

# ZTA 14-01 - COMPREHENSIVE REZONING STAFF REPORT

## *Comprehensive Zoning Text Amendments*

*October 23 , 2014*

### **Overview:**

After final adoption of the 2013 Comprehensive Plan by the Mayor and City Council on December 17, 2013, staff began a comprehensive review of the Cumberland Zoning Ordinance to identify changes that would be needed to implement the recommendations in the new Comprehensive Plan. The review included an assessment of grammatical and internal consistency changes, legal wording changes, and administrative interpretations since the last Comprehensive Rezoning in 2008 that would be needed to update the Zoning Ordinance. This review effort occurred over a ten month period, and involved several work sessions with the City administrative staff and the Planning Commission. The culmination of that effort is the proposed 2014 Comprehensive Rezoning, which includes the following summary listing of Zoning Text Amendments. A highlighted copy of the proposed specific Zoning Text Amendments is attached at the end of this staff report.

### **Text amendments:**

1. **General Corrections** – Update the Zoning Ordinance Table of Contents as may be required to reflect the specific text amendments adopted as part of this Comprehensive Rezoning and replace all general and specific section references to “Article 66b” throughout the ordinance to “The Land Use Article” in recognition of the 2012 recodification of the local government Planning and Annexation laws in the Annotated Code of Maryland.
2. **Section 2.03 (Definitions)** – Minor wording changes to specific existing zoning definitions to correct grammatical errors, improve consistency with the application of defined terms in the Zoning Ordinance and the Building Code, improve clarity in application and administration (based on recent zoning administrative interpretations), and update the definitions to reflect changes in land uses.
3. **Section 5.01 (Establishment of Zones)** – Add references to Adaptive Reuse and Planned Development Zoning Classifications as floating zones.
4. **Section 5.01.14 (Planned Development Floating Zone – PD)** – Add a statement of purpose and intent for a new Planned Development floating zone, which may include a mix of residential and business uses permitted within the R-O (Residential-Office) Zone. The new zone will provide streamlined comprehensive rezoning, subdivision, and site plan review and approval for major mixed use developments involving not less than 1.5 acres of land.
5. **Section 6.01 (Zoning District Regulations, Generally)** – Delete the section reference for “6.16 Group Developments” and replace with “6.16 Planned Development Floating Zone District”
6. **Section 6.02 (Use Regulations Table)** – Reposition the use provisions for Motels, Hotels, and Motor Inns from the Residential section of the table to the Commercial Uses and Sales section and eliminate them as permitted uses in the R-O (Residential Office) Zone and establish them as

a permitted use within the B-L (Local Business) Zone. Revise the use classification “Dwelling Units/Restricted” to read “Dwelling Units/Mixed Use.” Expand the use classification “Boarding Houses” to read “Boarding Houses/Hostels” and establish them as permitted uses in the B-L (Local Business) and B-CBD (Central Business District) Zones. Revise and expand the use classification “Auto Service Stations” to read “Auto Service Stations/Convenience Stores.” Revise the use classification for “Nurseries for growing flowers, trees, and shrubs for sale on the lot” to read “Nurseries for growing flowers, fruits, vegetables, trees, and shrubs for sale on the lot” and establish them as a permitted use in the R-E (Estate Residential) Zone.

7. **Section 6.03.01 (Development Regulations Table)** – Amend Footnote 8 regarding special minimum requirement reductions to allow consistency with houses within 100 feet so that it will apply to front and rear setbacks and building coverage requirements, and apply the footnote to the rear yard setback and building coverage columns of the table. Delete low-rise apartment provisions in the R-E (Estate Residential) Zone and establish minimum standards for two-family and low rise apartment uses for Cluster Developments within the R-S (Suburban Residential) Zone.
8. **Section 6.03.03 (Exceptions to General Regulations)** – Amend the front and rear yard exception to reflect the wording changes made to Footnote 8 of the Development Regulations Table.
9. **Section 6.03.04 (General Yard Requirements)** – Expand the allowance provisions for open front porches to extend into the required front yard setback to clarify that any enclosure of an open front porch shall require variance approval by the Board of Zoning Appeals.
10. **Section 6.13.031 (Gateway Districts Design Guidelines for Parking)** – Add a requirement to Guideline 1 that would limit the amount of parking spaces that may be created in the front yard of the building to not more than one-third of the total number of spaces required.
11. **Section 6.16 (Group Development)** - Repeal the existing language for Group Developments and replace with provisions for a new Planned Development Floating Zone District. The provisions establish siting eligibility criteria, permitted uses, master plan submission and approval procedures, and performance standards for the new zone based on the established criteria for the Adaptive Reuse Floating Zone District in Section 6.17. The Planned Development Floating Zone shall be permitted by right with the R-S (Suburban Residential), R-U (Urban Residential) and R-O (Residential Office) Zones on development sites of 1.5 acres or more in area. All uses permitted in the R-O (Residential Office) Zone shall be permitted within the Planned Development Floating Zone and a special density bonus shall be allowed when the Planned Development Floating Zone is applied to property within the R-O (Residential Office) base zone.
12. **Section 8.05 (General Site Design Standards)** – Add language requiring that Conceptual Stormwater Management Plan approval must be obtained prior to the submission of a site plan for approval.
13. **Section 9.03.02 (Permitted Uses in Cluster Developments)** – Delete language allowing low-rise apartment buildings as permitted by right for cluster developments within the R-E (Estate Residential) Zone and insert language that will allow two-family and low rise apartment buildings as permitted by right for cluster developments within the R-S (Suburban Residential) Zone. These changes will make the use provisions in Cluster Developments consistent with the existing use allowances for those zones as specified in the Use Regulations Table of Section 6.02.
14. **Section 12.02.03 (Schedule of Uses and Parking Quantity Regulations)** – Add language to clarify that principle use building square footage dedicated exclusively to warehousing and storage

shall not be used in the calculation of minimum parking space requirements. Increase the minimum number of spaces required for medical and dental clinics from three to four for every employee, rather than for every two employees.

15. **Section 14.04 (Sign Types)** – Insert a new definition for “Electronic Changeable Copy Signs” and renumber all subsequent definitions accordingly. Change all definition number references in subsequent parts of Section 14 to reflect the numbering changes made to this section.
16. **Section 14.05 (Prohibited Signs In All Districts)** – Delete “public service messages” as exempt from the general prohibition on flashing, blinking, twinkling, or animated signs.
17. **Section 14.09 (General Sign Regulations)** – Insert Electronic Changeable Copy Sign size and location standards for low ground signs and parallel or wall signs. Insert new standards and requirements for Electronic Changeable Copy Signs. Add language to clarify the Interstate 68 is the National Freeway.
18. **Section 14.10 (Signs in the Residential and Conservation Districts)** – Insert a general prohibition on Electronic Changeable Copy Signs as a low ground sign in the R-E (Estate Residential), R-S (Suburban Residential), and R-U (Urban Residential) Zones and on any residential principal use property within the R-O (Residential Office) Zone.
19. **Section 14.11.01 (On-Premise Signs in the B-CBD, B-H, B-L, G-C, G-I, and B-C Districts)** – Add a section number reference to the Electronic Changeable Copy Sign standards for low ground signs. Increase the specified maximum height for low ground signs from four to five feet to make it consistent with the height requirements specified in Section 14.09 (8).
20. **Section 14.13 (Signs in Group Developments)** – Repeal this entire Section.

**Procedural Status:**

City of Cumberland Administrative staff representing the Engineering, Community Development, and Economic Development Departments and the City Administrator conducted a series of 7 meetings to review the 2014 Comprehensive Rezoning package (including Zoning Map, Zoning Text, and Subdivision Regulations amendments) beginning on March 12, 2014 and concluding on July 15, 2014. After all comments on the draft package of amendments were received, the City Planner made final changes and prepared the package of amendments for final Planning Commission review prior to official filing of the amendments and the scheduling of a formal Planning Commission public hearing as prescribed by Maryland Law.

The Planning Commission began reviewing the package of proposed Zoning Map, Zoning Text, and Subdivision Regulations Amendments comprising the 2014 Comprehensive Rezoning on September 18, 2014, and concluded its review on October 20, 2014. The proposed changes were scheduled for individual public hearings before the Planning Commission on December 8, 2014, and staff was instructed to file the required applications and prepare and publish the required legal notices for the hearing.

**Staff Recommendation:**

**Staff recommends that, based on the findings and recommendations contained in this staff report, that the Planning Commission recommend adoption by the Mayor and Council of ZTA 14-01 – Comprehensive Zoning Text Amendments.**

Signed:

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David Umling, City Planner

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Date

**ATTACHMENT 1**

**ZTA 14-01 – 2014 Comprehensive Rezoning**

**ZTA 14-01 – 2014 COMPREHENSIVE REZONING**  
***Proposed Zoning Text Amendment***  
**October 21, 2014**

**NOTE:** (New language to be added is depicted in **BOLD-FACED CAPITAL LETTERS** and language to be deleted is depicted in ~~striketrough~~ font)

**UPDATE/AMEND THE ZONING ORDINANCE TABLE OF CONTENTS AND REFERENCED PAGE NUMBERS AS NECESSARY TO ACCURATELY REFLECT THE PROPOSED TEXT CHANGES SPECIFIED IN THIS ZONING TEXT AMENDMENT.**

**REPLACE ALL REFERENCES TO “ARTICLE 66b” THROUGHOUT THE ORDINANCE WITH “THE LAND USE ARTICLE” AND ALL SPECIFIC ARTICLE 66b SECTION REFERENCES ACCORDINGLY IN RESPONSE TO THE 2012 RECODIFICATION OF THE ANNOTATED CODE OF MARYLAND PLANNING AND ANNEXATION LAWS**

**AMEND ONLY THE FOLLOWING SPECIFIC DEFINITIONS IN SECTION 2.03 – DEFINITIONS AS FOLLOWS:**

- (2) Accessory Building, Structure, or Use: A building, structure, or use customarily incidental and subordinate in size and magnitude of use to the principal building, structure, or use and located on the same lot with such building, structure, or use. Accessory buildings, structures, or uses include, but are not limited to, garden shed or barn, guesthouse, **PARKING AREA OR LOT, ON-PREMISE SIGN**, private playhouse, private greenhouse, private swimming pool, home garden, nursery or greenhouse, outdoor retail sales, home occupation, residential accessory structure or use (garage, shed), solar energy system, temporary structure or use, tennis court, windmill, antenna (including dish or tower) and the like.
- (10) Ambulatory Health Care Facility: A building **DESIGNED AND** used **TO PROVIDE MEDICAL, SURGICAL, PSYCHIATRIC, NURSING, OR SIMILAR CARE ON A LESS THAN 24-HOUR BASIS TO INDIVIDUALS WHO ARE RENDERED INCAPABLE OF SELF-PRESERVATION BY THE SERVICES PROVIDED.** ~~by health care professionals for the treatment and examination of patients, provided that no overnight patients shall be kept on the premises. Includes, but is not limited to the following:~~
- ~~(a) Health Maintenance Organizations;~~
  - ~~(b) Out-patient Clinics;~~
  - ~~(c) Diagnostic Centers;~~
  - ~~(d) Ambulatory Surgical Facilities;~~
  - ~~(e) Physicians, Dentists, and Opticians Offices;~~

- ~~(f) Public Health Clinics;~~
- ~~(g) Community Mental Health Centers; and~~
- ~~(h) Physical Rehabilitation Facilities;~~

- (15) Auto Impoundment Area: A site approved and properly protected **(COMPLETELY ENCLOSED BY SEVEN (7) FOOT HIGH SECURITY FENCING WITH A LOCKED GATE)** for the temporary storage **(NOT MORE THAN ONE HUNDRED [100] CONSECUTIVE DAYS AFTER WHICH THEY SHALL BE REMOVED)** of vehicles involved in a wreck, or otherwise damaged, awaiting insurance clearance or as deemed necessary by the governing agencies.
- (17) Auto Repair Station: ~~Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where~~ **A COMMERCIAL BUSINESS OPERATION PRIMARILY DEDICATED TO THE PERFORMANCE OF EXTENSIVE MOTOR VEHICLE REPAIR AND RESTORATION WORK, INCLUDING BUT NOT LIMITED TO,** major auto repairs ~~are conducted.~~ **SUCH BUSINESSES ALSO MAY OFFER THE INCIDENTAL/ACCESSORY RETAIL SALE OF MOTOR VEHICLE FUELS, LUBRICANTS, AND FLUIDS AND OTHER VEHICLE ACCESSORIES.** (See also Major Auto Repairs.)
- (18) Auto Service Station/CONVENIENCE STORE: ~~Buildings and land areas~~ **A COMMERCIAL BUSINESS OPERATION OFFERING THE RETAIL SALE AND DISPENSING OF VARIOUS ESSENTIAL MOTOR VEHICLE FUELS, LUBRICANTS, FLUIDS** ~~where gasoline, oil, grease,~~ **AND/OR** batteries, tires, or ~~automobile~~ **INCIDENTAL VEHICLE** accessories. ~~and~~ **SUCH BUSINESSES ALSO MAY OFFER commercial convenience items AND SUNDRIES are supplied and dispensed at retail FOR SAILE and/OR where** minor auto repairs **MAY BE** ~~are~~ conducted. (See also Minor Auto Repairs.)
- (22) Boarding House/HOSTEL: A building containing a single dwelling unit where lodging is provided with or without meals **(PREPARED USING CENTRAL/CONGREGATE COOKING FACILITIES FOR THE ENTIRE BUILDING)** for two (2) or more persons who are not members of the operator's family, and by prearrangement for definite periods of time and for compensation, whether direct or indirect, but not to include **GROUP HOMES,** rest homes or homes for the aged.
- (23) Brewpub: A restaurant/microbrewery that sells the majority of the beer it produces on site. The beer shall be brewed primarily for sale ~~and consumption~~ in the adjacent restaurant and/or bar within the same structure.
- (59) Dwelling Units/Mixed Occupancy USE: Residential units located or created within the same original structure (building) as a non-residential use which shall not in any way interfere with the ability of the non-residential use to meet the requirements and standards of this Ordinance. A separate entrance and exit shall be provided and all applicable codes regarding fire safety and housing shall be met as well as the **APPLICABLE** parking standards in Section 12 **FOR THE SPECIFIC TYPE(S) OF DWELLING UNIT(S) PROPOSED.**

