

BOCC WORK SESSION

March 21, 2006

Action on the *Zoning Ordinance Rewrite*

As a Result of the
February 8, 2006
Public Hearing

Action Outline

- Review and act on options and refinements to Articles 2 and 3
- Review and act on options and refinements to Articles 4 through 12
- Review and act on changes to the Town Center Ordinances.
- Review and act on zoning maps.

Adoption of Article 2 – Zoning Districts and Maps

There were no unresolved issues in Article 2. The Planning Commission recommended approval as submitted. *BOCC Action: Adopt Article 2 as proposed.*

Article 3 – Land Uses By Zoning District

Key Issues (*see slides that follow for BOCC action*):

- I. Apartments over Businesses in the RC, MC and EC Districts
- II. Workforce Housing-Attached Dwellings in the RCD
- III. Agricultural, Agritourism, Ecotourism & Heritage Tourism Uses in Subdivisions
- IV. Regulation of Concentrated Animal Feeding Operations (CAFOs)

Issue I: Permit Apartments over stores in the RC, MC, and EC Districts

Pertaining to Section 5-1.05.B, the Planning Commission proposes the following changes (shown in red).



In addition to the parking required for the business, a minimum of one parking space shall be provided for each apartment plus an additional 20% for overflow and visitor parking. Parking spaces intended for occupants shall be clearly marked with signs.

BOCC Action: Adopt recommended wording in 1st sentence, but do not adopt last sentence.

Issue II: Workforce Housing. Pilot project for attached unit workforce housing (e.g. duplexes, triplexes, and fourplexes) as rentals for workforce housing.



Options:

3C - Do not allow attached dwellings on lots or outlots within subdivisions containing more than 5 lots.

3D - Do not allow attached dwellings on lots or outlots within any subdivisions.

3E - Do not allow attached dwellings on lots or outlots within subdivisions recorded prior to the adoption of the proposed amendment.

Planning Director's Recommendation: Option 3E.

Planning Commission's Recommendation*: Restrict to one-mile radius of Town Centers and delete pilot program requirement.

*The County Attorney has advised that a new public hearing would be necessary to adopt the regulations as recommended by the Planning Commission.

BOCC Action: Do not accept P.C. recommendation. Adopt as proposed with Option 3E (not permitted in subdivisions recorded prior to adoption of the amendment).

Issue III. Agricultural, Agritourism, Ecotourism and Heritage Tourism uses were proposed at the August public hearing. Special conditions were drafted for such uses in subdivisions, which are still under consideration.

Options:

3A – Require minimum property size of 20 acres.

3B – Do not specify a minimum property size.



Planning Director’s recommendation –as shown in chart:
 Planning Commission’s recommendation –same.
BOCC Action: Approved all uses for properties not within subdivisions. Directed staff to bring back the uses shown in blue in the chart for consideration as to whether the uses should be allowed as a special exception if located within subdivisions.

<i>Agritourism Enterprise</i>	20 acres
Campground	20 acres
<i>Farm Support Business, <5,000 sq. ft.</i>	10 acres
Farm Support Business >5,000 sq. ft.	20 acres
<i>Rental Facilities on farms</i>	20 acres
Commercial Greenhouse, Retail	20 acres
<i>Commercial Greenhouse, wholesale</i>	20 acres
Commercial Kennel w/indoor facilities	10 acres
Commercial Kennel w/outdoor facilities	20 acres
<i>Farm Brewery</i>	20 acres
<i>Farm Distillery</i>	20 acres
<i>Farm Winery</i>	20 acres
Nursery, Retail	20 acres
<i>Nursery, Wholesale</i>	10 acres
Campground, Non-farm	20 acres

Issue IV: CAFO regulations.

