

**DRAFT ZONING CODE**  
**MAY, 2007**

**ARTICLE I - GENERAL PROVISIONS (Page 1)**

**Section 267-4 – Definitions**

Page	
. 3	Added definitions for “Addition” and “Adjacent” Rewrote “Afforestation” Rewrote “Agricultural Product”
4	Omitted AG/MO Added “Airport,” “Alteration,” “Alternate Living Units,” “Animal, Domestic,” “Applicant,” “Aquifer,” “As-Built” Omitted “Animal Units”
5	Added “Average Contact Grade,” “Base Flood,” “Block” Omitted “Boarding Home or Tourist Home” Added “Boarding Home for Sheltered Care” Rewrote “Buffer Yard”
6	Omitted “Champion Tree” (relocated to Pg. 33 under Tree, Champion) Added “Campground” and Certificate of Appropriateness”
7	Added “Co-Location” In Commercial Amusement and Recreation – omitted gymnasiums, health clubs, and nautilus clubs Rewrote “Commercial Vehicle” Added “Communications Antenna,” “Communications Tower,” and “Communications Tower Height”
8	Added “Community Green,” “Community Plan,” Omitted “Community Piers” Rewrote “Community Water System” Omitted “Corporate Offices” Added “Containment Device” Rewrote “Contiguous” Added “Contributing Area”
9	Added “Copy” Added “Critical Habitat Area” Added “Custom Made Wood Household Furniture”
10	Rewrote “Cut” Added “Day” Added “Design Guidelines/Standards” Added “Developable Area” Rewrote “Development” Added “Developmental Disability”
11	Added “Disability,” “District,” “Driveway”
13	Re-wrote “Dwelling, Mobile Home”
15	Added “Enforcement Officer,” “EPA,” “EPA Stormwater NPDES Permit”
16	Added “Equipment Building” Omitted “Existing Use” Added “Exterior Features, Historic” Rewrote “Family” Added “Farm” Rewrote “Floodplain” Added “Forest”

- 17 Rewrote "Frontage" (added "or road right-of-way")  
 Added "Gas Station"  
 Rewrote "General Merchandise" (omitted "ice storage houses")  
 Added "Groundwater"  
 Added "Groundwater Contamination"  
 Added "Groundwater Travel Time"  
 Rewrote "Group Home" and changed it to "Group Home for Sheltered Care"
- 18 Added "Hazardous Material"  
 Rewrote "Health Services" (added "blood banks," "Oxygen")  
 Added "High Density Residential Use"  
 Rewrote "Highly Erodible Soils"  
 Added "Historic Area Work Permit"
- 19 Omitted "Historic District"  
 Added "Historic Landmark"  
 Added "Historic Preservation Commission"  
 Added "Impact Noise"  
 Added "Impact Fee"  
 Rewrote "Impervious Surface"
- 20 Added "Indirect Recharge Area"  
 Rewrote "Intensely Developed Area" (added Chesapeake Bay Critical Area)  
 Rewrote "Intermittent Stream"  
 Rewrote "Junk or Salvage Yard" (omitted "a salvaging operation')
- 21 Added "Leachable Material,"  
 Added "Live/Work Units"  
 Added "Livestock"
- 22 Added "Lot, Agricultural"  
 Added "Lot, Panhandle"  
 Omitted "Lot, Adjacent Residential"  
 Added "Lot, Residential"  
 Added "Low Density Residential Use"  
 Omitted "Major Road Plan" (Bill 94-6 was repealed)  
 Added "Main Street District"  
 Added "Marquee"  
 Reworded "Master Plan" (added "including the most recently adopted Master Plan and associated Element Plans."  
 Added "Medium Density Residential Use"
- 23 Added "Native Vegetation"  
 Added "Neighborhood Market"
- 24 Rewrote "Non-Tidal Wetlands"
- 25 Added "Non-Transient Non-Community Water System"  
 Reworded "Nursing Home or Skilled Care Facility" (added "and care of the aged or elderly"  
 Omitted "Offsets"  
 Added "One Percent Annual Flood"  
 Rewrote "Overlay District" (omitted "including the Agricultural Land Preservation District, the Chesapeake Bay Critical Area Overlay District, Floodplain District, Historic District, and Natural Features . . . and omitted "for development"  
 Added "Pad Site"  
 Added "Parapet"  
 Omitted "Panhandle Lot" (relocated to Pg. 22 under "Lot, Panhandle")  
 Added "Passive Recreation"  
 Added "Percolation Rate"  
 Rewrote "Perennial Stream" (omitted requirement that stream be shown on the most

Recent 7.5 Minute Topographical Quadrangle published by the U.S. Geological Survey)

