

ORDINANCE NO. 741

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE OFFICIAL TABLE OF USE REGULATIONS, APPENDIX VII, IN THE DENTON TOWN CODE ZONING ORDINANCE AND THE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO INDUSTRIAL USES, INDUSTRIAL PARKS, AND OUTDOOR STORAGE

WHEREAS, the Town of Denton (“Town”) is authorized by the Maryland Annotated Code (“Code”), Land Use Article, Section 4-204 to amend the Denton Town Code Chapter 128, Zoning Ordinance; and

WHEREAS, Appendix VII (Official Table of Use Regulations) of Chapter 128 (Zoning) of the Denton Town Code sets forth permitted uses by Zoning Districts; and

WHEREAS, the Denton Town Council, upon the recommendation of the Denton Planning Commission, has amended the Denton Town Code to allow flexibility for outdoor storage in the Industrial Parks, and

WHEREAS, the Denton Town Council has determined that it is desirable, in the public interest, and consistent with the intent of the Industrial Parks uses;

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

SECTION 1: The Denton Town Code §128-70 Industrial uses is hereby modified and reenacted with amendments as follows:

§ 128-70 **Industrial uses.**

Production, processing, cleaning, testing, distribution of materials, goods, foodstuffs, and products are permitted in the in the I and MI Districts, provided that:

- A. *Except as provided in § 128-70.1*, activities shall be carried on in completely enclosed buildings.
- B. Adequate measures are taken for the abatement of offensive odors, dust, smoke, noise, vibration, or similar nuisances.
- C. Design, construction, and operation of the facility meets requirements of appropriate state and federal regulatory agencies.

- D. Uses are subject to the outdoor storage regulations specified in § **128-75** *except as provided in § 128-70.1.K.*
- E. No uses in any district may discharge into the Town sewage treatment facilities any waste that cannot be adequately treated by biological means.

SECTION 2: The Denton Town Code §128-70.1 Industrial parks is hereby modified and reenacted with amendments as follows:

§ 128-70.1 **Industrial parks.**

- A. Industrial parks shall be located on a site that is at least one acre in size.
- B. The lot on which the industrial park is located must have a minimum frontage of 100 feet on a public street.
- C. The lot on which the industrial park is located must have a depth of at least 100 feet.
- D. The project shall have a unified arrangement of buildings, service areas, parking, and landscaped areas.
- E. Materials, massing, and facade design for the project shall be harmonious with the character of the neighborhood.
- F. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
- G. The vehicular plan shall provide for safe pedestrian movement.
- H. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, equipment storage areas, dumpsters, etc.
- I. All operations (except for permitted outdoor storage) shall be located in a wholly enclosed building.
- J. The release, disposal, or storage of waste materials shall not be visible from off site. All trash and refuse shall be stored in self-enclosed storage areas.
- K. ~~There shall be no outside storage of the finished product. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.~~ ***In addition to the requirements of § 128-75, outdoor storage shall be subject to the following:***
 - (1) Outdoor storage of materials and vehicles may be approved by the Planning Commission during site plan review and approval provided the use is accessory to***

the principal use.

(2) Outdoor storage areas may not be in the required front yard.

L. An impact statement shall be submitted with the site plan which explains:

- (1) The proposed architectural design (graphic or narrative) of all buildings and structures.
- (2) The proposed hours of operation.
- (3) The provisions to be made for control of noxious and offensive odors.
- (4) The air pollution, water quality, and noise control measures to be taken.
- (5) The type and amount of traffic expected to be generated.

M. Landscaping shall be provided in accordance with Article **XVI** of this chapter.

SECTION 3: The Denton Town Code §128-75 Outdoor storage is hereby modified and reenacted with amendments as follows:

§ 128-75 **Outdoor storage.**

Outdoor storage (where permitted) in districts must meet the following requirements:

A. **Except as provided in § 128-70.1**, outdoor storage is limited to 10% of the existing lot, exclusive of the existing buildings. The Planning Commission may increase the total area for outdoor storage up to 25% of the total site area where it finds that the size of the lot and its location (e.g., a large lot located in an industrial park) warrant an increase.