The Planning Commission recommended adoption of the Farm Bureau's recommendation; however, the County Attorney has advised that a new public hearing would be required in order to do this. *BOCC Action: Remove CAFO regulations from Zoning Ordinance. Allow such operations as "Animal Husbandry".*

Adoption of Article 3 – Land Uses By Zoning District

There were no other unresolved issues in Article 3. The Planning Commission recommended approval with the changes discussed. *BOCC Action: Adopt Article 3 with the changes discussed.*

Adoption of Article 4 – General Development Submittal Requirements

There were no unresolved issues in Article 4. The Planning Commission recommended approval as submitted. *BOCC Action: Adopt Article 4 as proposed.*

Article 5 - Residential Development Requirements

Key Issues with Options (*see slides that follow for BOCC action*):

- I. Age-Restricted Housing Communities
- II. Cluster Subdivisions
- III. Open Space in Clustered Subdivisions
- IV. Whether or not to allow golf courses in open space

Issue I. Age-Restricted Housing Communities

Options for waiving TDRs for Age-Restricted Housing Communities:

5A. Do not exempt Age-Restricted Housing Communities from the requirement to purchase TDRs (unless the units are also ‘affordable’).

5B. Waive up to 50% of the TDRs if the units are in an Age-Restricted Housing Community and are handicapped-adaptable.

5C. Make no change (waive 100% of the TDRs).

Planning Director’s Recommendation – Option 5B

Planning Commission’s Recommendation – Option 5A

BOCC Action: Adopt Option 5A with a grandfathering provision that projects submitted prior to July 1, 2006 are exempt from purchasing TDRs.

Issue II. Cluster Subdivisions

Options:

5D. Make no change to the clustering regs.

5E. Make clustering optional in all Districts.

5F. Delete clustering regulations in all Districts.

5G. Make clustering optional within 1 mile of Town Centers if affordable/workforce housing is to be provided.

Planning Director's Recommendation – Option 5D

Planning Commission's Recommendation – Option 5D

BOCC Action: Adopt Option 5D.

Issue III: What should the shape and configuration of open space be?



Proposed regulations would require that 50% of the open space be in one large block with a minimum width of:

Option 5H - 300 ft.

Option 5I - 600 ft.

Option 5J - 900 ft.

Planning Director's Recommendation – Option 5I

Planning Commission's Recommendation – Option 5I

BOCC Action: Adopt Option 5I.

Issue IV. Golf Courses in Open Space



Option 5K. Delete Section 5-2.01.E.5.b.ii (no longer allow golf courses in open space)

Option 5L. Do not delete Section 5-2.01.E.5.b.ii (continue to allow them in open space)

Planning Director's Recommendation – Option 5K

Planning Commission's Recommendation – Option 5K

BOCC Action: Adopt Option 5K.

Adoption of Article 5 – Residential Development Requirements

There were no other unresolved issues in Article 5. The Planning Commission recommended approval with the changes discussed. *BOCC Action: Adopt Article 5 with changes discussed.*

Article 6 – Non-Residential Development Requirements

Key Issues *(see slides that follow for BOCC action):*

- I. New Outdoor Lighting Regulations
- II. Parking for fast food businesses
- III. Signage Regulations
- IV. Signs requiring zoning stickers

Issue I: Outdoor Lighting

Options provided for replacing non-conforming light fixtures

6A – five years

6B – 10 years

6C – Do not set a time for conformance

Options provided for reducing or turning off lighting during periods when the business is closed

6D – Require certain lighting to be turned off after 11:00 p.m.

Exceptions provided.

6E – Require lighting to be reduced by 50% after business closes.

6F – Delete requirement that lighting be reduced.

Planning Director's Recommendation – Options 6C and 6F.

Planning Commission's Recommendation – Options 6C and 6F.

BOCC Action: Adopt Options 6C and 6F.

Issue II: Parking for Fast Food and Carryout Eating Establishments

An issue was raised in the public comments submitted. The proposed Ordinance calls for 1 space per 50 square feet of interior and exterior patron area + 1 space per 50 square feet of gross floor area.

Planning Director's Recommendation: "1 space per 50 square feet of gross floor area", which is the current requirement.

