



THURMONT TOWN MEETING

AUGUST 13, 2019 AT 7:00 P.M.

THURMONT MUNICIPAL OFFICE

MEETING ROOM

AGENDA TOPICS

- 1. PLEDGE OF ALLEGIANCE**
- 2. CLOSED SESSION STATEMENT FROM 8/6/19**
- 3. APPROVAL OF MEETING MINUTES FROM 6/18/19, 6/25/19 & 7/2/19**
- 4. PRESENTATION – UPCOMING THURMONT ADDICTION COMMISSION EVENTS – ED SCHILDT**
- 5. ADOPTION OF ORDINANCE 2019-05 – ZONING ORDINANCE TEXT AMENDMENTS**
- 6. COMMISSIONERS' COMMENTS**
 - a. Commissioner Buehrer**
 - b. Commissioner Hooper**
 - c. Commissioner Hamrick**
 - d. Commissioner Burns**
 - e. Mayor Kinnaird**
 - f. Jim Humerick**
- 7. PUBLIC COMMENTS**

UPCOMING MEETINGS/EVENTS:

- **6/22/19 TO 9/21/19 FARMER'S MARKET, SATURDAYS 9AM TO NOON – MUNICIPAL PARKING LOT**
- **8/22/19 – PLANNING & ZONING MEETING 7PM**
- **8/24/19 – MAIN STREET MATINEE – MAIN STREET CENTER – 2PM – “DANCER & THE DAME”**
- **8/25/19 – CONCERT IN THE PARK – MEMORIAL PARK – GATEWAY BRASS ENSEMBLE – 6PM**
- **9/6-9/8 – THURMONT /EMMITSBURG COMMUNITY SHOW**
- **9/8/19 – COVERED BRIDGE 5K – EYLER PARK – 8:30AM**
- **9/13/19 – ART & WINE STROLL – 5-8PM**
- **9/12/19 – FREDERICK CO. HEALTH DEPT. RABIES CLINIC- COMMUNITY PARK – 5-8PM**
- **9/22/19 – PLANNING & ZONING MEETING 7PM**
- **9/24/19 – NOMINATING CONVENTION 7PM**
- **9/28/19 – COMMUNITY SHRED EVENT – TPD – 8-12PM**
- **10/1/19 – LAST DAY TO REGISTER TO VOTE FOR TOWN ELECTION**
- **10/5/19 – PLEIN AIR – 10AM-3PM**
- **10/26/19 – HALLOWEEN IN THE PARK – COMMUNITY PARK – 6PM**
- **10/29/19 – TOWN ELECTION**

Town Meeting Minutes from August 13, 2019

A Town Meeting of the Thurmont Board of Commissioners was held on Tuesday, August 13, 2019 at 7:00 p.m. The following were present: Mayor Kinnaird; Commissioner Buehrer, Hamrick, and Hooper; Sr. Accounting Technician Tracy Schur; Jim Wilkins; Dick Lee; Ed Schildt; Elliot Jones; Myra Derbyshire; Colin Maloid; Campbell Fox; John Bartlett; Tyler Sanger; Ed Stanfield; Adam Cowles; McKayde Neeley; Seth Thomas. Commission Burns was absent for this meeting.

Commissioner Hooper led the Pledge of Allegiance.

Closed Session Statement from 8/6/19

Mayor Kinnaird read the Closed Session Statement from August 6, 2019 into the meeting (see attached).

Approval of Meeting Minutes from 6/18/19, 6/25/19 and 7/2/19

Commission Buehrer said "I am willing to accept June 18, 2019 Town minutes." Mayor Kinnaird second. Vote: 2-0-2, revote next meeting.

Mayor Kinnaird said "I accept a motion noting that Commission Hooper's name was omitted from the roster and Commission Burns and Mayor Kinnaird were not in attendance as it said in the June 25, 2019 minutes." Do I have a motion to that effect?" Commissioner Hooper said "so moved." Commissioner Buehrer second. Vote: 3-0-1.

Commissioner Hamrick said "I will make a motion to accept July 2, 2019 meeting minutes with inclusion of Commission Hooper in attendance." Commissioner Buehrer second. Vote: 3-0-1, motion carried.

