DRAFT ZONING CODE CHANGES – Continued – Pg. 307 to 335

ARTICLE IX. SPECIAL EXCEPTIONS.

Page

307 Section 267-83.

Purpose. No change.

Section 267-84.

General Regulations.

A. No change.

B. Omitted the word FINAL preceding site plan.

C. No change.

D. No change.

E. No change.

Section 267-85. Specific Standards.

A. Amusements.

(1) Added LI District for arenas and stadiums.

(a) No change.

(b) No change.

308 (c) No change.

(d) No change.

(e) Changed: A buffer area of 50 feet shall be provided adjacent to any residential lot, to: A Type "E" buffer pursuant to §267-30 (Buffer yards) shall be provided adjacent to any residential lot line.

(2) Omitted the "R" zoning district.

(a) No change.

(b) Changed "screened" to "buffered."

(c) No change.

(d) No change.

(e) No change.

(3) No change.

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(e) No change.

(f) Changed: A buffer yard or 50 feet shall be provided adjacent to any residential lot line, to: A Type "E" buffer pursuant to §267-30 (Buffer yards) shall be provided adjacent to any residential lot line.

(4) No change.

309 (a) No change.

(b) Changed: A buffer yard at least 15 feet shall be provided, to: A Type "B" buffer pursuant to §267-30 (Buffer yards.) shall be provided.

(5) Added ATV to motor vehicle recreation and go-cart tracks.

(a) No change.

(b) No change.

(c) No change.

(6) No change.

(a) No change.

(b) No change.

(c) Changed "screened" to "buffered by a Type "C" buffer, pursuant to §267-30

(Buffer yards.)"

(7) No change.
(a) No change.
(b) No change.
(c) No change.
(d) No change.

(8) Added miniature golf courses to Golf Driving Ranges and added the VB District in addition to the AG District.
(a) No change.
(b) Changed: A minimum parcel area of 3 acres shall be provided, to: A minimum parcel area of 6 acres shall be provided for golf driving ranges.

310 (9) No changes.
(a) No change.
(b) No change.
(c) No change.
(d) No change.
(e) No change.

(10) No change.
(a) No change.
(b) No change.
(c) Changed Historic District Commission to Historic Preservation Commission.
(d) No change.
(e) No change.
(f) Changed "screened" to "buffered"
(g) No change.
(h) No change.

(11) **Riding Stables, Commercial or Club. New Section. (Is regulated as Special Development in current Code)**
These uses shall be granted in the AG District provided that:
(a) No stable shall be located within 200 feet of any residential lot.
(b) A minimum parcel area of 5 acres is established.

311 B. Industrial Uses.

(1) No change.
(a) Changed "screened" to "buffered."
(b) No changes

(2) No change.

(3) Petroleum Refining. Change: In current Code, allowed only in the GI District. Added the LI District in the draft Code.
(a) No change.
(b) No change.

(4) No change.
(a) No change.
(b) No change.

(5) No change.
(a) No change.
(b) No change.

(6) No change.

(7) No change.
(a) No change.

312 (b) No change.
(c) No change.
(d) No change.
(e) No change.

(f) No change.

(8) Laboratory research, experimental or testing. In current Code this is under Warehousing, Wholesaling and Processing. These uses may be granted in the AG District, provided that:

(a) A minimum parcel area of 10 acres is required.

(b) The research activity is directly linked to agricultural research or requires the cultivation of crops or the keeping of animals or requires a rural setting to perform the work activities.

C. Institutional Uses.

(1) Crematories, memorial gardens and crematories.

Changed: "These uses may be granted in any district except the RO, LI and GI Districts, . . :" To: These uses may be granted in the AG, RR, R1, R2, R3, R4, VR, VB, B1, B2, B3, CI and LI Districts, . . ."

(a) No change.

(b) No change.

(c) No change.

(d) No change.

(2) Civil service clubs and fraternal organizations. No change.

(a) No change.

(b) No change.

313 (c) No change.

(d) Change. In existing Code: "A buffer yard of at least 10 feet shall be provided along any boundary with an adjacent residential lot, except that, if alcoholic beverages are served, then the buffer yard shall be at least fifty feet." In draft Code: "A Type 'D' buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot." Omitted reference to alcoholic beverages.

(3) Community Centers or Assembly Halls. Omitted the "R" District.

(a) No change.

(b) No change.

(c) No change.

