



Planning Commission MEETING AGENDA

Thursday, August 15, 2024 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

- 1. Call to Order**
- 2. Approval of Minutes**
 - a. Approval of the Decision Summary from the July 18, 2024 meeting.
- 3. Election of Officers**
 - a. Election of Vice Chairperson.
- 4. Old Business**
- 5. New Business**
- 6. Discussion Item**
 - a. Potential Revisions to the Zoning and Subdivision Text Amendments - Seafood Processing.
 - b. Potential Revisions to the Zoning and Subdivision Text Amendments - March 2024 Follow Up.
 - c. Continued discussion of the Comprehensive Plan Update.
- 7. Adjournment**



**Town of Easton Planning Commission
Draft Decision Summary**

Thursday, July 18, 2024 at 1:00 p.m.

Town Hall Chamber 2

14 S. Harrison Street, Easton, Maryland

Archived video of the meeting is available at:

[Town of Easton Agendas and Minutes](https://www.eastonmd.gov/Agendas/Agendas%20and%20Minutes)
[\(eastonmd.gov\)](https://www.eastonmd.gov/)

Attendance:

Commission Members:

Jennifer Dindinger, Chairperson
Philip Toussaint, Vice Chairperson
Tom Klein
Victoria McAndrews
William Ryall
Michael Ports, Alternate

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Planner
Sharon Van Emburgh, Esq. Town Attorney
Rick Van Emburgh, Town Engineer
Samantha Smith, Administrative Specialist

1. Call to Order — Chairperson Dindinger called the meeting to order at 1:00 pm.

2. Decision Summary Review —

a. June 20, 2024 - The Commission noted the following correction to the draft decision summary:

i. Line 50: Add: Commissioner Ports to Roll Call Vote of Decision Summary Review.

Commissioner Ryall moved to approve the June 20, 2024 Decision Summary with amendments. Vice Chairperson Toussaint seconded the motion.

Vote	5 - 0
FOR:	5 - Dindinger, Toussaint, Klein, McAndrews, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

3. Old Business — None

55
56
57 **4. New Business**
58

59 **a. File No.: 2024 - 1231**

60 **Applicant: Lane Engineering, LLC**

61 **Location:** 404 & 406 Marvel Court, Easton, MD 21601

62 Tax Map 0105, Grid 0000, Parcel 2992D, Lot 4 & 5

63 **Zoning:** CG

64 **Request:** The applicant is seeking site plan approval for the redevelopment
65 of the existing lots 4 & 5 to include a two-story 8,136 square foot expansion of
66 the existing medical facility with associated parking, stormwater management,
67 and other site improvements. Considering that the site is located on a previously
68 developed area covered by impervious surface and is located within the priority
69 funding area, the applicant is also seeking an exemption of forest conservation
70 requirements from Article III of the Town's Forest Conservation Ordinance
71 Section 31-3.2.0.
72

73 Staff recommends the following condition:
74

- 75 1. The applicant is required to address all Easton Staff Development Review
76 (ESDR) comments.
77

78 **Staff Presentation:**

79 Joseph Mayer, Plan Reviewer

80 Lynn B. Thomas, Town Planner

81 Rick Van Emburgh, Town Engineer
82

83 **Applicant Presentation:**

84 Ryan Showalter, Esq.

85 Keith Fisher, Fisher Architecture
86

87 **Public Comment** — None

88 **Public Comment Written** — None
89

90 **Commissioner McAndrews moved to approve the site plan subject to the following**
91 **condition:**
92

- 93 1. **The applicant shall address all outstanding Easton Staff Development**
94 **Review (ESDR) comments.**
95

96 **Commissioner Ryall seconded the motion.**
97

98 Vote 5 - 0

99 FOR: 5 - Dindinger, Toussaint, Klein, McAndrews, Ryall

100 AGAINST: 0

ABSTAIN: 0
ABSENT: 0

b. File No.: 2024 - 1210

Applicant: ADBM Route 50, LLC

Location: 9719 Ocean Gateway, Easton, MD 21601

Tax Map 0025, Grid 0006, Parcel 0013

Zoning: CG

Request: The applicant is seeking site plan approval for the construction of a two-story building that includes a 10,000 square foot (SF) automotive sales/showroom, a 4,756 square foot (SF) warehouse, and a 4,920 square foot (SF) garage with associated stormwater management improvements. The applicant is also requesting a waiver of the overall landscaping canopy, parking lot trees, and vegetative buffer requirements.

Staff recommend the following conditions:

1. The applicant is required to address any remaining Easton Staff Development Review (ESDR) comments in conjunction with the submission of the Development Site Plan.
2. The proposed canopy trees are to be a larger caliper greater than 2"; and the larger shrubs are to be greater than 7' to enhance the screening along the adjacent residential properties.

Staff Presentation:

Joseph Mayer, Plan Reviewer

Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Brian Fitzgerald, Rauch Inc.

Virginia Richardson, Rauch Inc.

Chris Schaffner, DHW Holdings, LLC

Public Comment — None

Public Comment Written — None

Commissioner Ryall moved to approve the site plan subject to the following conditions:

1. The applicant shall address all outstanding Easton Staff Development Review (ESDR) comments in conjunction with the submission of the Development Site Plan.
2. The proposed canopy trees shall be a caliper greater than 2"; and the larger shrubs shall be greater than 7' to enhance screening along the adjacent

147 **residential properties.**

148
149 **3. The applicant shall provide additional plantings and grasses along the US 50**
150 **frontage.**

151
152 **Commissioner Klein seconded the motion.**

153

154 Vote	5 - 0
155 FOR:	5 - Dindinger, Toussaint, Klein, McAndrews, Ryall
156 AGAINST:	0
157 ABSTAIN:	0
158 ABSENT:	0

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161 **5. Discussion Items**

- 162
- 163 **a. Potential Revisions to the Zoning and Subdivision Text Amendments: Seafood**
164 **Processing —** In response to recent concerns and other public complaints
165 associated with odor, the Town Council has begun pursuing zoning options to
166 address odor control measures in light industrial use areas with particular
167 emphasis on seafood processing. Prior to a Council workshop on the issue, Staff
168 has prepared a memorandum of potential seafood processing provisions to the
169 Zoning Ordinance which include recommended supplemental standards to address
170 odor control measures and operational requirements; amended setback
171 requirements for light industrial business from residential uses; and to potentially
172 create new use definitions for Seafood Processing.

173

174 The Commission generally favored the creation of broader odor control language
175 in the current Development Standards of the BC - Business Commercial District
176 in which odor mitigation measures would apply to operations within a residential
177 area or right-of-way. The Commission also favored operational setback
178 requirements applicable to light industrial operations within a certain number of
179 feet of any parcel with a residential zoning classification, Planned Unit
180 Development (PUD) or the Planned Redevelopment Overlay District (PR
181 Overlay).

