

MAY 1, 2019

2019 Zoning Text Amendment Package
Items 1 through 11

ITEM 1 ON-SITE AND DIRECTIONAL SIGN SETBACK FROM ROADS

EXISTING LANGUAGE

§360-127 Setback Requirements for Structures

D. Signs and billboards are to be set back at least 50% of the distance noted for other structures.

PROPOSED LANGUAGE

§360-127 Setback Requirements for Structures

D. ~~Signs and billboards~~ **Billboards are to be set back at least 50% of the distance noted for other structures.**

EXPLANATION

It was not intended that signs other than billboard signs be subject to this 50% setback requirement. Adding "Signs" to this section was in error. Setback requirements for on-site and directional signs can be found in §360-128, Table 4, Special Setback and Height Requirements. Table 4 indicates that on-site and directional signs are required to have a 10-foot setback from the road right-of-way line and 5-foot setback from side and rear property lines, which is correct.

ITEM 2 SOLAR USE ON BROWNFIELD OR SURFACE MINED LAND

EXISTING LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Energy								
Solar energy systems as primary use on “brownfield” land, reclaimed, or abandoned surface mining land (See §360-109)	x	x	x	x	x	x	PC	PC
Solar energy systems as primary use (See §360-109)	x	x	x	x	SC	X	SC	SC

§360-109 Solar energy systems (SES) as primary use

Solar energy systems (SES) as a primary use shall be permitted in A and C Districts if located on EPA-certified brownfield land or Maryland Bureau of Mines documented reclaimed or abandoned surface-mined land and may be permitted as a special exception by the Board of Appeals in all other areas of the A and C Districts and in the I District, subject to the following conditions:

PROPOSED LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Energy								
Solar energy systems as primary use on “brownfield” land, reclaimed, or abandoned surface mining land (See §360-109)	x	x	x	x	<u>SC</u>	x	PC	PC
Solar energy systems as primary use (See §360-109)	x	x	x	x	SC	X	SC	SC

§360-109 Solar energy systems (SES) as primary use

Solar energy systems (SES) as a primary use shall be permitted in A and C Districts **and may permitted as a special exception by the Board of Appeals in the I district** if located on EPA-certified brownfield land or Maryland Bureau of Mines documented reclaimed or abandoned surface-mined land and may be permitted as a special exception by the Board of Appeals in all other areas of the A and C Districts and in the I District, subject to the following conditions:

EXPLANATION

Prohibiting this use in the I district was in error. Prior to the 2017 Zoning Code, it was clear by CHR Bill 2-14 that solar energy systems as a primary use was permitted by special exception in Industrial Zoning Districts. This would apply regardless of whether the land was considered “brownfield”, reclaimed or abandoned surface mining land.

ITEM 3 CELL TOWERS IN R-2 DISTRICT WITHIN LAVALE OVERLAY DISTRICT

EXISTING LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Essential Services/Transportation/Communication								
Cellular, relay, repeating and transmitting towers ² (See §360-117)	x	x	x	SC	PC	SC	PC	PC

² Permitted in the LaVale Overlay District as per Article XVI, Supplementary Use Regulations.

§360-117 Cellular, relay, repeating and transmitting towers

Cellular, relay, repeating and transmitting towers shall be permitted in the I, A, and C Districts; shall be permitted within the LaVale Overlay District in the R-2 District; and may be permitted as a special exception by the Board of Appeals in the B-2 and GU Districts. All uses are subject to § 360-128, Special setback and height requirements and to the following condition:

PROPOSED LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Essential Services/Transportation/Communication								
Cellular, relay, repeating and transmitting towers ² (See §360-117)	x	x	x	SC	PC	SC	PC	PC

~~² Permitted in the LaVale Overlay District as per Article XVI, Supplementary Use Regulations.~~

