2009).

## Regulations to Be Applied in the Proposed District

### Zoning

Map 7 shows current zoning for the proposed District and surrounding area. All properties in the TC Zone are included in the proposed District accounting for 7.35 acres, or 37%, of the proposed District. The remaining areas are industrial (6.4 acres, 32%) and residential (6.2 acres, 31%).

The most important land use regulation to be applied in the proposed District is the Town Center zone. Establishing the Town Center Zone was a key component of a total re-write of the Zoning Ordinance that was adopted in 1998. The intent of the Town Center (TC) Zone is:

1. To preserve and strengthen Clayton's small town atmosphere by encouraging a mix of retail, office, and residential uses consistent with the scale and existing character of the town center.
2. To encourage the economic stability and improvement of the town center.

3. To provide a modification procedure, utilizing site plan review, to alleviate undue hardship relating to parking and other bulk regulations in order to maintain the small town atmosphere of the town center.
4. To emphasize small-scale retail, office, and service uses.
5. To provide for a limited amount of multiple-family dwellings in conjunction with retail, office and service uses, but only on the second and third stories of commercial buildings.
6. To provide for the continuation of single and two family homes typical in town centers.  
(Zoning Ordinance, Section 6.4-2.6, <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>)

Table 3 lists the uses permitted in the Town Center Zone. As the list indicates, a wide variety of uses are allowed in the Town Center Zone ranging from single family and duplex homes to offices and retail establishments to community facilities. To encourage a mix of housing and non-residential uses in the town center, the ordinance provides that apartments (multiple-family dwellings) must be located on the second or third stories; they are not allowed at street level.

**Table 3. Uses Permitted in the Town Center Zone**

<ul style="list-style-type: none"> <li>• Bakery, retail provided that products prepared on premises are sold on the premises</li> <li>• Bank, including drive-in facilities that provide sufficient storage space for drive-in vehicles</li> <li>• Barber or beauty shop</li> <li>• Bicycle sales and repair shop</li> <li>• Communications towers</li> <li>• Community residential shelter</li> <li>• Day care center, child</li> <li>• Delicatessen including catering services</li> <li>• Drug store</li> <li>• Dry cleaning and laundry establishments limited to 2,500 square feet</li> <li>• Dwelling, duplex</li> <li>• Dwelling, multiple-family on second or third story of a commercial building</li> <li>• Dwelling, single-family including modular</li> <li>• Dwelling, two-family</li> <li>• Eating and drinking establishments, excluding drive-in</li> <li>• Educational institution</li> <li>• Florist shop</li> <li>• Food and beverage stores</li> <li>• Funeral home</li> <li>• Furniture and carpet stores</li> <li>• Garden supply store</li> <li>• Garden, orchard, or nursery, but not commercial greenhouses</li> <li>• Gift shop</li> <li>• Grocery store</li> <li>• Hardware store</li> <li>• Hobby supply store</li> <li>• Laundromat, self-service limited to 2,500 square feet of gross floor area</li> <li>• Liquor store</li> <li>• Newsstand</li> <li>• Nonconforming uses and structures</li> </ul>	<ul style="list-style-type: none"> <li>• Office supply store</li> <li>• Offices, general business</li> <li>• Office machine sales, service, and repair limited to 2,500 square feet of gross floor area</li> <li>• Offices, professional</li> <li>• Paint store</li> <li>• Parking facilities</li> <li>• Pet shop, including grooming provided that all operations are conducted within a completely enclosed, soundproofed building</li> <li>• Places of worship</li> <li>• Private club, lodge, or meeting hall</li> <li>• Public buildings</li> <li>• Public park and recreation areas</li> <li>• Public safety facility</li> <li>• Public utility service facilities except electric substations and relay stations</li> <li>• Public utility service lines</li> <li>• Retail sales and personal services, general</li> <li>• Shoe repair shop limited to 2,500 square feet of gross floor area</li> <li>• Similar uses</li> <li>• Specialty shop</li> <li>• Sporting goods store including small arms ammunition smokeless powder and primers used in small arms ammunition as defined under the National Fire Protection Association Code</li> <li>• Stationery store</li> <li>• Studios for artists, photographers, teachers, sculptors, or musicians</li> <li>• Television, radio, electrical equipment sales, service, and repair limited to 2,500 square feet of gross floor area</li> <li>• Temporary uses</li> <li>• Tobacco shop</li> <li>• Variety and dry goods stores</li> <li>• Wearing apparel store</li> </ul>
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Source: Clayton Zoning Ordinance, Table 1, pages 51-53, <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>.

Each application for change in use and/or building alterations is reviewed the Clayton Planning and Zoning Committee in accordance with Section 6.5-2.9 (Clayton Zoning Ordinance, page 28 at <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>). This section specifies that:

Except for building height, the Planning Commission shall determine the bulk regulations and parking requirements for new, changed or expanded uses in the TC Zone. In making this determination, the Commission shall make the following findings:

- A. That the placement of buildings and structures is compatible with the neighborhood and with existing development in character and scale.
- B. That proposed parking spaces, building coverage, and overall design of the project are sufficient to avoid congestion and will not place unreasonable demand on public facilities.

