

**Planning and Zoning Commission Meeting  
January 12, 2015 @ 7:00pm**

In attendance were Chairman Bob Linett, Commissioners Jim Koozer and Holly Wingate, URS representative Kyle Gulbranson, Town Manager Debbie Botchie, and Town Code & Building Administrator Eric Evans. Commissioner Paul DuCott and Executive Assistant Matt Amerling were absent.

**1. CALL TO ORDER:** Chairman Linett called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ADOPTION OF MEETING MINUTES – December 8, 2014:** Commissioner Holly Wingate motioned to accept the adoption of the minutes from the December 8, 2014, Planning & Zoning (P&Z) Meeting. Chairman Bob Linett seconded the motion. Motion was carried 3-0.

**4. NEW BUSINESS:**

**A.** Review, discuss and vote on possible recommendation to the Town Council on draft Ordinance 15-01. Synopsis: Ordinance 15-01 amends the Town of Millville Code to repeal Chapter 155, Article VI, § 155-15 and Article XII, § 155-72; To adopt a new Chapter 155, Article VI, § 155-15; to adopt Flood Hazard Maps, to designate a Floodplain Administrator, to adopt administrative procedures, and to adopt criteria for development in Flood Hazard Areas.

Chairman Linett stated he spoke with Town Code & Building Administrator Eric Evans this morning and asked Mr. Evans, geographically, how much of Millville is affected by this ordinance, and does it change the map from what was previously in the Town rules. Mr. Evans stated this ordinance affects everything which is in the flood plain, which is on the flood map; however, most of that area is already currently developed. Mr. Evans further stated the flood plain took out some of Creekside from the new map under review tonight; but, in effect, the ordinance will not negatively impact anybody. Mr. Evans showed the Commission the current flood hazard map and the flood hazard map which is going to be adopted. Mr. Linett asked if Mr. Evans or URS representative Kyle Gulbranson could explain what the gray areas on the old and new map mean, and at what cost will the new map be to the Town? Mr. Evans stated the gray areas on the old and new map show the elevation requirements for structures, and the new areas will not affect the Town's costs at all and it will still all be for review by the Town as well as be inspected. Mr. Evans stated if someone was to build within the development (Creekside), within the flood plain, the two critical things will be having to have twelve (12) inches of freeboard, and if there is a single family home built within the flood area, the person has to backfill the crawl space so it is the same height as the exterior elevation, which is already a requirement in Sussex County in all the homes. Town Manager Debbie Botchie stated Creekside is the Town's only development which is in a flood zone. Mr. Linett asked if the flood could affect some commercial properties should the area be redeveloped. Mr. Evans stated yes, but they would have to bring in backfill or something of that nature.

URS representative Kyle Gulbranson stated the darkest gray areas on the map are what one would call the 100-year flood plain – the different shades of gray used to be called the 500-year flood plain – so these regulations impact the darkest gray areas, and, like Mr. Evans stated, one can see in the Creekside area where an area has been taken out. Mr. Gulbranson further stated how these maps were developed is the Town had better elevation than the Town had previously, and what was found resulted in overlaid estimated flooding levels over the new elevations, which is why the Commission can see that some of the areas have actually come out of the flood plan. Mr. Linett asked if the Town has to adopt this ordinance in order to have the homes be insurable. Mr. Gulbranson stated what has happened is Federal Emergency Management Agency (FEMA) has mapped almost the entire east coast [of the United States], they are updated their regulations, and FEMA and the Delaware Department of Natural Resources and Environmental Control (DNREC) are making sure all communities in the state adopt the new regulations, because, if they don't by March 15, 2015, the Town is not eligible for the flood insurance. Mr. Linett asked if there was no cost to the Town. Mr. Gulbranson stated no. Mr. Linett asked if the developers and/or builders might have a change in cost because they will have to change their construction techniques. Mr. Gulbranson stated not significantly because there are options for flood proofing as opposed to certain elevations.

Mr. Linett motioned to recommend to Town Council to adopt Ordinance 15-01 for FEMA requirements. Ms. Wingate seconded the motion. Motion carried 3-0.