182

183 The Commission revised the definition of *Industry, Light* to include basic
184 industrial processing; and created a new definition for *Seafood Processing* that is
185 specifically excluded from the listed uses in *Industry, Light*. Additional
186 Supplemental Standards for Seafood Processing were added to the Supplemental
187 Standards for Industrial Uses in Article X, Section 28-1007.3.A.10 including:
188 language to the treatment and storage of by-products; and additional provisions
189 specifying compliance with these supplemental standards. The Commission will
190 continue to develop these provisions and additional zoning options in subsequent
191 meetings.

b. Potential Revisions to the Zoning and Subdivision Text Amendments: March 2024 Follow Up — At their March 21, 2024 meeting, the Commission provided preliminary feedback and comments for changes to the following proposed Amendments to the Zoning Code:

- i. Donation Centers
- ii. Single Family Home Criteria
- iii. Revised Internal Illumination Standards for Signage
- iv. Site Triangle Distance
- v. Minimum Parking Space Requirements
- vi. Parking Space Dimensions
- vii. Article 12: Non-conformities
- viii. Fuel Price Regulations for Freestanding Signs
- ix. Driveway Materials (Impervious Surfaces)
- x. Corrections to the Zoning Map
- xi. MXW Standards
- xii. Food Trucks
- xiii. Parking Standards
- xiv. Sheds
- xv. Swimming Pools and Patios
- xvi. Restaurant Use Types
- xvii. Removal of Parking Districts and “Tree of Heaven” language

Staff presented a follow-up proposal of these minor Amendments with the applicable changes for the Commission’s consideration. The Commission made revisions to the definition for *Sheds* with language that excludes portable storage units; and included an additional supplemental standard for the maximum footprint of sheds. Minor revisions were also made to the definitions for *Swimming Pools* and *Patios*. The Commission indicated that they would like to see the removal of the language for “Tree of Heaven” as an appropriate street tree type, specifying the species on the list of inappropriate species to include Black Locust and Honey Locust.

Minor revisions were recommended to the language for parking standards, parking space dimensions, and parking waiver provisions in *Restaurant Use* types. The Commission also revisited the minimum standards of the parking space requirements, and suggested the deletion of the maximum parking limits in *Missing Middle Housing* types, and an additional parking standard for *Attached Single Family* units.

The Commission favored the proposed map corrections in items *a* through *e*; and favored the proposed time frame for non-conforming abandonment from six (6) months to 12 consecutive months (1 year). Clarifying language was added for the surface area frontage for *Retail Uses* in the MXW window and door placement

standards, and for the MXW Leed standard.

Revisions to the Amendments regarding Sign Regulations (including Internal Illumination and Freestanding Signs), Donation Centers, Single Family Homes, Food Trucks, Dust Free Materials, and other Parking Standards and Setback requirements are anticipated to be reviewed and discussed in further detail at the Commission's August meeting.

- c. Continued discussion of the Comprehensive Plan Update — Mr. Lynn Thomas briefly summarized the status of the chapters to be reviewed and revised in the ongoing effort to update the current Comprehensive Plan. The Commission has previously reviewed and provided comments for draft versions of the *Introduction, Background Chapter, Land Use Chapter, and the Community Character Chapter*; to which those revisions and comments have been applied. Six (6) additional chapters have been drafted by staff including: *Municipal Growth, Historic Preservation, Sensitive Areas, Water Resources, Parks, Rec & Open Space, and Sustainability*; and will be formally presented to the Commission at a subsequent meeting. The Commission recommended the inclusion of applicable topics such as climate change, walkability, and bird collision to the *Sustainability Chapter* of the draft. A draft version of the *Housing Chapter* shall be significantly informed by the recommendations and findings of the Attainable Housing Task Force. Staff anticipates that draft versions of the remaining chapters shall be completed by the end of August, where they will subsequently be reviewed and approved by the Planning Commission prior to public review and Council adaptation.

- 6. Adjournment** — Commissioner Ryall moved to adjourn. Chairperson Dindinger seconded the motion. The meeting was adjourned at 4:01 p.m.



MEMORANDUM

TO: EASTON PLANNING & ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: JULY 31, 2024

SUBJECT: SEAFOOD PROCESSING ZONING TEXT AMENDMENT

Below, please find a revised version of the memorandum I sent to the Commission last month. It is generally the same language, except for the changes you indicated you would like to see during the Discussion at July's meeting. I have also retained the first few paragraphs for background information. For now, I have kept the yellow highlighted language to reflect new language as proposed originally (i.e., that we discussed on 7/18). I have added cyan-highlighted language to reflect language that, if adopted, would be a new addition to the existing Code and is newly proposed in this iteration (as opposed to the first version of this memo). Strike-thru still represents language proposed to be deleted from the existing Code (and could be from either version).

The Town Council has recently been pursuing options available to them to generally address odor issues, with particular emphasis on a Seafood Processing Business that has been the subject of numerous neighborhood complaints since it opened a few years ago. In preparation for a workshop on the issue, Sharon prepared a memorandum outlining the range of options available to the Town. Here is what she included in the section on Zoning options:

POSSIBLE LONG-TERM SOLUTIONS AND PREVENTION OF SIMILAR ISSUES

The zoning code could be amended to add provisions to address this type of business both with supplemental standards that could address things like odor control measures,

operational requirements, or setbacks from residential uses, and also to look at which zoning districts are appropriate for this type of use. While the existing crab picking business is grandfathered as to the use, if they wanted to expand in the future, having provisions in the zoning ordinance could require compliance at that time. Zoning provisions could also address where appropriate locations are in Town for this type of use in the event this business decides to relocate or other businesses want to locate in Town. Zoning amendments take a few months to accomplish.

The Council indicated that they would like us to pursue the zoning options by proposing a text amendment for their consideration. They indicated that they had no preference as to whether it comes as a standalone amendment or as part of the packet we are in the process of developing. However, they did state a preference for whichever option is the most expeditious. Given that we are only at the beginning of the discussion stage of the packet of amendments, it seems to me that a standalone amendment would potentially have the quickest route to adoption. This also has the advantage of this particular amendment not being held up by controversy or extended discussion related to one or more of the other proposed changes.

Here are my initial thoughts on a seafood processing amendment:

- We should amend the definition of industry light to make it clear that seafood processing does not qualify as this use:

Industry, light - A use engaged in the manufacture, predominantly from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, packaging, **basic industrial processing**, incidental storage, sales, and distribution of such products, but excluding **seafood processing** or ~~basic industrial processing~~.

- We should concurrently create a definition of seafood processing.

Seafood processing - A use engaged in the process by which harvested seafood, or by-product of harvested seafood, is cleaned, cut, eviscerated or otherwise prepared or cooked for sale in bulk, with a resulting by-product.

- We then need to decide where and how to permit. Maybe "P" in the I District and "SE" in the BC district?
- Finally, we need to consider possible supplemental standards. Some possibilities that come to mind are:
 - Enhanced separation from Residentially-zoned land (500'??).

- Standards regarding the appropriate treatment and handling of any "by-products" (i.e., waste).
- Require odor controlling technology??

These would be added to Article X, Section 28-1007.3 A 10 (the Supplemental Standards for Industrial Uses):

10. Seafood processing

- All by-products shall be treated, stored, and eliminated in accordance with all local and/or State regulations and may not be stored within a vehicle in excess of 24 hours.
- Any seafood processing use that was legally in existence as of September 1, 2024 shall comply with the supplemental standards of this subsection no later than January 1, 2029.

