

# **THURMONT PLANNING AND ZONING COMMISSION MEETING**

**7/23/15 AT 7:00 PM**

**Thurmont Town Office, Meeting Room**

## **Agenda Topics**

- 1.) APPROVAL OF 5/28/15 & 6/25/15 MEETING MINUTES
- 2.) ZONING INSPECTORS REPORT
- 3.) SKETCH PLAN – JBB2 LLC PROPERTY
- 4.) THURMONT ZONING ORDINANCE REVIEW-CHRIS JAKUBIAK

# Minutes from July 23, 2015 Planning and Zoning Commission Meeting

A meeting of the Thurmont Planning & Zoning Commission was held on Thursday, July 23, 2015 at 7:00 p.m. Present were: Chairman, Randy Cubbedge; Planning Commission Members, Randy Waesche, Bryant Despeaux and Brian Boyer; Sr. Administrative Officer, Becky Long; Commissioner Liaison, Wes Hamrick; Town Planner, Chris Jakubiak; Logan Long, Dick Lee, Jeff Barber and daughter.

## Approval of 5/28/15 & 6/25/15 Meeting Minutes

Commission Member Despeaux made a motion to approve the 5/25/15 & 6/25/15 Meeting Minutes as presented. Commission Member Boyer seconded the motion. Vote – 4-0-0, motion carried.

## Zoning Inspectors Report

Town Planner, Chris Jakubiak presented the Zoning Inspectors Report for Jim Brown (see attached).

## Sketch Plan – JBB2 LLC Property

Chris Jakubiak stated that Mr. Jeff Barber was here this evening to present a Sketch Site Plan that is a very preliminary concept for the development of a new building on Apples Church Road, about midway between Locust and Poplar (see attached). The property is zoned industrial and the proposal is to construct a warehouse building with an office inside for the storage and some light assembly of playground equipment to support his business.

Mr. Barber stated that he had bought the entire eleven acres of industrial property and the current buildings are all entirely leased out. His intention is to move his business, Playground Specialists warehouse and office, up to this property. This preliminary sketch plan is to show the location of the new building he plans to put there.

Chairman Cubbedge asked if there would be any outside storage of his materials or would it be self-contained inside the building. Mr. Barber said it would all be inside the building. He will have truck parking outside the building and would probably fence off a section at the back side of the building for parking their dump trucks, stake trucks and everything that he currently has. He has here some examples of buildings that he likes and his intention is to work towards setting a new precedence for a nice industrial metal building with landscaping around it with a one-story or maybe a two-story office up front overlooking Apples Church Road. There won't be a whole lot of function during the day, normally the guys come in in the morning, load the trucks up and go out. We cover the entire state of Maryland and West Virginia, so we are gone all day.

Chairman Cubbedge told Mr. Barber just for his information, they would need a lighting plan for his building and a landscape plan should also be included when they move into a more finalized phase. Mr. Barber stated that his plan is to share the same entrance that the existing old shoe factory has. He plans

to upgrade the existing lighting that is on the property now, upgrade some of the utilities and get rid of some of the utility poles, grass mounds and clean up the property.

Commission Member Despeaux said his only concern would be some additional buffer, which he already has shown on the sketch plan. Mr. Barber stated that Jim Brown had already brought up about having a 35' buffer zone around the property next to any residential property. And we can plant that right away, there is no problem adding to that buffer zone. Right now what is in the buffer zone is actually a bunch of weeds and overgrown fence line, so he plans to get that cleaned up and planted in something nice around there.

Chairman Cubbedge asked what his expectations were for his driveway, was he planning on gravel or paving. Mr. Barber replied in the beginning it would just be to use gravel to utilize everything that is currently there. When he looks into paving, it will be to upgrade all the way around the property. His intentions in this first part are just to utilize the gravel lot and get this new building as kind of a mirror image over on the other side.

Chris Jakubiak asked if he plans to do anything in the big open field that is to the south of the proposed building. Mr. Barber said he doesn't plan to do anything with it as part of this project, which is why he has kept this in close to the other buildings. That field may be for future expansion and probably anything to do with storm water management will be setup and ready to go for that area, but as of right now he will not be doing anything with that area.

Mr. Jakubiak stated that one thing he and Mr. Barber had discussed was the arrangement of parking on the site, so that if you look at the proposed building it shows parking around the perimeter on the Apples Church side and then on the north side of the building, these won't be necessarily striped and designated as official parking spaces, they will be treated the same way as the existing building is, there is space allotted for parking. The fact that parking is shown on the Apples Church Road is not necessarily required of this particular applicant and the preference then would be to move that parking elsewhere, maybe to the rear of the building and move the building up so we would maintain the same setback along the street. He thinks that is Mr. Barber's idea and we don't want to unnecessarily interfere with that, it creates an attractive streetscape along there. He believes that when they get to the real site plan, they will see a difference in the parking. Mr. Barber said he would adjust the parking to where the office is going to be. His intention is just to do the concrete spaces needed for the handicapped spaces. In discussing it with Jim Brown and Chris since he was somewhat sharing the area with the existing buildings, he wanted to show the spaces allotted not only for the new building, but also for the square footage of the shoe factory buildings, that is why the parking is shown all the way around there and it is not his intention on this project to do anything with any of that.