**B.** Review, discuss and vote on possible recommendation to the Town Council on draft Ordinance 15-02. Synopsis: Ordinance 15-02 amends the Town of Millville Code at Chapter 155 at: Article VI “District Regulations”, § 155-09. AR-Agriculture Residential District, § 155-10. R-Residential District, § 155-12. MPC – Master Planned Community District, § 155-13. C1-Route 26 Corridor/Town Center Commercial District, § 155-14. C2-Town Commercial District, Article VII. “Supplementary District Regulations” adding § 155-28. Off-Street Parking. C. Design standards for parking areas, Article XIV. “Terminology”. Mayor Hocker formed a committee earlier this year which consisted of the following persons: Councilmembers Maneri and Kent, Town Manager Debbie Botchie, Code & Building Administrator Eric Evans, Town Planner Kyle Gulbranson, URS Corp., and Planning & Zoning (P&Z) Chairman Bob Linett. The committee worked very diligently this past year reviewing and discussing the zoning district regulations in the Town’s current code, and has made several suggested changes to the code to ready the Town for future growth.

Mr. Linett stated the Commission would not be able to get through the entire ordinance tonight, but they will start the discussion and see how far the Commission can get. Ms. Botchie stated Mr. Gulbranson brought the exhibit for the parking requirements for supplemental districts, which she does not know whether the Commission will get to tonight or not, but they need it. Mr. Linett stated Mayor Hocker formed a committee in 2014 to take a look at these different coding sections, and Mr. Linett thinks there is a really good draft here before the Commission tonight. Mr. Linett stated he would like the Commission to go through this ordinance to see why the Town is doing it and also walk through each district.

Mr. Gulbranson stated the Town's current zoning code is almost 10-years-old and he thinks it is healthy for towns to go back and look over the ordinances to make sure they are functioning the way they should, the way they are intended. Mr. Gulbranson stated, in terms of zoning, he thinks one of the most important things is to see, in this case, what has changed in the last 10 years, in terms of the type of development and did the things the Town anticipated happen within the past 10 years. Mr. Gulbranson stated the committee wanted to assure Millville had high-quality development in that what was being built in Town was going to last, look nice for years to come and would not look shoddy. Mr. Gulbranson stated another area the committee spent a lot of time on is the bulk standards in terms of lot size, and what is out there and currently being developed.

Mr. Linett stated P&Z should start with the Agricultural District (AR), and the first question is if there is any current AR district within the Town. Ms. Botchie stated what P&Z sees in green on the Town zoning map is considered AR – about six (6) or seven (7) parcels. Mr. Linett stated there were two things done to the AR: (1) the addition of the definition of the AR in terms of the cultivation of nursery stock, and having areas for conservation, such as a natural resource park or something to that effect; and (2) building beyond the lot and acreage associated with the building. Mr. Evans stated the current AR properties are being used as a farm. Commissioner Jim Koozer asked if the property is currently being used as farmland. Mr. Evans stated every year the land is tilled and crops are grown on it. Mr. Gulbranson stated one thing to keep in mind – in the Town's comprehensive plan – in the featured land use, all the parcels which are deemed AR are residential in the future land use map so the natural progression is for them to rezone residential and be redeveloped as farming for houses. Mr. Linett asked if this would also be relevant to any annexation. Mr. Gulbranson stated yes, that is true. Mr. Gulbranson further stated he thinks the AR zone was established as a holding district (i.e., to hold parcels) if/when parcels were annexed into Town.

Mr. Linett stated P&Z would next look into fine-tuning the accessory uses on page two (2), having to deal with the cultivation of fruits, vegetables and grains, as well as the cultivation of nursery stock, community gardens – which the committee added – and the temporary movable stands (i.e., fruit stands on someone's property). Mr. Linett asked if six months is enough. Ms. Botchie stated that is for a growing season, which is more than the Town's season here. Mr. Evans stated the Town's Farmer's Market does not last six (6) months and the Town cannot get farmers in early enough or stay longer because they run out of crops. Ms. Botchie stated she thinks six (6) months is fine. Ms. Botchie asked P&Z if they are pleased with the AR portion. Mr. Linett stated if Ms. Botchie really thinks 6 months is appropriate, then he is fine with it. Ms. Botchie stated things can change and the property P&Z is looking at in the middle of Millville by the Sea (MBTS), they do not have any standalone farm stands because the land is leased; and the other farmland, again, has no farm stands – it is only one field of all grain, etc. – so Ms. Botchie does not think P&Z is going to see a change in the farming. Mr. Gulbranson stated he wondered if the Town should discuss allowing farm stands on C1 (Commercial) zoned properties. Ms. Botchie stated the mention of farm stands was not put into the C1 amendment, but there may be a way to include it in the C1 district by placing a note, stating "The same uses as in the AR district." P&Z agreed the best way to conduct the meeting and the motion was to make one broad motion after reviewing the entire ordinance rather than after each district.

