

Work Session Minutes

The Work Session of the Pocomoke City Mayor & Council was held in the Council Chambers at City Hall on Monday, October 28, 2019. The meeting was called to order at 6:40 PM.

Present: Mayor Bruce Morrison
First Vice President: Todd J. Nock
Council Members: R. Scott Holland-Not Present, Diane Downing,
Esther Troast, Dale Trotter
City Attorney: Roscoe Leslie-Not Present
City Manager Interim Basis: David J. Deutsch
Planning Director: Daniel Brandewie
City Clerk: Michelle Beckett-El Soloh

Review of Draft Zoning Text Amendments:

These changes originated approximately 2 years ago in 2015 when the Council hired a consultant, Bill Johnson, to work on draft Zoning Text Amendments. He was to update the Codes after adopting the Comprehensive Plan. He has proposed a series of amendments but due to funds the effort stopped. These particular amendments were reviewed and endorsed by the Zoning Commission earlier this year.

1. Reduce Rear yard setbacks from 40' to 25' in the R-2 Residential Zoning District

To amend the R-2 rear yard setback requirements from 40 feet to 25 feet to allow for more flexibility in meeting off-street parking requirements and to for buildings and additions to be added on without the need for variances. R-2 standards apply to a wide variety of lot sizes. Decreasing the Rear Yard setback from a 40' to 25' requirement would allow for more flexibility affecting house size and additions, eliminating the need for time consuming variances. For lots that have a depth of 90' or less, a 40' rear setback consumes approximately 45 % or more of the rear yard.

Councilmember Trotter asked how it would affect existing sold properties with new owners? Planning Director Brandewie answered that the new Zoning, if adopted, would take effect and supersede any plat requirements that have a 40' setback identified. It doesn't affect the R-1 Zoning Districts such as Jenkins Orchard or White Oaks, those are bigger lots. Councilmember Troast asked about the development across from the high school. Planning Director Brandewie answered that area would be under the new 25' setback.

2. Allow More Flexible Zoning Standards for residential Uses in the 2nd and 3rd Floor in the B-1 Zoning District

Purpose of proposed changes:

1. To eliminate the need to have 2nd and 3rd floor dwelling units be processed as a Conditional Use in the B-1 Zoning District.
2. To eliminate burdensome standards and to allow more flexibility to convert 2nd and 3rd floor commercial space to residential use.
3. To allow dwelling units in the upper floors of commercial buildings as a "Permitted Use".
4. To require the Planning Commission to review and approve site plans and building plans for residential uses in 2nd and 3rd floor spaces.
5. To allow the Planning Commission to waive parking requirements as appropriate, and to encourage flexibility in meeting parking standards.

B-1 Zoning District (Existing Requirements)

§ 230-63 Conditional uses. Conditional uses requiring Board authorization shall be as follows:

- C. The construction, erection, modification or alteration of up to *one apartment* for residential use *at or above the second-floor level* in existing buildings. *Such apartment may contain no more than one*

bedroom or sleeping room, except that owner-occupied units may contain up to three bedrooms. One off-street parking space will be required for each such apartment, except that owner-occupied units having more than one bedroom shall have two off-street parking spaces. The Planning Commission may reduce or waive off-street parking requirements where it is determined by the Planning Commission that adequate on-street parking is available within 600 feet of a public entrance of the building housing the apartment unit.

§ 230-62 Principal permitted uses (Proposed language)

Principal permitted uses in the b-1 district shall be as follows:

Dwelling units on the 2nd or 3rd floor subject to site plan review by the planning commission. Parking requirements for upper floor dwelling units shall be subject to review and approval by the planning commission.

Planning Director Brandewie estimated that the City has approximately 4 to 5 apartment situations in the B-1 Zoning District that would benefit from a Zoning change update.

3. Update Home Occupation Zoning Requirements; to Create 2 Categories of Home Occupation and to Allow Them in the R-1, R-2 and R-3 Zoning Districts.

Purpose:

1. To amend the zoning ordinance to update standards relating to home occupations.
2. To create two types of home occupations permitted in all zoning districts.
3. To allow administrative approval of small or limited home occupations while still requiring approval by the Board of Appeals as a Conditional Use for expanded home occupations.

§ 230-32 Home Occupations

- There are two types of permitted home occupations, *type 1 and type 2*. specific uses are allowed as a home occupation only if they comply with all of the requirements of this subchapter. determination of whether or not a proposed home occupation is a type 1 or type 2 shall be made by the zoning administrator.
 - The *zoning administrator may defer approval of a type 1 home occupation* to the board of appeals to act on all matters relating to a home occupation and to allow for a public hearing. if deferred to the board of appeals an application fee for a conditional use shall be filed as determined by the city's fee schedule. all home occupations must obtain business licenses or other licenses and permits as may be required by local, state or federal governments.
 - A permitted home occupation. Examples of permitted home occupations include, but are not necessarily limited to the following:
 - (1) *Offices for such professionals* as, but not limited to, architects, brokers, counselors, clergy, doctors, draftpersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, manufacturer's representatives, and travel agents.
 - (2) *Instructional services*, including music, dance, art and craft classes.
 - (3) *Studios* for artists, sculptors, photographers and authors.
 - (4) *Workrooms* for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
 - (5) Uses involving advertising, art instruction, credit checking, auditing, fashion consulting, dating service, medical billing, travel consulting, market research services, tutoring, manicurist, hair stylist, massage therapy, yoga, and telephone answering service.
 - (6) *Other uses of a similar nature*.
4. To allow home occupations in the R-I zoning district. The present treatment of home occupation in the zoning districts as conditional uses with minimal requirements. zoning ordinance do not allow home occupations in the R-I Zoning districts but provide for "professional offices" and "home occupations" in

the R-2 and R-3 zoning districts as conditional uses with minimal requirements.