Presentation – Upcoming Thurmont Addiction Commission Events – ED Schildt

Ed Schildt said "There are a couple of things that we have been working on at TAC, but also in addition to that it is a County-wide motion that we are involved in and we are going to take this hopefully to a another level in Thurmont and the surrounding area. This particular concept of "Frederick County Goes Purple" was initiated by John and Carolyn Switzer who runs a foundation called Crossed Bridges and they have a vision of improving and seeking support through the community and a number of initiatives. The very first initiative is Frederick Goes Purple. Frederick Goes Purple is a grassroots call to action to unify our County community to reduce substance-related deaths and overdoses. This mass community-wide observance will take place during National Recovery Month in September and then throughout the year will continue to do some events. Demonstrating that Frederick County supports those in active addiction recovery and their loved ones and First Responders and offering hope and resources investing in the future of its youth. Purple is the color of recovery so that is why that particular color is chosen. What they really developed over the past several months and us being involved in it, is a sponsorship program first and foremost where they are trying to solicit sponsors from businesses and communities to support the events with ways to go purple. The website for further information is www.FrederickCountyGoesPurple.com. September 7th is the kickoff in Baker Park. There is a final event on September 28, 2019 at Baker Park "Music is Medicine, Hope for the Cure Festival." I am here tonight to share what this vision is, what the concept is and create a grassroots effort of how we can go purple in Thurmont and the surrounding area. TAC has the Second Annual Overdose Awareness scheduled for August 31, 2019 at Mechanicstown Park at 7pm. We will have luminaries again this year

for free for everyone to do their own artwork or message. We want to encourage different ways to go purple and I am hoping to get approval to put some ribbons and decorations in Mechanicstown Park, being put up on August 31st for event and also put up a banner there that says we support going purple." Mayor Kinnaird gave him the okay to do whatever he wanted to do in the park. Mr. Schildt also asked to put purple ribbons on a number of lights coming into the Town and Mayor Kinnaird told him that whenever he decides what they want to do to let Town staff know and we could get someone to put those up for him. Mr. Schildt also stated "we will be giving our purples wrist bands at the Community Show and the Overdose Awareness event and we are also selling purple light bulbs which will be \$5 and Karen and I have those if anyone wants them. We plan to put purple T-shirts in all the schools from grant money we have obtained. Mayor Kinnaird requested that TAC have someone at the Town Office put information for this event on the Town Facebook page.

Middletown Boy Scouts

Ed Stanfield from the Middletown Boy Scouts stated that they were using Camp Airy for the week. The group of boys that attended tonight's meeting are working towards the merit badge called "Citizenship in the Community", which is one of three citizenship merit badges. One of the requirements is to attend a public meeting just to get a feel of what goes on and our Town Meeting happened to be the week they were here so they are visiting. Councilman Mike Blue will be talking to this same group on Friday where they can ask more pointed questions. As of February 1, 2019 they are now called Scouts BSA as they went coed to make it more of a family. Each scout present came forward and stated his name and gave his city or town of residence. Mayor Kinnaird thanked them for attending.

Adoption of Ordinance 2019-05 – Zoning Ordinance Text Amendments

Kelly Duty said "regarding Amendment 1: Covered Decks, we have had a couple inquiries about citizens in the Jermae area interested in covering their existing decks. Through discussion and speaking with a citizen questioning whether this amendment is actually going to help them and once we obtain the details as to what they want to do the current amendment as proposed would not assist them. So, the two inquiries that we have had, one is for a deck that is 12 x 22, which results in about 264 sq. ft., and the deck floor from grade would be 48" and the other one would be for a 140 sq. ft. deck and it is a 10 x 14 deck and the deck sits about 48" above grade. This had us looking back at the most recent variances we have had in Jermae and we pulled together five of them. The most recent one being 25 Tocati Street and that particular deck wasn't even 30" above grade, but the total square footage of that deck is 400 sq.ft.; another one that is above our current threshold and above the height threshold is 19 Tocati Street and that deck was 480 sq. ft. another 48" above grade. So just looking at the most current cases and the two that we have waiting out in the wings we analyze those thresholds and we felt that 400 sq.ft., as a square footage, and 48" above grade may be a better threshold to adhere to. It still isn't going to help one of the citizens that is waiting for this amendment to go through; however, we feel that 48" isn't going to get us to the second story situation that Chris had spoken to you about at the last meeting, but still provides a little bit more relief in situations where the front of the lot is higher than the rear of the lot resulting in that grade difference. We are proposing for you to consider revising that particular section, increasing the square footage of the decks to 400 sq. ft. and the height be from grade to the floor of the deck to 48"."

