

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1113 concerning Amending Portions of City Code
Chapter 205 - Zoning - Commercial/Industrial District
(Public Hearing)**

Date: **7/18/2023**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

FYI

Read and Comment as Needed

Action Required by August 7, 2023

In Confidential File Drawer

Approve:

Johnny Boker Yes No No Comment

Comment: _____

Casi Boyer Yes No No Comment

Comment: _____

Vicki Jones Yes No No Comment

Comment: _____

Jim Ringsaker Yes No No Comment

Comment: _____

Jason Robertson Yes No No Comment

Comment: _____

Tammy Lynn Schneegas Yes No No Comment

Comment: _____

Note: Zoning maps included as supplemental material.

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1113

Introduced by _____ Council Member Schneegas

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT AND LAND USE ARTICLES OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER TO AMEND PORTIONS OF CITY CODE 205-ZONING

On: July 17, 2023
at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for August 7, 2023 at 7:00 p.m.

EXPLANATION
Underlining indicates matter added to existing law.
[Bold Brackets] indicate matter deleted from existing law.
Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

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31 Pertinent sections of City Code 205-Zoning are amended below with additions shown as
32 underlined, and deletions shown within **[bold brackets]**.

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34 § 205-5 **Zoning districts.**

35 For the purposes of this chapter, the incorporated territory of Havre de Grace, Maryland, is hereby
36 divided into the following districts:
37

R	Residential District
R-1	Residential District
R-2	Residential District
RB	Residential Business District
RO	Residential Office District
MOE	Mixed Office/Employment District
C	Commercial District
<u>I</u>	<u>Industrial District</u>

38
39 § 205-15 Conditional Uses
40 B. **[Cottage dwellings]** Accessory dwelling units meeting the requirements of this chapter.

41 § 205-18 Conditional Uses
42 B. **[Cottage dwellings]** Accessory dwelling units meeting the requirements of this chapter.

43 § 205-21 Conditional Uses
44 D. **[Cottage dwellings]** Accessory dwelling units meeting the requirements of this chapter.

45 § 205-25 Conditional Uses
46 E. **[Cottage dwellings]** Accessory dwelling units meeting the requirements of this chapter.

47 § 205-27 Conditional Uses
48 E. **[Cottage dwellings]** Accessory dwelling units meeting the requirements of this chapter.
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50
51 Article IX
52 **C Commercial District**

53 § 205-36 **Principal permitted uses.**

54 The following are principal permitted uses in the Commercial District:

- 55 A. Community facilities.
- 56 B. Offices.
- 57 C. Health care facilities.
- 58 **[D. Marinas.]**
- 59 D. [E] Retail businesses.
- 60 E. [F] Theaters and restaurants **[, including sidewalk cafes].**
- 61 F. [G] Personal service shops.
- 62 **[H. Freight and passenger terminals.]**
- 63 **[I. Parking facilities.]**
- 64 G. [J] Churches meeting Lot Specification H, Table I.

- 65 H. [K]. Schools.
- 66 I. [L]. Clubs, provided that any principal building or swimming pool shall be located not
- 67 less than 100 feet from any other lot in any residential district.
- 68 **[M. Public utility structures.]**
- 69 J. [N] Uses related of the sale, rental, maintenance or storage of passenger vehicles,
- 70 including automobiles, bicycles, motorcycles, trucks, boats, travel trailers and mobile
- 71 homes, but not including mobile home parks.
- 72 K. [O] Hotels and motels.
- 73 L. [P]. Amusement centers.
- 74 M. [Q.] **[Animal care facilities.]** Veterinarian clinics.
- 75 N. [R.] Wholesaling.
- 76 O. [S.] Storage.
- 77 **[T. Greenhouses.]**
- 78 P. [U.] Outside sales.
- 79 **[V. Manufacturing uses.]**
- 80 Q. [W.] Laboratories less than 5,000 square feet of gross floor area, but not including high
- 81 explosives or hazardous chemicals which would present an off-site hazard.
- 82 R. [X.] Banks.
- 83 S. [Y.] Auto repair and service center.
- 84 T. [Z.] Distillery, craft.
- 85 U. [AA]. Childcare facility.
- 86 V. Cannabis uses:
- 87 (1) Cannabis dispensary.
- 88 (2) Cannabis dispensary with cannabis processing accessory use.
- 89 (3) Independent cannabis testing laboratory.

