

ORDINANCE NO. 667

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON TO AMEND THE OFFICIAL USE TABLE OF THE DENTON ZONING ORDINANCE AND THE PROVISIONS CONTAINED IN CHAPTER 128 OF THE DENTON TOWN CODE WITH RESPECT TO FAMILY CHILD CARE AND CHILD OR ADULT CARE CENTERS.

WHEREAS, the Town of Denton is authorized by the Maryland Annotated Code to enact a comprehensive zoning ordinance;

WHEREAS, the Maryland Annotated Code permits the Town to amend, supplant or modify the Zoning Ordinance;

WHEREAS, the Denton Town Council has determined that it is desirable and in the public interest to amend the Town Code with respect to Family Child Care and Child or Adult Care Centers, except as amended hereby, all provisions of Article II and Article XI will remain in effect.

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

SECTION 1: The Denton Town Code §128-8, is hereby modified and reenacted with amendments as follows:

Article II § 128-8. Terms Defined

CHILD DAY CARE CENTER

~~An agency, institution, or establishment that, for part or all of the day, or on a twenty-four hour basis, on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage, except as otherwise provided for in law or regulation, and is regulated by the State Department of Human Resources pursuant to the Family Law Article of the Annotated Code of Maryland.~~

CHILD CARE CENTER

An agency, institution, or establishment that provides nonparental care for children for part of a twenty-four hour day, not in the child's own home, in a group setting such as a child care center, preschool, child development center, nursery school, before-school and after-school program, school age child care, or early learning center, by whatever name known, under private nonprofit, proprietary, public, or religious auspices except as otherwise provided for in law or regulation, and is regulated by the requirements of Title 13A Maryland State

Department of Education Child Care Centers under the Code of Maryland Regulations (COMAR).

CHILD DAY CARE, FAMILY

~~Any arrangement that provides day care to eight or fewer children, including any relatives of the care provider, on a regular basis and is regulated by the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland.~~

CHILD CARE, FAMILY

A residence other than the child's home used by the owner or tenant to provide paid care, on a regular basis, for one or more children who are not related to the owner or tenant, on a regular basis and which is regulated by the requirements of Title 13A Maryland State Department of Education under the Code of Maryland Regulations (COMAR).

SECTION 2: The Denton Town Code §128-88 and §128-88.1, is hereby modified and reenacted with amendments as follows:

Article XI § 128-88. Child or Adult Day Care Centers.

Child or adult day-care centers may be permitted as a special exception by the Board of Appeals in the ~~SR, TR, MR and MI Districts; they are permitted~~ with conditions and site plan approval by the Planning Commission in the ***SR, TR, MR, MI***, GC, CBC, CM, RHC, and PN Districts.

- A. ~~Applicants shall meet requirements of state (for child only, Maryland Daycare Center Requirements, Title 13A, Subtitle 14) and local health departments for family/group care. Adult day care centers are regulated by the Maryland Department of Health and Mental Hygiene. Senior centers are monitored by Upper Shore Aging, Inc.~~
Applicants for child care centers shall meet requirements of the Maryland State Board of Education, Code of Maryland Regulations (COMAR) Title 13A, and local health departments. Applicants for adult care centers shall meet the requirements of the Maryland Department of Health and Mental Hygiene. Applicants for senior centers shall meet the monitoring guidelines of Upper Shore Aging, Inc.
- B. ~~A child day care center shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation.~~
A child care center shall not have more day care children than the number which appears on the certificate of registration issued by the Maryland State Board of Education. A copy of the license is required to be provided to the Department of Planning and Codes.
- C. A site plan must be submitted showing existing or proposed buildings, play/outdoor areas, fencing, parking, ingress and egress, and with the following:

- (1) The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
 - (2) ~~The applicant shall provide 100 square feet of usable outdoor recreation area for each child/adult that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.~~
 - (3) ~~All such uses shall be located so as to permit the safe pickup and delivery of all people on this site.~~
 - (4) ~~Such use shall not constitute a nuisance because of traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity.~~
- ~~D. The requirements of this section shall not apply to child or adult day-care facilities or centers that are operated by a nonprofit organization in buildings, structures, or on premises owned or leased by a religious organization and which premises are regularly used as a place of worship or are located on premises owned or leased by a religious organization adjacent to premises regularly used as a place of worship, or are used for private parochial educational purposes that are exempted under the provisions of this section for private educational institutions or are located in publicly owned school buildings.~~

Article XI § 128-88.1. Family Child Day Care.

