

ARTICLE IX Special Exceptions

§267-83. Purpose.

Special exceptions may be permitted when determined to be compatible with the uses permitted as of right in the appropriate district by this Part 1. Special exceptions are subject to the regulations of this Article and other applicable provisions of this Part 1.

§267-84. General Regulations.

A. Special exceptions require the approval of the Board in accordance with §267-9 (Board of Appeals). The Board may impose such conditions, limitations and restrictions as necessary to preserve harmony with adjacent uses, the purposes of this Part 1 and the public health, safety and welfare.

B. A special exception grant or approval shall be limited to the site plan approved by the Board. Any substantial modification to the approved site plan shall require further Board approval.

C. Extension of any use or activity permitted as a special exception shall require further Board approval.

D. The Board may require a bond, irrevocable letter of credit or other appropriate guaranty as may be deemed necessary to assure satisfactory performance with regard to all or some of the conditions.

E. In the event that the development or use is not commenced within 3 years from date of final decision, after all appeals have been exhausted, the approval for the special exception shall be void. In the event of delays, unforeseen at the time of application and approval, the Zoning Administrator shall have the authority to extend the approval for an additional 12 months or any portion thereof.

§267-85. Specific Standards.

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

A. Amusements.

(1) Arenas and stadiums. These uses may be granted in the B3, CI, LI (Added) and GI Districts, provided that:

(a) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.

(b) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.

(c) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.

(d) A minimum parcel area of 75 acres is established.

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

(2) Country clubs, golf clubs, tennis and swim clubs. These uses may be granted in the AG, RR, R1, R2, R3, R4 and GI Districts, provided that: (Omitted R)

(a) No off-street parking or loading area shall be located within any required yard or within 25 feet of any parcel boundary.

(b) Off-street parking and loading areas, swimming pools, and tennis courts shall be buffered from adjacent residential lots.

(c) The principal access road shall be provided from an arterial or collector road.

(d) No more than 20% of the land area upon which such a use is conducted may be located in the GI District.

(e) Any outside lighting used to illuminate a use permitted under this Section shall be designed, installed and maintained in a manner not to cause a glare or reflection on adjacent residential lots.

(3) Fairgrounds, racetracks and theme parks. These uses may be granted in the AG, CI, LI and GI Districts, provided that:

(a) A minimum parcel area of 75 acres is established.

(b) The principal access shall be provided from an arterial or collector road.

(c) Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.

(d) No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.

(e) No automobile parking space shall be located within any required setback area or within 50 feet of any adjacent residential lot.

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

(4) Marinas and boat launching, storage and repair. These uses may be granted in the AG, RR, R1, R2, R3, R4, B1, B2 and LI Districts, provided that:

(a) In the urban residential districts, such facilities shall be a part of a conventional development with open space (COS) or a planned residential development (PRD).

(b) A Type "B" buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot and along any public road.

(5) Motor vehicle recreation, **(Added) ATV** and go-cart tracks. These uses may be granted in the **AG** and GI Districts, provided that:

(a) A minimum parcel area of 25 acres is established.

(b) Proper sediment control measures are used for any stormwater runoff.

(c) The primary activity takes place a minimum of 200 feet from any adjacent residential lots.

FOH: We have heard many complaints about the noise generated by these tracks especially in AG areas. 200 feet is not an adequate noise buffer in agricultural areas. Livestock as well as humans suffer from noise. We recommend this activity remain only in the GI District as a special exception.

(6) Outdoor theaters. These uses may be granted in the AG District, provided that:

(a) Such theaters shall be for live productions only.

(b) All structures shall be located at least 200 feet from any adjacent residential lot.

(c) Parking areas shall be buffered from adjacent residential lots by a Type "C" buffer, pursuant to §267-30 (Buffer yards).

(7) Indoor shooting ranges. These uses may be granted in the AG and GI Districts, provided that:

(a) Adequate measures are taken to ensure that no loaded firearms will be brought into or taken out of the building.