Revise the Development Standards of the BCZoning District to include the following safeguards intended to better protect residential areas from industrial uses with potentially detrimental impacts:

SECTION 28 – 308 BC – BUSINESS COMMERCIAL DISTRICT

28 – 308.1 PURPOSE

The purpose of this district is to provide areas for light industrial, service/business commercial and related uses which can operate in a clean and quiet manner. Certain public facilities needed to serve the district and adjoining residential and commercial districts are permitted. Regulations are designed to protect abutting or surrounding districts; to establish standards for intensity of use and to guide the character of development. In keeping with the purpose of this district, no use may be permitted which may be detrimental to the area because of odor, smoke, dust, fumes, fire, noise, explosion, or open storage.

28 – 308.2 DEVELOPMENT STANDARDS

The following minimum development standards shall be observed in the BC District:

- The minimum lot size for all uses hereafter established shall be 40,000 square feet.

***** - This is totally unrelated to these amendments. I just happened to notice that the word "lot" was omitted when I copied this section from the current Zoning Code.**

- B. Off-street parking shall be provided in accordance with the provisions of Section 28 – 1001.
- C. All lots hereafter established shall have a frontage on a public street or way of at least one hundred (100) feet.
- D. Minimum setbacks for all uses shall be as follows:
 - 1. Front – forty (40) feet from the property line.
 - 2. Side – ten (10) feet on each side of the property line.
 - 3. Rear – thirty (30) feet from the property line.
- E. Height limitations – thirty-five (35) feet.
- F. Building Envelope – all lots shall have a minimum building envelope of thirty (30) feet deep by eighty (80) feet wide.
- G. Lot coverage by all buildings and structures shall not exceed fifty (50%) percent of the lot area.
- H. There shall be no open storage on any lot or open areas, nor shall any products be displayed in open areas. All outside storage shall be adequately screened and landscaped in accordance with provisions of Section 28 – 1014 of this Ordinance.
- I. All on-site lighting unless approved otherwise by the Planning and Zoning Commission shall be low cut-off shielded luminaries at 18' height and light shall not shine off-site at levels greater than 1-foot candle.
- J. All off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 28 – 1014 of this Ordinance
- K. All areas not devoted to buildings or parking areas shall be landscaped and maintained in a suitable manner, in accordance with the provisions of Section 28 – 1014 of this Ordinance.
- L. No portion of any structure used for, or in association with, any legally permitted use (by right or via Special Exception) in the BC Zoning District, shall be located within five hundred feet (500') of any parcel with a residential zoning classification (R-7A, R-10A, or R-10M). The same enhanced setback shall apply

from approved Planned Unit Development (PUD) or Planned Redevelopment Overlay projects that are primarily residential in nature.

M. All uses or structures in the BC Zoning District shall install odor control technology, as necessary, in order to control ventilation at the establishment in such a manner that no odor from any product or by-product can be detected outside the building on the same property or on adjacent properties or public rights-of-way, or within any other unit located within the same building as the seafood processing facility, if the use occupies only a portion of the building. The operator shall properly maintain all odor mitigation equipment to ensure maximum efficiency. Applicants shall provide certification by a Professional Engineer, Certified Industrial Hygienist, or other equivalently qualified professional that proposed odor control measures will effectively eliminate outdoor odors for all odor sources.



TOWN OF EASTON

Planning & Zoning Department

STAFF MEMORANDUM

TO: EASTON PLANNING AND ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP
TOWN PLANNER

DATE: MAY 6, 2024
UPDATED - AUGUST 2, 2024

SUBJECT: PROPOSED ZONING CODE AMENDMENTS - FOLLOW-UP

As we continue to consider potential Zoning Code Amendments, here is a copy of everything in my original memorandum from May, with annotations/notes concerning what was discussed/decided up to this point (as of this date there has only been the discussion from the July 18, 2024 meeting). Such notes are indicated in **bold, red, underlined font**. I do not intend to revisit any such comments at this time (although, feel free to email me if I have gotten something obviously wrong or you have any answer to a question I pose). Rather, my strong preference is to get through the complete list once, make all the revisions the Commission has suggested along the way, and have one final (hopefully) review of the proposal as revised and in Ordinance format. Please note that we got through the so-called “no-brainers” (items 1-12) at the July meeting and should pick up with item 13 at your August meeting.

The Commission will recall that potential Zoning Code amendments were presented and discussed at your March meeting. At that time, you assigned each proposed change to one of several categories. One of which were for proposed changes identified as so-called “no-brainers” and the others which were categorized such that additional research and/or discussion was requested. For simplicity sake, I have lumped all of the latter together here. Here then are the various proposed amendments, beginning with the “No-Brainers”:

1. **Add definitions for sheds, swimming pools, and patios** - We have no definitions for these common structures and given that they have unique standards (e.g., setbacks) it is important to establish precisely what each term encompasses. In addition, the ordinance needs to specify whether, and to what extent, we may allow encroachment of patios into setbacks.

Shed - a small accessory structure used to store items related to or used in connection with a residence.

Shed - ~~an small~~ accessory structure used to store items related to or used in connection with a residence, **excluding portable storage units.**

**** - Also add to supplemental standards for sheds that the maximum footprint shall be the lesser of 10% of the lot area or 1,000 square feet.**

Swimming pool - any artificial structure, basin, chamber or tank, except a private spa, either above or below ground, which is used or intended to be used for the primary purpose of swimming, diving, wading or recreational bathing. A swimming pool includes all associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a swimming pool.

Patio - an uncovered horizontal structure with a surface height, at any point, no greater than two feet (2') above grade, intended for use as an outdoor amenity space.

Patio - an ~~uncovered~~ **unenclosed** horizontal structure with a surface height, at any point, no greater than two feet (2') above grade, intended for use as an outdoor amenity space.

2. **Removal of "Tree of Heaven" as a suitable street tree -**

This is a highly invasive species and not appropriate for planting generally ,or specifically as a Street Tree.

Currently Tree of Heaven is listed in Section 28-1014.3 under the exceptions to the acceptable plant species list, indicating it is "suitable as street tree only." If we want to prohibit its use under any scenario, we simply need to change that note to read "Not suitable in any location." This is consistent with several other species on this list (e.g., Bradford Pear, or Black **and** Honey locust).

I also understand that there is a desire to address the osage orange in the same manner. Just like the tree of heaven, it is currently listed as “suitable as street trees only.” Banning it everywhere would be accomplished identical to what is proposed for the tree of heaven above.

3. Reducing the site triangle distance for some zones and clarifying whether an alley and street corner is considered an intersection

There is some thought amongst staff that rather than using a blanket standard, sight triangles should be determined by the design speed of the street, the type of traffic control at the intersection, and the location of the travel ways from the edge of buildings at the corners, at least on urban streets. In any event, the AASHTO Green Book addresses the determination of clear sight triangles and the Town Engineer's Standard Details may also provide additional requirements and guidance. Any changes to the site triangle distance or intersection design in general will require close coordination with the Town Engineer.

Attachment 3 is a more detailed and context-specific version of this standard from St. Petersburg, FL. I think this might be what we are looking for, although the distances used there may not necessarily be the same as we would adopt.

