

Meeting Minutes  
Town of Dewey Beach Planning Commission Meeting  
Meeting Date: January 17, 2015

**Purpose.** To hold a Public Hearing on an ordinance, for recommendation to the Town Commissioners, to amend Chapters 1, General Provisions, and 185, Zoning, of the Town Code to modify how building height is regulated in special flood hazard areas; to hold Planning Commission deliberations and a possible vote on an ordinance recommendation for amending Chapters 1, General Provisions, and 185, Zoning, to modify how building height is regulated in a special flood hazard area; to discuss possible amendments to Chapter 1, General Provisions, Article III, Definitions; to discuss possible amendments to Chapter 185, Zoning, and Chapter 80, Civil Violations, as required for consistency with recently approved amendments to Chapter 101, Flood Damage Reduction; and to discuss potential amendments to Chapter 185, Zoning, related to zoning standards in the Neighborhood Residential zoning district.

**Chair’s Meeting Summary and Comments.**

1. After a duly noticed public hearing the Planning Commission voted to approve an ordinance for recommendation to the Town Commissioners to amend Chapter 185, Zoning, to modify height standards for buildings in flood-prone areas based on a model that is referenced to FEMA Base Flood Elevations-Plus-Town Mandatory Freeboard and a height standard of 32’ from that reference point. This changes the reference point in special flood hazard areas to a flood-level based metric from a land-based one. The standard of 32’ will provide most property owners with property in flood zones the ability to build to essentially the same vertical building envelope as under current code without resulting in more than a handful of locations where a building could be built significantly higher than the current 35’ standard. There is no change to the height standard or reference point for properties outside of any flood zone.
2. The Planning Commission reached consensus on language for a draft ordinance to amend Chapter 185, Zoning, to authorize the Board of Adjustment to hear and grant requests for variations from the requirements in the new Chapter 101, Flood Damage Reduction, and for a schedule of violations and fines for violations of said Chapter 101. This will go to before a public hearing at the next meeting and a possible vote for recommendation to the Town Commissioners.
3. The Planning Commission reached consensus to defer any amendments to the zoning requirements for the Neighborhood Residential district to the Comprehensive Plan Working Group; any such changes would then be made in a comprehensive review of zoning district boundaries and zoning requirements in all zoning districts.
4. The Planning Commission reached consensus on changes to the prepared lists of proposed amendments to Chapter 1 Article III, Definitions, and Chapter 185, Zoning. In addition to several minor and/or administrative changes, there was consensus to add “telecommunications equipment and enclosures” under the definition of “structure”, delete the “more than 50%” restriction in the definition of “story” that differentiates a half story versus full story, and modify the definition and requirements of “home occupation” to parallel those of New Castle County.

**Opening.** The meeting was called to order by Chair David King (10:00 am), followed by the Pledge of Allegiance and roll call. A quorum of Planning Commission members was present: Jim Dedes, Don Gritti, Mike Harmer, Mike Paraskewich, and Marty Seitz. Also in attendance were Town Manager Marc Appelbaum, Mayor Diane Hanson, Georgia Leonhart, Chris Flood, Kevin Monigle and others; the proceedings of the meeting were recorded (audio only) and will be posted on the Town Website under this meeting event.

1 **Prior meeting minutes.** Following a motion and second, the draft minutes from the Commission’s  
2 December 6, 2014 meeting were approved by unanimous voice vote.

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4 **Regular Agenda**

5 **1. Public Hearing (10:05 AM)** on a draft ordinance to amend building height standards for buildings in  
6 special flood hazard areas by adding or amending definitions in chapter 1. General provisions section  
7 1-16 definitions related to height, grade, building envelope, and substantially similar configuration;  
8 amending the height standard in chapter 185. Zoning table 2. Bulk zoning standards for all districts to  
9 change how “maximum building height” is defined and regulated for buildings in special flood hazard  
10 areas within the town of dewey beach; amending chapter 185. Zoning section 185-46 modification of  
11 height regulations to waive height standards under certain circumstances; and providing for  
12 severability, proper formatting, and establishment of an effective date.

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14 The draft ordinance was read. There was no substantive public comment and the public hearing was  
15 closed.

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18 **2. Planning Commission Discussion and possible vote (10:15 AM)** on the above draft ordinance to  
19 amend height standards for buildings in special flood hazard areas.

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21 During the Planning Commission’s subsequent deliberations of the draft ordinance before them, there was  
22 unanimous support for changing the baseline for measuring height to FEMA’s Base Flood Elevation Plus  
23 Town Mandatory Freeboard.

24  
25 The majority of Commissioner discussion centered on the value to be used for “maximum building  
26 height” as the building height standard in Special Flood Hazard Areas (SFHAs). The major pros and cons  
27 of using a value of 35’ versus one of 32’ are summarized below:

28  
29 35’ Height Standard in SFHAs

- 30 • Pro: assured that almost no one will lose how big a house they can build compared to the
- 31 current height standard (35’ from grade);
- 32 • Con: will result in many buildings being several feet higher in SFHAs than permitted
- 33 under the current standard.

