

APRIL BUSINESS MEETING MINUTES

April 17, 2019

PLANNING COMMISSION OF ALLEGANY COUNTY

Chairman Steve MacGray called the April Business Meeting for the Allegany County Planning Commission to order at 5:00 p.m. in Room 100 of the County Office Complex. Linda Simpson proceeded with Roll Call. Present were, Chairman MacGray, Jon Loff, Breann D'Atri, and William Chesno. Mrs. Simpson requested that the record reflect four Board members were present and there was a quorum.

Chairman MacGray then directed the members attention to a review of the April 17, 2019 Business Meeting Agenda. John Loff moved to accept and approve the agenda as presented. Bill Chesno seconded the motion. The motion carried unanimously.

Chairman MacGray then directed the members to review and approve the November 14, 2018 Business Meeting Minutes. Breann moved to accept and approve the Minutes as presented. Jon Loff seconded the motion. The motion carried unanimously.

VII. New Business

1. Introduction - Proposed Zoning Text Amendment Package – Angela R. Patterson, PE, Director of Planning & Growth

Angie began with a short history of the Comprehensive Re-Zoning Text Amendment that was completed in 2017 when LaVale's Zoning Ordinance was merged with the County's Zoning Ordinance along with addressing other user-friendly issues. A presentation was given on the Zoning Text Amendment Package, Items 1-11 proposed for amendment to the County Code Chapter 360, Part 4 Zoning. The Zoning Text Amendment Package is attached to and made a part of these minutes.

Item 1 – On-Site and Directional Sign Setback from Roads – This was not intended that signs, other than billboard signs, be subjected to this 50% setback requirement. Adding "signs" to this section was in error.

Item 2 – Solar Use on Brownfield or Surface Mined Land – Prohibiting this use in the I District was in error. Prior to the 2017 Zoning Code, it was clear by CHRB 2-14 that solar energy systems, as a primary use, were 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 – This is to allow Cell Towers in the Conservation Districts in LaVale but not in the R-2 District.

Item 4 – Index of Arterial Highways – This is a clean-up of the County's list of arterial highways. Naves Cross Road, from old US 220/MD807/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.

Item 5 – Off Street Parking Standards – The categories in the Table for Parking Requirements are way too vague. When an application comes in for a project, it is often difficult to choose what category it fits into and how the county should administer these parking requirements can create an inefficient review process.

Under Proposed Language, A3 is changed to state all parking spaces are to maintain a 5-foot-wide setback from streets, alleys or other rights of way. Item A4 is being added – Handicapped Accessible Parking shall be in conformance with the Maryland Accessibility Code and the Americans with Disabilities Act. Sections B and C will be eliminated because it states exactly what the parking standards table shows. Proposed B references the parking standards table. Nothing with the residential parking standards are changing.

For non-residential, we want to have one space for loading and unloading for all non-residential occupancies. With so many commercial uses, the table was made much more specific for requirements for each type of use. These proposed changes were a result of a detailed evaluation by staff with the intent to provide clarity and ease of administration.

Jon Loff asked who oversaw the parking standards. Angie explained that Jim Squires is the Zoning Administrator and he delegates the actual process to Amy Stonebreaker. Jon asked if the Health Department had anything to do with parking space regulations. Angie stated no.

Steve MacGray asked how she established the table. Angie stated that she reviewed Washington and Frederick Counties and pulled out what she felt appropriate from their codes and compared it to our code. Angie also stated that she is still reviewing calculations and may make a few tweaks in the next week or two and the Planning Commission would be provided that information prior to our next meeting. A change on the Retail Sales Table has been changed to one space per 200 square feet of customer floor space (excluding preparation/storage area).

Breann asked about the parking standards at the Pet Smart Plaza on Winchester Road. She wanted to know if they went by the “Old Code”. Angie answered, yes. Breann also asked if there was any flexibility with this. Angie answered that there is a 25% Administrative Modification that is available. It is already written into the code and it would be up to the applicant to demonstrate why that would be necessary – reasons outside of their control.

