

Recommended Modifications to Zoning Text Amendment TXT2009-00221 – September 4, 2009

The following modifications are recommended to text amendment TXT2009-00221. These modifications are in addition to those included in the staff report, and include the changes recommended by the Planning Commission as well as some additional corrections identified by the planning staff since the completion of the staff report.

Sec. 25.01.04 – Relation to Master Plan

Need to add the word “to” in second line: ... conforms to the Plan...

Sec. 25.03.02 – Words and Terms Defined

Delete the proposed change to the definition of “Easement”.

Under the definition for “Restaurant”, add a new subsection 4 to read as follows:

4. *Restaurant, Ancillary* – A restaurant that is ancillary to and located within an office building containing at least 150,000 gross square feet of floor area.

Sec. 25.04.03 – Board of Appeals

Delete subsection g – redundant to f.

Sec. 25.04.06 – Chief of Planning

In subsection (e), insert “and acting upon”: Reviewing and acting upon applications...

Sec. 25.05.03 – Public Notification

Modify the recommended changes to subsection “d.3”, Location of Sign, to require the posting of signs every 500 feet instead of every 750 feet.

Sec. 25.06.01 – Map Amendments

Subsection “k” should be modified to insert a new subsection 2 to read as follows:

2. *Appeals* – Any person aggrieved by any decision of the Mayor and Council made on a map amendment application may appeal the same to the Circuit Court for the County. Such appeal must be taken according the Maryland Rules as set forth in Title 7, Chapter 200.

The current subsection 2 of this section will be renumbered to 3.

Sec. 25.06.02 – Text Amendments

Delete the modifications proposed in subsection “b”, Applications, and subsection “d”, Referring Application to the Planning Commission. If the modifications proposed in the text amendment are retained, however, then new subsection (b) must be modified to insert the word “not”, as follows:

(b) If, upon preliminary review of an application filed under this Section, the Mayor and Council determines that it should not be considered further, a resolution denying the application will be adopted.

Sec. 25.05.07.c – Major Amendments to Approved Development

Revise the proposed new subsection (d) to read as follows:

(d) any other significant change to the site that results in an increase in the parking requirement.

Revise the proposed language in subsection 2 to read as follows:

An application for a major amendment is subject to [such] the notice and procedural requirements as set forth in [Articles 5, 6, and 7] Sec. 25.07.03. The application will be processed under the procedures for either a Level 1 or a Level 2 site plan, depending on the initial Approving Authority. [The site plan modification will be subject to the notice and review requirements as set forth in Section 25.07.03 and either Section 25.07.04 or 25.07.05.]

Sec. 25.07.08 – Project Plan Review

In new subsection 22, the reference to a map amendment should be deleted, so that will read as follows:

22. Appeals – Any person aggrieved by any decision of the Mayor and Council made on [a map amendment application or] a Project Plan application may appeal the same to the Circuit Court for the County. Such appeal must be taken according the Maryland Rules as set forth in Title 7, Chapter 200.

Sec. 25.07.09 – Special Exceptions

Insert a new subsection “f”, to read as follows:

f. Post-Application Area Meeting – The application must hold an area meeting following submittal of an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of Section 25.07.03 above.

The following subsections to be re-ordered as needed.

In the language proposed for new subsection “m”, the references to variances should be deleted, since this section applies only to special exception applications. The language should be modified as follows:

1. Site Plan Approval Required - If site plan approval is required to exercise the rights granted by the Board's decision, application for such approval must be filed within six (6) months of the date of the Board's decision, or the [variance] approval shall expire. The filing of an application for site plan approval shall extend the rights granted by the Board's decision to a date one (1) year from the date of the Board's decision. The approval of a site plan shall extend the rights granted by the Board's decision for the same period of time that the rights granted by the site plan approval exist, including any extensions thereof;

2. Building Permit Required - If a building permit is required to exercise the rights granted by the Board's decision, such building permit must be issued and construction started within 12 months of the date of the Board's decision, or within the time limit as extended by the approval of a site plan, or the [variance] approval shall expire; and

Sec. 25.07.12 – Occupancy Permit

Delete the proposed modification to add a new subsection 3 regarding change of tenancy. This will be addressed through the changes proposed to Chapter 5 of the City Code for building permits.

Sec. 25.07.14 – Certificate of Approval in Historic Districts

Modify the language in subsection “a” to read as follows:

- a. Requirement – A Certificate of Approval issued by the Historic District Commission is required prior to any [of the following] action affecting a site or the exterior of a building or structure in an Historic District Zone consistent with the provisions of Article 66B of the Maryland Code for Historic Area Zoning[:].

Modify the language in subsection “c” to better clarify the Chief of Planning’s authority for issuance of Certificates of Approval as follows:

- c. Procedure for considering and approving Certificate of Approval
 1. Administrative Approval – The Chief of Planning is authorized to issue a Certificate of Approval for fences, signs, and [mature tree applications] removal of diseased and/or hazardous trees. The Chief of Planning is also authorized to issue a Certificate of Approval for accessory structures, consistent with the adopted Technical Guidelines for Exterior Alterations. Such activities must conform to the adopted design guidelines outlined in this section.