(d) Changed, "A buffer yard of at least ten feet shall be provided . ." to: "A Type 'B' buffer, pursuant to §267-30 (Buffer yards) shall be provided . . "

(4) Day Care Centers.

(a) Omitted the "R" District.

[1] No change.

[2] Changed. Existing Code: Access to the facility shall be from an arterial or collector road, OMITTED: "with all outdoor play areas located in a solid-fenced or screened area in the rear of the building."(See [3] below)

[3] New: All outdoor play areas shall be located in a fenced area in the rear of the building. A Type "B" buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot.

[4] Is [3] in current Code. No change.

[5] Is (4) in current Code. Changed "§267-26D(12)" to: "§267-28 (Accessory Uses and Structures)."

(b) No change.

[1] No change.

314 [2] Changed. In current Code, "shall be screened with a combination of evergreen and deciduous trees that are at least six feet high." In draft Code: "A Type 'B' buffer, pursuant to §267-30 (Buffer yards) shall be provided around the play area."

[3] No changes.

{4} No change.

(5) Fire station with fire station assembly hall. Omitted the "R" District.

(a) No change.
(b) No change.
(c) No change.
(d) No change.
(e) Changed "A buffer yard of at least ten feet shall be provided . ." to: "A Type 'C' buffer, pursuant to §267-30 (Buffer yards) shall be provided . . "

(6) Hospitals. Omitted the VR District.

(a) No change.
(b) No change.
(c) No change.
(d) No change.
(e) No change.
(f) No change.
(g) New: "A Type "C" buffer yard (see§267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot."

315 (7) Schools, colleges and universities. Rewritten.

Current Code: "These uses may be granted in any district, except the LI and GI Districts, provided that:" Changed to: "Schools, colleges and universities, offering general academic instruction. These uses may be granted in the AG, RR, R1,R2, R3, R4, RO, VR, VB, B1, B2, B3, CI and LI districts, provided that: . . ."

(a) "in current Code, Schools, colleges and universities which offer any general academic instruction at levels above the eighth grade must have . ." Omitted and replaced with:
(a) "A parcel of at least 1 acre. An additional 800 square feet of parcel area is required for each student in excess of 30." This is [1] in current Code.
(b) Same as [2] in current Code.
(c) Changed "approximate" to "proximate."
(d) New. "School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately buffered."
(e) New. "A Type 'C' buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot."

(b) In current Code - Kindergartens – Omitted.
(c) In current Code - All other educational institutions – Omitted.

D. Motor Vehicle and Related Services.

(1) Omitted, " . . and commercial vehicle and equipment storage may be granted in the VB District, provided that:"

(a) Changed "screened" to "buffered."
(b) No change.
(c) Changed minimum parcel area from 2 acres to 5 acres.
(d) New: "All parking and storage areas must be paved."

(2) No change.

(a) Changed, "A buffer yard at least 10 feet wide shall be provided . ." to: "A Type 'C' buffer, pursuant to §267-30 (Buffer yards) shall be provided . ."
(b) In current Code omitted.
(b) New: "Outdoor storage shall be prohibited."
(c) In current Code omitted.
(c) New: Vehicles, except those used in the operation of the business, may not be stored on the property for more than 90 calendar days.
(d) Same as (e) in current Code.
316 (e) Same as (h) in current Code.

(f) New: "A minimum parcel area of 5 acres in the AG District and 1 acre in the B1 District is required."
(g) Same as (j) in current Code.
(h) New: "Shall only be permitted if all properties adjacent to the proposed use are served by a public water supply."
(i) New: "All parking and storage areas must be paved."
NOTE: sub-paragraphs omitted in current Code: (d) requires operator to maintain a log of all vehicles repaired; (f) and (g) pertain to screening.

(3) Salvage and Junk Yards. No change.
(a) No change.
(b) Changed, "View of the storage and salvage areas is screened from public roads and neighboring residences by means of a solid masonry or wood fence at least 6 feet high." to: "Storage and salvage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high." Omitted, "A buffer yard ten feet wide shall be provided at the property line along the outside of any required fence."
(c) Changed "screening" to "buffer yard."
(d) New: "Type 'E' buffer yard (see §267-30) shall be provided along any adjacent road right-of-way or adjacent property."