4. Re-visit restaurant use types to allow more flexibility for hybrid take out/eat in restaurants -

The current zoning code lists four types of restaurants: Fast Food, Carry Out/Deli, Night Club, and Sit Down. It does not particularly describe a sit-down restaurant with carry out service, which has become almost commonplace since the COVID Pandemic. This is occasionally an issue with regards to the question of the use and more commonly when trying to determine the appropriate parking requirement.

I am not sure this is as much of an issue for the use table as it is (or could be) for parking requirements, at least if we assume that carryout is an acceptable activity associated with any type of restaurant. Beyond parking, what is the impact difference for a restaurant that does a moderate carry-out business vs one that does little or none?

Our parking standards for the various restaurant uses are currently fairly consistent, with a minimum ratio of 1 space per ~~100~~ **200** sf GFA and maximum of 1 per 50 for all types except carry-out (which is 1 per 300 and 1 per 200). Given this and the caveat in the paragraph above, I am not sure there is a need to change anything, unless you want to

build in flexibility for relief from the minimum parking requirements for any restaurant type when a “significant” portion of the business is anticipated to come from carry-out service. This could obviously be a basis for a parking waiver, but building in administrative flexibility might be appropriate in this specific scenario.

***** - Clean-up our definitions of restaurant types and tighten up parking waiver provisions.**

5. **Removing "Parking Districts" from code** - This is an outdated reference to an old code and an old practice whereby businesses located within a defined geographic area could pay a fee in lieu of providing required off-street parking. It was eliminated probably 20 years ago so the reference should be removed from the Zoning Code.

This will be accomplished (hopefully!) with a simple Search and Delete command.

6. **Revisit minimum parking space requirements** - This is simply a suggestion to look at national standards to make sure we are not out of sync with contemporary recommendations.

One of the hottest trends in Planning circles currently involves drastic changes to parking standards, highlighted by a handful of communities who have eliminated parking minimums altogether. Such communities have decided to allow parking to be determined by market forces rather than (potentially) prescriptive formulas, many of which are based on national averages and may be subject to changes in business operations or characteristics over time that are not reflected in the standards.

Our parking ratios were fairly comprehensively updated with the last comprehensive Zoning Code Update in 2021. As such, barring a significant across-the-board change such as that described above, I do not see the need for changes to our parking standards. If there are any specific uses you have concerns about, I will be happy to do some additional research to see what other communities impose.

***** - My notes indicate the following suggestions/questions:**

- **Add caveat to minimum parking requirements (will have to review recording to see what that was referring to).**
- **Perhaps look at Single Family Attached Parking Standard.**
- **Delete the Maximum Parking limit for MMH types.**

7. **Change language for parking space dimensions -**

Are our dimensional requirements for parking spaces appropriate?

The dimensional requirements for parking spaces are found in Table 10.1, which is copied below:

Table 10.1

Angle	Minimum Stall Width (W)	Minimum Stall Length (L)	Minimum Aisle Width (Maneuvering Space) (A)
90°	9 feet	18 feet **	24 feet (25')
60°	9 feet	18 feet **	18 feet one-way (16') 22 feet two-way (20')
45°	9 feet	18 feet **	16 feet one-way (12') 22 feet two-way (19')
30°	9 feet	18 feet **	14 feet one-way (12') 22 feet two-way (19')
Parallel	8 feet	22 feet	16 feet one-way 22 feet two-way

*** - Vehicle Overhang: Up to two (2) feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, in this situation the minimum required depth of the parking stall may be reduced by up to two 2 feet When utilizing this option, curbing shall be utilized at the edge of the paved area, rather than wheel stops.*

The standards highlighted in yellow are the recommendations from the 21st Century Land Development Code, a source I frequently reference. The Commission should discuss whether or not they are in favor of changing these (or any other) of our standards. If so, the actual change is easy to make.

**** - My notes indicated a desire to make the highlighted 90 degree aisle width change but maintain all other current standards.**

8. **Conflicting statements in Article 12** - Check this section for internal conflicts regarding non-conformities. Also, consider changing from 6 months to 12 consecutive months for a nonconforming use to be considered to be abandoned unless the use was disrupted due to repair or remodeling.

With regards to the time frame for abandonment, that would be a very straightforward change to Section 28-1201 E, as follows:

E. Any non-conforming use, including the non-conforming use of a lot, parcel or

structure that is discontinued or abandoned for a period of ~~six (6) months~~, **one (1) year**, shall not be resumed thereafter and any future use of lot, parcel, or structure shall conform to the provisions of this Ordinance. Any structure that is moved for any reason for any distance by the owner, shall be required to conform to the regulations for the zoning district in which it is located after it is moved. In the case of any dispute as to whether a non-conforming use is abandoned or discontinued, the burden of proof shall be upon the property owner.

9. Map Corrections -

- a. Waterside Village is indicated as CG rather than PUD
- b. Parcel on Creamery and another on Wrightson behind the Seafood Market/Deli are both shown as CG but should have been changed to CB in 2021 Update.
- c. Elliott Road Apartment site is now PUD
- d. Gannon Range site is now PUD
- e. Should we consider changing the base zoning of any part of the properties in the general vicinity of the ill-fated Mansion Apartment on August Street? They are now CB. Was suggested at the meeting that they should be residential, even though until 2021 they were Industrial (I-1).

I think items a through d speak for themselves and simply need to be changed. Item e is potentially subject to further discussion, although so long as the properties in question are also within the PR Overlay, the base zoning is not terribly important except that if it is a residential classification, that does potentially limit the scope/scale of any proposed commercial use. Otherwise, essentially anything can be proposed, subject to site plan approval.

10. MXW window and door placement standards. - There is a seemingly contradictory statement that Zach Smith identified that says "The uses on the ground floor shall be visible from and/or accessible to the street through the use of windows and doors on at least 50% of the length of the first floor street frontage. At least 60% or more than 90% of the total surface area of the front elevation shall be in public entrances and windows (including retail display windows)." 28-312.4.4

10. MXW window and door placement standards. - There is a seemingly contradictory statement that Zach Smith identified that says "~~The~~ **Retail** uses on the ground floor shall be visible from and/or accessible to the street through the use of windows and doors on at least 50% of the length of the first floor street frontage. At least ~~6~~**5**0% or more than 90% of the total surface area of the front elevation shall be in public entrances and windows (including retail display windows)." 28-312.4.4

This is seemingly easy. We just need to decide which provision we would like to see be the standard and eliminate the other (or, figure out a way to clearly distinguish between the two).

11. MXW LEED standard is outdated -

Simply need to change LEED Bronze to LEED Certified.

This is definitely easy and, again, a simple Search and Replace will hopefully fix this issue.

12. Clean up usage of the terms single-family attached and townhomes - are these synonymous or is there a difference and if so, what is it and does that affect how each is treated on the use table?

**** - Use the broadest term possible and add “including, for example, townhomes”...**

Just a guess, but I am thinking that the term “single-family attached” was originally used in the Zoning Code to disassociate this type of housing from multi-family and the process and/or stigma that was at one time, rightly or wrongly, associated with such uses. I would like to think we have generally moved beyond that now and would favor simply referring to the use as Townhouses or Townhomes. They are, afterall, included amongst the Missing Middle Housing Options. If you agree, this would be another Search and Replace fix, although in this case it would be a fairly extensive one.