Chairman Cubbedge said that basically you load your trucks and then you go out to your site and then come back in the evening. Mr. Barber stated that they do not actually weld or manufacture anything, they may be servicing trucks or maybe some preassembly on some rain days, but all the products that they represent and install are pre-manufactured. Everything comes into us in boxes, we load it on the trucks and we go to the job sites, assemble and install it there. Chairman Cubbedge asked if he had

ample space for delivery trucks. Mr. Barber replied there was and what he would actually like to have is a loading dock at some point on the building. So, again he will adjust this parking, this was just to see what they would need. Now that he knows what he needs to have, he can move things around before he presents his next plan.

Mr. Jakubiak stated what he would be looking for when they review the site plan is to make sure there is adequate space for parking, loading and unloading of big trucks. They have to be separate functions on the site plan and the zoning code is really clear about that. He asked Mr. Barber if the tree line shown in green is proposed to be preserved and protected except for the storm water management area or is he proposing that that tree line be encroached into? Mr. Barber replied no, he would do what he had to for the storm water management. His plan is to do whatever he can to preserve and protect it. In the past forty years that tree line has continued to move out and he would like to move it back away from the buildings.

Mr. Jakubiak stated that the use of this property is in compliance with the Zoning Ordinance and the Comprehensive Plan.

### **Thurmont Zoning Ordinance Review – Chris Jakubiak**

Chris Jakubiak stated that at the last meeting he handed out Tables of Permitted Uses (see attached). Those tables were attached to the minutes of the June 25<sup>th</sup> meeting, he wanted to highlight a couple of things and see how they might want to proceed, perhaps offer some comments and suggestions. Then he would like to talk about the first part of Article 6, which is proposed to be new and is on landscaping and screening.

On the Table of Permitted Uses we said that we would look at some of the land uses, while our intent is not to change the Ordinance wholesale, where there is a need for obvious improvement we would make it if it makes sense, then we will point them out to the Mayor and Town Council, so they can review and consider them. On the first list of Residential Uses, the first one he would like to call out is Day Care, right now day care is permitted in every zoning district even the industrial zone. But, there is no limit to the size, the number of people or whether they were for adults with special needs or for children. You could conceivably have a day care center with forty children in a residential zone. This would be a permitted use and it would be simply a site plan approval process for the Planning Commission. He raises that as a concern, because it could conceivably change the character of a neighborhood and impact the quality of life, particularly in a residential area. Usually the number of children is limited to eight in a residential zone. In commercial zones, larger residential zones or in office zones it is more unlimited and can operate as a business. He wanted some guidance from them on this.

Chairman Cubbedge stated that they currently have one day care center in a residential area, but he doesn't know how many children are there. Commissioner Liaison Hamrick said it is basically in his front yard and there are probably 40 – 50 plus children there. He loves having them there, it shows communal harmony. You hear the kids out there and it is a joyful sound.

Commission Member Despeaux asked Mr. Jakubiak if they were also talking about home use, if someone has a day care within their home. Mr. Jakubiak replied that they could just stop using their house as a house and use it as a day care center, like Kinder Care or they could do it within their home during the day. Chairman Cubbedge said they are basically regulated by the County with how many children you can have per caretaker. He asked if they were talking about a home day care or a professional day care center that is in a home. Mr. Jakubiak said that right now the Code does not differentiate, both are regulated by the State and have to have permits from the State. Discussion was held and it was decided to leave things as they are.

The next thing is group homes and halfway houses, these are residential uses that emphasize special service, treatment or supervision and these are regulated by State and Federal Law. Right now there is nothing in the Code for these. Mr. Jakubiak suggested that he speak with Leslie (Town Attorney) to see how they may want to handle this and advise them on this. Chairman Cubbedge asked if they would be able to regulate the parking for these homes, because it is kind of like a business. He will check with Leslie on this also.

Mr. Jakubiak suggested that they add Kennel, cattery to the list, because these are different than animal hospitals or veterinarian clinics. A kennel can be a lot louder and disruptive, particularly in a town business zone, where there is a mix of residential. If you want to do it separately, like he has it on the sheet, you just need to decide where you want to permit it. These things give a lot of clarity to your Zoning Administrator when they have to deal with these issues. Discussion was held and the consensus was to have them separate like on the sheet and only allow them in the industrial district.