B. The outdoor storage area(s) must be surrounded by an opaque, uniformly finished fence or wall (7) seven (7) feet in height.

C. Such wall or fence shall be maintained in good order; advertisements are not permitted thereon.

D. The items being stored within the wall or fence shall not exceed or be stacked to exceed seven (7) feet in height.

E. In the GC and RHC Districts, storage of cars and trucks used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment.

F. In the I and MI Districts, storage of cars, trucks, and heavy equipment used in the trade or business is permitted within the fences or walls.

SECTION 4: That the Official Table of Use shall be amended to reflect the amended uses, as set forth on the Exhibit A. All other uses set forth in the Official Table of Use Regulations shall remain unchanged.

SECTION 5: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 6: In accordance with Md. Code Ann., Land Use §§ 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing is held.

ENACTED THIS _____ DAY OF _____, 2023.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Frank Taylor, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2023.

Christopher F. Drummond, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code

ZONING CHAPTER 128, Attachment 7

**Official Table of Use Regulations
by General Zoning Districts**

**[Amended 12-10-2010 by Ord. No. 615, effective 12-16-2010; 10-6-2011 by Ord. No. 637, effective 10-16-2011;
3-7-2013 by Ord. No. 651, effective 3-17-2013; 3-12-2015 by Ord. No. 665; 4-2-2015 by Ord. No. 667; 5-4-2015 by Ord. No. 669; 1-5-2023 Ord. No. 738]**

KEY

P - Permitted use within zoning district

C - Permitted use subject to conditions required by the Planning Commission (site plan review and approval required)

E - Use subject to special exception from the Board of Appeals (site plan review and approval, & Planning Commission recommendation required)

Uses marked with an asterisk (*) indicate that use is subject to supplemental development standards as detailed in Article XI.

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
RESIDENTIAL												
Single-family detached	P	P	P	P	P	P			P	P	P	
Manufactured home park/subdivision *			E									
Two-family conversion of single family house *												
Accessory apartment in combination with primary residence *	C	C	C	C	C	C			P	C	C	
Accessory apartment in combination with commercial use *				C	C	C			P			
Duplex *			C	C	C				P	C		
Multifamily conversion of single-family house												
Townhouses *			C	E	E				P	C		
Apartments *			C	E	E				P	C		
Homes for disabled or infirm	E	E	E	E	E	P			E	E		
Nursing care, intermediate care homes *	E	E	E	E	E	P			E	E		
Adult Assisted Living *			C	E	E							
Child Care Family *	P	P	P	P	P	P	P		P	P	P	
Rooming houses, boardinghouses			E	C	C				E	E		
Tourist home and other temporary residences renting by the day or week (bed-and-breakfast)	E	E	E	C	C		C		E	E		
Temporary emergency, construction and repair residences *	P	P	P	P	P	P	P	P	P	P	P	P
Guesthouse	P	P	P						P	P	P	
Farm Caretaker Home*											C	
Home occupation *	C	C	C	C	C	C			C	C	C	

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Planned residential development *	E	E	C							C		
COMMERCIAL												
Sales												
Adult-oriented business *								C				
Viewing Booth and Live Viewing Booths												
Agricultural machinery, service, supplies							C	C		C	E	
Neighborhood center *	E	E	E						E			
Lumber and/or other building materials							C	C		C		
Retail shops and stores selling antiques, apparel, art supplies, beverages, books, cards, confections, dry goods, drugs, fabrics, floor covering, flowers, food stuffs, furniture, garden supplies, gifts, hardware, hobbies, household appliances, jewelry, luggage, musical instruments, novelties, paint, periodicals, records, shoes, sporting goods, fishing supplies, boating and marine supplies and equipment, stationary, tobacco, and other miscellaneous related items which generate typical retail traffic volumes.				C	C	C	C	E	C	E		
Convenience store and other retail uses designed to attract a large volume of stop-and-go traffic.				C	E		C		C			
Supermarket (retail and wholesale)				C			C		E			
Department store (retail and wholesale)				C	C		C		C			
Yard sales and garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any ninety-day period	P	P	P	P	P	P	P		P	P	P	
Wholesale or warehouse establishments (under 20,000 square feet)					E		C	C		C		
Wholesale or warehouse establishments (20,000 square feet and over)							C	E		E		
Office, clerical research and services not primarily related to goods or merchandise												
Sales												
Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professionals, insurance and stock brokers, travel agents, government office buildings, etc.			E	C	C	C	C		E	E		