*****ENDED HERE AT JULY 18TH MEETING*****

Next are the potential amendments that were identified as needing some level of additional discussion. A number of them deal with various issues associated with the Sign Regulations and you specifically grouped those together, so I will include those next:

13. Revised internal illumination standards for signage - The current illumination standards for signs are somewhat limited for internal illumination. They are as follows:

- i. Individual backlit letters which are silhouetted against a softly illuminated wall;
- ii. Individual letters with translucent faces, containing soft lighting elements inside each letter; and
- iii. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

The most common form of internal illumination involves something like item iii, but rarely with metal-faced signs. Instead, they are generally a plastic-like material. They are very common and unless we want to create an even larger number of non-conforming

signs, we should probably legitimize them by expressly allowing them in this list, and if we do want to prohibit them, the Code should more clearly make such a statement. There may also be a middle-ground and if so, we should specify what that is. One example of this is from the City of Alexandria, VA who prohibits internally illuminated translucent **rectangular** panel signs (but allows them in other shapes). If the Commission is interested in adding this as a possibility, I suggest we add to this session, something like the following:

iv. Translucent panel signs that are non rectangular in shape.

14. **Revised language regarding signage not being located above the eave line** - The Ordinance currently addresses this issue by stating that:

B. Wall signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portions of the sign shall extend beyond the ends of the wall to which it is attached.

This poses an issue because there are certain roof types where a wall sign would seem appropriate, but are precluded based on this language. A front-facing gable (a la the Amish Market) is one example. If that is the only configuration where we believe an exception is warranted, the solution may be as simple as revising the language above to something like:

B. Wall signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portions of the sign shall extend beyond the ends of the wall to which it is attached. Such signs may extend above the eave line on facades with a front-facing gable roof, in which case such signs shall not extend above the top of the gable.

15. **Removal of fuel price regulations for freestanding signs** - There is actually a State Law that also regulates fuel price signs and our local zoning regulations appear to be at conflict with them. We should either make them consistent, or perhaps eliminate our regulation and simply allow the State law (whatever it is at any given moment) to apply.

The State Law is found in **Maryland Code BUSINESS REGULATION § 10-315 - Advertising signs**. The current Zoning Code allows such signs, but limits them in size to 3 square feet. As I read this State Law, it does not regulate size (and in fact, indicates that such signs are exempt from local zoning number or area limitations), but rather simply requires such signs to be “readable by passing motorists.” I think the simplest fix to this issue is something like the following:

H. Signs affixed to the top or sides of an operable fuel dispensing pump ~~shall not exceed~~

~~three (3) square feet in area,~~ per the standards of MD Code Business Regulation Section 10-315, provided such sign and shall only display instructional or price information, and shall not include advertising copy pertaining to any product, sale or promotion.

16. **Freestanding signs where a solid base isn't practical** - Our sign regulations currently require freestanding signs to be constructed on a solid base that is at least as wide as the sign face. We make exceptions in the CB (Central Business) District out of recognition that there likely is insufficient room to accommodate an otherwise permitted freestanding sign given the small lot sizes and the degree to which these lots are usually covered. These properties may have, for example, a post-mounted sign or a projecting sign. Some property-owners in the CG Zoning District have suggested that site constraints limit their ability to comply with this standard as well.

Before adopting changes that grant such relief, I think it is important to determine whether this is actually a widespread problem or relatively isolated to a few properties, possibly with unique circumstances. If the former, it may be legitimate to consider offering some form of relief, but if the latter, that is the textbook example of a Variance for such relief.

I frankly am skeptical that properties in the CG Zoning District are constrained to the point that they cannot locate a sign in conformance with our Regulations. I suspect that instead, they simply do not want to, either for reasons related to cost or a perceived competitive disadvantage. Unless you think our signs standards are too onerous I do not recommend relief in the CG similar to what we offer in the CB. If you want to consider any form of relief, perhaps it is to allow the replacement of a non-conforming sign with one that may not necessarily fully comply with today's regulations, but moves the sign closer (and the more you can detail what that entails, the better).

The remainder of the proposed changes were identified as appropriate for additional discussion, but not sign-related in nature. They are:

17. **Donation Centers** - The proposal that initiated this round of amendments is attached, as prepared by the representative from Planet Aid. If you have been by Giant and seen the "Donation Center" at the far end of the parking lot (next to the main entrance drive between Wal*Mart and the Shopping Center), over the course of the last several months, you will know what they are seeking to legitimize.
18. **Additional differentiation criteria for single family homes** - The current Supplemental Standards for Single Family Detached home differentiation, is as follows:

a. Calculations of Differences in Appearance

1. Differences in bulk and massing shall be reviewed for two (2) lots on either side of the proposed unit on the same side of the street.
2. Where lots are interrupted by an intervening street, parkland or similar feature of at least fifty (50) feet in width, no review shall be necessary.
3. The proposed unit shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

b. Differentiation

The proposed unit shall differ from each other house in at least two (2) of the five criteria listed below, unless the units differ with respect to the number of full stories (#2) then only #2 is required.

1. The unit is a different housing type.
 - a. Single-family detached;
 - b. Zero lot line (where allowed);
 - c. Single-family attached; or
 - d. Single-family detached rotated ninety (90) degrees (i.e. the narrower façade fronts the street as opposed to the wider façade).
2. The unit differs in the number of full stories.
3. The unit is served by a different type of garage.
 - a. Front-load garage;
 - b. Side-load garage;
 - c. Rear-load garage;

- d. Detached garage;
 - e. Carport; or
 - f. No Garage.
4. The unit has a different roof type
- a. Gable
 - b. Hip;
 - c. Gambrel
 - d. Mansard;
 - e. Roof types a through d rotated ninety (90) degrees; or
 - f. Flat.

