

Commercial, Industrial and Employment Campus Districts:

Companion Document

A Summary of Changes Made in the Proposed Text Amendment

Chapter 158: Zoning Regulations

158.002 DEFINITIONS (Pages 1-5)

1) The following definitions were ADDED:

- Artisan Production and Manufacturing – incorporates a number of small-scale trade and small industrial uses
- Brewery and Micro-Brewery – new uses, consistent with State definitions
- Butcher Shop – added to differentiate from Food Processing and Packing
- Catering Establishment/Banquet Facility
- Concrete or Asphalt Recycling
- Conference Center – used to be part of Retreat or Conference Center
- Distillery and Limited Distillery – new uses, consistent with State definitions
- General Retail Use – incorporates numerous individual uses
- General Service Use – incorporates numerous individual uses
- Golf Course – necessary to distinguish from Outdoor Recreational Use category
- Heavy Manufacturing and Production – incorporates numerous existing manufacturing uses that are similar in nature into one use category
- Indoor Recreational Facility – consolidates numerous existing recreational uses
- Industrial Park - replaces Business Park in the industrial districts
- Light Manufacturing and Production – incorporates numerous existing manufacturing uses that are similar in nature into one use category
- Oil-Contaminated Soil Facility – to be consistent with COMAR definition.
- Outdoor Recreational Area – incorporates numerous existing recreational uses
- Self-Service Storage Facility – replaces definition of Mini-Storage for clarity
- Veterinary Facility
- Wholesale

2) The following definitions were AMENDED:

- Bulk Requirements – deleted volume and added height
- Business Park – replacement for current definition, which was intended for the I-R district

- Commercial Kennel – amended language to be consistent with Chapter 90: Animals
- Commercial Parking Lot or Garage – clarification to distinguish from other uses
- Planned Commercial Center – changes name from Planned Business Center, adds other commercial uses
- Retreat Facility – deleted reference to Conference Center
- Warehouse – modernized

3) The following definitions were DELETED:

- Declaratory Ruling – confusing, to be referred to as issue of interpretation
- Landscaping Contractor – unnecessary, already included in the definition of Contractor
- Medical Clinic – unnecessary, identical to the definition of Medical Center
- Mini-Storage – replaced by new definition of Self Service Storage Facility

158.015 DISTRICTS ESTABLISHED (Pages 5-6)

- 1) Added “C-1” Commercial Low Intensity District
- 2) Added “C-2” Commercial Medium Intensity District
- 3) Added “C-3” Commercial High Intensity District
- 4) Deleted “B-NR” Neighborhood Business Retail District
- 5) Deleted “B-G” General Business District
- 6) Changed the name of the “I-G” General Industrial District to the I-2 Heavy Industrial District
- 7) Changed the name of the “I-R” Restricted Industrial District to the I-1 Light Industrial District

158.039 UTILITY EQUIPMENT AND TOWERS (Pages 6-7)

- 1) Amended (C) (3) to reflect Towers and Tower Complexes to be permitted in the C-2 and C-3 Districts, and conditional in the C-1 District
- 2) Amended (4) to reflect the recommended changes for Communications Tower Complex to be a permitted use in the I Districts
- 3) Amended (E) (1) to reflect the new names of the Districts

158.040 DISTANCE REQUIREMENTS (Pages 7-8)

- 1) The language regarding Distance Requirements in 158.040(A) was amended to be more specific and clarify the intent
- 2) Added new subsections (B) (C) and (D), to relocate distance requirements from the old list of uses in sections 158.079 and 158.080. The requirements themselves are not new
- 3) Deleted (B), as it was unnecessary and difficult to interpret

158.059 MEDICAL CANNABIS (Pages 8-9)

1) Deleted the 1,000' separation requirement for medical cannabis growing, processing and dispensing from schools. A separation requirement of 400' remains in Sec. 158.040.

158.060 MEASUREMENT OF SEPARATION OR DISTANCE BETWEEN USES (Page 9)

1) Added an explanation of the way that separation between uses is calculated based on existing practice.