Mayor Kinnaird said "I recommend that we adjust the language to read in Section 5 'and roofing of an attached deck which is no greater than 48 inches above grade' and then B: 'the interior space added to the deck space enclosed shall be no greater than 400 sq. ft.' Anybody's opinion on that?"...Commissioner Hamrick said "anything above that any applicant needs to go to Board of Appeals."...Commissioner Hooper asked Kelly if that was workable and she replied yes. Kelly Duty replied "it doesn't help out one of the citizens that are waiting but at the same time we can't accommodate everybody and their issue is the height. There square footage is not an issue. The topography for this one property is different from the others and I feel it would be a good case for the Board of Appeals because that is one of the criteria that variances are granted upon, the unique topography of the lot and has a walkout basement."

Mayor Kinnaird asked "since there aren't any objections to making those changes in the text for Amendment 1 I will open it to public comment one more time. Are there any comments about the two changes we have just discussed?"

Public Comments:

Dick Lee, 13 Jermae Question for Kelly. I am curious if a deck comes out on the first floor level in the back it is up high, but it is still not getting to the second floor because it is common to the first floor and that is where you are coming out and I am curious as to why there would be a height difference in the back of the house. Mayor Kinnaird said "again that is one of the issues that the Board of Appeals can address"...Dick Lee responded with "I know and we are trying to get away from us having to deal with that and that is why I brought it up"...Mayor Kinnaird said "that is a very rare case and this applies to the entire Town, so we want to make sure we don't get in a situation where people are putting up second floor decks and putting roofs on them and that is why we are sticking to 48 inches from grade"...Dick Lee said "my thought was if we said it had to be level with the first floor then you wouldn't have a height to deal with, you would go out the first floor level to the deck and you wouldn't have to worry about how high off the ground it was and that would save us from having to exclude people from getting one and then we all would sit there trying to figure out should we do this or shouldn't we do it and how high should we go, but if you come out on the first floor level the deck is going to come out on the first floor and not going to the second floor"...Mayor Kinnaird replied "the definition of the first floor is the issue. I know people who live on the basement floor and use it as their first floor and then the second floor which I would consider the first living floor they use as their second floor. So you would run into a situation where you would have to specifically define what a first and second floor is. This not an easy way around it but I think this accommodates 99% of the issue"...Dick Lee said "then that is what we would have to decide when it came up as a member of the Board of Appeals."

Jim Wilkins, 1 Ironmaster Ct. My whole issue about this is good continuity of construction, if a deck is going to be enclosed is it compatible to the architecture of the house. If you come up 4 feet, which is fine, that would be the deck level, then you add 8 feet and enclose it and then somebody adds 10 feet and encloses it, my question is once you enclose it you put more things out there so a regulatory has to look at these decks that are existing or aren't existing that hopefully they will be load bearing that will be good and safe"...Mayor Kinnaird said "I think the requirement is if they put a roof on it they have to get a building permit"...Kelly Duty replied "that is correct, even for an addition they would still need to get a permit"...Jim Wilkins said "how about if someone wants to put up a 10 foot ceiling with a roof will that look favorable for the architecture of the house"...Mayor Kinnaird said "I want to point out to you

that the Planning and Zoning duty is not to decide where it is architecturally pleasing or not"...Jim Wilkins said "I understand that, but I am talking about the height"...Mayor Kinnaird said "the county regulations I think will take care of that issue"...Jim Wilkins said "if they put a roof are they allowed to enclose it or just screen enclosure"...Kelly Duty said "they would be permitted to enclose it with solid walls if they chose to, but it would have to be inspected and they would have to get a Frederick County permit".. Jim Wilkins replied "I am not against anything, I just want whatever we do it will be permissible to homeowner, citizens and hopefully it looks adaptable to the home."

Mayor Kinnaird said "any other public comment before we go to a decision whether we adopt this or not? I see none." Mayor Kinnaird read the Ordinance 2019-05 – Ordinance to Amend the Code of the Town of Thurmont, MD, Chapter 133 entitled "Zoning" into the meeting (see attached). "So last week we had the introduction and this evening we will do the adoption if you so please and then the Ordinance will take effect on August 20, 2019. Any further discussion before we move to motion"?

Motion – Commissioner Hamrick said "I will make a motion to approve the Ordinance of 2019-05 an Ordinance to Amend the Code of the Town of Thurmont, MD, Chapter 133 entitled 'Zoning' to incorporate the changes under Section B which increases the deck height no greater than 48 inches above grade and under Sub B 'interior added space of the deck space enclosure shall be no greater than 400 sq. ft.'" Commissioner Hooper second. Vote: 4-0-0, motion carried.

Commissioner Comments

Commissioner Buehrer:

- We had another awesome Farmer's Market Saturday. I think we had 8 vendors with 3 produce vendors. There was a good crowd turnout. The produce was awesome. I encourage our citizens to patronize our Farmer's Market as it is important to this community.