91 § 205-37 **Conditional uses.**

92 The **[Planning Commission]** Board of Appeals may permit the following conditional uses:

- 93 A. Funeral establishments, provided that the principal vehicular access shall be located on
- 94 a public right-of-way not less than 50 feet wide and site illumination shall be limited to
- 95 parking areas and landscaped areas.
- 96 B. Gas stations, provided no gas station shall be located within the Chesapeake Bay at
- 97 mean high tide critical area as shown on the Critical Area Map.
- 98 C. Flea markets and auction establishments, provided that the activity and storage is
- 99 conducted in a completely enclosed structure.
- 100 **[D. Public utilities, work buildings and storage yards, provided that all outside**
- 101 **storage is screened from all adjoining properties.]**
- 102 **[E. Shooting ranges.]**
- 103 D. [F.] **[Towers.]** Public utility structures, telecommunication towers and facilities as
- 104 described under Chapter 145 of the City Code
- 105 E. [G.] Cemeteries.
- 106 F. [H.] Temporary commercial circuses and carnivals, provided that:
- 107 (1) Occupancy permits may be issued for a period not exceeding 15 days.
- 108 (2) Such uses shall not be located closer than 200 feet from a residential district.
- 109 (3) A minimum lot area of one acre shall be provided.
- 110 **[I. Uses requiring presses over 10 tons.]**
- 111 G. [J.] Bakery meeting Lot Specification O, Table I.

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113 H. [K.] Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply meeting Lot
114 Specification O, Table I.

115 I. [L.] Wholesaling meeting Lot Specification O, Table I.

116 J. [M.] Offices meeting Lot Specification O, Table I.

117 K. [N.] Retail sales meeting Lot Specification O, Table I.

118 L. [O.] Banks meeting Lot Specification O, Table I.

119 M. [P.] Personal service shops meeting Lot Specification O, Table I.

120 **[Q. Uses not designated principal permitted or conditional in any other zone and not**
121 **prohibited by other state or local law.]**

122 N. [R.] Distillery.

123 (1) Any distillery shall conform to § **205-11**, PERFORMANCE STANDARDS AND
124 CONDITIONS, and the applicant shall provide expert, sworn testimony certifying
125 that the proposed use will comply with said standards and conditions.

126 (2) No distillery shall be located within 500 feet of any structure containing residences.

127 (3) All loading and unloading shall be permitted at the rear of the building only, unless
128 the view is fully screened from any public street or adjacent residential use. Loading
129 and unloading shall only take place at a loading dock or other area integral to the
130 principal building.

131 (4) Any roof-top equipment used for the distillation process shall be screened from
132 view from any public street.

133 (5) A craft distillery shall not produce more than 25,000 gallons of intoxicating liquors
134 per year.

135 O. [S.] Pain management clinic.

136 (1) No pain management clinic shall be permitted to be located within 1,000 feet of
137 another pain management clinic, or within 2,000 feet of a public or private school,
138 day-care facility or public recreational facility. For the purposes of establishing the
139 distance between pain management clinics, an applicant shall provide a certified
140 survey from a registered surveyor demonstrating the distance between the proposed
141 pain management clinic and the above-referenced uses. The distance shall be
142 measured from property line to property line.

143 (2) The hours of operation of a pain management clinic shall be limited to 7:00 a.m. to
144 5:00 p.m., Monday through Friday.

145 (3) The minimum size of any pain management facility shall be 1,000 square feet.

146 (4) The dispensing of all medications shall be within an enclosed building.

147 (5) Patients shall not be permitted to loiter or congregate outside the facility.

148 P. Laboratories over 5,000 square feet in gross floor area.

149 Q. Clean manufacturing

150 R. Uses related of the sale, rental, maintenance or storage of commercial vehicles,
151 including automobiles, bicycles, motorcycles, trucks, boats, travel trailers and mobile
152 homes, but not including mobile home parks.

