

THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY

ORDINANCE NO. 458

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF POCOMOKE CITY TO AMEND CERTAIN SECTIONS OF CHAPTER 230 “ZONING” OF THE POCOMOKE CITY AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION TO:

(1) AMEND ARTICLE IX, B-1 SHOPPING DISTRICT, § 230-63 Conditional Uses; (2) ARTICLE X, B-2 GENERAL BUSINESS DISTRICT, §230-71 Conditional Uses; and (3) ARTICLE XI, M-1 LIGHT INDUSTRIAL DISTRICT, § 230-79 Conditional Uses to permit communication towers as a conditional use subject to minimum requirements as authorized by the Board of Zoning Appeals.

WHEREAS, the Planning Commission conducted a public hearing on September 15, 2021 to consider public comment on the proposed zoning text amendments;

WHEREAS, the Planning Commission and staff of the Planning and Zoning Department have recommended adoption of these zoning text amendments to update Chapter 230 Zoning of the Pocomoke City Code; and that these zoning text amendments further the goals of the Pocomoke City Comprehensive Plan duly adopted on October 6, 2014 by Resolution 485; and

WHEREAS, the zoning text amendments will allow more flexibility and provide uniform standards in the construction of communication towers in non-residential zoning districts;

WHEREAS, it is the City’s intent to ensure there is sufficient telecommunications infrastructure deployed to support public safety communications and provide access to reliable wired, wireless and mobile communications services;

WHEREAS, upon passage of this zoning text amendment it will further the goals of the City to facilitate the private sector effort for the rehabilitation of the abandoned fire department building located at 5 Fifth Street in Pocomoke City, that may include a communication tower, subject to further review and public hearings to be conducted by the Board of Zoning Appeals;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of the City of Pocomoke City that Chapter 230 “Zoning” be amended as follows:

Item 1

Article IX B-1 Shopping District

§ 230-63 Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

N. Towers, but subject to the following minimum requirements:

- (1) The engineering, design and construction of towers is subject to approval of the Board.
- (2) The Board may impose setback distances and require landscaping plans and security fencing as appropriate.
- (3). Towers must meet all International Building Code standards in addition to those as may be required by federal or state law.

Item 2

Article X B-2 General Business District

§ 230-71 Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

M. Towers, but subject to the following minimum requirements:

- (1) The engineering, design and construction of towers is subject to approval of the Board.
- (2) The Board may impose setback distances and require landscaping plans and security fencing as appropriate.
- (3). Towers must meet all International Building Code requirements in addition to those as may be required by federal or state law.

Item 3

Article XI M-1 Light Industrial District

§ 230-79 Conditional uses.

Conditional uses requiring Board authorization shall be as follows:

~~A. Towers, but subject to the following minimum additional requirements in addition to all requirements of this article as applicable.~~

- ~~(1) Towers shall be located a minimum distance of 200 feet from any lot line, street or right of way or a minimum of 150 feet plus the height of the tower, from any lot line, street or right of way, whichever is greater.~~
- ~~(2) The engineering, design and construction of towers is subject to approval of the Board.~~
- ~~(3) Towers shall be enclosed by decay resistant security fencing not less than six feet in height equipped with an anti-climbing device or other similar protective device designed to prevent tower access.~~

A. Towers, but subject to the following minimum requirements:

- (1) The engineering, design and construction of towers is subject to approval of the Board.
- (2) The Board may impose setback distances and require landscaping plans and security fencing as appropriate.
- (3). Towers must meet all International Building Code requirements in addition to those as may be required by federal or state law.

ADOPTION AND PUBLIC HEARING

HAVING been introduced to the Council on _____ where a 1st reading was held.
Reported favorably (with or without amendments);

A public hearing was held _____; and ordered to be considered and adopted on _____.

Read a second time _____. Reported favorably (with or without) amendments.

BE IT FURTHER ENACTED, by the City Council of Pocomoke City that this Act shall take effect on the ____ day of _____, 2021

ATTEST:

Date Introduced Date Passed Esther Troast, Council Vice President

Approved by Mayor on This _____ Day Of _____ 2021

Michelle Beckett-El Soloh, City Clerk

Susan Marshall Harrison, Mayor