There is currently not a provision for a Funeral Parlor in the Town, so he would propose it be a permitted use in the commercial districts of Thurmont. All agreed to adding this. Automotive body shop is different than a filling station or service station, there is not a provision for this either and he proposed allowing them in the general districts as well as the industrial district. Mr. Jakubiak stated that these changes that are being made will not affect any existing businesses, it will only affect any new ones coming in after the adoption of the changes.

Commission Liaison Hamrick asked why they were allowing a truck stop in the town business district. Mr. Jakubiak checked and that was a typo, it is not allowed.

At the last meeting they had talked about fast food restaurants, it was added to the list, but left blank to determine how they might want to proceed. A fast food restaurant on Main St. may be problematic in terms of changing the historic character of the town. And for this reason he would suggest that it be allowed as a permitted use in the general business district, but not allowed in the town business district, unless you think we can manage it with a whole series of conditions. They are only going to allow it in the general business district.

Resorts are another thing that is not currently listed as a permitted use. It could be a good thing for the economical development of the Town to allow a resort. Mr. Jakubiak said that he would check the Comprehensive Plan to see what the purpose statement is of the open space zone.

Recreational clubs and facilities are permitted in most of your residential districts as special exceptions and what that means is it requires a public hearing and some certain standards, but the presumption is that it is allowed and permitted except when it has some really negative impacts to the adjoining property owners. Discussion was held and it was decided to add this to the general business district as a permitted use.

Mr. Jakubiak suggested adding Assisted Living to the line with Nursing Homes under the Institutional Residence to encompass all elderly care facilities.

Commission Member Despeaux asked about all the line items that currently have no zoning districts assigned to them. Mr. Jakubiak stated those were items that he has added, clarified or in some cases they are listed elsewhere here in these tables. Discussion was held on some of the items. Mr. Jakubiak encouraged the Board Members to go thru the list and take a look at the line items that are listed as SE to see if they want these items to stay special exceptions.

Mr. Jakubiak asked that they review the Landscaping and Screening section of Article 6 (see attached). He gave a brief overview of the section. He will get their input at the next meeting.

The next regularly scheduled meeting will be August 27<sup>th</sup>.

Commission Member Despeaux made a motion to adjourn. Chairman Cubbedge seconded the motion. Vote – 4-0-0, motion carried.

Without further discussion, meeting adjourned at 8:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin Clem', with a stylized, flowing script.

Robin Clem  
Recording Secretary



**Building Examples only.**

**This type of metal building with office and warehouse combination space. We like the loading dock on far side.**

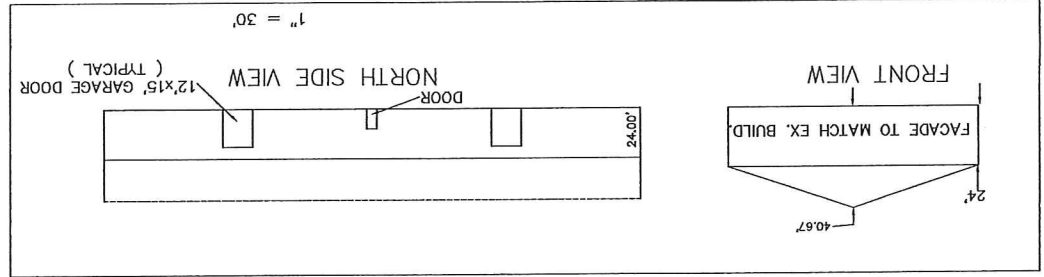


**Below is the type of look we would like to go with to create a more upscale farm/industrial look for future of this park.**