- 26 Rewrote "Personal Services" (omitted diaper services, fur repair and storage)  
Omitted "Planned Residential Development"  
Omitted "Primary Residential Road"  
Added "Pervious Surface"  
Added "Pier"  
Added "Pier, Community"  
Added "Planned Employment Center"  
Added "Pollutant Travel Time"  
Added "Public Event"
- 27 Reworded "Public Utility" (omitted "telecommunications company")  
Added "Recycling"  
Added "Recycling Center"  
Rewrote "Redevelopment"  
Rewrote "Reforestation"  
Added "Relative"  
Added "Repair Shop, Small Engine"
- 28 Rewrote "Resource Conservation Areas" (added requirement that areas must be in the Chesapeake Bay Critical Area)  
Added "Restaurant"  
Added "Restaurant, Take-Out"  
Added "Retaining Wall"  
Added "Revitalization"  
Added "Road, Business District"
- 29 Added to "Road, Local" the words, "as defined by the Harford County Road Code."  
Added "Road, Minor Residential"  
Added "Road, Parkway"  
Added "Road, Primary Residential"  
Added "Road, Private"  
Added "Road, Stub"  
Added "Roofline"  
Reworded "Sanitary Landfill" (omitted the words "as defined in Chapter 109 of this Code")
- 30 Reworded "Setback" (added the words "Unless otherwise provided . . .")  
Reworded "Shoppers Merchandise" (omitted the words "records and tapes" and added the words "compact discs, digital video devices")  
Rewrote "Shopping Center, Integrated Community" (omitted the requirement for 6 or more retail uses, or 6 or more retail and services uses. Only requirement is a gross floor area of 20,000 square feet.)  
Added "Sign"  
Added "Sign, Agricultural"  
Added "Sign Area"  
Added "Sign Billboard"  
Added "Sign, Canopy"  
Added "Sign, Directional"  
Added "Sign, Directory"
- 31 Added "Sign, Electronic Message"  
Added "Sign, Face or Surface"  
Added "Sign, Freestanding"  
Added "Sign, Identification"  
Added "Sign, Illuminated"  
Added "Sign, Project Development"

- Added "Sign, Projecting"
- Added "Sign, Roof"
- Added "Sign, Temporary"
- Added "Sign, Tenant Identification"
- Added "Sign, Wall"
- Added "Significant/Special Natural Features"
- Added "Site"
- Added "Site Plan"
- 32 Omitted "Special Development Regulations"
- Added "Soils With Significant Development Constraints"
- Added "Solid Waste Transfer Station"
- Added "Streetscape"
- Rewrote "Structure"
- Added "Structured Pervious Surface"
- Added "Subdivider"
- Added "Subdivision"
- 33 Added "Subdivision Agreement"
- Added "Sunroom"
- Added "Tourist Home"
- Added "Transfer of Development Rights"
- Added "Tree, Champion"
- Added "Tree, Significant Individual)
- 34 Added "Use, Agricultural)
- 35 Added "Watersource Protection District"
- Added "Well)
- Added "Well, Private"
- Rewrote "Yard"
- Omitted "Yard, Cluster Townhouse"
- Omitted "Yard, Multiplex"

**ARTICLE II ADMINISTRATION AND ENFORCEMENT (Page 39)**

**Section 267-7 - Zoning Administrator**

Page

- 39 Added B.(1) to authorize Zoning Adm. to perform necessary duties  
 Rewrote B(6), Interpretations from the Zoning Administrator\* Old language allowed a request for interpretations from interested persons whose property may be affected by particular uses, etc., and required notice of the request be sent to adjoining property owners; required property to be posted with sign that the request was received, the date by which the interpretation must be issued, P&Z phone number. New language limits interpretations to whether a proposed use is permitted in a particular zoning district or if proposed use is a legal non-conforming use; limits requests for interpretations to property owner or his agent. Removed opportunity for "interested persons" to seek interpretations and removed posting sign and written notice to adjoining property owners.  
 Added to D the words "or his duly authorized designee"

**267-8 – Zoning Certificates**

Page

- 40 Added to A the words "or his duly authorized designee"
- 41 Omitted J – "Notwithstanding anything to the contrary herein, a zoning certificate shall be required for all uses provided for in Sections 267-34D(9) and 267-43F"

## Section 267-9 – Board of Appeals

Page

- 42 D. Filings to the Board of Appeals was reworded to omit “Appeals from the decision of the Zoning Administrator shall be filed with the Zoning Administrator by the property owner, authorized agent or any person aggrieved.”\* New language limits filings to the property owner, property owners’ authorized agent, or contract purchaser, and removes the opportunity to file by a person aggrieved. The “authorized agent” must be the property owner’s authorized agent.  
Added “Filed applications are forwarded to the Board of Appeals for hearings.”
- 42 I (2) added “cyclists”
- 43 K(1)(a) Increased the time frame from one to two years before applying for the same relief if an application is disapproved or dismissed by the Board.
- 44 K(2) Omitted “As codified in the Appendix to this Code”

## Section 267-10 – Interpretation of Zoning Map

Page

- 44 Old Paragraphs B (extension of a district), and C (adjustment for topography) were omitted.

