

**PLANNING AND ZONING COMMISSION
MINUTES
January 23, 2019**

ATTENDEES:

Members

Pam Buckley
Peck Miller
Joel Brous
Lauren Taylor
Chris Shanahan
(Palmer Gillis – absent)
Joe Wilson

Staff

Bill Neville
Frank Hall
Kay Gordy
Will Esham, Attorney

5:30 PM

I. WORK SESSION –

Planning Director Bill Neville led this discussion based on information gathered at the January 8, 2019 continued public hearing regarding proposed zoning code amendments. The Commission denied Code Amendment #18-14100014 with amendment Option D to move forward to the Mayor and City Council after two public hearings and decided to reconvene at this session for more work. Mr. Neville recommended using Option A that had been included in the prior public hearings without changing the language already considered:

Option A: Amend Section 110-72(a) to read as follows:

“The existence and extent of a nonconforming use, structure or lot shall be a question of fact to be determined by the administrator. If, after investigation and an on-site inspection, the administrator cannot make a confident determination, he may require the property owner to apply to the Board of Zoning Appeals for determination of nonconformity following a public hearing.” **A Determination of Nonconformity of parking requirements shall not be applicable to support the portion of a development project that utilizes Transferable Development Rights to increase its base density.**

Commissioners discussed this language and summarized that they do not favor using TDR's without available parking. They are not in favor of using existing nonconformity with new density as that creates further nonconformity. Commissioner Wilson asked if these procedures would diminish the value of a TDR and recommended requesting a joint session with Mayor and City Council to further discuss this topic. Commissioner Brous asked if the applicant would still be able to apply to the Board of Zoning Appeals, which Mr. Hall, Zoning Administrator, answered in the affirmative.

Director Neville suggested that this option was more favorable because changes are made in the Transfer of Development Rights Code Section and not the Nonconformity Code Section until more long-range development plans come to fruition, such as parking garage(s) downtown. He and Mr. Hall propose policy changes for development/redevelopment prior to codification. They would send a Zoning Memo to those in the industry to make them aware of difference in administration of the code for their use in planning projects. The Commission was very much in favor of this memo. Since Option A had been discussed and advertised for both

the December 4th public hearing and the continuation on January 8th, Mr. Esham, attorney for the Commission, recommended delaying action on this proposal until it can be placed on the next agenda, February 5, 2019.

In addition, Mr. Neville informed the Commission that the Sustainable Communities application has been reapplied for and will be on the Council's agenda on January 29th. The packets forwarded to the Mayor and City Council will be sent to the Commissioners by email for their review.

6:30 PM

II. APPROVAL OF MINUTES –

Minutes of January 8, 2019

MOTION/Taylor SECOND/Miller to approve the minutes as submitted. Vote was (6-0-1), Commissioner Palmer Gillis absent.

III. COMMISSION ADMINISTRATIVE –

1. Findings of Fact for Ocean City Boardwalk Conditional Use for a mini-golf at 45th Street Village were signed. Commissioner Gillis was absent for the hearing and signing.
2. Election of Officers: Pam Buckley was nominated to remain Chairman, and Peck Miller nominated to remain Secretary. Both members accepted their nominations and were elected for the next year unanimously of those present.

ADJOURNMENT – 6:40 pm

Peck Miller 2/5/19
Peck Miller, Secretary DATE