

**NOTES OF COUNTY COMMISSIONERS ZONING ORDINANCE WORK SESSION
Thursday, April 4, 2002**

All Commissioners were present. County staff present were Jon Grimm, Director, and Peggy Childs, of DPZ, and Acting County Attorney John B. Norris, III.

Critical Area Commission Comments

The Commissioners reviewed the Acting County Attorney's memorandum dated April 4, 2002 and agreed to incorporate the Critical Area Commission (CAC) comments that are requirements and those that provide clarification, correct errors overlooked by the Acting County Attorney in his previous Critical Area review, or those which correct incorrect references. The changes effected by the Commissioners' decision are to the following sections, as contained in Mr. Norris' 4/4/02 memo:

§24.4	41.9.2.d	71.8.2.b(2)
24.4.2	41.9.2.d(3)(c) to (e)	71.8.2.c(2)
41.3.3.a	41.9.6.b(3)	71.8.3.a
41.3.3.d(4) – (h), (i) and (j)	51.3.95 thru 102	71.8.3.d(1)
41.4.2.a and 41.5.2.a	71.2.4.a	71.8.3.d(2) thru (7)
41.5.3.i(2)	71.4.2.a ,c,d,e,h	71.8.5.a(2)
41.6.2.a	71.6.2	71.8.6.a
41.7.4.a(2)	71.7.2.b	71.8.7.a(2) thru (4)
41.8.2.a	71.8.2	71.9.6.a *
41.8.2.b	71.8.2.a(1)	71.9.8

In addition, the Commissioners voted to *leave out* the intent provisions suggested by the CAC staff on the basis that the Ordinance "implements intent with specificity, making statements of intent unnecessary."

- Under 71.9.6.a, regarding whether the entire shoreline of any property within 200 feet of the applicant's property shall be delineated or whether simply 200 feet of shoreline from applicant's shoreline shall be delineated, the Commissioners' decision was to incorporate the pertinent language from Resolution Z91-11.

Bill McCarthy suggestion regarding Esperanza Farms

Mr. Grimm will review the statute to see whether the Commissioners have the authority to implement Mr. McCarthy's suggestion that the Commissioners exempt areas where the Critical Area Program will not substantially improve water quality or conservation of fish, wildlife, or plant habitat

Frank Allen suggestion regarding site clearing and burning

Because methods of site-clearing are already required to be designated and approved on site plans, the Commissioners voted to include the following language regarding burning: "All alternatives to burning *shall* be considered, including marketing useable timber, shredding or mulching of residue for use on site, or survey/disposal plan by registered forester, for tracts over ten (10) acres. If the applicant can demonstrate that there is no feasible alternative, burning may be allowed on site."

Barbara Thompson: Ordinance should provide an appeal from a decision of the Historic Preservation Comm

Mr. Grimm will review to see if there is an appeal listed in the text that causes a conflict with the flow chart and, if there is, will report back on how to correct it.

Page 50-16, Use 73 – Include retail plant nurseries as limited uses in the RCL

Page 51-23, add new line 30 – "b. Limited Standards. Retail plant nurseries and garden centers users shall be limited uses in the RCL."

Page 50-18 – Change Use 79 from all conditional uses to all limited uses, with language from page 305 of existing ordinance added as Limiting Standards on Page 51-24 for less than 5 acres and a clause that, if this threshold is exceeded, the use becomes a conditional use.

Page 50-23, Add new use #109 – "Dock, ramp and/or railway (for 5-9 slips) - A facility for mooring, berthing, storing or securing from 5 to 9 watercraft and a boat ramp. Accessory use in every zone where 4 boats or less are accessory."

Page 51-12, Line 15, Rural Medical Practice – Insert "in a single parcel" after "five contiguous acres"

Page 51-21, Line 15 – Change poles location from within 50 feet to "within 120 feet" of the actual racing surface.

Line 32 – Change to read: "On-site parking shall be restricted to the designated parking areas."

Lines 33-34 - Item c. Eliminate Board of Appeals requirement and change to read: "Temporary overflow off-site parking shall be allowed for major regional and national events."