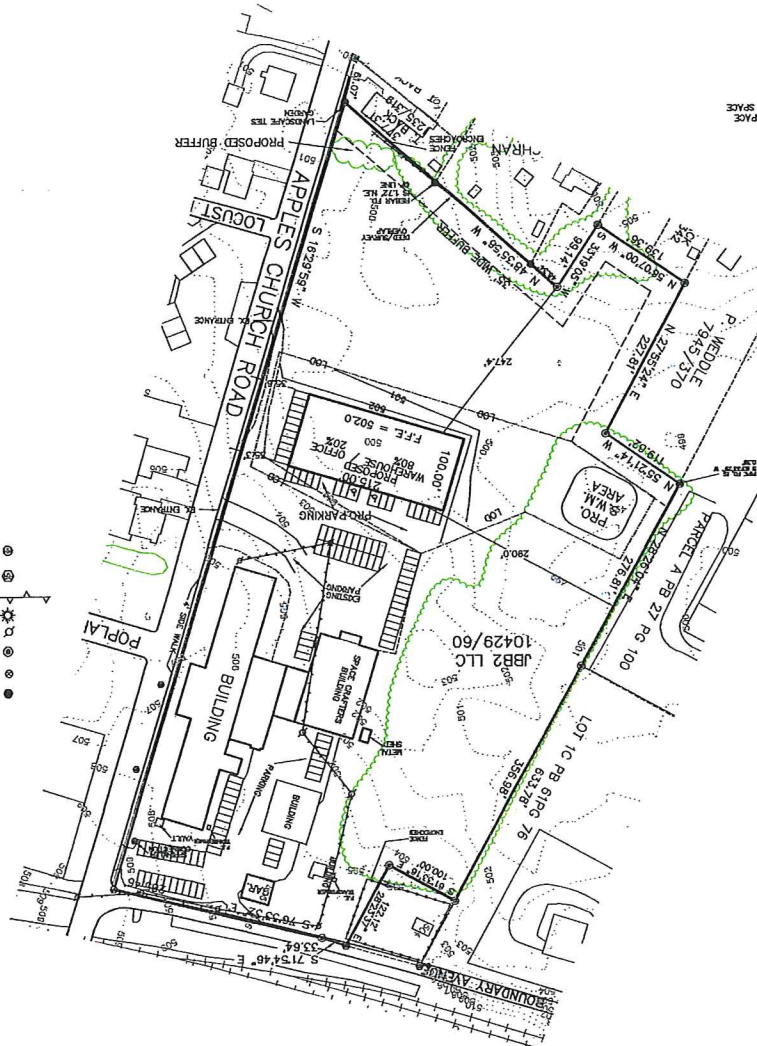


SURVEY & PLAT BY  
 R.F. GAUSS & ASSOC., INC.  
 PROFESSIONAL LAND SURVEYORS  
 103 E. MAIN ST., P.O. BOX 128  
 EMMITSBURG, MARYLAND 21727  
 FAX 301-447-3158  
 301-447-2222

PRELIMINARY SITE PLAN  
 OF THE  
**JBB2 LLC PROPERTY**  
 SITUATED ON APPLES CHURCH ROAD  
 TOWN OF THURMONT  
 THURMONT ELECTION DISTRICT # 15  
 FREDERICK COUNTY, MARYLAND  
 DATE: 15 JUNE, 2015 SCALE: 1" = 100'  
 PLAT NO. 751 P 1820