## Section 267-11 – Variances

Page

- 44 D. is new. Use must be commenced within 3 years from date of final decision or approval becomes void. Zon. Adm. has authority to extend the approval for additional 12 months or portion thereof.

## Section 267-12 – Zoning Reclassifications

Page

- 45 (Old Pg. 42) B. Application by Zoning Administrator. Entire section omitted because it contained a sunset provision to expire two years after it was enacted

## Section 267-13 – Comprehensive Zoning Review

Page

- 46 D(1) Reworded to require that the final report of the Planning Director, provisions and amendments to the zoning maps and regulations, and comments of the Planning Advisory Board, must be on public display in the Department of Planning and Zoning and in a public facility located in each Council District (rather than in the County Office Building)
- 46 D(2) Omits “The Department may assess the applicant a fee not exceeding \$100 or the actual cost, whichever is less, for the posting.”
- 47 E. Suspension of zoning reclassification. Old sub-paragraph E(3) No zoning reclassification shall for one year after the adoption of the comp. zoning maps be granted by the Council/BOA on the ground that the character of the neighborhood changed. Relocated to Pg. 47, Paragraph G.
- 47 F. New. Suspension of Procedural Requirements if comp zoning fails.
- 47 G. Same as old Paragraph E.
- 47 H. New. Approved reclassifications which increase density in the RR or RV areas can only achieve that density in accordance with 267-53D(4) AG Dist.

**ARTICLE III – DISTRICTS ESTABLISHED; BOUNDARIES**

**ARTICLE IV – NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES**

**Section 267-20 – Nonconforming Buildings, Structures and Uses**

Page		
52	A(1)	Omitted “or more restricted” and replaced with “to a similar use of the same or lesser intensity.”
	A(2)	Omitted “or more restricted” and replaced with “to a less intense use” Old B(1) becomes new C.
	C.	Reworded old B(1),added residential use in industrial district may be enlarged “or replaced” and prohibits an increase of more than 50% of the square footage that was in use at the time the nonconformity was created. Allows expansion provided no addition extends closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less. Old B(2) allowed mobile homes in residential districts to be replaced if enlargement did not exceed 50% of gross square footage of m/h in use at the the nonconformity was created. This provision was omitted in its entirety.
Page	E.	(old D) rewritten.
52	E(1)	Added any “nonresidential” nonconforming building or structure damaged by less than 50% of market value may be reconstructed to its former Dimensions
	E(2)	Added any “residential” nonconforming building or structure damaged or destroyed may be reconstructed to its former dimension
	E(3)	If a nonconforming residential unit is on a leased lot or if the residential unit creates a nonconforming density on the lot, replacing the unit with any dwelling unit including another mobile home is prohibited except for tenant housing.

**ARTICLE V. SUPPLEMENTARY REGULATIONS**

**Section 267-22. Lots**

Page		
55	E.	Changed “with private utilities” to “with septic systems.”
	E.(1)	Changed 60,000 square feet minimum lot area for a residential lot served by a septic system to 40,000 square feet for lots created after 1982 if they are outside the ten year sewer service area.
	F.	Omitted old F. for Lot Averaging.
	F.	New F is old G, addresses Panhandle-Lot Requirements.
	F.(1)	Changed one lot or 5% of the total number of lots, to 10% of the lots, allowed as panhandle lots.
56	F.(2)	New. Allows Zon. Adm. to grant waiver to allow 20% of lots to be panhandle lots if topography makes it necessary.
	F.(3)	New. (Was old G.(2). Changes common drive requirement from 2 to 4 lots. Added new: Frontage lots may be required to share in common drive.
	F(4)	New. Was old G.(4). Reworded, changed “double panhandles” to “multiple panhandles” and omitted “for a total of 25”
	F.(5)	(d) New. Water service shall end at the edge of the public right-of-way. Sewer

- service shall end at the edge of the public right-of-way except where the pan-handle lots must be served by a public main as determined by Div. of W/S.
- G. New. Sanitary facilities must comply with all Sate (sic) and County regs.