Commissioner Hamrick:

- The next Main Street Matinee is going to be Saturday August 24, 2019 with movie being "Cancer & the Dame". The Matinee begins at 2 p.m. at the Main Street Center, 11 Water Street and the movies are all free.
- The Farmer's Market is in full swing every Saturday until September 21, 2019 which will be the last day for the season. They are open 9-Noon at the Municipal Parking Lot on Center Street.
- The next Main Street Wine & Art Stroll is Friday, September 13, 2019 from 5-8 p.m. here in downtown Thurmont. Live entertainment in the square with wine and 15 local artists.
- The Third Plein Air is Saturday, October 5, 2019 and the subject of this year's Plein Air will be wineries and ours will be Catoctin Breeze Vineyard, Detour Winery, and Links Bridge Vineyard and Springfield Manor Winery. There will be judging at the Main Street Center at 2 p.m. Spectators travel to different wineries to watch artists and at 2 p.m. at Main Street Center can meet the artists.

- The summer lunch program sponsored by the Thurmont Ministerium is currently held Monday-Friday at Easton Park by the ball field behind the Senior Center each day 11:30-1:30 p.m. and everyone is welcome. It is craft, stories and games. Any information required you may contact Alice at 301-271-2929 or Pastor Shawn DeLauter at 301-606-3632.

Commissioner Hooper:

- Summer Concert on August 25, 2019 at Memorial Park with our awarding winning Gateway Brass Ensemble. This event starts at 6 pm. The Gateway Brass Ensemble will be playing in the Rocky Ridge parade.
- Gateway to the Cure 5K and Walk Covered Bridge on September 8, 2019. Cost is \$35 per registrant and all registrants will receive an event T-Shirt. The 5K begins at 8:30 a.m. at Eyler Park. You can either register ahead or you can walk up and register on the morning of the event. Also, you can stop by the Town Office or call the Town Office at 301-271-7313 and register.
- Halloween in the Park will be October 26, 2019 at 6p.m. with a rain date of November 2, 2019. If anyone is interested in assisting or trying to take over the event next year please let me know and I will try to get you involved. It is a lot of fun and benefits the Food Bank. I would like to thank the businesses who have already contributed and those are Mike's Auto Body, Affordable Self Storage, Delphey's Construction Company, Stauffer Funeral Homes, Baker Tree Service and Center of Life Chiropractic and Palates.

Mayor Kinnaird:

- The Thurmont/Emmitsburg Community Show will be September 6-8, 2019. I encourage everyone to come out. If you haven't decided on entering something now is the time to decide. Encourage everyone to attend and appreciate all the entries.
- The Nominating Convention will be held September 24, 2019 at 7 p.m. at the Town Office. The last day to register to vote, so if you are not registered to vote in Thurmont elections, October 1st by close of business. You can register right here and you only have to register to vote in Thurmont elections, you can register to vote in County, State and National elections, also; but if you only want to vote in Thurmont elections you can register here by October 1st.
- Town elections will be held October 29, 2019 starting, I believe, at 7 a.m. to 8 p.m. Keep these dates in mind and come out and participate. We have low voter turnout and we would love to have more people come out and vote. I think it gives us a better idea of how much support we get from our community when we get a lot of voters come out to support us when we campaign.
- Wednesday, August 14, 2019 is the parade at Rocky Ridge. The carnival is all week, so I encourage everyone to attend. It is a genuine community fun day.

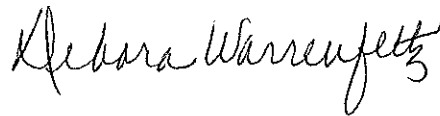
Public Comments

Dick Lee, 13 Jermae He complimented the Scouts. He had never seen that many young people get up and speak as well as they did in front of a crowd. He also stated that Roddy Road Bridge is closed and he was wondering if it would be open in time for the 5K Run and he was told yes it would be. He also complimented Planning and Zoning, Kelly Duty, Chris Jakubiak along with the Mayor and Thurmont Commissioners for the way they straightened out the Town Ordinances as it will help people know what they can and can't do and it has eliminated quite a few things we all run into.

Motion – Mayor Kinnaird asked “any last calls up here? None, I’ll entertain a motion to adjourn.” Commissioner Hooper said “so moved.” Commissioner Hamrick second. Vote – 4-0-0, motion carried.

Without further discussion the regular meeting adjourned at 8:00p.m.

Recording Secretary,

A handwritten signature in cursive script that reads "Debora Warrenfeltz". The signature is written in black ink and includes a stylized flourish at the end.