(b) The sale, consumption or possession of alcoholic beverages on the premises is forbidden.

(c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.

(d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to neighboring uses.

FOH: We see no reason why this activity cannot also be done in a GI District as well as permitted use in B3 and CI.

(8) Golf driving ranges and miniature golf courses. These uses may be granted in the AG and VB Districts, provided that:

(a) The use shall not be within 50 feet of any lot line or within 200 feet of any adjacent residential lot.

(b) A minimum parcel area of 6 (Was 3 acres) acres shall be provided for golf driving ranges.

(9) Trap, skeet, rifle or archery ranges, outdoor. These uses may be granted in the AG, CI and GI Districts, provided that:

(a) A minimum parcel area of 75 acres shall be required for all rifle and pistol ranges. A minimum parcel area of 25 acres shall be required for all trap, skeet and archery ranges.

(b) Discharging of firearms or release of arrows shall not be permitted within 500 feet of any property line.

(c) Such range is constructed in such a manner as to eliminate danger to persons or property from flying projectiles.

(d) The manner and times of operation shall be such that there will be no resulting detrimental disturbances to residential neighborhoods.

(e) The facilities shall be designed so that the topographic features of the parcel are used to enhance safety and minimize firearm noise.

(10) Indoor theaters. These uses may be granted in an AG District, provided that:

(a) Such theaters shall be for live productions only.

(b) The proposed uses shall be located on an historic site or within an historic structure.

(c) Any historic structures renovated and uses shall be subject to review by the Historic Preservation Commission.

(d) The project shall respond to and be protective of natural and historic features of the site.

(e) All structures shall be located at least 200 feet from any adjacent residential lot.

(f) Parking areas shall be buffered from adjacent residential lots. Sufficient parking to accommodate all patrons on the site shall be provided.

(g) A minimum parcel area of 3 acres is established.

(h) Activities or uses on the site shall be limited to those approved by the Board.

NEW (11) Riding stables, commercial or club. 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.

B. Industrial uses.

(1) Offal or dead animal disposal or processing services. These uses may be granted in the AG and GI Districts, provided that:

(a) The vehicles and equipment are stored entirely within an enclosed building or are buffered from adjacent residential lots and public roads.

(b) No vehicle used for transportation of offal or dead animals is parked or equipment is stored within any required yard.

(2) Paper and allied products. These uses may be granted in the GI District, provided that structures are designed so as to ensure that the activities conducted therein will not endanger the public health and safety and, further, that any odors will not be a nuisance to the neighborhood.

(3) Petroleum refining. These uses may be granted in the GI District (Omitted LI), provided that:

(a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.

(b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.

(4) Lubricating oils and greases. These uses may be granted in the GI District, provided that:

(a) Such buildings and structures are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.

(b) The applicant bears the cost of such additional fire-protection services as the use may necessitate.

(5) Asbestos products. These uses may be granted in the GI District, provided that:

(a) Such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.

(b) Outside storage is prohibited.

(6) Ammunition. These uses may be granted in the LI and GI District, provided that such buildings are constructed to ensure that the activities enclosed therein will not endanger the public health and safety.

(7) Ordinance and accessories. These uses may be granted in the LI District provided that:

FOH: One assumes LI is the only District requiring a special exception for this because of the proximity of APG to the Perryman Peninsula, most of which is zoned LI. We question this use when residential development blossoms on the peninsula. This will be one of those cases where new homeowners will not be happy to hear and feel munition testing.

(a) The operation and testing occur only between the hours of 7:00 a.m. and 10:00 p.m.

(b) The trajectory of any weapons being tested outdoors be directed away from any buildings within site-line, within 1/2 mile.

(c) Underground testing must occur within approved containment devices.

(d) Air drops of ordnance and accessories is prohibited.

(e) Appropriate offsite signs shall be posted within standard limits, warning of explosions and radio-wave interference.

(f) Facilities testing self-propelled machinery shall be buffered with a 100 foot landscaped buffer yard that provides a 100% opaque screen year-round.