### Section 267-23 - Yards

Page

- 57 A.(3)(a) Front Yard Depth – Omitted sub-paragraph (b) regarding averaging the front yd. setback of structures on existing public roads on either side of a vacant lot
- 59 C. Exceptions and Modifications to Minimum Yard Requirements
- C.(1) Encroachment:
- C.(a) (6) Rewritten, added “sunrooms”  
Increased old 25’ encroachment in side and rear yards to 35’  
Omitted no accessory structures shall be located within a recorded easement area.
- C.(2) Reduced Front Yards:
- (c) Attached Garage – Omitted
- (d) Recessed Garage and Parking Pad – Omitted
- (e) Parallel Garage - Omitted
- (2)(c) New – for dwellings designed with no garage or garage that completely faces the side or rear lot line, the f/y/s may be reduced to a minimum of 10’.
- C.(4) Solar Orientation – Omitted in new code.
- 60 C.(4) Utility Distribution Lines and Facilities became new C.(4)
- (4)(a) (3) Changed Telecommunications Company to Water or Sewer Utility Provider

### Section 267- 24 - Exceptions and Modifications to Height Requirements

Page

- 60 B. Fences and Walls
- (1) Front Yards. Changed “for single family detached units” to “For all residential units”
- 61 C(1) and (2) Visibility at Intersection Roads in current Code omitted.
- D. Garden Apartment Buildings in current Code omitted.

### Section 267-25 - Requirements for Deck Accesses. (Sect. 24.1 in current Code)

Page

- 61 Opening paragraph, changed “single family dwelling or townhouse dwelling to “residential unit.”
- B. Increased rear yard depth from 10’ to 14’ and eliminated minimum square footage of 80’.

### Section 267-26 - Off-Street Parking and Loading

Page

- 63 A.(2) Added “and additional common areas such as corridors, stairwells, and elevators” as exclusions when calculating parking/loading reqmts. based on floor area.
- A.(5) in current Code: Prohibits parking on residential lots to exceed 50% of the required front yard. Omitted in draft Code.

- A.(5) is A(6) in current Code. Omits 8'x16' size for compact car parking space size.
- A.(7) is A(8) in current Code. Completely rewritten to approve parking areas, driveways and private roads in any zoning district to serve a use located in another zoning district, whether or not the use is permitted in the subject district, if approved by the Board.
- B.(1) Changed durable and dustless surface to structural impervious surface.
- B. (2) Parking Area Landscaping, (3) Parking Area Setbacks, (4) Parking Areas in excess of 10,000 square feet (current Code pg. 64) were rewritten.
- C. Joint parking areas for nonresidential uses, (1) and (2), (current Code pg. 64) were omitted.

Page

- 65 C. Parking Space Requirements  
Under Residential:  
Omitted Housing for the Elderly  
Under Retreats, added Campgrounds  
Under Nursing Homes, added Personal Care Boarding Homes  
Added new category of Boarding Homes for Sheltered Care and Group Homes for Sheltered Care  
Under Business:  
Banks, changed 1 space for every 150 s/f of gross floor area to 1 for every 300 s/f of GFA  
Dance Halls, Taverns and Bars, changed to Night Clubs, Lounges, Bars and Taverns  
Grocery Stores, changed from 1 space per 150 s/f of GFA to 1 space per 200 s/f of GFA  
Under Retail Stores, omitted agricultural sales at roadside stands, and increased 1 space for every 150 s/f of GFA to 1 for every 200 s/f of GFA  
Added new Agricultural Sales at Roadside Stands, 1 space for every 250 s/f of sales area
- 66 Shopping Centers rewritten: Old is 1 per 250 s/f of gross leasable floor area; over 300,000 s/f is 4.5 per each 1,000 s/f of GLFA. New is 1 per 250 s/f of GLFA  
Under Recreation: No changes  
Under Institutional:  
Houses of Worship rewritten: Old is 1 per 3 seats. New is 1 per 3 seats and added new: up to 50% of parking area can be pervious surface; required parking spaces for schools and daycare facilities that are accessory to a house of worship are computed separately.
- 67 Sanitariums and Nursing Homes were omitted.  
(2) Maximum Parking Spaces – New – Maximum number of off-street spaces shall not exceed 130% of the minimum number of spaces required, excluding spaces composed of structured pervious surface, and spaces above the limit where the Zon. Adm. finds that the addl. spaces are required by unique site conditions or use.
- D. New: Parking Standard Modifications – requires off-street reqmts. for any given use to be established per 267-26C, gives the Zon. Adm. authorization to modify under certain circumstances stated in sub-paragraphs (1) and (2)
- 68 E. **New: Shared Parking Provisions – A portion of the required parking may be provided on an adjacent property subject to seven conditions, the first of which is that the underlying zoning of the adjacent parcel permits parking for the principal use of the site being developed. See pg. 63, 267-26A(7), the Board**

can approve parking, private roads, driveways in any district to serve a use in another district.

