

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-01	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Permit solar farms on properties subject to deed restrictions by the EPA or MDE due to environmental contamination		
Justification: Provides for an unmanned use for a property that would otherwise be non-income producing and fall into fallow state due to environmental constraints. As written, this proposal would affect only the Central Chemical site and the Pangborn Corporation site (which is in the development process).		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4, Section K.12.d (page 4-87)

d. Ground-Mounted Solar Collection Systems.

- (1) Ground-Mounted Solar Collection Systems are permitted as an accessory use in any zoning district.
 - (a) (↔) In residential and mixed-use zoning districts and for residential uses in any other zoning district, Ground-Mounted Solar Collection Systems shall not occupy more than nine hundred (900) square feet of the lot, shall not be taller than ten (10) feet in height, and shall meet all setback requirements for accessory structures.
 - (b) (↔) In commercial and industrial districts, Ground-Mounted Solar Collections Systems shall meet the height and setback requirements for accessory structures in that district.
- (2) Ground-Mounted Solar Collection Systems are permitted as a principal permitted use in certain districts as described in Section Z (Land Use Chart) only as a means of providing productive use of land otherwise seriously curtailed by deed restriction imposed by the Environmental Protection Agency or the Maryland Department of the Environment due to remediated environmental contamination on site which would cause risk to the health of persons living or working on the property for concentrated periods of time. Ground-Mounted Solar Collection Systems as a principal use are not an effective and optimal use of land valuable for the purpose of commerce, employment and productivity within a municipality and are otherwise prohibited.

Article 4, Section Z (page 4-162)

Use	POM	IR	IG
Ground-Mounted Solar Collection Systems on properties subject to a remediation plan approved by the U.S. Environmental Protection Agency and/or Maryland Department of the Environment.	P	P	P

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-02	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Add new permitted uses to the INST district and a few new permitted uses to others.		
Justification: Planning Director looked at the INST district uses after the district was created and found a few logical places where the list of uses permitted in the district can be logically expanded. In this review, a few other changes were considered for consistency purposes.		

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Article 4, Section Z.2 - Use Chart for Mixed Use and Non-Residential Districts (begins page 4-148)

Use	INST	CG	CR
Child day-care services (624410)	P		
Country clubs, golf courses and summer camps.	P		
Municipal parking lots and decks.	P		
Visitor Welcome Center.	P	P	P
Broadcasting (515).	P		
Broadcasting (515) except transmission points.	P		
Telecommunications (517).	P		
Internet service providers web search portals and data processing services (518).	P		
Produce stands (812910).	P		
Parking Lots & Garages (81293), private, commercial and municipal, including offsite parking lots maintained by and designated for a permitted or special exception use on a lot located within 500 feet.	P		
Transit and Ground Transportation (485) provided area for parking vehicle fleets be enclosed with an opaque fence at least six feet in height (eight feet for buses and large trucks), maintained in good repair, with landscaping outside of the fence in accordance with the requirements of Article 5, and not including bus stations or terminals	P		
Adult day care with vocational centers.	P		
Vocational Rehabilitation Services (624310).	P		

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-03	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Adjust the wall area signage limitation upwards.		
Justification: Practical application of the existing regulations suggest that the allotted signage area may be too small in the commercial and industrial districts.		

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Article 4, Section I.5.b. (Wall mounted sign chart, page 4-56)

b. Flush, Wall-Mounted Signs and Roof-Mounted Signs.

Zoning District	Maximum Cumulative Area 50 feet or less of building or strip store frontage (square feet)	Maximum Cumulative Area More than 50 feet of building or strip store frontage (square feet)	Maximum Cumulative Area – more than 500 feet of wall fronting or parallel to street (square feet)
RMOD, RMED, RH*	1 per each linear foot of building frontage	1 per linear foot of building frontage	1 per linear foot of building frontage
RO*, CL, C, LC	1 per each linear foot of building frontage	1.5 per linear foot of building frontage	1.5 per linear foot of building frontage
CC-MU, N-MU	1 per linear foot of building frontage or area of existing historic sign panel space	1.5 per linear foot of building frontage or area of existing historic sign panel space	1.5 per linear foot of building frontage or area of existing historic sign panel space
CG, CR, POM, INST, AT	2 1.5 per linear foot of building frontage	2 per linear foot of building frontage	2 per linear foot of building frontage
IR, IG, I-MU	2 1.5 per linear foot of building frontage	3 2 per linear foot of building frontage	3 per linear foot of building frontage