- A. ~~Applicants shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland (Title 13A, Subtitle 14, Child and Family Day Care), or its successor agency for family day care.~~
Applicants for family child care shall meet the requirements for child care licensing of the Maryland State Department of Education of Child Care, Code of Maryland Regulations (COMAR) 13A.
- B. ~~A family child day care shall not have more day-care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such family day care home and family day care provider.~~
A family child care shall not have more day care children than the number which appears on the certificate of registration issued by the Maryland State Department of Education of Child Care. A copy of the license must be provided to the Department of Planning and Codes.
- C. ~~At any one time, a family day care shall have no more than eight children, including no more than two children under the age of two years.~~
Family child care providers are required to file an administrative site plan application with the Department of Planning and Codes for approval prior to operating the child day care.
- D. ~~The applicant shall have 100 square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the~~

~~site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yards of the property.~~

- E. ~~All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.~~
- F. ~~Such use shall not constitute a nuisance because of traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity.~~

SECTION 3: That the Official Table of Use shall be amended to reflect the amended uses, as set forth on the Exhibit. All other uses set forth in the Official Table of Use Regulations shall remain unchanged.

SECTION 4. 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 5. In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS _____ DAY OF _____, 2015.

DENTON TOWN COUNCIL:

Abigail W. McNinch, Mayor

Lester L. Branson, Councilperson

Tara Lightner, Councilperson

Robert L. Clendaniel, Councilperson

Dennis D. Porter, Councilperson

ATTEST:

Karen L. Monteith

Approved for legal sufficiency this _____ day of _____, 2015.

Christopher F. Drummond

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

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]

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 Day-Care Family * | P | P | P | P | P | P | P | | P | E -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 | |

ZONING

| | Zoning Districts | | | | | | | | | | | |
|--|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| Home occupation * | C | C | C | C | C | C | | | C | C | C | |
| 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 | | | | | | | | | | | | |

ZONING

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|--|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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 | | |
| 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 | | | |
| No substantial carry-out or delivery service, no drive-in service, service or consumption outside of fully enclosed structure allowed | | | | C | C | | C | | P | | | |
| Carry-out and delivery service, service or consumption outside fully enclosed structure allowed | | | | E | C | | C | | E | | | |
| 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 |
| | | | | | | | | | | | | |
| 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 | | |

ZONING

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|---|------------------|----------------|----------------|----|-----|----|-----|---|----|----------------|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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 | |
| Veterinary | | | | C | | | C | | | | C | |
| Kennel | | | | C | | | C | | | | E | |
| Other commercial | | | | | | | | | | | | |
| Child or Adult Day-Care Centers * | E C | E C | E C | C | C | C | C | | C | E 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 | |

ZONING

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|---|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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 | | E | | |
| 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 | | E | E | | | | | |
| 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 | E | | | E | | | |
| Group homes, private | | | E | E | E | C | | | E | | | |
| Group home/halfway house * | | | E | E | E | | | | E | | | |
| Group home/disabled or infirm home | | | E | E | E | C | | | C | | | |
| Clinics, less than 10,000 square feet * | | | | C | E | C | C | | E | | | |
| EMERGENCY SERVICES | | | | | | | | | | | | |
| Police stations | E | E | E | E | E | E | E | E | E | E | | |

ZONING

| | Zoning Districts | | | | | | | | | | | |
|---|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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 |
| 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 | | | E | C | C | | C | E | E | E | | E |
| Movie theaters | | | | C | C | | C | | E | | | |
| Coliseums, stadiums and similar facilities | | | | | | | E | E | | | | |

ZONING

| | Zoning Districts | | | | | | | | | | | |
|---|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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 | | | | | | | | | | | | |
| Military reserve, National Guard centers | | | | | | | | | | | | |
| Utility facilities; | | | | | | | | | | | | |
| Neighborhood | 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 | | | | |

ZONING

| | Zoning Districts | | | | | | | | | | | |
|--|------------------|----|----|----|-----|----|-----|---|----|----|----|----|
| | SR | TR | MR | GC | CBC | CM | RHC | I | PN | MI | RA | RP |
| 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