- (65) Floating Zone/District: A district of undetermined location that may be placed on the Zoning Map only upon petition of a property owner, and not by government initiative. A floating district may be applied to a specific property only if stated criteria are satisfied, a finding of compatibility is made, and a development plan is approved for the property. A finding of mistake in the existing zoning or a substantial change in the character of the neighborhood since the last comprehensive zoning is not required to apply a floating zone to a property. **In these Zoning Regulations, only the Rehabilitation and Redevelopment (RR) District is a floating zone.**
- (69) Governmental Uses: Municipal, County, State, or Federal government **LAND**, buildings or facilities **OWNED AND** ~~designed and intended to be~~ occupied by the government ~~or designed and intended for public use sponsored by such government.~~
- (80) High-Rise Apartment: A residential structure having a height of more than eight (8) stories, with **FUNCTIONALLY INDEPENDENT (COMPLETE)** dwelling units for rent or sale and with or without accessory uses. **WHERE A DORMITORY APARTMENT BUILDING IS LOCATED ON PROPERTY OWNED BY A SCHOOL OR EDUCATIONAL INSTITUTION FOR SCHOOL RESIDENTIAL USE, THE REQUIREMENT FOR INDEPENDENT (COMPLETE) DWELLING UNIT FACILITIES FOR EXCLUSIVE USE SHALL BE WAIVED TO PERMIT SHARED BATHROOMS AND COOKING/EATING FACILITIES.**
- (97) Junk Yard (Salvage Yard): Any land or structure where junk or salvage is discarded, bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled. "Junk **YARD yards**" does not include **AN AUTO IMPOUNDMENT AREA; NOR** those structures where used furniture or household equipment is stored, bought, or sold; nor those structures or land where automobiles not abandoned are stored, bought, or sold. **THE PLACEMENT OR STORAGE OF TWO (2) OR MORE INOPERABLE, UNREGISTERED, OR UNTAGGED MOTOR VEHICLE ON ANY RESIDENTIAL LOT SHALL CONSTITUTE MINIMUM PRIMA-FACIE EVIDENCE OF A JUNK YARD (SEE ALSO SECTION 12.02.01 (12)).**
- (98) Kennel: A ~~place~~ **BUSINESS** where four (4) or more household pets are kept, boarded, trained, or raised and bred for profit, or as part of a service provided by an accompanying principal use or structure. **ANIMAL SHELTERS/ADOPTION SERVICES, VETERINARIAN OFFICES, PET GROOMING SERVICES, AND OTHER SIMILAR USES WHERE THE TEMPORARY INDOOR BOARDING OF PETS IS AN ANCILLARY FUNCTION TO THE PRINCIPAL BUSINESS (NONRESIDENTIAL) USE OR SERVICE SHALL NOT BE CLASSIFIED AS KENNELS.**
- (114) Low-Rise Apartment: A residential structure (not including single family attached houses) with a maximum height of three (3) stories or thirty-eight (38) feet, with three or more **FUNCTIONALLY INDEPENDENT (COMPLETE)** dwelling units for rent or sale. **WHERE A DORMITORY APARTMENT BUILDING IS LOCATED ON PROPERTY OWNED BY A SCHOOL OR EDUCATIONAL INSTITUTION FOR SCHOOL RESIDENTIAL USE, THE REQUIREMENT FOR INDEPENDENT (COMPLETE) DWELLING UNIT FACILITIES FOR EXCLUSIVE USE SHALL BE WAIVED TO PERMIT SHARED BATHROOMS AND COOKING/EATING FACILITIES.**

- (115) Major Auto Repairs: Includes **(BUT IS NOT NECESSARILY LIMITED TO)** major mechanical and body work, straightening of body parts, storage of ~~automobiles~~ **MOTOR VEHICLES** not in operating condition, painting, welding, or other work ~~involving~~ **THAT PRODUCES** noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in auto service stations. **MAJOR AUTO REPAIR SERVICES OFTEN INVOLVE EXTENDED ON-SITE STORAGE OF VEHICLES AWAITING SPECIAL PART ORDERS ESSENTIAL FOR SAFE VEHICLE OPERATION AND ARE UNDERTAKEN BY BUSINESSES OFTEN REFERRED TO AS BODY SHOPS.**
- (117) Mid-Rise Apartment: A residential structure having a minimum height of four (4) stories and a maximum height of eight (8) stories with **FUNCTIONALLY INDEPENDENT (COMPLETE)** dwelling units for rent or sale and with or without accessory uses. **WHERE A DORMITORY APARTMENT BUILDING IS LOCATED ON PROPERTY OWNED BY A SCHOOL OR EDUCATIONAL INSTITUTION FOR SCHOOL RESIDENTIAL USE, THE REQUIREMENT FOR INDEPENDENT (COMPLETE) DWELLING UNIT FACILITIES FOR EXCLUSIVE USE SHALL BE WAIVED TO PERMIT SHARED BATHROOMS AND COOKING/EATING FACILITIES.**
- (121) Minor Auto Repairs and Services: Minor automotive diagnostic and **INCIDENTAL** repair work, such as **(BUT NOT NECESSARILY LIMITED TO)** engine tuneup or diagnosis; tire servicing and repair; replacement of mufflers and tailpipes, water hoses, fan belts, fluids, wheel bearings, mirrors, and the like; adjusting and repairing brakes; radiator cleaning and flushing; greasing and lubrication; and changing or repairing fuel pumps, oil filters, and lines. **MINOR AUTO REPAIR SERVICES TYPICALLY INVOLVE SAME-DAY OR WHILE-YOU-WAIT VEHICLE REPAIRS AND SERVICING.**

**AMEND SECTION 5.01 (1) – ESTABLISHMENT OF ZONING DISTRICTS AS FOLLOWS:**

**5.01 ESTABLISHMENT OF ZONING DISTRICTS**

(1) Zoning districts are established to provide appropriate locations for different types of land uses. The appropriate location for a particular land use is determined by environmental suitability, the location of public facilities and services, land productivity, existing land uses in the vicinity and recommended guidelines in the Comprehensive Plan. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes, and to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the side of yards and other open spaces and the density of population. For the purposes of this Ordinance, the City is divided into the following districts (including the RR Floating Zone District, **AR ADAPTIVE REUSE FLOATING ZONE, AND PD PLANNED DEVELOPMENT FLOATING ZONE** which ~~is~~ **ARE** hereby established prior to being applied to any specific property within the City - see definition of Floating Zone/District in Section 2.03):

Conservation

C Conservation

Residential

R-E Estate Residential  
R-S Suburban Residential  
R-U Urban Residential  
R-O Residential-Office

Business/Commercial

B-L Local Business  
B-H Highway Business  
B-CBD Central Business District

Industrial/Employment

B-C Business Commercial  
I-G Industrial-General

Mixed Use

G-C Gateway-Commercial District  
G-I Gateway-Industrial District

Floating ~~Zone~~ **ZONES**

RR Rehabilitation and Redevelopment Floating Zone  
AR Adaptive Reuse Floating Zone  
**PD PLANNED DEVELOPMENT FLOATING ZONE**

**ADD THE FOLLOWING NEW SECTION TO SECTION 5.01 (2) – ESTABLISHMENT OF ZONING DISTRICTS AS FOLLOWS:**

**5.01.14 PLANNED DEVELOPMENT FLOATING ZONE (PD)**

**THE PURPOSE OF THE PD - PLANNED DEVELOPMENT FLOATING ZONE IS TO ENCOURAGE THE APPLICATION OF INNOVATIVE AND CREATIVE LAND USE DESIGNS FOR RESIDENTIAL AND MIXED USE DEVELOPMENTS. THE DISTRICT IS INTENDED TO ALLOW THE UNIFIED PLANNING AND DEVELOPMENT OF LARGE TRACTS OF LAND SUITABLE IN LOCATION, AREA, AND CHARACTER FOR THE USES AND STRUCTURES PROPOSED. SPECIFIC ELIGIBILITY CRITERIA AND PERFORMANCE STANDARDS TO GOVERN THE APPLICATION AND USE OF THIS FLOATING ZONE ARE SPECIFIED IN SECTION 6.16 OF THIS ORDINANCE. A MIX OF USES AND HOUSING TYPES IS ENCOURAGED, PROVIDED THAT THE PROPOSED PROJECT IS GENERALLY CONSISTENT WITH THE COMPREHENSIVE PLAN AND THE LAND USES PROPOSED ALONG THE EXTERNAL BOUNDARIES OF THE DEVELOPMENT SITE WILL BE COMPATIBLE IN INTENSITY, CHARACTER, AND DESIGN WITH THE PROPOSED NEIGHBORING USES WITHIN THE DEVELOPMENT. THE ULTIMATE OBJECTIVES TO BE ACHIEVED BY PROVIDING INCREASED DESIGN FLEXIBILITY FOR PLANNED DEVELOPMENTS ARE: TO MAXIMIZE THE DEVELOPMENT POTENTIAL OF MAJOR INFILL AND REDEVELOPMENT PROJECTS, PROMOTE MORE CONTEXTUALLY SENSITIVE AND COMPATIBLE ENVIRONMENTAL AND ARCHITECTURAL DESIGN, ENCOURAGE PERMIT STREAMLINING TO REDUCE UP-FRONT FIXED DEVELOPMENT COSTS, AND PROVIDE GREATER OPPORTUNITIES FOR COMMON OPEN SPACE WITHIN MAJOR DEVELOPMENTS.**

**AMEND SECTION 6.01 – ZONING DISTRICT REGULATIONS, GENERALLY AS FOLLOWS:**

6.01 GENERALLY

- (1) Uses permitted within the various zoning districts are listed in a table entitled "Use Regulations" which is Section 6.02 of this Ordinance. Minimum lot area, area per dwelling, minimum lot width, required yards, and maximum height requirements for permitted building uses or structures in the various districts are listed in a table entitled "Development Regulations" which is Section 6.03 of this Ordinance. Supplemental requirements/regulations that apply to several or all districts are set forth in Sections 6.04 through 6.11 related to the following:

- 6.04 Accessory Uses and Structures
- 6.05 Traffic Visibility across Corners
- 6.06 Home Occupations
- 6.07 Multi-Family and Single-Family Attached Housing Standards
- 6.08 General Performance Standards and Environmental Preservation
- 6.09 Steep Slope Development Standards
- 6.10 Development within Floodplains, Streams, and Buffer Areas
- 6.11 Preservation of Habitat of Threatened and Endangered Species

Supplemental requirements that apply to specific districts are set forth in Sections 6.12 through 6.17 related to the following:

- 6.12 Conservation District (Prohibited/Permitted Uses)
- 6.13 Gateway Districts
- 6.14 Rehabilitation and Redevelopment Floating Zone District
- 6.15 Viewshed Protection Overlay District
- 6.16 ~~Group~~ **PLANNED** Development **FLOATING ZONE DISTRICT**
- 6.17 Adaptive Reuse Floating Zone District

- (2) In addition to the zoning district regulations contained in this section, all developments must comply with the requirements of Sections 8 (Site Plan Review), 11 (Historic Area Regulations), 12 (Off-Street Parking and Loading), 13 (Buffer Strips), 14 (Sign Control Provisions), and other parts of the Ordinance, where applicable.

**AMEND THE USE REGULATIONS TABLE IN SECTION 6.02 AS FOLLOWS:**

USE REGULATIONS TABLE

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
	<b>Key:</b> P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)										
<b>Residential</b>											
Single-family detached dwellings	P	P	P	P			C			P	P
Single-family attached dwellings	P*	P*	P	P			P			P	P
Two-family dwellings	P*	P*	P	P			P			P	P
Low-rise apartments	P*	P*	P	P			P			P	P
Mid-rise apartments				P			P				
High-rise apartments				P			P				
<b>Motels, hotels, and motor inns</b>				P		P	P	P		P	P
Bed and breakfasts	P		P	P	P		P			P	P
Dwelling units/ <b>restricted MIXED USE</b>					P	P	P	P		P	P
Boarding houses/ <b>HOSTELS</b>			P	P	P		P			P	P
Home occupations	P		P	P	P	P	P	P	P	P	P
Home offices of convenience	P	P	P	P	P	P	P	P	P	P	P
Residential conversions			P	P						P	P
Group homes	P	P	P	P						P	P
Assisted living subject to the provisions of the zoning district	P	P	P	P			P			P	
Mobile home parks pursuant to the City's mobile home park ordinance			C								
Private Residential Garage	C	C	C	C							
<b>Commercial Uses/Sales</b>											
<b>MOTELS, HOTELS, AND MOTOR INNS</b>				P	P	P	P	P		P	P
Retail buildings (less than 5,000 sq. ft.)				C	P	P	P	P	P	P	P
General merchandise buildings (more than 5,000					C	P	P	P	P	P	P