NEW (8) Laboratory research, experimental or testing. 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) Cemeteries, memorial gardens and crematories. These uses may be granted in the AG, RR, R1, R2, R3, R4, VR, VB, B1, B2, B3, (Added districts) C1, and LI districts, provided that:

(a) A minimum parcel of 20 acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.

(b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than 80 feet from any road bounding the cemetery and not less than 55 feet from any other lot line.
FOH: Height and size limitations should be added for building structures.

(c) All graves or burial plots shall be set back not less than 30 feet from any public road right-of-way and not less than 50 feet from any adjacent lot line.

(d) Such use shall be subject to the approval of the State Department of Health and Mental Hygiene.

(2) Civil service clubs and fraternal organizations. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR Districts, provided that:

(a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 100 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.

(b) Total building coverage shall not be more than 30% of the parcel area.

(c) No parking area shall be located in any required front yard.

(d) A Type "D" buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot.

(3) Community centers or assembly halls. These uses may be granted in the AG, RR, R1, R2, R3, R4 and VR Districts, provided that:

(a) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 100 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.

(b) Total building coverage shall not be more than 30% of the parcel area.

(c) No parking space shall be located in any required front yard.

(d) A Type "B" buffer, pursuant to §267-30 (Buffer yards) shall be provided along any boundary with an adjacent residential lot.

(4) Day-care centers.

(a) These uses may be granted in the ~~AG, RR, R1, R2~~, R3, R4 and VR Districts, provided that:
FOH: Day-care has evolved from when the bill was written eighteen years ago. Day-care is no longer seen as a part-time occasional small cottage industry, but as a necessary business. The trend now is to have one's children close to where one works rather than at a remote distance from the parents for the greater part of the day.

[1] A minimum parcel area of ½ acre is established.

[2] Access to the facility shall be from an arterial or collector road.

NEW [3] 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] The operation may be conducted in a previously existing structure, or, if a new structure is constructed, the architecture of the building shall be harmonious with other architecture within the neighborhood.

[5] If the operator of a day-care center operated in a church, private school or public school has obtained a zoning certificate under the provisions of §267-28 (Accessory Uses and Structures), the daycare center is exempt from the requirements of this Subsection C(4).

(b) These uses may be granted in CI, LI and GI Districts, provided that:

[1] Access to the facility shall be from a public road;

FOH: If inside a large industrial park, this requirement may be hard to meet.

[2] In order to minimize children's exposure to noise and other emissions from roads, parking areas and industrial activities, the facility's outdoor play area shall be fenced. A Type "B" buffer, pursuant to §267-30 (Buffer yards) shall be provided around the play area;

[3] Before opening the facility, its operator shall file emergency evacuation and sheltering plans for the facility with the Emergency Operations Division and the three closest volunteer fire and ambulance companies; and

[4] The Board may deny an application if the proposed facility would be located near an industrial use that constitutes a potential hazard to the children in the facility.

(5) Fire station, with fire station assembly hall. This use may be granted in the RR, R1, R2, R3, R4 and VR Districts, provided that:

(a) A minimum parcel area of 3 acres is established.

(b) Any building shall be at least 100 feet from any adjacent residential lot and at least 50 feet from any other lot line. The front yard depth shall be at least 100 feet, except along roads with 80 foot rights-of-way or more, where the front yard depth shall be at least 50 feet.

(c) Total building coverage shall not be more than 30% of the parcel area.

(d) No parking space shall be located in any required front yard or less than 50 feet from any adjacent residential lot.

(e) A Type "C" buffer, pursuant to §267-30 (Bufferyards) shall be provided along any boundary with an adjacent residential lot.

(6) Hospitals. These uses may be granted in the R2, R3, R4, and RO (Omitted VR) Zones, provided that:

(a) A minimum parcel area of 15 acres is established.

(b) The hospital complies with all applicable rules and regulations of the State Department of Health and Mental Hygiene.