The Planning Commission recommended approval of the change as suggested. ***BOCC Action: Adopt change as suggested.***

Issue III: Ground Mounted Signs Outside Town Centers



Taco Bell Sign
– 9 Ft.

Currently, business signs outside of Town Centers can be 18 feet tall. Staff proposed that it be reduced to 10 feet, with the ability to increase it to 14 feet in specified cases.

BOCC Action: Do not change height restriction – continue to allow height of 18 feet.

Maximum Sign Heights	
<u>Town Center</u>	<u>Maximum Height</u>
Dunkirk	10'
Owings	6'
Huntingtown	7'
Prince Frederick	8'-12'
St. Leonard	8'
Lusby	6'
Solomons	10'

Issue IV: Portable Signs requiring zoning stickers.

Staff is recommending that these regulations be deleted at this time. Enforcement of the temporary portable signs can be a problem, but there are still details that need to be worked out before this becomes law.

BOCC Action: Do not adopt zoning sticker provisions.

Adoption of Article 6 – Non-Residential Development Requirements

There were no other unresolved issues in Article 6. The Planning Commission recommended approval with the changes discussed. *BOCC Action: Adopt Article 6 with the changes discussed.*

Adoption of Article 7 – Subdivision Regulations

There were no unresolved issues in Article 7. The Planning Commission recommended approval as submitted. *BOCC Action: Adopt Article 7 as proposed.*

Article 8: Environmental Requirements

Key Issues *(see slides that follow for BOCC action):*

- I. New Regulations for Family Conveyance Lots in the Critical Area.
- II. New options for Transferable Development Rights (TDRs) in the Critical Area.
- III. Options for expanded buffer definition.
- IV. Reducing the exemption on clearing lots.

Issue I. New Regulations for Family Conveyance Lots in the Critical Area

- Family member must be identified.
- Not permitted in major subdivisions.
- The reason for change in circumstance must be presented to the Planning Commission for approval
- If the lot is later sold to a non-family member within 7 years:

Option 8A:

Up to 20 TDRs may be required and 1-5 TDRs would be deducted for each year that the lot is retained (after the first 2 years).

Planning Director's Recommendation – Require 5 TDRs if lot is sold to a non-family member within 7 years, with 1 TDR being deducted for each year the lot is retained after the first 2 years.

Planning Commission's Recommendation – Require 10 TDRs.

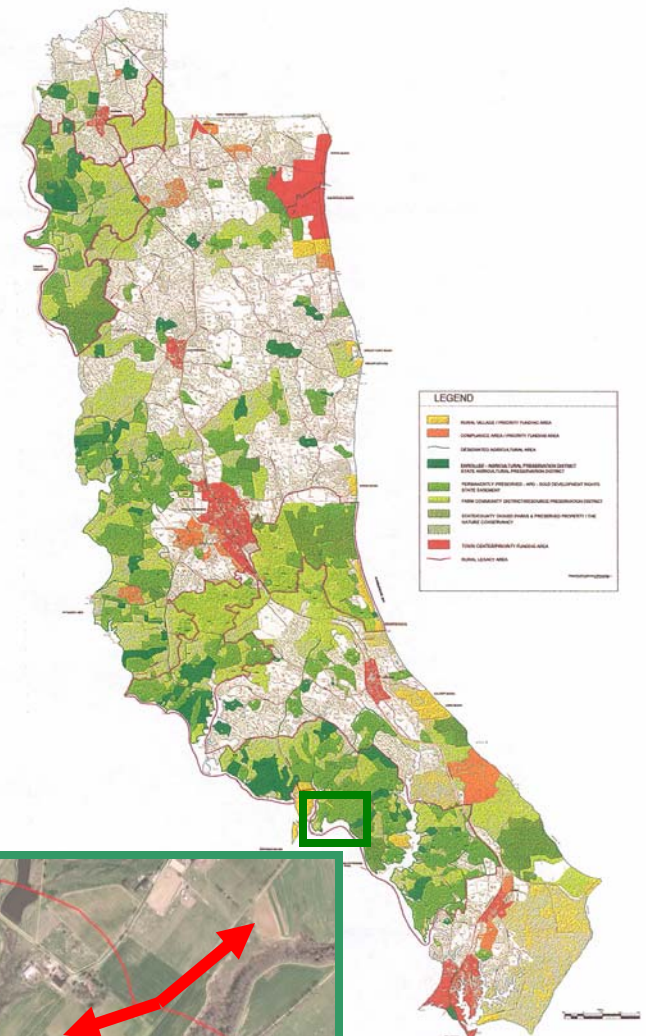
BOCC Action: Adopt Planning Director's Recommendation.