- F. New: Joint Parking Areas for Nonresidential Uses that do not conform to C above provide operations sharing a joint use of parking areas not to be opened during the same principal operating hours, and parties with joint use are subject to a written joint-use agreement.
- G. (E. in current Code, pg. 67). Off-Street Loading. – Omitted Sanatoriums.

## Section 267-27 - Accessory Uses and Structures

Page

- 71 B. Zoning Certificate Required. Reworded. Current Code says accessory uses specified in this section require a permit, any use not specified does not require a permit. New: All accessory uses and structures require a permit whether or not specified in this section.
- C. Use Limitations: Current Code says an accessory use shall not be permitted unless it complies with Code. New: Added after accessory use, “or structure.”
- C.(1) Rewritten to add accessory structures cannot exceed 1,000 square feet in size or 50% of the square footage of habitable space of the dwelling.
- C.(2) Is part of C.(1) in current Code. Separated out as an individual requirement in draft Code: No accessory structure shall be used for living quarters, storage of contractor’s equipment or conducting of any business unless otherwise provided.
- C.(6) Uses and Structures – was completely rewritten.
  - (a) AG lots: allows accessory structures in recorded easements if permit is obtained
- 72 C.(6) (b) Residential lots: structures are considered attached if they are within 3’ of the principal structure and meet the principal setback. If acc. structure is detached, a min. setback of 3’ from side or rear lot line is required unless there is a recorded easement, in which case the owner must obtain a permit to locate a detached acc. structure within a recorded easement, otherwise, the setback shall be equal to the width of the easement or 3’, whichever is greater.
  - (c) Townhouse and Zero Lot Line: 0 setback from side or rear yard lot line unless there is a recorded easement. If there is an easement owner must obtain a permit, otherwise, the setback is equal to the width of the easement.
  - (d) Business, Industrial, CCRC, front, rear and side set backs, Rewritten and omitted Institutional Uses.
  - (e) Institutional Uses: New. Separated out as an individual requirement from (d) above.
  - (f) Retaining Walls: New – 4’ or higher require a permit.
- C.(6) in Existing Code omitted – prohibiting accessory structures in easements.
- C.(7) in Existing Code omitted – detached accessory structures less than 6’ from the principal structure or lot line must comply with the Building Code.
- C.(8) in Existing Code omitted – accessory structure may be replaced at the same location if it was established in accordance with the zoning regs. applicable at the time it was originally placed on the site.
- 72 C(7) **New – Allows septic reserve areas, wells, storm water management facilities, in any district to serve a permitted use in another zoning district, and they can be placed in the use setback.**
- C.(8) New - Allows accessory structures in recorded easements with approval of DPW and hold harmless agreement with the County.

Page	
73	<p>D. Accessory Uses in AG and Residential Districts.</p> <p>D.(1) in Existing Code – Omitted - allowed accommodations for bona fide servants or guests if all setbacks and density requirements can be met.</p> <p>D.(1) in Draft Code – pens or runs for animals – removed “stalls” from setback reqmts.</p> <p>D.(2) Recreation Facilities – removed “not including security fences” and added “including all mechanical equipment.”</p> <p>D.(4)(b) Home Occupations – removed restriction on outdoor advertisement.</p>
74	<p><b>D.(4)(i) Removed Beauty or Barber Shops and Photography Studios from prohibited home occupations. (traffic/parking issues in residential areas or subdivisions, contrary to State law, Cosmetology Board prohibits beauty shops in the home, sanitary/health issues.)</b></p> <p><b>D.(5) AG Tenant House – Current Code allows, for bona fide farm workers, 1 on parcels of 11 to 50 acres, and no more than 1 per 50 acres thereafter. New Code allows 1 on 11 to 99 acres and 1 additional for parcels of 100 acres or more. (creating lots of non-conforming uses that may or may not be able to be replaced if needed.)</b></p> <p>D.(6) Private Horse Stables – Current Code allows 2 or more horses if stable, corral, feeding or bedding areas are at least 50’ from the public road or nonresidential lot line, and 100’ from any residential lot line. Pastures can extend to the property line. New Code removes “2 or more horses,” changes the setback to 50’ from any road or lot line, and omits the provision for fences to extend to the lot line.</p> <p>D. (7) AG Retail Grown on Site – Added “Temporary” to “Any Permanent Structure” must meet the required setbacks</p> <p>D.(9) Commercial Vehicles – Added that one commercial vehicle is allowed in any AG District as well as residential district.</p> <p><b>D. (10) Inoperable or Untagged Vehicles Storage – was rewritten. Problem: “One inoperable or untagged motor vehicle may <u>not(?)</u> be parked or stored on any lot of less than 2 acres for a continued period of more than 6 months and 2 inoperative or untagged motor vehicles may be parked or stored on any lot of 2 acres or more.” The word “not” should be removed???. Also, the requirement to obtain a storage permit has been omitted so how or by whom will this be enforced?</b></p>
75	(12)(f) Reference to Paragraph (13) needs to be corrected to Paragraph (12).