158.077 C-1 COMMERCIAL LOW INTENSITY DISTRICT (Pages 9-14)

- 1) Deleted old Title (B-NR) to reflect the name of the C-1 District
- 2) Deleted old Purpose of B-NR District and replaced it with Purpose and Intent of C-1 District
- 3) Deleted (C), Principal permitted uses, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A). Section automatically permitting uses that are permitted in the Agricultural, R-20,000 and R-10,000 is eliminated
- 4) Deleted (D), Conditional uses requiring BZA authorization, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A). Section automatically permitting by conditional use approval uses that are permitted in the Agricultural District is eliminated
- 5) Deleted (E), Accessory uses, in its entirety, since it is replaced with new Section 158.083 (A)
- 6) Deleted (F) required conditions, renumbered to (C) to clarify that site plan requirements apply
- 7) Deleted (G) height regulations, relocated to bulk requirements
- 8) Deleted (H) (1) bulk requirements, relocated to 158.084 (A). Height was added to the new Section, and some yard requirements were reduced.
- 9) Deleted (H) (2) Maximum size of use, in its entirety

158.078 C-2 COMMERCIAL MEDIUM INTENSITY DISTRICT (Pages 14-18)

- 1) Deleted old Title (B-G) to reflect the name of the C-2 District
- 2) Deleted old Purpose of B-G District and replaced it with Purpose and Intent of C-2 District
- 3) Deleted (C), Principal permitted uses, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A). Section automatically permitting uses that are permitted in the Agricultural, R-20,000, R-10,000, R-7,500, and B-NR is eliminated
- 4) Deleted (D), Conditional uses requiring BZA authorization, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A). Section automatically permitting by conditional use approval uses that are permitted in the B-NR District is eliminated
- 5) Deleted (E), Accessory uses, in its entirety, since it is replaced with new Section 158.083 (A)
- 6) Deleted (F) height regulations, relocated to bulk requirements
- 7) Deleted (G) bulk requirements, relocated to 158.084(A). Height was added to the new Section, and some yard requirements were reduced
- 8) Amended (H) required conditions, for clarity, and renumbered to (C)

158.078.01 C-3 COMMERCIAL HIGH INTENSITY DISTRICT (Pages 18-19)

- 1) Added new (A) Purpose and Intent, (B) Applicability, and (C) Required Conditions for the new C-3 District

158.079 I-1 INDUSTRIAL DISTRICT (pages 19-26)

Amended the Title to reflect the new name of the District

- 1) Deleted old Purpose, subsection (A), and replaced it with new Purpose and Intent, which is expanded and more specific regarding the uses for which the district is intended and the preferred location of the district
- 2) Amended (B) to reflect new name of the district
- 3) Deleted (C), Principal permitted uses, since it is replaced with the Table of Land Uses, Section 158.082(A). Retained Business Park regulations for existing parks.
- 4) Deleted (D), Conditional uses requiring BZA authorization, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A)
- 5) Deleted (E), Accessory uses, in its entirety, since it is replaced with new Section 158.083(B)
- 6) Deleted (F), height regulations, relocated to bulk requirements 158.084(B)
- 7) Deleted (G) bulk requirements, relocated to 158.084(B)
- 8) Renumbered (H) required conditions, to be (C)

158.080 I-2 INDUSTRIAL DISTRICT (Pages 26–31)

- 1) Amended the Title to reflect the new name of the I-G District
- 2) Deleted old Purpose, subsection (A), and replaced it with new Purpose and Intent, which is expanded and more specific regarding the uses for which the district is intended and the preferred location of the district
- 3) Amended (B) to reflect the new name of the district
- 4) Deleted (C), Principal permitted uses, in its entirety, since it is replaced with the Table of Land Uses, Section 158.082(A). Section automatically permitting uses that are permitted in the I-R District is eliminated
- 5) Deleted (D), Conditional uses requiring BZA authorization, in its entirety, since it is replaced with the Table of Land Uses, Section 158.2(A). Section automatically permitting by conditional use approval uses that are permitted in the I-R District is eliminated
- 6) Deleted (E), Accessory uses, in its entirety, since it is replaced with new Section 158.083(B)
- 7) Deleted (F), height regulations, relocated to bulk requirements 158.084(B)
- 8) Deleted (G) bulk requirements, relocated to 158.084(B)
- 9) Renumbered (H) required conditions to be (C)