(c) The hospital must be serviced by public water and sewer systems.

(d) Any structure is located at least 300 feet from any adjacent residential lot.

(e) Any parking area shall be at least 100 feet from any adjacent residential lot.

(f) Access to the use shall be from an existing or proposed arterial or collector road.

(g) A Type "C" buffer yard (see §267-30, Bufferyards) shall be provided along any boundary with an adjacent residential lot.

(7) 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 (Added)** districts, provided that:
FOH: Schools colleges and universities have also changed since this was added in 1990. This is an intense use especially if these schools do not provide mass transit of any sort. Traffic can be a heavy burden on residents near these businesses. We can either limit them to sole access to a major collector road or limit them by zoning district.

(a) A parcel of at least **1 (Was 3 acres)** acre. An additional **800 (Was 875)** square feet of parcel area is required for each student in excess of **30 (Was 50)**.

(b) A parcel frontage of at least **200 (Was 300)** feet.

(c) A front yard depth of at least 50 feet, a side yard depth equal to at least 2 times the height of the tallest institutional building located on the parcel which is proximate to the side yard and a rear yard depth of at least 50 feet.

(d) School buses shall be garaged or shall be stored in an area to the rear of the main building and adequately buffered.

NEW (e) A Type "C" buffer, pursuant to §267-30 (Bufferyards) shall be provided along any boundary with an adjacent residential lot.

D. Motor vehicle and related services.

(1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, (**Omitted commercial vehicle and equipment storage in VB**) and provided that:

(a) The vehicles and equipment are stored entirely within an enclosed building or are fully buffered from view of adjacent residential lots and public roads.

(b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.

(c) A minimum parcel area of **5 acres (Was 2 acres)** shall be provided.

NEW (d) All parking and storage areas must be paved.

(2) Motor vehicle repair shops. These uses may be granted in the **AG** and B1 Districts, provided that:
FOH: This Special Exception is one most abused by those requesting special exceptions. The repair and storage of vehicles has been used to run entire non-agricultural businesses such as plumbing from AG zoned properties. While we accept grandfathered business uses, we do not recommend furthering this business practice in AG areas. This type business should occur in zoning districts that deal with business use.

(a) A Type "C" buffer, pursuant to §267-30 (Buffer yards) shall be provided along any adjacent road right-of-way or adjacent residential lot.

(b) Outdoor storage shall be prohibited.

OMITTED: Unless Board approval is granted, accessory buildings and outdoor storage of vehicles, tires and equipment shall be prohibited.

(c) Vehicles, except those used in the operation of the business may not be stored on the property for more than 90 calendar days.

OMITTED - A log of all vehicle repairs for inspection during business hours, otherwise it will be assumed the vehicle has been on the premises for greater than 90 days.

FOH: We recommend this practice be reinstated.

(d) The rental or storage of trailers, boats, and trucks shall be prohibited.

(e) The fumes, odors and noise from the vehicle-related work shall be minimized.

FOH: This is not quantitative and should be. Minimized to what acceptable level?

(f) A minimum parcel area of 5 acres in the AG district (Was 1 acre for AG) and 1 acre in the B1 district is required.

(g) In the AG District, the use shall be operated by the resident of the property.

(h) Shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

NEW (i) All parking and storage areas must be paved.

FOH: Additional impervious area will not protect the area from pollutant run-off.

(3) Salvage and junk yards. These uses may be granted in the GI District, provided that:

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

(b) 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. (Was 6 feet tall)

(c) No salvage material or junk may be piled more than 6 feet high or above the level of the bufferyard, whichever is greater.

(d) A 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 and processing. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VR, VB, B1, B2 and B3 Districts, provided that:

(a) A permit for such use has been approved by the Maryland Department of the Environment.

(b) No building or structure shall be located within 100 feet of any road rightof- way or adjoining property line.