* For permitted non-residential uses (excluding home work stations)

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-04	Is this a new issue or one previously discussed?	Previous
Version: 2	Is this new text proposed since last discussion in need of initial review?	As revised by PC on January 12
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Add Sports Wagering Facilities as recently approved by the State.		
Justification: These uses are now permitted in Maryland as competitive retail operations for 21 and over patrons as either a stand-alone enterprise or as an accessory activity in another enterprise such as a restaurant, drinking place, stadium, etc. Sports Wagering Facilities are licensed by the State. There is one operator currently licensed by the State with the goal to open a sports wagering facility in a restaurant near Valley Mall. The developers of the stadium project have also indicated an interest in having a sports wagering facility in the stadium. State Bill 940 (2021) for Sports Wagering is designated to support statewide education. The business will create additional economic development, jobs and promote tourism.		

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Article 4, Section Z.2 - Use Chart for Mixed Use and Non-Residential Districts (begins page 4-148)

Use	CC-MU	CR
Sports Wagering Facility, as defined, permitted, regulated and licensed by the State of Maryland. This use may be independent of any other business or located within a restaurant, drinking place, brew pub, distillery pub, wine pub, or multi-purpose arena for sporting events and entertainment that is permitted in the district.	P	P

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-05	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Remove all references to advertising and notice requirements in a map or text amendment to read only that which is required by State law.		
Justification: A rezoning application had to be rescheduled for public hearing when a minor notice issue in our ordinance (but not required by the state) was not complied with. Change will not change current practice, but will insulate a case from legal challenge should non-state expectations be missed in the review process.		

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Article 4, Section A.9 (page 4-5)

- d. **Effective Date and Notice.** No such amendment, supplement, change, modification or repeal shall become effective until at least ten days after one review and one public hearing are held. One review shall be held by the Planning Commission within 45 days of receipt of application and recommendation of findings forwarded to the Mayor and City Council. One public hearing shall be held by the Mayor and City Council who shall determine if the amendment, supplement, change, modification or repeal shall be granted at which time the parties in interest and citizens shall have an opportunity to be heard. **Notice of the public review meeting and/or public hearings shall be provided in accordance with Maryland law. The Planning Commission and/or the Mayor and Council may adopt by policy expectations for additional notice, however failure by the City to apply the expectations of those policies shall not constitute legal defect of the process, provided the minimum requirements of Maryland Law are met.** Notice for the public hearing shall be given as follows:
- (1) ~~Legal Notice. Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction or boundary, shall be published in at least one newspaper of general circulation in the city once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.~~
 - (2) ~~Written Notice. Send written notices of hearing to other interested persons, organizations or agencies at the Council's discretion.~~
 - (3) ~~Additional Notice. Except for a Historic District or Landmark, when the proposed hearing concerns a Zoning Map change altering the classification of fewer than 25 lots of record, the following additional notice is required:~~
 - (a) ~~Posting in a conspicuous place on the property involved a notice of pending action containing the same information as in Subsection d(1) above, such posting to take place at least 15 days prior to the date fixed for the public hearing.~~
 - (b) ~~Giving written notice of the time and place of such hearing sent by certified mail to the applicant and to the owners of property contiguous to or opposite the property affected.~~

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-06	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Change warehouse/flex on the POM District from a special exception use to a permitted use with performance standards.		
Justification: Requested by the Department of Economic and Community Development to help market and develop POM zoned land. Protections are necessary to protect office and other standard POM uses from this.		

