

Commercial and Industrial Districts:

Companion Document

A Summary of Changes Made in the Proposed Text Amendment

Chapter 158: Zoning Regulations

158.002 DEFINITIONS (Pages 1-4)

1) The following definitions were ADDED:

- Artisan Production and Manufacturing – incorporates a number of small-scale trade and small industrial uses
- 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
- Distribution Facility
- 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
- 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
- Small-Scale Brewery
- Small-Scale Distillery
- 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 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:

- 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 4-5)

- 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 (Page 6)

- 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 6-8)

- 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

158.077 C-1 COMMERCIAL LOW INTENSITY DISTRICT (Pages 8-13)

- 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 158.081(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 158.081(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 158.081 (B)
- 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 158.081 (D). Height was added to the new Section, and some yard requirements were reduced.
- 9) Deleted (H) (2) Maximum size of use, in its entirety

58.078 C-2 COMMERCIAL MEDIUM INTENSITY DISTRICT (Pages 13-17)

- 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 158.081 (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 158.081 (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 158.081 (B)
- 6) Deleted (F) height regulations, relocated to bulk requirements
- 7) Deleted (G) bulk requirements, relocated to 158.081 (D). Height was added to the new Section, and some yard requirements were reduced
- 8) Amended (H) required conditions, for clarity, and renumbered to (C)

58.078.01 C-3 COMMERCIAL HIGH INTENSITY DISTRICT (Pages 17-18)

- 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 18-24)

- 1) Amended the Title to reflect the new name of the 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 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 158.081 (A)
- 5) Deleted (D), Conditional uses requiring BZA authorization, in its entirety, since it is replaced with the Table of Land Uses, Section 158.081 (A)
- 6) Deleted (E), Accessory uses, in its entirety, since it is replaced with new Section 158.081(C)
- 7) Deleted (F), height regulations, relocated to bulk requirements 158.081(E)
- 8) Deleted(G) bulk requirements, relocated to 158.081(E)
- 9) Renumbered (H) required conditions, to be (C)

158.080 I-2 INDUSTRIAL DISTRICT (Pages 24–30)

- 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 158.081 (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 158.081 (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 158.081 (C)
- 7) Deleted (F), height regulations, relocated to bulk requirements 158.081(E)
- 8) Deleted (G) bulk requirements, relocated to 158.081(E)
- 9) Renumbered (H) required conditions to be (C)

New 158.081 COMMERCIAL AND INDUSTRIAL DISTRICTS: REGULATION OF USES (SUBSECTION A) (Page 30-35)

- 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) Catering Establishment/Banquet Facility is new, listed as a principal permitted use, permitted in the C-1, C-2 and C-3 Districts
 - f) The definitions for Bed and Breakfast and Country Inn were amended to specify “not more than 4 rooms” (permitted in the C-1), and Hotel (permitted in the C-3 and conditional in the C-2) was defined
 - 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 and Two-Family Dwellings are not permitted in the commercial districts, but a limited amount of Multifamily, including Retirement Home, is permitted within a Business Park. These residential uses 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) Small-scale breweries and small-scale distilleries are defined and permitted in all three commercial districts.
- 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. 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) The newly defined Artisan Manufacturing is permitted in both industrial districts
- k) Numerous similar uses are consolidated into the newly defined Light Industrial category
- l) Numerous similar uses are consolidated into the newly defined Heavy Industrial category
- m) Concrete and ceramic products manufacture is prohibited, rather than conditional, in the I-1; and permitted, rather than conditional, in the I-2 District
- n) Bituminous Concrete Mixing Plant is prohibited, rather than conditional, in the I-1; and permitted, rather than conditional, in the I-2 District
- o) Blast Furnace/Boiler Works and Foundry were combined, and are permitted, rather than conditional, in the I-2 District
- p) Sawmill is permitted, rather than conditional, in the I-2
- q) Brewery (not the newly defined “small-scale brewery”) is permitted in both the I-1 and I-2 Districts.
- r) Distillery (not the new “small-scale distillery”) is permitted in both the I-1 and I-2 Districts.
- s) On-site consumption at a Brewery, Distillery, or Winery is a conditional use in both the I-1 and I-2 Districts, under certain conditions (new section 158.156)
- t) Bottling of alcoholic beverages is combined with bottling of other beverages, and therefore permitted, rather than prohibited, in the I-1 District
- u) 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
- v) Commercial Parking Lot is prohibited, rather than permitted, in both industrial districts
- w) Towing Service is permitted in both industrial districts, on a lot of 5 acres or less. Previously, this use was not specifically addressed

- x) Truck or Motor Freight Terminal is conditional, rather than permitted, in the I-1 District
- y) Heliport is conditional, rather than permitted, in the I-1 District
- z) Warehouse is prohibited, rather than permitted, in the I-2 District
- aa) Facilities for the Cleansing of Petroleum Contaminated Soil 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

158.081 ACCESSORY USES IN THE COMMERCIAL DISTRICTS (SUBSECTION B) (Pages 35-36)

New subsection (B) 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 storage when accessory to a general service or office, provided it is on one acre or less
- 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, and
- f) 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)

158.081 ACCESSORY USES IN THE INDUSTRIAL DISTRICTS (SUBSECTION C) (Pages 36-37)

New subsection (C) 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

- c) Subsection (1)(e), which specifically allows a car wash to be accessory to permitted and conditional uses
- d) Subsection (1) (f), which specifically allows motor vehicle rental and leasing as an accessory use to a vehicle repair shop
- e) Subsection (2), which replaces BZA authorization with the opportunity for site plan review by the Planning Commission, and
- f) 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

158.081 BULK REQUIREMENTS IN THE COMMERCIAL DISTRICTS (SUBSECTION D)
(Pages 37-38)

New subsection (D) 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

158.081 BULK REQUIREMENTS IN THE INDUSTRIAL DISTRICTS (SUBSECTION E)
(Page 38)

New subsection (E) 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
- c) Decrease minimum rear yard to 20 feet

158.082 “EC” EMPLOYMENT CAMPUS DISTRICT (Page 38)

- 1) Renumbered as a result of new Section 158.081

158.096 “MRO” MINERAL RESOURCE OVERLAY (Page 38)

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

158.115 USE-OFF-THE-PREMISES SIGNS (Pages 38-39)

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

158.130 EXCEPTIONS AND MODIFICATIONS (Page 39)

- 6) Amended (E)(2) to reflect the new names of the districts and to delete the reference to stories

158.150 MOBILE HOMES (Page 39)

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

158.153 SOLAR ENERGY CONVERSION FACILITIES (Pages 39 - 40)

- 1) Amended (C) to reflect the new names of the districts
- 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 40)

- 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 40-41)

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

New Section 158.156 ON-SITE CONSUMPTION AT BREWERY OR DISTILLERY (Page 41)

- 1) Added new requirements for on-site consumption at a brewery or distillery regarding the area that may be used for consumption and the preparation of food

New Section 158.157 INDUSTRIAL PARK (Page 41)

- 1) Added requirements for new Industrial Park

New Section 158.158 ABOVE GROUND STORAGE OF PETROLEUM PRODUCTS (Page 41)

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

New Section 158.159 SELF-SERVICE MINI STORAGE (Pages 41 - 42)

- 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 158.160 BUSINESS PARK (Page 42)

- 1) Added requirements for new Business Park