Under Institutional, our existing Code for Churches would be one space for three persons at capacity. In Washington County, they say one space per 5 seats provided in the main religious assembly auditorium. That would result in less parking spaces needed. Depending on the use, you would calculate this a different way to be reasonable. This is one thing that is being considered to be changed to one space per 5. Bill Chesno said it definitely makes sense. Steve stated that drivers or families with multiple people, would change the equation.

Item 6 – Side and Rear Setbacks – This is in reference to Table 2 in the Code which provides the setback requirements for various uses and one of the footnotes in the table is d - Or fire separation distance as defined by the Building Code of Allegany County, whichever is greater. This language 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. However, “whichever is greater” would keep the setback to the required 30’.

Item 7 – Billboard Side and Rear Setbacks – The existing Code refers to a Table. It just says there is a 30’ side and rear setback for commercial uses and it is saying that billboards fall into that category. Recently there were a couple of applicants that expressed concern over how restricted that was, so Amy did research on other jurisdictions and it was decided to make a change and propose that billboards would have a 15’ setback from side and rear lot line.

Item 8 – Screening Buffers Applied between non-residential uses – 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.

Steve asked if it explains what types of buffers can be used. Angie said the definition for buffer is a natural, visual buffer, and it does have some flexibility to it. If it is an existing undeveloped site and is wooded and you want to leave that 50’ buffer as is and not clear it – that would count for a buffer. But if it is a case where the lot is cleared, it may mean planting a row of evergreens, etc.

Item 9 – Neighborhood Commercial Definition – This is for clarification purposes only. 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.

Item 10 – Auto Parts and Repair Shops in R-2 District – 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.

Item 11 – Neighborhood Commercial as Special Exception in R-2 District – 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.

Breann asked if this was prior – already there – are they grandfathered in? Angie answered yes.

The public meeting for the Proposed Zoning Text Amendment Package will be held on Wednesday, May 15th at 5 pm.

VIII. Unfinished Business

1. Update on Farm Alcohol Producer Regulations

Farm Alcohol Producer Regulations were adopted by the County Commissioners on January 10, 2019 and became effective on February 24, 2019.

IX. Public Comments in order of sign-up sheet

Becky Glass, 2475 Maple Hollow Road, Duncansville. She is the real estate manager at Lamar Advertising. Their big concern is side setbacks. The front setbacks off the right of way, that is 100% agreeable; side setbacks, in order to build a billboard, you already have to be 15' off the side property line in order to build because of the billboard runways, so adding the 15' you would then actually have to be 30' off the side of someone's property.

Angie asked clarification that her company requires them to be 15' further than what the setback line is. Ms. Glass answered yes. In order to build a billboard, you have to be 15' back. If the pole is in the center with the runways and everything else so that we are not hanging over anyone's property line, we have to be 15' foot from someone else's property line in order to build the billboard. When you add what the County is proposing, you would actually make us 30' from the property line.

Angie asked where are they measuring from. Ms. Glass said typically what they do is they are 15' from the post so our setback is that we would go from the side property line and then 15' back is where are billboard post actually would sit – then the billboard would come straight out.

Angie said they are assuming that the County would interpret it that the runway part has to be 15' back. Ms. Glass answered, yes. Ms. Glass is asking for a 0' set back and their pole would be 15' from the property line. She feels that her interpretation is that they would have to be 30' from the property line because our runways would hang over the County's 15' setback. Angie said this is a good point and she will have staff review this issue.

X. Adjournment

The meeting was adjourned at 5:40 p.m.

APRIL 11, 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.

APRIL 11, 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>
Residential	
<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>
Non-Residential Loading/Unloading	
<u>All Non-Residential Occupancies</u>	<u>1 loading/unloading space per every 10,000 square feet of GFA; minimum 1 space</u>
Commercial	
<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 ²⁰⁰250 square feet of customer floor space (excluding preparation/storage area), plus 1 space per each employee at peak shift</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 3 persons at capacity</u> <u>Consider: 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 50 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

APRIL 11, 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.

APRIL 11, 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’.

APRIL 11, 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 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.

APRIL 11, 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.

APRIL 11, 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.