

**County Commissioners  
of  
Allegany County, Maryland**

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**Code Home Rule Bill No. 1-19**

**“An Act to Amend the Zoning Text Found in Chapter 360 of the  
Code of Public Local Laws of Allegany County, Maryland to  
Address a Variety of Errors and Omissions from the 2017  
Comprehensive Revisions (2011 Edition Amended)”**

<b>Introduced:</b>	<u>Jointly by the County Commissioners</u>
<b>Date:</b>	<u>June 20, 2019</u>
<b>Hearing Date:</b>	<u>July 11, 2019</u>
<b>Passed:</b>	<u>July 11, 2019</u>
<b>Newspaper:</b>	<u>The Cumberland Times-News</u>
<b>Publication:</b>	<u>7/17/19, 7/24/19, 7/31/19</u>
<b>Effective Date:</b>	<u>August 25, 2019</u>
<b>Referendum Petition:</b>	<u></u>
<b>Posted on</b>	<u></u>

# CODE HOME RULE

## BILL NO. 1-19

### A Bill Entitled:

**“AN ACT TO AMEND THE ZONING TEXT FOUND IN CHAPTER 360 OF THE CODE OF PUBLIC LOCAL LAWS OF ALLEGANY COUNTY, MARYLAND TO ADDRESS A VARIETY OF ERRORS AND OMISSIONS FROM THE 2017 COMPREHENSIVE REVISION AND FURTHER IMPROVE USER-FRIENDLINESS OF THE CODE (2011 EDITION AS AMENDED)”**

### SECTION I.

**WHEREAS**, Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland, establishes zoning requirements for Allegany County; and

**WHEREAS**, the Planning Commission of Allegany County reviewed and made recommendations regarding revisions to address a variety of errors and omissions and improve user-friendliness within Allegany County's Zoning text.

**WHEREAS**, the Board of County Commissioners of Allegany County, Maryland find that the amendment to the current code is necessary to correct errors and omissions and improve user-friendliness within Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland.

**NOW, THEREFORE**, in accordance with the authority granted by the State of Maryland, it is hereby proposed that the following amendments be approved and enacted to Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition):

#### **§360-59 Definitions and word usage**

B(1) COMMERCIAL (b) NEIGHBORHOOD COMMERCIAL - Neighborhood commercial uses provide products or services for the nearby residential areas and are small-scale and have lesser impacts than major commercial uses. May include grocery stores, retail stores, service stations, specialty shops, barbershops, hairdressers, professional offices, restaurants, printing shops, indoor theaters, ~~government service offices~~, banks, car washes, shops for sale or repair of appliances, auto parts or repair shops, commercial ~~self-storage~~ facilities and uses similar to those listed above.

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#### §360-90 Neighborhood commercial uses

~~Neighborhood commercial uses shall be permitted in the B-1, B-2 and GU Districts and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.~~

**Neighborhood commercial uses shall be permitted in the B-1, B-2 and GU Districts. Certain small-scale neighborhood commercial uses may be permitted as a special exception in the R-2 District where the total square footage of all buildings utilized for the use is less than 2,000 square feet, limited to: grocery stores; retail stores; specialty shops such as bakeries, barbershops and hairdressers; professional offices; restaurants; printing shops; banks; and shops for sale or repair of appliances.**

#### §360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Motor Vehicle Related Sales and Service								
Automobile parts and repair shops (See §360-100)	x	<del>SC</del> <b>x</b>	P	P	PC	P	x	x

#### §360-100 Automobile parts and repair shops

Automobile parts and repair shops shall be permitted in the B-1, B-2 and GU Districts **and** shall be permitted in the I District where the location is contiguous to an arterial highway. ~~and may be permitted as a special exception in the R-2 District for those uses with total building area less than 2,000 square feet.~~

#### §360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Energy								
Solar energy systems as primary use on "brownfield" land, reclaimed, or abandoned surface mining land (See §360-109)	x	x	x	x	<del>SC</del> <b>SC</b>	x	PC	PC
Solar energy systems as primary use (See §360-109)	x	x	x	x	SC	X	SC	SC

#### §360-109 Solar energy systems (SES) as primary use

Solar energy systems (SES) as a primary use shall be permitted in A and C Districts **and may permitted as a special exception by the Board of Appeals in the I district** if located on EPA-certified brownfield land or Maryland Bureau of Mines documented reclaimed or abandoned surface-mined land and may be permitted as a special exception by the Board of Appeals in all other areas of the A and C Districts and in the I District, subject to the following conditions:

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### §360 Attachment 1, Table 1, Table of Permissible Uses

	R-1	R-2	B-1	B-2	I	GU	A	C*
Essential Services/Transportation/Communication								
Cellular, relay, repeating and transmitting towers <sup>2</sup> (See §360-117)	x	x	x	SC	PC	SC	PC	PC

<sup>2</sup> Permitted in the LaVale Overlay District as per Article XVI, Supplementary Use Regulations.