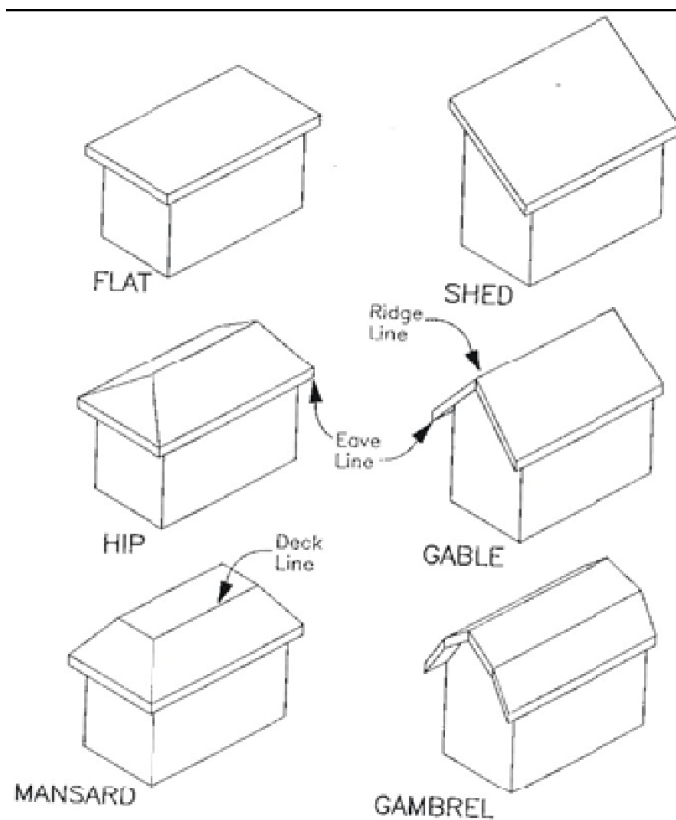


Figure 10.1 Sample Roof Types

5. The unit has variation in the articulation of the front façade.

- a. Garage setback from the front façade of at least four (4) feet;
 - b. Covered, open walled porch of at least six (6) feet in depth extending at least thirty-three (33) percent of the width of the front façade; or
 - c. Other articulation of the front façade at least four (4) feet in depth, extending at least thirty-three (33) percent of the width of the front façade.
6. Although not required, differentiation in color between adjacent homes is strongly encouraged.

I would like to add more options for folks to choose from, and if we add enough, require compliance with more of them (e.g., 3 of 7 rather than 2 of 5). Some possibilities:

- 7. Different cladding materials.
- 8. Different window sizing and groupings.
- 9. Difference in number of dormers.
- 10. Addition of a bay window that projects a minimum of one foot from the front wall, as measured from the ground up.
- 11. Change of roof pitch of at least two units of change as measured by a roof's vertical rise over its horizontal span (e., 6/12 pitch to 8/12 pitch).

19. More specifics on what driveway materials are dust free and resistant to erosion -

We have received several requests for gravel driveways, presumably to reduce costs. The zoning ordinance states that "all off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner". Historically, gravel and stone were considered to satisfy this standard. More recently, we have interpreted this standard to exclude gravel and crushed aggregate. This prohibition is due to gravel spilling out into the rights-of-way. This is bad for seniors, wheelchairs, and people with physical disabilities or limited mobility. In addition, gravel is eventually compacted and considered an impervious surface (people have made the argument that gravel driveways are good for stormwater infiltration). More consideration and clarification for this standard needs to be made. For example, do we continue to prohibit, but allow exceptions for gravel parking areas for agriculturally-zoned properties, temporary and overflow parking areas, or for areas devoted to commercial vehicle

storage? In addition, discussion should be held with the Town Engineer regarding any other equivalent and acceptable paving material(s).

Here is the language in question along with a suggested revision (to at least initiate the discussion):

All off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner. Dust free material shall include concrete or bituminous surface. Semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete, or gravel-crete may be used for residential driveways, vehicle storage areas, designated employee parking areas, or parking spaces provided in excess of the maximum parking requirement (subject to an approved Parking waiver). Any other parking or maneuvering space may utilize semi-pervious materials subject to Planning Commission approval. All off-street parking areas shall be constructed in accordance with the construction specifications as may be developed and maintained by the Town Engineer. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and State of Maryland standards.

20. Food trucks - The Zoning Code regulates Food Trucks (mobile food uses) on private property. Although food trucks on public property (e.g., on streets or in government-owned parks or parking lots) are also common, those would be regulated in other parts of the Town Code. Currently food trucks on private property are only permitted in limited circumstances:

- a. At an active construction site (the idea being they could provide a lunch option to construction workers).
- b. In association with an approved Special Event (e.g., ABC Store is Having Customer Appreciation Day and as part of the celebration, Food Trucks will be present).
- c. In the Planned Redevelopment District on a site that bears some connection to the principal use (e.g., Four Sisters sells products from their store and Rise Up sells menu items to compliment the coffee shop).

Along with short-term rentals, Food Trucks are probably the issue I get asked about the most and people are surprised/disappointed by how limiting our rules are. Arguments for allowing them more generally are that they provide more variety in food selection, they provide some lower cost options, they bring a sense of vibrancy to an area, and they can be a way for prospective restaurateurs to get established before moving on to a traditional brick-and-mortar business. The arguments against, in the past, have been primarily

two-fold. First, some say they promote a “carnival atmosphere” that Easton has long sought to avoid. Second, there is concern about the impact food trucks may have on traditional restaurants. If the Commission is of a mind that there is a role for more food trucks in Easton, I believe the two primary objections can be addressed with appropriate supplemental standards.

I believe there are several different variations of food truck uses. One is when food trucks set-up in specified locations, usually on-street, in a public parking lot, or in a park. Here in Easton at least, this scenario would not be regulated by the Zoning Code as it does not specifically address uses in the public realm. Another scenario is when a private property owner wants to establish them permanently or semi-permanently either independently or in conjunction with existing use on the property. This scenario is currently limited to item c above. If you are open to expanding the options for this scenario, I think we would simply delete the phrase “In the Planned Redevelopment District” and say something like “Where indicated as permitted in the Table of Permissible Uses...” You can then maintain the requirement of a connection to the principal use, or delete it and essentially allow a food truck to operate the same as a brick and mortar establishment. A third scenario is one where multiple food trucks are set up on a site. This could be on a permanent basis or Temporarily (and perhaps in association with some special event). Some jurisdictions refer to this by terms such as “Food Truck Court.”

I would like the Commission to discuss this issue and indicate the direction they would like to go before proposing something (if anything) for this item.

21. Parking standards for single-family detached - Since at least 1976, the parking requirement for single-family detached houses has been two spaces, and the Code has indicated that a driveway with minimum dimensions of 10’ by 35’ shall be deemed adequate for meeting that requirement. There has been discussion at some of your more recent subdivision reviews concerning the overall appropriateness of this standard. Issues raised include:

- Garages should count as parking spaces (they never have on the basis that there is no guarantee that they won’t become filled up with the homeowners “stuff” and thus not be available for parking).
- If a driveway of 10’ x 35’ cannot be provided (or the homeowner does not want to provide it) are there other arrangements that are appropriate and if so, what are the dimensional requirements for them? This is increasingly an issue where we are encouraging houses to be built closer to the street (i.e., with 15’ setbacks) and still allowing front-loaded garages.

- On-street parking should count. The short answer to why it does not is that this is an off-street parking requirement. However, this is now being viewed by many (especially new urbanists and like-minded planners) as a particularly suburban standard that is detrimental to supporting or reinstating a more urban design in communities. In fact, one of my New Urbanist resources recommends subtracting the amount of on-street parking fronting single family housing, from the required off-street parking. Presumably in most cases this will satisfy the requirement. See also attached discussion from the Form Based Codes book that Tal Bone bequeathed me when he left the Commission. There are a number of good points/observations.