**Section 267-28 - Temporary Uses**

Page	
76	A. Zoning Certificate – rewritten. Omitted any temporary use not specified in this section does not require a zoning certificate.
77	B. Specific Temporary Uses: added “calendar” to all references to number of days.
79	B.(7) Hawkers and Peddlers – omitted (j), which allowed one temporary sign 32 s/f in size, 6’ in height,
	B.(8) Cottage Houses – omitted (a) Definitions and (b) zoning districts in which they are permitted.
80	B.(8)(c) Rewritten. Current: P&Z can require evergreen screen or shrubs between c/h and residence on adjacent parcel. New: P&Z may require the property owner to plant a “Type A” buffer yard per Sect. 267-30 Buffer Yards.
	B.(8)(d)(2) Rewritten. Current: Permit is revoked if the additional physician’s statement is not submitted by the due date. New: Permit can be revoked if any of the requirements of this Section are not met by the due date.

- 80 B.(8)(e) Rewritten. Current: When a permit is revoked the lot owner shall remove the cottage house within 60 calendar days. New: When the permit is revoked the mobile home must be removed or the cottage house must be incorporated into the main dwelling within 60 calendar days.
- 81 B.(8)(g)(3)(c) Rewritten. Current: If the lot owner satisfies the requirements P&Z shall mail adjacent property owners notice that the cottage house must be removed when the permit is revoked. New: If the lot owner satisfies the requirements P&Z shall mail adjacent property owners notice that the cottage house must be removed or incorporated into the principal dwelling when the permit is nullified.

**Section 267.29. Landscaping - New Section (Pg. 83)**

**Section 267-30. Buffer Yards – Completely rewritten section (Pg. 93)**

**Section 267-31 – Open Space – (Pg. 97)**

Page

- 97 B. Open Space Requirements – Rewritten.
  - B.(1) Increased the required active open space from 40% to 50% and added community centers, trails. Requires that any area defined as active open space must be a minimum of 10,000 contiguous square feet.
  - B.(1)(a) New – Trail regulations – must be minimum of 6’ wide, must be paved except if within the NRD where stone dust may be utilized, and construction plans must be approved by P&Z.
  - C. Fee in Lieu – If the County, developer, or “property owner” – property owner was added throughout. County Recreation Trust Fund was changed to “County.” Current Code: developer will deposit an amount equal to 110% of the market value of the land that would otherwise be required to be designated as open space. New: This fee will be based on 110% of the average cost per acre of land within the Dev. Env. and acreage which would otherwise be required to be designated as open space. Omitted: “The full value of the land as established by the State Dept of Assmts. & Taxation shall be presumed to be the value in the absence of contrary evidence . . . .” **This paragraph requires more study/scrutiny.**

**Section 267-32. – Low and Moderate Income Housing Bonus**

Page

- 98 A. Purpose. The maximum number of dwelling units permitted in the area to be developed may be increased by 10% in the current Code, increased to 20% in the draft Code.

267-33 Signs – Will be reviewed later.

## ARTICLE VI. Forest and Tree Conservation

### Section 267-34. Applicability

Page

- 117 The Definition Section was omitted.  
B.(7) Added: Any development conducted on a single “residential” parcel  
118 B.(8) Omitted Any strip or deep mining of coal and any noncoal surface mining

### Section 267-35. General Requirements

Page

- 118 A.(1) Added: In accordance with the Forest Cover Conservation & Replacement Manual.

### Section 267-36. Forest Stand Delineation

Page

- 119 C.(4) New: Delineation shall include Limit of non-tidal wetlands and required buffers  
C.(5) New: Delineation shall include limit of 100 year floodplain

### Section 267-39. Retention and Afforestation

Page

- 125 E. New: No forest retention area easements shall be permitted on residential lots with a net tract of less than 20,000 square feet. No more than 25% of any lot with a net lot area between 20,000 square feet and 60,000 square feet shall be encumbered by a forest retention area easement.

### Section 267-40. Reforestation

Page

- 125 F. New: No afforestation or reforestation shall be permitted on any residential lot with a net lot area of less than 20,000 square feet. No more than 25% of any lot with a net tract area between 20,000 square feet and 60,000 square feet shall be permitted for reforestation or afforestation planting.

### Section 267-41. Priorities and Time Requirements for Afforestation and Reforestation

Page

- 126 A.(3) Added to On-site afforestation using whip and seedling stock “with protective tree tubes (shelters).  
A.(7) Added “with protective tree tubes (shelters).  
C.(4) and (5) Paragraphs were reversed in order from existing Code.

