TO: Planning Commission
FROM: Jeremy Firestone, Planning Commission Chair
THROUGH: Mary Ellen Gray, AICP, Planning and Development Director
RE: NEWARK PLANNING COMMISSION 2017 ANNUAL REPORT AND 2018 WORK PLAN

About the Commission

The Planning Commission makes recommendations to City Council concerning:

- Annexation
- Rezoning of Property
- Subdivision
- Development Approval
- Zoning Code and Subdivision Regulations Amendments
- Adoption and Amendment of Comprehensive Plans
- Demolition of Historic Buildings
- Municipal Capital Expenditures

The Commission also makes determinations on requests for off-street parking requirements waivers in the BB zoning district. The Commission’s advice to the City Council, except in the case of parking waivers, is always in the form of a recommendation; City Council may also hear appeals of, review, modify or deny the Commission’s approval, disapproval, or approval with conditions of off-street parking waivers upon the recommendation of a member of Council, Planning and Development Director and/or the City Manager.

Membership

Six Commissioners are nominated by City Council members from the districts they represent and one at-large Commissioner is nominated by the Mayor, each for three-year terms. Nominations
are subject to confirmation by majority vote of the Council.

Current Members:

Jeremy M. Firestone, Chair, District 4
Robert L. Stozek, District 1
Willard F. Hurd, District 2
Stacy McNatt, District 3
Alan Silverman, District 5
Frank McIntosh, District 6
Bob Cronin, Member at Large

During this reporting period, the Planning Commission welcomed a new Commissioner. Stacy McNatt was appointed to the Commission by City Council on January 23, 2017 for a three-year term to expire on September 15, 2019. Stacy joined the Commission for her first meeting on April 4, 2017.

Executive Summary

From October 1, 2016 – September 30, 2017, the Newark Planning Commission considered the following:

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
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<tbody>
<tr>
<td>Annexations</td>
<td>3</td>
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<tr>
<td>Code Amendments</td>
<td>9</td>
</tr>
<tr>
<td>Comp Plan Amendments</td>
<td>2</td>
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<tr>
<td>Rezonings</td>
<td>4</td>
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<tr>
<td>Major Subdivisions</td>
<td>1</td>
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<tr>
<td>Minor Subdivisions</td>
<td>1</td>
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<tr>
<td>Parking Waivers</td>
<td>0</td>
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<tr>
<td>Requests for Extension</td>
<td>0</td>
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<tr>
<td>Special Use Permits</td>
<td>4</td>
</tr>
<tr>
<td>Site Plan Approval Plans</td>
<td>1</td>
</tr>
</tbody>
</table>

The Planning Commission continued its review of zoning-mandated parking requirements during this time period, holding a public workshop on March 21, 2017, and discussing the subject at three separate Commission meetings (January 3, May 2, and June 6). At its May 2, 2017 meeting, the Commission recommended in favor of the formation of a Parking Requirements Subcommittee. The recommendation was concurred with by the City Manager on May 17, 2017. Two Parking Requirements Subcommittee meetings were held during this time period (August 17 and September 27) and continuation of the effort will be part of the coming year’s work plan.

The Commission spent considerable time during this period carefully developing Planning Commission Rules of Procedure. The goal is to establish clear and transparent procedures to foster public input and fair and efficient decision-making. The Commission began the effort at
the February 7, 2017 meeting, and has discussed, received and considered public comment, and made recommendations to the proposed procedural guidelines at three subsequent meetings (July 5, August 1, and September 5). Review and consideration of a 4th draft of the Rules of Procedure will occur at an upcoming Commission meeting.

In addition to the above, the Planning Commission reviewed the findings of Phase II of the Rental Housing Needs Assessment study at its June 6, 2017 and July 5, 2017 meetings. The Commission continues to work with Planning and Development staff with a focus on making recommendations to City Council regarding rental needs in the City of Newark. This work will continue in the coming year’s work plan.

During this period, members of the Planning Commission participated in some informational and training sessions. Specifically, the Commission’s newest member, Stacy McNatt, met with Interim Planning and Development Director Dave Culver on February 6, 2017 for Planning Commission orientation. On September 29, 2017, Commissioner Will Hurd attended training sponsored by the University of Delaware Institute for Public Administration on The Housing Demographic Realignment: Solving the Millennial Puzzle in Delaware. Lastly, a WILMAPCO information session was scheduled for the Commissioners, which occurred at their regularly scheduled meeting on August 1, 2017.

