

**The Town of Selbyville
Planning and Zoning Commission
Minutes of Meeting July 23, 2024**

The meeting was called to order by Chairman Jay Murray at 4 o'clock p.m. Also in attendance were Councilman Chris Snader, Mike Doyle, Bill Kirsch, Building Inspectors Tony Merollini and Ed Ackerman, and Town Administrator Stacey Long. Ken Madara was absent.

The meeting was properly posted.

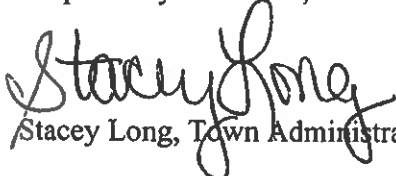
The first item on the agenda was to review the draft Mixed-Use Zoning Overlay District prepared by AECOM. Kyle Gulbranson, Project Manager, and Amy Mendelson, Staff Planner, of AECOM presented a proposed Mixed-Use Zoning Overlay District and draft ordinance to the members of the Planning & Zoning Commission. Mr. Gulbranson and Ms. Mendelson presented a draft of this new overlay district in February 2024, however, there were a few revisions that were needed after discussing with the commissioners. They have revised a second draft incorporating those changes. The minimum off-street parking requirements include a fee in lieu of parking space. When the required number of parking spaces are not currently available and cannot be provided on-site, the applicant shall pay a fee in lieu of one or more required spaces, in an amount determined by the Mayor & Town Council sufficiently equivalent to the estimated costs of establishing additional public parking spaces within the Mixed-Use Overlay District. A section addressing off-street loading has also been incorporated into the proposed ordinance. Ms. Mendelson suggested they confirm the proposed Mixed-Use Overlay parking requirements align with the HB-Historic Business and HR-Historic Residential Districts. The sign requirements reference the section of the Town Code within the Historic Zoning Districts. One important requirement in the draft ordinance is that any proposed development seeking the Mixed-Use Overlay shall be required to submit a site plan. A copy of the presentation including the revisions is attached to the Minutes. A map of where this district would be envisioned is also included. Commissioner Kirsch suggested creating a map of the proposed area and list the vacant lots in the recommended Mixed-Use Overlay area for visual purposes.

After the presentation, it was discussed to include additional revisions:

1. **Change the single-family dwelling front yard setback to duplicate the language in the HR-Historic Residential District Chapter 200-73B(1);**
2. **Include the following areas on the proposed locations map: Ellis Alley, Dukes Street, South Williams Street west of Main Street from Lighthouse Road to Holloway Street.**

There being no further business to discuss, Councilman Chris Snader made a motion to adjourn the meeting. Motion seconded by Bill Kirsch and carried by all.

Respectfully submitted,


Stacey Long, Town Administrator

§ 200-85 MU Mixed-Use Overlay District

- 1) Purpose.** The intent of this district is to meet the needs of a mixed-use commercial area that promotes new development and enhances the overall community character by providing a range of housing types, encouraging a mix of neighborhood-scale commercial and retail uses, furthering pedestrian connectivity thereby connecting the downtown to the surrounding residential districts, strengthening the local economy, and preserving the historic character of the community. These regulations will make a substantial difference in creating a mixed-use area that residents and visitors alike will want to visit, shop, work, and reside within.

- 2) Terms Defined**
 - a) Brewpub**

Establishments that are primarily a restaurant and bar, but which include the brewing of beer as an ancillary use, and only produces enough beer for consumption on the premises or for retail carryout sale in containers commonly referred to as growlers.

- 3) Overlay district, effect on other provisions.**
 - a) To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Mixed-Use District has been created as an overlay district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning Map.
 - b) The housing types, permitted uses, minimum lot requirements, maximum height, minimum yard requirements, off-street parking and loading requirements, and accessory uses shall be determined by the requirements and procedure set forth in this section, which shall prevail over conflicting requirements of these regulations and the regulations of the underlying zoning district.
 - c) This overlay district shall only be used to promote mixed-use developments.

- 4) Permitted Uses.** A building or land shall be used only for the following purposes:
 - a) Single-family dwellings and upper-level apartments or condominium flat units located above commercial businesses or uses.
 - b) Tourist homes, also referred to as "Bed and Breakfast Inns".
 - c) Business and professional offices, including but not limited to law, insurance and real estate, banks, finance, utility company, and other general business offices.
 - d) Medical and dental offices
 - e) Bakeries
 - f) Barbershops and beauty parlors, shoe repair and tailor shops, repair shops for small appliances and small articles.
 - g) Dry-cleaning and laundry pick-up
 - h) Health club facilities, swimming and tennis clubs.
 - i) Home-based businesses, provided there is no outside storage of equipment, supplies, or business vehicles.