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Operations designed to attract little or no customers or client traffic other than employees of the entity operating the principal use			E	C	C		C		E	E		
Banks with drive-in windows				C	C		C		P	E		
RESTAURANT												
No substantial carry-out or delivery service, no service or consumption outside fully enclosed structure				C	C		C		P	C		
No substantial carry-out or delivery service, no drive-in service, service or consumption outside of fully enclosed structure allowed				C	C		C		P	C		
Carry-out and delivery service, service or consumption outside fully enclosed structure allowed				E	C		C		E	C		
Riverfront restaurant												C
Bar/Nightclub, no carry-out service				E	E		C		C			
Bar/Nightclub, carry-out service				E	E		E		C			
Micro-brewery, Micro-distillery, Micro-winery, Coffee roasting				C	C		C		C	C		C
Liquor Store				E	C		C		C			
Barbershop/Beauty salon				C	C		C		C			
Tattoo Parlor				C	E		C					
Funeral home				C	C		C		E			
Motel/Hotel				C	C		C		E			
Laundromat and dry cleaning				C	C		C					
Laundromat (self service)				C	C		C		E			
General service and repair establishments, provided that no outside storage of material is permitted				C	C		C	C	E	C		
Motor vehicle and boat sales or rental *				E			C	C		C		
Manufactured home sales							E	E		E		
Motor vehicle repair and maintenance, not including substantial body work				E			C	C		C		
Motor vehicle painting and body work				E			C	C		E		
Gas sales *				C	E		C		C			
Neighborhood filling station												
Car wash *				E			C		E			
Scrap materials, salvage yards, junkyards and automobile graveyards												
Hospital clinic for large or small animals *				C			C				C	

Ordinance No. 741

Warehouse and Outdoor Storage Amendments

Table of Use Exhibit A

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Veterinary				C			C				C	
Kennel				C			C				E	
Other commercial												
Child or Adult Care Centers *	C	C	C	C	C	C	C		C	C		C
Child Care Centers within a business *				C	C	C	C	C		C		
Truck filling station, repair or service shop							C	C				
INDUSTRIAL												
Industrial Park *								C				
General light manufacturing or fabricating including processing, cleaning, testing and distribution of materials, foodstuffs and products *							E	C		C		
Any manufacturing, compounding, processing, packaging, treatment or distribution of products which may, in the opinion of the Zoning Administrator, have accompanying hazards such as fire, explosion, noise, vibration, dust, pollution or the emission of smoke, odor, wastes or toxic gases (heavy industry)												
AGRICULTURE, SILVICULTURAL, MINING, OR QUARRYING OPERATIONS												
Agricultural operations, excluding livestock							E				P	
Silvicultural operations							E				P	
Mining or quarrying operations, including on-site sales of products											E	
Reclamation landfill												
STORAGE AND PARKING												
Automobile parking garages or parking lots not located on a lot on which there is another principal use to which parking is related				C	C		C					
Storage of goods not related to sale or use of those goods on the same lot where they are stored *												
All storage within completely enclosed structure				C	C	C	C	C		C		
Storage outside completely enclosed structures							E	E C		E		