The residential portion of the proposed District will be governed by the regulations of the R-1 Zone. This Zone allows one-family homes and townhouses. The intent of this zone is:

- 1. To provide for medium-density residential development and such accessory uses as may be necessary or are normally compatible with residential surroundings.

2. To protect existing development from incompatible uses.  
(Zoning Ordinance, Section 6.4-2.3, <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>)

The Industrial portion of the proposed District will be governed by the provisions of the I Zone. The intent of this zone is:

1. To provide sufficient space in appropriate locations for certain types of business and manufacturing uses.
2. To protect surrounding areas from the adverse effects of industrial uses by encouraging these uses to locate in modern, landscaped buildings.  
(Zoning Ordinance, Section 6.4-2.9, <http://www.ipa.udel.edu/localgovt/municipalities/clayton/>)

The Zoning Ordinance provides additional protections for uses in the industrial zone. It requires that industrial uses be conducted in enclosed buildings. It also requires site plan review and, for some uses, a conditional use permit. These regulations are especially important safeguards to ensure compatibility between the industrial use in the proposed District and surrounding properties.

### **Other Overlay Districts**

With the exception of National Historic Register Listing for the Clayton Railroad Station, there are no other special areas within Clayton's proposed Downtown Development District.

### **Coordination**

The limited time frame for preparing the District application did not allow sufficient time to consider mechanisms or formation of committees. The Town Foreman has been designated as District Administrator. Should Clayton receive District designation, the Town Council may consider formation of a group to promote the District and follow the progress of redevelopment projects.

Several people involved in the business area of the proposed district attended the Town Council's October 13 meeting where the resolution to submit the application for District designation was approved. These included property owners as well as employees of businesses in downtown Clayton. A number of these attendees spoke in favor of applying for District designation and expressed interest in being involved should Clayton receive District designation. Following the meeting, the owners of the two priority projects sent letters to the mayor of Clayton expressing their support. These letters are in Appendix B.

### **Public Involvement**

At its September 8, 2014 meeting, the Clayton Town Council heard a presentation from David Edgell, Circuit Rider Planner for Kent County that introduced the Downtown Development District program. Also at that meeting, Clayton's consultant from the Institute for Public Administration, University of Delaware consultant presented a map delineating a draft boundary for a Downtown Development District and a preliminary summary of current local initiatives and land use regulations that would encourage redevelopment in Clayton's downtown. After hearing both presentations, the Town Council asked that a resolution be prepared to authorize filing an application for designation as a Downtown Development District.

On October 13, 2014, the Clayton Town Council approved a resolution authorizing the filing of an application for Downtown Development District designation and preparation of the necessary documents. The Council also approved supporting documentation containing a map of the proposed district and an outline of implementation strategies and incentives.

Several people involved in the business area of the proposed district attended the Town Council's October 13 meeting. These included property owners as well as employees of businesses in downtown Clayton. A number of these attendees spoke in favor of applying for District designation and expressed interest in being involved should Clayton receive District designation.

### **Post-District Designation**

The limited time frame for preparing a Downtown Development plan and submitting the application for District designation did not provide sufficient time for development and adoption of an extensive set of implementation strategies. However, a comprehensive plan update is being prepared for adoption in early 2015. The Town intends to use this plan update as a basis for considering additional implementation strategies for the proposed District. Some of the items that could be considered within this plan update might include:

- Adding properties to the Town Center on the future land use map and rezoning them to the Town Center Zone.
- Changing the name of the Town Center land use to "Mixed Use/Town Center" to underscore the goal of encouraging a true mix of uses in Clayton's downtown.
- Recommendation for the adoption of design standards.

