

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS'  
ZONING ORDINANCE WORK SESSION  
Governmental Center  
Thursday, August 9, 2001**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley (*arrived approximately 7:45 p.m.*)  
Alfred A. Lacer, County Administrator  
John B. Norris III, Deputy County Attorney  
Jon Grimm, Director, Planning and Zoning  
Kate Mauck, Administrative Assistant (Recorder)

Also Present: Larry Greenwell, Planning Commission Member  
Jim Raley, Planning Commission Member

The work session began at 6:05 p.m.

#### **ENFORCEMENT – CHAPTER 27 ARTICLE 9**

Mr. Grimm provided information and background material to the Board of County Commissioners regarding the two main issues of abandoned automobiles and property maintenance standards. He stated that although there are other enforcement issues as well, these two issues produce a heavy volume of work for the County.

The following issues were discussed and/or determined:

- *90.5 – delete all references to criminal penalties. Mr. Norris stated that the civil penalties in 90.4 should remain, however, criminal penalties are not within the County's purview;*
- *90.4.3 – duplication of terminology that is in critical areas code – Mr. Norris recommended that one paragraph be written to reflect that the county no longer can only assess fines, but also can seek injunctive relief, mandamus, etc. - wording which gives a tool to use in order to act immediately in an emergency situation and not just to assess a monetary fine;*
- *90.4.2 – just list the regulations that will have pre-set fines if they are violated;*
- *90.2.3 – refer to the department director who issued the citation instead of Planning Director;*
- *Attempt to make due dates more uniform where possible, i.e. standard of 10 days after receipt, etc.;*
- *90.2.4 – Mr. Norris to check into whether this should be a certified mail notice;*
- *90.4.1 line 30 – the words “preset fines” are missing;*
- *90.4.b – Additional Penalties – discussed any requirements to include this in the document. Mr. Grimm recommended that it could be more simply handled in whatever Resolution the Board should adopt from time to time establishing fines for certain violations.*

#### **ABATEMENT OF NUISANCES**

- *Mr. Grimm stated that the appendices plus 91.3 should be shipped to the Road Ordinance, and to make the references to the administrators therein consistent with the administrator of the Road Ordinance, which is the Director of Public Works and Transportation. Must first receive Mr. Erichsen's input regarding this issue;*
- *Place graphics within the document to make document easier to understand;*

- *Remove 91.3.4 entirely;*
- *91.2.2.a – reference to 91.5.1 could not be found in document – section reference should possibly be 90.4 instead – staff to check on this;*
- *91.2.2.d – make a global or generic correction to this statement regarding a hearing before the Planning Director. Board of Appeals to discuss and give recommendations regarding this item;*
- *Discussed due process rights of landowners and the view of citizens of what they perceive to be governmental inaction as it can take up to one year to be rid of an abandoned vehicle. Mr. Guyther indicated that he feels this should not be a Zoning Ordinance issue;*
- *Staff to look at 91.2.1.c.6 regarding vehicles being left unattended for 48 hours or more on County-owned property. Staff was directed to work together to come up with a way to address this type of situation in a timely fashion;*
- *91.2.1.a & b - Staff to look into whether a carport is designated and approved, and if approved, where and by whom;*
- *91.4 – Environmental Nuisances – Mr. Norris recommended this be handled in the County Code or State Regulations. This may be a public health issue and not necessarily a zoning issue. Staff directed to delete 91.4 with the exception of abandoned and dangerous signs;*
- *Mr. Grimm was directed to send a new version of Article 9 to Mr. Norris for review/comment. The document is to be reviewed from a process prospective, with the rewording of language and changes discussed to be implemented and quality assurance to be ensured prior to returning the document to the Board of County Commissioners.*

#### **AGRICULTURAL ISSUES**

Commissioner Anderson stated that issues discussed earlier with Mr. Guyther regarding acceptable agricultural uses need to be reviewed again by the Board of County Commissioners. *He requested that staff get comments regarding any issue to be discussed at least one day ahead of a work session on each issue. Staff was directed to forward their recommendations prior to the meetings to any individuals who will be joining the work sessions as well.* It was pointed out that the Right to Farm and other agricultural issues would be discussed on August 30<sup>th</sup>, per the adopted work session calendar. This assumes, that the Farm Bureau can get their information back to the Board of County Commissioners on time.