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Article 4, Section Z.2 - Use Chart for Mixed Use and Non-Residential Districts (begins page 4-163)

Use	POM
Warehouse/Flex space, provided warehouse space does not exceed more than 50% of the total gross floor area of the building.	SE P

Article 4, Section F.2.b - new subsection 11 (page 4-38)

(11) Performance Standards for Warehouse/Flex in the POM District:

- (a) Buildings shall be occupied by professional, scientific or technical service enterprises and/or light manufacturing enterprises (a special exception shall be required for light manufacturing);
- (b) Total floor area of a single building shall not exceed 50,000 square feet, however a property may contain more than one such building if designed within a business park setting;
- (c) Warehouse space may occupy up to 90 percent of an occupant’s floor area within a building if the property is accessed directly from a major collector or arterial roadway or accesses such roadways through commercially or industrially zoned land; and
- (d) If the property does not have direct access to a major collector or arterial roadway or does not access such roadways through commercially or industrially zoned land, warehouse space shall not exceed 50 percent of the occupant’s floor area.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-07	Is this a new issue or one previously discussed?	New
Version: 1	Is this new text proposed since last discussion in need of initial review?	Yes
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No.
Summary: Clarify definition of “livestock” to specifically include bees.		
Justification: The definition of “livestock” implies bees are included in the definition, because they are kept for their by-products (honey). The issue has been raised to the Planning Commission and to the Mayor and Council regarding whether bee keeping should be permitted in the city. Both bodies strongly came down on the side of not permitting bee keeping. The City is pursuing an enforcement case regarding a property owner keeping bees at this time. Based on the staff efforts to move forward with enforcement of this matter, the City Attorney suggested that the definition of “livestock” be amended to specifically include bees. With that in place, there is no argument with property owners on this matter. The existing definition is legally sufficient to move forward with this enforcement case, but counsel has advised staff that it would be cleaner and less subject for dispute if bees were specifically stated in the definition.		

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Article 3, Section C (page 3-23)

LIVESTOCK – Animals typically grown for the purpose of production of animal byproducts (e.g., eggs, milk, meat, wool, leather, **honey**, etc.) for household consumption or sale or grown for purposes of labor for the owner (e.g., transportation, plowing, etc.). For the purposes of this provision, livestock does not include animals typically owned as pets (e.g. cats, dogs, goldfish, etc.) or for service to people with disabilities (e.g., “seeing eye” dogs). All hoofed animals, **bees** and fowl (chickens, turkeys, etc.) shall be considered livestock. The keeping of more than five adult rabbits and/or similar animals for any purpose (including household pets) outside of a dwelling shall be considered livestock. The keeping of livestock is only permitted in the AT district as part of a permissible land use. (See Article 4, Subsection K.11).
(Zoning)

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-08	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Clarify setback requirement from main structure for an accessory structure.		
Justification: Accessory structures are required to meet accessory structure setback requirements from side and rear property lines, and a 3-foot separation from the principal structure. Recently, a house was approved with this proviso, but was built measuring the 3 feet from wall of the accessory structure to the wall of the principal structure. The eaves of the two structures are within inches of one another, all but making the distance pointless and the building gives the impression of being part of the principal structure. This proposal clarifies that all parts of the accessory building must be at least 3 feet from all parts of the principal building.		

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Article 4, Section D.5.a (chart notes at the top of page 4-18)

Accessory buildings located within three feet of a principal structure shall be considered part of the principal structure for setback purposes. Accessory buildings on the same lot located within three feet of another accessory buildings shall be considered cumulatively as if they were attached for bulk regulations purposes. **For accessory setback requirements to apply, all parts of the accessory structure shall be at least 3 feet from the principal structure, including any deck, porch, stoop, eave, carport on either or both structures. Three feet of clear unattached space shall be maintained between the structures at all points.**

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-09	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Remove reference to a two-story requirement in the Conversion District.		
Justification: Corrects inconsistency with the purpose statement which does not require multi-story buildings.		

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Article 4, Section J.2.e (page 4-69)

e. General Requirements.

- (1) The area proposed for a conversion district shall be in one ownership, or, if in several ownerships, the proposal shall be filed jointly by all the owners of property included in the development plan.
- (2) The development shall be for an existing, nonresidential structure ~~containing at least two floors~~ in which all proposed uses, except parking, uses approved for additions and outdoor dining areas will be contained. However, the following uses, if approved, may include an outdoor dining area provided the area is identified on the concept plan approved by the Mayor and City Council and the area is screened from adjacent residential uses to the satisfaction of the Planning Commission as determined with the review and approval of a site plan: **List omitted for brevity as it will remain unchanged.**

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-10	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	Yes – corrected numbering.
Summary: Move industrial performance standards from the Industrial Districts section to the Supplementary section so that they apply to all new industrial uses in the city regardless of location.		
Justification: There are circumstances where an industrial use could be added to the city but not in the industrial districts (through overlays, changes of nonconformities, being permitted in the CC-MU Zoning District, etc.). This move will make the standards apply to all new industrial uses.		