## **Appendix A Maps**

Map 1. Clayton Vicinity

Map 2. District Overview

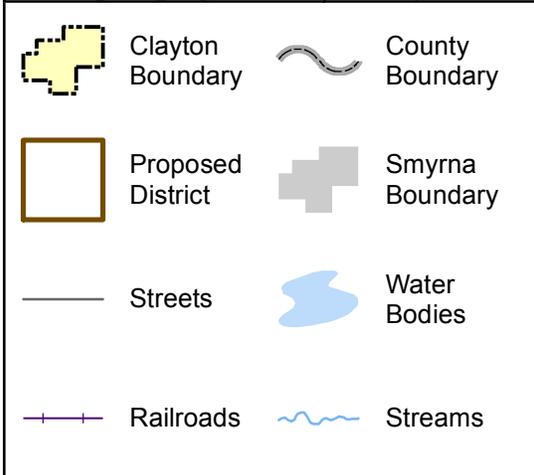
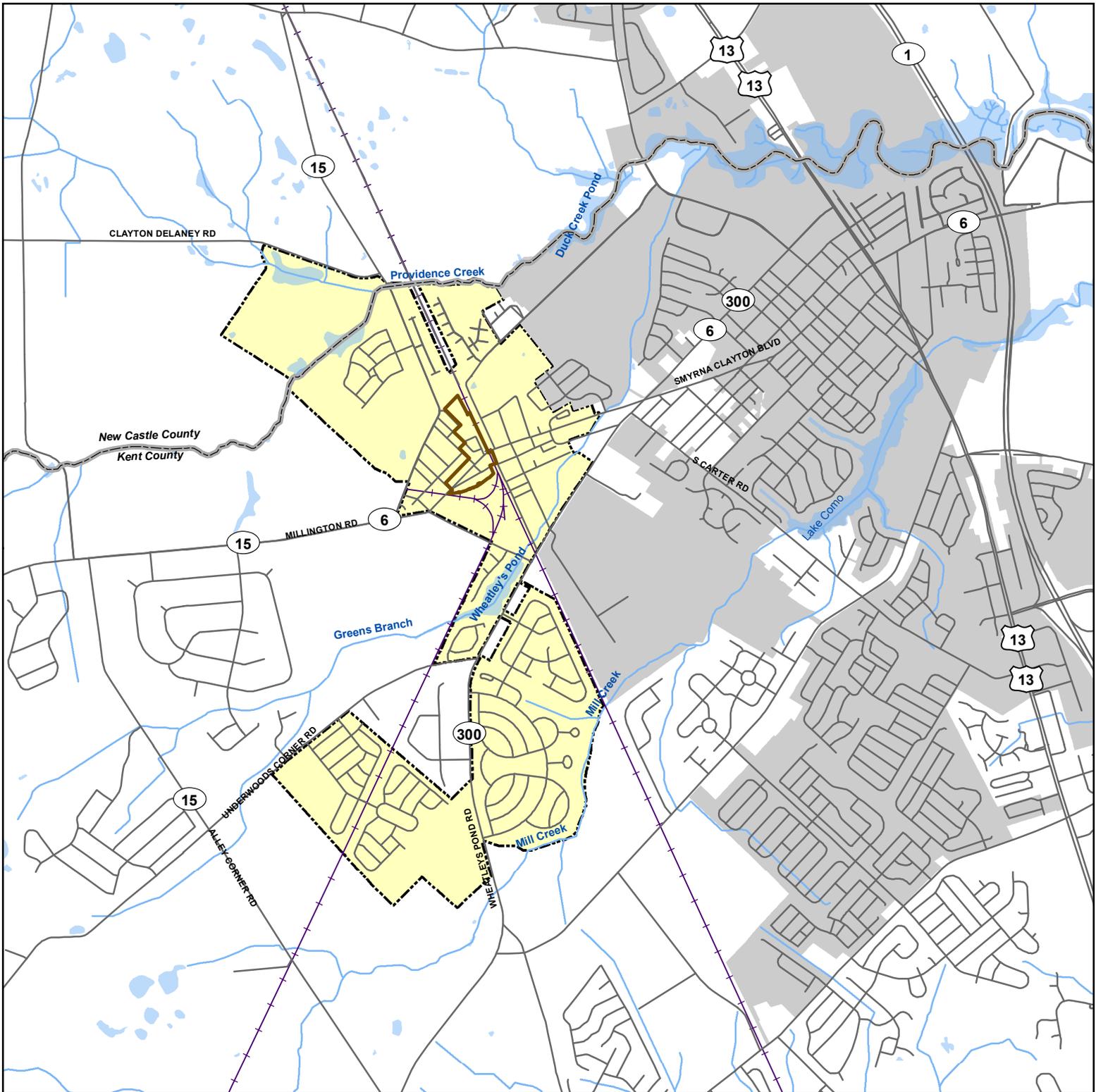
Map 3. District Location, Census Geographies