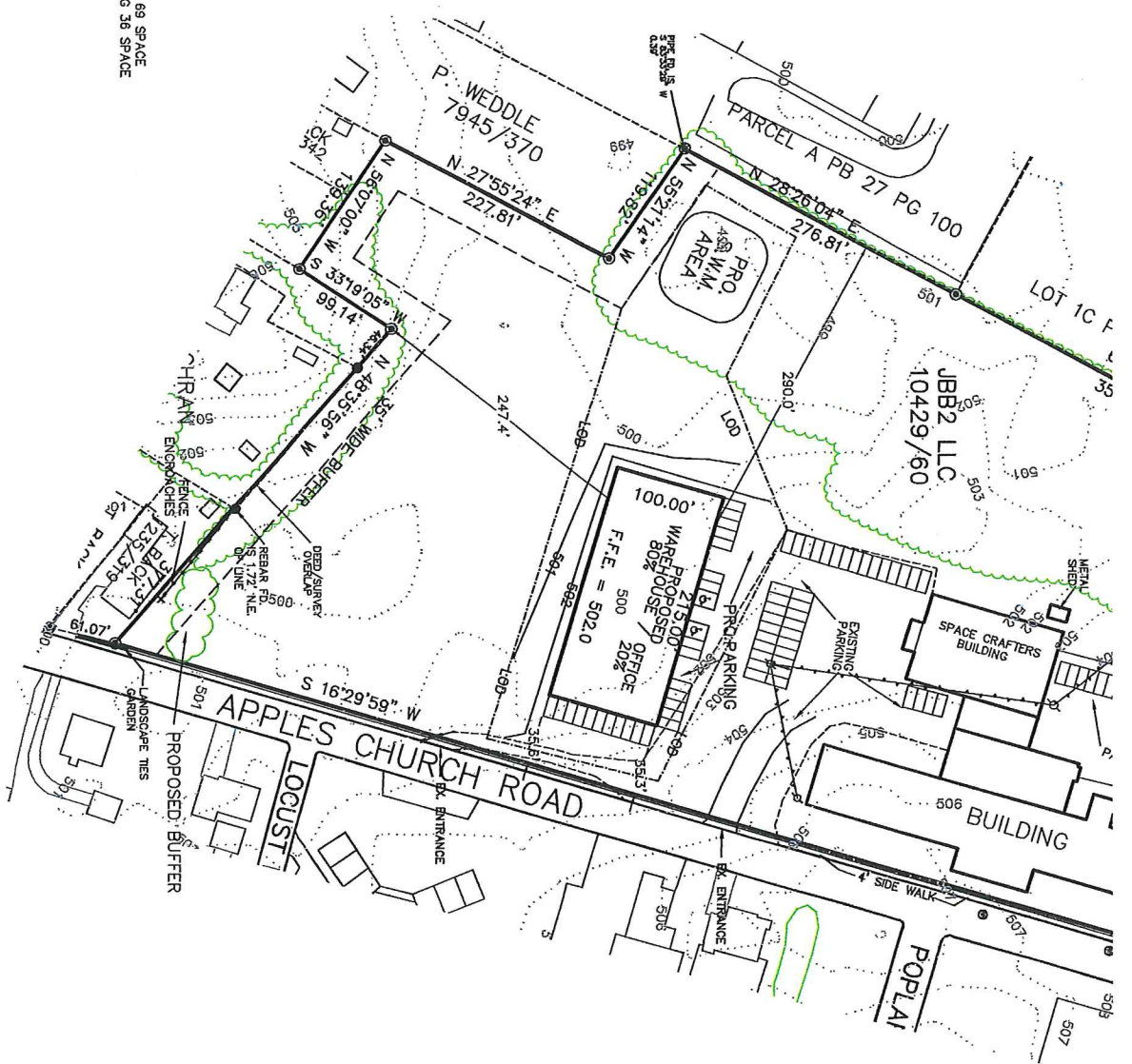


- SYMBOLS:
- = REBAR FD OR SET
  - = POST FD.
  - ⊙ = PIPE FOUND
  - ⊗ = UTILITY POLE
  - ⊕ = LAMP POLE
  - ⊙ = OVERHEAD UTILITIES
  - ⊗ = RAILROAD SPIKE FD.
  - ⊙ = MAIN HOLE



NOTED - LI INDUSTRIAL  
 EXISTING BUILDING FLOOR AREA = 41,033 REQUIRED PARKING 89 SPACE  
 PROPOSED BUILDING FLOOR AREA = 21,500 REQUIRED PARKING 38 SPACE  
 TOTAL REQUIRED 105 SHOWN 109





- SYMBOLS:
- = REBAR FD OR SET
  - ⊗ = POST FD.
  - ⊙ = PIPE FOUND
  - ⊕ = UTILITY POLE
  - ⊙ = LAMP POLE
  - ⊕ = OVERHEAD UTILITIES
  - ⊕ = RAILROAD SPIKE FD.
  - ⊕ = MAN HOLE

ZONED - L1 INDUSTRIAL  
 EXISTING BUILDING FLOOR AREA = 41,033 REQUIRED PARKING 69 SPACE  
 PROPOSED BUILDING FLOOR AREA = 21,500 REQUIRED PARKING 36 SPACE  
 TOTAL REQUIRED 105 SHOWN 109





While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or

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Frederick County, MD **At a Glance**





PERMIT NUMBER APPLICANT	LOCATION	TYPE AND USE	APPL DATE
2015-000048 SHANNON WADDY	118 WATER STREET	RESIDENTIAL ACCESSORIES	07/13/2015

\* End of Report: TOWN OF THURMONT \*

CUMULATIVE ACTIVITY: 06/26/2015-07/23/2015 07/23/2015 07/23/2014

RESIDENTIAL ACCESSORIES

BARN	0	0	0
CARPORT	0	1	0
DECK	0	6	2
FENCE	1	10	15
GARAGE	0	0	2
GAZEBO	0	0	0
GREENHOUSE	0	0	0
HANDIRAMP	0	0	0
HOTTUB	0	0	0
LEANTO	0	0	0
PATIOCON	0	0	0
PAVILLION	0	0	0
POLEBLDG	0	1	0
POOLAG	0	1	1
POOLIG	0	0	0
PORCH	0	0	0
ROOFCANOPY	0	0	0
SHED	0	10	9
SHEDRELOC	0	0	0
SOLAR PANE	0	1	0
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
WOODSHOP	0	0	0
WORKSHOP	0	0	0

RESIDENTIAL ACCESSO TOTAL:	1	30	29
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ADDITIONS

COMMERCIAL	0	0	0
RESIDENT	0	4	7

ADDITIONS	TOTAL:	0	4	7
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COMMERCIAL ACCESSORIES