- j) Brewpub
 - a) No more than 50% of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.
 - b) Where permitted by local ordinance, state and federal law, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a United States gallon (3,785 ml/128 U.S. fluid ounces). These containers are commonly referred to as growlers.
- k) Restaurants
 - a) A restaurant may have a cocktail lounge, as defined, where patrons may sit and wait for their table, which serves alcoholic beverages and is accessory to the restaurant. The temporary stand-up consumption of alcoholic beverages shall be permitted in a cocktail lounge, but only when there is insufficient seating in the cocktail lounge for restaurant patrons who are waiting to be seated at a dining table in the restaurant.
- l) Florist shops and garden supply stores
- m) Pet-grooming shops, subject to the following requirements:
 - a) Suitable facilities are provided for the care and cleaning of large and small domestic animals.
 - b) The facility must meet all district regulations. No mobile or trailer facilities are allowed.
 - c) The facility may be in another business facility of similar use.
 - d) State of Delaware, Department of Public Health requirements must be maintained and met on a regular basis.
- n) Stores and shops for the conduct of retail businesses, including the sale of antiques, apparel, appliances, beverages, books, fabric, food, furniture, general merchandise, hardware, garden supplies, hobby supplies, stationary, and similar stores and shops.
- o) Studios for artists, photographers, and musicians

5) Permitted accessory uses.

- a) Private garage, garden or tool shed.
- b) Shall be compatible in style and function with the principal use.
- c) Minimum area and yard requirements for accessory uses and structures:

Requirement	Attached Accessory Building	Detached Accessory Building
Location	Side and rear yards	Rear yard
Side corner setback	Same as principal	Same as principal
Side interior setback	Same as principal	5 feet
Front yard setback	Same as principal	Same as principal
Rear yard setback	Same as principal	5 feet
Distance from principle	N/A	10 feet
Distance from dwelling on residential lot	N/A	20 feet
Maximum height	Same as principal	15 feet
Maximum lot coverage	Same as principal	25% of rear yard

6) Conditional Uses.

a) Conditional uses shall be permitted as provided in Article XVII of this chapter.

7) Height, area, and bulk requirements.

a) Minimum:

Requirement	Single-Family*	Multifamily above Commercial*	New Commercial Uses in Existing Buildings
Lot size (square feet)	10,000	5,000	5,000
Lot area per dwelling unit (square feet)	10,000	2,000	N/A
Lot frontage (feet)	100	50	50
Lot depth	100	100	100
Side yard setback (feet)	10	N/A	10*
Front yard setback (feet)	30	N/A	0
Rear yard setback (feet)	10	N/A	10

NOTE: *Review additional requirements below.

8) Building Height.

a) No building shall exceed 35 feet in height or 3 stories.

b) Rooftop mechanical equipment shall be screened by extended parapet walls or other roof forms that are integrated with the architectural design of the building.

9) Single-family density. The overall single-family density shall not exceed three units per acre.

10) Multifamily density. The density shall not exceed twelve dwelling units per acre.

11) Maximum building size. The maximum building size allowed within the Mixed-Use District shall be 25,000 square feet.

12) Lot coverage. No new building and/or new accessory use shall be constructed to cover more than 75% of the lot, and no existing building or structure shall be enlarged as to cover more than 75% of the lot.

13) Side yard setbacks. Where the side lot lines of two business establishments abut each other, side yard requirements may be waived so that the resulting space in said side yard may be utilized to create a continuous appearing building if there is compatible

design and the lot complies with all other requirements for maximum building coverage, parking, access, etc.

14) Minimum multifamily unit size. The minimum square footage per unit shall be 800 square feet.

15) Minimum off-street parking requirements.