(c) The following buffer requirements shall be maintained:

[1] All areas in which extraction, washing, crushing, processing, blasting, overburden storage or disposal or similar activities occur shall be at least 800 feet from the property line of any parcel with an R1, R2, R3, R4, VR or RO zoning classification; and

FOH: All residential should be uniformly protected.

~~[2] All areas in which extraction, washing, crushing, processing, blasting or similar activities occur shall be at least 200 feet from the property line of any parcel with an AG or RR zoning classification.~~

(d) Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented by the selective cutting, transplanting and addition of trees, shrubs and other ground cover for the depth of the front yard setback. Where it is determined that landscaping is not practical because of soil and/or operation conditions, other buffering shall be provided.

(e) Any use authorized as a conditional use pursuant to Board of Appeals approval prior to the effective date of this Part 1, shall comply with the conditions as previously established, Any use authorized after the effective date of this Part 1, as amended, may proceed, subject to the conditions of this Section. Where a conditional use or special exception has been granted, any modification or change of operations affecting the conditions or expansion of the use shall be subject to approval by the Board of Appeals.

(f) The Director of the Department of Planning and Zoning annually shall require all active mining operations that operate subject to a Board of Appeals decision to submit to the Department a certificate of

compliance. The certification shall be signed by the Chief Executive Officer and the Plant Operator/Manager of the company which owns the property and shall state whether the mining operation is in compliance with all of the conditions in the Board's decision. The certificate of compliance shall include detailed information to address the conditions imposed as part of the Board of Appeals case. The Director of the Department of Planning and Zoning may require any additional information needed to verify compliance, such as a property line or topographic survey or part or all of the property sealed by a professional land surveyor or registered property line surveyor. **THIS DOCUMENT SHALL BE EASILY AVAILABLE TO ANY RESIDENT UPON REQUEST.**

(2) Sawmills, **firewood processing and distribution (Added)** . These uses may be granted in the AG and B3 Districts, provided that

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

NEW (b) 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.

NEW (c) A Type "E" buffer yard (see §267-30) shall be provided along any adjacent road right-of-way or adjacent property.

NEW (d) No wood products shall be piled more than 6 feet high or above the level of the buffering, whichever is greater.

OMITTED: Noise shall not become a nuisance to the neighborhood.

FOH: Noise should never be a nuisance. A noise abatement zoning section should be administered.

F. Residential uses.

(1) Apartments, garden, mid-rise and high-rise. These uses may be granted in the R4 and B3 Districts, provided that:

(a) A minimum parcel area of not less than **3 or more than 20 acres (Was 5 but not more than 15 acres)** shall be established.

(b) The density shall not exceed 20 dwelling units per acre for mid-rise apartments and 30 dwelling units per acre for high-rise apartments, and the maximum building coverage shall be 40% of the total parcel for midrise apartments and 30% of the total parcel for high-rise apartments.

(c) The location is suitable for apartment dwellings with regard to traffic, access, efficiency and convenience of land use and safety.

(d) The proposed project is designed with properly arranged traffic flow, pedestrian linkages and parking; buildings which are compatible and harmonious with surrounding uses; and minimum obstruction to the view of those who live in the surrounding area.

(e) The open space shall constitute at least 35% of the parcel area, of which at least 40% shall be suitable for and devoted to active recreation.

(f) Any area not used for buildings, structures or parking shall be landscaped and properly maintained.

(g) In the B3 District, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents. No individual retail accessory use may exceed 1,500 square feet, and the

total retail accessory uses shall not exceed 150 square feet per dwelling unit. No freestanding signs advertising the business uses shall be allowed. **(Was 1,000 sq gross floor area for every 100 dwelling units in the project) Omitted: Business uses shall only be located on the first 2 floors of any building. No more than 1 restaurant or bar shall be permitted. No freestanding signs advertising the business uses shall be allowed.**

(2) Camps, retreats and recreational vehicle parks. These uses may be granted in the AG District, provided that:

(a) Recreational vehicle parks shall contain electrical and water outlets for individual sites, 1 or more central sanitary stations, toilets and shower facilities.