Map 4. Census Blocks & District Boundary

Map 5. Proposed District & State Strategies

Map 6. Future Land Use 2008

Map 7. Existing Zoning





**CLAYTON**  
Downtown  
Development  
District

**MAP 1**  
**Clayton Vicinity**

Map Prepared: 10/31/2014



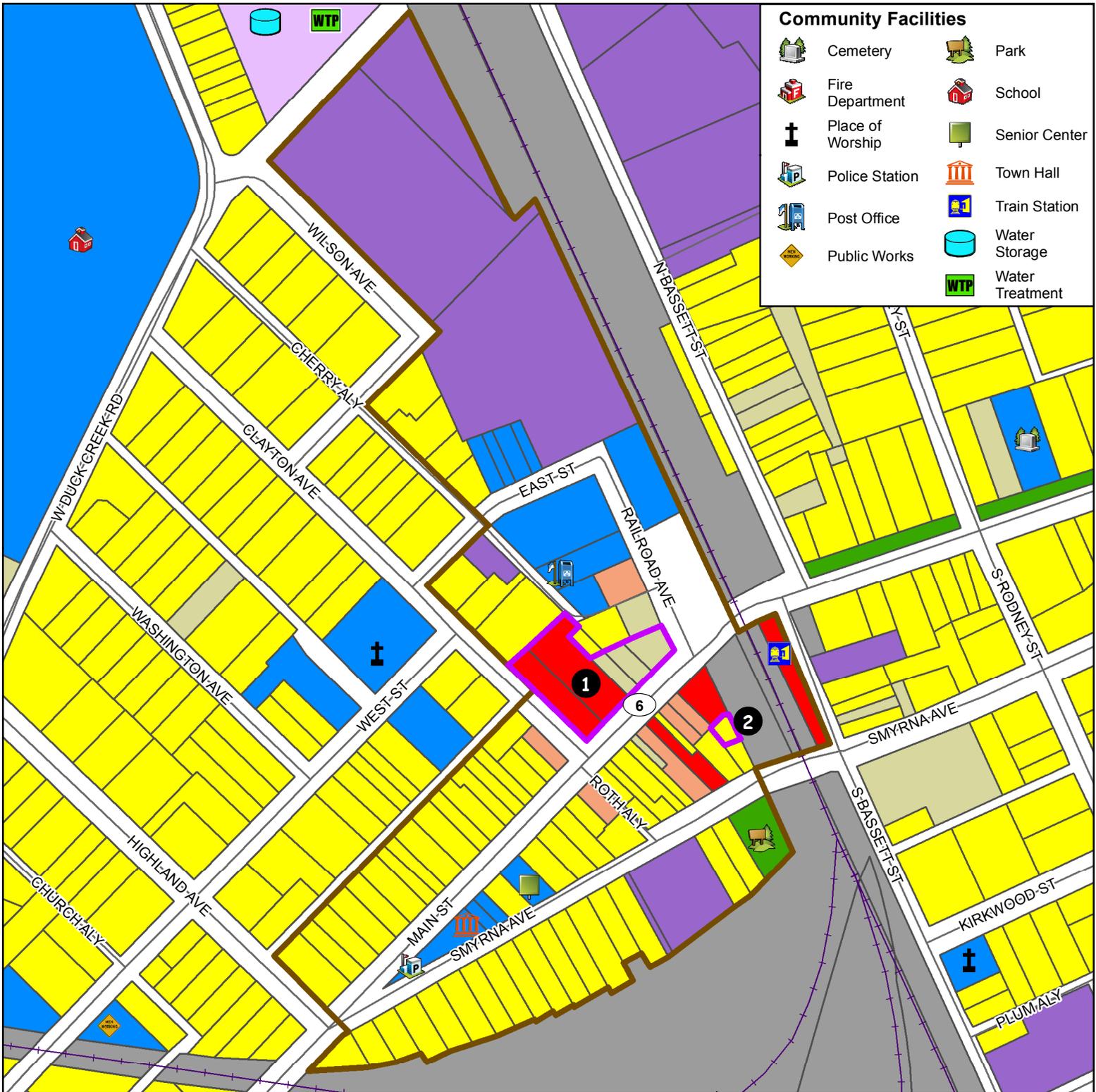
0 500,000 2,000 3,000 4,000 Feet

**Sources**  
**Aerial Photography** - "Orthos 2013," Delaware Environmental & Analysis Center (DEMAC), www.maps.udel.edu.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Streets** - Department of Planning Services, 05/21/2014.  
**New Castle County Streets** - Information Services, 05/30/2014.  
**Water Bodies & Streams** - National Hydrography Dataset-Delaware, downloaded from the Delaware DataMil 07/24/2010.

**Note**  
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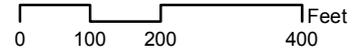
# CLAYTON Downtown Development District