P&Z agreed and it was made known by all commission members that they agreed on the AR section.

Mr. Linett stated the next section up for discussion is the Residential District (“R”). Ms. Botchie stated, regarding the “R,” permitted uses had no changes, and permitted accessory uses – other than the word “principal” – is fairly new with the detached accessory garage and the committee did not get into anything. Ms. Botchie further stated her question is on page five (5), top of the page, “bed and breakfast, inn or boarding house,” which is where P&Z will see Ms. Botchie’s comment that, in her opinion, a boarding house should not be in the Code in any way, shape or form. Ms. Wingate asked, before P&Z gets into Ms. Botchie’s comment, back on page four (4), in terms of yard sales, is someone going to monitor who is having yard sales over the course of a year because if someone is not going to enforce it, there needs to be reconsideration of it being added to the ordinance. Ms. Botchie stated Ms. Wingate is correct, and no one currently monitors the yard sales – and everyone knows it – because the Town does not have code enforcement on the weekends. Ms. Botchie stated what happens is a lot of signage begins popping up around Town, and the Town takes the signs down when Mr. Evans or someone from the Town sees the signs. Ms. Botchie further stated there is no way to monitor the yard sales unless there was an incident where a person was having a yard sale every Friday and someone from the Town saw them setting up for it, or if a resident calls in to complain to the Town about it. Ms. Wingate asked if P&Z should leave the yard sale section in the ordinance. Mr. Evans stated he would keep the section in to prevent people from abusing the amount of or logistics of yard sales.

Mr. Linett asked what the “R” section is about. Mr. Evans stated a traditional single family home. Mr. Linett asked if the Town has had any issues with the old, current Code. Mr. Evans stated the only issue he has is with item “h” on page four (4), because, with this area being the beach community the Town has, shouldn’t residents be allowed to park their trailer? Mr. Koozer stated the item had to do with parking a trailer in the yard. Ms. Botchie stated the Town actually does get a lot of complaints about this issue. Ms. Botchie stated in communities there is a Homeowners Association (HOA) and 99.9% of them are going to say the resident cannot park their boat in their driveway or anywhere on the property. Ms. Botchie asked Town Council Member Steve Maneri if that was correct. Mr. Maneri stated the resident has two weeks (with a 20-foot boat) to have it parked on their property, depending on the HOA. Ms. Botchie stated the Town has other areas where there is no HOA and people have boats or jetskis in their driveway, and Mr. Evans has taken pictures (some in HOAs and some not), and there are HOAs which have not enforced a lot of the violations, but the Town can enforce them. Ms. Botchie stated she does not consider the Town a “beach community,” however, a majority of the people moving into Town are retiring, they do have boats, jetskis, etc., but they have to go out and look for storage for these items. Ms. Wingate stated the Town needs to ask if it really wants to be policing all the properties. Mr. Linett stated there may be an amendment where the Town can state what time of year they can park their trailer, boat, jetskis, etc. Mr. Evans stated there is a comment stating parking these items is not allowed in the front yard and everyone here agrees that “front yard” refers to the actual grass yard. Mr. Evans further stated there is article 155-27, item C, there is a reference to “no major recreational equipment shall be parked or stored on any lot in a residential zone except in a car port or enclosed building,”

