

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 22-O-03

Date Introduced:	February 28, 2022
Sponsored By:	Councilman Adam Hiob and Councilwoman Sandra Landbeck
Public Hearing:	March 14, 2022
Amendments Adopted:	None
Date Adopted:	March 28, 2022
Date Effective:	April 18, 2022

AN ORDINANCE concerning

DEVELOPMENT CODE REVISIONS – MEDICAL SERVICE RELATED USES

FOR the purpose of amending the City of Aberdeen Development Code to alter certain definitions and add new definitions relating to medical services and community counseling and treatment facility uses; modifying the Table of Use Regulations relating to such uses; altering the maximum permissible expansion of non-conforming uses; and generally related to revisions of the City of Aberdeen Development Code.

BY repealing and reenacting, with amendments
Chapter 235. Development Code
Article I. General Provisions
Section 235-7
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. Development Code
Article IV. Provisions Applicable to All Districts
Section 235-37.D.
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter 235. Development Code
Appendix A Table of Use Regulations
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATORY STATEMENT: On December 6, 2021, the Council of the City of Aberdeen enacted Ordinance No. 21-O-15, effective December 27, 2021. Ordinance 21-O-15 established a temporary moratorium on the processing, granting approvals for and issuance, of certain building permit approvals and Special Exception requests for medical services, medical clinics, and similar medical uses, to provide the City with sufficient time to evaluate what role

these types of uses should play in the future of the Aberdeen's Transit Oriented Development ("TOD") District and designated Main Street area. The moratorium established by Ordinance No. 21-O-15 was extended by Resolution 22-R-01.

The City's Department of Planning and Community Development and Planning Commission conducted the evaluation contemplated by Ordinance No. 21-O-15 and have recommended revisions to the City of Aberdeen's Development Code as set forth in this Ordinance. The City's Department of Planning and Community Development and Planning Commission concluded that removal of medical and related uses from the City's Transit Oriented Development District will better serve the purposes for which the TOD was established and allow greater opportunities for uses more compatible with the City's Main Street designation to locate within the TOD and flourish. Similarly, by the changes recommended in this Ordinance, the Department of Planning and Community Development and Planning Commission want to ensure that adequate opportunities exist for medical service type uses and community counseling and treatment facilities to locate in other zoning districts in the City. The City Council endorses the views of the Department of Planning and Community Development and Planning Commission.

Now, therefore,

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that Chapter 235. Development Code, Article I, General Provisions, Section 235-7, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article I. General Provisions

§ 235-7 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning herein indicated. Where this chapter refers to Transit Oriented Development Illustrations, Maps and Regulating Plan, those illustrations, maps and regulating plan are set forth in § 235-42 and incorporated by reference.

* * *

COMMUNITY CENTER

A place, structure, area, or other facility used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners' association, open to the public or a designated part of the public, and which may be publicly or privately owned.

COMMUNITY COUNSELING AND TREATMENT FACILITY

A FACILITY, BUILDING, OR PLACE THAT PROVIDES MENTAL HEALTH, OR SUBSTANCE ABUSE COUNSELING AND TREATMENT PROGRAMS, AND/OR PROVIDES OTHER COUNSELING SUPPORT SERVICES SUCH AS PEER-TO-PEER COUNSELING, SKILLS AND JOB TRAINING, AND LIFE OR SOCIAL SKILLS.

* * *

((MEDICAL CLINIC

A place where medical, mental health or dental care is furnished to persons on an outpatient basis by three or more physicians who have common offices in the same building which may also offer laboratory and diagnostic facilities to patients on an outpatient basis.))

((MEDICAL SERVICES

The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies and opticians.))