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[Article 4, Section H.7 \(page 4-47\)](#)

7. Industrial Performance Standards.

See Subsection K.21.

The following industrial performance standards shall be met in the industrial districts for any industrial use prior to the issuance of a zoning permit:

- a. ~~**Control of Smoke, Dust and Dirt, Fumes, Vapors, Gases and Odors.**~~ The Maryland air pollution control standards shall be used to control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases or odors.
- b. ~~**Control of Heat and Glare.**~~ No use shall carry on an operation that will produce heat or constant glare which will adversely affect the uses of an adjacent property.
- c. ~~**Vibration Control.**~~ Machines or operations which cause vibration shall be permitted, but in no case shall any such vibration adversely affect the uses of an adjacent property.
- d. ~~**Radiation of Electrical Emissions, Radioactivity or Electrical Disturbance.**~~ Activities which may emit dangerous radioactivity beyond closed areas shall comply with state and federal codes. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely at any point any equipment other than that of the creator of such disturbance.
- e. ~~**Electric, Diesel, Gas or Other Power.**~~ Every use requiring power shall be so operated that any service line, substation, etc., shall conform to the highest applicable safety requirements. They shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the building or, if visible from abutting residential properties, shall be concealed by evergreen planting.
- f. ~~**Wastewater and Waste Treatment.**~~ All methods of wastewater and industrial waste treatment and disposal shall be approved by the Department of Utilities and shall be in accordance with all applicable regulations.

~~g. **Storage of Materials.**~~

- ~~(1) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.~~
- ~~(2) All materials or wastes which may cause fumes or dust or which may be edible or otherwise attractive to rodents or insects shall be stored only if enclosed in containers which are adequate to eliminate such hazards.~~

Article 4, New Section K.21 (page 4-90) (copied from previous without content change except in the first line removing reference to only industrial districts).

21. Industrial Performance Standards.

The following industrial performance standards shall be met for any industrial use prior to the issuance of a zoning permit:

- a. Control of Smoke, Dust and Dirt, Fumes, Vapors, Gases and Odors.** The Maryland air pollution control standards shall be used to control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases or odors.
- b. Control of Heat and Glare.** No use shall carry on an operation that will produce heat or constant glare which will adversely affect the uses of an adjacent property.
- c. Vibration Control.** Machines or operations which cause vibration shall be permitted, but in no case shall any such vibration adversely affect the uses of an adjacent property.
- d. Radiation of Electrical Emissions, Radioactivity or Electrical Disturbance.** Activities which may emit dangerous radioactivity beyond closed areas shall comply with state and federal codes. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely at any point any equipment other than that of the creator of such disturbance.
- e. Electric, Diesel, Gas or Other Power.** Every use requiring power shall be so operated that any service line, substation, etc., shall conform to the highest applicable safety requirements. They shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the building or, if visible from abutting residential properties, shall be concealed by evergreen planting.
- f. Wastewater and Waste Treatment.** All methods of wastewater and industrial waste treatment and disposal shall be approved by the Department of Utilities and shall be in accordance with all applicable regulations.

g. Storage of Materials.

- (1) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.
- (2) All materials or wastes which may cause fumes or dust or which may be edible or otherwise attractive to rodents or insects shall be stored only if enclosed in containers which are adequate to eliminate such hazards.

Staff will review the ordinance to ensure any cross-referencing is detected and changed to address this relocation.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-11	Is this a new issue or one previously discussed?	Previous
Version: 2	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	Yes.
<p>Summary: Regulate the parking and storage of camping trailers and boats on residential properties. Currently, the ordinance is silent on this issue. Proposal limits the number and length of such items and limits them to storage in a rear yard on a stable surface and not for occupancy. Regulations proposed have been watered down from much more restrictive limitations found in the zoning ordinance of Las Vegas, Nevada.</p>		
<p>Justification: Staff periodically receives complaints about boats and campers on nearby properties. Without some form of regulation, they can be quite impactful on the quality of life on surrounding properties. Multiple units stored on one property, overall size and proximity to property lines and adjacent homes, etc. can have negative impacts on adjacent properties.</p>		