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Article XIII
I Industrial District

§ 205-49 Principal permitted uses.

The following are principal permitted uses in the Industrial District:

- A. Freight and passenger terminals.
- B. Uses related of the sale, rental, maintenance or storage of passenger and commercial vehicles, including automobiles, bicycles, motorcycles, trucks, boats, travel trailers and mobile homes, but not including mobile home parks.
- C. Animal care facilities and veterinarian clinics.
- D. Wholesaling.
- E. Storage.
- F. Greenhouses.
- G. Manufacturing uses.
- H. Laboratories but not including high explosives or hazardous chemicals which would present an off-site hazard.
- I. Auto repair and service center.
- J. Distillery, craft.
- K. Cannabis uses:
 - (1) Cannabis grower.
 - (2) Cannabis processing.

§ 205-50 Conditional uses.

The Board of Appeals may permit the following conditional uses:

- A. Gas stations, provided no gas station shall be located within the Chesapeake Bay at mean high tide critical area as shown on the Critical Area Map.
- B. Public utilities, work buildings and storage yards, provided that all outside storage is screened from all adjoining properties.
- C. Shooting ranges.
- D. Public utility structures, telecommunication towers and facilities as described under Chapter 145 of the City Code
- E. Temporary commercial circuses and carnivals, provided that:
 - (1) Occupancy permits may be issued for a period not exceeding 15 days.
 - (2) Such uses shall not be located closer than 200 feet from a residential district.
 - (3) A minimum lot area of one acre shall be provided.
- F. Uses requiring presses over 10 tons.
- G. Bakery meeting Lot Specification O, Table I.
- H. Laundry, clothes cleaning, dyeing, carpet cleaning and linen supply meeting Lot Specification O, Table I.
- I. Wholesaling meeting Lot Specification O, Table I.
- J. Uses not designated principal permitted or conditional in any other zone and not prohibited by other state or local law.
- K. Pain management clinic.
 - (1) No pain management clinic shall be permitted to be located within 1,000 feet of another pain management clinic, or within 2,000 feet of a public or private school, day-care facility or public recreational facility. For the purposes of establishing the

200 distance between pain management clinics, an applicant shall provide a certified
201 survey from a registered surveyor demonstrating the distance between the proposed
202 pain management clinic and the above-referenced uses. The distance shall be
203 measured from property line to property line.

204 (2) The hours of operation of a pain management clinic shall be limited to 7:00 a.m. to
205 5:00 p.m., Monday through Friday.

206 (3) The minimum size of any pain management facility shall be 1,000 square feet.

207 (4) The dispensing of all medications shall be within an enclosed building.

208 (5) Patients shall not be permitted to loiter or congregate outside the facility.

209 L. Laboratories over 5,000 square feet in gross floor area.

210 M. Clean manufacturing

211 N. Churches meeting Lot Specification H, Table I.

212 O. Schools.

213 P. Clubs, provided that any principal building or swimming pool shall be located not less
214 than 100 feet from any other lot in any residential district.

215 Q. Cannabis processing joined with a cannabis dispensary as an accessory use.

216 R. Child care facility.

217 S. Commercial bakery without a store front.

218
219 In accordance with the provisions of the Maryland Ann. Code, Land Use Article, §4-203 and the
220 City Charter requirements, this ordinance shall become effective no earlier than ten days after the
221 close of the public hearing on the Zoning Code amendments set forth herein.
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223 **NOW, THEREFORE**, it is determined, decided, and ordained by the City Council that _____
224 is hereby approved.
225

226 ADOPTED by the City Council of Havre de Grace, Maryland this ___ day of _____, 2023.
227

228 SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____,
229 2023.

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232 ATTEST: MAYOR AND CITY COUNCIL
233 OF HAVRE DE GRACE
234

235 _____
236 Stephen J. Gamatoria
237 Director of Administration
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235 _____
236 William T. Martin
237 Mayor
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239
240 Introduced/First Reading: 7/17/2023

241 Public Hearing:

242 Second Reading/Adopted:

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244 Effective Date:
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