§360-117 Cellular, relay, repeating and transmitting towers

Cellular, relay, repeating and transmitting towers shall be permitted in the I, A, and C Districts; ~~shall be permitted within the LaVale Overlay District in the R-2 District~~; and may be permitted as a special exception by the Board of Appeals in the B-2 and GU Districts. All uses are subject to § 360-128, Special setback and height requirements and to the following condition:

EXPLANATION

The LaVale Zoning Ordinance allowed cell towers in the R-2 district. The R-2 district covered the steep slopes and ridges of LaVale because there were no conservation zones in LaVale at that time. The 2017 Zoning Code did not allow cell towers in the R-2 district, which was a continuation of previous County zoning code. In recognizing that there may be a need for cell towers in LaVale, the 2017 Zoning Code permitted cell towers in the R-2 district within the LaVale Overlay District. Since then, the 2017 Zoning District Map established Conservation zones in the areas of LaVale where it would be more appropriate to place a cell tower. Therefore, it is no longer necessary or appropriate to allow cell towers in the R-2 district of LaVale. Furthermore, there are no other uses that are permitted in the LaVale Overlay District but otherwise not permitted, so the footnote 2 can be removed.

MAY 1, 2019

ITEM 4 INDEX OF ARTERIAL HIGHWAYS

EXISTING LANGUAGE

§360-142 Table 6: Index of Arterial Highways

MINOR ARTERIAL	
MD 144	I-68 at Naves Crossroads to I-68 at 15 Mile Creek
Old US 220	Route 220 North at Smouses Mill Road to Route 144 at Naves Crossroad

PROPOSED LANGUAGE

§360-142 Table 6: Index of Arterial Highways

MINOR ARTERIAL	
MD 144	<u>Old US 220 to I-68 and</u> I-68 at Naves <u>Cross Road</u> to I-68 at <u>Fifteen</u> Mile Creek
Old US 220/ <u>MD 807/Bedford Road</u>	Route 220 North at Smouses Mill Road to Route 144 at Naves <u>Cross Road</u>

EXPLANATION

Naves Cross Road from Old US 220/MD 807/Bedford Road to I-68 has been designated as an extension of MD 144 by the Maryland State Highway Administration. This description is being updated to reflect this. Also, Old US 220 is designated as MD 807 and Bedford Road. The name is being updated to reflect this. Also the proper name of Naves Cross Road is being updated from Naves Crossroad.

ITEM 5 OFF-STREET PARKING STANDARDS

EXISTING LANGUAGE

§360-139 Off-Street Parking Standards

- A. General requirements.
 - (1) Each parking space shall be no smaller than nine feet by 18 feet and be accessible to an aisleway, alley or street.
 - (2) Aisleways between parking spaces are to be at least 20 feet in width.
 - (3) All parking spaces are to be separated from streets, alleys or other rights-of-way by a five-foot-wide vegetative buffer area.
- B. Residential parking. All new dwelling units shall have a minimum of two parking spaces, except for multifamily units, which shall have a minimum of one parking space per unit and 1/2 space for each bedroom.
- C. Nonresidential parking.
 - (1) All single-lot developed commercial buildings shall have a minimum of one parking space (no smaller than nine feet by 18 feet) for each 200 square feet of usable floor space (excluding storage and equipment areas) and one loading space for every 10,000 square feet of gross floor space. Restaurants, food shops, bars and nightclubs and other service enterprises shall have one space for every 50 square feet of customer floor space. Motels and hotels shall have one space per room plus one for every employee.
 - (2) Industrial, professional and institutional office buildings shall have parking spaces equal to 50% of the number of employees at the peak shift, plus one space for each vehicle used in the business and adequate visitor parking.
 - (3) Theaters, auditoriums, arenas, outdoor festivals, clubs, churches and other recreation or institutional buildings, except schools, shall have one space per three persons' total capacity.

