

**NOTES OF COUNTY COMMISSIONERS ZONING ORDINANCE WORK SESSION
Monday, March 25, 2002**

All Commissioners were present, as were DPZ staff John Grimm, Director; and Peggy Childs, Recording Secretary. Acting County Attorney John B. Norris, III was also present. The meeting came to order at 5:20 p.m.

ZONING ORDINANCE CHANGES

After discussion, the Commissioners directed the following changes to the Public Hearing Draft of the Zoning Ordinance:

Jon Grimm's Memorandum dated 3/20/02

Page 21-5, Figure 21.1.a – Move Subdivision sections to the Subdivision Ordinance

Page 26-5, line 47 – Replace "Open Lands Trust Fund" with "Critical Area Programs."

Page 80-3 and 80-4, lines 45-48 – Delete "80.7 Penalties for Violation of the Floodplain Regulations of this Ordinance."

Page 90-2, lines 38-49 – Bona Fide Agricultural Use or Activity. Replace with the following language:

"In the Critical Area, agriculture means all methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products. Outside the Critical Area, agriculture means farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grading and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise."

Page 90-17, line 35 – Private Pier. Replace "9" with "4" to correct an omission from prior Board direction.

Page 23-1, lines 38-39 – Follow Article 66B, Section 4.08, which provides that, "Any person, taxpayer, or party aggrieved by a decision of the Board may appeal that decision to the Circuit Court for St. Mary's County."

Zoning Maps will all be done at the same time.

Chapter 70 – Adequate Public Facilities

Page 70-3, Paragraph 2.i. – Staff to clarify source of various data a developer needs to do a school impact study and provide a recommendation.

Page 70-7, Schedule 70.7.4 – Add following language recommended by George Erichsen to clarify Trip Generation Tables:

Line 17 – The PM Peak Hour OUT should read ".36, .20, .19 and .72" respectively

- The AM Peak Hour OUT for Industrial use should read ".16"

Line 19 – The PM Peak Hour Rate should read "3.97"

Page 70-8, lines 42-46 – Strike "within the Rural Districts" in Lines 42-43 and capitalize "development districts" in line 43. Paragraph will read:

"a. Public water systems required. All residential subdivisions of 25 lots or more must connect to a public water system. All non-residential subdivisions and development in the Development Districts must connect to a public water system. All development in Town Centers and Village Centers within 1750 feet of an existing public water system with sufficient capacity must connect to the public water system."

Mr. Grimm will contact MetCom and elucidate regarding "with sufficient capacity."

Commissioner Raley did not agree with these changes to Page 70-8, lines 41-45, stating that the term "development" is too broad.

Page 70-9, lines 2-4 – Delete entire subparagraph a. Subparagraph b. becomes "a."

Page 70-10, Section 70.11..3.a, line 32 – After "of the affected schools" add: "(local capacity will be utilized for staffing and construction);" or

Page 70-10, Section 70.12 – Fire Prevention and Suppression. Staff will work with Joe Guyther and MetCom to draft language for reducing design of water system; i.e., providing only one fire hydrant within the development if all residential units are sprinklered to meet NFPA Code.

Affordable Housing

Look at discussion of 12% minimum and 25% maximum at discussion of Table 32.3, if determined by needs assessment.

George Erichsen recommendations

The Commissioners directed that language offered by George Erichsen in Letters 1, 2 and 3 regarding towers, omission regarding airspace environs, and enhancing regulation of communication towers in re Duke Airport be included in the Zoning Ordinance Revisions.

Airport

Page 43-4, after Line 43 – Add language regard specific airspace environs at the Captain Walter F. Duke Airport that corresponds to Figure 44.3.2, as follows:

