

NORTH EAST PLANNING COMMISSION
106 South Main Street, North East, Maryland 21901
Tuesday, July 11, 2023
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:00 p.m. Present included Commissioner Hilary Crothers and Judy Duffy. Also present were Betsy Vennell, Director of Planning, Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie, Town Administrator, and Calvin Wilson were absent from the meeting.

-MINUTES-

April 4, 2023

Ms. Duffy made a motion to approve the April 4, 2023 Planning Commission minutes, as presented. Ms. Crothers seconded the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-NEW BUSINESS-

North East Planning Commission 2022 Annual Report

Chairman Dobbins commented on the amount of permits processed, code enforcement letters sent out and illegal signs removed by the Planning Office. Mrs. Vennell added that Mrs. Rhoades works well with residents to bring properties with code and zoning violations into compliance.

Ms. Duffy made a motion to approve the North East Planning Commission 2022 Annual Planning Report. Ms. Crothers seconded the motion and the motion was approved by all.

North East Zoning Ordinance Amendments-Discussion

Mrs. Vennell reported that the purpose of this evening's discussion is to make the Planning Commission aware of amendments that the Planning Commission has been working on, and to receive input prior to scheduling the required public hearings. The discussion includes a large range of topics because the Planning office opted to hold off on small ordinance amendments to save on the number of public hearings and legal notices that are required. Mrs. Vennell reported that the amendments include regulations for cannabis sales, however, due to an August Maryland Municipal League meeting where cannabis is the topic, discussion on amendments pertaining to cannabis will be reviewed at a later date.

Article 3 Definitions.

Mrs. Vennell stated that the Planning Office has defined a Health Spa and a Medical Spa. Mrs. Vennell stated that a Health Spa uses techniques that do not penetrate the skin where as a Medical Spa uses techniques that do penetrate the skin and therefore Medical Spa will be added under the Clinic section of this ordinance. Mrs. Vennell added that the Medical Spa use will be added to the Clinic section of the ordinance, which provides the use of a Medical Spa in the Highway Commercial and Heavy Industrial

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Zoning Districts with an approved special exception. The reason for putting the clinic and associated uses in the Highway Commercial and Heavy Industrial Districts is guided by the North East Comprehensive Plan which describes the downtown area of North East as a walkable general commercial, retail, restaurant and tourist area.

Article 4. General Provisions, Districts, and District Maps
Section 4-5 Application of District Regulations-General Provisions:

Adding Paragraph 12. Clarifying the front yard setback when an old deed shows the front property line in the middle of the road/street.

Adding Paragraph 13. Solar Panels installed on or in the ground shall be prohibited in the “R-1”, “R-2”, “R-3”, “R-4”, “VC”, “VM” and “GC” districts, except when the use is a school or a government agency. Mrs. Vennell reported that the majority of properties within the Town’s Corporate Limit are too small to have solar panels installed on the ground. This amendment does not prevent larger commercial properties in the Highway Commercial or Heavy Industrial Zoning District from installing ground mounted solar panels.

Article 5. District Regulations

Part 1. Zoning Districts

Section 5-1.”R-1” Single Family Residential District Regulations

Paragraph 3. r. Deleting the word “clinics” from “R-1” district regulations list of permitted uses.

Section 5-3 “R-3” Multi-Family Residential District Regulations

Paragraph 1.Sub-Paragraph e. and f.

Mrs. Vennell reported that the following by right uses will be deleted from the R-3 Zoning District: Boarding, rooming, and lodging houses, private clubs, fraternities, sororities, and lodges, excepting those for which the chief activity is a service customarily carried on as a business”.

Section 5-4. “R-O” Residential Office District Regulations

Section 1. The following uses are permitted by right: Small Institutional Child Care Center. Mrs. Vennell reported that the Town currently has an institutional day care within the “R-O” Residential Office Zoning District, “Tot’s Landing”. The amendment to the regulation will provide, by right, a Small Institutional Child Care Center. The word “Reserved” shall be stricken.

Ms. Duffy inquired about the status of the daycare in Ridgely Forest that had recently approval. Mrs. Rhoades reported that the daycare recently received its final approval from the State of Maryland and will soon be finalizing their paperwork with the Town.

Section 5-6. “VC” Village-Commercial District Regulations

Paragraph 1. Sub-paragraph b. Bed and breakfast and Country Inns. Mrs. Vennell reported that the draft ordinance for discussion proposed limiting the number of rooms that Bed and Breakfasts and Country Inns may have. However, after speaking with Mrs. Cook-Mackenzie, Town Administrator, we are going to leave Bed and Breakfasts just as stated in the Zoning Regulations, and are deleting “Country Inns” from permitted uses.

Air B & B Discussion: Ms. Duffy inquired about regulating Air B & B’s. Mrs. Vennell stated that the Planning Office is not proposing to add regulations regarding Air B & B’s. Some of the Air B&B’s the town has heard about are people who rent out their single family home, which are being rented as a

single family home, whether it is for a year, month, week or day, the Town does not regulate the renting out of a home. The Town is not in a position where the Planning Office is able to enforce Air B & B's. The Air B&B is not typically advertised with signs on their front lawns, which means the Planning office would need to search for Air B&B's on the internet and go after them. Mrs. Rhoades reported that according to the Cecil County Permits Office, as long as there is only one kitchen in the home, the home is considered a single family home. Mrs. Vennell reported that several years ago, the Planning Office had to research and provide for group homes, and the Town learned that any group of 8 or less people, either related or not, with one kitchen everyone shares is considered a family.