Table 5, Parking Requirements

Use	Number of Spaces
Residential	
Single-family dwelling unit	2 per unit
Multifamily dwelling unit	1 per unit plus 1/2 per bedroom
Nonresidential	
Single-lot developed commercial buildings	1 per 200 square feet usable floor space (excluding storage and equipment areas) plus 1 loading space per 10,000 square feet of gross floor space
Service enterprises (including restaurants, food shops, bars and nightclubs)	1 per 50 square feet of customer floor space
Motels and hotels	1 per room plus 1 per employee on maximum work shift
Industrial, professional and institutional office buildings	1/2 space per each employee at peak shift, plus 1 space per each vehicle used in the business, plus adequate spaces for visitor parking
Theaters, auditoriums, arenas, outdoor festivals, clubs, churches and other recreation or institutional buildings (except schools)	1 per 3 persons' total capacity

PROPOSED LANGUAGE

§360-139 Off-Street Parking Standards

A. General requirements.

- (1) Each parking space shall be no smaller than nine feet by 18 feet and be accessible to an aisleway, alley or street.
- (2) Aisleways between parking spaces are to be at least 20 feet in width.
- (3) All parking spaces are to be separated maintain a 5-foot-wide setback from streets, alleys or other rights-of-way ~~by a five-foot-wide vegetative buffer area.~~
- (4) Handicapped accessible parking shall be in conformance with the Maryland Accessibility Code and the Americans with Disabilities Act.**

~~B. Residential parking. All new dwelling units shall have a minimum of two parking spaces, except for multifamily units, which shall have a minimum of one parking space per unit and 1/2 space for each bedroom.~~

~~C. Nonresidential parking.~~

- ~~(1) All single lot developed commercial buildings shall have a minimum of one parking space (no smaller than nine feet by 18 feet) for each 200 square feet of usable floor space (excluding storage and equipment areas) and one loading space for every 10,000 square feet of gross floor space. Restaurants, food shops, bars and nightclubs and other service enterprises shall have one space for every 50 square feet of customer floor space. Motels and hotels shall have one space per room plus one for every employee.~~
- ~~(2) Industrial, professional and institutional office buildings shall have parking spaces equal to 50% of the number of employees at the peak shift, plus one space for each vehicle used in the business and adequate visitor parking.~~
- ~~(3) Theaters, auditoriums, arenas, outdoor festivals, clubs, churches and other recreation or institutional buildings, except schools, shall have one space per three persons' total capacity.~~

B. Minimum spaces required. Parking for employees, customers and/or visitors shall be provided in accordance with Table 5, Parking Requirements. All fractions of spaces shall be rounded up to the next whole integer. If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed.

Table 5, Parking Requirements

<u>Land Use</u>	<u>Parking Required</u>
<u>Residential</u>	
<u>Single-family dwelling unit</u>	<u>2 spaces per unit</u>
<u>Duplex</u>	<u>2 spaces per unit</u>
<u>Townhouse</u>	<u>2 spaces per unit</u>
<u>Multi-family (includes condominiums, apartments, dormitories)</u>	<u>1 space per unit; additional ½ space per bedroom</u>
<u>Non-Residential Loading/Unloading</u>	
<u>All Non-Residential Occupancies</u>	<u>1 loading/unloading space per every 10,000 square feet of GFA; minimum 1 space</u>
<u>Commercial</u>	
<u>Auto Sales</u>	<u>1 space per 500 square feet of GFA, plus 1 space per each employee at peak shift</u>
<u>Auto Service</u>	<u>2 spaces per service bay, plus 1 space per employee at peak shift</u>
<u>Banks/Financial Institutions</u>	<u>1 space per 400 square feet of GFA, plus 1 space per each employee at peak shift</u>
<u>Bed & Breakfasts</u>	<u>2 spaces per the primary dwelling, plus 1 space for each guestroom</u>
<u>Hotels/Motels</u>	<u>1 space per guest room or suite, plus 1 space per each employee at peak shift</u>
<u>Kennels, Commercial (including grooming services)</u>	<u>Minimum 5 spaces up to 50 kennel units; plus 1 space per 10 additional kennel units</u>
<u>Medical and Dental Centers/Offices/Clinics/Pharmacy (including out-patient facilities but excluding hospitals)</u>	<u>1 space per 200 square feet of GFA</u>
<u>Professional and Office Buildings (excluding medical and dental)</u>	<u>1 space per 300 square feet of GFA</u>
<u>Retail Sales</u>	<u>1 space per 200 square feet of customer floor space (excluding preparation/storage area)</u>
<u>Restaurants and Bars</u>	<u>1 space per 100 square feet of GFA</u>
<u>Veterinary Clinics/Hospitals</u>	<u>1 space per 300 square feet of GFA</u>