Debora Warrenfeltz

**TOWN MEETING
TUESDAY, AUGUST 13, 2019**

PLEASE SIGN IN

	NAME	ADDRESS
1	L. Wilkins	#1 Cook
2	DICK LEE	13 VERMONT
3	Ed Schildt	36 Collier Dr.
4	Elliot Jones	42 Cascoctin Highland
5	Myra Derbyshire	1319 Black Road.
6	Colin Maloic	
7	Campbell Fox	
8	John Bartlett	
9	Tyler Sanger	
10	ED STANFIELD	WITH SCOTTS 6591 COLEBROOK LN, MIDDLETOWN, MD 21768
11	Adam Cowles	10037 Lewis detrick Ln, Maryland, MD
12	McKaye Neely	11304 Gambrill park Rd Maryland
13	Seth Thomas	9227 Shafers Mill Dr MD M.D.
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TOWN OF THURMONT
CLOSED EXECUTIVE SESSION
August 6, 2019

TIME & PLACE: 9:05 P.M. – Mayor James F. Black Meeting Room, Thurmont Municipal Offices

PURPOSE: To discuss the appointment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals

CITATION: General Provisions Article; subsection 3-305(b) (1)

PRESENT: Mayor Kinnaird
Commissioner Buehrer
Commissioner Hamrick
Commissioner Hooper
CAO Humerick
Director of Public Works Lawson

At 9:05 PM in the Mayor James F. Black Meeting Room, John A. Kinnaird, Mayor of the Board of Commissioners asked for a motion to go into closed session to discuss personnel. Commissioner Hooper made the motion to go into closed session and Commissioner Hamrick seconded the motion. All were in favor and the motion carried. This action was taken pursuant to the General Provisions Article; subsection 3-305(b) (1)

A general discussion was held regarding personnel.

The meeting adjourned at 10:30 PM.

— We Stand Together! —

National Recovery Month | September



FREDERICK COUNTY
GOES PURPLE

STANDING TOGETHER



CONQUERING ADDICTION



THE COMMISSIONERS OF THURMONT

615 East Main Street
P.O. Box 17
Thurmont, Maryland 21788
301-271-7313
Fax: 301-271-2155

ORDINANCE 2019-05

AN ORDINANCE TO AMEND

THE CODE OF THE TOWN OF THURMONT, MARYLAND,

CHAPTER 133, ENTITLED "ZONING"

WHEREAS, the Charter of the Town of Thurmont requires any Amendment to the Code of the Town of Thurmont be adopted in the form of an ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF THURMONT, MARYLAND, THAT

CHAPTER 133 of The Code of The Town of Thurmont be amended as follows:

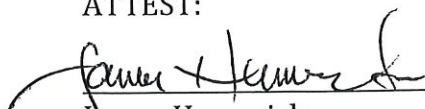
See attached Exhibit "A"

BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on August 20, 2019.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 13th day of August, 2019.

Introduced: 8/6/19
Adopted: 8/13/19
Effective: 8/20/19

ATTEST:


James Humerick
Chief Administrative Officer

THE COMMISSIONERS OF THURMONT


John A. Kinnaird, Mayor



Town of Thurmont
Planning and Zoning Commission

RESOLUTION

WHEREAS, Section 2.2.3 of the Thurmont Zoning Ordinance provides that amendments to the Ordinance may originate with the Planning and Zoning Commission (the Commission) and Section 2.1.2 establishes that the Commission shall have the authority to prepare and recommend amendments to the Mayor and Board of Town Commissioners; and

WHEREAS, during its meetings on March 28, April 25, and May 23, 2019, the Commission investigated, considered and deliberated on text amendments to the Zoning Ordinance, and heard from members of the public and members of the Thurmont Board of Appeals; and

WHEREAS, Section 2.2.3C(5) of the Thurmont Zoning Ordinance provides that all amendments to the Ordinance shall be the subject of a public hearing conducted by the Commission; and

WHEREAS, the Commission conducted a public hearing on June 27, 2019; and

WHEREAS, the Commission, finding that each of text amendments attached this Resolution to be in the best interests of the Town of Thurmont did vote in the affirmative on June 27, 2019 to recommend the adoption of each by the Mayor and Board of Commissioners;

NOW THEREFORE LET IT BE RESOLVED, that the Planning and Zoning Commission hereby transmits the attached zoning text amendments to the Mayor and Board of Commissioners with a favorable recommendation and advises their adoption.