- a) When any building or structure is hereafter erected or structurally altered or any building or structure is converted for any use, accessory off-street parking spaces shall be provided in accordance with §200-106B.
- b) Parking areas for individual uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s) where feasible to minimize access points to the street.
- c) An off-street automobile parking area shall be provided on any lot which any of the prescribed uses are established. Such space shall be provided with safe vehicular access to a street or alley and shall be subject to the design standards set forth in §200-110.
- d) In the Mixed-Use Overlay, parking spaces may be provided on a separate lot if located within 500 feet of the subject use or building. Two or more lot owners may join together in the provision of the required parking space.
- e) Existing buildings not complying with off-street parking requirements may be remodeled, repaired and structurally altered; however, any enlargement of a structure, except as otherwise exempted above, shall require compliance with the required parking spaces for said enlargement.
- f) Fee in lieu of provided parking space. Whenever the required number of parking spaces are not currently available and cannot be provided on-site in a manner that satisfies the requirements of this section, the applicant shall pay a fee in lieu of one or more required spaces, in an amount determined by the Town Council sufficiently equivalent to the estimated costs of establishing additional public parking spaces within the Mixed-Use Overlay District. Such fee shall be kept in a dedicated fund to provide for municipal parking purposes and shall be used for such purposes.
- g) Location of off-street parking. All off-street parking, to the extent possible, shall be located behind or to the side of the building. Parking spaces located in a side yard shall be screened from view. All parking areas shall be landscaped with trees and shrubs and shall provide at least one shade tree per 10 parking spaces.
- h) Vehicular access between commercial lots. Vehicular access between commercial lots is required instead of individual parcel curb cuts. Adjoining parking areas must be connected directly to one another to a service drive or alley to reduce turning movements onto roads unless the Town Engineer determines that such connectivity access is not available and practical. The exact location and extent or cross access between lots shall be subject to review and approval by the Planning Commission.
- i) For mixed-use developments, site plans must address the parking needs of the different users through design measures such as shared parking with time provisions and metered

parking.

16) Minimum off-street loading.

- a) One space per building shall be provided where each space shall be located so that any vehicle being loaded or unloaded or maneuvering into a loading space does not interfere with any other parking or loading spaces, driveways, aisles, fire lane or street-right-of-way.

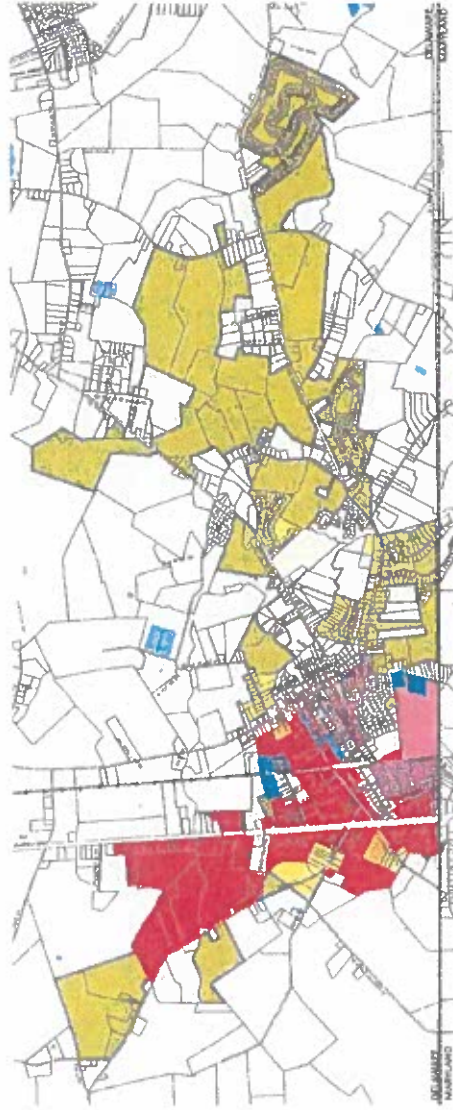
17) Signs.

- a) Signage shall be permitted as provided in Article XIV of this chapter.

18) Site plan approval required.

- a) Any proposed development seeking to be established within the Mixed-Use Overlay shall be required to submit a site plan in conformance with the procedures set forth in §200-150 and further that meets the requirements enumerated in §200-151 and §200-152.

Proposed Mixed-Use Zoning Overlay District



Comments Addressed
Purpose & District Effect on Provisions
Permitted Uses
Principal Bulk Standards
Accessory & Conditional Uses
Off-street Parking & Loading
Signage & Site Plan Approval
Proposed District Locations

AECOM

July 23, 2024

Comments Addressed from February PC Meeting

- **Minimum Area per multifamily unit:** Was originally proposed for 1,400 sq. ft. Has been changed to 800 sq. ft.
- **Front Yard Setbacks:**
 - Single-family dwelling is 30 ft.
 - New Commercial Uses is 0 ft.
- **On-street vs. Off-street Parking:**
 - Section 15 provides regulations for off-street parking. All parking areas are required to comply with §200-110 from the existing code.
- **Site Plan Approval:** The below language is taken directly from the DRAFT code.