Industrial/Manufacturing	
<u>Manufacturing/Industrial Plants</u>	<u>½ space per each employee at peak shift, plus 1 space per each vehicle used in the business</u>
<u>Warehouses or Wholesale Establishments</u>	<u>½ space per each employee at peak shift, plus 1 space per each vehicle used in the business</u>
Institutional	
<u>Ambulance/Rescue Companies and Fire Stations</u>	<u>2 spaces per each piece of vehicular equipment; 10 spaces minimum</u>
<u>Assisted Living Facilities, Nursing Homes</u>	<u>1 space per 3 patient beds, plus 1 space per employee at peak shift</u>
<u>Churches/Places of Worship</u>	<u>1 space per 5 seats provided in the main religious assembly auditorium</u>
<u>Community Centers</u>	<u>1 space per 400 square feet of GFA</u>
<u>Comprehensive Care Facilities</u>	<u>1 space per active adult dwelling unit, plus spaces for Assisted Living Facilities as shown in this Table</u>
<u>Day Care Centers/Nursery Schools</u>	<u>1 space per each employee, plus 1 space per 5 students at capacity</u>
<u>Funeral Homes</u>	<u>1 space per 25 square feet of funeral service room(s) floor area; 20 spaces minimum</u>
<u>Hospitals</u>	<u>1/2 space per bed, plus 1 space per employee on peak shift</u>
Recreation/Amusement/Entertainment	
<u>Banquet Halls/Exhibition Halls/Assembly Halls</u>	<u>1 space per 50 square feet of GFA</u>
<u>Bowling Alleys</u>	<u>3 spaces per lane</u>
<u>Campgrounds</u>	<u>1 space per campsite/cottage, plus one space per 500 square feet of office space</u>
<u>Golf courses</u>	<u>4 spaces per hole</u>
<u>Theaters/Auditoriums/Arenas/Stadiums</u>	<u>1 space per 3 persons at capacity</u>

GFA = Gross Floor Area

MAY 1, 2019

EXPLANATION

- A.(3). The vegetative buffer has been removed from A.(3) because the intent of this 5-foot-wide setback was not that it needed to be vegetative (error from 2017 Zoning Code).
- A.(4). Reference to building code is added to ensure that handicapped spaces are provided for a project that may be otherwise exempt from building code review.
- B. The proposed format eliminates redundancy by stating the standards in table format only with reference from the text, Section B. Development of the 2017 Zoning Code did not involve a full evaluation of parking standards. Some common uses do not fit obviously into the categories of the existing code, which creates an inefficient review process. The proposed standards herein are a result of a detailed evaluation by staff with the intent to provide clarity and ease of administration. To the extent possible, spaces are calculated based on Gross Floor Area (GFA) or other simple calculation, which makes preparation and review processes more efficient. A review of neighboring jurisdictions' standards contributed to the development of these standards. Every effort has been made to ensure that the new standard will not result in a significant increase in parking spaces required when compared to the existing standard.

MAY 1, 2019

ITEM 6 – SIDE AND REAR SETBACKS

EXISTING LANGUAGE

§360-126 Lot size, setback and height requirements, Table 2, Note d

d. Or fire separation distance as defined by the Building Code of Allegany County, whichever is greater.

