

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
February 4, 2014**

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Diane Tingle, Mike Quinn, Winnie Lewis, Merritt Burke and Pat Schuchman

Absent: Roy Williams, Ben Waide

Public in Attendance: Marc McFaul

Minutes:

- Diane Tingle made a motion to approve the minutes of December 2, 2013 seconded by Gene Langan. Motion passed.

Issues for Discussion & Possible Action:

- Bill Weistling began the meeting with a review of the proposed draft of the amendment to Chapter 160 regarding changes in commercial zone setbacks, sidewalks and fences.
- The proposed draft had been reviewed by our Town Attorney, Mary Schrider-Fox for accuracy and content.
- Bill further commented that he added the section in the proposed draft of § 160-8A(9)(b) to require a fence 6' to 7' in height along the rear property line of commercial properties adjacent to residential properties in order to prevent disturbance to the residential properties if there should be parking along this area. Although not previously discussed, the C&O Committee was in agreement with this addition to the draft.
- Bill also pointed out that the proposed draft will prohibit fences in the front setback which is proposed to change from 25' to 15'. This not only was discussed at previous C&O meetings but had also been discussed at and agreed upon at meetings of the Town's Planning Commission.
- Winnie Lewis commented that the Planning Commission supports the 15' front setback which would limit this area to more of a "green" orientation.
- Marc McFaul, owner of Ropewalk Restaurant, asked if his fence located in the front setback would be "grandfathered" since it is already existing. Bill Weistling stated that yes, both Ropewalk's fence and the fence in the Town park would both be considered "grandfathered".
- Bill further answered that these proposed changes are based on visibility concerns and future development along Route 1.
- Discussion continued on the height of vegetation that would be allowed in the proposed 15' front setback. Bill suggested bushes and plantings not higher than 3' and trees with branches no less than 6' from the ground.
- There was further discussion on where to measure from, the property line or the curb. It was agreed to change the setback for vegetation higher than 3' be measured 10' from the curb face along both Route 1 and the adjacent street. This would not change the proposed 15' front setback for new construction and fences.
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- Another proposed amendment in the draft (§160-5F) would have required a 5' sidewalk to DELDOT standards. The Town will meet with DELDOT later this month to get their input on sidewalk requirements and will report these findings back to C&O.
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- Under discussion of Chapter 112 (Parking), Gene Langan informed the committee members that bayside striping will begin when the weather warms and will result in approximately 160 parking spaces on the bayside.

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- Chapter 160-5A(8) – Farmer’s Market will be amended by removing the word “unimproved” from the requirement. This would enable a farmer’s market to operate on a commercial parking lot and not be restricted to a vacant unimproved lot.
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- Mike Quinn expressed his concern that the requirement to anchor propane tanks and all free-standing structures was vague and was in favor of limiting the anchoring requirement to propane tanks only. Bill Weistling stated this will be placed on the agenda for discussion at the February 21, 2014 Town Council meeting.

Comprehensive Plan:

- The next Planning Committee meeting is scheduled for Tuesday, March 11, 2014 at 2:30 p.m.

Next Meeting:

- Tuesday March 4, 2014 at 9:30 a.m.
- Discussion as follows:
 - Chapter 160 (Zoning) – Fences (Freestanding Structures)
 - Chapter 160 (Zoning) – Commercial Setbacks
 - Chapter 160 (Zoning) – Sidewalks
 - Chapter 112 (Parking) – General Parking Regulations
 - Chapter 160 (Zoning) – Anchoring Free-Standing Structures

Old:

- Bill Weistling mentioned the draft flood ordinance amendment that was previously discussed. Although reviewed by our Town Attorney, DNREC and FEMA reviewed the proposed changes and notified us that the draft would not meet FEMA requirements and sent a model ordinance for us to consider.

New:

- Merritt Burke stated he will meet with Captain Ferry of the lifeguard squad to ask if we should consider allowing stand up paddle boards in the ocean within Town limits.

Adjourn:

- Diane Tingle made a motion to adjourn the meeting, seconded by Gene Langan. The meeting was adjourned at 11:00 a.m.