Finally, this past year has been a time of transition for the Planning and Development Department (and hence the Planning Commission) with the retirement of Maureen Feeney Roser, the appointment of Dave Culver as Interim Director, and ultimately, the appointment of Mary Ellen Gray as Director. The Planning Commission looks forward to the coming year working with Director Gray and continuing to build on the foundation we established during the past half-year.

**Planning Commission Activities 10/1/16 – 9/30/17**

A detailed description of the Commission’s actions may be found below:

**Development Approvals**

On November 1, 2016, the Commission reviewed the annexation, rezoning, major subdivision and special use permit for 1364 Marrows Road and 701 Ogletown Road to demolish the existing buildings on the combined parcels to construct three new buildings for an auto repair and service centers for Martin Honda, Kia and Mazda dealerships. The Commission unanimously recommended the annexation of 0.628 +/- acres with BC (General Business) zoning and the major subdivision with special use permits for the development. Council subsequently approved the plan on December 12, 2016.

On December 6, 2016, the Commission reviewed a Comprehensive Development Plan amendment, rezoning and minor subdivision with site plan approval plan for 40 East Cleveland Avenue to demolish the existing single family rental dwelling at the site and construct a three story townhouse-style apartment building with first floor parking and three 5 bedroom
apartments on two floors above. The Commission recommended approval of the plan with a 3-2 vote. Council subsequently rejected the Comp Plan amendment and rezoning on February 27, 2017, therefore no action was taken by Council on the minor subdivision with site plan approval.

On February 7, 2017, the Commission reviewed the annexation and rezoning for 139 East Chestnut Hill Road to make sanitary sewer service available to the existing business on the property. The Commission unanimously recommended annexation of the 0.837 acre parcel with BL (Business Limited) zoning. Council subsequently approved the annexation and rezoning at their April 24, 2017 meeting.

On June 6, 2017, the Commission reviewed a special use permit request for the property located at 83 East Main Street to allow AT&T to install a cell phone antenna tower and related equipment on the roof of the University of Delaware bookstore. The Commission recommended approval of the special use permit 6-0, with Chairman Firestone abstaining from the vote. City Council unanimously approved the request on July 10, 2017.

On July 5, 2017, the Commission reviewed a special use permit request for the hotel at 400 Ogletown Road to allow the hotel owned by Danneman Hospitality LLC to increase the number of guest rooms of the hotel from 125 to 132, with departmental conditions and the conditions previously approved by City Council on May 9, 2016. The Commission recommended approval of the special use permit, with Commissioner Silverman abstaining from the vote. City Council approved the special use permit request on August 28, 2017.

On July 5, 2017, the Commission reviewed a special use permit request for the property located at 83 East Main Street to allow Verizon Wireless to install a Distributed Antenna System (DAS) Node on the roof of the University of Delaware bookstore. The Commission recommended approval of the special use permit 6-0, with Chairman Firestone abstaining from the vote. City Council unanimously approved the request on August 14, 2017.

On August 1, 2017, the Commission reviewed an annexation and rezoning of the 1.18+/- acre property at 4 Georgian Circle in Christine Manor East to make sanitary sewer and water service available to the existing home on the property. The Commission recommended approval of the annexation with RH (One Family Detached Residential) zoning. City Council unanimously approved the request on September 25, 2017.

**Code Amendments**

On October 4, 2016, the Commission reviewed staff proposed amendments to the Zoning Code to delete boarding, rooming and lodging houses as permitted uses. Ultimately, the Commission determined that more research would be needed before it could consider eliminating the use and staff will reconsider and continue research as time allows for future amendments.

On November 1, 2016, the Commission reviewed staff-proposed amendments to the Zoning Code to permit the small scale production of alcohol and related accessory uses and sales in the
BC (General Business), MI (General Industrial) and MOR (Manufacturing, Office and Research) zoning districts. The Commission had several suggestions for improving and simplifying the proposed code amendments and the discussion was tabled until the December meeting to allow staff an opportunity to incorporate Commission comments and suggestions. On December 6, 2016, the Commission reviewed and recommended approval of the revised proposed amendments to Chapter 32 of the Zoning Code as they related to alcohol production, sales and accessory uses. Council subsequently approved the amendments on February 13, 2017.