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Background: Staff received a call from a property owner in the northwest part of the city. His home has a one-car garage and a one-car parking pad in front of it. He inquired about expanding his parking pad to a two-car pad, for the purpose of parking a 33-foot camper in the driveway in the front yard of the property. Given the modest size of the lots in this area, the camper would extend nearly to the sidewalk, and would be within a few feet of the side wall of the adjacent home. The adjacent owner would have the near constant presence of a large box shaped item in the neighbor’s front yard, only a few feet from their home, and blocking their view down the street from their home. This has the potential to affect the reasonable use and enjoyment of the homes of adjacent property owners, and should the neighbor desire to sell their home at some point, this condition would be a deal killer to many potential buyers. Adding the paving would not provide needed additional off-street parking for a second vehicle regularly used, but would be used for long term storage. This proposal is justified in one of the intended purposes of the Land Management Code, Article 1, Section B.

Article 4, Section D.3, new subsection d. (Residential Districts section, page 4-15)

d. Storage of Motor Homes, Camping Trailers, Boats and Personal Watercraft.

See Subsection K.20.

Article 4, Section E.3, new subsection d. (Mixed-Use Districts section, page 4-29)

d. Storage of Motor Homes, Camping Trailers, Boats and Personal Watercraft.

See Subsection K.20.

Article 4, Section F.3, (Commercial Districts section, page 4-39)

3. Parking Requirements.

As applicable under Section O of this Article. See Subsection K.20 regarding storage of motor homes, camping trailers, boats and personal watercraft when accessory to a dwelling.

Article 4, Section H.3, (Industrial Districts section, page 4-46)

3. Parking Requirements.

As applicable under Section O of this Article. See Subsection K.20 regarding storage of motor homes, camping trailers, boats and personal watercraft when accessory to a dwelling.

Article 4, Section J.1.g, (PUD Overlay Districts section, page 4-64)

g. Off-Street Parking.

See Section O of this Article for parking requirements for all uses in the PUD Districts. See Subsection K.20 regarding storage of motor homes, camping trailers, boats and personal watercraft when accessory to a dwelling.

Article 4, Section J.2.h, (Conversion Overlay Districts section, page 4-70)

h. Off-Street Parking.

Off-street parking shall be as required under Section O, except that during review of the site plan, the Planning Commission may permit variation from the number of spaces required, provided such variation relates to the shared use of the parking spaces and is consistent with the approved conversion district concept plan and the special design requirements of this district. See Subsection K.20 regarding storage of motor homes, camping trailers, boats and personal watercraft when accessory to a dwelling.

Article 4, Section J.3.h, (Local Conversion Overlay Districts section, page 4-74)

h. Lot Area Requirements and Off-Street Parking.

- (1) The maximum lot area for a Local Conversion District shall be 20,000 square feet.
- (2) Minimum parking requirements and lot size requirements shall not apply to this overlay district, however existing on-site parking shall not be reduced unless the remaining parking meets current Ordinance requirements. The Board of Zoning Appeals shall not grant a variance to this requirement. However, upon illustration in a rezoning exhibit, the Mayor and Council, as part of the petition for rezoning, may approve a site design that reduces the amount of existing parking if it finds that to do so is an acceptable step to ensure the adequate landscaping and screening of the use from adjacent properties.
- (3) See Subsection K.20 regarding storage of motor homes, camping trailers, boats and personal watercraft when accessory to a dwelling.

Article 4, Section K, new subsection 20 (page 4-90)

20. Parking and Storage of Motor Homes, Camping Trailers, Boats, Personal Watercraft and Similar Vehicles on Residentially Zoned Properties and Other Properties Used for Residential Purposes.