(b) The parcel shall have a minimum frontage of 200 feet on a collector or arterial road.

(c) The maximum density permitted shall be 10 campsites or rooms per acre, with a minimum campsite size of 3,000 square feet. All campsites shall be at least 50 feet from any property line.

(d) The only permitted permanent residential occupancy shall be for the resident owner or manager.

(3) Country inns, tourist homes and resorts. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO and VR Districts, provided that:

(a) Eating and sleeping facilities for at least 3 guests on a daily or weekly short-term basis shall be provided.

(b) The project shall be responsive to the natural and historic features of the parcel.

(c) Any historic structures renovated and used shall be subject to review by the Historic Preservation Commission, consistent with Article XIII.

(4) Group home for sheltered care. This use may be granted in the AG, RR, R1, R2, R3, R4, RO and VR Districts, provided that:

(a) A minimum parcel area of 3 acres is required in the AG District. A minimum parcel area of 2 acres is required in the RR and R1 Districts.

~~(b) Density is limited to 8 residents per acre.~~

FOH: Acreage should not be a deciding factor of the number of residents in a facility.

(5) Nursing homes and assisted living facilities. These uses may be granted in the ~~AG, RR, R1~~, R2, VR, VB and B1 Districts, provided that:

FOH: We recommend that these facilities have public water and sewer. Staff and up to 25 residents may live onsite. This water usage may impact neighboring wells.

(a) A minimum parcel area of 5 acres is established and a maximum building coverage of 40% of the parcel is provided.

(b) The setbacks of the district for institutional uses shall be met.

~~(c) The density shall not exceed 20 beds per acre of the parcel.~~

FOH: Acreage should not be a deciding factor of the number of residents in a facility. We feel this is an intense business use unsuited for residential or AG districts. Public water and sewer should be a requirement. Being within a Priority Funding area should be a requirement.

(6) Personal-care boarding homes. This use may be granted in the AG, RR, R1, R2, R3, R4, RO, VB and VR Districts, provided that:

(a) The proposed use shall be located in a single-family detached dwelling.

(b) The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.

(c) A maximum density of 1 boarder per 2,000 square feet of lot area shall be maintained.

(d) Where an application is for construction of a new dwelling, the building shall be similar in appearance to other single-family dwellings in the neighborhood.

OMITTED: Hotels and Motels in LI District.

OMITTED: Cottage houses .

(7) Mobile homes. These uses may be granted in the R3, R4, VR, VB, B1, B2 and B3 Districts, provided that :

(a) The main roof of each unit shall be pitched, having at least 1 foot of rise for each 4 feet of horizontal. The roofing material shall be compatible with residential dwellings within the neighborhood in which the mobile home is to be located.

(b) The exterior finish of the unit shall be of a color, material and scale which are harmonious with the existing residential dwellings within the neighborhood in which the mobile home is to be located. In no case shall the degree of reflectivity of exterior finishes exceed that of semigloss white paint. Siding, trim and features shall be compatible with other materials used in construction of the mobile home unit.

(c) The mobile home unit shall be placed on a permanent foundation in accordance with the manufacturer's specifications. Installation shall include a positive surface water drainage away from each unit.

(d) All wheels, ~~axels~~ AXLES, transporting lights and removable towing apparatus shall be removed from each unit prior to occupancy.

(e) The lot size and yard requirements applicable to single-family detached dwelling in the respective zoning district shall apply to mobile homes.

(f) In the VR and VB Districts, mobile homes shall have a minimum width of 24 feet and a minimum length of 48 feet.

G. Retail trade.

(1) Agricultural retail. This use may be granted in the RO District, provided that the parcel has sufficient road frontage to ensure ingress and egress. Any permanent structure shall meet setback for retail uses.

(2) Antique shops, art galleries and museums. These uses may be granted in the AG District, provided that a minimum parcel area of 2 acres is required and the proposed use is located in an historic structure. (OMITTED: parking requirements and screening from residential lots)

(3) Auction sales, agricultural related products. These uses may be granted in the AG, VB and B3 Districts, provided that:

(a) A minimum parcel area of 3 acres shall be established.