Type 1- A type 1 home occupation is one wherein the residents use their home as a place of work. a type 1 home occupation shall be permitted by the city in all zoning districts provided.

- (1) A home occupation not exceeding twenty-five percent (25%) of the total floor area of the dwelling or 500 square feet in gross area, whichever is less
- (2) No more than one outside employee comes to the site
- (3) The use is carried on wholly within the enclosed walls of the dwelling unit or accessory building
- (4) Deliveries do not exceed those normally and reasonably occurring for a residence
- (5) There is no exterior storage or display of goods or equipment
- (6) No commercial vehicle is used in connection with the home occupation
- (7) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used; and
- (8) No identification signage larger than 2 sq. ft. is provided
- (9) Type 1 home occupations are not required to provide any additional parking beyond what is required for the residential use. if additional parking is needed, expansion of any parking areas shall not be permitted in any front yard setback area and shall be compatible with the design and character of adjacent residential properties and the community

Type 2- A type 2 home occupation is one where the board of appeals must approve as a conditional use where more than one outside employee and customers come to the site. a type 2 home occupation shall be permitted by the city in all zoning districts as a conditional use provided.

- (1) A type 2 home occupation not exceeding twenty-five percent (25%) of the total floor area of the dwelling or 1,000 square feet in gross area, whichever is less.
- (2) The board of appeals may specify the hours of operation, the maximum number and frequency of deliveries and pickups, the maximum number of customer/client visits that may occur in any one day, the maximum number of customers/clients that can be present during hours of operation and the extent to which commercial vehicles may be used for the business when parked or utilized on the property.
- (3) The number of outside employees shall be determined by the board of appeals with consideration given to the size of the lot, house, parking and overall compatibility with neighborhood conditions.
- (4) Type 2 home occupations are not required to provide any additional parking beyond what is required for the residential use. additional parking areas shall be determined by the board of appeals for type 2 home occupations.
- (5) The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odor, or smoke discernable at the property lines, generate noise exceeding those permitted by state code, create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.
- (6) All activities must be in completely enclosed structures. exterior storage or display of goods or equipment is prohibited.
- (7) The dwelling and site must remain residential in appearance and characteristics. internal or external changes which will make the dwelling appear less residential in nature or function are prohibited.
- (8) Signage shall be limited to one unlighted or indirectly lighted sign per address not exceeding two (2) square feet in area either mounted flush with and on the front facade of the dwelling unit or hung on an independent post.

(Councilmember Holland reported to Work Session)

Review 2018 Draft Property Maintenance Code:

-Developed by International Code Council

-Industry Standard

-Companion Document to ICC Residential Building Code, ICC Building Code (already adopted by City)

Planning Director Brandewie said the Property maintenance standard that the City uses now is out of date, inadequate and does not cover many issues that Planning & Zoning comes across. In his opinion, if the City is going to improve housing standards the 2018 Property Maintenance Code has to be adopted. The Fire Marshall suggested a few changes after he reviewed it. The Property Maintenance Code is the companion document to the International Residential Code and the Building Code that the City already adopted. There are approximately 7 chapters in the Property Maintenance Code. It starts with Administration & Enforcement. The appeal process is different. Right now, the City's appeal process starts with the Housing Board of Review. It might have reviewed some housing contracts and he doesn't remember any appeals going through it. The Board of Review is defunct at this point. If this is updated, appeals would go to the Board of Zoning Appeals. When the City has demolition situations, he likes the fact that it goes in front of Council for confirmation and we have a public hearing. The demolition language should be revised. Other chapters include channel requirements, exterior property areas, swimming pools, conditions of the interior of structure, hand rails, rubbish & garbage, pest elimination, ventilation, light, occupancy limitations, plumbing and fixture requirements and fire safety requirements. We are recommending that we adopt the new fine structure. Right now, everything is \$100.00 fine. If they don't pay within 50 days it goes to \$200.00 if they still don't pay the fine we take them to District Court. We have the option of having different levels of fines for different levels of infractions. That is already encoded into our database. We need to also revise the weed notification process. Now, we send 2 notifications, then the City mows it, then we send an administrative fine. The new Code says 1 notice. Councilmember Nock said he would like to see a stricter process. Three weeks is too long and people are getting away with it. They should be able to respond in 7 days. *(Council deliberation on sending notifications)*. Councilmember Troast said she would like an updated list of City-owned properties. Councilmember Nock said the City needs to review surplus properties to see if any are value to the City for projects. The City could possibly start a program to sell surplus properties to first responders or community service employees. Planning Director Brandewie said he will take Council input into consideration for the amendments then it can be brought back to Council for a Public Hearing. *(Council and City Manager discussion on Housing, taxes and rental properties)*. Planning Director Brandewie said Planning & Zoning Commission would like to see a map of where the vacant and abandoned buildings are in the City and see if any of them can be used as multi-family complexes. Councilmember Nock said he feels like there are too many apartment buildings in the City now. He also wants an initiative to collect citizen email addresses to make communication easier. Don Layman, A Right Angle Construction, agreed that employees need to be available. Not everyone is versed enough in technology to be able to find documents and information on the website. Councilmember Nock suggested keeping City Hall open longer. Interim City Manager Deutsch said the City will need to look at budget and determine what services are needed after 4:30PM. *(Councilmember Nock, Councilmember Downing and City Manager deliberation about certain services provided by specific employees at City Hall)*.

Motion to adjourn public Work Session meeting (Troast, Nock passed) @ 7:52PM

Acclamation: Trotter-aye, Holland-aye, Nock-aye, Downing-aye, Troast-aye; none opposed; motion carried

Approved: K.M. Beckett- El Soloh

City Clerk