and P&Z can modify that article. Ms. Botchie asked what code that article is in. Mr. Evans stated one is in the accessory, which the committee has not reviewed yet. Ms. Botchie stated P&Z is going to talk about that particular article when it comes under review. Mr. Gulbranson stated there aren't many parcels which as zoned as "R," just a few around Reba Road and Cedar Drive. Ms. Wingate stated she is curious to know how many of those already have an HOA which has control over what can and cannot be in the driveways. Ms. Botchie stated those properties do not have HOAs. Mr. Linett stated he thinks there are two things wanting to be done here: (1) to say the property owner can park this recreational equipment in the driveway, as opposed to the grass, and (2) whether the property owner will be able to park the recreational equipment in the front yard in the off season. Mr. Linett stated the Town has to look at each HOA's standards on the matter so whatever the Town does, the Town will know what the impact will be, because if the Town comes in with a more stringent standard than what the HOA has, then the HOA and property owner have to be made aware by the Town that the Town has an impact on them. Ms. Botchie stated when the ordinance under review mentions no recreational equipment in the front yard, the Town does not mean the driveway, but rather the grass yard. P&Z agreed with Ms. Botchie's definition of "front yard."

Mr. Koozer stated, in regards to play houses under item "g," five (5) feet may have been good 20 years ago, but today they are being built bigger, and Mr. Koozer asked where the 5 feet came from. Ms. Wingate stated her concern was if the footage way increased, the Town may be getting into habitable space by adults. Mr. Linett and Ms. Wingate agreed the 5 feet should be left as it is in the ordinance. Mr. Linett stated, regarding page three (3), with the detached accessory garage, sometimes there are structures which are not permanent structures (i.e., the tent-like gazebos), and should they be included under the detached accessories or make a separate item for them. Mr. Koozer stated he thinks such structures may not be considered permanent and more temporary. Ms. Botchie stated the Town does have a temporary real estate sales center, under the conditional use. Mr. Koozer stated what Ms. Botchie is talking about is different from the structures Mr. Linett is talking about. Ms. Wingate asked what the definition of permanent would be. Mr. Gulbranson stated a structure is permanent if it is permanently affixed (i.e., with concrete) to the ground. Mr. Linett stated this is something which Mr. Evans should research more and come back with language to cover such temporary detached structures. Ms. Botchie stated there simply needs to be a definition placed in the ordinance.

Mr. Linett stated, regarding page five (5), under item two (2), Ms. Botchie added a note about the boarding houses, and Mr. Linett agrees with Ms. Botchie that the boarding house should be taken out of the ordinance. Ms. Wingate stated she also agrees. Mr. Linett stated there is a comment from Mr. Gulbranson regarding the lot frontage. Mr. Gulbranson stated his suggestion was to take out the note on page 5, under item #1-A-1, should be taken out simply because it is redundant and is already brought up in the next item (#1-A-2), where it fits better. Ms. Wingate stated she agrees. Ms. Botchie asked if all the language in red font could be taken out. Mr. Evans and P&Z agreed yes.

Mr. Linett asked Ms. Botchie what she wanted to comment on regarding the Residential Planned Community District ("RPC"). Ms. Botchie stated what she and the committee did with

the “RPC,” under uses permitted by conditional use, is the committee is moving the conditional uses around, taking out some special exceptions and putting them as a conditional use, but the temporary residential real estate sales center is only allowed in the “RPC,” so it makes more sense to place it in the district code. Mr. Linett stated the Town has already reviewed this aspect to the code in previous meetings so, unless anyone else has an objection, there is no reason to review it here tonight. Ms. Botchie stated the next comment, on page eight (8) under item “H,” was originally in the Code, but somehow was taken out when the Code was re-codified in 2010, so the Town is placing it back in the Code. Ms. Botchie further stated because it has already been approved, there is no need for P&Z to review it over again. Mr. Linett stated he understood and agreed.

Ms. Botchie stated the next page with comments – page 12 – will have to wait to be reviewed until the next P&Z meeting in February. The P&Z Commission agreed.

**6. PROPERTY OWNER/AUDIENCE COMMENTS:**

There were not comments.

**7. ADJOURNMENT:**

Mr. Linett stated the next P&Z meeting would be on February 9, 2015. Ms. Wingate motioned to adjourn the meeting at 7:57 p.m. Mr. Linett seconded the motion. Motion passed 3-0.

Respectfully submitted and transcribed  
by Matt Amerling, Executive Assistant