

1. 6:00 P.M. 2023 Master Plan Work Session - November 4, 2021

Documents:

[NOVEMBER 4, 2021 WORK SESSION AGENDA.PDF](#)
[112-38 NP NEIGHBORHOOD PROFESSIONAL DISTRICT.PDF](#)

JASON M. POIRIER
Mayor /Council President



Council Members
PAMELA M. REED
Secretary

KARL L. MUNDER
LYNNE P. GALLETTI
STEPHEN L. DOMOTOR

**Planning Commission
Work Session Agenda
November 4, 2021
6:00 p.m.**

Town Hall is open to the public for this meeting.

- ***§112-38 -NP Neighborhood Professional discussion and possible changes to code***
- Copies of the 2013 Master Plan & Implementation Matrix will be available for pick up from Town Hall prior to this meeting. Contact jbreeding@mountairymd.gov to schedule a pickup of these copies for review.
- **Additional work session will be held the first Thursday or possible second Thursday of each month check the Town Website, Live work session start at 6:00pm and will end at 8:00pm.**

Note: The regular scheduled meeting and/or work session will end at 8:00 p.m. Those items remaining for discussion will be held over to the next regular scheduled meeting/workshop.

****The Town will make every effort to provide reasonable accommodation for the hearing impaired by providing a sign language interpreter. A request for such an accommodation must be made 48 hours in advance of the meeting to facilitate scheduling.**

§ 112-38NP Neighborhood Professional District.

[Added 12-3-2001 by Ord. No. 2001-14; amended 7-11-2005 by Ord. No. 2005-10]

A.

Purpose.

(1)

The NP District is intended to allow the redevelopment of existing homes and structures for professional offices while protecting the residential uses adjoining the district.

(2)

The location of the Neighborhood Professional Districts should provide for adaptive reuse of existing homes and structures into offices.

(3)

The NP Zone is intended to provide a less intensive commercial zone than the LC District and must only be assigned where adjacent to a more intensive commercial zone such as the LC, CC or any other more intense commercial zone.

(4)

Establishment of any of the specific uses under this District shall not be considered a basis for change in any subsequent rezoning petition to a more intensive zoning classification.

(5)

All plans for development in this District are subject to site plan approval subject, however, to the exception contained in Subsection **F(2)** below.

B.

Limitation of assignment of NP District. The Neighborhood Professional Zone is intended as a transitional zone between residential uses and approved commercial uses. It must only be assigned where it will be adjacent to a more intensive commercial zone such as Limited Commercial or Community Commercial or any other more intense commercial zone.

C.

Uses permitted in the NP District. No existing buildings or structures may be used or occupied except in substantial conformity with the below examples:

(1)

Finance, insurance and real estate services without drive-throughs.

(2)

Professional services, including medical, dental, legal and engineering.

(3)

Residential uses related to professional office uses, including resident professional offices.

(4)

Detached accessory buildings with not over 500 square feet of ground floor building footprint area.

(5)

Public parks and playgrounds.

(6)

Residential uses in accord with RE or R-2 zoning, depending on adjacent zoning.

D.

Special exceptions in the NP District. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the following principal uses as special exceptions in accordance with the provisions of Article **VIII**, § **112-62**.

(1)

Private and commercial schools: dance, business, trade [§ **112-62F(11)**].

(2)

Nursery schools and child-care centers [§ **112-62F(10)**].

(3)

Churches, schools, libraries and community centers [§ **112-62F(19)**].

(4)

Convalescent, nursing homes or assisted living facilities [§ **112-62F(4)**].

(5)

Fire and rescue stations. [§ **112-62F(20)**].

(6)

Residential uses more dense than RE or R-2 zoning.

E.

Prohibited uses. The following uses are prohibited in the NP District:

(1)

Principal structures with a footprint floor area of greater than 2,000 square feet, except as permitted under § **112-38F**.

(2)

Any twenty-four-hour operations.

(3)

Any retail establishment or repair service.

(4)

Drive -in or drive-through establishment.

(5)

Public utility buildings.

(6)

Clubs and fraternal organizations.

F.

Construction requirements. The NP District is intended to encourage use of existing structures, but these requirements apply to any construction within the District. All development plans for new construction or those additions seeking to enlarge the ground floor building footprint of existing construction are subject to site plan approval. Construction requirements include:

(1)

Principal structure. Although the NP District encourages use and adaptation of existing structures, new principal structures may be built to replace those which are torn down or removed as long as the new principal structure is built with a footprint that does not exceed the size of that of the structure it replaces, except new principal structures constructed on or after July 26, 2020, on lots with principal structures that have been vacant for at least three continuous years and are torn down or removed, but subject to the limitations set forth in Subsection **F(4)** below.

[Amended 7-6-2020 by Ord. No. 2020-4]

(2)

Additions to existing structures. An addition of up to 25% of the existing ground floor building footprint will be permitted to an existing structure that remains on the property as the principal structure. Additions which result in increased height of the existing structure shall be permitted subject to the requirements of § **112-38F(5)**. Notwithstanding the general requirement for

site plan approval, additions to accessory structures shall not require site plan approval, provided that the addition to such structure will not:

(a)

Generate an increase in water consumption of more than 10% beyond the existing water consumption for the lot upon which such structure is located as certified by a licensed professional engineer; and

(b)

Generate more than 25 additional average daily trips to the subject site as determined by a traffic consultant of the town's choosing.

(3)

Waiver of setback and development requirements. In order to allow an addition and/or continued reasonable use of an existing building or structure, setback may be waived but only to the extent necessary to permit use of the property and structure within the NP District.

(4)

Size limitation for new principal structures constructed on or after July 26, 2020, on lots that as of July 26, 2020, are without principal structures, or on lots with improvements that have been vacant for at least three continuous years and are subsequently torn down or removed. New principal structures constructed on or after July 26, 2020, on new lots that as of July 26, 2020, are without existing principal structures, or on lots with improvements that have been vacant for at least three continuous years and are torn down or removed, shall be permitted up to a footprint of 2,500 square feet, so long as:
[Amended 7-6-2020 by Ord. No. 2020-4]

(a)

The new principal structure meets setback requirements [subject to the waiver provisions set forth in Subsection **F(3)** above], parking standards, and all other development requirements applicable to the proposed use; and

(b)

The proposed development complies with any reasonable condition to granting the variation imposed by the Planning Commission, such as requirements for screening.

(5)

Height restriction. No building or structure shall exceed the height of the existing principal structure or, for vacant lots, 20 feet in height, not including

the roof structure. No building or structure shall contain more than two stories, not including the attic.

(6)

Lighting shall not reflect or spill over upon adjoining or nearby residential property or on roadways; all lighting shall be equipped with full cutoff, fully shielded fixtures, and pole heights shall not exceed 15 feet at the perimeters. High-density sodium lighting shall be used for all outdoor lighting.

(7)

Buffers protecting nearby residential areas shall be required and shall consist of fencing and/or natural barriers such as vegetation and trees of sufficient height.

(8)

All other requirements for commercial development shall apply unless waived under Subsection **F(3)** above.