E. Natural Resource Uses.
(1) Mineral Extraction. Omitted the "R" District..
(a) No change.
(b) No change.
(c) No change.
[1] No change.
[2] No change.
317 (d) Changed "screening" to "buffering."
(e) Omitted the words "as amended" following "Part 1" in the second line of the paragraph.
(f) No change.
(2) Sawmills. Changed to: "Sawmills, firewood processing and distribution."
(a) No change.
(b) In current Code omitted. "Noise shall not become a nuisance to the neighborhood."
(b) New: Storage areas are fully buffered from view of public roads and neighboring residences by means of a solid fence or wall at least 8 feet high."
(c) New: A Type E buffer yard (see 267-30) shall be provided along any adjacent road right-of-way or adjacent property.
(d) New: No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.

F. Residential Uses. Omitted "dwellings" from apartments, garden, mid-rise and high-rise.
318 (a) Changed minimum parcel area from not less than 5 nor more than 15 acres, to not less than 3 nor more than 20 acres.
(b) No change.
(c) No change.
(d) Added the words, "pedestrian linkages" following "traffic flow."
Omitted: " . . . and no adverse effect upon adjoining or surrounding properties."
(e) No change.
(f) No change.
(g) Rewritten. Current Code: Retail and service uses permitted to the extent of

1,000 square feet of gross floor area for every 100 dwelling units; business uses located on only the first 2 floors of any building; no more than 1 restaurant or bar.
New: No individual retail accessory use may exceed 1,500 square feet and the total retail accessory uses cannot exceed 150 square feet per dwelling unit.

(2) Camps, retreats and recreational vehicle parks. No change.
(a) No change.
(b) No change.
(c) No change.
(d) In current Code addresses signs. Omitted.
(d) in draft Code is same as (e) in current Code.

(3) In current Code addresses Continuing Care Retirement Facilities as SE in AG.
In draft Code – Omitted CCRC as SE in AG.

(3) In draft Code – Country inns, tourist homes and resorts. Same as (4) in current Code. Omitted the "R" District.
(a) Reworded but no change.
319 (b) No change.
(c) Changed Historic District Commission to Historic Preservation Commission and added, "consistent with Article XIII."

(4) In draft Code is same as (5) in current Code.
Group Homes in current Code. In draft Code added: Group home "for sheltered care." Omitted the "R" District.
(a) Omitted the "R" District.
(b) Changed, "The intensity of the group quarters is limited to eight residents per acre of the parcel" to "Density is limited to 8 residents per acre."
Note: (6) In current Code addresses Housing for the Elderly. In draft Code this was omitted as an SE in AG.

(5) Nursing Homes and Assisted Living Facilities. (Is (7) in current Code)
Omitted the "R" District.
(a) No change.
(b) No change.
(c) No change.

(6) Personal Care Boarding Homes (Is (8) in current Code)
Omitted the "R" District.
(a) No change.
(b) No change.
(c) No change.
(d) In current Code requires adequate off-street parking. Omitted in draft Code.
(d) is the same as (e) in current Code.

NOTE: In existing Code, (9) Hotels and Motels in the LI District, and (10) Cottage Houses, are regulated as Special Exceptions. In the draft Code, hotels and motels are listed as Permitted Uses in the LI District so would no longer require SE approval. Cottage houses have not required SE approval for some time per old Code amendment.

(7) Mobile Homes – is (11) in current Code. No change.
(a) No change.
320 (b) No change.
(c) No change.
(d) No change.
(e) No change.
(f) No change.

320 G. Retail Trade.

(1) Ag retail. No change.
(2) Antique Shops, art galleries and museums. Omitted (b) pertaining to parking.
(3) Auction Sales. No change.
(4) Hobby and craft supplies. Omitted.
(5) Specialty Shops. Omitted.

H. Services.

(1) Construction Services and Suppliers. Rewritten.
Current Code: These uses may be granted in the AG and VB Districts provided that a buffer yard 10 feet wide shall be provided around all outside parking and storage areas when adjacent to a residential lot or visible from a public road.
Draft Code: These uses may be granted in the AG and VB Districts provided that:
(a) A minimum parcel of 5 acres in the AG District and 1 acre in the VB District is required.
(b) If the use includes the storage of commercial vehicles and equipment the vehicles and equipment must be stored entirely within an enclosed building or fully buffered from view of adjacent residential lots and public roads.
(c) All parking and storage areas must be paved.
(d) A Type "C" buffer pursuant to 267-30 (Buffer yards) shall be provided along any adjacent road rights-of-way or adjacent residential lots.