Parking typically provided on residential properties is in volumes sufficient for the transient use of personal vehicles owned and maintained for use in the normal course of a resident's daily activities. The storage of recreational vehicles on many lots can influence the parking of personal

vehicles, forcing vehicles to be parked in the street, which is not in the public interest when off-street parking is available. Therefore, unless stored or parked within a completely enclosed building, the parking and storage of motor homes, camping trailers, boats and similar vehicles in all zoning districts in the City shall comply with the following:

- a. The number of such vehicles shall not exceed one per lot or property.
- b. The vehicle shall not exceed 25 feet in length.
- c. The vehicle shall not exceed 10 feet in height.
- d. The vehicle shall be the personal property of a resident of a dwelling on the property.
- e. The vehicle shall not be stored in the front yard or side yard of a dwelling.
- f. The vehicle shall be stored on a stable surface consisting of gravel, asphalt, concrete, pavers or similar surface at least two inches in thickness and at least as wide and as long as the vehicle.
- g. The vehicle shall comply with the same setback requirements as is required for an accessory structure from the side and rear property lines and the right of way from any side-street when the property is a corner lot. When the rear yard fronts an alley to the rear or side, the vehicle shall be at least 5 feet from the alley right of way if that distance is greater than the setback requirement.
- h. The vehicle is not used on-site for camping or dwelling purposes.
- i. The vehicle is in full compliance with applicable provisions of the Fire Code and other technical codes.

The Board of Zoning Appeals shall not grant a variance to any provision of this subsection.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-12	Is this a new issue or one previously discussed?	New
Version: 1	Is this new text proposed since last discussion in need of initial review?	Yes
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No
Summary: Direct raw land development of N-MU land to be more urban in design and character, with mixtures of housing types.		
Justification: There is one N-MU zoned “greenfield” in the city, being the Harrison tract on the east side of Dual Highway behind the IBM building. Developers have shown interest in this site recently, but in those cases, they are apartment complex developers. While apartment developments are permitted in the N-MU District, it was not envisioned as being a location for contemporary suburban-style apartment developments, and such development is inconsistent with the purpose statement of that section of the Zoning Ordinance. Also, developing housing of all one type as multifamily can be done on a single tract or a few large tracts, inconsistent with the Ordinance’s intent that most new development should be on individual lots.		

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Article 4, Section E.5 (Mixed Use District Setbacks - page 4-29)

5. Minimum and Maximum Lot Width and Yard (Setback) Requirements.

a. Minimum Bulk Requirements Chart.

The minimum lot width and yard (setback) requirements for mixed-use districts shall be as stated in the following chart:

Mixed Use District Minimum Yard Requirements for All Buildings

Zoning District (See subsections b and c for specific performance standards)	Front Yard Depth (feet)	Rear Yard Depth (feet)	Minimum Aggregate Width of Side Yards (feet)	Minimum Width of Side Yards (feet)	Number of Side Yards Required
N-MU	0	5	0	0	0
CC-MU	0	0	0	0	0

Yards shall be measured and determined in accordance with the standards set forth in Subsection K.6 of this Article.

b. Maximum Setback Requirements for Development of Undeveloped Lands in the N-MU Zoning District.

There is only one minimum setback requirement in the N-MU District and there will be few if any nearby existing buildings on undeveloped N-MU zoned lands. Therefore, when developing any tract, tracts or part of a tract that was undeveloped as of January 1, 2023, building massing, setbacks, general building and parking locations and other improvements shall be proposed to the Planning Commission in the form of a sketch plan. The Commission shall determine whether the proposed subdivision or site design meets the intended purpose of the N-MU Zoning District as described in Section E.1.b, above before the development moves forward to the Development Plan or Site Plan stage. New development shall be designed to focus on streetscapes, pedestrian circulation, shielding parking fields from streets

and promote generally urban designs consistent with Section E.1.b. The Commission shall approve no sketch plan for a proposal that is predominantly suburban in design. Should the Commission reject a sketch plan, the applicant shall be provided the reasons for that rejection in writing to provide guidance to them in formulating a revised plan.

c. Maximum Setback Requirements in the CC-MU Zoning District and Areas of the N-MU District developed prior to (insert date).

Rest of section omitted as unchanged.

Article 4, Section E.6.c (page 4-31)

j. Densities.

Residential densities in the mixed-use districts will vary based on the planning process, but it is anticipated that the average density in the City Center Mixed Use District will be between ten and 22 units per acre and the average density in the Neighborhood Mixed-Use District will be between six and ten units per acre. Individual sites within the mixed-use districts may have much higher densities; however, the average for all properties in a single district is anticipated to be as stated above.