We seem to have multiple options for addressing this issue, depending on how much additional flexibility you want to allow. Starting with the issue of allowing garage space to count as the required parking, while I have not found a jurisdiction which expressly says that garage parking does or does not count, it is in some cases implied. For example, one jurisdiction that I found stipulates that “enclosed space” (which I take to mean a garage and perhaps a carport) may be counted towards the required parking provided that an apron is constructed adjacent to the garage that is equal to the width of the garage and a minimum of 20’ deep. I presume this is a safeguard against the garage space being filled with “stuff” and thus unable to accommodate vehicles. Another jurisdiction goes even further by actually requiring “a minimum of two (2) enclosed parking spaces with a minimum driveway width of sixteen (16) feet.” This jurisdiction also couples this requirement with standards that preclude a front-loaded garage that extends closer to the street than the house does.

I think the solution to this issue may be to build on the existing language and add as many additional options for compliance as you deem appropriate, as follows, for example:

J. Single-family and duplex units may satisfy their off-street parking requirements utilizing any combination of the following options:

- (1) A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.
- (2) Space within a structure (e.g., a garage or carport) may be used towards the satisfaction of the parking requirement provided that a parking apron that is at least as wide as the structure and extends a minimum of 20’ away from the structure, is constructed immediately adjacent to said structure.
- (3) A parking pad of at least 9’ x 18’ per space is provided on-site.
- (4) ??? (Other options? On-street parking allowance?)

22. **Backing into the Street from a Parking Space** - Another standard that has been part of our regulations since, at least, 1976, is one which states: “ All off-street parking spaces, other than for a single family or duplex dwelling, which requires vehicles to back into a public road, street or highway are prohibited.” We are finding that this can pose a challenge for infill projects, specifically for potential Missing Middle Housing projects. A thought for consideration - perhaps the limiting factor should not be the use, but rather the type of street onto which such backing would occur. I offer as Exhibit A, the parking lot behind Town Hall, which has a lot more cars backing onto this (admittedly busy) side street than would occur at a MMH type, and yet in 34 years at the Town (most of which has been in an office overlooking this parking lot) I have not witnessed a single accident on this street.

As a starting point for this discussion, I offer the following suggested revision:

D. All off-street parking spaces, ~~other than for a single family or duplex dwelling,~~ which requires vehicles to back into a public road, street or highway, **other than a residential street (as classified by the Easton Subdivision Regulations)** are prohibited.

I would largely defer to Rick on this, but we may also need to consider deleting (or revising) the following standard in conjunction with any changes to item D, above:

I. No parking spaces except those proposed for single family or duplex residences shall have direct access to a public way.

23. **Clarifying intrusions into easements vs setbacks** - The Code allows for exceptions for certain structures or features to extend into the Building Setback. This is generally not an issue, but it can be when the intrusion is also into//over an easement, which is not uncommon. The beginning of that section along with suggested clarifying language is:

SECTION 28 – 1006 OTHER EXCEPTIONS TO SETBACK REQUIREMENTS

Provided they do not encroach upon any recorded easements, the following features may project into required setbacks as hereinafter set forth.

24. **Subdivision Amendment** - In addition to the foregoing potential Zoning Code Amendments, there is one revision needed to the Subdivision Regulations. In Section 409 (e) Acknowledgements and Notations, we need to add the following required plat note:

A UTILITIES DISTRIBUTION RIGHT-OF-WAY AND EASEMENT IS HEREBY DEDICATED TO THE TOWN OF EASTON IN AND OVER STRIPS OF LAND TEN (10) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY STREET OR ALLEY AND FIVE (5) FEET IN WIDTH ON EACH SIDE OF SIDE LOT LINES.

Early in the discussion phase of the last Subdivision Regulations Update, this note was flagged for discussion as to whether it was necessary as the preliminary plat standards require that the Applicant shows the proposed location of all rights-of-way and easements. In further discussion with Easton Utilities it was determined that this language is needed and should have been left in the Regulations. Unfortunately, when I cleaned up the document, apparently instead of simply removing the highlighting of this statement, I instead deleted it. The correction is simply to just add the statement back in, where it was and just as stated in the previous version of the document.

Attachment 1 - Proposed Donation Center Text Amendment

I. Donation Bins

- a. No person or other legal entity shall place or maintain any Donation Bin on the premises open to the public except when issued a permit by the Building Inspection Division in accordance with this section.
- b. All Donation Bins shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking and any other requirements that have been imposed as part of the site plan approval for the property, and shall be placed on a concrete or paved surface.
- c. The Donation Bin shall be of a type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
- d. The Donation Bin shall not cover a ground surface area in excess of thirty-one (31) square feet, nor be more than seven (7) feet in height.
- e. Donation Bins must be maintained and kept in good repair. The Donation Bins area shall be maintained in a safe, orderly condition. Donation bins shall have no rust, peeling paint or graffiti. The areas around the Donation Bin must be kept clean and free of garbage and debris on the premises where the Donation Bin is located. Each Donation Bin shall be regularly emptied of its contents so that it does not overflow.
- f. There shall be no more than two Donation Bins per property.
- g. A permit for a Donation Bin shall be required. The permit shall be issued by the Building Inspection Division, but can only be granted in compliance with the following:
 - i. The Donation Bin is owned by a duly registered organization in good standing in the State of Maryland. The applicant shall submit a statement of declaration of whether the organization is “for profit” or “not for profit”. A “not for profit” must submit proof of the organization’s 501 c (3) designation and a “for profit” must submit proof of the organization’s tax ID as well as name and address of the owner;
 - ii. Each duly registered non profit organization shall be permitted to have a maximum of eight (8) Donation Bins within the Town of Easton;
 - iii. The type, size and location of the Donation Bin comply with this subsection;

- iv. The applicant submits a letter of authority/permission from the property owners upon which the Donation Bin is proposed to be located;
- v. The name, address and telephone number of the organization is displayed on each Donation Bin;
- vi. The general use of any donations or funds raised from the sale of the donations are displayed on each Donation Bin. If the organization is “for profit” the Donation Bin shall be labeled “For Profit” and “Not tax Deductible”; and
- vii. All information required to be displayed on the Donation Bin shall be in lettering not smaller than one and a half (1.5) inches tall and must be in contrasting color with the background.

2. Donation Centers

Donation Center – A variation of a Donation Bin that is larger, equipped with lights and monitored via security camera 24 hours per day, seven days per week.

- a. Except as hereby modified, Donation Centers shall comply with all Supplemental Standards applicable to Donation Bins.
- b. Donation Centers shall not cover a ground surface area in excess of one hundred sixty (160) square feet, nor be more than eight (8) feet in height, exclusive of equipment installed on top of the Donation Center.
- c. The Donation Center shall be equipped with lights to provide a safe environment for any citizen who wishes to donate items after dark.
- d. The Donation Center shall be equipped and maintained in working condition with 24/7 video monitoring.
- e. The Donation Center shall be attended and/or serviced by the organization operating the Donation Center at least three times per week.
- f. The Donation Center may not occupy more than four off-street parking spaces.
- g. Donation Centers shall be placed on the property of vacant businesses or the parking area of businesses with a clearly demonstrable excess of parking. Such Centers may also be located outside of parking lots on such sites. In either case, such Centers shall be located so as to not interfere with traffic and circulation of the establishment.
- h. Donation Centers established at the site of vacant businesses shall cease to operate at said site within 30 days of the Application of a Use and Occupancy permit for the property, unless the new business owner agrees to the continuation

of the Donation Center and can demonstrate that the locational criteria specified in item g above will continue to be satisfied.

