

**TOWN COUNCIL
ZONING ORDINANCE/ZONING MAP
PUBLIC HEARING MINUTES
Monday, November 2, 2020
GoToMeeting**

Mayor Paulin called the Public Hearing to order at 6:00 p.m. Those in attendance were:

Brandon Paulin, Mayor
Ron Sitoula, Vice Mayor
Randy Albright, Councilman
Ryan Hicks, Town Manager
Mark Harman, Zoning Administrator
Andrea Brady, Town Clerk

NUMBER OF CITIZENS AND GUESTS IN ATTENDANCE: 2

The purpose of the Public Hearing is to receive comments from the Town's residents regarding the proposed revisions to the Zoning Ordinance and Zoning Map. The public can view the Ordinance and map 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.

The Town Council authorized its engineer, ARRO Consulting, Inc., to develop a proposed Zoning Ordinance & Zoning map revision. The Town Council received a recommendation from the Planning Commission to approve/adopt the revised Ordinance and map.

The Town's Zoning Administrator, Mark Harman provided a summary of the proposed revisions. The language changes added to the Zoning Ordinance were dictated by the Critical Area Commission. Updated Appendix E was also given to the Town by the Critical Area Commission. The Zoning Map was expanded to allow the TCMX zone to encompass all the properties along Route 210.

Town Clerk Brady read the public comment received via email from Michael Pellegrino (see attached).

Mayor Paulin made a motion to open the floor to public comment. Councilman Albright seconds the motion. All in favor. The floor was opened to public comment by those in attendance.

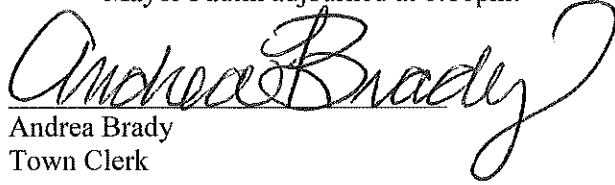
Vice Mayor Sitoula asked, what the implication is based on the comment received and if the revised Comprehensive Plan the Town is working on will capture the current changes that are proposed, or does the Council need to depend on the referenced Comprehensive Plan for the changes. Zoning Administrator Harman explained that the Town is not required to do anything based on the comments received. That the language in the comment is subjective, but as far as the legalities, Mr. Harman would suggest that be differed to the Town's attorney. Mr. Harman also explained that when the attorney reviewed the document, he had no comment. Mr. Harman stated that he was not prepared to give legal advice, but when the lawyer was given the document for review, he made no comment on the document not being legal or conforming to law.

There being no further comment, Mayor Paulin made a motion to close the floor to public comment. Councilman Albright seconds the motion. All in favor. The Council moved into the Council discussion portion of the agenda.

Mayor Paulin suggested adding the Ordinance and map to the December Town meeting agenda for adoption. Council agreed. The Council had no further changes to the Ordinance based on the comments received. Town Manager Hicks offered to run the received comments by the Town's attorney.

Mayor Paulin made a motion to close the public hearing. Councilman Albright seconds the motion. All in favor. The public hearing was closed.

Mayor Paulin adjourned at 6:16pm.

A handwritten signature in cursive script that reads "Andrea Brady". The signature is written in black ink and is positioned above the printed name and title.

Andrea Brady
Town Clerk

18 Raymond Avenue
Indian Head, MD 20640
301-934-6157
pasarch@verizon.net

October 26, 2020

Mayor and Town Council
Town of Indian Head
4195 Indian Head Highway
Indian Head, MD 20640

RE: Comments for Public Hearing
Proposed Revisions to the Zoning Ordinance and Zoning Map

Dear Mayor and Town Council:

Please consider the following comments to be entered into the record for the Public Hearing to be held via the GoToMeeting Platform on Monday, November 2, to receive comments from residents regarding the proposed revisions to the Zoning Ordinance and Zoning Map.

Comments

In Section 101 of the Town of Indian Head Proposed Zoning Ordinance it is indicated that:

This Chapter is intended to promote the orderly development of the Town of Indian Head, Maryland, in accordance with the Official Comprehensive Land Use Plan ... in compliance with the Land Use Article of the Annotated Code of Maryland.

The Land Use Article states that :

A local jurisdiction shall ensure that the implementation of the requirements ... of this section are achieved through the adoption of ... applicable implementation mechanisms that are consistent with the comprehensive plan ... to be "consistent with" or have "consistency with" a comprehensive plan ... shall mean an action taken that will further, and not be contrary to ... development patterns and land uses ... The legislative body shall adopt zoning regulations ... in accordance with the plan.

The proposed Zoning Ordinance identifies the Official Comprehensive Plan to be the Comprehensive Plan adopted by the Town Council on February 1, 2010. In this Plan it is acknowledged that Indian Head's pattern of development is generally consistent with the Comprehensive Plan adopted in 1997 and that *There are no significant changes intended for the proposed land map but it does differ from the 1997 Comprehensive Plan land use map in regard to the mixed-use district along Route 210.*

Further, in that Plan's Land Use Chapter it is stated: *While the proposed general land uses will remain consistent with the existing zoning map, the regulations within the zoning ordinance regarding allowable development within the commercial/residential mixed use district, should be revised and strengthened to encourage development of both residential and commercial uses on the same parcel(s) rather than permitting one use or the other.*

In other words, the Plan, recognizing the consistency between the proposed land use and the existing zoning, does not appear to recommend changes to the zoning map but, rather, to encourage revisions to the regulations regarding the development within *the commercial/residential mixed use district*. However, the reality seems to be that while zoning map changes are included in the proposed Zoning Ordinance few, if any, regulation changes have been made as suggested, giving rise to potential inconsistencies between the proposed Zoning Ordinance and the adopted Comprehensive Plan.

Most inconsistent appears to be the apparent discrepancy between the mapping of the Town Center Mixed Use district as depicted on the *2009 Comprehensive Land Use Map* and the proposed Town Center Mixed Use Zone (TCMX) as portrayed on the *2019 General Land Development Map* (The Official Zoning Map?). As a result, much of the existing area along Rt. 210 depicted in the Plan as Commercial land use and currently zoned CC Commercial, is proposed to be re-zoned into the TCMX Zone. This in light of the fact that the Plan clearly indicates *the proposed general land uses will remain consistent with the existing zoning map.*

Associated with this proposed re-zoning is the fact that many of the existing uses along Rt. 210 (car wash, liquor store, motor vehicle repair, motor vehicle body work, storage, veterinarian, kennel, open air produce markets, pool hall) would either no longer be considered permitted uses or in some cases only permitted subject to a special exception. Thus these existing, currently permitted uses are to become non-conforming uses, subject to the zoning restrictions regulating such uses.

The Zoning Classifications depicted on the *2009 Zoning Map* appear to be generally consistent as implementation mechanisms compatible with the goals and polices stated in the Comprehensive Plan and with the general land use categories depicted on the 2009 Land Use Map. In light of this consistency, it is not clear why significant zone changes are proposed on the *2019 General Land Development Map*, while few if any substantive revisions to *the regulations within the zoning ordinance regarding allowable development within the commercial/residential mixed use district* have been advanced as suggested in the Plan, nor how such changes will *further, and not be contrary to development patterns and land uses* expressed in the Plan. As no rationale in the Comprehensive Plan seems to support these proposed zone changes, it appears that certain elements of the proposed Zoning Ordinance may not be "*consistent with*" or "*in accordance with*" the 2010 Plan as required for compliance with the Land Use Article of the Annotated Code of Maryland.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Pellegrino', with a long horizontal flourish extending to the right.

Michael J. Pellegrino