PROPOSED LANGUAGE

§360-126 Lot size, setback and height requirements, Table 2, Note d

d. Or fire separation distance as defined by the Building Code of Allegany County, ~~whichever is greater.~~

EXPLANATION

The language “whichever is greater” was added in the 2017 Zoning Code in error. The provided statement indicates there may be the ability to alleviate or reduce a setback by applying the Building Code of Allegany County for fire separation distance. However, “whichever is greater” would keep the setback to the required 30’.

MAY 1, 2019

ITEM 7 – BILLBOARD SIDE AND REAR SETBACKS

EXISTING LANGUAGE

§360-137 Lighting, signs and billboards

H. Billboard signs shall meet setback and height requirements for major commercial use according to §360-126 and shall meet State Highway Administration standards and be subject to a certified plan of survey.

PROPOSED LANGUAGE

§360-137 Lighting, signs and billboards

H. Billboard signs shall meet ~~setback and~~ height requirements for major commercial use according to §360-126 **and shall meet side and rear setback requirements according to §360-128. Billboard signs** shall meet State Highway Administration standards and be subject to a certified plan of survey.

§360-128, Attachment 3, Table 4 Special Setback and Height Requirements

Use	Requirement
Billboards	15-foot setback from side and rear lot lines

EXPLANATION

Two billboard applicants have recently expressed concern with the restrictive 30’ setback to side and rear lot lines. The 2017 Zoning Code attempted to address side and rear setbacks for billboards where it had previously been silent; however the 30’ setback, upon further evaluation, is too restrictive. Research of zoning codes in neighboring jurisdictions concluded on average the setback for billboards from side and rear property lines is 10 feet. The proposed side and rear setback distance of 15 feet will be sufficient for accommodating a utility truck, in addition to changes, repairs, maintenance, etc.

ITEM 8 – SCREENING BUFFERS APPLIED BETWEEN NON-RESIDENTIAL AND RESIDENTIAL USES

EXISTING LANGUAGE

§360-128, Attachment 3, Table 4, Special Setback and Height Requirements

Use	Requirement
Neighborhood commercial structure	25' setback from property line when adjacent to R-1 or R-2 District.
Major commercial structure	50' setback from property line when adjacent to R-1 or R-2 District.
Industrial structure	50' setback from property line when adjacent to R-1 or R-2 District, also a distance equal to the height of the structure when adjacent to the R-1 or R-2 Districts.
Special Exceptions, non-residential	50' setback from property line when adjacent to residential unit or R-1 District.
Special Exceptions, large scale uses ¹	500' setback from property line when adjacent to residential unit or R-1 District.

PROPOSED LANGUAGE

Use	Requirement
Neighborhood commercial structure	25' setback from property line <u>with screening buffer</u> when adjacent to <u>residential unit or</u> R-1 or R-2 District.
Major commercial structure	50' setback from property line <u>with screening buffer</u> when adjacent to <u>residential unit or</u> R-1 or R-2 District.
Industrial structure	50' setback from property line <u>with screening buffer</u> when adjacent to <u>residential unit or</u> R-1 or R-2 District, also a distance equal to the height of the structure when adjacent to <u>residential unit or</u> R-1 or R-2 District.
Special Exceptions, non-residential	50' setback from property line <u>with screening buffer</u> when adjacent to residential unit or R-1 <u>or R-2</u> District.
Special Exceptions, large scale uses ¹	500' setback from property line <u>with screening buffer</u> when adjacent to residential unit or R-1 <u>or R-2</u> District.

EXPLANATION

The 2017 Zoning Code established and defined screening buffers as a measure to screen or provide a vegetative visual barrier between certain land uses. Screening buffers were applied to adult uses, solar uses and other mixed uses. The proposed language takes the application of screening buffers one step further by applying screening buffers to commercial and industrial uses that adjoin residential uses.