When developing any tract, tracts or part of a tract in the N-MU District that was or were undeveloped as of January 1, 2023, no sketch plan shall be approved by the Planning Commission for any development that shall be entirely of a single housing type. Any sketch plan for such development shall not permit more than 35 percent of the total dwelling units that could be developed on the tract or tracts to be multi-family dwelling units, and townhouse and multi-family dwellings together shall not exceed a total of 50 percent of the total number of dwelling units on the tract or tracts. This ratio shall be applied to those parts of the tract designated for exclusively residential development. Parts of the development dedicated to mixed use structures including dwellings and commercial/institutional uses shall not be included in the calculation for the purpose of determining the number of multi-family units and townhouses may be permitted.

LAND MANAGEMENT CODE TEXT AMENDMENT PROPOSAL

Number: 2022-13	Is this a new issue or one previously discussed?	Previous
Version: 1	Is this new text proposed since last discussion in need of initial review?	No
	Is this revised text in need of confirmation that it conforms to prior editorial direction?	No. Justification expanded below.
Summary: Strengthen driveway requirements in the parking section to reduce the proliferation of front yard parking.		
Justification: Existing language is weak, with “weasel wording” to make it very difficult to enforce. Urban streetscape environments are not characterized by regular interruption by driveways and front yard parking, and it should be strongly discouraged where there are alternatives. Several neighborhoods are characterized by their front yard areas and absence (or limited amount) of driveways, front yard parking and interruption of available on-street parking. New parking which results in no net increase in parking spaces available on and off the lot results only in compromising the streetscape, reducing available on-street parking to the community and creating more impervious surface. Handicapped parking can be addressed through handicapped reserve passes when necessary.		

Existing text to be removed is in ~~strikeout~~. New text to be added is in **red**. Staff direction is in **blue**.

Article 4, Section O.1.d (page 4-101)

k. Off-Street Yard Parking for **Existing Residential Development.**

While this Code requires new development to address off-street parking to be part of the design of a new subdivision, many long-developed residential properties have no on-lot parking in urban communities or at least no front-street driveway access. On-street parking is part of the culture of urban communities. Many communities are characterized by their streetscape with few if any front yard driveways, and a large percentage of Hagerstown residential lots are developed with rear alley access.

Per Sub-Section O.1.a above, there is no requirement in this ordinance for existing dwellings without driveways to provide off-street parking, nor is there a requirement for providing off-street parking when building on an unimproved lot within an existing developed community. However, some property owners will desire to add off-street parking on an existing developed lot or during construction on an infill lot.

Adding driveway access to front streets for existing properties leads to the deterioration of character-defining community streetscapes, creates additional new potential vehicular and pedestrian points of conflict, creates more opportunities for vehicles to be parked blocking sidewalks, creates additional impervious surface and frequently results in no net increase in available parking once on-street spaces are lost in order to create the driveway apron. It is not in the public interest to permit adding new front street driveway access to existing developed residential lots when alternatives, such as rear-alley access are available. Even if there are no alternatives on a given lot, ultimately, no property owner has entitlement to a new driveway entrance to a front street in an urban jurisdiction, and it is good public policy to discourage this practice to the greatest extent practicable.

On all existing improved residential lots and lots in new residential development, the following off-street parking design requirements shall apply:

- (1) Parking Areas shall be solid paved (non-gravel) surfaces or permeable pavers;
- (2) Rear yard parking garages or parking pads are the expected off-street parking system. When rear yard area is accessible to provide off-street parking, the parking shall be installed in the rear yard with access via alleys;
- (3) When approved by the City Engineer and the Zoning Administrator, driveways accessing the lot from a front or side street shall be one vehicle in width;
- (4) When approved by the City Engineer and the Zoning Administrator, Driveways directly serving front-loaded garages from front and/or side streets shall be permitted to be as wide as the garage;
- ~~(5) For lots without garages and without the ability to provide rear yard parking, front yard parking pads or turn-arounds of single vehicle width driveways shall be permissible provided the parking area does not exceed 50% of the front yard area.~~ Installation of a driveway on property in a locally designated historic district shall only be approved after obtaining a Certificate of Appropriateness from the Historic District Commission upon findings that the proposed driveway is consistent with the applicable design standards for such improvements, as adopted by the Commission.