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
	<b>Key:</b> P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)										
sq. ft. but less than 20,000 sq. ft.)											
Retail centers (20,000 sq. ft. or greater)						P	P	P	P	P	P
Planned shopping centers						P	P	P	P	P	P
Retail/accessory light manufacturing				C	P	P	P	P	P	P	P
Flea markets					P	P	P	P	P		
Repair services such as shops for household appliances, watch, shoe, bicycle, and lock repair and other similar services				C	P	P	P	P	P	P	P
Building materials yards						P		P	P		P
Contractor's equipment storage yard or plant								P	P		C
Wholesale businesses, warehouses, and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials								P	P		C
Bulk plants									P		
<b>Manufacturing</b>											
Heavy manufacturing									P		
Light manufacturing and assembly						P	C	P	P		P
Incinerators									P		
Junk yard (Salvage yard)									C		
<b>Restaurants, Bars, Nightclubs</b>											
Restaurants, general					P	P	P	P	P	P	P
Restaurants, fast food, with drive-thru service					C	P	C	P	P	P	P
Restaurants, fast-food, w/o drive-thru service					P	P	P	P	P	P	P
Brewpubs, microbreweries					P	P	P	P	P	P	P
Bars and nightclubs					P	P	P	P	P	P	P
<b>Office, Clerical, Services Not Related to Sale of Goods</b>											
Government uses	P	P	P	P	P	P	P	P	P	P	P

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
	<b>Key:</b> P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)										
Banks and financial institutions				P	P	P	P	P	P	P	P
Banks and financial institutions, including drive-in service places				C	P	P	P	P	P	P	P
Personal service establishments				C	P	P	P	P	P	P	P
Health clubs or spas					P	P	P	P	P	P	P
Commercial laundry establishments						C		P	P	C	P
Professional services, including but not limited to offices of realtors, lawyers, clergymen, teachers, architects, engineers, insurance agents, etc.				P	P	P	P	P	P	P	P
Veterinary offices/hospitals					P	P		P	P	P	P
Kennels								P	P		C
Business, administrative, or corporate offices for public agencies, nonprofit organizations, or private corporations				P	P	P	P	P	P	P	P
Child day care homes	P	P	P	P						P	
Child day care centers	C	C	P	P	P		P			P	
Mini-storage facilities						P		P	P		P
<b>Health Care and Related Uses</b>											
Hospitals	C		C	P							
Laboratories, medical	C		C	P	C	P	P	C	C	P	C
Ambulatory health care facilities	C		C	P	C	C	C	C	C	C	C
Adult day treatment, domiciliary care facilities	C		C	P	C		P				
Convalescent homes	C		C	P							
Nursing homes	C		C	P							
Intermediate care facilities	C		C	P			P				
<b>Motor Vehicle Related Sales &amp; Service</b>											
Automobile sales/service establishments, including used car lots						P	P	P	P	P	P
Truck, farm equipment, mobile home, boat, and						P		P	P	P	P

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
	recreational vehicle sales/service establishments										
Auto service stations/ <b>CONVENIENCE STORES</b>						P		P	P	P	P
Auto repair stations						C		P	P	C	P
Auto repair garages and body shops						C		P	P	C	P
Auto impoundment areas									P		
<b>Recreation, Amusement, Entertainment</b>											
Commercial indoor recreation, indoor theaters					P	P	P	P	P	P	P
Commercial outdoor recreation					C	P		P	P		P
Public and private parks, recreation areas, historic areas, conservation areas, and other similar uses employing open land with open structures	P	P	P	P	P	P	P	P	P	P	P
<b>Adult Businesses<sup>1</sup></b>											
Adult entertainment establishments									P		
Adult retail establishments									P		
<b>Cemeteries and Funeral Homes</b>											
Cemeteries	C	C	C								
Funeral homes	C		C	P	P	P	P			C	
<b>Educational, Research, Cultural, Religious, Social, Fraternal</b>											
Schools and educational institutions (including private, charter, & magnet schools as defined and permitted by the MD state Department of Education)	C	C	C	P			C				
Dormitories, fraternity and sorority houses				P							
Places of worship and related uses	P	P	P	P	P	P	P	P		P	
Private commercial educational institutions including schools for dance, music, art, drama, and other similar activities				P	P	P	P			P	
Clubs, lodges, or social buildings					P	P	P	P		C	

1. Adult businesses may not be located within 1,500 linear feet of any public library, public park, public playground, school, church or similar place of worship, child care center, community center, or residence.

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
	Community and cultural center buildings	C		C	P	P	P	P	P		C
Laboratories, research								P	P		C
<b>Transportation/Infrastructure Facilities</b>											
Railroad terminals, repair yards, and facilities									P		
Motor freight terminals									P		
Passenger terminals including taxi stands, bus, and rail passenger stations and shelters						P	P				
Off-street parking lots	P	P	P	P	P	P	P	P	P	P	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System, Large											
Wind Energy System, Small	C	C	C	C	C	C	C	C	C	C	C
<b>Agricultural Operations</b>											
Agricultural, horticultural, and forestry uses	P										
Nurseries for growing of flowers, trees, and shrubs not for sale on the lot	P	P	P					P			P
Nurseries for growing of flowers, <b>FRUITS, VEGETABLES</b> , trees, and shrubs for sale on the lot	<b>P</b>				P	P		P	P	P	P

NOTES:

1. Permitted and prohibited uses in the Conservation District are presented in Section 6.12.
2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in Section 6.14.
3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in Sections 6.09 (Steep Slope Development), 6.10 (Development within Floodplains, Streams, and Buffer Areas),

6.11 (Preservation of Habitats of Threatened and Endangered Species), 6.13 (Gateway Districts), and 10 (Viewshed Protection Overlay District) are subject to the provisions of Section 8 (Site Plan Review).

**AMEND THE DEVELOPMENT REGULATIONS TABLE IN SECTION 6.03.01 AS FOLLOWS:**

Zone & Predominant Permitted Uses	Lot Requirements			Building Setback Requirements			Building Height Requirements		Building Coverage Requirements
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area per D.U. (Sq. Ft.)	Minimum Lot Width (Ft.)	[8] Front (Ft.)	[8] Rear (Ft.)	Side (Ft.)	Stories	Feet	[8] Maximum Percent of Lot Area
<b>R-E</b>									
Single-family detached	87,120	87,120	150	30	50	30	3	35	20
Single-family detached (cluster)	--	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	--	1,800	16 [2]	20	35	6 [1]	3	35	60
Two-family (cluster)	--	2,000	40	20	35	6 [1]	3.5	45	40
<b>Low-rise apartments (cluster)</b>	--	<b>2,000</b>	<b>120</b>	<b>25</b>	<b>35</b>	<b>10</b>	<b>3.5</b>	<b>45</b>	<b>25</b>
<b>R-S</b>									
Single-family detached	12,000	12,000	90	30	35	15	3	35	25
Single-family detached (cluster)	--	2,000	40	20	35	6 [1]	3	35	40
Single-family attached (cluster)	--	1,800	16 [2]	20	35	6 [1]	3	35	60
<b>TWO-FAMILY (CLUSTER)</b>	--	<b>1,800</b>	<b>16 [2]</b>	<b>20</b>	<b>35</b>	<b>6 [1]</b>	<b>3.5</b>	<b>45</b>	<b>40</b>
<b>LOW-RISE APARTMENTS (CLUSTER)</b>	--	<b>1,800</b>	<b>16 [2]</b>	<b>20</b>	<b>35</b>	<b>6 [1]</b>	<b>3.5</b>	<b>45</b>	<b>25</b>
Nonresidential uses	12,000	--	100	30	35	20	--	50	25
<b>R-U</b>									
Single-family detached	--	2,000	40	20	35	6	3	35	40
Single-family attached	--	1,800	16 [2]	20	35	6	3	35	60
Two-family	--	2,000	40	20	35	6	3.5	45	40
Low-rise apartments	--	2,000	120	25	35	10	3.5	45	25
Nonresidential	7,200	--	60	30	35	10	--	50	35
<b>R-O</b>									
Single-family detached	--	2,000	40	20	35	6	3	35	40
Single family attached	--	1,600	16 [2]	20	35	6	3	35	60
Two-family	--	1,800	40	20	35	6	3.5	45	40
Low-rise apartments	--	1,750	120	25	35	10	3.5	45	35
Mid-rise apartments	--	1,200	120	25	35	15	8	96	35
High-rise apartments	--	900	120	25	35	20	11	135	35
Nonresidential	12,000	--	100	30	35	15	--	50	50

Zone & Predominant Permitted Uses	Lot Requirements			Building Setback Requirements			Building Height Requirements		Building Coverage Requirements
	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area per D.U. (Sq. Ft.)	Minimum Lot Width (Ft.)	[8] Front (Ft.)	[8] Rear (Ft.)	Side (Ft.)	Stories	Feet	[8] Maximum Percent of Lot Area
<b>B-L</b>									
All permitted uses	3,000	--	30	15	20	--	--	35	60
<b>B-H</b>									
All permitted uses	10,000	--	80 [3]	30	20	10	--	50	50
<b>B-CBD</b>									
All permitted nonresidential uses	2,000	--	20	--	--	--	--	--	100
Single-family attached, detached, and two-family	--	1,600	16	--	--	--	3.5	45	--
Low-rise apartments	--	1,400	120	15	15	15	3.5	45	40
Mid-rise apartments	--	1,200	--	15	15	15	8	96	40
High-rise apartments	--	900	--	15	15	15	11	135	40
<b>B-C</b>									
All permitted uses	10,000	--	80	20	30	10	--	50	60
<b>I-G</b>									
All permitted uses	12,000	--	100	25	35	15	--	50	55
<b>G-C</b>									
Permitted residential uses:									
- Single-family detached	--	2,000	30	[4]	35	[5]	3	35	40
- Single-family attached	--	1,800	16 [6]	[4]	35	[5]	3	35	60
- Two-family	--	2,000	30	[4]	45	[5]	3	35	40
All permitted nonresidential uses (except car lots)	3,000	--	30	[4]	20	[7]	--	35	50
Car lots	10,000	--	30	[4]	20	[7]	--	35	50
<b>G-I</b>									
Permitted residential uses:									
- Single-family detached	--	2,000	30	[4]	35	[5]	3	35	40
- Single-family attached	--	1,800	16 [6]	[4]	35	[5]	3	35	60
- Two-family	--	2,000	30	[4]	45	[5]	3	35	40
All permitted nonresidential uses	10,000	--	80	[4]	30	[7]	--	35	60
<b>C</b>									
All permitted uses	--	--	--	--	--	--	--	15	5

[1] 15 feet from adjacent property not within cluster development.

[2] 31 feet for corner/end lot (minimum 16 foot dwelling width and 15 feet from adjacent lot line).

[3] 100 feet for corner lot.

- [4] The lesser of the prevalent frontyard setback of existing buildings on the block or 20 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.
- [5] The lesser of the sideyard setback of the existing principal building on the lot or 6 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.
- [6] 22 feet for corner/end lot (minimum 16 foot dwelling width and 6 feet from adjacent lot line).
- [7] The lesser of the sideyard setback of the existing principal building on the lot or 10 feet, provided that the provisions of Section 6.05 (Traffic Visibility Across Corners) are met.
- [8] Unless the standard in Note [4] applies, the front **AND REAR YARDS** ~~yard~~ **AND BUILDING COVERAGE** shall not be less than the ~~average~~ **MINIMUM** distance of setback **OR COVERAGE** of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street.

**AMEND SECTION 6.03.03 – EXCEPTIONS TO GENERAL REGULATIONS AS FOLLOWS:**

- (1) The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses, and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances usually carried above roof level.
- (2) Nothing herein contained shall prevent the projection of an emergency exit (open fireproof fire escape) or handicapped access structure into a required rear or side yard for a distance not to exceed eight (8) feet, but in no case to project beyond the property line.
- (3) Any parcel of land with an area or width less than that prescribed for a lot in the zone in which such parcel is located at the date of the adoption of this Ordinance, when the owner thereof owns no adjoining land, may be used as a lot for any purpose permitted in the zone, provided that all other regulations prescribed for the zone by the Ordinance are complied with.
- (4) Where there is, at the time of the enactment of this Ordinance, a lot whose width and area are less than that required for the zone in which said lot is located, flanked by buildings existing on the two (2) lots adjoining at the sides, both being in other ownership:
  - (a) The lot shall be permitted to be built or rebuilt upon in any zone, without requirement of side yards wider than the respective adjacent side yards existing on the adjoining lots.
  - (b) The front and rear yards shall not be less than the ~~average~~ **MINIMUM** distance of setback of the nearest building or buildings, within one hundred (100) feet on each side of the said building and fronting on the same side of the street. See **ALSO** Section 6.03.01, Development Regulations Table, Note [8].

- (c) No requirement for rear yards, side yards, or yard area contained in this Ordinance shall prevent the construction of a private garage or other customary accessory uses, as approved by the Zoning Administrator, within the required rear yard of a lot not meeting the requirements of this Ordinance upon which a dwelling has been erected previous to the time of enactment of this Ordinance. Accessory uses located in side or rear yards shall meet the setback requirements of the Development Regulations Table.