- "2. ***AE Land Use Compatibility Guidelines.*** It is always best to take actions that will prevent incompatible land use, as opposed to taking action to correct such activities after the fact. The first step in implementing compatible land use for an airport is to adopt Guidelines as part of a comprehensive plan and the airport's land use plan and map. Areas recommended for control as part of the Land Use Compatibility Guidelines in the AE District are defined in the following sections. Figure 43.3.B identifies land uses which are generally compatible or incompatible within airport safety zones and Part 77 surfaces. There are specific types of development that are usually compatible within airport safety zones. In general, these include agriculture, commercial, and industrial uses. Other types of development, such as noise sensitive activities and places of public assembly are typically considered to be incompatible within airport safety zones. The Land Use Compatibility Guidelines are divided into the following four areas, which are graphically shown in Figure 44.3.C.
- a. *Area 1*, as identified on the Official Zoning Maps, consists of the land beneath the Primary Surface for each runway at the airport and the land beneath the Runway Protection Zone (RPZ) which is further described in Section 43.1.2. The dimensions of this zone vary based on the length and width of the runway and the existing or planned approach. The following are permitted uses in Area 1, subject to the height requirements established by FAR Part 77:
 - (1) Runway and taxiway systems (widening, extending, etc.)
 - (2) Frangible navigational aids (localizer, approach lighting, etc.)
 - b. *Area 2*, as identified on the Official Zoning Maps, consists of the land beneath the Approach Surface, as defined in Section 43.1.2 for each runway and extended 3,000 feet from the edge of the Primary Surface, as defined in Section 43.1.2, except for land within Area 1. Area 2 expands outward uniformly from the Primary Surface to a width of 1400' and includes sufficient area for installation of an approach and runway indicator lighting systems. The following are permitted uses in Area 2 and are subject to the height requirements established in FAR Part 77.
 - (1) Agriculture
 - (2) Passive Recreation (non-spectator)
 - (3) Cemeteries
 - (4) Automobile Parking
 - (5) Transportation Uses such as Roads, Railway and Street Rights-of-Way
 - (6) Utilities (above and below ground)
 - c. *Area 3*, as identified on the Official Zoning Maps, consists of the land beneath the Transitional Surface and the land beneath the approach Surface, as defined in Section 43.1.2, and located within 700 feet of the runway or runway centerline extended. The following are permitted uses in Area 3, subject to the height restrictions established in FAR Part 77.
 - (1) Agriculture, Forestry
 - (2) Recreation (non-spectator)
 - (3) Resource extraction – Mining, General Manufacturing
 - (4) Transportation Uses such as Roads, Railway and Street Rights-of-Way
 - (5) Automobile Parking
 - (6) Utilities
 - (7) Wholesale and Retail Trade such as building materials, hardware, and general Merchandise
 - (8) Services, excluding hospitals, nursing homes, educational, other medical facilities, and other noise sensitive uses
 - (9) Airport and aircraft related services and fixed base operations (Tee-hangars, etc.)

It is important to note that these land use recommendations for the approach and transitional surfaces are not based specifically on any established FAA criteria.

- d. *Area 4*, as identified on the Official Zoning Maps, consists of the land beneath the AE sub-districts not contained within Areas 1, 2 or 3, and is bound by the outer limit of the Conical Surface. All land uses are permitted in Area 4, subject to the height requirements established in FAR Part 77.

Include missing page in Definitions.

Communication Towers

Page 51-28, Section 87.a.(3), Line 48 – Insert the following between first and second sentence: “The resulting FAA aeronautical study shall address the following:

- (a) What impact the construction of the tower will have on the Airport’s current approach minimums based on a minimum descent altitude and visibility;
- (b) What potential impact on the planned improvements will be realized in accordance with the Airport Master Plan; and
- (c) Assurance that the FAA Flight Procedures Branch has also made a determination of whether there is an incompatibility with the published instrument approach procedures.”

NOTE: *Commissioner Randall commented that there is no TDR category in the Summary of Comments.*

Commercial Floor Area – Schedule 32.1

Allow 50,000 square feet by right in DMX, CMX, CC and OBP by right, with one TDR required for each additional 2,000 square feet up to 60,000 square feet and one TDR for every additional 1,000 square feet over 60,000. Change Footnotes #5 and #6 to reflect this change.

Change “-” to “none” under DMX.

Change base density for CMX to .40; maximum to .50

Change base density for Commercial Corridor to .35; maximum to .40

Give open space credit to incentivize redevelopment if within ¼ mile of park or bike trail leading to park.

Schedule 32.1 – Maximum footprint of a commercial structure on a site in the RH – change from 20,00 to none. Maximum footprint of a commercial structure in the RH with TDRs – change from 25,000 to none.

Change typo on Page 32-3 to reflect that no commercial structures are permitted in RH.

NOTE:

No resubdivision of farmsteads is allowed under the farmstead section of the Subdivision Regulations.

Critical Area

The Acting County Attorney will review the information received from the Critical Area Commission to determine *requirements* versus *recommendations*.

TOMORROW:

Article 6 (Signs) and Mapping Requests.

NEXT WORK SESSION AFTER 3/26 – Thursday, April 4, 2002