(2) Lawn and Landscaping Services. New.
(3) Small Engine Repair. New.
(4) Funeral Homes and Mortuaries. (Is (2) in current Code)
(a) Omitted the words "and architectural in style" following "residential in character."
(b) Changed, "A buffer yard 10 feet wide shall be provided between the parking area and any residential lot or public road" to: "A Type 'B' buffer, pursuant to 267-30 (Buffer yards) shall be provided between the parking area and any residential lot or public road."
(c) No change.
(d) No change.

(5) Kennels. (Is (3) in current Code) Changed, "These uses may be granted in the AG, VB, B1 and B2 Districts provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line."
Draft Code: "These uses may be granted in the AG District provided that:
(a) A minimum parcel area of 5 acres must be provided and
(b) All buildings for the shelter of animals and all runways shall be located at least 200 feet from any lot line."

(6) Pet Grooming (Is (4) in current Code.) Changed, "This use may be granted in the AG, VB, B1 and B2 Districts," to, "This use may be granted in the AG District . . ."
(a) No change.
(b) No change.

(7) Personal Services. (Is (5) in current Code)
322 (a) Changed, A buffer yard of 10 feet is required, to, A Type "B" buffer pursuant to 267-30 (Bufer yards) is required.
(b) No change.

(8) Professional Services. (Is (6) in current Code)
(a) Changed, A buffer yard of ten feet is provided . . to, A Type "B"buffer pursuant to 267-30 (Buffer yards) is provided . .
(b) No change.

(9) Restaurants. (Is (7) in current Code)
(a) In current Code, Omitted: "The parking and access requirements of this Part I shall apply"

(a) In draft Code: Same as (b) in current Code.
(b) New: A Type "A" buffer pursuant to 267-30 (Buffer yards) must be provided along the public road(s) and any adjacent residential lot.

(10) Veterinary Clinics or Hospitals – added new: "or Veterinary Practice, Large Animals." Omitted: in the B2 District.
(a) No change.
(b) No change.
(c) Changed, A buffer yard ten feet wide shall be provided . ., to: A Type "A" buffer, pursuant to 267-30 (Buffer yards) shall be provided . ..
(d) No change.

(11) Health Services and Medical Clinics. (Is (9) in current Code)
(a) In current Code, these uses are permitted as SE in both AG and RO. In draft Code, the AG District is omitted and they are permitted only in RO.
[1] No change.
[2] Parking shall be accommodated on site in a manner compatible with the surrounding roads and uses. Omitted requirement for landscaped buffer, See [3] below.
[3] A Type "A" bufferyard (267-30) shall be provided between the parking area and any adjacent residential lot.

I. Transportation, Communications and Utilities (TCU)
(1) No change.
323 (a) No change.
(b) No change.
(c) No change.
(d) No change.
(e) Is the same as (f) in current Code.
(Note: (e) in current Code was omitted: The takeoff and landing flight path will be a minimum distance of 1,000 feet in any direction from any residence or public building.
(f) Same as (g) in current Code.
(g) Same as (h) in current Code.

(2) Airports, General Aviation. No change.
(a) No change.
(b) No change.
(c) No change.
(d) In current Code addresses noise decibel readings. Omitted.
(d) Is the same as (e) in current Code.
(e) Is the same as ((f) in current Code.
(f) Is the same as ((g) in current Code.
324 (g) Is the same as ((h) in current Code.
(h) Is the same as ((i) in current Code.
[1] No change.
[2] No change.
(i) Is the same as (j) in current Code.

(3) Communications and Broadcasting Stations. No change.
(a) No change.
(b) No change.
(c) No change.

J. Warehousing, Wholesaling and Processing.
(1) No change.
(a) No change.

(b) No change.

(2) In current Code this is Laboratory, Research, Experimental or Testing. Moved to Industrial Uses in draft Code.

(2) in draft Code: Petroleum and Gas Products, Sales or Storage. No change.

(a) No change.

(b) No change.

325 (c) No change.

(d) No change.

(e) NEW: All properties adjacent to the facility must be served by public water.

NOTE: Paragraph K in current Code, (Pg. 265) Accessory Parking areas, driveways and private roads, was omitted entirely in draft Code.

ARTICLE X – LANDFILLS.

Page

327 Section 267-86. Sanitary Landfills. Note: In current Code, Rubble Landfills are addressed in Section 267-40.1, Pg. 175,

A. The site is at least 100 acres in size – Added: AND MUST BE INCLUDED IN THE MOST RECENTLY ADOPTED HARFORD COUNTY SOLID WASTE MANAGEMENT PLAN.