#### §360-117 Cellular, relay, repeating and transmitting towers

Cellular, relay, repeating and transmitting towers shall be permitted in the I, A, and C Districts; ~~shall be permitted within the LaVale Overlay District in the R-2 District;~~ and may be permitted as a special exception by the Board of Appeals in the B-2 and GU Districts. All uses are subject to § 360-128, Special setback and height requirements and to the following condition:

#### §360-127 Setback Requirements for Structures

D. ~~Signs and billboards~~ **Signs and billboards** are to be set back at least 50% of the distance noted for other structures.

#### §360-139 Off-Street Parking Standards

A. General requirements.

- (1) Each parking space shall be no smaller than nine feet by 18 feet and be accessible to an aisleway, alley or street.
- (2) Aisleways between parking spaces are to be at least 20 feet in width.
- (3) All parking spaces are to ~~be separated~~ **maintain a 5-foot-wide setback** from streets, alleys or other rights-of-way ~~by a five-foot-wide vegetative buffer area.~~
- (4) **Handicapped accessible parking shall be in conformance with the Maryland Accessibility Code and the Americans with Disabilities Act.**

~~B. Residential parking. All new dwelling units shall have a minimum of two parking spaces, except for multifamily units, which shall have a minimum of one parking space per unit and 1/2 space for each bedroom.~~

~~C. Nonresidential parking.~~

- ~~(1) All single lot developed commercial buildings shall have a minimum of one parking space (no smaller than nine feet by 18 feet) for each 200 square feet of usable floor space (excluding storage and equipment areas) and one loading space for every 10,000 square feet of gross floor space. Restaurants, food shops, bars and nightclubs and other~~

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service enterprises shall have one space for every 50 square feet of customer floor space. Motels and hotels shall have one space per room plus one for every employee.

~~(2) Industrial, professional and institutional office buildings shall have parking spaces equal to 50% of the number of employees at the peak shift, plus one space for each vehicle used in the business and adequate visitor parking.~~

~~(3) Theaters, auditoriums, arenas, outdoor festivals, clubs, churches and other recreation or institutional buildings, except schools, shall have one space per three persons' total capacity.~~

- B. Minimum spaces required. Parking for employees, customers and/or visitors shall be provided in accordance with Table 5, Parking Requirements. All fractions of spaces shall be rounded up to the next whole integer. If a specific use is not listed, the Zoning Administrator shall have the right to determine the required off-street parking requirements, based on the most similar use(s) listed.**

Land Use	Parking Required
<b>Residential</b>	
Single-family dwelling unit	2 spaces per unit
Duplex	2 spaces per unit
Townhouse	2 spaces per unit
Multi-family (includes condominiums, apartments, dormitories)	1 space per unit; additional ½ space per bedroom
<b>Non-Residential Loading/Unloading</b>	
All Non-Residential Occupancies	1 loading/unloading space per every 10,000 square feet of GFA; minimum 1 space
<b>Commercial</b>	
Auto Sales	1 space per 500 square feet of GFA, plus 1 space per each employee at peak shift
Auto Service	2 spaces per service bay, plus 1 space per employee at peak shift
Banks/Financial Institutions	1 space per 400 square feet of GFA, plus 1 space per each employee at peak shift
Bed & Breakfasts	2 spaces per the primary dwelling, plus 1 space for each guestroom