(b) No facility for overnight shelter of animals shall be within 200 feet of any adjacent residential lot.

(OMITTED: Hobby and Craft Supplies)

H. Services.

(1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that:

NEW (a) A minimum parcel area of 5 acres in the AG district and 1 acre in the VB district is required. FOH: Numerous examples abound of construction companies locating on AG land on small parcels. While this larger parcel might enable better buffers, we do not recommend that such an obvious business profession be placed on AG land. This is not an AG related industry. We should be promoting AG only and assign business to proper zoning districts.

(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.

NEW (2) Lawn and landscaping services. This use may be granted in the AG and VB districts, provided that:

(a) A minimum parcel area of 2 acres in the AG district and 1 acre in the VB district is required.

FOH: This is purely residential business. However, if the stock for landscaping is grown on the site, then landscaping equipment should be allowed without exception.

(b) All parking areas must be paved.

(c) A Type "C" buffer yard, pursuant to §267-30 (Buffer yards) shall be provided along any adjacent road rights of way or adjacent residential lots.

(d) All commercial vehicles, equipment and supplies must be stored within an enclosed building.

NEW (3) Small engine repair. This use may be granted in the AG district provided that:

(a) A minimum parcel area of 2 acres is required.

(b) All equipment must be stored within an enclosed building or fully buffered from view of adjacent residential lots and public roads.

(4) Funeral homes and mortuaries. These uses may be granted in the AG District, provided that:

(a) The proposed use shall be located in a building which is residential in character.

FOH: This is not a guideline. Square footage requirement would be useful.

(b) 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) Access for such use shall be from an arterial or collector road.

(d) A minimum parcel area of 3 acres is established.

(5) Kennels. These uses may be granted in the AG District provided that: (OMITTED B1 and VB. Permitted

B2 now)

NEW (a) A minimum parcel area of 5 acres must be provided and

(c) All buildings for the shelter of animals and all runways shall be located at least 200 feet from any lot line.

(6) Pet grooming. This use may be granted in the AG District, provided that: (OMITTED - Now a permitted

use in VB, B1 and B2)

(a) The activity takes place inside a completely enclosed building.

(b) No animals may be kept overnight, except those owned by the proprietor.

(7) Personal services. These uses may be granted in the VR District, provided that:

(a) A Type "B" buffer, pursuant to §267-30 (Buffer yards) must be provided between the parking area and any adjacent residential lot.

(b) Gross floor area shall not exceed 5,000 square feet.

(8) Professional services. These uses may be granted in the VR District, provided that:

(a) A Type “B” buffer, pursuant to §267-30 (Buffer yards) must be provided between the parking area and any adjacent residential lot.

(b) Gross floor area shall not exceed 5,000 square feet.

(9) Restaurants. These uses may be granted in the VB and B1 Districts, provided that:

(a) The use is located with direct access to an arterial or MAJOR collector road.

FOH: There are many types of collector roads. One must be more specific and not have a restaurant access minor roads unless it is small (we note no size or type noted)

(b) 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 or Veterinary practice, large animals. These uses may be granted in the AG District, provided that:

(a) A minimum parcel area of 3 acres is required.

(b) The use shall be located with direct access to an arterial or collector road.

(c) A Type "A" buffer, pursuant to §267-30 (Buffer yards), shall be provided between the parking area and any adjacent residential lot.

(d) Any runways shall be set back at least 200 feet from any lot line.

(11) Health services and medical clinics.

(a) These uses may be granted in the RO (OMITTED AG) District, provided that:

[1] The structure shall be of a size, scale and facade compatible with the surrounding residential neighborhood.

FOH: Size specifications would lessen judgement calls and disagreement with the neighborhood on what exactly constitutes “compatible”.

[2] All parking shall be accommodated on the site in a manner compatible with the surrounding roads and uses.

