



Planning Commission Meeting Agenda

Monday, April 25, 2022 at 4:30 PM
57 N. Liberty St, Cumberland, MD

The following link may be used to view the meeting live:

PLEDGE OF ALLEGIANCE

CALL TO ORDER / ROLL CALL

APPROVE MEETING AGENDA

CITIZEN'S COMMENTS

CHAIRMAN'S COMMENTS / COMMISSION MEMBER COMMENTS

ADOPTION OF MINUTES

1. Review and Adopt the Meeting Minutes from the March 28, 2022 Meeting

PUBLIC HEARINGS / MEETINGS

2. ZTA 22-02 - Proposed Zoning Text Amendment to Amend Section 25-101 (Establishment of Zoning Districts) and Section 25-132 (Use Regulations Table) to include Dwelling Units/Mixed-Uses as a permitted use in Residential-Office (R-O) Zones - Jeff Silka, Applicant

DISCUSSION / ACTION ITEMS

3. ZTA 22-02 - Discussion/Action on Proposed Zoning Text Amendment

BRIEFINGS

2023 Comprehensive Plan Update - Have held 3 follow-up meetings with City Staff to discuss City-Wide Chapter Updates (Water Resources, Transportation, Economic Development & Revitalization, and Municipal Growth), additional follow-ups scheduled in coming weeks; Continuing Research to update tables with 2020 Census Data

ZTA 22-01 - Held M&CC Public Hearing April 19, 2022

ADJOURN

*Municipal Planning and Zoning Commission
Meeting
March 28, 2022*

The regular meeting of the Municipal Planning and Zoning Commission for the City of Cumberland, Maryland, was held on Tuesday, March 28, 2022, at 4:30 p.m., Members present were Chairman John Jacobs, Ms. Ally Litten, and Mr. Vic Rezendes,

Others attending the meeting were Ms. Morgan Alban, Engineering Consultant, Mr. Jeff Silka, City Administrator and Ms. Debbie Helmstetter, Codes Technician.

MEETING AGENDA

Mr. Vic Rezendes made the motion to approve the agenda as presented. Ms. Ally Litten seconds the motion; all members were in favor. Motion approved.

ADOPTION OF MINUTES

Minutes from November 11, 2021 meeting were approved as read. All members approved the motion.

CHAIRMAN COMMENTS

There were no comments from the Chairman.

CITIZEN COMMENTS

There were no comments from the public.

PUBLIC HEARINGS/MEETINGS

1. **ZTA22-01 – Jeff Silka**, applicant is requesting a - Proposed Zoning Text Amendment to Amend the Definitions (Section 25-23) and the Use Regulations Table (Section 25-132) to permit Fantasy Gambling in the B-L, B-H, B-CBD, B-C I-G, G-C, G-1 Zooning Districts – Mr. Jeff Silka, applicant. Subsections (A) and (B) shall not apply to the State-Licensed Fantasy Competitions and sports. The proposed Zoning Text Amendment would define gambling and amend the Use Regulations Table so as the zoning districts where gambling will be permitted.
2. Ms. Albin stated the State of Maryland has the only say; it is the State who issues the permit, our group just indicates were it could be.

3. **Annual PC Report – Review and Discussions** the Land Use Articles of the Annotated Code of Maryland requires that every local Section 1 – 73 must be filed by July 1st of the previous calendar year.
- a. A total of the 2021 permits that fall within these criteria shows that the City issued 4 building permits or new residential construction. This is an increase of 2 building permits from 2020.
 - b. There was one (1) building permit issued for a multiple family dwelling project in 2020. The City’s permit record shows the following:
 - c. A total of forty-four (44) demolitions permits were issued in 2021.
 - d. The City also issued a total of four (4) residential occupancy permits that resulted in an additional net gain of three (3) residential dwelling units from the City’s housing stock.
 - e. There was one (1) site plan amendment submitted and approved in 2021. This site plan was for an RV Campground on the property of Love’s Travel Stops on Ali Ghan Road.
 - f. There were no comprehensive plan amendments in 2021, 2019, 2018, or 2017.
 - g. There were no Zoning Text Amendments completed in 2021 or 2020.
4. Mr. Vic Rezendes would like to repeat his suggestion that he has suggested for the past few years; basically, it reads; ***“the development activity promoted by the city, during 2021, was not incapable with the County’s 2014 Comprehensive Plan.*** According to Mr. Rezendes he complains every year that “while we are not inconsistent with the 2014 Comprehensive Plan, the city has a lot of add on. Mr. Rezendes Vic is requesting to change the language to be clearer on that. Which basically would say; ***“The government activity permitted by the city in 2021 were not incompatible with the County’s 2014 Comprehensive plan we’re not specifically address in the County’s Plan.”***