MEDICAL SERVICE- CLINIC

A FACILITY, OTHER THAN A HOSPITAL, WHERE MEDICAL, SURGICAL, AND/OR OTHER PERSONAL HEALTH CARE SERVICES ARE PROVIDED EXCLUSIVELY ON AN OUTPATIENT BASIS BY A GROUP OF THREE OR MORE PHYSICIANS WORKING IN COOPERATION AND SHARING THE SAME FACILITIES. A CLINIC MAY INCLUDE EDUCATIONAL ASPECTS SUCH AS MEDICAL INSTRUCTION, AND/ OR TRAINING, AN ON-SITE LAB, RADIOLOGY SERVICES, A PHARMACY, REHABILITATION SERVICES, AND OTHER SIMILAR SERVICES AS ACCESSORY USES.

MEDICAL SERVICE- DOCTORS' OFFICE

A FACILITY, OTHER THAN A HOSPITAL, AN URGENT CARE FACILITY, OR CLINIC, WHERE MEDICAL, DENTAL, SURGICAL AND/OR OTHER PERSONAL HEALTH CARE SERVICES ARE PROVIDED ON AN OUTPATIENT BASIS, BY NOT MORE THAN TWO PHYSICIANS. A DOCTOR'S OFFICE MAY INCLUDE, AS ACCESSORY USES, AN ON-SITE LAB, RADIOLOGY SERVICES, A PHARMACY, REHABILITATION SERVICES, A SURGERY AND/OR OPERATING ROOM, AND OTHER SIMILAR SERVICES.

MEDICAL SERVICE- HOSPITAL

A FACILITY LICENSED AS A HOSPITAL BY THE STATE OF MARYLAND, THAT IS ENGAGED PRIMARILY IN PROVIDING DIAGNOSTIC SERVICES AND EXTENSIVE MEDICAL TREATMENT, INCLUDING SURGICAL AND OTHER HOSPITAL SERVICES. A HOSPITAL HAS AN ORGANIZED MEDICAL STAFF, INPATIENT BEDS, AND EQUIPMENT AND FACILITIES TO PROVIDE COMPLETE HEALTH CARE. A HOSPITAL MAY INCLUDE ON-SITE ACCESSORY CLINICS

AND LABORATORIES, ACCESSORY RETAIL USES, AND EMERGENCY
HELIPORTS.

MEDICAL SERVICE- LABORATORY

A FACILITY, LICENSED AS A LABORATORY BY THE STATE OF MARYLAND,
INTENDED FOR THE EXAMINATION OF CLINICAL SPECIMENS FOR THE
PURPOSE OF PROVIDING INFORMATION SUCH AS DIAGNOSIS, PROGNOSIS,
PREVENTION, OR TREATMENT OF DISEASE TO IMPROVE THE HEALTH OF A
PATIENT, OR THE MANUFACTURE OF DENTAL AND OTHER PROSTHETICS.

MEDICAL SERVICE- URGENT CARE

A FACILITY, OTHER THAN A HOSPITAL, WHERE A GROUP OF PHYSICIANS
WORKING IN COOPERATION AND SHARING THE SAME FACILITIES PROVIDE
MEDICAL SERVICES FOR SICK OR INJURED PERSONS PREDOMINANTLY ON
AN URGENT, WALK-IN, OUTPATIENT BASIS, INCLUDING EMERGENCY
TREATMENT, DIAGNOSTIC SERVICES, TRAINING, ADMINISTRATION, AND
SERVICES. AN URGENT CARE FACILITY TYPICALLY OPERATES BEYOND
STANDARD MEDICAL OFFICE HOURS. AN URGENT CARE FACILITY ALSO
MAY INCLUDE LIMITED PRIMARY CARE SERVICES, AND ACCESSORY USES
INCLUDING AN ON-SITE LAB, RADIOLOGY SERVICES, A PHARMACY,
REHABILITATION SERVICES, AND OTHER SIMILAR SERVICES.