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Outdoor Storage - Industrial Park								C				
Parking of vehicles or storage of equipment outside enclosed structures where: (a) vehicles or equipment are owned and used by person making use of the lot, and (b) parking or storage is more than a minor and incidental part of the overall use made of the lot. Parking or storage of waste removal vehicles and equipment is not included *							C	C		C		
INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES												
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area *	E	E	E	E		C	C					
Nursing care institutions, intermediate care institutions, disabled or infirm institutions, child-care institutions	E	E	E	E		C	E		E			
Institutions (other than halfway houses) where intellectually disabled persons are housed			E	E	E	C			E			
Group homes, private			E	E	E	C			E			
Group home/halfway house *			E	E	E	C			E			
Group home/disabled or infirm home			E	E	E	C			C			
Clinics, less than 10,000 sq.ft. Health & Dental Care *	E	E	E	C	C	C	C		E			
Clinics, less than 10,000 sq.ft. Substance Abuse *						C						
EMERGENCY SERVICES												
Police stations	E	E	E	E	E	E	E	E	E	E		
Fire stations	E	E	E	E	E	E	E	E	E	E		
Rescue squad, ambulance service	E	E	E	E	E	E	E	E	E	E		
Civil defense operation	E	E	E	E	E	E	E	E	E	E	E	
SEMIPUBLIC USES, EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES												
Elementary or secondary school and associated grounds and facilities	C	C	C	C	C	C	C	E	C	E	C	C
Trade or vocational schools	E	E	C	C	C	C	C	E	C	E	C	C
Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	C	C	C	C	C	C	C	E	C	E	C	C

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Churches, synagogues and temples (including associated residential structures), religious personnel and associated buildings, but not including elementary school or secondary school buildings	C	C	C	C	C	C	C	E	C	E	C	C
Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)												
Located within a building designed and previously occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet	C	C	C	C	C	C	C		C	E	E	C
Located within any permissible structure	E	E	E	C	C	C			E	E	E	C
Social, fraternal clubs and lodges, union halls and similar uses	E	E	E	E	E				E	E		C
RECREATION, AMUSEMENT, ENTERTAINMENT												
Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and			E	C	C		C	E	E	E		E
Movie theaters				C	C		C		E			
Coliseums, stadiums and similar facilities							E	E				
Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development *	E	E	E				E	E	E	E		E
Publicly owned and operated outdoor recreation facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, boat landings and ramps, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	E	E	E				C	C	E	C		C
Golf driving ranges not accessory to golf course, par-3 golf courses, miniature golf courses, skateboard parks, water slides and similar uses							C	C	E			E
Horseback riding; stables (not constructed pursuant to permit authorizing residential development) *	E							E	E		E	E
Automobile, motorcycle and go cart racing tracks							E	E				
Drive-in movie theaters							E	E				E
MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES												
Sanitary landfill												

	Zoning Districts											
	SR	TR	MR	GC	CBC	CM	RHC	I	PN	MI	RA	RP
Military reserve, National Guard centers												
Utility facilities;												
Neighborhood	C	C	C	C	C	C	C	C	C			C
Community or regional							C	C				C
UNCLASSIFIED, MISCELLANEOUS												
Towers and antennas 50 feet tall or less	P	P	P	P	P	P	P	P	P	P	P	
Towers and antennas more than 50 feet tall	E	E	E	E	E	E	E	E	E	E	E	
Earth satellite antenna (satellite dish)												
-24 inches or less in diameter	P	P	P	P	P	P	P	P	P	P	P	P
-Greater than 24 inches in diameter	E	E	E	E	E	E	E	E	E	E		
Post office	E	E	E	C	C	C	C	E	E	E		
Airport								E				
Open-air markets (farm and craft markets, produce markets)				C	C		C				C	
Horticulture sales with outdoor displays				C	C		C				C	
Cemetery	C											
Crematorium								E				
Temporary structures used in connection with the construction of a permanent building or for some nonrecurring purpose	P	P	P	P	P	P	P	P	P	P	P	P
Bus station, train station	E			E	E		E		E			
Commercial greenhouse operations *												
No on-premises sales	E	E	E	C			C	C	E		P	
on-premises sales permitted				C			C	C			P	
Special events	C	C	C	C	C	C	C		C	C	E	E
Off-premises signs							E	E		E		
Vendor operations and peddlers *	C	C	C	C	C	C	C	C	C	C	C	C
Auction House (no vehicles sold)				E			C					
Farmer's Market *				C	C							
Garden center				C			C		C		C	

Text that is stricken reflects language omitted from the Town Code

Text in **bold and italicized** reflects additions to the Town Code