Also on November 1, 2016, the Commission reviewed Comprehensive Development Plan V amendment regarding Map for Planning Area 4. Specifically, a Plan V mapping error had eliminated a parcel of annexable land from the adjacent areas map, which should have been included. The Commission voted unanimously to correct the map. As it turns out, the property was annexed while Comprehensive Development Plan IV was in effect, which correctly referenced the parcel, so the amendment was not necessary and therefore, not considered by Council.

On December 6, 2016, the Commission reviewed staff-proposed amendments to the Zoning Code and Subdivision Regulations of the City of Newark as they relate to development fees in an effort to better reflect the actual City costs associated with processing a land use application. The Commission unanimously recommended approval of the proposed fees, which were later approved by Council on February 13, 2017.

On January 3, 2017, the Commission reviewed staff proposed amendments to Chapters 27 Subdivisions and 32 Zoning as they relate to updating references to the former position of Building Inspector and clarifying conditions for subdivision approval. The Commission had several wordsmithing changes to the amendments, which were reviewed with the City Solicitor and incorporated into the draft ordinance. The Commission unanimously recommended that Council approve the amendments to Chapters 27 Subdivisions and 32 Zoning relating to clarifying responsible parties as well as land use and development processes. Council unanimously approved the amendments at their March 13, 2017 meeting.

On February 7, 2017, the Commission reviewed staff proposed amendments to Chapter 32 Zoning as they relate to wireless infrastructure, specifically creating regulations for wireless facilities in the right-of-way and updating regulations for wireless facilities outside the right-of-way to conform to federal regulations. The Commission had several suggestions for improving the proposed code amendments, as well as wordsmithing changes. The Commission approved the amendments 4-1 with the wordsmithing changes only, and a recommendation to have the ordinance expire sixty (60) days after approval by Council, to be superseded by revised amendments incorporating their suggestions for improvement. City Council subsequently approved the amendments on June 12, 2017, with the provision they sunset in 120 days.

On April 4, 2017, the Commission reviewed staff proposed amendments to Chapters 27 Subdivisions and 32 Zoning to reflect that liens may be added to property tax billings, allowing the City to collect annually on outstanding obligations due to the City. The Commission
unanimously recommended that Council approve the amendments to Chapters 27 and 32 relating to liens and property tax billings. Council subsequently approved the amendments 6-1 at their May 22, 2017 meeting.

On August 1, 2017, the Commission reviewed amendments to the Zoning Code as they relate to regulations for wireless facilities in the right of way and outside the right of way. The amendments under review were reflective of discussions at the June 12, 2017 City Council meeting, internal staff discussions, and discussions with industry representatives. The Planning Commission recommended that City Council extend the sunset period of the wireless telecommunications ordinance by 75 days. City Council, at their regularly scheduled meeting on September 25, 2017, voted to extend the sunset period of the wireless telecommunications ordinance by an additional 225 days for a total of 300 in order to give the Planning Commission more time to review the ordinance and make recommended changes.

2017 - 2021 Capital Improvements Program

On October 18, 2016, the Planning Commission reviewed and considered the 2017-2021 Capital Improvements Program (CIP). The Commission forwarded the CIP to City Council with a favorable recommendation, and Council subsequently approved the CIP on December 19, 2016.

Workshops

The Planning Commission hosted a workshop on Tuesday, March 21, 2017 to discuss Zoning Code Mandated Parking Requirements for Downtown Developments and Uses. The workshop was well attended. The information collected from the workshop was used to assist the Commission in its path forward in the study of potential changes to zoning-mandated parking requirements and the establishment of a Parking Requirements Subcommittee.
2018 Work Plan

The Commission looks forward to working on the following during the next reporting period given time and resources:

1. Continue the review and consideration of land development projects according to the Planning Commission Submission Deadline schedule to make recommendations to Council. A copy of the schedule is attached (exhibit A).

2. Finalize Commission Rules of Procedure. It is expected that this will be accomplished before the end of the 2017 calendar year.