MAY 1, 2019

ITEM 9 –NEIGHBORHOOD COMMERCIAL DEFINITION

EXISTING LANGUAGE

§360-59 Definitions and word usage

B(1) COMMERCIAL (b) NEIGHBORHOOD COMMERCIAL - Neighborhood commercial uses provide products or services for the nearby residential areas and are small-scale and have lesser impacts than major commercial uses. May include grocery stores, retail stores, service stations, specialty shops, barbershops, hairdressers, professional offices, restaurants, printing shops, indoor theaters, government service offices, banks, car washes, shops for sale or repair of appliances, auto parts or repair shops, commercial storage facilities and uses similar to those listed above.

PROPOSED LANGUAGE

§360-59 Definitions and word usage

B(1) COMMERCIAL (b) NEIGHBORHOOD COMMERCIAL - Neighborhood commercial uses provide products or services for the nearby residential areas and are small-scale and have lesser impacts than major commercial uses. May include grocery stores, retail stores, service stations, specialty shops, barbershops, hairdressers, professional offices, restaurants, printing shops, indoor theaters, ~~government service offices,~~ banks, car washes, shops for sale or repair of appliances, auto parts or repair shops, commercial self-storage facilities and uses similar to those listed above.

EXPLANATION

Government service offices are included in the definition of an institutional use, which is permitted in every district. Listing it in the definition of neighborhood commercial creates a conflict, therefore it is being removed.

A commercial warehouse would not be considered a neighborhood commercial use. Adding the word “self” clarifies the type of commercial storage included in the definition. This is for clarification purposes only.

ITEM 10 – AUTO PARTS AND REPAIR SHOPS IN R-2 DISTRICT

EXISTING LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Motor Vehicle Related Sales and Service								
Automobile parts and repair shops (See §360-100)	x	SC	P	P	PC	P	x	x

§360-100 Automobile parts and repair shops

Automobile parts and repair shops shall be permitted in the B-1, B-2 and GU Districts; shall be permitted in the I District where the location is contiguous to an arterial highway; and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.

PROPOSED LANGUAGE

§360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Motor Vehicle Related Sales and Service								
Automobile parts and repair shops (See §360-100)	x	SC-x	P	P	PC	P	x	x

§360-100 Automobile parts and repair shops

Automobile parts and repair shops shall be permitted in the B-1, B-2 and GU Districts **and** shall be permitted in the I District where the location is contiguous to an arterial highway. ~~and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.~~

EXPLANATION

Automobile parts and repair shops were erroneously added by special exception to the R-2 district in the 2017 Zoning Code. The 2017 Zoning Code applied the special exception in the R-2 district to all “neighborhood commercial” uses with the 2,000 SF limitation; however, the prior code had only allowed this for certain neighborhood commercial uses, not including automobile parts and repair shops. The proposed language corrects this error.

MAY 1, 2019

ITEM 11 – NEIGHBORHOOD COMMERCIAL AS SPECIAL EXCEPTION IN R-2 DISTRICT

EXISTING LANGUAGE

§360-90 Neighborhood commercial uses

Neighborhood commercial uses shall be permitted in the B-1, B-2 and GU Districts and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.

PROPOSED LANGUAGE

§360-90 Neighborhood commercial uses

~~Neighborhood commercial uses shall be permitted in the B-1, B-2 and GU Districts and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.~~

Neighborhood commercial uses shall be permitted in the B-1, B-2 and GU Districts. Certain small-scale neighborhood commercial uses may be permitted as a special exception in the R-2 District where the total square footage of all buildings utilized for the use is less than 2,000 square feet, limited to: grocery stores; retail stores; specialty shops such as bakeries, barbershops and hairdressers; professional offices; restaurants; printing shops; banks; and shops for sale or repair of appliances.

EXPLANATION

The 2017 Zoning Code applied the special exception in the R-2 district to all “neighborhood commercial” uses with the 2,000 SF limitation; however, the prior code had only allowed this for certain neighborhood commercial uses. The proposed language corrects this error by indicating the specific uses to which the special exception can be applied.