## MAP 2 District Overview

Map Prepared: 10/31/2014

### Base Map Data

- Parcel Boundaries
- Streets
- Railroads



### Sources

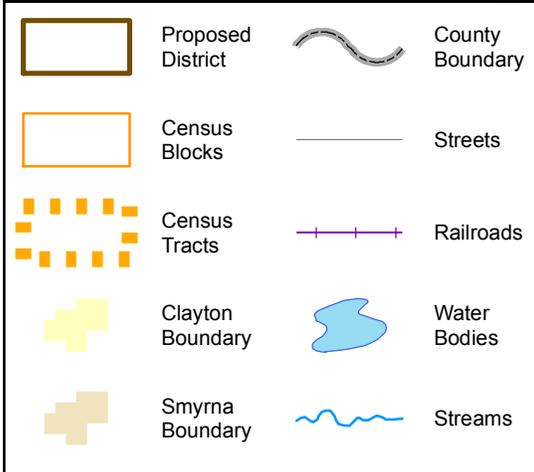
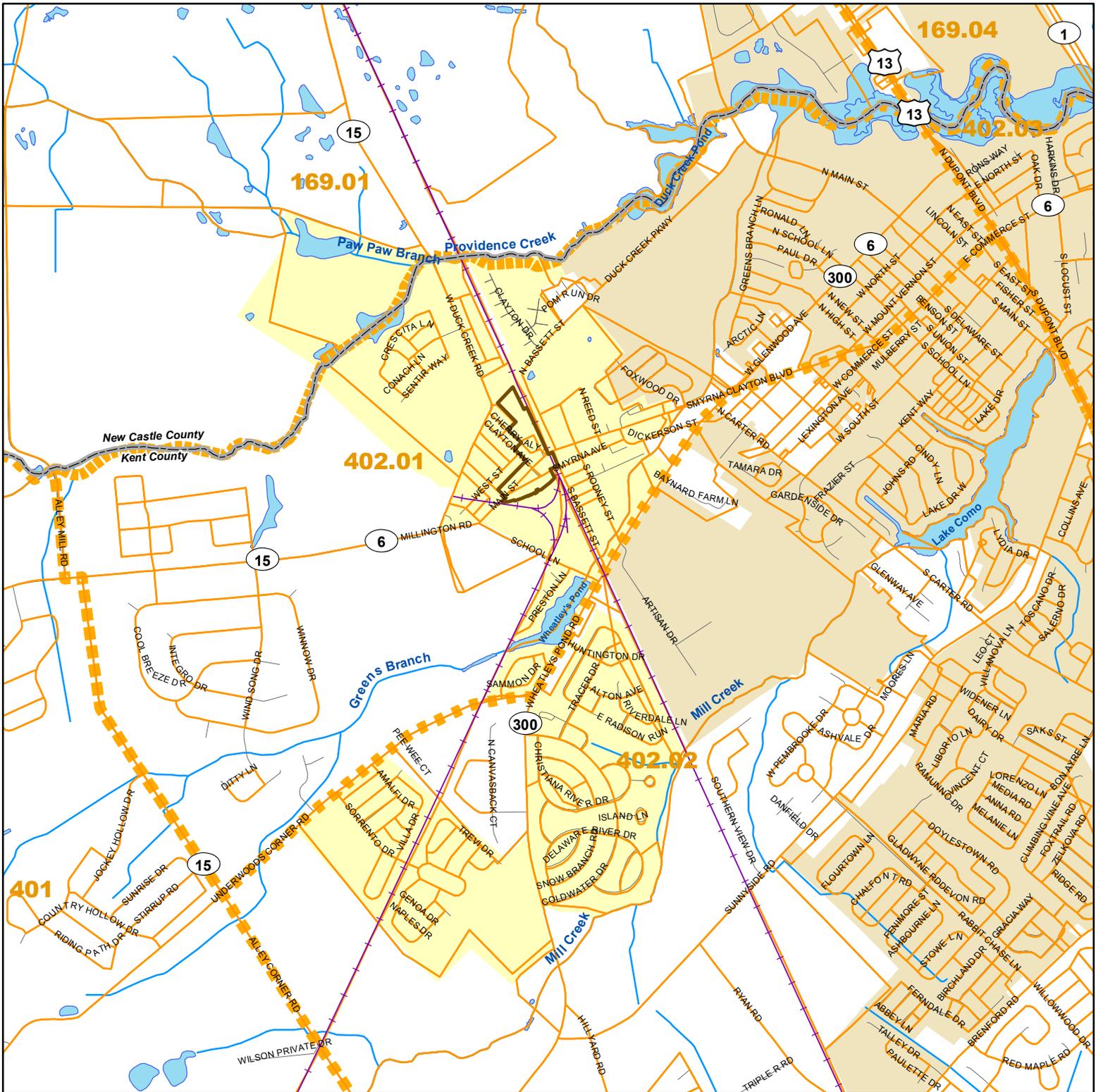
Land Use Designations - Survey by IPA & Town of Clayton, 10/03/2014, Kent County PRIDE, & 2008 Comprehensive Plan.  
 Kent County Parcel Boundaries & Streets - Department of Planning Services, 05/21/2014 & 10/03/2014.