### Section 267-42. Payment in Lieu of Afforestation and Reforestation

Page

- 127 A. Added “to the County” after “the person shall contribute money . . .”  
C. Money contributed under this Section:  
Omitted existing Para. C, pg. 99 existing Code, that requires the County to do afforestation or reforestation for which the money is deposited within 3 years after receipt of the money.  
Omitted existing Para. D, pg. 99, existing Code, that requires money contributed under this section to remain in the account for 3 years and at the end of that time any portion not used shall be returned to the person who paid the money.

**Section 267-43. Individual Tree Plantings**

Page

- 127 A. Rewritten. Old: Individual tree plantings conducted in accordance with this section shall be credited towards the remaining forest conservation requirement in an amount equal to the square footage of the area of mature canopy of the individual trees planted. New: Individual tree plantings conducted in accordance with this section shall be credited towards the remaining forest conservation requirement in an amount equal to 500 square feet for each individual tree planted.
- 128 C.(3) Rewritten. Old: The landscaping shall include a calculation of the square footage of the mature canopy of the trees. New: The landscaping shall include a calculation of the square footage for all individual trees planted.

**Section 267-44 – Required Tree Species**

Page

- 128 B. Omitted: Tree species for individual tree plantings . . . shall be native to the County and selected from a list of approved species established by the Dept. Added: Tree species for individual tree plantings . . . shall be selected from a list of approved species established in the Forest Cover Conservation and Replacement Manual.
- D. Omitted. (required on or before 12/31/91 the Dept. shall issue guidelines establishing a list of tree species to be used for aff/ref/and individual tree plantings.

**Section 267-45 – Surety for Forest Conservation**

Page

- 128 No changes

**Section 267-46 – Standards for Protecting Trees from Construction Activities**

Page

- 129 B. Changed “unless approved by the Department” to “approved within the Forest Conservation Plan.” (referring to activities that are prohibited within the dripline of a tree that is to be retained)
- 130 D. Omitted. (After consultation with Forest Div. of DNR, P&Z shall issue guidelines establishing standards before 12/31/91)

**ARTICLE VII. DISTRICT REGULATIONS**

**Section 267-49 - General Provisions; Section 267-50 – Principal Permitted Uses by District; Section 267-51 – Requirements for Specific Districts**

Page

- 131 Reworded to combine 267-31, 267-32, 267-33 in current Code.

**Section 267-52 - Materially Similar Uses**

Page

- 131 A. **New. Uses not listed as a permitted, temporary, special development, or special exception use, are presumed to be prohibited, in which case the Zon. Adm. has the authority to determine whether a materially similar use exists in this Chapter. If he so determines, the regulations governing that use apply to the unlisted use, and the Zon. Adm. shall issue a permit. If he decides the unlisted use is not similar to any listed use, that use is deemed to be prohibited.**

## **USE CHARTS - Starting on Page 133**

### **Amusements: (Pg. 133)**

- Motor Vehicle Recreation – added ATVs
- Riding Stables, Commercial or Club – currently SD in AG, changed to SD/SE in AG
- Shooting Ranges, indoor, added new (SE in AG; P in B3 and CI)
- Theatres outdoor; shooting ranges, indoor; and golf driving ranges, rewritten to separate:  
Shooting ranges, indoor - SE in AG, P in B3 and CI;  
Theatres, indoor - SE in AG; P in VB; P in B2; P in B3 and CI  
Theatres, outdoor - SE in AG; P in VB; P in B3 and CI

### **Industrial: (Pg. 134)**

- Apparel and Other Textiles – omitted as P in LI
- Boat Building & Repair – omitted as P in LI
- Concrete & Asphalt Manufacturing – new category – P in LI
- Custom Made Wood Household Furniture – new category – SD in AG; P in CI and GI  
(Pg. 135):
  - Fabricated Metal Products – omitted as SD in AG
  - Furniture & Fixtures – omitted as P in LI
  - Laboratory Research and Experimental Testing – omitted as P in VB
  - Leather and Leather Products – omitted as P in LI
  - Leather Tanning & Finishing - omitted as P in LI
- (Pg. 136)
  - Machinery Except Electrical – omitted as P in LI
  - Metal Forgings and Stampings – omitted as P in LI
  - Millwork – omitted as P in LI
  - Misc. Fabricated Metal Products – omitted as P in LI
  - Non-Metallic Mineral Products – omitted as P in LI
- (Pg. 137):
  - Perfumes, Cosmetics & Other Toilet Preparations – new category, P in CI, LI, GI
  - Primary Metal Industries – omitted as P in LI
  - Recycling Centers – new category – P in GI
- (Pg. 138)
  - Textile Mill Products – omitted as P in LI
  - Wood Containers – omitted as P in LI
  - Wood Kitchen Cabinets – omitted as P in LI
  - Wood Products – omitted as P in LI