B. New: The Department of Public Works shall cause, prior to the submission of the site Plan to the County Council, a notice to be published once a week for 2 consecutive weeks in 2 newspapers of general circulation in the County. The notice shall identify the location of the site, the acreage and physical description of the site.

C. New: An undisturbed buffer area, designed to adequately buffer the landfill activities from view of adjoining properties, shall be maintained between the fill area and adjoining property lines. The distance shall be determined by the County Council after the site plan is developed, and shall be a minimum of 200 feet from adjoining property lines. A Type "E" buffer, pursuant to 267-30 (Buffer yards) shall be provided next to any adjacent residential lot and along any public road.

D. No change. Same as C. in current Code.

328 E. No change. Same as D. in current Code.

F. No change. Same as E. in current Code.

Section 267-88. Solid Waste Transfer Stations. New Section.

Section 267-89. Other County Solid Waste Processing Facilities. New Section

329 ARTICLE XI. TELECOMMUNICATIONS FACILITIES.

Section 267-90. Purpose. No change.

A. No change.

B. No change.

C. No change.

D. No change.

E. No change.

F. No change.

G. Changed "screen" to "buffer."

H. (1) No change.

(2) No change.

(3) No change.

(4) No change.

NOTE: Definitions Section in current Code omitted.

Section 267-91. Accessory Uses.

A. No change.
(1) No change.
(2) No change.
330 (3) No change.
(4) No change.
(5) No change.
(6) No change. Same as B. in current Code.

Section 267-92. Communications Towers.

A. Added the MO District as an allowable district for a communications tower.
B. No change.
C. Omitted the R District.

Section 267-93. Provisions Applicable to Al Communications Towers.

A. No change.
B. No change.
C. No change.
D. Changed "screen" to "buffer."
E. No change.
F. in current Code – omitted - requires the tower owner, every 5 years, to submit certification from a professional engineer that the tower meets all building code and safety requirements.
F. Same as G. in current Code.
331 (1) No change.
(2) No change.
(3) No change.
(4) No change.
G. No change. Same as H. in current Code.
H. No change. Same as I. in current Code.
I. No change.
(1) No change.
(2) No change.
332 (3) No change.
(4) No change.
(5) No change.
(6) No change.
(7) No change.
(8) No change.
J. No change. Same as K. in current Code.
(1) No change.
(2) No change.

Section 267-94. Additiional Special Exception Requirements.

Omitted the "R" District.

A. No change.
B. No change.
C. No change.
(1) No change.
333 (2) No change.
(3) No change.

Section 267-95. Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, VR, VB and B1 Districts. Omitted the "R" District.
Applications – No change.
A. No change. Same as (1) in current Code.
B. No change. Same as (2) in current Code.
C. No change. Same as (3) in current Code.

Section 267-96. Public Safety Uses.
Changed "Sections 267-53.6 and 267-53.7of this legislation," to: "§267-93 (Additional Special Exception Requirements), and §267-94 (Additional Provisions Applicable to Proposed Sitings in RR, R1, R2, VR, VB and B1 Districts)."

335 **ARTICLE XII. APPLICABILITY OF PROVISIONS.**
Section 267-97. Approved or Pending Zoning Certificates or Building Permits.
A. Changed "development" to "building, structure or use."
B. Rewritten. Changed: "Ordinance 6 of 1957 and amendments thereof" to:
(1) The requirements of the Zoning Code in effect at the time of application apply;
(2) The Zoning Certificate is approved within 60 calendar days after the effective date of Part I, Changed: The Zoning Certificate is approved within 60 calendar days of ? Needs date added.
(3) No change.

Note: Section 267-55. Approved and Pending Preliminary Plats, in existing Code, Is omitted in draft Code.

Section 267-98. Board of Appeals Approvals.
A. Completely Rewritten. (In existing Code, pages 267 and 268). The requirements of Part 1 shall not apply to variances and conditional use approvals approved under Ordinance 6 of 1957, and procedures for submitted development plans.
B. No change.
C. No change.

Section 267-99. Preliminary and Site Plans.
A. New Section. Further clarifies language omitted from existing Code in 267-98 above.
B. " " "
C. " " "

Section 267-100. Effect of Declaration of Invalidity.
Changed ". . . zoning restrictions applicable to the AG District . . ", to, "zoning restrictions applicable prior to the date of invalidation . . "

NOTE: Section 267-57, Effect of Prior Zoning Regulations, pg. 268 in current Code, was omitted.