3. The Planning Commission Parking Subcommittee will continue their work with staff. Subcommittee to review parking capacity and demand, parking space requirements by use, parking waiver legislation, fees and practice, conduct nationwide research on parking design standards and best practices and make recommendations to the full Planning Commission for Code amendments based on findings to recommend to the City Council. The Commission began this effort in 2016.

4. Consider amendments to the Zoning and Subdivision Code regulations as they pertain to development plan submittal requirements. Consider other Code amendments to these chapters as necessary. Code amendments identified as priorities for the coming year (without regard to ranking among them) are noted below. Given other business, the Department and Commission may not address them all in the coming year.

   - Rezonings as described in the enclosed Rezoning and Comprehensive Development Plan Amendments document (exhibit B-1) and further described in the enclosed map (exhibit B-2)
   - Revise the Wireless facilities ordinance
   - Revise Chapter 32 Zoning, Section 32-51 Nonconforming uses, structures and buildings
   - Reorganize the Zoning Code Chapter 32 (consultant)
   - Review LEED certification standards
   - Review minor changes to Chapter 27 and 32 including but not limited to:
     i. Zoning map (paper to electronic)
     ii. Review section and Sec. 32-56.4. - Facilities selling alcoholic beverages for consumption on premises and restaurant patios and related provisions
   - Council projects:
     i. Develop ordinance to limit the number of cars allowed per household in residentially zoned areas
     ii. Review planning process and recommend ordinance changes to ensure better coordination with DelDOT on land use applications for developments
iii. Require floor plans for proposed land use applications for developments
iv. Review solar panel use and property rights regarding impact of adjoining structures and landscaping on solar panels

5. Work with Planning and Development Department and DelDOT to set boundaries and begin process to create a Transportation Improvement District(s) (TID) as called for in Comprehensive Development Plan V.

6. Provide an informational session with DelDOT to discuss the transportation planning processes and components as it relates to the City of Newark. For DelDOT, an overview of their review process and criteria, including level of service criteria, when making recommendations on land use applications under consideration by the City; and once a land use application is approved by the City, the application and approval processes for DelDOT permits.

7. Review Rental Needs Assessment Study and make recommendations to Council on rental housing needs and issues.

8. Provide an annual review of Comp Plan V to determine the need for updated information and/or amendments necessary to ensure the Plan remains a dynamic and useful document.
   - Review and consider amending the Comp Plan V in areas described in the enclosed maps titled Comprehensive Development Plan Amendments (exhibit C)
   - Review land use and density designations as described in the Comp Plan V focusing on the downtown/University/Newark Core area by undertaking a study to analyze the relationship between land use, urban design, and economic development and tax production (consultant)


10. Participate in training sessions as applicable and available.

JF/mv
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<tr>
<th>PLANNING COMMISSION MEETING DATE</th>
<th>REZONING/ANNEXATION/MINOR SUBDIVISION/PARKING WAIVERS/SPECIAL USE PERMITS ALL REQUIRED INFO*</th>
<th>MAJOR SUBDIVISION/MAJOR SUBDIVISION WITH ANNEXATIONS/MAJOR SUBDIVISIONS WITH REZONINGS ALL REQUIRED INFO*</th>
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<td>OCTOBER 5, 2017</td>
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<td>NOVEMBER 30, 2017</td>
<td>NOVEMBER 9, 2017</td>
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<td>MARCH 6, 2018</td>
<td>DECEMBER 28, 2017</td>
<td>DECEMBER 7, 2017</td>
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<td>APRIL 3, 2018</td>
<td>JANUARY 25, 2018</td>
<td>JANUARY 4, 2018</td>
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<td>MAY 1, 2018</td>
<td>FEBRUARY 22, 2018</td>
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<td>MAY 31, 2018</td>
<td>MAY 10, 2018</td>
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<tr>
<td>DECEMBER 4, 2018</td>
<td>SEPTEMBER 27, 2018</td>
<td>SEPTEMBER 6, 2018</td>
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*For projects to be considered for the Planning Commission meeting schedule above, submittals must include, at the time of submittal, ALL required documents, ALL supporting materials, including a plan in digital format, and ALL Application, Review and Recordation Fees payable to the City of Newark; and the information required in the Subdivision and Development Regulations Appendices. In addition, the required Storm Water Assessment Study (SAS) must have been submitted to Public Works and Water Resources (PWWR) and a project application meeting scheduled prior to submission. Contact PWWR at 302-366-7000 for more information on SAS requirements. Projects may not be considered, as scheduled, if required State review is not completed prior to the Planning Commission meeting.*