### Note

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## CLAYTON

### Downtown Development District

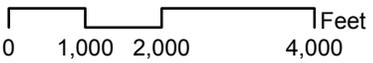
# MAP 3

## District Location

## Census Geographies

Map Prepared: 10/31/2014



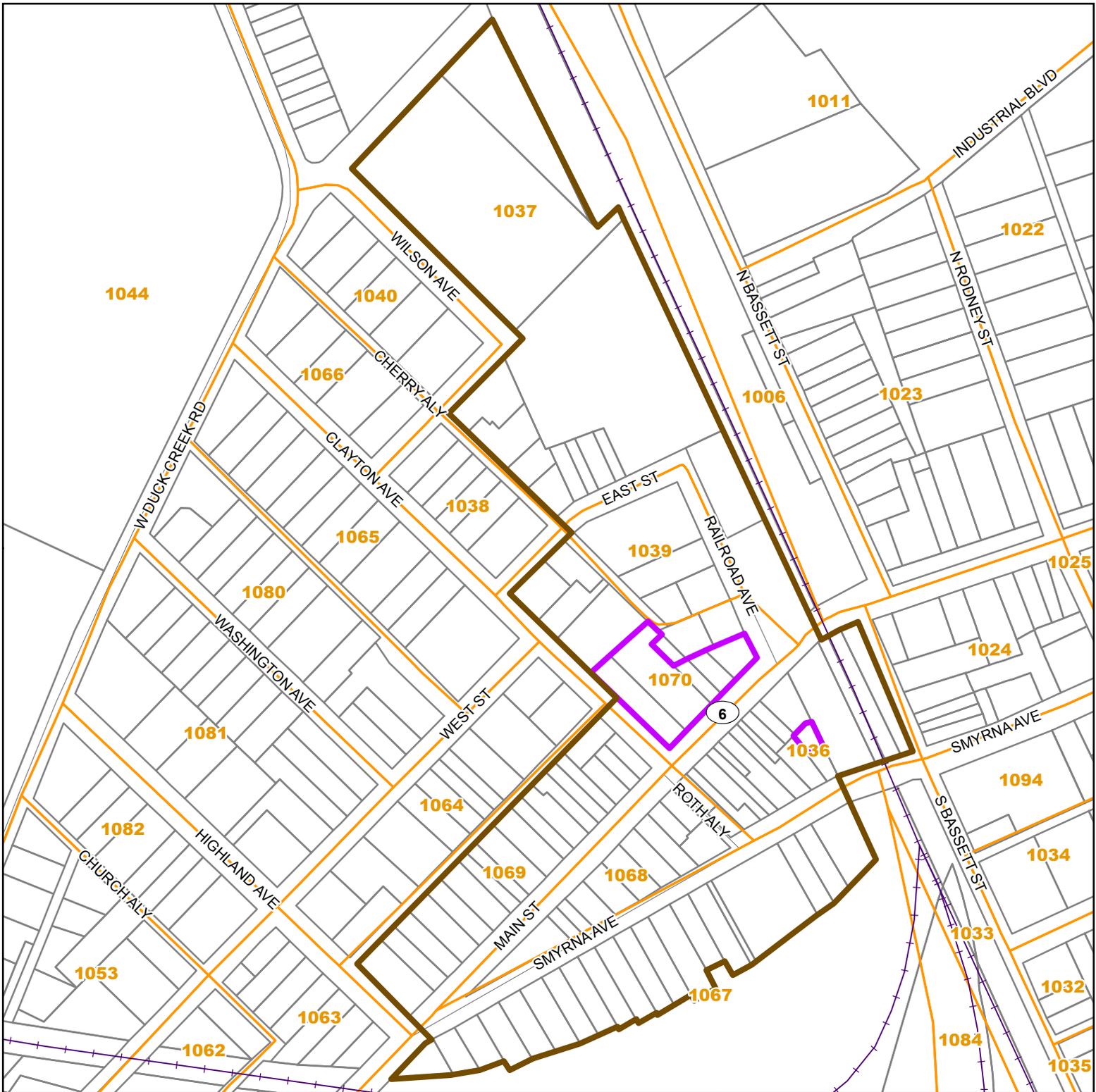


**Sources**  
**Tract & Block Boundaries** - Census TIGER Line Files.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Streets** - Department of Planning Services, 05/21/2014.  
**New Castle County Streets** - Information Services, 05/30/2014.  
**Water Bodies & Streams** - National Hydrography Dataset-Delaware, downloaded from Delaware DataMil 07/24/2010.

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**District & Blocks**

-  Census Blocks
-  Proposed District
-  Priority Projects

**Base Map Data**

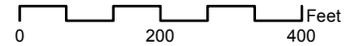
-  Parcel Boundaries
-  Streets
-  Railroads