Sec. 25.09.03 – Accessory Buildings and Structures

Subsection a.2.(b) should be modified to make the word “building” in the first sentence plural. This will make it clear that the total of all accessory buildings cannot exceed the maximum percentage set forth in this subsection. The maximum limit of 500 square feet for any one accessory building remains.

Sec. 25.13.03 – Land Use Tables

Modify the land use tables to add a new use, Ancillary Restaurant, as follows:

	Uses	Zones							Conditional requirements or related regulations
		Mixed-Use Transit District (MXTD)	Mixed-Use Corridor District (MXCD)	Mixed-Use Employment (MXE)	Mixed-Use (MXB)	Mixed-Use Neighborhood Commercial (MXNC)	Mixed-Use Commercial (MXC)	Mixed-Use Transition (MXT)	
h. Commercial	* * *								
	Food Services:								
	Ancillary Restaurant	P	P	P	N	N	N	N	Use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.
	Carry-out	P	P	P	P	P	P	P	
* * *									

Sec. 25.14.07 – Planned Development Zones

Under subsection “b” add a new subsection 3 to read as follows:

3. An ancillary restaurant is permitted and need not be separately listed as a use for a particular parcel in the approved Planned Development Governing Documents, so long as the principal office use is listed for that parcel. Signs will be governed by the Governing Documents, including any comprehensive signage plan. This use cannot exceed 5% of the total gross floor area of the building. No drive-through or walk-up service is permitted. The bar patron area cannot exceed 10% of the total patron use area.

Sec. 25.16.03 – Number of Spaces Required

The tables of parking space requirements should be modified to revise the parking requirement for the assisted living or nursing care component to require one parking

space for each 4 beds and 1 space for each employee on the major shift. To be consistent, the parking requirements for Nursing Home should be made the same. Also, add Ancillary Restaurant to the tables and insert the required off-street parking requirement. The modifications are as follows:

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
Institutional	* * *						
	Hospital [or nursing home]	Per each 1,000 SF of gross floor area	1 and	Square feet of gross floor area	2 per 40,000 SF	1 per 70,000 SF	Planning Commission may require additional bicycle parking
		Per each participating doctor	1 and				
		Per every 2 employees	1				
	Housing for senior adults and persons with disabilities	Per every 3 dwelling units – all spaces to be located within 150 feet of the building served	1	Dwelling unit	1 per 100 dwelling units	1 per 50 dwelling units	Planning Commission to determine additional vehicle parking spaces required based on operational factors
	Life Care Facility	<u>Per each free-standing independent living unit (up to 4 attached units)</u>	<u>1</u>	Dwelling unit	<u>1 per 100 dwelling units</u>	<u>1 per 50 dwelling units</u>	Planning Commission to determine additional vehicle parking spaces required based on operational factors
		<u>Per each independent dwelling unit within a multiple-unit dwelling</u>	<u>See requirements for multiple-unit dwelling as set forth above</u>				
		<u>Per each 4 beds for assisted living or nursing care</u>	<u>1</u>				
		<u>Per each employee on the major shift</u>	<u>1</u>				
	Funeral home	Per each 50 SF of assembly area	1 and	Square feet of gross floor area	1 per 40,000 SF	2 per 40,000 SF	
Per employee		1 and					
Per each vehicle used in the business		1					

Use Category	Use	Auto Parking Spaces		Bicycle Parking Spaces			Additional Requirements
		Unit Measure	Base Number Required	Unit Measure	Short Term Space	Long Term Space	
	<u>Nursing Home</u>	<u>Per each 4 beds for assisted living or nursing care</u>	<u>1</u>	<u>Square feet of gross floor area</u>	<u>2 per 40,000 SF</u>	<u>1 per 70,000 SF</u>	<u>Planning Commission may require additional bicycle parking</u>
		<u>Per each employee on the major shift</u>	<u>1</u>				
* * *							
Commercial	<u>Ancillary Restaurant</u>	<u>Per 300 s.f.</u>	<u>1 and</u>	<u>Square feet of gross floor area</u>	<u>2 per 5,000 s.f.</u>	<u>2 per 12,000 s.f.</u>	
		<u>Per 2 employees</u>	<u>1</u>				

Sec. 25.18.13 – Signs Permitted in MXNC, MXC, and Industrial Zones

Subsection “g”, Temporary Signs, includes a reference to pennants in subsection 3. Pennants are prohibited signs (see. Sec. 25.18.04.14), and therefore this term should be deleted from the text.

Sec. 25.18.14 – Signs Permitted in Other Mixed-Use Zones - The reference to pennants in Sec.b.2.c.6(c) should be deleted for the same reason.