

**PLANNING COMMISSION
ZONING ORDINANCE
PUBLIC HEARING MINUTES
Wednesday, October 18, 2023
GoToMeeting**

Chair Armstrong called the Public Hearing to order at 5:30 p.m. Those in attendance were:

Mary Armstrong, Chair
Brian Israel
Anthony McFarland
Ryan Hicks, Town Manager
Nate Merkel, Zoning Administrator
Andrea Brady, Town Clerk

NUMBER OF CITIZENS AND GUESTS IN ATTENDANCE: 1

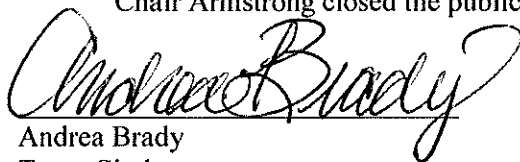
The purpose of the Public Hearing is to receive comments from the Town's residents regarding the proposed revisions to the Zoning Ordinance. The public can view the Ordinance and a summary of revisions online at www.townofindianhead.org. The Town had an open period of public comment for residents unable to attend this evening's hearings, and those comments will be read under the public comment portion of this evening's agenda. The public were able to join the meeting on the GoToMeeting platform or via phone.

Zoning Administrator, Nate Merkel gave a summary of the proposed revisions (see attached). Part of the requirements when updating the Zoning Ordinance is placing the revisions out for public comment and to regulatory agencies for review. (see attached) Charles County Department of Planning & Growth Management provided comments that informed us that the Town is within the Mount Vernon viewshed. One of the requirements within the viewshed is that buildings cannot be over a certain height within so many miles of Mount Vernon. The jurisdiction for allowing buildings over a certain height is still the Town's purview but we have to be cognizant of the viewshed.

Town Clerk Brady did not receive any public comments prior to the hearing. Chair Armstrong opened the floor to public comment by those in attendance, there being none, Chair Armstrong moved into the Planning Commission discussion.

There being no discussion, Chair Armstrong asked for a motion to approve the recommended changes and recommend that the Town Council move forward with adoption of the revised Zoning Ordinance. Brian Israel made the requested motion. Anthony McFarland seconds the motion. Motion carried.

Chair Armstrong closed the public hearing and adjourned at 5:45pm.



Andrea Brady
Town Clerk

The following changes have been made to the zoning ordinance.

- Allowing under a special exception application, building heights above 60' in a TCMX district
- Change the following to be permitted under a special exception application in a TCMX district:
 - Operations designed to attract and serve customers or clients on the premises (3.210)
 - Operations designed to attract little or no customer or Client traffic other than the employees of the entity operating the principal use (3.220)
 - Welding shops, ornamental iron works, machine shops, urban industry (4.210)
 - All motor vehicle related sales and serves operations (9.100-9.600)
 - Kennels (12.200)
 - Open-air markets (19.100)
- Added a Supplemental Regulation (Section 1134) to Car Wash (9.600)
- Updated Section 1134 to include group 9.600
 - Section 1134 now states –
 - A drive-in/fast food restaurant, bank, or car wash may be allowed upon a finding, in addition to findings required in Article X, that:
 - The use will not constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed.
 - The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity. A traffic impact study shall be required.
 - The use of the proposed location will not pre-empt frontage on any highway or public road in such manner so as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.
 - When such use abuts a residential zone or institutional premises not recommended for reclassification to commercial zone on an adopted master plan and is not effectively screened by a natural terrain feature, the use shall be screened by a solid wall or a substantial, slightly solid fence, not less than five feet in height, together with a three-foot wide planting strip on the outside of such wall or fence, planted in shrubs and evergreens three feet high at the time of original planting and which shall be maintained in good condition. Location, maintenance, vehicle sight distance provision, advertising, and parking areas pertaining to screening shall be as provided for in this Chapter.
 - When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of

the front and side street lines of the lot, as defined in Article XII, and such driveways shall not exceed 25 feet in width, provided that, in areas where no master plan of highways has been adopted, the street line shall be considered to be at least 60 feet from the centerline of any abutting street or highway.

- Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off- street parking spaces otherwise required on the site.
 - Adequate spaces for stacking (line-up) at drive through facilities shall be provided. Specifically, bank: five for first station plus two for each additional station; restaurant: seven per station, five of which must be before the ordering station (intercom).
 - Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
- Added a minimum requirement sentence for Supplementary Use Regulations. Stating if no additional supplementary use regulations apply then the use shall be consistent with the character of the current zoning district and surrounding area as determined by the Zoning Administrator and Board of Appeals.