We have added a lot of things to the City’s plan that is not in the County’ Plan. He does not want to hear that a business compares both plans and decides to go to LaVale instead of staying in the city limits because we have much more added stuff than the County does. We are going to redo our strategic plan for the next five years and Mr. Rezendes is all for doing this. One of the things we are going to do is to see if a study can be done between the two actual plans and pop up the differences. **Mr. Rezendes made the motion to recommend to the Mayor and City Council with the condition that was suggested, Ms. Ally Litten second the motion. All members were in favor. Motion approved.**

CITY PLANNERS REPORT/BRIEFINGS

1. Ms. Morgan Alban has been working with the City's internal staff, to try to break down the City's report by chapter and see what we can pull out that may need updated. Ms. Alban is still figuring out the statics.
2. She is still in the progress of organizing neighborhood meetings.
3. Ms. Alban will still be working on internal edits for the next couple of months and then start moving into the neighborhoods for meetings. She is hopeful to start the meetings in the neighborhoods this spring and summer. She is hoping for the Commissions help in organizing and scheduling those.
4. Ms. Alban will be sending out County and State's reviews over the next year.

ADJOURNMENT

Motion was made by Chairman John Jacobs to close the meeting. All members were in favor. Meeting adjourned.

Respectfully,

Mr. Aaron Hendrickson, Secretary
April 25, 2022

ZTA 22-02 – DWELLING UNITS/MIXED-USES
Proposed Zoning Text Amendment
April 25, 2022

NOTE: (New language to be added is depicted in **bold-faced capital letters** and language to be deleted is depicted in ~~strikethrough~~ font)

Introduction:

AMEND SECTION 25-101 – ESTABLISHMENT OF ZONING DISTRICTS AS FOLLOWS:

Sec. 25-101. Establishment of zoning districts.

(a) 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 chapter, 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 are hereby established prior to being applied to any specific property within the city—see definition of floating zone/district in section 25-23):

<u>Conservation</u>	
C	Conservation
<u>Residential</u>	
R-E	Estate Residential
R-S	Suburban Residential
R-U	Urban Residential
R-O	Residential-Office
<u>Business/Commercial</u>	
B-L	Local Business
B-H	Highway Business
B-CBD	Central Business District
<u>Industrial/Employment</u>	
B-C	Business Commercial
I-G	Industrial-General
<u>Mixed Use</u>	
G-C	Gateway-Commercial District
G-I	Gateway-Industrial District
<u>Floating Zones</u>	
RR	Rehabilitation and Redevelopment Floating Zone
AR	Adaptive Reuse Floating Zone
PD	Planned Development Floating Zone

(b) Within these districts, no lot, structure, or accessory structure shall be used, in whole or in part, unless they comply with the requirements of article VI (zoning district regulations) and other applicable parts of this chapter.

(1) *Conservation (C)*. The purpose of this district is to regulate areas which, in the interest of the public health, safety, and general welfare of the city:

- a. Are subject to flooding and encroachment which aggravates flood conditions;
- b. Are part of or protective of the rights-of-way of an interstate highway; or
- c. Are located and featured in such a way as to, by reason of slope, geologic conditions, or overall natural character, warrant preservation through limited usage.

(2) *Estate Residential (R-E)*. The purpose of this district is to provide for low-density residential and certain other forms of development in predominantly undeveloped areas, in a manner that protects the natural features of the land.

(3) *Suburban Residential (R-S)*. The purpose of this district is to provide for the continuation of low density single family development in areas where existing and most recent single family development has occurred, and to stabilize and protect these areas.

(4) *Urban Residential (R-U)*. The purpose of this district is to provide areas for low and medium density urban residential uses, including single-family detached, single-family attached, and multi-family dwellings.

(5) *Residential-Office (R-O)*. The purpose of this district is to provide areas appropriate for the harmonious mixing of residential and non-residential uses, and to provide for higher density residential development in a variety of housing types. **DWELLING UNITS/MIXED USES ARE CONSISTENT WITH THIS PURPOSE AND, PERHAPS, NECESSARY FOR ITS FULFILLMENT.**

(6) *Local Business (B-L)*. The purpose of this district is to provide areas adjacent to residential districts in which commercial uses are permitted primarily for the convenience shopping, professional service, and personal service needs of the area residents.

(7) *Highway Business (B-H)*. The purpose of this district is to provide areas along major highways which are most appropriate for the development of businesses principally serving the needs of highway users and transients, with the servicing of resident convenience shoppers as a secondary function.

(8) *Central Business District (B-CBD)*. The purpose of this district is to define and provide regulations for the central regional and city core of shopping, business, government, and related activities.