Issue II. TDRs in the Critical Area for APDs.

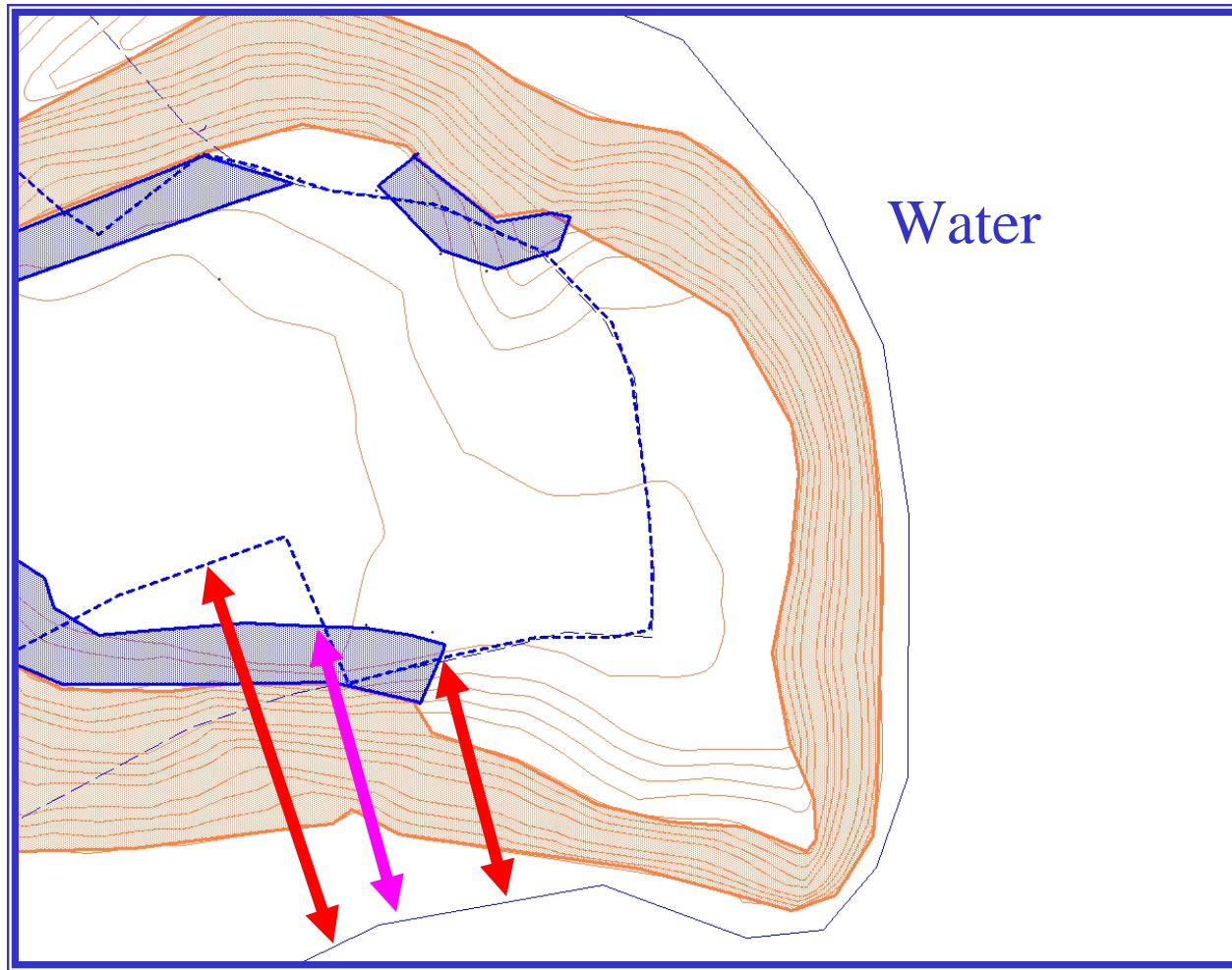
Options:

- 8B - Certify the same number of TDRs for APDs recorded prior to January 1, 2009. After that date, certify 1 per 4 acres.
- 8C – Do not adopt the change proposed in Option 8B.

Planning Director's
Recommendation: Option 8B.
Planning Commission's
Recommendation: Option 8C.
***BOCC Action: Adopt Option 8B,
but change the effective date to
July 1, 2009.***



Issue III. Options for expanded buffer definition. Proposal: require expansion of the buffer by 25' beyond the steep slopes.



Option 8D – Amend the regs to extend the buffer 25'

Option 8E – No change to the current calculation.

Planning Director's Recommendation: Adopt wording as amended by the Critical Area Commission (shown in blue in the text below).
Planning Commission's Recommendation: Adopt wording as amended by Critical Area Commission. *BOCC Action: Directed staff to schedule a new public hearing for consideration of the wording as recommended by the Critical Area Commission.*

The ~~County shall expand the~~ Buffer ~~shall be expanded~~ beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, ~~and~~ hydric soils, ~~or highly erodible soils~~, whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded ~~four feet for every one percent of slope, or to the top of the 15%-slope, whichever is greater. plus 25 feet. whichever is greater in extent.~~ ~~The~~ percent of slope will be measured as an average of the entire extent of steep slope (along the slope) beyond 100 feet from mean high tide, edge of tidal wetlands and tributary streams. ~~Where highly erodible soils on slopes less than 15 percent are adjacent to the 100-foot Buffer, the Buffer shall be expanded an additional 25 feet. The extension expansion of the Buffer shall be perpendicular to the shoreline, tidal wetland or tributary stream to be protected.~~ The provisions of Section ~~8-1.03.G.1.c.v~~ ~~8-1.08.D.3~~ apply to clearing within the Buffer area.

Issue IV. Reducing exemption on clearing lots

- Currently 40,000 sq. ft. can be cleared for lots created before 1993.
- Family lots allow 40,000 sq. ft. to be cleared.
- Option 8F and 8H- 20,000 sq. ft could be cleared in both situations.
- Option 8G and 8I– 30,000 sq. ft. could be cleared in both situations.

Planning Director's Recommendation: Options 8G & 8I.

Planning Commission's Recommendation: Options 8G & 8I.

BOCC Action: Adopt Options 8G and 8I.

Adoption of Article 8 – Environmental Requirements

There were no other unresolved issues in Article 8. The Planning Commission recommended approval with the changes recommended by the Critical Area Commission.

BOCC Action: Adopt Article 8 with changes as discussed, excluding 3 amendments determined to be substantive. Directed staff to schedule public hearing for consideration of those issues.

Adoption of Article 9 – Marine Facilities Regulations

There were no unresolved issues in Article 9. The Planning Commission recommended approval with the changes recommended by the Critical Area Commission.

BOCC Action: Adopt Article 9 with changes recommended by the Critical Area Commission.

Adoption of Article 10 – Naming and Renaming Roads & Assignment of Premises Addresses

There were no unresolved issues in Article 10. The Planning Commission recommended approval as submitted. *BOCC Action: Adopt Article 10 as proposed.*

Adoption of Article 11 – Appeals

Key Issue:

Should the Board of Appeals have the ability to rescind a special exception if the conditions of approval are not met?