Paragraph 2. Village Commercial Uses: Mrs. Vennell stated that in the Village Commercial Zoning District regulations, the regulations currently do not provide for a professional office such as a lawyer or real estate office. The Planning Office would like to add this provision into the regulations if the office space is less than 800 square feet. Mrs. Cook- Mackenzie and Mrs. Vennell determined that the proposed amendment may require further review.

Mrs. Vennell stated that some setback clarifications were added for the Village Commercial and Village Marine zoning districts. The majority of the properties within these zoning districts are within the 100 year floodplain as well as the Chesapeake Bay Critical Area. The amendment will add wording to make the public aware that the Floodplain and Critical Area regulations also apply.

Section 5-7. VM Village Marine District Regulations.

Clarification of front yard setbacks and setbacks pertaining to the Critical Area and Floodplain will be applicable.

Section 5-8. "GC General Commercial District Regulations"

Opening paragraph: Mrs. Cook-Mackenzie has requested that wording be added to the opening paragraph that uses outlined in other zoning districts shall not be considered "by right" uses within the General Commercial Zoning District.

Paragraph 1. d. Adding "Health Spa" to permitted uses, by right, in the General Commercial District.

Paragraph 1. l. . Material Storage Yards: Mrs. Vennell reported that the proposed amendment shall be deleted and the language shall be added to Section 6-23 and Section 6.24.

Paragraph 1. n. Charging Stations: Adding language to provide for charging stations where parking lots are already existing or are being created.

Paragraph 2. h. Tavern, Pubs, Sports Bar: Mrs. Vennell reported that the Planning Office recommends, for clarification purposes, Paragraph 2.h. taverns, pubs and sports bars "when the use is opened in conjunction with a Standard Restaurant".

Section 5-9 "HC" Highway Commercial District Regulations

Opening Paragraph: Mrs. Cook-Mackenzie has requested that wording be added to the opening paragraph that uses outlined in other zoning districts shall not be considered "by right" uses within the Highway Commercial Zoning District".

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Paragraph 1: c. Adding Small or Large Institutional Child Care Facilities into permitted uses by right:

Paragraph 1.h. Keeping this as “Reserved”.

Paragraph 1. pp. Storage of goods: Mrs. Vennell reported that this amendment shall be deleted from here and the language shall be added to Section 6-23 and Section 6.24.

Paragraph 1. ddd: Adding sub paragraph for Charging Stations as a permitted use where parking lots are already located or are being created.

Paragraph 2. The following uses are permitted as a special exception after approval by the Board of Appeals.

Paragraph 2. e. Adding “Recycling Center without burning”

Paragraph 2. i. Adding Medical Spa

Section 5-9A “LC” Limited Commercial District Regulations.

Paragraph 1.f. Material Storage Yards: Mrs. Vennell reported that this amendment shall be deleted and language shall be added to Section 6-23 and Section 6.24.

Section 5-11. “HI” Heavy Industrial District Regulations

Paragraph 6. Special Exceptions adding sub paragraph f. “Recycling Center with burning”.

Section 5-16. “HCOD” Highway Corridor Overlay District Regulations

Paragraph 7. (8) (a) Adding language to provide for two ground signs on a commercial property when the property fronts two roads. (The Planning Commission will still need to review the signs per the overlay district regulations).

Article 6. Supplemental Regulations

Section 6-8. Parking Regulations.

Paragraph 3.a. Residential driveways: limiting driveways to one access off of the road.

Paragraph 3. e. Adding Electric Charging Stations as a requirement in the Highway Commercial District and Heavy Industrial District and that the charging stations are encouraged within the General Commercial and Village Commercial District. The proposed amendment does not specify how many charging stations shall be provided and that would be up to the discretion of the Planning Commission. . Chairman Dobbins inquired if the amendment should state “required” or just “permitted” and if this new development and it is a small retail business, would we want patrons taking up parking spaces to charge their vehicles. Commissioner Crothers stated that vehicles could potentially take one to two hours to charge and for a takeout restaurant which has a large number of patrons within a short time, this regulation may not be ideal. However, larger businesses with larger with larger parking lots this may be a good idea. Commissioner Crothers expressed concern because we do not want to discourage businesses by making this a requirement. Ms. Duffy commented that maybe the wording should state “should be encouraged in all zoning districts”. By so doing, the Planning Commission can require charging stations as a condition should they feel they are necessary depending on the project. The Planning Commission also discussed the option of a property owner or business charging or not charging a fee for use of a charging station.

Section 6-13. Fences:

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Paragraph 3. a. Amending the fence height regulations to add the R-4 Zoning District.