(9) *Business Commercial (B-C)*. The purpose of this district is to provide opportunities for both business and commercial uses which exhibit similar functions in areas which are existing or potentially suitable for such uses, and to effect a desirable transition between business, commercial, existing residential, and other uses.

(10) *Industrial-General (I-G)*. The purpose of this zoning district is to permit and encourage modern industrial development and to permit limited commercial development.

(11) *Gateway-Commercial District (G-C)*. The purpose of this district is to permit and encourage a mixture of commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of the city's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in section 25-143.

(12) *Gateway-Industrial District (G-I)*. The purpose of this district is to permit and encourage a mixture of industrial/commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of the city's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in section 25-143.

(13) *Rehabilitation and Redevelopment Floating Zone District (RR)*. Certain areas of the city contain abandoned structures that were originally used for industrial, warehouse, or other employment purposes but which are now nonconforming in the district in which they are located. These structures are no longer useful and constitute a detriment to the surrounding neighborhoods and could adversely affect the city's taxable assessment base. The purpose of the Rehabilitation and Redevelopment Floating Zone District is to allow and provide incentive for the reuse, rehabilitation, and redevelopment of such structures in a manner that will allow them to be restored to the active tax rolls and inventory of land in the city, while preserving the integrity of the neighborhood in which they are located. Performance standards have been developed to address compatibility of proposed developments with adjacent residential areas, as set forth in section 25-144.

(14) *Adaptive Reuse Floating Zone (AR)*. The purpose of this floating zone district is to govern the comprehensive redevelopment and adaptive reuse of large properties (two (2) or more acres in size) containing one (1) or more structures (encompassing fifty thousand (50,000) square feet or more of gross floor area, either individually or in combination), the principal or primary use or operation of which has been discontinued or abandoned and which would require greater land use flexibility to revitalize or redevelop than may be allowed by alternative zoning classifications. Specific eligibility criteria and performance standards to govern the application and use of this floating zone are specified in section 25-147. The Adaptive Reuse Floating Zone process has been designed to permit comprehensive approval of rezoning, subdivision, and site plan development of a major redevelopment site through a single consolidated review and approval process.

(15) *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 25-146. 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 25-132 – USE REGULATIONS TABLE AS FOLLOWS:

USE REGULATIONS TABLE

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to article IX)											
USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Residential											
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
Mid-rise apartments				P			P				
High-rise apartments				P			P				
Bed and breakfasts	P		P	P	P		P			P	P
Dwelling units/mixed Use				P	P	P	P	P		P	P
Boarding houses/hostels				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							
Commercial Uses/Sales											
Motels, hotels, and motor inns					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 sq. ft. but less than 20,000 sq. ft.)					C	P	P	P	P	P	P
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		

Manufacturing											
Heavy manufacturing										P	
Light manufacturing and assembly						P	C	P	P		P
Incinerators									P		
Junk yard (salvage yard)									C		
Restaurants, Bars, Nightclubs											
Restaurants, general				P	P	P	P	P	P	P	P
Restaurants, fast food, with drive-thru service				C	C	P	C	P	P	P	P
Restaurants, fast-food, w/o drive-thru service				P	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
Office, Clerical, Services Not Related to Sale of Goods											
Government uses	P	P	P	P	P	P	P	P	P	P	P
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
Health Care and Related Uses											
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				
Motor Vehicle Related Sales & Service											
Automobile sales/service establishments, including used car lots						P	P	P	P	P	P
Truck, farm equipment, mobile home, boat, and recreational vehicle sales/service establishments						P		P	P	P	P
Auto service stations/convenience stores						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		
Recreation, Amusement, Entertainment											
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,	P	P	P	P	P	P	P	P	P	P	P

historic areas, conservation areas, and other similar uses employing open land with open structures												
Adult Businesses¹												
Adult entertainment establishments										P		
Adult retail establishments										P		
Cemeteries and Funeral Homes												
Cemeteries	C	C	C									
Funeral homes	C		C	P	P	P	P				C	
Educational, Research, Cultural, Religious, Social, Fraternal												
Schools and educational institutions (including private, charter, and magnet schools as defined and permitted by the 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	
Community and cultural center buildings	C		C	P	P	P	P	P			C	P
Laboratories, research									P	P		C
Transportation/Infrastructure Facilities												
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	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P	P
Small cell technology structures	P	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	C
Agricultural Operations												
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, fruits, vegetables, trees, and shrubs for sale on the lot	P					P	P		P	P	P	P

NOTES:

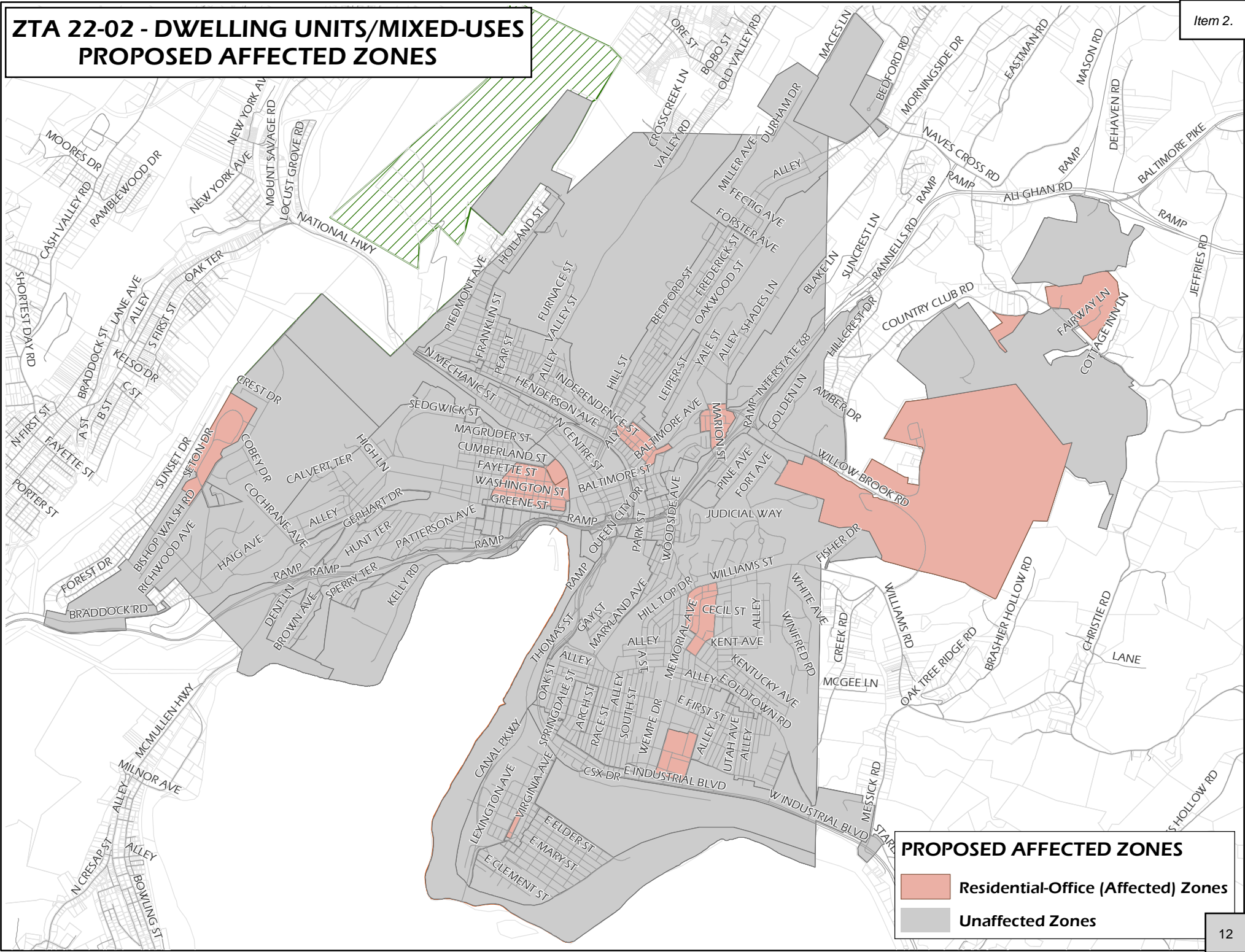
1. Permitted and prohibited uses in the Conservation District are presented in section 25-142.
2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in section 25-144.
3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in sections 25-139

^{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.

(steep slope development), 25-140 (development within floodplains, streams, and buffer areas), 25-141 (preservation of habitats of threatened and endangered species), 25-143 (gateway districts), and article X (Viewshed Protection Overlay District) are subject to the provisions of article VIII (site plan review).

(Ord. No. 3796, § 2, 6-7-16; Ord. No. 3828, § 1, 1-2-18; Ord. No. 3860, § 1(Att.), 10-15-19)

ZTA 22-02 - DWELLING UNITS/MIXED-USES PROPOSED AFFECTED ZONES



PROPOSED AFFECTED ZONES

- Residential-Office (Affected) Zones
- Unaffected Zones

Planning Commission Action:

[] Recommend adoption of the Zoning Text Amendment to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

[] Recommend denial of requested Zoning Text Amendment to the Mayor and City Council, based on the following findings:

Motion by: _____

Seconded by: _____

Vote:

In favor of motion: _____ Opposed: _____ Abstained: _____

Number of voting members present: _____

Signed:

Chair, Cumberland Planning Commission

Date: _____

Secretary, Cumberland Planning Commission

Date: _____

