

**DORCHESTER COUNTY**  
**DEPARTMENT OF PLANNING & ZONING**  
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**Planning & Zoning Commission**  
**12-02-2020 Meeting Minutes**

The Dorchester County Board Planning and Zoning Commission conducted a meeting on Wednesday December 2, 2020 at 12pm in County Office Building Room 110, at 501 Court Lane, Cambridge MD 21613.

**Planning and Zoning Commission:**

- **Attending in person:**  
Robert Hanson, Chair; Jerry Burroughs, Vice-Chair; Commissioners Ralph Lewis, Laura Layton and Mary Losty
- **Attending by phone:** Commissioner William Giese
- **Absent:** Commissioner William Windsor

**Also attending (in person):**

Herve Hamon, Director of Planning & Zoning; Susan Webb, Assistant Director of Planning & Zoning; Christopher Drummond, Attorney; Brandon Vermillion, GIS Specialist

1- Chairman Hanson called the meeting to order at 12pm, and proceeded with modifications of the agenda; Preston Auto Group to be heard last, other cases to be heard in proposed order, minutes of Nov. 4 P&Z meeting to be reviewed at the end of the meeting; all approved.

**2- New Business:**

- **O'Connell Residence – 5426 Tates Bank Road, Cambridge – Special Exception – BOA case #2673**
  - This was an application to request a special exception to continue a residential home based metal fabricating business. (Under Zoning Order Chapter 155.50.Q.1 & 2, and Table of Use, attachment 1, home occupation in SR zoning district is allowed subject to special exception.)
    - The majority of the work performed in the accessory structure is hobby-natured. Only a small portion is business related, and size limitation will apply. Any work that is too large to be conducted within the accessory structure will be performed in a different off-site location.
    - Mr. Hamon explained how the land across the subject property on Tates Bank was zoned I-2 Industrial, and how the entrance to Tates Bank Road featured the Sanitary District.
    - He also highlighted that Mr. O'Connell's property was not part of the HOA which was at the origin of the complaint about noise and aspect
    - Chairman Hanson noted the thoroughness of the application and the quality of the work produced by Mr. O'Connell, especially the Veteran Fallen Star

Based on the evidence and documents presented, the P&Z Commission made a **favorable recommendation** to the Board of Appeals for this application. Next BOA meeting is scheduled for December 17, 2020.

- **Kelly Residence – 1430 Town Point Road, Cambridge – Special Exception – BOA Case # 2674**
  - This was an application to request a special exception to allow a home based firearms occupation to perform out of (option #1) an existing accessory structure; or (option #2) from inside the residential primary structure.
    - Applicant is a Licensed Federal Firearms Dealer, currently working at 2 different shops, and seeking to operate the business from a single location for ease of operation (on his residential property).
    - Option #1 is to operate out of an existing 24' X 24' accessory structure.
    - Option #2 is to operate out of the primary residential structure in a 11' X 12' portion of the house.

- Due to critical area issues, two options are proposed. The accessory structure floor elevation appears to be lower than the Base Flood Elevation, and this option may require to raise the floor level for flood insurance and code purposes, and might not be financially feasible.
- There is no associated increase in traffic associated with this project; the activity serves the needs of the community as gun repairs and sales

Based on the evidence and documents presented, the P&Z Commission made a **favorable recommendation** to the Board of Appeals for this application. Next BOA meeting is scheduled for December 17, 2020.

- **Preston Auto Group (PAG) – Route 318, Preston, MD – Text Amendment**

- This was an application to establish a text amendment for a master sign plan for automobile dealerships
- Background / Staff report:
  - Owner is seeking review for a master plan of signage for automobile dealerships on multiple lots larger than 10 acres in size.
  - Applicant is proposing a Text Amendment and an addition to the Dorchester County Zoning Ordinance by creating Paragraph 155.64 (Master Sign Plan for Automobile Dealerships Selling Multiple Brands of Vehicles - attached)
- **Context - Zoning Ordinance Chapter 155.60 to 155.63**

A few key facts:

- Any part of a freestanding sign must be located at least 10 feet away from any lot line
- Wall signs are not allowed to extend past the roof line of a building
- Projecting signs (wall mounted) cannot project more than 42 inches, and be located less than 10 feet from finish grade
- Projecting signs cannot project over a public right of way