Option 11A – Add wording to grant the Board of Appeals the authority to rescind special exceptions.

Option 11B – Delete the wording and do not grant authority to the Board of Appeals to rescind special exceptions.

Planning Director's Recommendation – Option 11A

Planning Commission's Recommendation – Option 11A

BOCC Action: Adopt Option 11A. Adopt Article 11 as proposed except allow appeals of Planning Commission decisions on Architectural Review of Category II site plans (<5000 sq. ft.) to be appealed to the Board of Appeals, rather than to Circuit Court.

Adoption of Article 12 – Definitions

There were no unresolved issues in Article 12. The Planning Commission recommended approval with the changes recommended by the Critical Area Commission.

BOCC Action: Adopt Article 12 with the changes recommended by the Critical Area Commission.

Adoption of Revisions to the Town Center Ordinances

1. Amend all TCZO's to update references to the Calvert County Zoning Ordinance that have been changed as a result of the rewriting (including options for age-restricted housing).
2. Amend all Architectural Review Sections of the TCZO's to make consistent with each other and to specify that decisions made by the Planning Commission regarding Architectural Review applications shall be appealed to Circuit Court (rather than to the Board of Appeals, as currently required).

There were no options for the Town Center Ordinances. The Planning Commission recommended approval as submitted.

BOCC Action: Adopt changes to the TCZO's as proposed except allow appeals of Planning Commission decisions on Architectural Review of Category II site plans (<5000 sq. ft.) to be appealed to the Board of Appeals, rather than to Circuit Court.

Issues Raised by Town Center Architectural Review Committees

Comments Received Re: Changes to the Town Center Zoning Ordinances				
#	Comment Received From/Subject	Section/Proposal	Staff's Suggestions & Explanation	Planning Commission Recommendations
1.	Architectural Review Committees/ P.C. action without recommendations from Architectural Review Committees.	Dunkirk Z.O., Prince Frederick Z.O., & Solomons Z.O. Proposal to delete following sentence: "The Planning Commission shall not approve design features without the recommendation of the Architectural Review Committee."	Staff recommends restoring and modifying the sentence as follows: "The Planning Commission shall not approve design features without the recommendation of the Architectural Review Committee <u>first having an</u> <u>opportunity to review them.</u> "	<i>Recommend adoption of staff's proposed wording.</i>
2.	Dunkirk Architectural Review Committee (DARC)/Submittal Requirements	Dunkirk Z.O. Proposal to require that application and supporting documents be submitted 5 days prior to meeting. DARC suggests that the submittal requirement be changed to 10 days.	Staff recommends that this change be considered during the review of the individual TCZO's.	<i>Recommend deferral until individual TCZO's are reviewed.</i>
3.	DARC/timing of Architectural Review vs. Site Plan Review	Dunkirk Z.O. DARC suggests following change: "Applications may be submitted at any time during the development process, <u>however, in cases where site plan review is required, the</u> <u>site plan must be approved before the case is reviewed by</u> <u>the Architectural Review Committee.</u>	Staff does not support the requested change as it may tend to slow the review process.	<i>The Planning Commission concurs with staff that the suggested wording should not be adopted.</i>

***BOCC Action: Defer issues raised until TCZO's are reviewed
comprehensively.***

Adoption of New Zoning Maps

Changes:

1. Combine Farm Community District and Resource Preservation District into Farm and Forest District (FFD).
2. Combine R-1 and R-2 into the Residential District (RD)

There were no changes to the Zoning Maps. The Planning Commission recommended approval as submitted. ***BOCC Action: Adopt as proposed.***

Conclusion: Effective Date of the New Zoning Ordinance

- *The BOCC adopted portions of Articles 1-3 of the Zoning Ordinance on December 20, 2005 with an effective date of May 1, 2006.*
- *Except as otherwise specified, the sections adopted on March 21, 2006 become effective May 1, 2006 also. The BOCC is scheduled to make a decision about grandfathering subdivisions and site plans on March 28, 2006.*