



**TOWN OF MILLIKEN  
TOWN BOARD OF TRUSTEES  
AGENDA MEMORANDUM**

To: Mayor Woodcock and Town Board of Trustees		Meeting Date: Wednesday, June 8, 2016	
From: Martha Perkins, Community Development Director			
Via: Kent Brown, Town Administrator			
Agenda Item #	Action:	Discussion: <b>X</b>	Information:
Agenda Title: Board Direction to Staff on How to Address Land Use Code Revisions			
Attachments:			

**PURPOSE**

At the last Town Board meeting on May 25, 2016, the Board requested a discussion on proposed revisions to the Land Use Code, known at Chapter 16 of the Town's Municipal Code, in its regular meeting on June 8, 2016.

**BACKGROUND**

On May 25, 2016 the Board asked staff to publically notice a discussion item for the Board meeting on June 8, 2016 on possible revisions needed to the Land Use Code. Generally, the Code conflicts with itself. It appears that many changes have been made over time to address specific immediate issues rather than taking a broader view of what the Town wants to encourage and how it will use the Code to implement the goals and objectives of the adopted Comprehensive Plan.

Both staff and applicants have a difficult time understanding what is required for specific land use applications. The application process is cumbersome and difficult to follow in the Code. The Code conflicts with itself due to previous fragmented Code revisions. Too many applications require Board approval and some of the administrative approvals take more time to obtain than just taking an application directly to the Planning Commission. Legal noticing periods need to be shortened. Certified mailings to surrounding property owners should not be required of all applications. The code ordinance defined fee structure does not match the Town's Fee Schedule, which was adopted separately by Resolution.

In addition, inconsistent regulations are sprinkled throughout the Code. It is very hard to decipher what regulations, design principals, and development standards apply to commercial, industrial, downtown and residential development. Some regulations apply to certain neighborhoods or zoning districts that do not apply to others without any legal basis. Some regulations or standards may be waived without any formal approval process or criteria by the Town. Other regulations are impossible to enforce such as the requirement to provide a 50 foot landscape

setback along state highways. These regulations are hurting the Town's ability to encourage downtown redevelopment and commercial development.

Thus, Town Staff would like some direction from the Board on primary areas within the Code that should be focused on and/or whether the Board should consider adopting another Code first as a base to build upon. Staff will research other possible options before the Wednesday's night meeting too.

### **BUDGET IMPLICATIONS**

At this time, the impact on the Town's budget is not known. Staff is researching possible options, such as how much it would cost to contract this work out.

If the existing Code is revised, more concentrated staff time will be required to focus on the sections that are duplicated or in conflict with each other so as to not the add to the existing inconsistencies and conflicts.

If another "clean" municipal code is used as the base, less staff time should be required. More energy can be spent on revising the Code with the Commission and Board's focus on implementing the Comprehensive Plan goals and objectives, not buried in the minutiae.

### **RECOMMENDATION**

Staff recommends using another municipality's land use code as a base and then revising it to implement Milliken's Comprehensive Plan's goals and objectives. The existing contradictions and duplicate sections throughout the Code make it extremely difficult to streamline the Code without a focused, concentrated effort by staff initially.