

**FRUITLAND PLANNING COMMISSION
TUESDAY, MARCH 3, 2015
MINUTES**

The Fruitland Planning Commission met at City Hall on Tuesday, March 3, 2015 at 7:00 p.m. with the following members in *Chairman Leland Bonneville, Derek Bland, Jason Pearce and Darlene Kerr.*

Also present were:

City Solicitor Andrew C. Mitchell Jr. and Administrative Assistant Linda Powell.

Our guests included:

Bob Marvel and Salisbury University Students Roger Dobin, James Lyons and Moh Toth.

Chairman Bonneville called the meeting to order at 7:00 p.m. and acknowledged receipt of the minutes of the February 3, 2015 Planning Commission Meeting, calling for additions or corrections. As there were none, **Mr. Bland moved to adopt the minutes as presented; Mr. Pearce seconded and the motion passed on a four to zero vote in favor.**

OLD BUSINESS

1. Home Occupation

Having received a list of guidelines to consider prior to the meeting, the Commission, under the direction of Solicitor Mitchell, began discussing fundamental components of the City's Home Occupation Ordinance. The issues expressed, as it relates to permitting home occupations within the various residential districts, included noise, fumes, traffic, parking and whether to allow staff aside from the homeowner(s). Also, the issue arose as to whether or not the ordinance should restrict home occupations to certain types of businesses.

Solicitor Mitchell stated to the Commission that they need to decide what activities/home occupations they want to allow in the various zoning districts.

Mrs. Kerr stated that the Commission should consider what the citizens in the community would want near their residences as it relates to the effect a business/home occupation may have on their neighborhood.

Mr. Bland stated that he didn't think we needed to legislate specific types of businesses, he prefers that we define the effects of a home occupation in the community and not legislate the types of businesses that would be permitted. He also prefers that we impose as few restrictions as possible on residents.

After a lengthy discussion on the topic, Solicitor Mitchell stated that we currently have a limited Home Occupation ordinance that requires an individual to obtain a Special Exception and then come back to the Board to renew it after two years. He then proposed drafting a tiered Home Occupation ordinance. He asked, first, if the Commission would consider having certain very strict standards that said if you fell within a specified criteria, you wouldn't have to do anything as we wouldn't categorize the business as a home occupation. Secondly, another set of criteria would apply to other effects and/or businesses and require one to obtain approval from the Planning Commission or Board of Appeals.

Mr. Bland then suggested that if a tiered ordinance is drafted, then we could add criteria that requires the resident to specify the effect the business would have on the neighborhood, to include whether or not the resident plans to have employees, signage, etc. He agreed with having home occupations as a permitted use if it has no obvious adverse effect on neighborhoods.

Finally, before moving on to the next agenda item, Solicitor Mitchell asked the Commission to give more consideration to the issues discussed.

2. Zoning for Churches

Solicitor Mitchell stated that what was told to the members of Trinity Baptist Church, as it relates to the Comprehensive Plan, will not be feasible due to the timing of its implementation. As was previously discussed, the Church wanted to raze their current structure and construct a new building in a C-4 district. A big issue is the size (.651 Acres) of their lot, which now is too small for a church in any zone. There is reasoning for allowing churches in commercial zones, such as a storefront, because this minimizes parking issues. However, if churches in commercial zones are permitted, it would be taking away from commercial uses. Also, there is the possibility of getting an approval by amending the zoning text to allow a church, if it had three acres of land available for development, but as Trinity has a small lot, a text amendment would not work.

The Commission then referred back to the site plan initially submitted at a prior meeting to review the parking specifications and lot dimensions. A closer review revealed that the property was larger than initially thought. Nevertheless, the site plan still did not provide enough criteria to substantiate moving forward with a text amendment.