Randy Cubbedge
Chairman, Planning and Zoning Commission

7-1-19
Date

Amendment 1:

Amend Section 5.2B as follows:

B. The following features may project from the structure into yards or courts as herein provided:

1. Cornices, canopies, eaves or other architectural features may project no more than 2 feet.
2. Fire escapes may project not more than 4 feet, 6 inches.
3. Any uncovered stair or landing may project a distance of not more than 3 feet.
4. Bay windows, balconies and chimneys may project not more than 3 feet.
5. **PROVIDED THE FOLLOWING CONDITIONS ARE MET, ONE-STORY ADDITIONS AND THE ENCLOSING AND ROOFING OF AN ATTACHED DECK WHICH IS NO GREATER THAN ~~30~~⁴⁸ INCHES ABOVE GRADE MAY BE CONSTRUCTED WITHIN THE REQUIRED 30-FOOT REAR YARD IN THE R-5 DISTRICT:**
 - a. THE CONSTRUCTION SHALL ENCROACH NO FURTHER THAN 10 FEET INTO THE REQUIRED REAR YARD,
 - b. THE INTERIOR SPACE ADDED OR THE DECK SPACE ENCLOSED SHALL BE NO GREATER THAN ~~200~~⁴⁰⁰ SQUARE FEET,
 - c. THE PRINCIPAL STRUCTURE ON THE LOT MUST BE EITHER A DETACHED SINGLE-FAMILY HOUSE OR A DUPLEX, AND
 - d. ON DUPLEX LOTS, THE CONSTRUCTION SHALL BE ON THE SIDE OF THE UNIT OPPOSITE THE ADJOINING UNIT.

Amendment 2:

Amend Section 5.1 C, Table 4 to change the Maximum Building Height for the General Business District from 30 feet to 45 feet.

Table 4: DIMENSIONAL, DENSITY, AND BULK REQUIREMENTS: COMMERCIAL AND INDUSTRIAL DISTRICTS

Zoning District	Minimum Lot		Minimum Yard Requirements (ft)			Maximum Building Height ¹
	Min. Lot Area	Min. Lot Width	Front Yard	Side Yard	Rear Yard	
TB Town Business						
residential, single-family detached	8,000 sf	60 ft	15 ft	10 ft	30 ft	45 ft
residential, two-family	6,000 sf	60 ft	15 ft	10 ft	30 ft	45 ft
hotels, motels	1 acre	200 ft	30 ft	20 ft	40 ft	30 ft
all commercial and other uses	none	none	none	none ³	none	45 ft
GC General Commercial						
All uses ²	20,000 sf	60 ft	0 ft ²	10 ft	40 ft	30 ft
I-1 Industrial						
All uses	20,000 sf	60 ft	25 ft	10 ft	50 ft	50 ft
OC Office Commercial						
All uses	20,000 sf	60 ft	25 ft	10 ft	50 ft	50 ft

¹ Existing residential dwellings are permitted use in the GC District, subject to the standards of the R-5 District.

² The Planning Commission shall have the discretion to increase the front yard setback at the time of subdivision or site plan review upon finding that such an increase is necessary to achieve the purposes of the Zoning Ordinance.

³ Except when adjoining a lot in any "R" District, then the side yard shall be the same as required in that "R" District.

⁴ Churches, schools, institutional and official public utility buildings and structures in any district, and any building or structure in the I District, may be permitted to exceed the maximum building height provided each required yard is increased by 1 foot for every 3 feet above the otherwise required maximum height.

45 FT

Amendment 3:

Amend Section 5.2D as follows:

D. Modification to Height Requirements

1. The building height requirements shall not apply to: Penthouses or roof structures for housing stairways, tanks, ventilating fans or similar equipment required to maintain and operate the building; fire or parapet walls, towers, steeples, flag poles, silos, tanks, monuments or other similar structures that projects into the air. When such structures extend beyond the maximum height otherwise permitted in the district they shall not occupy more than 25 percent of the lot area and shall be no less than 50 feet from all lot lines and rights-of-way.
2. An exception to the height limitations may be approved for any churches or building for religious worship, schools, institutional and public utility buildings and structures and any building or structure in the Industrial District provided that in each case for every 3 feet above the maximum height limit, the yard shall be increased by 1 foot over that otherwise required in the district.
3. **IN THE GENERAL BUSINESS DISTRICT, THE SIDE YARD ADJOINING A RESIDENTIALLY ZONED LOT SHALL BE INCREASED BY 1 FOOT FOR EVERY 3 FEET OF BUILDING HEIGHT ABOVE 30.**

Amendment 4:

Amend Section 5.2A by deleting subsection line # 5

§5.2 EXCEPTIONS AND MODIFICATIONS

A. Exceptions to Yard Requirements

1. In any district, on any lot, which fronts on a road having a right-of-way of less than fifty (50) feet, a building shall be located at a distance from the center line of such road not less than the depth of the required front yard in the district plus twenty five (25) feet.
2. Side Yards: Side yard width may be varied where the sidewall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the required side yard; provided however that such side yard shall not be narrower at any point than one-half the required side yard width.
3. Side yard setbacks for unattached, non-enclosed carports and accessory structures in all zoning district, except the TB district, shall be a minimum of five (5) feet from the side property lines.
4. Large accessory structures, exceeding 15 feet in height, shall be subject to the setback requirements for the zoning district in which they are located.
5. ~~In any zoning district, except the TB district, accessory structures where permitted may be erected in any rear yard provided such structures shall be:~~
 - a. ~~At least 10 feet from the rights of way of streets or alleys, for a double frontage lot.~~
 - b. ~~At least 10 feet from other accessory or principal structure on the same lot.~~
 - c. ~~At least 5 feet from any rear lot line or utility easement.~~
6. Accessory structures exceeding 15 feet in height shall be subject to the setback requirements for the district in which they are located.
7. Notwithstanding the modifications allowed in this section, no building or structure shall have a front setback less than the minimum setback required in the district where located.

Amendment 5:

Amend Section 5.3 by adding a new subsection B and renumbering the subsequent subsections as follows:

§5.3 ACCESSORY STRUCTURES

- A. All accessory structures must be located behind the front building line in side or rear yards only. No more than four accessory structures shall be located on a single lot.
- B. **IN ANY DISTRICT, EXCEPT THE TB DISTRICT, AN ACCESSORY STRUCTURE MAY BE ERECTED IN A REAR YARD PROVIDED SUCH STRUCTURE IS AT LEAST 10 FEET FROM ANY STREET OR ALLEY RIGHT-OF-WAY AND 5 FEET FROM ANY UTILITY EASEMENT; AT LEAST 6 FEET FROM ANY OTHER ACCESSORY STRUCTURE; AT LEAST 10 FEET FROM THE PRINCIPAL STRUCTURE ON THE LOT; AND AT LEAST 5 FEET FROM ANY REAR LOT LINE.**
- C. Accessory structures having no more than 149 square feet of coverage area and no utilities extended to them do not require a building permit.
- D. Accessory structures exceeding 149 square feet of coverage area require a building permit and shall meet the following: ...

Amendment 6:

Amend Section 6.6 as follows:

§ 6.6 TOWNHOUSE DEVELOPMENT

- A. The gross density shall be based on allowing one unit per 4,000 square feet of gross land area. When recorded as individual lots, each townhouse lot shall have a minimum of 1,800 square feet. The lots shall not include any part of the parking area or driveway.
- B. Minimum width for a townhouse shall be 20 feet
- C. There shall be no less than three and no more than six (6) townhouses in an attached row.
- D. The minimum distance between any blocks of units shall be 45 feet, except that a break between the side of one block and the side of another block may be reduced to a minimum distance of 30 feet.
- E. Maintenance: If the townhouse development provides for common area, property for facilities, they shall be conveyed to an incorporated non-profit home owners association created under recorded land agreements through which each lot owner is automatically a member and through which each is automatically subject to a change for a proportionate share of common property maintenance.
- F. Open Space: There shall be 750 square feet of open space within the development for each dwelling unit. At least 50 percent of the open space shall be suitable as usable recreational space and for any townhouse development of six or more units, any recreational space held in common shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- G. **GARAGE. A GARAGE PHYSICALLY ATTACHED TO OR BUILT WITHIN A TOWNHOUSE UNIT SHALL NOT BE COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT FOR THAT UNIT.**

Amendment 7:

Amend Section 6.5.2 A(1), Table 7 as follows:

A. Schedule of Required Parking

1. Except as provided in §6.5.3, in all districts, space for parking vehicles shall be provided in accordance with the Schedule of Minimum Off-Street Parking Requirements by Land Use (Table 7).

