

**Summary
Significant Revisions
Draft North East Zoning
Version 03-10-06**

PURPOSE FOR COMPREHENSIVE REZONING

Generally, the purposes of comprehensive revisions to the zoning ordinance and zoning maps are:

1. Implement the recommendations of the North East Comprehensive Plan.
2. Modify regulations to address changes in State laws, regulations and policies, e.g., Article 66B, since the last update of the Zoning Ordinance.
3. Amendments to incorporate or modify regulations that implement the North East Critical Area Program.
4. Address development or enforcement issues identified by elected officials, Planning Commission, legal counsel and/or staff.
5. Streamline development review processes and encourage innovative projects.

ARTICLE 3 DEFINITIONS

Article 3 incorporates approximately 80 new or revised definitions pertinent to interpreting and enforcing ordinance provisions. Many of these definitions are the result of revisions to the Critical Area Overlay District.

ARTICLE 4 GENERAL PROVISIONS, DISTRICTS AND MAPS

Section 4-3. Official Maps for the Town of North East - Refers to multiple official zoning maps that have been prepared as overlays to the tax maps produced by the Maryland Department of Assessment and Taxation.

ARTICLE 5 ZONE REGULATIONS

The following are major structural changes to the zoning districts:

1. Adds a new “R-4” Mixed Use Residential District. The “R-4” Mixed-Use District regulations are essentially the same as the R-2 Residential District except that certain properties zoned “R-4” are eligible for consideration for the Master Planned Community Floating Zone. (See Section 5.5 and Section 5-16)

2. Adds a new “VC” Village Commercial District and a new “VM” Village Marine District” recommended in the North East Comprehensive Plan. The “VC zoning district permits limited commercial retail and service uses subject to performance standards established in the regulations for the district. The “VM” district includes permitted uses unique to waterfront commercial sites. (See Section 5-6 and 5-7)
3. The C-1 and C-2 Districts have been eliminated and replaced with the “GC” General Commercial District and the “HC” Highway Commercial District. The “GC” district includes the central business district. The “HC” district includes uses normally associated with major highway locations. (See Section 5-8 and Section 5-9)
4. Renames the “I” and “M-1” districts to the “LI” Light Industrial District and “HI” Heavy Industrial District. The “M-1” has been revised to permit more commercial uses. (See Section 5-9 and Section 5-10)
5. Renames the “O” Critical Area Overlay District to the “CAO” Critical Area Overlay District. The district regulations in this section have undergone extensive revisions that incorporate many of the resource management provisions formerly contained in the *North East Critical Area Program* into the Zoning Ordinance. In addition, revisions incorporate and implement changes in the Critical Area Law, Critical Area Criteria and Critical Area Commission policies that have been adopted since the *North East Critical Area Program* was last updated. (See Section 5-12)
6. Revises Infill and Redevelopment Regulations to include applicant’s responsibility for the burden of proof and a listing of information required with applications. (See Section 5-14)
7. Adds the “HCOD” Highway Corridor Overlay District. This is an overlay district that adds supplemental regulations for architecture, signage and landscaping to the underlying base zoning district. Its purpose is to improve the visual character of the major highway corridors that pass through the Town. (See Section 5-15)
8. Adds the “MPC” Master Planned Community Floating Zone District. This special district permits the Mayor and Council to approve mixed-use residential developments on large tracts of land zoned “R-4” in accordance with an approved Master Development Plan. The district regulations include extensive design standards and guidelines for such developments to insure new developments reflect a character appropriate to North East. The regulations establish a

protracted approval process that includes extensive opportunity for public involvement in project review and approval. (See Section 5-16)

The following are revisions to permitted uses that occur in various zoning district:

1. Home Occupation – Home occupations are allowed in all residential districts. The standards regulating home occupations have been amendment to distinguish between type 1 and type 2 home occupations. These distinctions are based on potential impacts to the surrounding community, including parking demand, traffic generation and levels of activity. Type 1 home occupations may be approved by the Zoning Administrator. Type 2 home occupations may be approved as a special exception by the Board of Appeals. Currently all home occupations are treated as special exceptions. (See Section 6-28 for standards)
2. Residential Group Home - A residential group home or assisted living facility servicing eight (8) or less clients/residents is permitted in all base residential districts with evidence of State and Federal License. Residential group homes or assisted living facilities are not permitted in the “VC” or “VM” districts.
3. Community Appearance Standards - Makes approval of all permitted uses in the “RO” Residential-Office District, the “VC” Village Commercial District, and the “GC” General Commercial District subject to community appearance standards. (See Section 5-4, Section 5-6, Section 5-8, and Section 6-32)
4. Accessory Dwelling Units – Adds accessory dwelling units as a permitted special exception use, subject to minimum standards, in the “R-1”, “R-2”, “R-3”, and “R-4” Residential Districts (See Section 5-1, Section 5-2, Section 5-3, Section 5-5. See Section 6-27 for standards)

ARTICLE 6 SUPPLEMENT DISTRICT REGULATIONS

1. Section 6-3 Vending Machines -Regulates the location of vending machines in Zoning Districts.
2. Section 6-8 Parking Regulations - Revises minimum parking standards for certain uses. Section 6-8.4 adds regulations that permit the Town to accept an in-lieu parking fee under certain circumstances and establishes general procedure for how fees will be calculated, established and administered.
3. Section 6-10 Special Buffer Yard Requirements – deletes this section from Article 6. (See 5-12.17. Special Buffer Areas (SBAs) for revised regulations.)