From Table of Permitted and Regulated Signs, Chapter 155, Attachment 3:

- Number of Allowed signs per use is defined as a maximum of signage area (see **note b.** on page 2 of the Table of Permitted Signs) **not as a number of signs**
- Maximum Sign Area (in square feet) - overall:
  - 2 sf per linear foot of building frontage to a maximum of 400 sf per lot; BUT if a building has multiple frontage, and additional 1 square foot of sign area is permitted for each additional linear foot of building frontage
  - The maximum height of a freestanding sign is 20 feet
- Maximum Sign area – per sign (**note c.** on Table of Permitted Signs)
  - 32 square feet per sign, with the following requirements:
  - Flat wall signs may not exceed 50% of a wall surface
  - One freestanding sign per lot is permitted. The maximum allowable area for a freestanding sign is a maximum of 50 square feet

Analysis (per the regulations above, the applicant would be allowed to have):

- **On Parcel 43** (26.33 acres with Hyundai Dealership and Accounting Building), a maximum of 400 sf of amount of sign area: with one freestanding sign of a maximum of 50 square feet no taller than 20 feet, and the rest (150sf as wall mounted signage throughout);
  - The current freestanding amount is 28.3sf (compliant), but the total amount of wall mounted signs between the Hyundai dealership and accounting building is 720.8 sf. (Note: 4 of the wall mounted signs exceed 32 sf max).
- **On Parcel 114** (Ford, Mazda and Nissan), a maximum of 400 sf of amount of sign area: with one freestanding sign of a maximum of 50 square feet no taller than 20 feet, and the rest (150sf as wall mounted signage throughout).
  - The current freestanding total area amount is 230.6 square feet, with 4 freestanding signs (both Ford and Mazda have signs exceeding the 50 sf maximum)
  - The total amount of wall mounted signage for all 3 brands is 473.7sf on Parcel 114, with 4 wall mounted signs exceeding 32 sf

Comments and testimonies:

- Mr. Drummond expressed that he was not in favor of a text amendment that gives the Director of Planning

full discretion on signage size and requirements; Chairman Hanson and Vice Chair Burroughs both concurred

- Mr. Wilson and Mr. Smith (attorney representing PAG) expressed that their proposal aimed at providing flexibility, and account for multiple signs on one lot with multiple dealerships
- Mr. Hamon replied that he would prefer if the Text Amendment featured some maximums not to be exceeded, and defined a strategy relating to the 2 different aspects of signage: advertising along the main roads, and directionality when within the multiple use parcel
- Mr. Zach Smith will work with the Department of Planning & Zoning to further define the needs of the dealership, which can be used as the basis for the Text Amendment, but also should apply to all or most parcels featuring multiple users
- Mr. Smith also expressed that in a first pass, one of the existing sign permitted through the 2003 Variance, would be eliminated and replaced by a smaller sign (Mazda); Mr. Hamon confirmed that this process will be handled administratively, constituting a net reduction in the amount of signage.

The Preston Auto Group, Mr. Smith and the Department of Planning and Zoning will work together to submit a revised Text Amendment proposal at the January 6, 2021 Planning & Zoning Commission meeting.

▪ **Discussions:**

- A brief conversation occurred about considering a text amendment regarding the use of accessory structures as home occupations and small scale business, as an as-of-right element of the Zoning Code versus being heard as Special Exceptions by the Board of Appeals.
- Mr. Drummond cited the case of the “cottage industry” in neighboring counties, currently causing significant issues in residential neighborhoods. He advised to proceed cautiously when redefining the code, if deemed appropriate
- Another brief discussion took place about the AquaCon project. The Commission felt that Mr. Showalter should propose that the Board of Appeals reconsider their decision, and apply for another hearing within 90 days

Chairman Hanson asked for a motion to approve the November 4, 2020 Meeting Minutes as submitted. Commissioner Lewis made that motion, it was seconded by Commissioner Losty; all approved.

Chairman Hanson asked for a motion to adjourn the meeting. Commissioner Losty made a motion, it was seconded by Commissioner Layton, all approved. The meeting adjourned at 3:30pm.

Respectfully submitted:

Herve O. Hamon, AICP, RA, LEED AP  
Director of Planning and Zoning

Reviewed:  Chairman R. Hanson

Date: 