**CLAYTON**  
Downtown  
Development  
District

**MAP 4**  
**Census Blocks & District Boundary**

Map Prepared: 10/31/2014



**Sources**

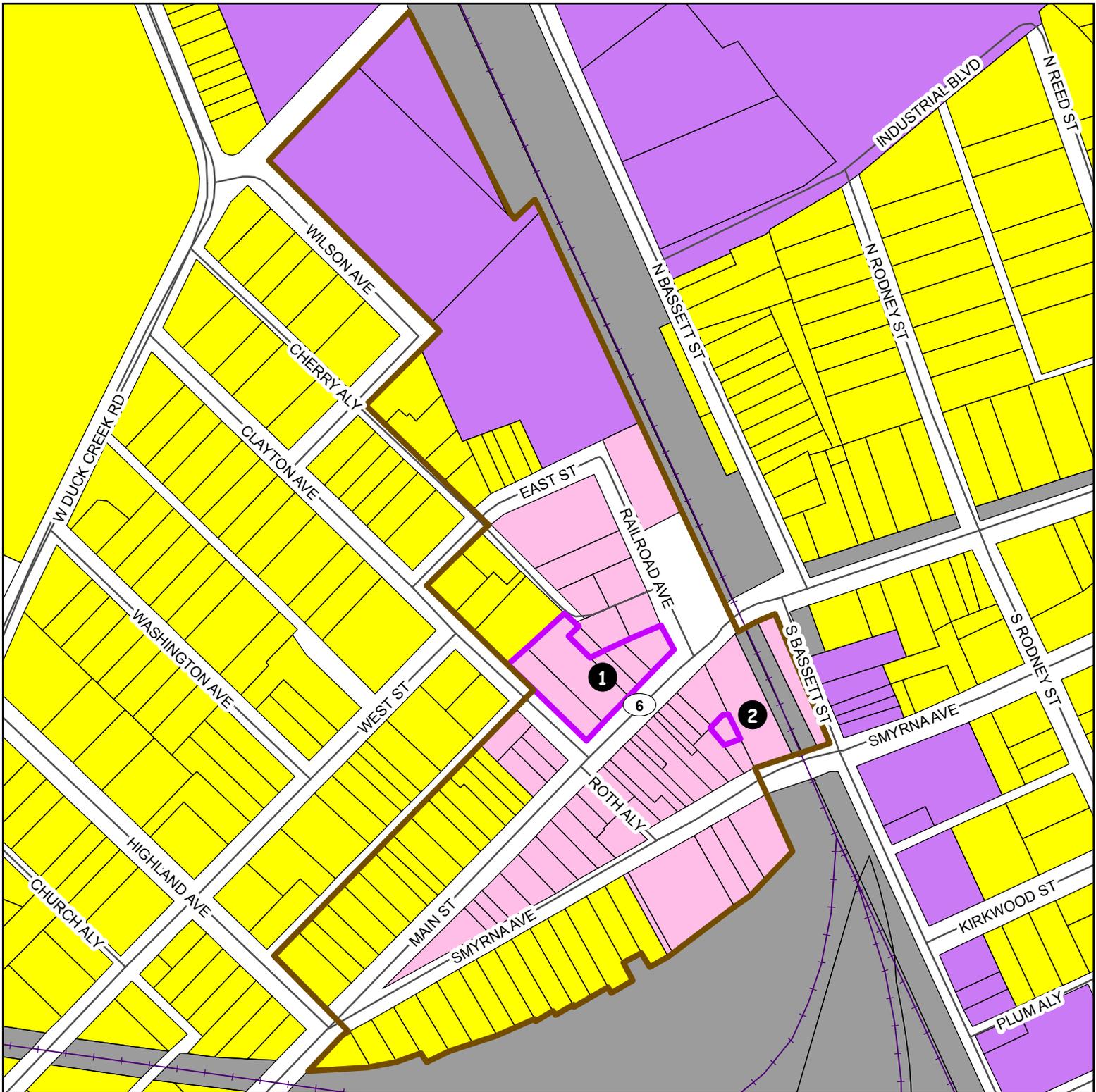
**Tract & Block Boundaries** - Census TIGER Line Files.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Parcel Boundaries & Streets** - Department of Planning Services, 05/21/2014 & 10/03/2014.

**Note**

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**Proposed District**



**Priority Projects**



- 1** Mixed-Use
- 2** Housing Rehab

**Future Land Use**

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



**CLAYTON**  
Downtown  
Development  
District

**MAP 6**  
**Future Land Use 2008**

Map Prepared: 10/31/2014

**Base Map Data**

- Parcel Boundaries
- Streets
- Railroads



0 100 200 400 Feet

**Sources**

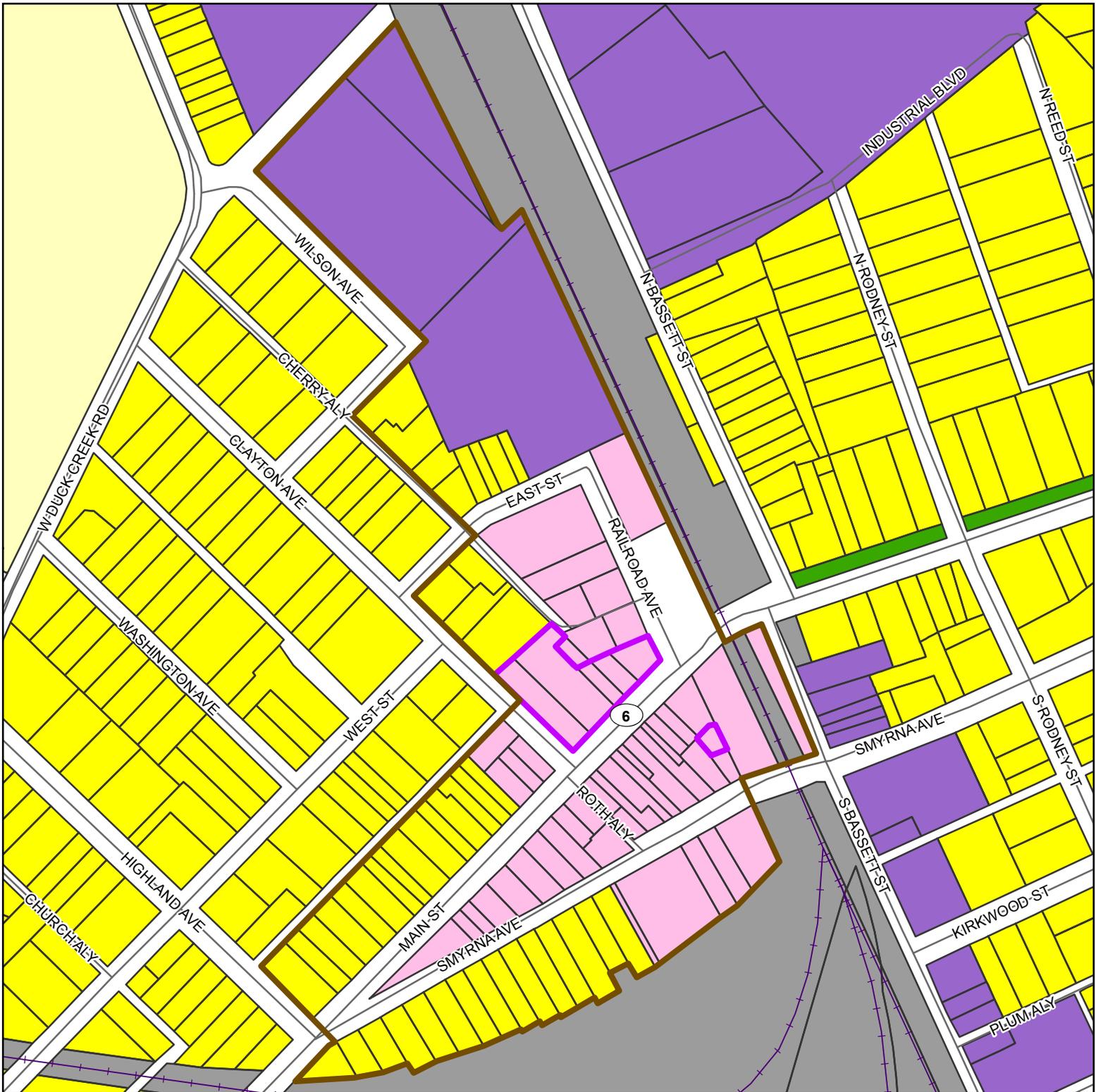
Land Use Designations - 2008 Comprehensive Plan, adopted 12/08/2008, certified 01/07/2009.  
Kent County Parcel Boundaries & Streets - Department of Planning Services, 05/21/2014 & 10/03/2014.