**AMEND SECTION 6.03.04 – GENERAL YARD REQUIREMENTS AS FOLLOWS:**

- (1) Where a street or a highway shown on the adopted Cumberland Thoroughfare Plan has a proposed right-of-way greater than that existing, the front yard requirement shall be measured in accordance with the proposed right-of-way.
- (2) Ground story bays and porches not over half the length of the front wall may project into any front yard five (5) feet. Chimneys, flues, columns, sills, and ornamental features, cornices, and gutters may project not more than two (2) feet.
- (3) Bays, balconies, chimneys, and flues may project into a required side yard not more than one-third (1/3) of its width, and not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any side yard three (3) feet.
- (4) In residential districts, the following features may project not more than ten (10) feet into any required front or rear setback area: open porches and decks and exterior stairways or ramps, whether above or below ground level. **WHERE AN OPEN PORCH OR DECK EXTENDS OR WILL EXTEND INTO THE REQUIRED MINIMUM FRONT YARD SETBACK OF A BUILDING, SAID PORCH OR DECK SHALL NOT BE ENCLOSED (SEALED FROM THE ELEMENTS) BY WALLS, WINDOWS, OR OTHER MATERIALS THAT WOULD FURTHER OBSTRUCT REQUIRED SITE VISIBILITY AS SPECIFIED IN SECTION 6.03.04 (5) (a) OR WOULD IMPEDE SAFE ACCESS/EGRESS SITE VISIBILITY FROM ANY SIDE YARD DRIVEWAY ON THE PROPERTY UNDER THE REQUIREMENTS OF SECTION 6.05 WITHOUT PRIOR VARIANCE APPROVAL BY THE ZONING BOARD OF APPEALS.**
- (5) Fences, walls, and hedges shall comply with the following provisions:
  - (a) In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of forty-eight (48) inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of forty-eight (48) inches and nine (9) feet. Fences, hedges, or walls less than seven (7) feet high above the preexisting grade and terraces, steps, uncovered porches, or other similar features not over three (3) feet high may be permitted in the required side and rear yards, providing that Section 6.05(1) (Traffic Visibility Across Corners) does not apply.
  - (b) Fences may be constructed in the front or street side yards of any lots which are approved for a housing type which have no backyards (i.e., back to back townhouses, quadrplexes and other similar housing types). To obtain approval of such fences, the applicant shall submit an overall fencing plan for all such lots which front on a particular street to the Zoning Administrator.
  - (c) A fence, wall, or hedge not exceeding eight (8) feet in height may be located in any yard of any commercial, industrial, or institutional lot in a Business Commercial or

Industrial/Employment district not abutting a residential district. Fence along a lot line abutting a residential lot shall comply with (4) (a) above.

- (d) Barbed wire fences shall not be permitted except in the B-C and I-G Districts.
- (e) Electric fences shall not be permitted in any zone.
- (6) All commercial surface parking lots shall be subject to a minimum setback of six (6) feet. Subsurface parking structures may extend to the property lines.
- (7) If the Zoning Administrator determines that the required amount of parking cannot be met under the setback requirement, off-street parking may be permitted in all required yard areas providing there is no encroachment into required sight triangles, that no more than fifty (50) percent of the affected required yard area is utilized, that it is not possible to place the required off-street parking elsewhere on the lot, and provided all other requirements of the Zoning Ordinance are met.
- (8) Corner lots fronting on two (2) intersecting streets shall be considered to have two (2) front yards, two (2) side yards, and no rear yards. One (1) front yard shall meet the yard requirements for the applicable zone and the other shall be not less than fifteen (15) feet.
- (9) There shall be no rear yard requirements for triangular lots.
- (10) In the case of irregularly shaped lots, the minimal lot width specified in the “Development Regulations” table shall be measured at the rear line of the required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70) percent of the minimum lot width as specified in the table. In measuring the depth of rear yards, average dimensions may be used where the rear lot line is not parallel with the street line.

**AMEND SECTION 6.13.031 GATEWAY DISTRICTS DESIGN GUIDELINES FOR PARKING AS FOLLOWS:**

6.13.031 Parking

The following guidelines are to supplement the parking and loading regulations contained in Section 12 of the Ordinance for developments within the Gateway Districts:

Guideline 1: Parking lots and structures shall be located to the greatest extent practicable to the rear **AND/OR SIDES** of both residential and commercial buildings. **NOT MORE THAN ONE THIRD (1/3) OF ALL REQUIRED OFF-STREET PARKING SPACES MAY BE PROVIDED IN FRONT OF A NON-RESIDENTIAL BUILDING. ALL OTHER REQUIRED NON-RESIDENTIAL OFF-STREET PARKING SPACES SHALL BE PROVIDED BEHIND THE FRONT FAÇADE OF THE BUILDING. PRIORITY AND**

**PREFERENCE SHALL BE GIVEN TO THE PLACEMENT OF REQUIRED ADA HANDICAPPED PARKING SPACES IN FRONT OF NON-RESIDENTIAL BUILDINGS.**

Guideline 2: Curb cuts and driveways should be kept to a minimum.

Guideline 3: The use of low, thick shrub plantings to screen parking areas is encouraged (see Section 13, Buffer Strips).

**AMEND SECTION 6.16 – GROUP DEVELOPMENT AS FOLLOWS:**

**6.16 GROUP PLANNED DEVELOPMENT FLOATING ZONE DISTRICT**

~~Group Development regulations including but not limited to lot sizes, lot configuration, egress patterns, public access configuration and standards, and signage shall be established and set forth by the Municipal Planning and Zoning Commission. The Commission shall consider the needs of the Group Development, Zoning Ordinance, Subdivision Regulations, Historic Preservation Guidelines, adjacent uses, and common practices and standards when establishing Group Development regulations.~~

**6.16.01 SITING ELIGIBILITY CRITERIA**

**THE PLANNED DEVELOPMENT FLOATING ZONE MAY BE APPLIED IN THREE SPECIFIC RESIDENTIAL BASE ZONING DISTRICTS (R-S: SUBURBAN RESIDENTIAL ZONE, R-U: URBAN RESIDENTIAL ZONE, AND R-O: OFFICE/RESIDENTIAL ZONE) BY APPROVAL OF THE MAYOR AND COUNCIL OF THE CITY OF CUMBERLAND TO PROPERTIES THAT SATISFY THE FOLLOWING CRITERIA:**

- (1) THE PROPOSED DEVELOPMENT SITE (REGARDLESS OF THE NUMBER OF RECORDED PARCELS INVOLVED) CONTAINS A GROSS AREA OF NOT LESS THAN ONE AND ONE-HALF (1.5) ACRES. FOR PROPOSED DEVELOPMENT SITES WITH A GROSS AREA OF LESS THAN THREE (3) ACRES, NOT MORE THAN TEN (10) PERCENT OF THE GROSS SITE AREA SHALL CONSIST OF LANDS WITHIN A 100-YEAR FLOODPLAIN AND SLOPES GREATER THAN TEN (10) PERCENT GRADE AS MEASURED AT TWO (2) FOOT CONTOUR INTERVALS.**
- (2) THE PROPOSED DEVELOPMENT SITE SHALL HAVE FRONTAGE ON NOT LESS THAN THREE (3) PUBLIC STREETS OR TWO (2) PUBLIC STREETS WHERE AT LEAST ONE OF THE TWO STREETS IS FUNCTIONALLY CLASSIFIED AS A COLLECTOR OR ARTERIAL.**
- (3) NO PORTION OF THE PROPOSED PROJECT SITE WILL BE CONCURRENTLY ZONED RR – REHABILITATION AND REDEVELOPMENT FLOATING ZONE.**

**6.16.02 PERMITTED USES**

**ANY USES ALLOWED IN THE R-O URBAN RESIDENTIAL ZONING DISTRICT SHALL BE PERMITTED WITHIN THE PD PLANNED DEVELOPMENT FLOATING ZONE REGARDLESS OF THE UNDERLYING BASE RESIDENTIAL ZONING DISTRICT WITHIN WHICH IT IS APPLIED, PROVIDED THAT THE USES ARE LAID OUT AND BUFFERED TO MINIMIZE POTENTIAL NOISE, TRAFFIC, AND AESTHETIC CONFLICTS WITH EXISTING USES SURROUNDING THE DEVELOPMENT SITE AND THE OVERALL DEVELOPMENT SCHEME IS**

GENERALLY CONSISTENT WITH THE DESIRED FUTURE LAND USE PATTERNS CONTAINED IN THE COMPREHENSIVE PLAN. PROPOSED LAND USES ALONG THE BOUNDARIES OF THE DEVELOPMENT SITE SHALL BE COMPATIBLE AND CONSISTENT IN INTENSITY, CHARACTER, AND DESIGN WITH THE LAND USES ALLOWED IN THE IMMEDIATELY ADJOINING BASE ZONING DISTRICT(S). ALL PROPOSED LAND USES SHALL BE SHOWN AND DESIGNATED CLEARLY IN THE MASTER PLAN OF THE DEVELOPMENT. ALL PROPOSED BUILDINGS AND LOTS WITHIN THE PLANNED DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE LOT AND SETBACK REQUIREMENTS FOR THE R-O ZONE AS SPECIFIED IN THE DEVELOPMENT REGULATIONS TABLE (SECTION 6.03.01 OF THE ZONING ORDINANCE).

**6.16.03 MASTER PLAN SUBMISSION & APPROVAL**

- (1) AN APPLICATION FOR A ZONING MAP AMENDMENT TO APPLY THE PLANNED DEVELOPMENT FLOATING ZONE TO A SPECIFIC PROPERTY SHALL BE ACCOMPANIED BY A COMPREHENSIVE MASTER PLAN OF DEVELOPMENT OR REDEVELOPMENT (IN ONE OR MORE DOCUMENTS) DETAILING COMPLIANCE WITH THE PERFORMANCE STANDARDS SPECIFIED IN SECTION 6.16.04 AND CONTAINING THE FOLLOWING INFORMATION, AS MAY BE SPECIFICALLY APPLICABLE TO THE PROPOSED PROJECT:**
  - (a) A TITLE PAGE SPECIFYING THE NAME OF THE PROJECT, THE DATE OF THE PLAN, AND THE IDENTITY OF THE DEVELOPMENT COMPANY, DEVELOPER, AND/OR ALL PRINCIPALS OR INVESTORS IN THE PROJECT.**
  - (b) A STATEMENT SUMMARIZING THE NATURE OF THE PROPOSED DEVELOPMENT/REDEVELOPMENT PROJECT AND ADDRESSING THE PROPOSED PROJECT'S COMPLIANCE WITH EACH OF THE SITING ELIGIBILITY CRITERIA LISTED IN SECTION 6.16.01.**
  - (c) A DETAILED AND COMPREHENSIVE LISTING OF THE LAND USE CLASSIFICATIONS, AS SPECIFIED IN THE USE REGULATIONS TABLE OF SECTION 6.02 OF THIS ORDINANCE, THAT ARE PROPOSED TO BE PERMITTED WITHIN THE PROJECT AND A MAP AND/OR NARRATIVE TO EXPLAIN HOW THESE USES WOULD BE ARRANGED IN THE PROJECT AND HOW THEY WOULD RELATE TO AND BE MADE COMPATIBLE OR CONSISTENT WITH EXISTING USES AND ZONING CLASSIFICATIONS OF THE AREAS IMMEDIATELY SURROUNDING THE PROJECT SITE, INCLUDING ANY BUFFER STRIPS THAT MAY BE REQUIRED UNDER SECTION 13 OF THIS ORDINANCE. THE LISTING SHALL SPECIFY THE SQUARE FOOTAGE OF FLOOR SPACE AND/OR LAND AREA THAT IS TO BE DEDICATED TO EACH LAND USE WITHIN THE PROJECT.**
  - (d) AN OVERALL SITE DEVELOPMENT PLAN FOR THE PROJECT IDENTIFYING THE BOUNDARIES OF ALL EXISTING OR PROPOSED LOTS OF RECORD WITHIN THE PROJECT TO BE CONVEYED OR TRANSFERRED, ALL BUILDINGS TO BE DEMOLISHED AND/OR REHABILITATED, ANY NEW BUILDINGS TO BE CONSTRUCTED ON THE PROPERTY, AND ALL EXISTING AND PROPOSED STREETS, ALLEYS, AND OFF-STREET PARKING FACILITIES WITHIN THE PROJECT. THE OVERALL SITE DEVELOPMENT PLAN SHALL ALSO CLEARLY DEPICT ALL PUBLIC AND/OR COMMON LAND EASEMENTS (INCLUDING THE PROPOSED USE AND PROVISIONS FOR PERPETUAL MAINTENANCE OF ALL COMMON AREAS) WITHIN THE PROJECT AND ANY STREETS OR OTHER LANDS PROPOSED TO BE DEDICATED TO THE CITY. SAID SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH**

THE APPLICABLE REQUIREMENTS SPECIFIED IN SECTION 8 OF THIS ORDINANCE FOR A "MAJOR SITE PLAN." THE SITE PLAN MAY REFER TO APPROPRIATE SECTIONS OF THE PROPOSED DEVELOPMENT'S MASTER PLAN FOR INFORMATION TO SATISFY SPECIFIC SUBMISSION REQUIREMENTS. WHERE NEW LOTS OF RECORD OR ADJUSTMENTS TO THE BOUNDARIES OF EXISTING LOTS OF RECORD ARE PROPOSED, THE OVERALL SITE DEVELOPMENT PLAN SHALL INCLUDE ALL PERTINENT & ESSENTIAL SUBDIVISION PRELIMINARY PLAT SUBMISSION SPECIFICATIONS REQUIRED BY SECTION 23-19 OR SECTION 23-60 OF THE SUBDIVISION REGULATIONS.