FOR ALL INFORMATION AND APPLICATION MATERIALS, PLEASE CONTACT THE PLANNING AND DEVELOPMENT DEPARTMENT IN THE MUNICIPAL BUILDING, 220 SOUTH MAIN STREET, NEWARK, DELAWARE 19711 OR CALL 366-7000 ext. 9418.
<table>
<thead>
<tr>
<th>Map ID</th>
<th>PC Meeting Date(s)</th>
<th>Agenda Item</th>
<th>Rezoning</th>
<th>Comp Plan Amendment</th>
</tr>
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<tbody>
<tr>
<td>A</td>
<td>01/07/14</td>
<td>Rezoning, special use permits and major subdivision of the 6.77-acre site on Terrace Drive just off of Cleveland Avenue to raze the existing buildings on the site and construct 13 new three-story buildings with a total of 56 affordable housing apartment units. Special use permits are also requested for an after-school care/daycare use in a residential zone and for commercial parking in a residential zone. The proposal also calls for vacation of Terrace Drive.</td>
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<td>B</td>
<td>02/04/14</td>
<td>Comprehensive Development Plan amendment and a rezoning from the existing RS (single family detached) to BL (business limited residential) zoning in order to operate a home-based embroidery business out of the home located at 101 Dallam Road.</td>
<td>Failed</td>
<td>Failed</td>
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<td>C</td>
<td>02/04/14</td>
<td>Rezoning from the current BL (business limited) to BB (central business) zoning, major subdivision and special use permit approval to demolish the existing building and build one three-story mixed-use building with office space and parking on the first floor and 12 upper floor apartments at 201 East Delaware Avenue.</td>
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<td>D</td>
<td>10/07/14</td>
<td>10/7/14 - Comprehensive Development Plan amendment, a rezoning, major subdivision and a special use permit for the .846-acre property located on the west side of Center Street from 21-49 (odd addresses). Applicants are requesting approval to rezone the parcels from RS (single family detached residential) and NCV (New Center Village) to BB (central business district) and major subdivision approval to demolish the existing single-family dwellings at the site and build a four-story, mixed use building with 3,000 square feet of office space and parking on the first floor and 30 apartments above.</td>
<td>1</td>
<td>1</td>
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<tr>
<td>E</td>
<td>02/03/15</td>
<td>Rezoning, major subdivision and special use permit for 52 North Chapel Street to demolish the existing building and build a three-story mixed-use building with 3,382 square feet of commercial space and parking on the first floor, and 12 apartments on the two floors above.</td>
<td>1</td>
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<tr>
<td>F</td>
<td>03/03/15</td>
<td>Rezoning of 60 North College Avenue from BC to BB, and the major subdivision and special use permit to demolish the existing building at the site and build a 4-story mixed use building with 5,500 square feet of commercial space and parking on the first floor, with 36 apartments on the three floors above.</td>
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<td>G</td>
<td>07/07/15</td>
<td>Rezoning of 163, 171, 175, 179 South Chapel Street and a portion of 52 Benny Street from RM and RD to RA, and major subdivision approval to construct a four-story 16-unit apartment building and five townhouse style apartments for a total of 21 units at the site.</td>
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<tr>
<td>H</td>
<td>09/01/15</td>
<td>Comprehensive Development Plan amendment, rezoning, major subdivision and special use permit of the .89-acre properties at 174 East Main Street and 21 North Chapel Street to add 6 apartment units with first floor parking to the existing mixed-use building known as Astra Plaza.</td>
<td>1</td>
<td>1</td>
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<tr>
<td>I</td>
<td>10/06/15</td>
<td>Proposed rezoning of the 320.391-acre parcel at 300 West Main Street known as the Newark Country Club from RS to RH.</td>
<td>Failed</td>
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<tr>
<td>J</td>
<td>10/06/15</td>
<td>Comprehensive Development Plan amendment, rezoning, major subdivision and site plan approval application for the 1.02-acre property located at 53, 57, 63 West Cleveland Avenue and 56 Church Street to construct 17 townhouse style apartments to be known as Cleveland Station.</td>
<td>1</td>
<td>1</td>
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<tr>
<td>K</td>
<td>01/05/16</td>
<td>Rezoning of 249 East Main Street from BLR (limited business residential) to BB (central business district) to allow a wider variety of commercial uses at the site.</td>
<td>1</td>
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<tr>
<td>L</td>
<td>01/05/16</td>
<td>Rezoning of 47 West Cleveland Avenue from BN (business neighborhood) to RM (residential multi-family/garden apartments) and minor subdivision approval to construct four townhouse-style apartments with associated parking at the site. A Comprehensive Development Plan amendment and site plan approval is also requested.</td>
<td>1</td>
<td>1</td>
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<tr>
<td>M</td>
<td>06/07/16</td>
<td>6/7/16 - Comprehensive Development Plan amendment, rezoning and major subdivision with site plan approval for 1101 and 1107 Barksdale Road, to be known as Barksdale Green.</td>
<td>Failed</td>
<td>Failed</td>
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<tr>
<td>N</td>
<td>07/05/16</td>
<td>7/5/16 - Rezoning and major subdivision with site plan approval plan for 1101 and 1107 Barksdale Road, to be known as Barksdale Green. The Comprehensive Development Plan amendment necessary for this project was decided at the June 7, 2016 meeting.</td>
<td>Failed</td>
<td>Failed</td>
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<td>O</td>
<td>08/02/16</td>
<td>Comprehensive Development Plan amendment, minor subdivision and special use permit for 6 Annabelle Street to divide a large single-family home at the site into four apartments.</td>
<td>1</td>
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<tr>
<td>P</td>
<td>12/06/16</td>
<td>Comprehensive Development Plan amendment, rezoning, minor subdivision and site plan approval plan for 40 East Cleveland Avenue to demolish the existing building and construct a garden apartment containing three dwelling units.</td>
<td>Failed</td>
<td>Failed</td>
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<td></td>
<td>10/11/17</td>
<td>Comprehensive Development Plan amendment and rezoning of 36 Benny Street from RD (one family semi-detached residential) to RM (multi-family dwellings/garden apartments) and major subdivision with site plan approval to demolish the existing buildings at the site and construct a seven-unit garden apartment.</td>
<td>Pending</td>
<td>Pending</td>
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<td>TOTAL</td>
<td>10</td>
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</table>
Areas where the Future Land Use Designation can be changed without changing the zoning.
Comprehensive Development Plan Amendments
Focus Area 1: New London Road Community