Paragraph 5. Materials and composition: Providing for Wire Fence and Wire Mesh Fence when the fencing is installed in conjunction with a split rail fence. Mrs. Vennell stated that often times a property owner requests this, it is for the purpose of containing their domestic pet(s). Currently, the property owner has to put in a “chain link” fence inside of the split rail fence. Commissioner Crothers requested that post and rail fences be considered as they have a nicer appearance.

Paragraph 6-15. Alcoholic Beverage License: Changing the word “Alcoholic” “Alcohol”

Paragraph 6.-23 Automobile Filling Station:
Adding “electric Charging Stations shall be required.

Section 6-26. Adult Oriented Commercial Enterprises and Services.

Paragraph 7. Cannabis Dispensary and/or sales including cannabis edibles. Further discussion shall take place after the Town attends the Maryland Municipal League meeting in August.

Paragraph 8. Gun Shop: Mrs. Vennell reported that we would like to add the uses of “firearms classes and instruction and training excluding a firing range or shooting range”. This will be added to two areas of Section 6-26.

Tattoo Studios, Body Piercing Studios, and/or Branding Studios: Paragraph 2. Mrs. Vennell reported that further clarification of a tattoo will be added into the regulations, adding in Micro-Blading, cosmetic tattooing or medical spas permitted in the Highway Commercial Zoning District with an approved special exception.

Smoking Shop: Providing for Cannabis, adding Cigar Shops. Further discussion shall take place after the Town attends the Maryland Municipal League meeting in August.

Article 7. Advertising and Signs

Channel letters: Adding definition for channel letter signs, for clarity.

Section 7-2 General Regulations:

Paragraph 2. Providing for signs “listing of products by trade name”. Mrs. Vennell reported that Mrs. Cook-Mackenzie would like to review this regulation to verify it is not in conflict with other regulations.

Section 7-3: Sign Ordinance not Applicable to Certain Signs:

Paragraph 2. Signs erected on church property, adding “with the exception of electronic message board signs”

Paragraph 3. Signs of charitable, benevolent, religious associations, non-profit associations, adding “with the exception of electronic message board signs”

Section 7-4. Permitted Signs.

Paragraph 4.; paragraph 5. Deleting “Listing of products by trade name...” since we are adding a regulations under General Regulations Section 7-2.

Section 7-9. Permitted signs and Standards for the “LC” and “HC” Districts

Paragraph 2. Providing for channel letter signs.

Adding Paragraph 3. Adding language to provide for two ground signs on a commercial property when the property fronts two roads.

Section 7-13. Temporary Signs

Paragraph 2. a. Adding anniversary as a permitted sign for a special sign/event.

Section 7-16. Signs-Prohibited Practices

Adding Paragraph 5 which states that the sign shall not contain the word “bar” within the Village Commercial, Village Marine or the General Commercial District.

Article 9. Administrative Mechanisms

Section 9-11. Duties of the Board of Appeals

This amendment was to address uses not outlined in “Permitted uses”, however, Mrs. Vennell reported that when she reviewed the proposed amendment with the Town Administrator, it became clear that Article 10. Administrative Provisions already addresses this matter.

Article 10. Administrative Provisions.

Section 10-1. Administration and Enforcement. Mrs. Vennell reported that this amendment concerned adding “applicable town permits”, however, Mrs. Cook-MacKenzie requested the opportunity to re-review Section 10-1 before this is added into the final amendments.

Section 10-3. Requirements for Preliminary Site Plans.

Paragraph 5. Commercial or Industrial Uses Sub Paragraph

Adding Sub Paragraph j: “Security Cameras which broadcast to the North East Police Department”

Mrs. Vennell reported that Mrs. Cook-MacKenzie had requested this wording be added into the regulations the next time we have amendments. Mrs. Vennell gave the example that the cameras recently installed at North East Isles, where they broadcast activity to the North East Police Department. Commissioner Crothers stated that her business has cameras which are on a closed system and all the documentation is kept in house. Commissioner Crothers stated that she would prefer not to link her system into anyone else’s system and therefore does not agree with this amendment being a requirement for commercial or industrial sites when they are preparing site plans. Chairman Dobbins is not sure he agrees with this being a requirement and requested more information why this is a requirement because if they were voting on this amendment this evening he would be voting against it. Ms. Duffy suggested changing the wording to “can install cameras which will broadcast activity to the police” or “may install”. After much discussion, the Planning Commission requested Ms. Cook-MacKenzie and/or Steven Yates, Police Chief attend the next Planning Commission meeting to explain this requirement.

-MISCELLANEOUS-

None.

-REPORTS-

North East Station

Chairman Dobbins inquired if there are any other end users for the restaurant building on Lot 4. Mrs. Vennell reported, not at this time.

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-COMMENTS FROM THE PUBLIC-

There were no comments from the public.

-NEXT MEETING-

The next Planning Commission meeting had been scheduled for August 1, 2023, however, after a discussion of who would be available, the Planning Commission changed the meeting to August 8, 2023.

-ADJOURNMENT-

With no further business, Ms. Duffy made a motion to adjourn at 8:17 p.m. Commissioner Crothers seconded the motion and the motion was approved by all.

Respectfully submitted:

Lisa Rhoades
Director of Planning

Attest:

Mark Dobbins
Chairman