CONCESSSTA	0	0	0
CONSTTRAIL	0	0	0
DUGOUT ADD	0	0	0
ENR UPGRAD	0	0	0
EQUIPSHED	0	0	0
FENCE	0	0	0
GAZEBO	0	0	0
GUARDOFFIC	0	0	0
LEANTO	0	0	0
MINORUTIL	0	1	0
MONOPOLE	0	0	0
MOTELROOM	0	0	0
POLEBLDG	0	0	0
PORTCLASS	0	0	0
RAMP	0	0	0

CUMULATIVE ACTIVITY: 06/26/2015-07/23/2015 07/23/2015 07/23/2014

COMMERCIAL ACCESSORIES

RETAINING	0	0	0
ROOFCAN	0	0	0
SALESTRAIL	0	0	0
SHED	0	1	0
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
STRIPTOWR	0	0	0
TEMPSHELTE	0	0	0
TEMTRAIL	0	0	0
TICKET BOO	0	0	0
TOILETTR	0	0	0
TRAILTEMP	0	0	0

COMMERCIAL ACCESSORI TOTAL:	0	2	0
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NEW COMMERCIAL

BANK	0	0	0
CARWASH	0	0	0
CHURCH	0	0	0
FIRE DEPT	0	0	0
FUELTANKS	0	1	0
LIBRARY	0	0	0
OFFICEBLDG	0	0	1
POLICE BLD	0	0	0
RESTAURANT	0	0	0
RETAILBLDG	0	0	0
SCHOOL	0	0	0
TRUSSBLDG	0	0	0
VET CLINIC	0	0	0

NEW COMMERCIAL TOTAL:	0	1	1
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NEW RESIDENTIAL

APART7	0	0	0
CONDO12	0	0	0
REPLACE	0	0	0
SINGLE	0	0	1
TOWNH4	0	0	0
TOWNH5	0	0	0
TOWNH6	0	0	0
TOWNH8	0	0	0
TOWNHC10	0	0	0

NEW RESIDENTIAL TOTAL:	0	0	1
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NO ZONING REQUIRED

OTHER	0	11	15
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THURMONT PLANNING AND ZONING COMMISSION

ZONING INSPECTOR'S REPORT

06/26/2015 - 07/23/2015

CUMULATIVE ACTIVITY: 06/26/2015-07/23/2015 07/23/2015 07/23/2014

NO ZONING REQUIRED

NO ZONING REQUIRED	TOTAL:	0	11	15
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TOTAL PERMITS ISSUED:	1	48	53
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\* End of Report: TOWN OF THURMONT \*



## § 4.2.2 Land Uses by District

### Land Uses by District

Table 1 lists the different uses and zoning districts in which they are permitted. If a use is not listed or does not fall within any of the general use categories, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings. The letters in Table 1 correspond to the following:

P: Permitted Use: Uses designated by the letter “P” shall be permitted subject to all applicable regulations.

C: Conditional Use: Uses designated by the letter “C” shall be permitted subject to certain conditions. The conditions are listed in Part 3 of this Article.

SE: Special Exceptions. The Board of Appeals in accordance with Part 4 of this Article may authorize uses requiring a special exception designated by the letter “SE”.

SC: Special Exception with Conditions. Uses requiring a special exception designated with the letters “SC” may be authorized by the Board of Appeals in accordance with Part 4 of this Article, subject to certain conditions listed in \_\_\_\_\_.



New

### Conditions and Standards for Conditional and Special Exception Uses

The following conditions and specific standards apply to land uses designated PC (permitted with conditional) and SC (special exception with conditions).

- A. Apartment Unit Attached to Commercial Structure: Conditional use in the TB District subject to the following additional conditions:

Dwelling unit may be located above commercial activities (in the same structure) provided there in no more than one dwelling unit per 500 square feet of commercial floor area.

- B. Antique and/or craft shop: Special Exception Use with Conditions in the R-5 District subject to the following additional conditions:

Only allowed as a use in a single-family detached dwelling and/or in an accessory structure provided such dwelling or accessory structure existed prior to June 1992.

A review of permitted and special exception uses in the Town's zoning districts. For the TND MX districts, refer to the Mixed Use tables in the Zoning Ordinance. This is not intended to be a recommendation, only a listing of current uses by current zoning district.

TABLE 1: PERMITTED USES BY ZONING DISTRICT	
	P: Permitted
	PC: Permitted, subject to conditions
	SE: Special Exception
	SC: Special Exception, subject to conditions

## Residential

[illegible]

TABLE 1: PERMITTED USES BY ZONING DISTRICT												
	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions											
Land Use	Zoning Districts											Use Regs.
	R-1	R-2	R-3	R-4	R-5	TB	GB	I	OC	OS		