Lines 35-37 – Change i. to read: "Temporary off-site parking proposals shall be specified as to location and frequency (number of total events per year)."

Letter 33 from Commission on the Environment (Frank Allen) – Staff to check and see if Board of Appeals does this as mitigation already regarding sludge application and emissions after reclamation.

Page 51-41, Line 44 to Page 51-42, Lines 1-4 – Renumber as #109 and add as “a. Accessory Standards.”

Page 52-1 or 51-2 – Repeat language of Page 51-38, Lines 20-22 under Section 52.3, Alterations and Enlargements: “Any nonconforming Marina use that exceeds 10 total berths for watercraft may not be expanded unless it is brought into conformance with this Ordinance, insofar as possible.

- *Staff to provide Commissioners with July 2001 list of nonconforming uses that will remain nonconforming under this Ordinance.*
- *Marinas with sailing school or boating instruction – Mr. Grimm will report back whether these are allowed and whether adding this as a new use would require application for Commercial Marine.*

Page 52-2, Line 11 – Add the following language after first sentence. “However, the total amount of expansion or enlargement allowed for any nonconforming use shall not exceed 50%.”

Page 52-4, Lines 9-12 – Delete. Subparagraph 2.c becomes 2.a

Zoning Maps

Betty Ritter, Billy Fitzgerald and properties “road-locked” between Old Village Road and MD 235 above Route 5 in Mechanicsville – Mr. Grimm to report back on Tuesday regarding creating a new zoning category for these properties.

Abell’s Wharf property requesting Commercial Marine zoning – Staff states if property owner can provide information supporting a mapping mistake, the error could be corrected.

Lexington Park Christian School – The Callaway Area Plan contains a recommendation that the school be included in the Callaway Village Center.

2002-011 – Chesapeake-Stafford Restaurant (formerly Evans) on TM 69, Parcels 9/10 – Remain CM.

2002-019– Antoine Love Zion United Methodist Church – Change to RL.

2002-020 – Alonzo Gaskin Zion United Methodist Church – Change to RL.

Letter #213 from Sharon Asher Williams (Margaret Asher property) – Change to Industrial.

Tax Map 9, Blocks 7 & 13, Parcels 80, 81, 82, 83, 84 and 85 – Carry forward RMX. (Commissioner **Guazzo**)

Tax Map 9, Block 7, Parcels 75, 76, 77, 78 and 151 – TMX.

Tax Map 51, Parcel 26 - Property on Great Mills Road erroneously drafted as RH – Carry forward as CMX.

Burroughs property in Charlotte Hall – zoned Commercial, wants Industrial – Commissioner Anderson to provide specifics for Tuesday’s meeting (amount of acreage, etc.)

TM 38, Parcel 18, Vacant lot adjoining Old Gum Tavern used for parking – Change to RCL.

Myrtle Point – Put back into in the Lexington Park Development District and keep PUD status.

Tax Map 43, Parcel 47, Immaculate Heart of Mary Church – Leave RMX.

Wicomico Shores – Staff will report back on Tuesday regarding the number of lots that were granted concept approval by the Planning Commission, whether they have vested rights under the existing regulations or whether the proposal is consistent with the draft Zoning Ordinance.

Cord’s Cabinets – Mr. Grimm said he believes the applicant already has the right zoning and that the Table of Uses does allow cabinet shops under the draft Ordinance.

Commissioner Raley’s proposals approved:

Page 32-2, Schedule 32.1 - Reduce side yard setback in Industrial District from 35 feet to 25 feet.

Page 51-9, Line 36 – Insert “public” between “new” and “facility”

Page 51-18, Line 11 – Change “5,000” to “7,500” square feet.

Line 17 – Change “2,500” to “5,000” square feet.

Lines 28-32 – Delete.

Page 51-19, Line 13 – Change “5,000” to “7,500” square feet.

Line 28 – Change “3,500” to “5,000” square feet.

Page 52-3, Lines 16-22 – Delete Section 52.6.

Page 70-8, Line 44 – Add “if it is within 1,750 feet of an existing line of sufficient capacity” after “public water system”

The work session was concluded at 9:50 p.m.

Peggy Childs
DPZ Recording Secretary