Areas where the Future Land Use Designation is Residential, Low Density, but can be changed to Residential, High Density, without changing the zoning.
Areas where the Future Land Use Designation is Residential, Low Density, but can be changed to Residential, High Density, without changing the zoning.
Comprehensive Development Plan Amendments
Focus Area 3: New Center Village Community

Legend

Newark_FULU050815
Future Land Use
- Residential, Low Density
- Residential, High Density
- Mixed Urban
- Commercial
- Industrial
- Institutional
- Parks/Open Space
- University
- Utilities
- Active Recreation
- STAR Campus

Areas where the Future Land Use Designation is
Residential, Low Density, but can be changed to
Residential, High Density, without changing the zoning.
Comprehensive Development Plan Amendments
Focus Area 4: East-East Main Street Community

Areas where the Future Land Use Designation is Commercial, but can be changed to Mixed Urban without changing the zoning.
Comprehensive Development Plan Amendments
Focus Area 5: South Chapel Street Community

Legend

Newark_FULU050815
Future Land Use

- Residential, Low Density
- Residential, High Density
- Mixed Urban
- Commercial
- Institutional
- Parks/Open Space
- University
- Utilities
- Active Recreation
- STAR Campus

Areas where the Future Land Use Designation is Residential, Low Density, but can be changed to Residential, High Density, without changing the zoning.
Comprehensive Development Plan Amendments
Focus Area 6: Elkton/Casho Mill Road Community

Legend
Newark_FULU050815
Future Land Use
- Residential, Low Density
- Residential, High Density
- Mixed Urban
- Commercial
- Industrial
- Institutional
- Parks/Open Space
- University
- Utilities
- Active Recreation
- STAR Campus

Areas where the Future Land Use Designation is Residential, Low Density, but can be changed to Residential, High Density, or Commercial to Mixed Urban without changing the zoning.