158.081 “EC” EMPLOYMENT CAMPUS DISTRICT (Pages 31-41)

- 1) Deleted existing Employment Campus District in its entirety

- 2) Added new (A) Purpose and Intent, (B) Development Plan, (C) Parking, (D) Outdoor Storage, (E) Signage, (F) Landscaping, (G) Architecture (H) Solar Energy Conversion Facilities (I) Mix of Uses (J) Accessory Uses (K) Bulk Requirements

New 158.082 COMMERCIAL, INDUSTRIAL, AND EMPLOYMENT CAMPUS DISTRICTS: REGULATION OF USES (SUBSECTION A) (Page 41-47)

- 1) New Subsection (A), Table of Land Uses, replaces lists of uses deleted in Sections 158.077, 158.078, 158.079 and 158.080. This new section sets forth the rules of interpretation of the table.
- 2) Since the two business districts (B-NR and B-G Districts) were replaced with three commercial districts (C-1, C-2 and C-3 Districts), it is not possible to identify the individual changes made to specific districts. However, the following general changes were made to the commercial categories:
 - a) Although Agriculture remains a permitted use in all three districts, the numerous related uses that were automatically permitted as “pass-through” uses from the Agricultural District are no longer permitted unless specifically listed in the Table of Uses
 - b) Commercial towers, which were permitted by right in both business districts, are permitted by conditional use in the C-1 District
 - c) Commercial tower complexes were not permitted in the business districts, are now permitted in the C-2 and C-3 Districts
 - d) Car Wash is now listed as a principal use, permitted in the C-2 and C-3 Districts, and prohibited in the C-1
 - e) Vehicle Sales Lot is separated by the weight of the vehicles sold
 - f) Catering Establishment/Banquet Facility is new, listed as a principal permitted use, permitted in the C-1, C-2 and C-3 Districts
 - g) Indoor Theater is added to the list of uses, and is permitted in the C-3 and conditional in the C-2 District
 - h) Butcher Shop was added as a separate use, and differentiated from Food Processing and Packing Plant
 - i) Numerous retail and service uses were consolidated into “General Retail and Service”, and square footage parameters were put onto the table for the three commercial districts
 - j) Single-Family, Two-Family, Multi-family and Townhouse Dwellings are not generally permitted in the commercial districts, but a limited amount of residential is permitted within a Business Park and an Employment Campus. Dwellings are also permitted in the Rural Villages. Residential uses used to be allowed in the business districts as pass-thru uses from the residential districts
 - k) Hospital, which is currently not permitted in the business districts, is permitted in the C-3 District
 - l) Artisan Manufacturing, a newly-defined use to accommodate individual craftsmen, consolidates several uses and is permitted in all three commercial districts