- (e) A STATEMENT OR TABLE IDENTIFYING THE SPECIFIC OFF-STREET PARKING AND LOADING/UNLOADING AREA REQUIREMENTS (INCLUDING HANDICAPPED PARKING PROVISIONS IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT) FOR THE PROJECT BY PROPOSED LAND USE CLASSIFICATION AS REQUIRED BY SECTION 12 OFF-STREET PARKING OF THE ZONING ORDINANCE FOR THE PROPOSED MIX OF USES/DWELLING UNIT TYPES. THE OVERALL DEVELOPMENT SITE PLAN SHALL SHOW HOW AND WHERE THE REQUIRED OFF-STREET PARKING SPACES AND LOADING AREAS WILL BE PROVIDED.
- (f) A MASTER SIGNAGE PLAN FOR THE PROPERTY DEPICTING THE LOCATION OF ALL PROPOSED DIRECTIONAL AND ADVERTISING SIGNAGE WITHIN THE DEVELOPMENT AND DIAGRAMS FOR EACH PROPOSED SIGN TYPE DEPICTING THE MATERIALS, SIGN HEIGHT, AND SIGN AREA. THE MASTER SIGNAGE PLAN SHALL IDENTIFY AND JUSTIFY ANY AND ALL SPECIFIC PROPOSED CHANGES OR DEVIATIONS FROM THE APPLICABLE REQUIREMENTS IN SECTION 14 OF THE ZONING ORDINANCE THAT ARE REQUESTED FOR THE PROJECT.
- (g) A TRIP GENERATION ASSESSMENT OF THE PROPOSED USES IN THE PROJECT BASED ON THE INSTITUTE OF TRAFFIC ENGINEERS TRIP GENERATION MANUAL, AS AMENDED. THE PROJECTED TRIP GENERATION RATE FOR THE PROPOSED PROJECT SHALL BE COMPARED TO THE TRIP GENERATION RATE FOR THE PREVIOUS ABANDONED OR DISCONTINUED USE OF THE SITE. THE ASSESSMENT SHALL CONVEY IN TABULAR AND/OR NARRATIVE FORM FOR BOTH THE PROPOSED AND PREVIOUS SITE USES, THE SPECIFIC USE CLASSIFICATIONS THAT WERE UTILIZED FOR TRAFFIC GENERATION, THE SQUARE FOOTAGE OR AREA FACTORS USED FOR EACH USE CLASSIFICATION, THE APPROPRIATE TRIP GENERATION FACTOR APPLIED FROM THE TRIP GENERATION MANUAL, AND THE TOTAL NUMBER OF PEAK HOUR TRIPS CALCULATED. THE DIRECTOR OF ENGINEERING MAY REQUIRE A COMPREHENSIVE PROJECT TRAFFIC STUDY IF THE PROJECT BUILDOUT TRIP GENERATION EXCEEDS THE TRIP GENERATION OF THE PRIOR USE OF THE SITE BY TEN (10) PERCENT OR MORE, AND/OR IF THE POTENTIAL TRAFFIC IMPACTS OF THE PROJECT ON ADJOINING PUBLIC STREETS AND INTERSECTIONS COULD REDUCE THE LEVEL OF SERVICE TO A "D" OR LOWER, THE PROJECT ADJOINS A PUBLIC STREET OR INTERSECTION THAT HAS BEEN IDENTIFIED AS "UNSAFE" OR A "HIGH ACCIDENT LOCATION," THE PROJECT SITE LACKS ADEQUATE ACCESS TO DISTRIBUTE THE PROJECTED TRAFFIC IN A SAFE MANNER, OR THE PROJECT HAS A POTENTIALLY SIGNIFICANT IMPACT ON A HIGHWAY OWNED AND MAINTAINED BY THE STATE OF MARYLAND. IF THE DIRECTOR OF ENGINEERING DETERMINES THAT A COMPREHENSIVE TRAFFIC STUDY IS NECESSARY, SUCH STUDY AND ASSOCIATED RECOMMENDATIONS SHALL BE PREPARED AND APPENDED TO THE COMPREHENSIVE

MASTER REDEVELOPMENT PLAN AND REVIEWED BY THE DIRECTOR OF ENGINEERING PRIOR TO A FORMAL RECOMMENDATION OF APPROVAL OR DENIAL FROM THE PLANNING COMMISSION.

- (h) ANY SPECIFIC INFRASTRUCTURE (WATER, SEWER, STREET, OR OTHER UTILITY) DETAILS AND SPECIFICATIONS THAT MAY BE REQUIRED BY THE DIRECTOR OF ENGINEERING. EVERY PLANNED DEVELOPMENT SHALL INCLUDE A MANAGEMENT AGREEMENT PROVISIONS FOR THE CONTROL AND MAINTENANCE OF ALL AREAS WITHIN THE DEVELOPMENT UNDER COMMON OWNERSHIP, A DRAFT COPY OF WHICH SHALL BE INCLUDED IN THE MASTER PLAN OF DEVELOPMENT.
  - (i) AN ENGINEERING REPORT REGARDING THE STRUCTURAL SOUNDNESS OF ANY EXISTING BUILDINGS ON THE PROPERTY THAT WILL BE REUSED OR REHABILITATED, UNLESS SUCH REPORT IS WAIVED BY A BUILDING/ZONING OFFICIAL BASED ON A VISUAL INSPECTION OF THE BUILDING(S).
  - (j) ANY PROPOSED ARCHITECTURAL RENDERINGS AND/OR ELEVATIONS THAT MAY BE DESIRED TO DEPICT THE DESIGN OF THE PROJECT AND/OR SPECIFIC IMPROVEMENTS.
  - (k) VERIFICATION OF CONCEPTUAL STORMWATER MANAGEMENT PLAN APPROVAL FOR THE PROJECT BY THE DIRECTOR OF ENGINEERING.
  - (l) A DETERMINATION OF ANY AND ALL AREAS WITHIN THE PROJECT SITE THAT ARE LOCATED WITHIN THE ONE HUNDRED YEAR (BASE) FLOOD ELEVATION AND/OR A FLOODWAY AS DEPICTED ON THE APPLICABLE FLOOD INSURANCE RATE MAP AND/OR FLOOD INSURANCE STUDY PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
  - (m) A MAP OF THE SITE DEPICTING THE LOCATION OF ANY NON-TIDAL WETLAND AREAS WITHIN THE PROJECT SITE THAT MAY REQUIRE A SPECIAL PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE MARYLAND DEPARTMENT OF ENVIRONMENT. A DETERMINATION LETTER FROM THE U.S ARMY CORPS OF ENGINEERS AND THE MARYLAND DEPARTMENT OF ENVIRONMENT VERIFYING THAT NO SUCH NON-TIDAL WETLAND AREAS EXIST ON THE PROJECT SITE MAY BE PROVIDED IN LIEU OF THE REQUIRED WETLANDS MAP.
  - (n) IF THE PROPOSED PROJECT IS LOCATED WITHIN A LOCAL HISTORIC DISTRICT OR IS SUBJECT TO SECTION 106 REVIEW AND APPROVAL, A LISTING OF AND MAP DEPICTING ALL ELIGIBLE HISTORIC STRUCTURES ON THE SITE AND THEIR PROPOSED DISPOSITION (REMOVAL, REHABILITATION, OR EXPANSION) SHALL BE INCLUDED IN THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN.
  - (o) ADDITIONAL TECHNICAL APPENDICES, AS MAY BE WARRANTED BY THE SPECIAL NATURE OF THE PROJECT OR PROJECT SITE CONDITIONS.
- (2) AN APPLICATION AND COMPREHENSIVE MASTER PLAN OF DEVELOPMENT SHALL BE FILED, REVIEWED, APPROVED, AND AMENDED IN THE SAME MANNER AS A ZONING MAP AMENDMENT, AS GOVERNED BY SECTION 15 OF THIS ORDINANCE. AN APPLICANT MAY

PRESENT TO STAFF AND/OR THE PLANNING COMMISSION A PRELIMINARY CONCEPTUAL PROPOSAL OF THE PROJECT PRIOR TO THE FILING OF A FORMAL ZONING MAP AMENDMENT. THE PURPOSE OF SAID PRELIMINARY CONCEPTUAL PLAN SHALL BE TO ENGAGE IN NON-BINDING DISCUSSIONS ABOUT THE PROJECT CONCEPT AND THE FORMAL REVIEW PROCESS, SPECIAL STAFF OR OUTSIDE APPROVALS THAT MAY BE REQUIRED BY THE PLANNING COMMISSION AS PART OF THE APPLICATION, AND THE NEED FOR SPECIAL INFORMATION OR PROJECT DETAILS TO BE INCLUDED IN THE COMPREHENSIVE MASTER PLAN OF DEVELOPMENT. THE ZONING MAP AMENDMENT MAY BE APPROVED BY THE MAYOR AND COUNCIL, BASED ON FINDINGS THAT THE PROPOSED PROJECT WILL BE COMPATIBLE WITH NEIGHBORING USES AND THE AREA OF THE CITY WHERE IT WILL BE LOCATED, CONSISTENT WITH THE GENERAL SPIRIT AND INTENT OF THE COMPREHENSIVE PLAN, AND SATISFIES BOTH THE APPLICABILITY REQUIREMENTS AND PERFORMANCE STANDARDS SPECIFIED IN SECTIONS 6.16.01 AND 6.16.04, RESPECTIVELY.

- (3) IF A PROPOSED PROJECT IS LOCATED WITHIN A LOCALLY-ZONED HISTORIC DISTRICT AND THE DEMOLITION OF ANY HISTORIC STRUCTURE ON THE SITE IS PROPOSED, THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL OR DENIAL TO THE MAYOR AND COUNCIL OF A PLANNED DEVELOPMENT FLOATING ZONE PETITION UNTIL THE HISTORIC PRESERVATION COMMISSION HAS APPROVED OR DENIED THE PROJECT.
- (4) THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL OR DENIAL TO THE MAYOR AND COUNCIL OF A PLANNED DEVELOPMENT FLOATING ZONE PETITION UNTIL THE DIRECTOR OF ENGINEERING HAS DETERMINED THAT A SPECIAL TRAFFIC IMPACT STUDY FOR THE PROJECT IS EITHER NOT REQUIRED OR, IF REQUIRED, HAS BEEN APPROVED, A CONCEPTUAL STORMWATER MANAGEMENT PLAN FOR THE PROJECT HAS BEEN APPROVED, AND THE MANNER OF CONNECTION TO MUNICIPAL UTILITIES HAS BEEN APPROVED.
- (5) THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL TO THE MAYOR AND COUNCIL OF A PLANNED DEVELOPMENT FLOATING ZONE PETITION UNTIL THE OVERALL SITE DEVELOPMENT PLAN FOR THE PROJECT (INCLUDING ANY PROPOSED SUBDIVISION OR RESUBDIVISION OF THE DEVELOPMENT SITE) HAS BEEN APPROVED OR CONDITIONALLY APPROVED BY THE PLANNING COMMISSION—IN THE CASE OF A MAJOR SITE PLAN AND/OR SUBDIVISION/RESUBDIVISION—OR BY THE ZONING ADMINISTRATOR—IN THE CASE OF A MINOR SITE PLAN AND/OR SUBDIVISION/RESUBDIVISION.
- (6) WHERE THE SUBDIVISION OR RESUBDIVISION OF THE PROJECT SITE HAS BEEN PROPOSED, THE APPROVAL OF THE REZONING PETITION AND COMPREHENSIVE MASTER PLAN OF DEVELOPMENT BY THE MAYOR AND CITY COUNCIL SHALL AUTHORIZE THE APPLICANT TO PROCEED WITH THE PREPARATION OF A FINAL PLAT OF SUBDIVISION FOR APPROVAL BY THE PLANNING COMMISSION.

#### 6.16.04 PERFORMANCE STANDARDS

ALL PROPOSED USES WITHIN THE DEVELOPMENT SHALL COMPLY WITH THE FOLLOWING:

- (1) THE GENERAL PERFORMANCE STANDARDS SPECIFIED IN SECTION 6.08 OF THIS ORDINANCE.
- (2) THE OFF-STREET PARKING AND LOADING/UNLOADING REQUIREMENTS SPECIFIED IN SECTION 12 OF THIS ORDINANCE. THE PROVISION OF THE REQUIRED PARKING AREAS SHALL BE

DEPICTED ON THE OVERALL SITE DEVELOPMENT PLAN OR VERIFIED THROUGH A DRAFT TRANSFERABLE PERPETUAL PARKING AGREEMENT TO BE SIGNED BY THE OWNER OF THE PROJECT AND THE PARKING FACILITY. ANY AND ALL PROPOSED PUBLIC TRANSIT IMPROVEMENTS WITHIN OR ADJACENT TO THE DEVELOPMENT SITE SHALL BE DEPICTED ON THE OVERALL SITE DEVELOPMENT PLAN.

- (3) THE BUFFER STRIP REQUIREMENTS OF SECTION 13 OF THIS ORDINANCE. WHERE PRACTICABLE (TAKING INTO CONSIDERATION EXISTING SITE CONSTRAINTS AND ELEVATION CHANGES), BUFFERS SHALL BE DESIGNED TO AFFORD THE MOST ATTRACTIVE AND EFFECTIVE TRANSITIONS BETWEEN THE PROJECT AND NEIGHBORING RESIDENTIAL AREAS SURROUNDING THE PROJECT.
- (4) ALL PROPOSED SIGNAGE SHALL BE CONSISTENT WITH THE SPECIFIC REQUIREMENTS IN SECTION 14 OF THIS ORDINANCE, BASED ON THE GENERAL ZONING DISTRICT CLASSIFICATIONS FOR THE LAND USES PROPOSED WITHIN THE PROJECT. THE SIGNAGE PLAN SHALL BE DESIGNED TO EFFECTIVELY DIRECT TRAFFIC FROM THE PROJECT ENTRANCES AND SURROUNDING STREETS TO DESTINATIONS WITHIN THE SITE WITH A REASONABLE AMOUNT OF ADVERTISING FOR INDIVIDUAL BUSINESSES IN A COMPREHENSIVE FORM AND PATTERN THAT WILL EFFECTIVELY PREVENT SIGN COMPETITION AND VISUAL CLUTTER.
  - (a) WHEN THE PROJECT INCLUDES NON-RESIDENTIAL (INSTITUTIONAL AND/OR COMMERCIAL BUSINESS) BUILDINGS OR PRINCIPAL USES, ENTRANCES TO THE SITE SHOULD FEATURE SIGNS IDENTIFYING THE PROJECT NAME WITH DIRECTIONAL SIGNAGE TO SPECIFIC NON-RESIDENTIAL USE AREAS OR BUILDINGS WITHIN THE PROJECT. INDIVIDUAL AND SPECIAL BUSINESS IDENTIFICATION SIGNAGE SHALL BE CONFINED TO THE INTERNAL AREAS OF THE PROJECT AS MAY BE NECESSARY TO ANNOUNCE ARRIVAL OF THE TRAVELING PUBLIC TO SPECIFIC BUSINESS DESTINATIONS.
  - (b) IN ALL PROJECTS, SIGN TYPES, FREQUENCY, SIZE (SIGN AREA), AND HEIGHT SHALL BE APPROPRIATE, READABLE, AND NOT EXCESSIVE FOR THE FUNCTIONAL CLASSIFICATION AND POSTED TRAVEL SPEEDS OF THE STREETS WITHIN AND ADJACENT TO THE PROJECT SITE. THE HEIGHT, LOCATION, SIZE (SIGN AREA), AND AMOUNT OF VISUAL INFORMATION CONTAINED ON EACH SIGN SHOULD BE DESIGNED AND PLACED SO THAT IT IS LEGIBLE FROM THE ADJOINING STREETS, CLEARLY VISIBLE WITHIN THE STANDARD FIELD OF VIEW OF APPROACHING VEHICLES (WITHOUT COMPROMISING OR INTERFERING WITH REQUIRED INTERSECTION SITE DISTANCES AND TRAFFIC REGULATORY, WARNING, AND GUIDE SIGNS), AND ABLE TO BE DISCERNED AND COMPREHENDED WITHIN 8 SECONDS AT AN AVERAGE OR NORMAL READING SPEED.
  - (c) SIGNAGE SHALL BE ARRANGED AND LOCATED IN MANNER THAT WILL MINIMIZE VISUAL CLUTTER AND DRIVER CONFUSION.
  - (d) FREESTANDING PEDESTRIAN DIRECTORY SIGNS MAY BE PROVIDED WITHIN PARKING LOTS CONTAINING FIFTY (50) OR MORE PARKING SPACES AND/OR AT THE MAIN ENTRANCES TO EACH BUILDING CONTAINING MULTIPLE USES OR TENANTS.