- i. There shall be no more than one (1) Donation Center within a one (1) mile radius.
- j. Any given property may have one (1) Donation Center or two (2) Donation Bins.

Attachment 2 - Form-Based Codes Parking Commentary

(See March Mmeo)



VISIBILITY TRIANGLE REQUIREMENTS

Pedestrians and motorists passing through traffic intersections must be able to see clearly around corners in order to avoid collisions. Clear visibility at intersections of streets, alleys, driveways and sidewalks is a matter of safety.

The ability to see around corners can be impaired by the growth of trees, plants, vehicle parking and even fence installations. Visibility triangle rules require that certain areas of the private property and the abutting City right-of-way be maintained and clear of visibility obstructions.

VISIBILITY TRIANGLE RULES

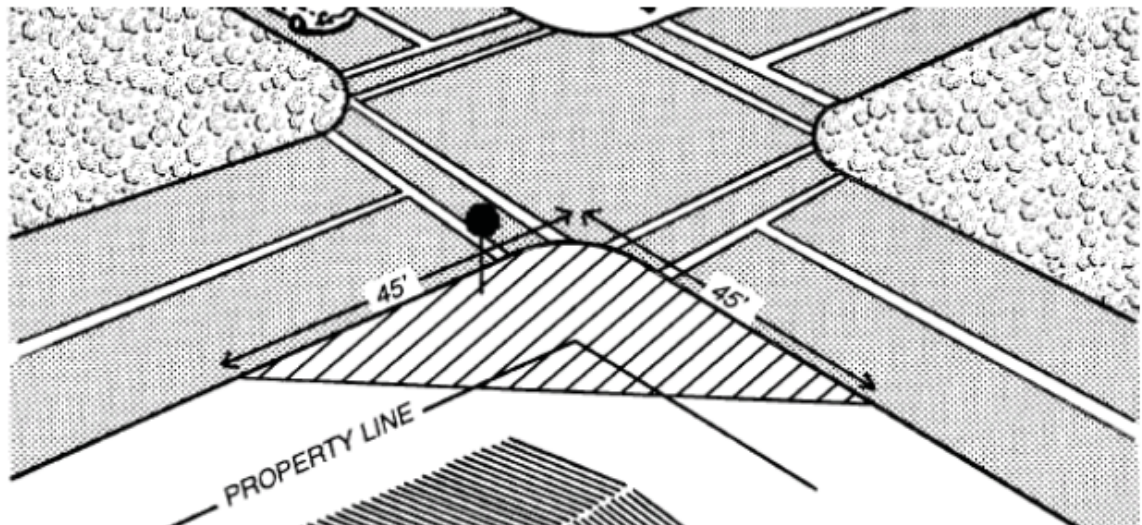
In the measured visibility triangle, the following restrictions apply:

- **No structures** can be placed except fences, walls or berms not higher than three feet
- **No motor vehicle**, trailer or other equipment is allowed to park, stand or stop
- **No vegetation** can be planted or allowed to grow **higher than three feet**, except for one tree on the private property and two trees in the City right-of-way with any tree having **branches no lower than eight feet**

VISIBILITY TRIANGLE DESCRIPTIONS & DIAGRAMS

STREET INTERSECTION

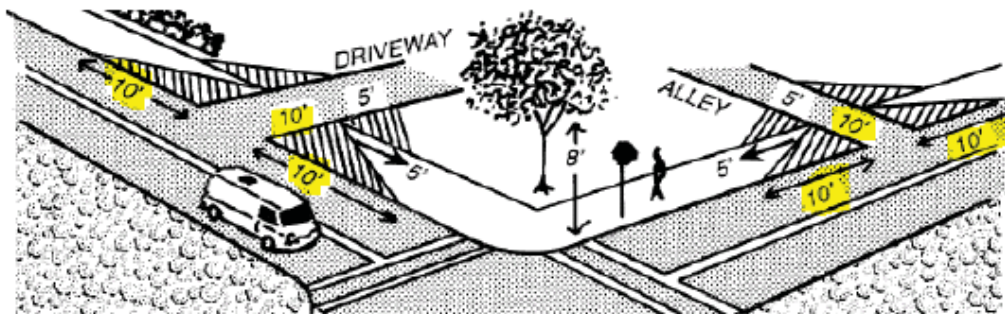
The visibility triangle for a street intersection is a triangle with 45-foot sides, starting at the corner where two curb lines intersect and extending out away from this corner intersection, but still following curb lines.



VISIBILITY TRIANGLE REQUIREMENTS

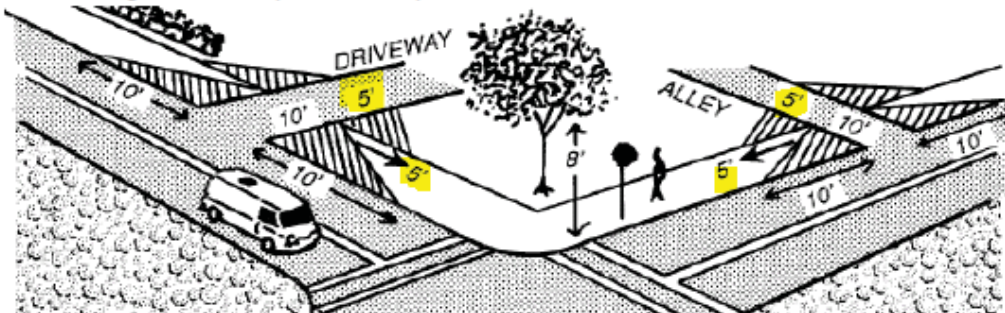
INTERSECTIONS OF ALLEYS OR DRIVEWAYS WITH STREETS

The visibility triangle for intersections of alleys or driveway with streets is a triangle with 10-foot sides extending from the intersection of the curb line but following the edge of the alley or driveway



INTERSECTIONS OF ALLEYS OR DRIVEWAYS WITH SIDEWALKS

The visibility triangle for intersections of alleys or driveways with sidewalks is a triangle with five foot sides extending from the intersection formed using the edge of the sidewalk furthest from the street and the edge of the alley or driveway



EXCEPTIONS

As of April 17, 1998, any lawfully constructed structure (any structure built with a City Building Permit and having received a final approved inspection) is grandfathered and does not have to comply with visibility triangle requirements.

Other visibility triangle exemptions include:

- Benches
- Fire hydrants
- Government signs
- Sign posts
- Traffic control devices
- Utility control devices
- Utility poles

Two types of Zoning Districts – DC (Downtown Center) and CCT-2 (Corridor Commercial Traditional-2) – are not subject to the visibility

triangle regulations. This is because many of the existing buildings were allowed to be built years ago, partially in the triangle area, in addition to there being large numbers of traffic signal-controlled intersections which do not require the same degree of visibility.

Regardless of visibility triangle regulations, property owners must take responsibility to trim trees, plants and grass on their property and in the City right-of-way that abuts their property in order to comply with City Codes. Also, in the City right-of-way, property owners must obtain a minor easement and permit from the City's Engineering and Capital Improvements Department to build any structure of any height (for example, a fence).