- m) Micro-breweries and limited distilleries are defined and permitted in all three commercial districts.
 - n) Breweries and distilleries are defined and permitted in the C-3 District.
- 3) In the industrial districts, the following changes were made to the regulation of uses. The below comparison is of I-R to I-1, and I-G to I-2.
- a) Flour and Grain Milling is conditional, rather than permitted, in the I-1 District
 - b) Communications Tower Complex is permitted, rather than conditional, in both industrial districts
 - c) Vehicle Repair Shop is permitted in the I-1, and prohibited in the I-2 District. This use was previously permitted as a conditional use on an existing lot of less than 5 acres, in both districts, as a pass-through use from the B-G District
 - d) Golf Course is prohibited in both Industrial Districts. This use was not previously defined, but was permitted on an existing lot of less than 5 acres, in both districts, as a pass-through use from the Agricultural District. (Note: An 18-hole golf course requires between 30 to 200 acres). It is specifically prohibited to clarify that it is not an Outdoor Recreational Facility
 - e) Numerous similar recreational uses are consolidated into Indoor Recreational Facility, and are permitted in the I-1 district and prohibited in the I-2. These uses were previously conditional uses in both industrial districts
 - f) Numerous similar recreational uses are consolidated into Outdoor Recreational Area, and are a conditional use in the I-1 district and prohibited in the I-2. These uses were previously conditional uses in both industrial districts
 - g) Indoor trap, skeet, rifle, archery and gun clubs are permitted in the I-1 District and prohibited in the I-2 District. This use was previously permitted as a conditional use on an existing lot of less than 5 acres, in both districts, as a pass-through use from the Agricultural District
 - h) Outdoor trap, skeet, rifle, archery and gun clubs are prohibited in both industrial districts. This use was previously permitted as a conditional use on an existing lot of less than 5 acres, in both districts, as a pass-through use from the Agricultural District
 - i) Building Supplies Sales and Storage is prohibited, rather than permitted, in the I-2
 - j) Dwelling in a Rural Village is permitted in the I-1 District
 - k) The newly defined Artisan Manufacturing is permitted in both industrial districts
 - l) Numerous similar uses are consolidated into the newly defined Light Industrial category
 - m) Numerous similar uses are consolidated into the newly defined Heavy Industrial category
 - n) Concrete and ceramic products manufacture is prohibited, rather than conditional, in the I-1; and permitted, rather than conditional, in the I-2 District
 - o) Bituminous Concrete Mixing Plant is prohibited, rather than conditional, in the I-1; and permitted, rather than conditional, in the I-2 District
 - p) Blast Furnace/Boiler Works and Foundry were combined, and are permitted, rather than conditional, in the I-2 District

- q) Sawmill is permitted, rather than conditional, in the I-2
- r) Brewery permitted in both the I-1 and I-2 Districts.
- s) Distillery is permitted in both the I-1 and I-2 Districts.
- t) Micro-Brewery and Limited Distillery are permitted in the I-1 and prohibited in the I-2 Districts.
- u) Bottling of alcoholic beverages is combined with bottling of other beverages, and permitted, rather than prohibited, in the I-1 District
- v) Airport, currently only permitted in the Agricultural District, is conditional in the I-1 District and permitted in the I-2 district, with the maximum separation requirements
- w) Commercial Parking Lot is prohibited, rather than permitted, in both industrial districts
- x) Towing Service is permitted in both industrial districts, on a lot of 5 acres or less. Previously, this use was not specifically addressed
- y) Truck or Motor Freight Terminal is conditional, rather than permitted, in the I-1 District
- z) Heliport is conditional, rather than permitted, in the I-1 District
- aa) Facilities for the Cleansing of Petroleum Contaminated Soil is redefined as Oil-Contaminated Soil Facility, and is permitted, rather than conditional, in the I-2
- bb) Sanitary Landfill, including Incinerator as a separate use, is prohibited, rather than conditional, in the I-1
- cc) Trade School, Professional Training Center, Office/Office Park, and Hotels/Motels are prohibited, rather than permitted, unless part of an Industrial Park
- dd) Garbage, Offal, or Dead Animal Reduction is prohibited, rather than conditional, in both districts
- ee) Industrial laundry and dry cleaning is permitted in both the I-1 and I-2. This use was not previously listed

158.083 ACCESSORY USES IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS

(Pages 47-50)

New subsection (A) Accessory uses in the Commercial Districts, replaces 158.077(E) and 158.078(E). The only substantive changes are to specifically allow:

- a) Drive-thru service when accessory to a principal permitted or conditional use in the C-2 or C-3 district
- b) Car wash when accessory to a principal permitted or conditional uses in the C-2 or C-3 district
- c) Equipment and vehicle storage when accessory to a general service or office, provided it is on one acre or less in the C-1 District
- d) Outdoor storage of vehicles when accessory to a self-service storage facility
- e) Wineries, breweries, and distilleries when accessory to a restaurant or tavern,
- f) Consumption of alcohol produced on-site at micro-scale breweries and limited distilleries, and

- g) Fertilizer storage or sales when accessory to a permitted or conditional use in the C-2 or C-3 district, subject to approval by the Zoning Administrator in accordance with Section 158.130(G)