4. Section 6-11. Growth Allocation Floating Zone District – deletes this section for Article 6. (See 5-12.23. “GA” Growth Allocation Floating Zone for revised regulations.)
5. Section 6-12. Satellite Dish Antennas – revises the standards for maximum dish size (40 inch diameter) permitted by-right in residential districts to be consistent with current Federal Regulations.
6. New Section 6-27. Accessory Dwelling Unit – Adds standards regulating accessory dwelling units, where permitted. Standards address when and where accessory dwelling units are allowed, appearance, and parking.
7. New Section 6.28.Home Occupation – Regulates home occupations including where permitted. This section provides guidance for defining home occupations and home occupation types and includes operation and site related standards.
8. New Section 6-29. Assisted Living Facilities/Group Homes – Defines the various types of assisted living facilities and group homes, including residential, small and large institutional. The section includes minimum standards for these facilities.
9. New Section 6-30. Outdoor Festivals or Special Events – Regulates outdoor festivals or special events such as horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., and seasonal business use where permitted.
10. New Section 6-31.Master Planned Community (MPC) – The section establishes minimum design standards for Master Planned Communities when permitted in the “R-4” Residential District.
11. New Section 6-32. Community Appearance Standards – This section establishes design standards for building and sites in the “R-O”, “VC” and “GC” districts.
12. New Section 6-33. Itinerant Merchants/Temporary Sales – This section establishes location and operating standards for itinerant merchants and temporary sales where permitted. Article 3 adds the following definition of “itinerant merchant:

Itinerant Merchant. Any person, firm or corporation, whether as owner, agent, consignee or employee who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel,

lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. This also includes a person, firm or corporation associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer .

ARTICLE 7 - ADVERTISING AND SIGNS

General Notes:

- Specific sign regulations have been deleted from Article 5 and are now included in Article 7.
- Permitted signs and related sign standards have been organized by zoning district.

Section 7-1 – Defines a broader array of sign types.

Section 7-13 – Addresses temporary signs, including banners for grand opening, sale and special event, and help wanted signs.

ARTICLE 8 - NONCONFORMING USES

Section 8-2. Nonconforming Lots of Record - Deletes regulations for nonconforming lots of record in the North East Critical Area. Regulations for non conforming lots of record in the North East Critical Area can be found in Article 5, Section 5-12.7 Critical Area Overlay District ("CAO") Regulations.

ARTICLE 9 – ADMINISTRATIVE MECHANISMS

Section 9-19. Powers of the Board of Appeals to Grant a Variance in the “CAO” Overlay District – Clarifies criteria and procedures for judging “hardship” in applications for a variance from the regulations in the North East Critical Area.

ARTICLE 10 - ADMINISTRATIVE PROVISIONS

Section 10-2. Site Plan Review Required for Certain Uses – Expands the list of permitted uses subject to site plan review and approval.

Section 10-5. Requirements for Final Site Plan – Revises the requirements for final site plan, including professional seals and acknowledgements.

Section 10-12. Vested Rights – Establishes criteria for vesting of development projects when regulations change. Projects are vested if the Town has granted final site plan, final subdivision plat approval, or if the Town has issued a construction authorization.

Section 10-13. Amendments – Establishes and clarifies Planning Commission and Mayor and Council procedures and findings requirements for zoning text and map amendments.

Section 10-14. Amending the Critical Area Overlay District ("CAO") – Deletes Critical Area Overlay District amendment procedures and criteria. Procedures and criteria for amendments in the Critical Area Overlay District may be found in Section 5-12.22.

Section 10-18. Amendments for Floating Zone Districts – Establishes procedures for floating zone amendments shall be the same as for a zoning map amendment except the applicant need not prove substantial change in the neighborhood or mistake in the original zoning in order to be considered. The basis for approving a floating zone district is any finding requirements for the specific floating zone district, compatibility with the neighborhood and consistency with the Comprehensive Plan. The section also provides procedures for maintaining floating zone districts, which revert automatically to the prior district classification if the proposed development is not substantially completed within three years.

ARTICLE 11. ENFORCEMENT – No substantial changes.

ARTICLE 12. STANDARDS FOR OPEN SPACE, BUFFER YARDS AND LANDSCAPING

Section 12-5. Management of Common Open Space Property – Adds provision that the Mayor and Council may require creation of a special tax district for a proposed development project to insure that default on maintenance responsibilities assigned to a home owners associates does not become a general public liability.

Section 12.10. Landscaping of Parking Facilities – Establishes minimum standards for parking lot landscaping.

ARTICLE 13. SENSITIVE AREAS REQUIREMENTS – No substantial changes.

ARTICLE 14. FOREST CONSERVATION PLAN REQUIREMENTS – No substantial changes.