[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) Aircraft landing and storage, private. This use may be granted in the AG, CI, LI and GI Districts, provided that:

(a) The airfield is designed in accordance with design criteria recommended in Advisory Circular For Utility Airports, AC 150/53004B, or Heliport Design Guide, AC 150/5390-1B, both by the Federal Aviation Administration.

(b) The approach and landing paths are in accordance with the current Federal Aviation Administration Regulation, Part 77, Objects Affecting Navigable Airspace.

(c) The length of the runway and the height of obstacles at each end of the runway are compatible with takeoff and landing performance, as defined in the flight manual for the aircraft to be operating from the airfield.

(d) The length of the runway is sufficient for the aircraft to stop safely without thrust reversal after aborting takeoff at takeoff speed.

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.

FOH: We recommend this be reinstated.

(e) The takeoff and landing flight path of the aircraft has a minimum of 250 feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.

(f) No business, such as the sale or leasing of aircraft, maintenance or flight instructions, shall be allowed.

(g) The applicant shall maintain a flight operation log that shall be open for inspection by representatives of the Department of Planning and Zoning.

(2) Airports, general aviation. These uses may be granted in the CI, LI and GI Districts, provided that:

(a) Landing, takeoff and utility areas used by aircraft shall be provided with a hard surface.

(b) No structures or areas used for servicing aircraft shall be located less than 200 feet from any property line or less than 100 feet from any public or private institution.

(c) Airport approach and departure paths shall not be located over residential, institutional or other densely populated areas.

OMITTED: The decibel reading shall not exceed a measure of 70 decibels at the property line and shall not be objectionable due to intermittance, beat frequency or shrillness.

FOH: Reinstate this !!!

(d) No areas used by self-powered aircraft shall be located less than 1,000 feet from any residential lot on the approach and departure ends of the runway.

(e) Parking of vehicles shall not be permitted within 100 feet of any property line.

(f) The airport shall be surrounded by a sturdy and well-constructed fence, not less than 6 feet in height, with suitable gates effectively controlling access to such area.

(g) Appropriate airport accessory uses, such as restaurants, snack bars, automobile rental agencies, airline business offices and service facilities, but not other business or industrial uses, may be permitted.

(h) The Zoning Administrator shall refer the application to the Federal Aviation Agency and/or the appropriate regional planning bodies to determine:

[1] If such airport is an integral part of or will interfere with the general plan of airports for the Maryland-Washington Regional District.

[2] If the takeoff and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of any nearby airport.

(i) The takeoff and landing flight path will be a minimum distance of 250 feet vertical clearance over surrounding property, unless a navigation easement agreement is reached with affected property owners for a lesser clearance.

(3) Communications and broadcasting stations. This uses may be granted in the AG District, provided that:

(a) A minimum parcel area of 1 acre is established.

(b) The building shall be architecturally compatible with adjacent buildings.

(c) The building shall be set back at least 50 feet from any adjacent residential lot.

J. Warehousing, wholesaling and processing.

(1) Abattoirs and slaughterhouses. These uses may be granted in the AG District, provided that:

(a) A minimum parcel area of 20 acres is established.

(b) The use is provided with direct access from arterial or collector roads.

(OMITTED: Laboratory research as a special exception)

(2) Petroleum and gas products, sales or storage. Underground petroleum and gas products storage not in excess of 25,000 gallons' capacity may be granted in the B3 District, and aboveground and underground petroleum and gas products storage in excess of 25,000 gallons' capacity may be granted in the GI District, provided that:

(a) The applicant demonstrates that the best practicable means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance and protect against fire and explosion shall be employed.

(b) The parcel is located at least 300 feet from any railroad siding or bulk storage area for other volatile or explosive materials.

(c) The tanks are set back at least 100 feet from any public road right-of-way and the premises are enclosed by a secure fence of at least 8 feet in height.

(d) The tanks are located at least 400 feet from any institutional use and at least 300 feet from any adjacent residential or business use.

NEW

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