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<b>Hotels/Motels</b>	<b>1 space per guest room or suite, plus 1 space per each employee at peak shift</b>
<b>Kennels, Commercial (including grooming services)</b>	<b>Minimum 5 spaces up to 50 kennel units; plus 1 space per 10 additional kennel units</b>
<b>Medical and Dental Centers/Offices/Clinics/Pharmacy (including out-patient facilities but excluding hospitals)</b>	<b>1 space per 200 square feet of GFA</b>
<b>Professional and Office Buildings (excluding medical and dental)</b>	<b>1 space per 300 square feet of GFA</b>
<b>Retail Sales</b>	<b>1 space per 200 square feet of customer floor space (excluding preparation/storage area)</b>
<b>Restaurants and Bars</b>	<b>1 space per 100 square feet of GFA</b>
<b>Veterinary Clinics/Hospitals</b>	<b>1 space per 300 square feet of GFA</b>
<b>Industrial/Manufacturing</b>	
<b>Manufacturing/Industrial Plants</b>	<b>½ space per each employee at peak shift, plus 1 space per each vehicle used in the business</b>
<b>Warehouses or Wholesale Establishments</b>	<b>½ space per each employee at peak shift, plus 1 space per each vehicle used in the business</b>
<b>Institutional</b>	
<b>Ambulance/Rescue Companies and Fire Stations</b>	<b>2 spaces per each piece of vehicular equipment; 10 spaces minimum</b>
<b>Assisted Living Facilities, Nursing Homes</b>	<b>1 space per 3 patient beds, plus 1 space per employee at peak shift</b>
<b>Churches/Places of Worship</b>	<b>1 space per 5 seats provided in the main religious assembly auditorium</b>
<b>Community Centers</b>	<b>1 space per 400 square feet of GFA</b>
<b>Comprehensive Care Facilities</b>	<b>1 space per active adult dwelling unit, plus spaces for Assisted Living Facilities as shown in this Table</b>
<b>Day Care Centers/Nursery Schools</b>	<b>1 space per each employee, plus 1 space per 5 students at capacity</b>
<b>Funeral Homes</b>	<b>1 space per 25 square feet of funeral service room(s) floor area; 20 spaces minimum</b>
<b>Hospitals</b>	<b>1/2 space per bed, plus 1 space per employee on peak shift</b>
<b>Recreation/Amusement/Entertainment</b>	

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Banquet Halls/Exhibition Halls/Assembly Halls	1 space per 50 square feet of GFA
Bowling Alleys	3 spaces per lane
Campgrounds	1 space per campsite/cottage, plus one space per 500 square feet of office space
Golf courses	4 spaces per hole
Theaters/Auditoriums/Arenas/Stadiums	1 space per 3 persons at capacity

GFA = Gross Floor Area

**§360-142 Table 6: Index of Arterial Highways**

MINOR ARTERIAL	
MD 144	Old US 220 to I-68 and I-68 at Naves Cross Road to I-68 at Fifteen Mile Creek Road
Old US 220/MD 807/Bedford Road	Route 220 North at Smouses Mill Road to Route 144 at Naves Cross Road

**§360-126 Lot size, setback and height requirements, Table 2, Note d**

d. Or fire separation distance as defined by the Building Code of Allegany County, ~~whichever is greater.~~

**§360-137 Lighting, signs and billboards**

H. Billboard signs shall meet ~~setback and~~ height requirements for major commercial use according to §360-126 and shall meet side and rear setback requirements according to §360-128. Billboard signs shall meet State Highway Administration standards and be subject to a certified plan of survey.

**§360-128, Attachment 3, Table 4 Special Setback and Height Requirements**

Use	Requirement
Billboards	15-foot setback from side and rear lot lines

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§360-128, Attachment 3, Table 4, Special Setback and Height Requirements

Use	Requirement
Neighborhood commercial structure	25' setback from property line <b>with screening buffer</b> when adjacent to <b>residential unit or R-1 or R-2 District</b> .
Major commercial structure	50' setback from property line <b>with screening buffer</b> when adjacent to <b>residential unit or R-1 or R-2 District</b> .
Industrial structure	50' setback from property line <b>with screening buffer</b> when adjacent to <b>residential unit or R-1 or R-2 District</b> , also a distance equal to the height of the structure when adjacent to <b>residential unit or R-1 or R-2 District</b> .
Special Exceptions, non-residential	50' setback from property line <b>with screening buffer</b> when adjacent to <b>residential unit or R-1 or R-2 District</b> .
Special Exceptions, large scale uses <sup>1</sup>	500' setback from property line <b>with screening buffer</b> when adjacent to <b>residential unit or R-1 or R-2 District</b> .

## SECTION II.

Sections comprising Article XVII through Article XXII of Chapter 360 of the Code of Public Local Laws of Allegany County, Maryland shall be renumbered to reflect the addition of the provisions of this Code Home Rule Bill.

## SECTION III.

All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill are hereby repealed.

## SECTION IV.

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall be effective forty-five (45) days after its passage.

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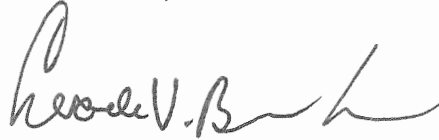


PASSED this 11<sup>th</sup> <sup>July</sup> day of June, 2019.

**BOARD OF COUNTY COMMISSIONERS  
OF ALLEGANY COUNTY, MARYLAND**



Jacob C. Shade, President

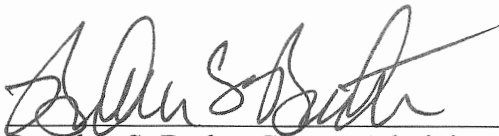


Creade V. Brodie, Jr. Commissioner



David J. Caporale, Commissioner

ATTEST:



Brandon S. Butler, County Administrator