### **Institutional: (Pg. 139)**

- Cemeteries, Memorial Gardens and Crematories – added as SE in LI
- Hospitals – omitted as SE in VR; omitted as P in VB

### **Motor Vehicle and Related Services: (Pg. 140)**

- Car Wash – omitted as P in VB
- Commercial Vehicle & Equipment Storage – omitted as SE in VB
- Commercial Vehicle Construction and Industrial Equipment Sales & Service – omitted as P in VB
- School Bus Storage – added as P in B3, CI, GI (also SD in AG)
- Towing Business & Storage Facility – new category – P in B3, CI

### **Natural Resources: (Pg. 141)**

- AG Product Processing & Research Labs – omitted as P in VB and omitted as P in B3
- Firewood Processing and Distribution – new category – SE in AG, SE in B3, P in CI and GI

**Residential: Conventional Development: (Pg. 142)**

- Mobile Home Parks – listed on chart but not P in any zoning district. (Not listed in current Code on the Residential Conventional Use Chart)
- Mobile Home Subdivisions – omitted as P in AG
- Townhouse Dwellings – new as P in R4

**Residential: Conservation Development: (Pg. 143)**

- Single Family Detached Dwellings – omitted as SD in RR

**Residential: Conventional With Open Space (Pg. 144)**

- No Changes

**Residential: Planned Residential Development (Pg. 145)**

- Continuing Care Retirement Community – omitted as SE in AG; added as SD in B3; omitted as SD in CI
- Housing for the Elderly – omitted as SE in AG; added as SD in B2

**Residential: Transient Housing (Pg. 146)**

- Boarding Homes and Tourist Homes – Changed to Boarding Home for Sheltered Care – P in B3, CI, GI
- Cottage Houses – Changed to T (Temporary Use) from P and SE in current Code
- Country Inns and Resorts – Changed to Country Inns, Tourist Homes and Resorts – SE in AG, RR, R1, R2, R3, R4, RO, and VR; P in VB, B1, B2, B3, MO
- Group Homes – Changed to Group Homes for Sheltered Care - SE in AG, RR, R1,R2,R3, R4, RO, VR; added as P in B3, CI, GI
- Hotels and Motels – omitted as P in VB; added P in LI (was SE); added P in MO

**Retail Trade: (Pg. 147)**

- Antique Shops, Art Galleries and Museums – changed from SE to SD in RO; added P in MO
- Convenience Stores – added as P in MO
- Feed and Grain Storage and Sales – added as P in VB
- General Merchandise Stores – omitted as P in VB;
- Hobby and Craft Supplies – omitted entirely
- ICSC – added new as SD in CI
- Shopping Centers – omitted as P in VB; added as new P in CI
- Shoppers Merchandise Stores – added as new SD in RO;
- Specialty Shops – changed from P to SD in RO; added as new P in MO

**Services: (Pg. 148)**

- Business Services including Commercial Schools – changed from P to SD in RO;
- Carpet and Rug Cleaning Service – new category – P in VB,B2, B3, CI, LI, GI
- Corporate Offices – added new P in MO
- Corporate Office Parks – new category – SD in CI and LI
- Financial, insurance and real estate services – changed from P to SD in RO; added as P in MO
- Health Services and Medical Clinics – omitted as SE in AG; added as P in MO
- Kennels and Pet Grooming changed to Kennels – SE in AG; P in B2, B3, CI
- Lawn and Landscaping Services – new category – SE in AG; SE in VB; P in B2, B3, CI
- Personal Services – changed from P to SD in RO; added as P in MO
- Pet Grooming – new category – SE in AG; P in VB, B1, B2, B3, CI
- Professional Services – changed from P to SD in RO; added as P in MO
- Restaurants – added as SD in AG; added as P in MO
- Restaurants, take-out – new category – P in VB, B1, B2, B3, CI and MO
- Small Engine Repair – new category – SE in AG; P in VB; P in B2, B3, CI
- Veterinary Clinics or Hospitals – new category – SE in AG; P in VB; P in B2, B3, CI
- Veterinary Practice, large animals – changed from SD to SD/SE in AG;

**Transport, Communications & Utilities: (Pg. 149)**

- Ambulance Services, Commercial – added as P in GI
- Communication and Broadcasting Stations - added as P in MO
- Communication and Broadcasting Towers – added as P in MO
- Limousine Services – new category – P in VB, B2, B3, CI
- Sewage Pumping Stations – added as P in MO

**Warehousing, Wholesaling & Processing: (Pg. 150)**

- Carpets or Rug Cleaning – relocated from this chart to Services Chart
- Industrial Laundries and Dry Cleaning – new category – P in B3, CI, GI

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