New subsection (B) Accessory uses in the Industrial Districts, replaces 158.079(E) and 158.080(E). The only substantive changes are to:

- a) Subsection (1)(b)(5), which places a percentage limitation on the land area of accessory storage modules and requires that they not be stacked,
- b) Subsection (1)(d), which specifically allows a towing service to be accessory to a vehicle repair shop or automobile service center,
- c) Subsection (1)(e), which specifically allows a car wash to be accessory to a permitted or conditional use,
- d) Subsection (1) (f), which specifically allows motor vehicle rental and leasing as an accessory use to an automobile service center or vehicle repair shop,
- e) Subsection (1) (g), which allows consumption of alcohol produced on-site at breweries and distilleries,
- f) Subsection (2), which replaces BZA authorization with the opportunity for site plan review by the Planning Commission,
- g) Subsection (2), which clarifies that the permitted accessory uses are nonindustrial in nature, and places a restriction that only one such use may be permitted on the lot or parcel

158.084 BULK REQUIREMENTS IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS (Pages 50-51)

New subsection (A) Bulk requirements in the Commercial Districts, replaces 158.077(H) and 158.078(G). The changes are:

- a) Increase allowable height in the lowest intensity district from 40 to 50 feet
- b) Decrease the minimum front yard to 10 feet
- c) Add minimum rear yard requirements
- d) Eliminate separate requirements for hotels and motels

New subsection (B) Bulk requirements in the Industrial Districts, replaces 158.079(G) and 158.080(G). The changes are:

- a) Decrease minimum front yard to 10 feet
- b) Decrease minimum side yard to 20 feet

158.096 "MRO" MINERAL RESOURCE OVERLAY (Page 51)

Amended (B) (1) to reflect the new names of the districts

158.114 USE-ON-THE-PREMISES SIGNS (Pages 51-53)

- 1) Added new requirements for the Employment Campus District
- 2) Clarified existing regulations and relocated sign regulations from Chapter 155 for consistency

158.115 USE-OFF-THE-PREMISES SIGNS (Page 53)

- 1) Amended (D) (1) to reflect the new names of the districts and technical corrections

158.130 EXCEPTIONS AND MODIFICATIONS (Pages 53-54)

- 1) Amended (E) (1) to clarify building height restrictions
- 2) Amended (E) (2) to reflect the new names of the districts and to delete the reference to stories

158.131 ZONING ADMINISTRATOR (Page 54)

- 1) Deleted the reference to declaratory rulings

158.150 MOBILE HOMES (Page 54)

- 1) Amended (D) to reflect the new names of the districts

158.153 SOLAR ENERGY CONVERSION FACILITIES (Pages 54-55)

- 1) Amended (C) to reflect the new names of the districts and add Employment Campus requirements
- 2) Amended (D) (1) to reflect the new names of the districts

New Section 158.154 ADULT ENTERTAINMENT BUSINESS, MASSAGE ESTABLISHMENT, OR STRIPTEASE BUSINESS (Page 55)

- 1) Relocated requirements for these uses from 158.080 (C) (5). No substantive changes made

New Section 158.155 JUNK, SALVAGE AND RECYCLING YARDS (Pages 55-56)

- 1) Relocated requirements for these uses from 158.080 (D) (1) (k). No substantive changes made

New Section 158.156 INDUSTRIAL PARK (Page 56)

- 1) Added requirements for new Industrial Park

New Section 158.157 ABOVE GROUND STORAGE OF PETROLEUM PRODUCTS (Page 56)

- 1) Relocated requirements for these uses from 158.079 (D) (1) (e) and 158.080 (D) (1) (l). No substantive changes made

New Section 158.158 SELF-SERVICE STORAGE FACILITY (Pages 56-57)

- 1) Relocated requirements for Mini storage from 158.078 (C) (4). Changes include making the parking requirements consistent with Chapter 155, amending lighting and fencing requirements

New Section 159.160 BUSINESS PARK (Page 57)

- 1) Added requirements for new Business Park