Any proposed development seeking to be established within the Mixed-Use Overlay shall be required to submit a site plan in conformance with the procedures set forth in §200-150 and further that meets the requirements enumerated in §200-151 and §200-152

Purpose & District Effect on Other Provisions

Purpose. The intent of this district is to meet the needs of a mixed-use commercial area that promotes new development and enhances the overall community character by providing a range of housing types, encouraging a mix of neighborhood-scale commercial and retail uses, furthering pedestrian connectivity thereby connecting the downtown to the surrounding residential districts, strengthening the local economy, and preserving the historic character of the community. These regulations will make a substantial difference in creating a mixed-use area that residents and visitors alike will want to visit, shop, work, and reside within.

Overlay district, effect on other provisions.

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- This overlay district shall only be used to promote mixed-use developments.

Permitted Uses

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- Professional and general business offices
- Bakeries
- Barbershops and beauty parlors
- Dry-cleaning and laundry pick-up
- Clinics
- Health clubs
- Restaurants and delicatessen shops
- Florists
- Stores and shops for the conduct of retail businesses, including the sale of antiques, apparel, appliances, beverages, books, fabric, food, furniture, general merchandise, hardware, garden supplies, hobby supplies, stationary, and similar stores and shops
- Studios for artists, photographers and musicians

Accessory Uses & Conditional Uses

Permitted Accessory Uses:

- Private garage, garden or tool shed.
- Shall be compatible in style and function with the principal use.

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Maximum height	Same as principal	15 feet
Maximum lot coverage	Same as principal	25% of rear yard

Conditional Uses

- Conditional uses shall be permitted as provided in Article XVII of this chapter.

Principal Bulk Standards

- Maximum height: 35-ft or 3 stories
 - Consistent with HB, NB, GC, HR
- Dwelling units per acre: 12 du/ac
 - Consistent with MR
- Area per unit: 800 sq. ft.
- Maximum building size: 25,000 sqft
- Frontage: 100-ft
- Setbacks: Front 30-ft (Single-Family only) 0-ft for New Commercial Uses / Side 10-ft / Rear 10-ft
- Parking for residential: 2 spaces per unit
- Lot Coverage: 75%

Off-street Parking & Loading

Off-street Parking

- Spaces provided in accordance with §200-106B
- Interconnection between adjacent properties and usage of common entrances to parking areas
- Spaces meeting the design standards in §200-110
- Fee in lieu of parking
- Spaces can be located on a separate lot if within 500 feet
- Location of parking behind or to the side of buildings
- Shared parking and metered parking

Off-street Loading

- One space per building shall be provided where each space shall be located so that any vehicle being loaded or unloaded or maneuvering into a loading space does not interfere with any other parking or loading spaces, driveways, aisles, fire lane or street-right-of-way.

Signage & Site Plan Approval

Signs

- Signage shall be permitted as provided in Article XIV of this chapter

Site Plan Approval

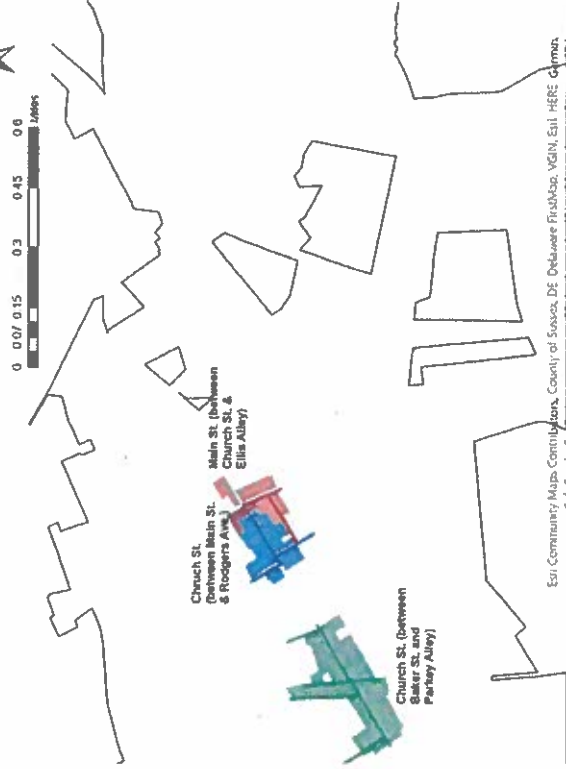
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Proposed Locations

The Map has been amended to eliminate the Rte. 113 Corridor as a potential location for the Mixed-Use District.

Selbyville Mixed-Use District Options

- Main St. Corridor (Church to Etiz)
- Church St. Corridor (Main to Rodgers)
- Church St. Corridor (Baker to Parlor)
- Main St. Potential District
- Church St. Potential District (Main to Rodgers)
- Church St. Potential District (Baker to Parlor)
- Selbyville boundary



Comments on DRAFT Zoning

AECOM

July 23, 2024