**Commercial, Office, and Service**

Retail Shops, including service/repair such as clock, jewelry, repair						P	P	P			
Antique and/or craft shop					SC	P	P	P			
Food Store						P	P	P			
Convenience, grocery, department, variety, hardware, dry goods stores						P	P	P			
Pet Shops											
Nursery for plants, greenhouses						P	P	P	P	P	
Banks and financial institutions						P	P	P	P		
Barber and beauty shops						P	P	P	P		
Professional office					SC	P	P	P	P		
Business offices, including finance, insurance, real estate						P	P	P	P		
Dry cleaning and laundromats						P	P	P	P		
Clinics or physicians/dentist office											
Business services, plumbing shops, contractor shops							P	P			
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery; carpet cleaning							P	P			

DISTRICT	Land Use	TABLE 1: PERMITTED USES BY ZONING										
		P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions										
		Zoning Districts										
		R-1	R-2	R-3	R-4	R-5	TB	GB	I	OC	OS	Use Regs.

Commercial, Office, and Service - CONTINUED

Television, radio, computer repair shops, small appliance repair, similar												
Boat sales and service								P	P			
Farm implements storage and sales, service								P	P			
Lumber Yard								P	P			
Animal hospital, veterinarian clinic							P	P	P			
Kennel, cattery												
Funeral Parlor												
Auto (Motor vehicle) sales (or rental)								P	P			
Auto part sales							P	P	P			
Filling stations, service stations								P	P			
Trucks Stops							P	PC	PC			
Automotive body shop												
Carwash								P	P			
Restaurants, standard								P	P	P		
Restaurants, fast food, drive-in, drive thru								P	P			
Hotels, motels							P	P	P	P		
Resorts												
Pubs, Bars, taverns (dance halls, nightclubs, cocktail lounges)							P	P	P			









## **Article 6 Site and Building Design Standards**

- § 6.1 General Environmental Standards
- § 6.2 **Landscaping and Screening**
- § 6.3 Fences and Walls
- § 6.4 Parking and Loading
- § 6.5 Townhouse Development Standards
- § 6.6 General Building Design Standards
- § 6.7 Signs

## **Minimum Landscaping Requirements**

### **A. Landscape Plan**

A landscaping plan shall be submitted for approval by the Planning Commission as part of every Category 1 site plan and may be required by the Zoning Official for review of a Category 2 site plan.

### **B. Content of Landscape Plan**

A landscaping plan shall include dimensions and distances and clearly delineate all buildings and existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, species, and description of all landscaping materials to be used.

### **C. Minimum Screening Requirements**

1. All developments shall be fully screened on each side that adjoins a residential use up to the minimum height of four feet. Required screening shall consist of either a masonry wall or wooden fence not greater than six feet in height, an evergreen hedge, or a fully planted landscape area of at least ten feet in width.
2. All service structures, which included dumpsters, propane tanks, air conditioning units, and related equipment or elements providing service to a building or site, shall be fully screened with landscaping and/or a fence or wall.

**D. Perimeter Parking Lot and Perimeter Site Landscaping**

All off-street parking lots, whether or not located on the same lot as the use to which it is accessory, containing ten or more parking spaces and development sites generally shall meet the following perimeter landscaping requirements.

1. A landscaping strip with a minimum width of ten feet shall be located between the parking lot and adjoining lot lines but shall allow for any inter-parcel connections which the Planning Commission may require for pedestrian, bike, or auto/truck movements.
2. A landscaping plan for an industrial use shall provide that a minimum buffer of 35 feet is established along the property lines that adjoin any residential zoning district. The screening material shall be comprised of a variety of planting species but shall be least six feet tall and be planted to secure complete year-round screening and buffering of buildings and site operations.
2. A minimum of one shade tree for every 40 feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or with low shrubs shall be used as the primary landscape materials.
3. Except at certain locations, such as intersections where ~~sign~~ distance consideration dictate a lower profile landscaping approach, along any right-of-way, a landscaping strip shall be established of at least five feet in width and it shall be minimally provided with a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four feet or greater than six feet in height is required. Street trees shall be planted ~~in this strip~~ to the extent possible at a distance such that the sidewalk and street are shaded upon full maturity of the trees.
4. Per §\_\_\_ of this Ordinance, within in the TB District the Planning Commission may modify the perimeter parking requirements upon finding that the historic quality of the streetscape and the objective of promoting compatibility with the overall streetscape dictate that alternative means as for buffering and screening parking areas are required.
5. An existing naturalized area may be used to meet the standards of this section upon specific approval of the Planning Commission.

side

**E. Internal Landscaping of Parking Lot**

Any parking lot of 25 or more spaces shall be internally landscaped with shade trees. Shade trees shall be planted in planting areas. Planting areas shall comprise at least ten percent of the internal area of the parking lot. Shade trees shall be installed such that no parking space is located more than 60 feet from a parking lot shade tree. Planting areas should be wide enough to allow for the mature growth of the trees chosen and no paving shall be located within 12.5 feet of the tree trunk. Illustration X shows the appropriate application of these standards.