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**Proposed District**



**Priority Projects**



**Zoning Districts**

- OS, Open Space
- RS, Residential Suburban
- R, One-Family & Townhouse
- R1, Multiple-Family
- RMH, Manufactured Housing

- TC, Town Center
- C2, General Commercial
- I, Industrial
- RR, Railroad



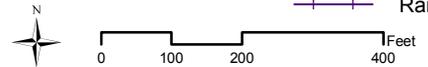
**CLAYTON**  
Downtown  
Development  
District

**MAP 7**  
Existing Zoning

Map Prepared: 10/31/2014

**Base Map Data**

- Parcel Boundaries
- Streets
- Railroads



**Sources**  
**Zoning Districts** - Clayton Comprehensive Rezoning 12/12/2011.  
**Municipal Boundaries** - Smyrna from Office of State Planning Coordination, 04/17/2014; Clayton boundary recorded in New Castle County on 08/25/2014, in Kent County on 09/02/2014.  
**Kent County Parcel Boundaries & Streets** - Department of Planning Services, 05/21/2014 & 10/03/2014.

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## **Appendix B Letters of Support**

Edward H. Ide, III, P.E.      Owner of Priority Project 1

Jonathan Burnett              Owner of Priority Project 2



Consulting Engineers

Construction Management

P.O. Box 498 Smyrna, DE 19977

Ph: 302-659-9090

Fax: 302-659-0909

October 31, 2014

Honorable Mayor Tom Horn  
Town of Clayton – Delaware  
414 Main Street  
Clayton, Delaware 19938

**REF: Town of Clayton Delaware  
Downtown Development District Program**

Dear Mayor Horn,

We wanted to express our appreciation for the initiative about to take place with the Downtown Development District program that the Town of Clayton is embarking on with the assistance of the Office of State Planning. As the owner of several small businesses within town; we fully support this program and are willing to help in any capacity. We also are the proud owners of the historic Old Clements Supply Building located at 315 Main Street Clayton. This building houses our carpentry shop division in the back portion of the building, a local computer support professional and will also feature a market/restaurant in the very near future. We are in the planning stages of the restoring the old building to make it vibrant once again.

Once again, thank you for taking these very necessary steps forward towards the development of our beautiful town. As always, please do not hesitate to call on us if there is anything that you may need.

Respectfully Submitted,

Edward H. Ide, III, P.E.

**President**

i3a Consulting Engineers . Construction Managers & EHI Contracting



## Data Storage Solutions

50 Clayton Ave., Clayton, DE 19938

Mayor Tom Horn  
The Town Of Clayton  
P.O Box 1130  
414 Main Street  
Clayton, De 19938

10/27/14

**Subject: Delaware Downtown Development District Program**

Mayor Horn,

This letter is in reference to the Delaware Downtown Development District Program. As a small business owner located in Clayton Delaware I fully support this program. Please let me know if I can be of any help.

Sincerely

A handwritten signature in black ink, appearing to read "Jonathan Burnett".

Jonathan Burnett