#### **DEFINITIONS - ARTICLE 10, CHAPTER 100**

- *Mr. Grimm stated that as the Board of County Commissioners had earlier directed that the draft ULDC document be split into four separate ordinances, the definitions section would be segmented likewise. Each ordinance will have its own set of definitions;*
- *Mr. Grimm also stated that many definitions are mandated by the State and must be included in the documents;*
- *If there are any standards contained within the definitions, then the standard will come out of the document, as a standard is not a definition;*
- *Definitions need to be clear and the actual word should not be used within its own definition;*
- *Staff is to assume that they have over-defined when definitions are revised;*
- *Mr. Grimm was directed to group sign definitions by category;*
- *Commissioners pointed out that there are missing definitions – alternative agricultural enterprise, commercial, industrial. Agri-tourism should be expanded upon;*
- *Article 5 – descriptions of use classifications – staff was directed to look at the descriptions and to see what definitions could be eliminated;*
- *It was pointed out that if the Commissioners recommend to remove an article, then the definitions would also be removed;*
- *Language is to be more understandable with plain, common English to be used;*

- *Commissioner Guazzo provided a two-page list of recommendations for definitions;*
- *Page 100-24 – efficiency unit under residential – staff check into whether the County regulates efficiencies. If it does, then check on the 125 square foot alcove requirement in this section and where it comes from;*
- *Page 100-30 – minor subdivisions – remove last two sentences;*
- *Page 100-31 – transfer of development rights – add “in the rural preservation district”;*
- *100-9 – line 46 – typographical error;*
- *100-19 – check into whether mobile home definition is correct and up-to-date;*
- *Definitions should not regulate, but should only define – staff to check closely.*

*(Commissioner Raley entered the work session at approximately 7:45 p.m.)*

## **VESTED RIGHTS - CHAPTER 27**

- *Commissioner President Randall provided a written proposal for changes to the draft regarding vested rights/plans and TEC approval;*
- *Discussed phasing or staging plans that have already been approved by the Planning Commission;*
- *Site plan approval is good for one year and may be able to get a one year extension;*
- *Grandfather plans get one year and cannot get an extension;*
- *Outlined process – 18 months to pull the permit, 30 months from TEC (for a site plan, NOT for a subdivision), then TEC comment, 6 months to site plan approval, one year to achieve building permit, then another year to start the building;*
- *Problems with the timeframes in the process were discussed and it was determined that 30 months total from the TEC to construction would be more appropriate for completing the process and beginning construction;*
- *Builder investment for site plans were discussed;*
- *Stormwater issues were discussed;*
- *Paragraph 2 – site plan approval – could not find any grandfather provisions;*
- *Mr. Grimm provided detailed recommendations for changes to this chapter;*
- *Discussed PUDs that have phasing plans and how long the plan is good as well as the process. It was pointed out that some criteria need to be set whereby the Planning Commission can look at the PUDs that haven't moved forward;*
- *Commissioners stated that criteria would need to be developed for the Planning Commission to revoke a new PUD if the builder does not adhere to the build-out schedule. When the Board reaches Chapter 46, things to do if projects fall behind should be placed in the plan;*
- *It was determined that Mr. Grimm's point # 4 should be placed into this Ordinance regarding PUDs;*
- *Mr. Norris is to assist in the review and rewording of Chapter 27 recommendations;*
- *Subdivisions – Mr. Grimm to look into developers rights and responsibilities regarding density in phasing plans;*
- *May need to establish criteria for the Planning Commission to follow – there are 16 currently approved phasing plans;*
- *Discussed problems of phased projects – determined that under subdivisions, the term of two years would be changed to three years and the term “except density” would be added;*
- *Commissioner Mattingly asked that a chart be provided on the phasing of new projects;*
- *Reference to commercial phasing should be added.*

Commissioner President Randall reminded the Commissioners that any experts needed at work sessions should be identified as far in advance as possible, so that they might be invited to attend and have sufficient preparation time prior to the work session.

**ADJOURNMENT**

The work session adjourned at 9:13 p.m.

Minutes Approved by the  
Board of County Commissioners on 8/21/01

Kate Mauck  
Kate Mauck, Administrative Assistant