34  
35 32’ Height Standard in SFHAs

- 36 • Pro: will result in most buildings built or improved in SFHAs being less than a foot
- 37 higher than could be built under the current standard;
- 38 • Con: a few properties (mainly where grade is significantly higher than the ground on the
- 39 building lot) will be more constrained with regard to vertical building envelope than can
- 40 be built under current code. In these few instances there is always recourse to appeal to
- 41 the Board of Adjustment based on specifics aspects of their property.

42  
43 With minor administrative changes the Commissioners voted unanimously to amend and approve the  
44 draft ordinance before them (with a 32’ height standard in SFHAs) and recommend said ordinance to the  
45 Town Commissioners for their approval.

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47 **3. Planning Commission discussions on potential amendments to Chapters 185, Zoning and 80,**  
48 **Civil Violations (10:41 AM).** These amendments are largely “housekeeping” amendments to bring  
49 these portions of Town Code into alignment with the amendments to Chapter 101, Flood Damage  
50 Reduction, approved by the Town Commissioners in December 2014, including an amendment to

1 Section 185-66. [Board of Adjustment] Powers to authorize the Board of Adjustment to hear and  
 2 grant variances to Chapter 101, Flood Damage Reduction, and creation of a new Section 80-14 for a  
 3 schedule of violations and penalties for violations to flood damage reduction regulations.  
 4

5 There was Commissioner consensus on several minor and/or administrative changes to the draft  
 6 ordinance and, after some discussion, consensus on “alternative 1” language for the proposed fines  
 7 and penalties portion of the proposed Section 80-14 (language taken from the current Chapter 101  
 8 Section 101-22). The amended draft ordinance will be the subject of a public hearing at the next  
 9 Planning Commission meeting with a possible vote on a recommendation to the Town  
 10 Commissioners.  
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12 4. **Planning Commission discussions on potential amendments to Chapter 185, Zoning, of the**  
 13 **Town Code related to zoning standards in the Neighborhood Residential zoning district (10:50**  
 14 **AM)** The Planning Commission discussed how to approach the Town Commissioners’ request for  
 15 review and recommendation on potential amendments to Chapter 185, Zoning, regarding zoning  
 16 standards for the Neighborhood Residential zoning district. After some discussion, the Planning  
 17 Commissioners reached consensus to leave any such changes to the Comprehensive Plan Working  
 18 Group and have Chair King draft a report to the Town Commissioners with some overarching  
 19 observations that have come out of several public hearings and Planning Commission meetings on  
 20 this subject over the last year or so, and to include recommendations on a timeline and potential  
 21 membership for the 2017 Comprehensive Plan Working Group.  
 22

23 5. **Planning Commission discussions on draft amendments to Chapter 1 General Provisions**  
 24 **Sections 1-15 and 1-16, Definitions, and related amendments to Chapter 185, Zoning. (11:12**  
 25 **AM)** The Planning Commission discussed draft amendments to Sections 1-15 and 1-16 as  
 26 recommended to the Town Commissioners by the Planning Commission in 2008 but not acted on by  
 27 the Town Commissioners, potential amendments necessitated by the pending adoption of an amended  
 28 Chapter 101. Flood Damage Reduction, and other potential amendments as discussed at recent  
 29 Planning Commission meetings, and potential changes to Chapter 185, Zoning, necessitated by some  
 30 of the proposed amendments to Sections 1-15 and 1-16.  
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32 In terms of changes to the draft amendments proposed for Chapter 1 Sections 1-15 and 1-6, there was  
 33 a consensus to make several minor and/or administrative changes, add a definition for “knee wall”,  
 34 relabeling the definition of “automobile service station” as “filling station” to be consistent with  
 35 permitted uses in resort business districts in Table 3 of Chapter 185, include “telecommunications  
 36 equipment and enclosures” under the definition of “structure”, and add pictures of knee wall and half  
 37 story. After some discussion there was consensus to delete the language under the definition of  
 38 “story” limiting area under a dormer(s) for a qualifying half story, to not limit “home occupations” to  
 39 property owners but to extend this ancillary use to resident renters, there was clarification added to  
 40 the definition of “yard”, and Vice Chair Paraskewich was asked to provide more comprehensive  
 41 definitions for “dune line” and “wetlands”.  
 42

43 In terms of changes to the draft amendments proposed for Chapter 185, there was consensus on  
 44 several minor and/or administrative changes. With regard to “home occupation” Vice Chair  
 45 Paraskewich suggested adopting the regulations used by New Castle County. Chair King and Vice  
 46 Chair Paraskewich will work on adding appropriate language here for the next meeting.  
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48 **Closing (12:33 PM)**

49 There were no further comments from the Public or Committee Members, the next meeting will  
 50 be February 7, 2015 at 10:00 AM. There was a motion and second to adjourn, which was passed  
 51 by unanimous voice vote (12:37 PM).