- (e) OFF-PREMISE SIGNS OR OUTDOOR ADVERTISING SHALL NOT BE PERMITTED WITHIN THE PLANNED DEVELOPMENT FLOATING ZONE.
  - (f) ALL PROPOSED SIGNAGE WITHIN A LOCAL HISTORIC DISTRICT SHALL BE APPROVED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO ANY RECOMMENDATION OF APPROVAL OF THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN BY THE PLANNING COMMISSION.
- (5) THE PROPOSED PROJECT SHALL PROVIDE ADEQUATE ACCESS/EGRESS POINTS AND INTERNAL STREETS TO SAFELY DISTRIBUTE AND ACCOMMODATE THE TRAFFIC GENERATED BY THE SITE AND PROVIDE FOR ESSENTIAL EMERGENCY ACCESS AND SERVICES, AS DETERMINED BY THE DIRECTOR OF ENGINEERING.
  - (6) NO OUTDOOR STORAGE OF MATERIALS OR PRODUCTS SHALL BE PERMITTED WITHIN THE PROJECT.
  - (7) THE PROJECT SHALL BE CONNECTED TO AND SERVED BY BASIC MUNICIPAL UTILITIES OWNED AND OPERATED BY THE CITY OF CUMBERLAND.
  - (8) WHEN A PLANNED DEVELOPMENT FLOATING ZONE IS PROPOSED WITHIN AN R-S (SUBURBAN RESIDENTIAL ZONE) THE APPLICABLE CLUSTER DEVELOPMENT PROVISIONS SPECIFIED IN SECTION 9 OF THIS ORDINANCE ALSO MAY BE APPLIED.
  - (9) DENSITY BONUS – FOR PLANNED DEVELOPMENT PROJECTS PROPOSED WITHIN THE R-0 (OFFICE/RESIDENTIAL) BASE ZONE WITH A GROSS SITE AREA OF THREE (3) OR MORE ACRES, AN OVERALL MAXIMUM DEVELOPMENT DENSITY BONUS OF UP TO AND INCLUDING TEN (10) PERCENT, ALONG WITH A CORRESPONDING PERCENTAGE DECREASE IN THE APPLICABLE LOT, SIDE AND REAR YARD SETBACK REQUIREMENTS AND A CORRESPONDING PERCENTAGE INCREASE IN THE APPLICABLE MAXIMUM BUILDING COVERAGE REQUIREMENTS SHALL BE PERMITTED.

**AMEND SECTION 8.05 - GENERAL SITE DESIGN STANDARDS AS FOLLOWS:**

- (1) In the review of a site plan, the Zoning Administrator and Planning Commission shall review the site plan for compliance with the provisions of this Ordinance and principals of good planning and design, so as to further the intent and purpose of this Ordinance. Where a proposed development site consists of more than one lot of record, the applicable zoning requirements and standards shall be fully satisfied for each individual lot of record, unless and until the individual lots comprising the development site shall be consolidated into one undivided lot of record in the Allegany County Land Records. In the event the lots are consolidated, the instrument effecting the consolidation shall include the following statement: “In accordance with Sections 6.03.01(4) and 8.05(1) of the City of Cumberland Zoning Ordinance, the property described herein shall be treated as one lot of record.”
- (2) The applicant must demonstrate that the site plan meets the following criteria and that the development as proposed will not be detrimental to the public health, safety or general welfare:
  - (a) The development shall be compatible with (and not cause adverse impact on) the neighboring properties and public facilities.
  - (b) The development shall provide adequately for parking and for safe access to and from public streets and highways, and shall minimize adverse effects on vehicular and pedestrian circulation. If deemed necessary by the Zoning Administrator or Planning Commission, the applicant may be required to prepare a traffic impact analysis to quantify the amount of traffic generated by the proposed development and projected impacts on traffic circulation in the area.
  - (c) The development shall provide for open space and parkland, when required, and protect sensitive natural areas from development which minimizes natural hazards.
  - (d) The development shall be adequately served by public facilities and services, such as sewer, water, streetlights, sidewalks, stormwater management and/or storm drains; and police, fire and refuse collection.
- (3) Site plans for which stormwater management and/or sediment and erosion control measures are required shall be reviewed by the City Engineer and Natural Resources Conservation Service for compliance with City and State requirements. **CONCEPTUAL STORMWATER MANAGEMENT PLAN APPROVAL SHALL BE OBTAINED PRIOR TO SUBMISSION OF A SITE PLAN.** The City’s Stormwater Management Ordinance requires that the two (2) and ten (10) year post development peak discharge rates shall be controlled and released at the respective two (2) and ten (10) year predevelopment rates. The difference between the predevelopment and postdevelopment runoffs for the two (2) and ten (10) year storms shall be retained in an approved stormwater management facility.

- (4) Developments on slopes greater than twenty-five (25) percent shall conform to the steep slope guidelines contained in Section 6.09.
- (5) Development within the designated floodplain zone shall conform to the requirements of Section 6.10 and Ordinance #3104.
- (6) Development within locations identified as potentially containing threatened or endangered habitat and/or species shall conform to the requirements of Section 6.11.
- (7) Site plans for properties within the Gateway Corridor District shall conform to the design guidelines contained in Section 6.13.
- (8) Site plans for properties within the Viewshed Protection Overlay District shall conform to the design guidelines contained in Section 6.15.

**AMEND SECTION 9.03.02 – PERMITTED USES IN CLUSTER DEVELOPMENTS AS FOLLOWS:**

9.03.02 Permitted Uses

- (1) Single-family detached, single-family attached, **AND** two-family, ~~and low-rise apartment buildings~~ **DWELLINGS** shall be permitted in cluster developments in the R-E zone, provided that an overall density of four dwelling units per acre of land within the tract is maintained.
- (2) Single-family detached, ~~and~~ single-family attached dwellings, **TWO-FAMILY DWELLINGS, AND LOW-RISE APARTMENT BUILDINGS** shall be permitted in cluster developments in the R-S zone, provided that an overall density of four dwelling units per acre of land within the tract is maintained.

**AMEND SECTION 12.02.03 - SCHEDULE OF USES AND PARKING QUANTITY REGULATIONS AS FOLLOWS:**

All uses permitted by this Ordinance or hereafter permitted in any of the zones herein established, except Central Business District, shall provide, as a minimum, the number of off-street parking spaces specified in the following schedule. Parking spaces for employees shall be computed on the basis of maximum employment, including seasonal and part-time, on the largest shift. For uses not specified in the following schedule the same requirements of the most similar use in the schedule shall apply. Where calculations of spaces result in fractional space, any fraction under one half (1/2) may be disregarded and any fraction of one half (1/2) and over shall be construed as one (1) whole space.

**WHERE THE APPLICABLE PARKING REQUIREMENT IS BASED ON FLOOR AREA SQUARE FOOTAGE, AREAS WITHIN THE PRINCIPAL USE BUILDING DEDICATED EXCLUSIVELY TO BUSINESS MATERIAL AND INVENTORY WAREHOUSING AND STORAGE AREA SHALL NOT BE INCLUDED WITHIN THE CALCULATION.**

- (1) Bowling Alleys: Four (4) parking spaces for each alley, plus one (1) for every two (2) employees.
- (2) Churches: One (1) parking space for every five (5) seats. Where individual seats are not provided, each twenty (20) inches of pews or similar seating shall be considered as one (1) seat for the purposes of determining this requirement.
- (3) Clubhouses and Permanent Meeting Places of Veteran, Business, Civic, Fraternal, and Similar Organizations: One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly halls, and dining areas of such buildings, plus one (1) space for every two (2) employees, plus such additional space as required by this schedule because of any supplementary parking-generating activities.
- (4) Commercial Indoor Recreation: One (1) parking space for every two hundred (200) square feet of floor area.
- (5) Elderly Housing: One (1) parking space per every two (2) dwelling units.
- (6) Funeral Homes: One (1) parking space for each family residing on the premises, plus one (1) space for every two (2) employees (other than resident on the premises), plus one (1) space for every fifty (50) square feet of aggregate floor area in the viewing rooms, slumber rooms, parlors or individual funeral service rooms, or a minimum total of twenty-five (25) spaces, whichever is greater.
- (7) Hospitals and Nursing and Convalescent Homes:
  - (a) Hospitals: One (1) parking space for every three (3) patient beds excluding bassinets, plus one (1) space for each staff and/or visiting doctor, plus one (1) space for every two (2) employees including nurses. Loading and unloading space for ambulances and similar vehicles are not included in the spaces required herein.

- (b) Nursing and Convalescent Homes: One (1) parking space for every five (5) beds, plus one (1) space for each staff doctor, plus one (1) space for every two (2) employees including nurses. Loading and unloading space for ambulances and similar vehicles are not included in the spaces required herein.
- (8) Hotels: One (1) parking space for every three (3) guests or sleeping rooms and suites, plus one (1) space for every five (5) employees, plus such additional space as required by this parking schedule because of any supplementary parking-generating activities representing business uses other than guest and sleeping rooms.
- (9) Industrial or Manufacturing Establishment: One (1) parking space for every four (4) employees, plus one (1) space for every one thousand (1,000) square feet of gross habitable floor area intended for use by visitors.
- (10) Libraries, Museums, Post Offices, and Similar Establishments: Parking or storage space for all vehicles used directly in the operation of such establishments, plus four (4) spaces for the first one thousand (1,000) square feet of gross habitable floor area, plus one (1) space for every additional one hundred fifty (150) square feet of floor area.
- (11) Medical and Dental Clinics: ~~Three (3)~~ **FOUR (4)** parking spaces for each doctor or dentist, plus one (1) space for every **EMPLOYEE** ~~two (2) employees~~.
- (12) Mini-storage Facilities: One (1) space for every twenty (20) storage stalls.
- (13) Office, Professional or Public Buildings: One (1) space for each two (2) occupants or employees working on the premises, plus one (1) space for each five hundred (500) square feet.
- (14) Repair Shops, Plumbing Shops, Electrical Shops, Roofing Shops, and Other Similar Service Establishments: Parking or storage space for all vehicles used directly in the conduct of the business, plus two (2) spaces for each employee.
- (15) Residences, Apartments, and Conversions (except as hereinafter modified):
- (a) One (1) parking space for each efficiency unit.
  - (b) One and one-quarter (1 1/4) parking spaces for each one (1) bedroom unit.
  - (c) One (1) parking space for each subsidized low income public housing unit.
  - (d) One and one-half (1 1/2) parking spaces for each two (2) bedroom apartment unit.
  - (e) Two (2) parking spaces for each three (3) or more bedroom apartment unit, rowhouse, two-family dwelling, or single-family dwelling. In cases where existing single-family or two-family dwelling structures are expanded or converted to include more than one (1) or two (2) dwellings, respectively, the Board of Appeals may permit the parking for at least one unit to take place on the street, provided that it can be clearly demonstrated

that sufficient place for all required off-street parking is not possible and that on-street parking is permitted, and that such on-street parking will not increase traffic congestion in the neighborhood.

- (16) Restaurants, Night Clubs, Tearooms, Lunch Counters, or the Like: One (1) parking space for every four (4) employees, plus one (1) space for every four (4) seats for customers.
- (17) Retail Stores, Shopping Centers: Five (5) parking spaces for every one thousand (1,000) square feet of retail sales area. Office uses and other major non-retail uses within a shopping center shall provide parking spaces as required in this schedule.
- (18) Roadside Stands, Drive-in Restaurants, or Other Roadside Service Establishments: One (1) parking space for each employee, plus sufficient spaces to meet the reasonable demands of the business, as determined by the Zoning Administrator.
- (19) Rooming and Boarding Houses: One (1) parking space for every three sleeping rooms to be occupied by roomers or boarders, plus one (1) space for each dwelling unit on the premises, plus one (1) space for every two (2) employees not living on the premises.
- (20) Schools: One (1) parking space for every two (2) employees including teachers and administrators, plus off-street space for loading and unloading of students, plus additional facilities for student parking at the high school level and above at the ratio of five (5) spaces for each classroom.
- (21) Self-Service Laundries and Cleaning Establishments: One (1) parking space for every four (4) washing, drying, and dry-cleaning machines in excess of twenty (20).
- (22) Service Stations, Public and Repair Garages: Parking space for all vehicles used directly in the conduct of the business, plus three (3) spaces for each vehicle lift or similar facility, plus one (1) space for every two (2) employees.
- (23) Theaters, Auditoriums, Civic Centers, Stadiums, Sports Areas, or Similar Uses: One (1) parking space for every six (6) seats, plus one (1) space for every two (2) employees. Where individual seats are not provided, each twenty (20) inches of benches or other similar seating shall be considered as one (1) seat for the purpose of determining this requirement.
- (24) Tourist Homes, Cabins, or Motels: One (1) parking space for each guest or sleeping room or suite plus one (1) space for the owner or manager, if resident on the premises, plus such additional space as required by this parking schedule because of any supplementary parking-generating activities representing business uses other than guest and sleeping rooms.
- (25) Transportation Terminals (Passenger): One (1) parking space for every one hundred (100) square feet of waiting room space plus one (1) space for every two (2) employees.