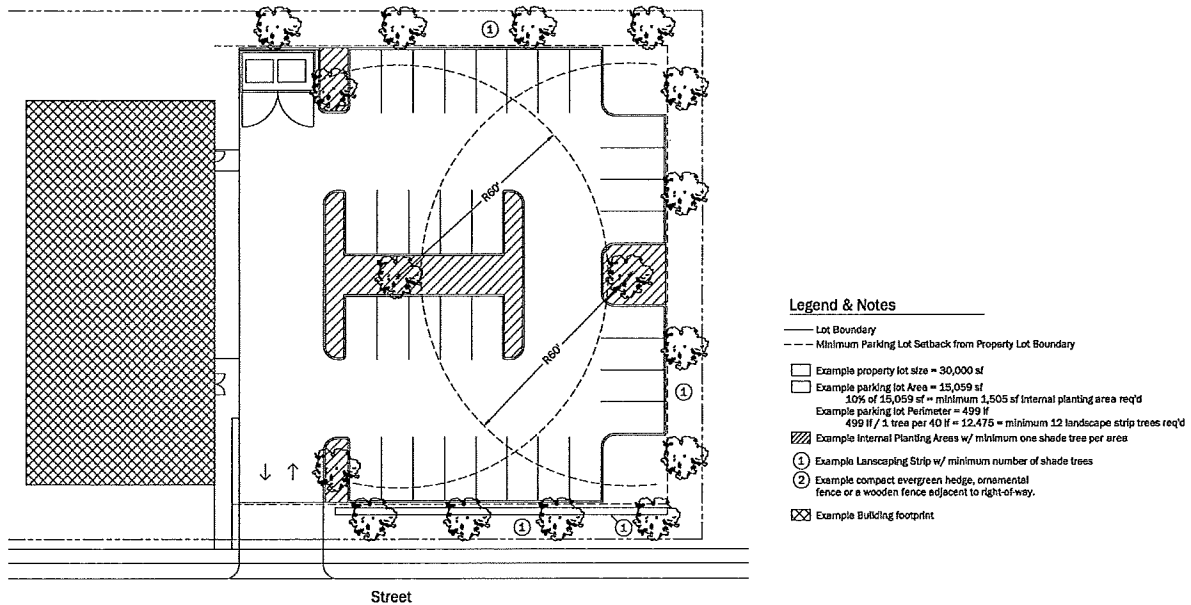


Illustration X

#### F. Landscaping For Stormwater Management

1. Landscaping in relation to parking lots may be used for stormwater management provided the requirements of this section are met.
2. Bio-retention swales are allowed in perimeter and internal parking lot landscaping areas and planting areas provided they are located behind (on the non-street side of) the vegetative or structural screening.

#### G. Building Wall Yard Planting

For all projects requirement Category 1 site plans, a planting area shall be established along any building wall facing an adjacent off-street parking lot or right-of-way. Shade trees, ornamental trees, and shrubs shall be planted in this planting area to aesthetically enhance the appearance of buildings and provide shade according to the following minimum standard: one shade tree for every 50 feet of wall yard length and one ornamental tree for every 30 feet of wall yard length.

**H. Required Planting Material**

In meeting the requirements of this Ordinance, only those plants listed on the Town's Recommended Plant and Landscape Guidelines, which shall be maintained by the Zoning Administrator, shall be used. Plants used should be native species and drought tolerant.

**I. Maintenance**

1. All plant material shall be tended to and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
2. The owner shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Section.
3. Failure to maintain required landscaping, or to adhere to an approved landscaping plan, shall constitute a zoning violation subject to the remedies set forth in this Ordinance.
4. Landscaping must be installed per the approved Plan, prior to issuance of a Certificate of Use and Occupancy Owner or that owner shall secure the plantings through financial assurances or acceptable instruments acceptable to the Zoning Administrator in a sufficient amount as evidenced by a written estimate from a licensed landscaped architect or contractor to complete 110% of the landscaping project. The Town shall hold 50% of the surety amount for a period of two years following installation to ensure survivability.
5. Replacement of dead trees shall occur by the owner within 180 days of discovery or within the next planting season, whichever comes first.

**§ 6.2.4 Waiver or Modification**

Provided that the Planning Commission establishes findings of fact that a modification will not have any deleterious effect on existing or planned development of adjacent properties and finds that the purposes of this section and the Comprehensive Plan will be met, it may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved in the following three instances: for an interim use of a duration of less than two years, where deemed appropriate due to the location, size, configuration or topographic condition of the lot, or where the project is located in the TB District and strict application of the landscaping requirements would interfere with the purposes of the zoning district.