Finally, Solicitor Mitchell suggested that, if or whenever the Church came back before the Commission, we could discuss whether they would be able to acquire additional land and additional parking. Solicitor Mitchell also suggested that a letter could be sent to the Church stating the preceding consensus. *(Note: A letter was mailed to F. Douglas Jones Surveying Associates on March 4, 2015, as referenced in this paragraph).*

3. Priority Funding Area

Solicitor Mitchell reported that without a PFA certification, project is not eligible to most State funding. PFA relates to growth. The entire City is a PFA, as of the certification of the three properties that were partially (the balance was already in the city) annexed in 2013. Crown is PFA certified as well. Rowen's Mill is the only questionable area as its status is currently a PFA "comment area".

Mr. Bland stated that he'd thought that the City had discussed trying to make a portion of Main Street commercial through PFA resources.

Solicitor Mitchell addressed Mr. Bland's statement under the New Business, Comprehensive Plan heading.

NEW BUSINESS

1. Comprehensive Plan – Discussion Item

Solicitor Mitchell responded to Mr. Bland's statement concerning the development of Main Street through PFA funding by replying that the Comprehensive Plan had called for trying to develop Main Street as Commercial, as a "real Main Street". He stated that he favored commercial redevelopment from Route 13 to City Hall, and that the city could benefit by going to a mixed use zoning designation with business on the first floor and residential use on the second floor. He mentioned that there were two or three properties near the fire hall that had previously operated as a mixed use occupancy and that it would be good to make them clearly legal.

Solicitor Mitchell went on to say that once every ten years the Planning Commission is supposed to ensure implementation of the visions, development regulations and sensitive areas are outlined in the Comprehensive Plan. This is supposed to be done through zoning laws, planning and development ordinances and regulations, subdivision ordinances and regulations and other ordinances and regulations consistent with the Comprehensive Plan. He informed the Commission that the City adopted its Comprehensive Plan on February 3, 2009. He also stated that if the Plan is not in compliance, no changes are supposed to be made until it has become compliant. Currently, the City's Comprehensive Plan is not in compliance as it has not been totally implemented.

However, since we're not required to update every six years as was previously required, we now have more time to work on it. Solicitor Mitchell recommended that over time the Planning Commission look at whether they need to change bits and pieces of the old plan. Once the Commission is satisfied with the Comprehensive Plan, then make the necessary steps to ensure it's all implemented.

Mr. Pearce added, with regard to the Main Street revamp, that it would be nice to establish some design guidelines so that there is some uniformity among the buildings.

2. Flood Plain Ordinance – Discussion Item

Solicitor Mitchell reported to the Commission that as of February 17, 2015, the City had received its final Flood Plain letter of determination, which means we now have six months, until August 17, 2015 to enact our Flood Plain ordinance. He stated that the reasoning for the City implementing this ordinance is so that residents can benefit from Federal flood insurance programs. The first reading of the Flood Plain ordinance is planned for no later than July's city council meeting.

3. Sustainable Communities – Discussion Item

Solicitor Mitchell reported that Sustainable Communities is a part of Maryland's Smart Green Growth initiative and the premise is that a community be able to sustain development that meets the needs of the present without compromising the ability to meet its future needs. HUD, DOT and the EPA are supposed to coordinate their capital investments through sustainable communities which means more funding available for doing various community projects. While we've missed a couple of application opportunities, there are still two other months in which we can apply, June and October. He also stated that the city currently meets the threshold to apply with the exception that it has to be consistent with the Comprehensive Plan.

4. IBC Update

City Solicitor Mitchell informed the Commission that the City has six months to adopt the 2015 IBC with changes. The legislation should be completed by July 1, 2015, in order to meet the deadline.

General Discussion

No general business was discussed.

With no further business to discuss, **Mr. Bland moved to adjourn and Mrs. Kerr seconded. The motion was approved by a four to zero vote in favor and the meeting adjourned at 8:15 p.m.**

Submitted by,

*Linda J. Powell
Administrative Assist.*

Approved 4/7/15