- (26) Universities, Colleges, Academies, and Similar Institutions of Higher Learning: One (1) parking space for every two (2) employees on the premises at any one time in classroom, museum, theater, library, student center, or physical education buildings, whether for faculty, administration, or maintenance personnel. In addition, a number of spaces equivalent to twenty (20) percent of the total staff spaces shall be constructed to accommodate visitors to each building. In the event that the above named facilities are to be rented to outside public or private organizations, groups, or activities, the individual parking regulations of such facilities as herein specified shall apply.
- (27) Warehouses, Freight and Trucking Terminals, Wholesale Businesses: Parking space for all vehicles used directly in the conduct of the business, plus two (2) spaces for each employee.
- (28) Welfare Institutions such as Asylums and Orphanages: One (1) parking space for each staff doctor, plus one (1) space for every three (3) employees, plus one (1) space for every one thousand (1,000) square feet of gross habitable floor area for visitor and resident parking, plus such additional space as required by this schedule because of any supplementary parking-generating activities.
- (29) Other Business and Service Establishments Not Specifically Covered Herein: One (1) parking space for every two hundred (200) square feet of gross habitable floor area or sufficient spaces to meet the reasonable demands of the business, as approved by the Zoning Administrator.

**AMEND SECTION 14.04 -SIGN TYPES AS FOLLOWS:**

- (1) Business or Identification Sign: A sign which directs attention to a business, profession, product, service, activity, or entertainment sold or offered upon the premises where such sign is located.
- (2) Commercial Advertising Sign (Billboard): A board panel, or tablet used for the display of printed or painted advertising matter which directs attention to a business, product, service, activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
- (3) Directional Sign: A sign or device intended to direct or point toward a place, or object, or one that points out the way to either an unfamiliar or a known location or general activity that obviously could not be easily located without such a sign or device. Directional signs shall not relate to specific commercials, enterprises, or other non-governmental places.
- (4) ELECTRONIC CHANGEABLE COPY SIGN: A TYPE OF SIGN OR PORTION THEREOF THAT IS CAPABLE OF DISPLAYING WORDS, SYMBOLS OR ALPHANUMERIC CHARACTERS WHICH ARE DEFINED BY A SMALL NUMBER OF MATRIX ELEMENTS USING DIFFERENT COMBINATIONS OF LIGHT EMITTING DIODES (LEDS), FIBER OPTICS, LIGHT BULBS OR OTHER ILLUMINATION DEVICES THAT CAN BE ELECTRONICALLY OR AUTOMATICALLY PROGRAMMED AND MAY BE CHANGED BY REMOTE OR AUTOMATIC MEANS. THE APPLICABLE STANDARDS AND REQUIREMENTS FOR ELECTRONIC CHANGEABLE COPY SIGNS ARE SPECIFIED IN SECTION 14.09.**
- ~~(4)~~ (5) Flashing Sign: A sign, the illumination of which is not kept constantly in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects. Illuminated signs which indicate the time, temperature, date, or other similar information shall not be considered flashing signs.
- ~~(5)~~ (6) Illuminated Sign: A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign.
- ~~(6)~~ (7) Indirectly Illuminated Sign: An illuminated, non-flashing sign whose illumination is derived from an external artificial source so arranged that no direct rays of light are projected from such artificial source into residential zones or public streets.
- ~~(7)~~ (8) Low Ground Sign: Non-advertising, for identification purpose only, unless otherwise specified elsewhere in this ordinance.
- ~~(8)~~ (9) Name Plate Sign: A sign which states the name or address, or both, of the occupant of the lot where the sign is located.
- ~~(9)~~ (10) Neighborhood Identification Sign: A sign intended to promote the identity of a neighborhood or other sub-area within the City.
- ~~(10)~~(11) Occupant Sign: A sign bearing only the names and/or address of occupants or premises.

~~(11)~~**(12)** Pole or Ground Sign (Freestanding Sign): A sign supported by, or suspended from a freestanding column or other support located in or upon the ground surface.

~~(12)~~**(13)** Projecting Sign: A sign which is attached to the structure wall and which extends perpendicular or at an angle from the plane of such wall.

~~(13)~~**(14)** Rooftop Signs: Prohibited.

~~(14)~~**(15)** Sandwich/Sidewalk Sign: An “A-Frame” type sign which stands with self-supporting elements and is not permanently affixed to the ground. Sandwich signs may be used to communicate a specific message or information (e.g., lunch menus, special sales, promotional events) that is not found in a business’ permanent signage.

~~(15)~~**(16)** Temporary Sign: A sign that:

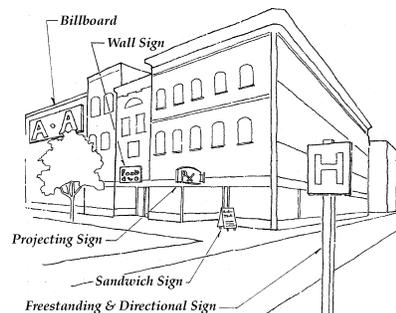
- (a) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign; or
- (b) is intended to remain on the location where it is erected or placed for a period of not more than 15 days.

If a sign display is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

~~(16)~~**(17)** Wall Sign (Parallel Sign): A sign attached to the wall of a structure with the face in a plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

~~(17)~~**(18)** Wall Painted Signs: A sign painted directly on the wall of a structure.

~~(18)~~**(19)** Window Sign: A sign affixed to or visible through a window of a building.



**AMEND SECTION 14.05 - PROHIBITED SIGNS IN ALL DISTRICTS AS FOLLOWS:**

The following sign types are prohibited within all districts:

- (1) Signs which any way simulate official, functional, directional, or warning signs erected or maintained by the United States Government, the State of Maryland, County, or municipality thereof, or by any railroad, or public utility, or similar agency concerned with the protection of public health or safety.
- (2) Banners, spinners, flags, pennants, or any moving object used for commercial advertising purposes more than fifteen (15) square feet in size, whether containing a message or not, except for use during not more than four (4) special occasions in one (1) calendar year by a use located in the Local Business, Highway Business, Central Business, and Business-Commercial Districts for a period of not more than a total of twenty (20) days per calendar year or unless permitted as a Temporary Sign under Section 14.04 ~~(15)~~ (16).
- (3) Flashing, blinking, twinkling, animated, or moving signs of any type, except **FOR public service messages (including time and temperature) DISPLAYS.**
- (4) Signs placed, inscribed, or supported upon the roof or upon any structure which extends above the eave of the roof of any building.
- (5) Signs, other than Sandwich Board/Sidewalk signs, on mobile stands which can be moved from place to place.
- (6) Signs which emit smoke, visible vapors, or particles, sound, or odor.

**AMEND SECTION 14.09 – GENERAL SIGN REGULATIONS AS FOLLOWS:**

- (1) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance in the zone in which the property to which the sign relates is located.
- (2) On-site signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use or product within eight (8) months after cessation of the original use. Signs once removed shall be replaced only by signs in conformance with this Ordinance.
- (3) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristic), or through any other means.

- (4) All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to the performance criteria of the Underwriters Laboratory, Incorporated, or to applicable City codes, whichever is more stringent.
- (5) Signs may be illuminated by direct lighting, but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the streets or sidewalks. No flood or spot lights shall be mounted higher than twenty-five (25) feet above ground level.
- (6) Only signs of a duly constituted governmental body, including traffic signs and similar regulatory notices, and neighborhood identification signs as provided by item (7) below, shall be allowed within street rights-of-way unless specifically authorized by other ordinances and regulations of the City.
- (7) Neighborhood identification signs are allowed in all districts, subject to approval of sign size, location, height, materials, color, text, and overall design by the Zoning Administrator. The area of such signs shall not exceed thirty-two (32) square feet.
- (8) Low ground signs are allowed in all districts, subject to approval of sign size, location, height, materials, color, text, and overall design by the Zoning Administrator. The intent of low ground signs is to provide a flexible method, with controls, to identify properties, uses, businesses, agencies, etc., which can allow latitude of creative design and be durable and safe, and not detract from its location. In no case shall low ground signs be permitted to be greater than five (5) feet in height. **THE MAXIMUM PERMITTED GROSS SIGN AREA PER DISPLAY FACE FOR AN ELECTRONIC CHANGEABLE COPY SIGNS ERECTED AS A LOW GROUND SIGN SHALL NOT EXCEED THIRTY-TWO (32) SQUARE FEET. ELECTRONIC CHANGEABLE COPY SIGNS SHALL BE PROHIBITED AS LOW GROUND SIGNS IN THE CONSERVATION ZONE AND THE R-E (ESTATE RESIDENTIAL), R-S (SUBURBAN RESIDENTIAL), AND R-U (URBAN RESIDENTIAL) ZONES AND ON RESIDENTIAL PRINCIPAL USE PROPERTIES WITHIN THE R-O (OFFICE/RESIDENTIAL) ZONE.**
- (9) If an establishment has walls fronting on two (2) or more streets, the sign area for each street may be computed separately.
- (10) No sign except such directional devices as may be required by the Federal and State Aviation Authorities shall be placed, inscribed, or supported upon the roof or upon any structure which extends above the eave of the roof of any building.
- (11) Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs no longer is incidental to the vehicle's primary purpose, but becomes a primary purpose in itself, shall be considered a freestanding sign and, as such, be subject to the provisions regarding freestanding signs in the district in which such vehicle is located.
- (12) No sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered only elsewhere than upon the premises where it is displayed shall be established

nearer than one hundred (100) feet to a Residential District unless the advertisement surface of such sign is not visible therefrom.

- (13) No sign in other than a Residential or Conservation District shall be located so as to face any Residential or Conservation District on the same side of the street on which the property bearing the sign fronts. This provision shall not apply to signs at right angles to the street line of such street.
- (14) Freestanding signs shall be set back at least ten (10) feet from the front lot line. No freestanding sign in other than a Residential or Conservation District shall extend within twenty-five (25) feet of any Residential or Conservation District boundary line. Signs for service stations shall not be located within any street right-of-way.
- (15) Parallel or wall signs shall not extend beyond the edge of any wall to which they are mounted and shall not project more than fifteen (15) inches from its surface. **THE MAXIMUM PERMITTED GROSS SIGN AREA PER DISPLAY FACE FOR AN ELECTRONIC CHANGEABLE COPY SIGN ERECTED AS A PARALLEL OR WALL SIGN SHALL NOT EXCEED THIRTY-TWO (32) SQUARE FEET.**
- (16) Projecting signs shall not project more than four (4) feet from the wall or surface to which they are mounted nor in any way shall they interfere with normal pedestrian or vehicular traffic. Projecting signs shall not be closer than eighteen (18) inches from the curb line and shall be at least ten (10) feet high above the pavement or ground.
- (17) Only one (1) on-premises sign with a maximum area of one hundred fifty (150) square feet may be erected which faces or is primarily intended to be visible from the National Freeway (Interstate 68). The height of on-premises freestanding signs adjacent to the National Freeway shall not exceed forty (40) feet or shall be no higher than the roadway elevation of the adjacent National Freeway.
- (18) No off-premises sign shall be erected closer than one hundred (100) feet from the edge of the paved roadway of the National Freeway **(INTERSTATE 68)**.
- (19) No sign, except a wall sign or projecting sign as defined herein, shall be permitted to have any portion thereof extending into the public right-of-way in excess of four (4) feet except as hereinafter modified and shall be at least ten (10) feet high above the pavement or ground.
- (20) All sign provisions of this Ordinance shall apply to smoke stacks, water towers, and other similar structures.
- (21) ALL ELECTRONIC CHANGEABLE COPY SIGNS SHALL COMPLY WITH THE FOLLOWING MINIMUM REQUIREMENTS:**
  - (a) ELECTRONIC CHANGEABLE COPY SIGNS SHALL BE PERMITTED ONLY AS A FREESTANDING SIGN, LOW GROUND (MONUMENT) SIGN, OR A PARALLEL (MOUNTED)**

WALL SIGN IN THOSE ZONING DISTRICTS WHERE SPECIFICALLY PERMITTED AND ONLY IN FULL COMPLIANCE WITH THE APPLICABLE DIMENSIONS AND HEIGHT SPECIFIED RESPECTIVELY FOR EACH TYPE OF SIGN WITHIN THE APPLICABLE ZONE. HOWEVER, NOT MORE THAN ONE (1) ELECTRONIC CHANGEABLE COPY SIGN SHALL BE PERMITTED IN ANY CHOSEN FORM ON AN INDIVIDUAL LOT OF RECORD. SINCE ELECTRONIC CHANGEABLE COPY SIGNS PERMIT WIDE FLEXIBILITY IN MESSAGE FONT SIZE AND THE NUMBER OF INDIVIDUAL MESSAGES THAT MAY BE DISPLAYED OVER TIME NOT EASILY OR CONVENIENTLY OBTAINED THROUGH ALTERNATIVE NON-ELECTRONIC MESSAGE SIGN TYPES, INCREASES IN THE PERMITTED NUMBER AND/OR MAXIMUM SIGN (DISPLAY) AREA DIMENSIONS OF ELECTRONIC CHANGEABLE COPY SIGNS SHALL NOT BE APPROVED BY THE ZONING ADMINISTRATOR OR THE BOARD OF ZONING APPEALS.