Table 7

Single-family detached, duplex, two-family	2 per dwelling unit
Single-family attached, multi-family	2 per dwelling unit, plus 1 OVERFLOW OF 2 per five dwelling units
Elderly housing	1 per unit
Boarding house	1 per sleeping room
Bed and breakfast	1 per sleeping room

Amendment 8:

Amend Section 6.8.2 by adding the following definition as term # 4 and re-numbering all subsequent terms:

4. **FEATHER FLAG SIGN: A FREESTANDING TEMPORARY SIGN TYPICALLY CONSTRUCTED OF A SINGLE SHAFT OR POLE DRIVEN INTO THE GROUND WITH AN ATTACHED PENNANT SET VERTICALLY**

Amendment 9:

Amend Section 6.8.5 G as follows:

6.8.5 Prohibited Signs

G. EXCEPT AS PROVIDED IN SECTION 6.8.7B, Moving, flashing, windblown and all fluttering, spinning, or similar signs which includes sign balloons or other inflated objects are prohibited except that pennants, banners feather signs, and streamers are permitted for bona fide public interest festivals and events, outdoor public markets, carnival or outdoor temporary amusements that are subject to regulation by the Town and public and private grand opening where the display is limited to one 7-day period. For these types of signs the Zoning Administrator is authorized to impose on a case by case basis, restrictions on time, manner, and place to further the purposes of this chapter.

Amendment 10:

Amend Section 6.8.7 by adding a subsection D as follows:

6.8.7 Permits for Certain Temporary Signs

- D. NOTWITHSTANDING THE LIMITATIONS IN THIS ORDINANCE PERTAINING TO TEMPORARY SIGNS, FEATHER FLAG SIGNS ARE PERMITTED IN THE GENERAL COMMERCIAL DISTRICT BUT ONLY AS ACCESSORY TO

THOSE ESTABLISHMENTS IN A SHOPPING CENTER THAT DO NOT DIRECTLY FRONT OR FACE A PUBLIC RIGHT-OF-WAY, PROVIDED THE FOLLOWING CONDITIONS ARE MAINTAINED:

1. NO MORE THAN 1 SUCH SIGN PER 50 LINEAR FEET OF THE SHOPPING CENTER'S TOTAL PUBLIC STREET FRONTAGE OR 4 SUCH SIGNS, WHICHEVER IS LESS, IS ALLOWED.
2. NO SUCH SIGN SHALL REMAIN DISPLAYED BEYOND THE DAILY CLOSE OF BUSINESS OF THE SIGN OWNER.
3. NO SUCH SIGN SHALL EXCEED THE DIMENSIONS OF 8 FEET BY 2 FEET NOR BE MOUNTED AT A HEIGHT GREATER THAN 10 FEET FROM THE GROUND.

Amendment 11:

Amend Section 6.8.8.A.1.b as follows:

b. Only one face of a double-faced sign shall be computed for sign area provided the two faces are no more than ~~one foot~~ TWO FEET apart.

Amendment 12:

Amend Section 6.8.11.D as follows:

D. Standards

1. On lots greater than one acre in size, the height of one freestanding sign may exceed 10 feet as follows: The highest portion of a freestanding sign may be as high as 20 feet above the closest point on the top of the finished grade on mainline U.S. Route 15 or a total of 45 feet, whichever is less.
2. The maximum size of one freestanding sign may exceed 32 square feet as follows: on lots greater than one acre in size, the maximum area shall be 64 square feet and on lots greater than two acres in size, the maximum area of a freestanding sign shall be ~~75~~ 160 square feet.
3. ~~While a lot that exceeds two acres in size may have two freestanding signs as provided for in this Section, only one sign is eligible for the height and area allowances provided by this section.~~
4. The maximum allowable area for all signs on a site shall be 1.25 square feet per linear foot of lot frontage on the public street. On lots, with building frontage on a second public street, additional sign area is allowed up to 0.5 square feet of sign area per linear foot of building frontage on that side provided the added area is used on that side.
5. On a lot's street frontage facing a residentially zoned property, all signs along and facing that street frontage shall adhere to the standards set forth in ~~§6.8.8~~ §6.8.9. *(Note: this is drafter's change to correct typing error in the original formatting).*
6. A freestanding sign exceeding 20 feet in height must be located at least ~~200~~ 150 feet from the closest residentially zoned property.
7. A freestanding sign exceeding 10 feet in height must be setback at least ~~35~~ 10 FEET from the front lot line and placed within a planted landscaped area, other than lawn, which shall be greater than the area of the sign face plus 4 square feet for every foot of sign height.
8. A freestanding sign exceeding 10 feet in height shall not be located within ~~220~~ 200 feet of another freestanding sign on the same side of the street above 10 feet in height, unless the Planning Commission finds that adherence to this requirements is precluded considering the length of the lot's frontage and the placement of the existing sign. In such case, the greatest separation practicable should be achieved.
9. No sign shall be closer than 40 feet to the right-of-way of U.S. Route 15.

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