(b) ALL ELECTRONIC CHANGEABLE COPY SIGNS SHALL BE PROGRAMMED TO ENSURE THAT EACH INDIVIDUAL DISPLAY MESSAGE SHALL REMAIN IN STATIC (NON-MOVING, NON-SCROLLING, NON-STREAMING VIDEO, OR NON-CHANGING) DISPLAY FOR NOT LESS THAN EIGHT (8) CONSECUTIVE SECONDS BEFORE TRANSITIONING TO A DIFFERENT DISPLAY MESSAGE. ANY BACKGROUND IMAGE ACCOMPANYING A MESSAGE SHALL REMAIN STATIC WITH THE WORDING AND SHALL NOT EMULATE ANY FORM OF MOTION OR MOVEMENT. THE TRANSITION BETWEEN INDIVIDUAL MESSAGES SHALL OCCUR THROUGH A GRADUAL FADE OUT OF THE PRECEDING MESSAGE AND A GRADUAL FADE IN TO THE SUBSEQUENT MESSAGE WITH NO IMAGE OVERLAP OF NOT LESS THAN TWO (2) CONSECUTIVE SECONDS, RESULTING IN A COMPLETE INDIVIDUAL MESSAGE CYCLE OF NOT LESS THAN TEN (10) CONSECUTIVE SECONDS. NO FLASHING OR SIMULATED ANIMATION OF ANY MESSAGE OR PORTION THEREOF (WITH THE LIMITED EXCEPTION OF AUTHORIZED TIME AND TEMPERATURE DISPLAYS) SHALL BE PERMITTED ON AN ELECTRONIC CHANGEABLE COPY SIGN. ANY AND ALL BACKGROUND OR TEXT COLOR PATTERNS ASSOCIATED WITH A DISPLAY MESSAGE SHALL REMAIN STATIC AN UNCHANGING DURING EACH MESSAGE DISPLAY CYCLE.

(c) WHERE AN ELECTRONIC CHANGEABLE COPY SIGN SHALL INCLUDE A TIME AND TEMPERATURE DISPLAY, SAID TIME DISPLAY SHALL BE IN NUMERIC HOURS AND MINUTES ONLY (NOT UTILIZING AN ANIMATED CLOCK FACE) AND SAID TEMPERATURE DISPLAY SHALL BE IN NUMERIC FEHRENHEIT AND/OR CELSIUS READINGS ONLY. THE TIME AND TEMPERATURE MESSAGES SHALL BE ALLOWED TO CHANGE ONLY AS NECESSARY TO ENSURE READING ACCURACY AND MAY BE DISPLAYED EITHER AS PART OF EACH STATIC INDIVIDUAL MESSAGE OR AS SEPARATE MESSAGES IN THE DISPLAY CYCLE. THE TIME AND TEMPERATURE SALL BE DISPLAYED IN A FIXED LOCATION ON THE DISPLAY AREA DURING EACH PROGRAMMED DISPLAY CYCLE.

(d) THE SIGN SHALL BE EQUIPPED WITH PHOTOSENSITIVE EQUIPMENT THAT IS PROGRAMMED TO AUTOMATICALLY ADJUST THE BRIGHTNESS AND CONTRAST OF THE SIGN IN DIRECT RELATION TO THE AMBIENT OUTDOOR ILLUMINATION. MAXIMUM BRIGHTNESS LEVELS FOR ELECTRONIC CHANGEABLE COPY SIGNS SHALL

**NOT EXCEED FIVE THOUSAND (5,000) NITS (A STANDARD UNIT MEASURE OF LUMINANCE) WHEN MEASURED FROM THE SIGN'S FACE AT ITS MAXIMUM BRIGHTNESS, DURING DAYLIGHT HOURS, AND FIVE HUNDRED (500) NITS WHEN MEASURED FROM THE SIGN'S FACE AT ITS MAXIMUM BRIGHTNESS BETWEEN DUSK AND DAWN, I.E., THE TIME OF DAY BETWEEN SUNRISE AND SUNSET.**

**(e) ALL LETTERS, NUMBERS, OR OTHER TYPOGRAPHICAL SYMBOLS DISPLAYED ON AN ELECTRONIC CHANGEABLE COPY SIGN SHALL BE OF A SIZE THAT IS FULLY LEGIBLE AND DISTINCTLY DISCERNABLE FROM ANY ASSOCIATED BACKGROUND IMAGE OR COLORS BY A PERSON WITH 20-20 FULL COLOR VISUAL ACUITY AT A DISTANCE OF NOT LESS THAN TWO HUNDRED (200) FEET FROM THE SIGN.**

**(f) EACH ELECTRONIC CHANGEABLE COPY SIGN SHALL BE PROGRAMMED OR SET IN A MANNER SUCH THAT THE DISPLAY WILL TURN DARK AND EMIT NO LIGHT OR SHUT DOWN IN CASE OF A MALFUNCTION.**

**(g) PRIOR TO APPROVAL OF A PERMIT TO INSTALL/ERECT AN ELECTRONIC CHANGEABLE COPY SIGN ON A PROPERTY, THE PROPERTY OWNER AND THE OWNER OF THE PROPOSED SIGN (IF THEY ARE NOT ONE AND THE SAME INDIVIDUAL) SHALL SIGN AN AFFIDAVIT ATTESTING TO AND AFFIRMING THEIR FULL AND COMPLETE UNDERSTANDING OF THE AFOREMENTIONED SPECIFIC REQUIREMENTS AND THEIR CONSENT TO REMAIN IN FULL COMPLIANCE WITH THEM. AN ORIGINAL OF SAID AFFIDAVIT SHALL BE ATTACHED TO THE ISSUED PERMIT AND RETAINED IN THE CITY'S FILES.**

**AMEND SECTION 14.10 – SIGNS IN THE RESIDENTIAL AND CONSERVATION DISTRICTS AS FOLLOWS:**

No sign shall be permitted except as follows:

14.10.01 On-Premises Signs

- (1) Official traffic signs and other official federal, state, county, and City governmental signs.
- (2) Neighborhood identification signs, pursuant to Section 14.09(7).
- (3) Occupant signs, pursuant to Section 14.07.02(5).
- (4) Signs for bulletin or announcement boards for identification of permitted nonresidential buildings provided that the area of any such sign shall not exceed twenty (20) square feet. Not more than one (1) such sign shall be placed on each property.
- (5) Temporary signs, pursuant to Section 14.07.02(6).

- (6) Signs for identification of a permitted home occupation, provided that the area of any such sign shall not exceed four (4) square feet.
- (7) Low ground signs, pursuant to Section 14.09(8), **EXCEPT THAT ELECTRONIC CHANGEABLE COPY SIGNS SHALL BE PROHIBITED WITHIN THE CONSERVATION, R-E, R-S, AND R-U RESIDENTIAL ZONES AND ON RESIDENTIAL PRINCIPAL USE PROPERTIES IN THE R-O (OFFICE/RESIDENTIAL) ZONE.**
- (8) Freestanding signs: prohibited, except for low ground signs.

14.10.02 Off-Premises Signs

- (1) Official traffic signs and other official federal, state, county, and City governmental signs.
- (2) Neighborhood identification signs, pursuant to Section 14.09(7).
- (3) Temporary signs, pursuant to Section 14.07.02(6).

**AMEND SECTION 14.11.01 – ON-PREMISE SIGNS IN THE B-CBD, B-H, B-L, G-C, G-I, AND B-C DISTRICTS AS FOLLOWS:**

14.11.01 On-Premises Signs

- (1) Official traffic signs and other official federal, state, county, and City governmental signs.
- (2) Neighborhood identification signs, pursuant to Section 14.09(7).
- (3) Occupant signs, pursuant to Section 14.07.02(5).
- (4) Temporary signs, pursuant to Section 14.07.02(6).
- (5) Signs for identification of a permitted home occupation, provided that the area of any such sign shall not exceed four (4) square feet.
- (6) Low ground signs, pursuant to Section 14.09 (8) **AND (21)**.
  - (a) Low ground signs shall be located not less than four (4) feet from the property line and shall not be sited within a clear sight triangle as required by section 6.05. The city engineer may authorize a low ground sign to be placed within a clear sight triangle where special circumstances exist, such as (but not necessarily limited to) intersections of one-way streets, where traffic sight visibility at the intersection would not be impeded or compromised in any way by the placement of a low ground sign within the required clear sight triangle.
  - (b) The maximum sign area for a low ground sign shall be thirty-two (32) square feet and not more than ~~four (4)~~ **FIVE (5)** feet in height at any point on the sign face.

(c) Every low ground sign shall be indirectly illuminated as specified in section 14.04 ~~(6)~~ (7). Indirect illumination for a low ground sign shall be accomplished through properly shielded and directed lights located on the ground near the base of the sign.

(d) Special provisions for low ground signs within the G-C and G-I zones.

1. One (1) low ground sign shall be allowed as a replacement for each freestanding sign permitted under Section 14.11.01 (8). For every low ground sign approved for a property, the number of freestanding signs that may be permitted on the property shall be reduced by one (1). If a low ground sign is desired on a property where the maximum number of freestanding signs already exists, at least one (1) of the existing freestanding signs on the property must be removed before the requested low ground sign may be erected.

2. The immediate areas surrounding a low ground sign shall be landscaped with natural vegetation that will not obscure the sign when mature and will not exceed thirty (30) inches in height at maturity when located within either a clear sight triangle or four (4) feet of the property line. The highest point of a low ground sign shall be not more than five (5) feet above the natural grade of the site prior to any alteration of the ground level to support natural landscaping under and around the sign.

3. Up to, but not more than, a continuous area of eight (8) square feet on the face of any low ground sign may be dedicated to an advertising message. Said advertising message space may utilize replaceable copy lettering, but said message shall not be achieved by light-emitting display, lettering, or characters of any kind.

(7) Wall and projecting signs, providing:

(a) Signs attached to a main wall of a principal building shall not project more than four (4) feet therefrom and no portion shall be less than ten (10) feet and no more than twenty-five (25) feet above basic grade. If not projecting more than five (5) inches from a wall of a building, no portion shall be less than seven and one-half (7-1/2) feet above the grade.

(b) The total area of all signs shall not exceed twenty-five (25) percent of the area of the building face (including window and door area and cornices) to which they are attached. In no case, however, shall the total area of all signs exceed one hundred (100) square feet.

(c) Permanent window signs shall be considered parallel signs and included in this computation but shall nevertheless not exceed twenty-five (25) percent of the total window area on each street.

- (d) In the case of a shopping center, or a group of stores, or other business uses on a lot held in single or separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, or similar use. Only parallel signs shall be permitted for the individual establishments. However, a total area permitted to be covered by a sign shall not exceed fifteen (15) percent of the area of the building face.
  - (e) Wall or parallel signs shall be permitted on side or rear wall only if such wall abuts a street, driveway or parking area and shall not distract from the architectural features of the structure as so approved by the Zoning Administrator. The maximum size shall be limited to twenty (20) percent of the total sign area permitted and shall not be more than twenty-five (25) feet above the basic grade.
- (8) Freestanding signs:
- (a) Shall be limited to one (1) except for an establishment which fronts on two (2) or more streets in which case a sign may be erected in each yard fronting on a street.
  - (b) No portion of any such sign shall be less than ten (10) or more than forty (40) feet above the ground except such signs described in (d) and (e) below.
  - (c) The area of any freestanding sign, except such signs as described in (d) and (e) below, shall not exceed one (1) square foot for each two (2) feet of lineal lot frontage or fifty (50) square feet, whichever is smaller.
  - (d) No sign shall be located beyond the rear or side wall of the main building when the rear or side property line on which it is situated abuts a Residential or Conservation District, except signs that convey information such as parking, entrances, and traffic flow directions. The area of one (1) side of any such sign shall not exceed eight (8) square feet. The name of the business located on the premises may appear on such signs.
  - (e) No portion of a shopping center freestanding sign shall be less than twenty (20) or more than forty (40) feet above the ground. The area of any one side of such sign shall not exceed one hundred fifty (150) square feet. The location and orientation of such sign shall be shown on the development plan.
  - (f) In the case of a shopping center, the number of its freestanding signs shall be according to the following schedule: Parking facilities for one hundred (100) to five hundred (500) cars, one (1) freestanding sign shall be allowed. For every additional increment of five hundred (500) parking spaces, one (1) additional freestanding sign is permitted. At no time shall there be more than four (4) freestanding signs per shopping center.
  - (g) In the case of a group of business uses other than a shopping center, on a lot held in single or separate ownership, a single freestanding sign, including individual signs identifying different establishments, may be erected on a common backing provided

that the total area on one (1) side of the sign does not exceed one hundred (100) square feet. The structural backing for all such signs shall be uniform and no sign may extend, in any direction, beyond the outside edge of the backing. No portion of any such backing shall be less than five (5) feet or more than twelve (12) feet above the ground.

**REPEAL SECTION 14.13 – SIGNS IN GROUP DEVELOPMENTS AS FOLLOWS:**

**14.13 ~~SIGNS IN GROUP DEVELOPMENTS REPEALED ON (INSERT ADOPTION DATE) BY ORDINANCE #(INSERT ORDINANCE NUMBER)~~**

**~~14.13.01 Group Development Signs~~**

~~(1) Signage for Group Developments, as defined in the Zoning Ordinance and Subdivision Regulations, will be reviewed and approved by the Municipal Planning Commission during the site plan review and/or subdivision process. The Commission shall consider the needs of the particular Group Development as well as other provisions of this Section and Section 6.16 in approving an appropriate signing plan for the Development.~~