* * *

PROFESSIONAL SERVICES

((The services by members of any profession, including but not limited to accountants,
architects, chiropractors, dentists, doctors, engineers, lawyers, ophthalmologists,
optometrists, osteopaths, psychologists, or social workers.)) A SERVICE THAT
REQUIRES SPECIALIZED KNOWLEDGE AND SKILL, USUALLY OF A MENTAL
OR INTELLECTUAL NATURE, AND THAT OFTEN REQUIRES A LICENSE,
CERTIFICATION, OR REGISTRATION, BUT DOES NOT INCLUDE MEDICAL
SERVICES OR SERVICES DEFINED IN COMMUNITY COUNSELING AND
TREATMENT FACILITY. EXAMPLES OF PROFESSIONAL SERVICES INCLUDE,
BUT ARE NOT LIMITED TO: ACCOUNTANTS, ADVERTISING AGENCIES,
ARCHITECTURAL SERVICES, ATTORNEYS, COMMERCIAL ART AND DESIGN
SERVICES, CONSTRUCTION CONTRACTORS (OFFICE USE ONLY), COURT
REPORTING SERVICES, DESIGN SERVICES, ENGINEERING SERVICES, ETC.

* * *

**SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE
CITY OF ABERDEEN** that Chapter 235. Development Code, Article IV, Provisions Applicable
to All Districts, Section 235-37.D, Code of the City of Aberdeen (2010 Edition as amended), is
repealed and reenacted, with amendments, to read as follows:

Chapter 235. DEVELOPMENT CODE

Article IV. Provisions Applicable to All Districts

§ 235-37 Nonconforming lots, buildings, structures and uses.

D. Enlargement or extension of nonconforming buildings, structures or uses. The Board of Appeals may authorize the extension or enlargement of a nonconforming use, building or structure, with or without conditions, provided that:

- (1) The enlargement or extension does not exceed ((50%)) 75% of the gross square footage in use at the time of the creation of the nonconformity.
- (2) The enlargement or extension does not violate the height or coverage regulations for the district.
- (3) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- (4) The Board of Appeals and Planning Commission shall consider the limitations, guides and standards set forth in this chapter.

SECTION 3. AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that Chapter 235. Development Code, Appendix A Table of Use Regulations, Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

City of Aberdeen
Chapter 235 Development Code

Appendix A
Table of Use Regulations

Key to Table:

P Permitted use

SE Use subject to special exception from the Board of Appeals

-- Not permitted

2nd floor Permitted on second floor and above

T-5 Only permitted in TOD-C

SFD Single-family dwelling

Zoning District										
Use	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	IBD	TOD
* * *										
Commercial										
* * *										
Communication tower or monopole	--	--	--	--	--	SE	SE	SE	SE	SE
COMMUNITY COUNSELING AND TREATMENT FACILITY	--	--	--	--	--	P	P	--	--	--
* * *										
((Medical clinic	--	--	--	P	P	P	--	--	P	SE))
((Medical services	--	--	--	P	P	P	--	--	SE	SE))
MEDICAL SERVICES-CLINIC	--	--	--	--	--	P	P	--	--	--
MEDICAL SERVICES-DOCTORS' OFFICE	--	--	--	P	P	P	P	--	--	--
MEDICAL SERVICES-HOSPITAL	--	--	--	--	--	P	P	--	--	--
MEDICAL SERVICES-LABORATORY	--	--	--	--	P	P	P	--	--	--

MEDICAL SERVICES-URGENT CARE	--	--	--	--	--	P	P	--	P	--
Mini warehousing	--	--	--	--	--	--	P	P	--	--
* * *										
Professional Services	--	--	--	P	P	P	P	P	P	P
* * *										

SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

EXPLANATION:

CAPS INDICATES MATTER ADDED TO EXISTING LAW

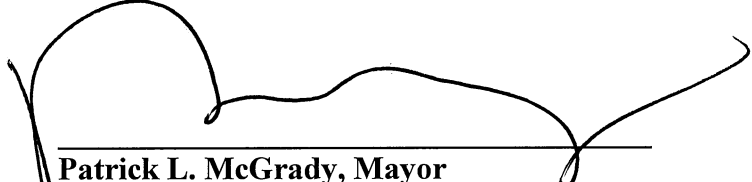
((Double Parenthesis)) indicate matter deleted from existing law.


Underlining indicates amendments to bill.


~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

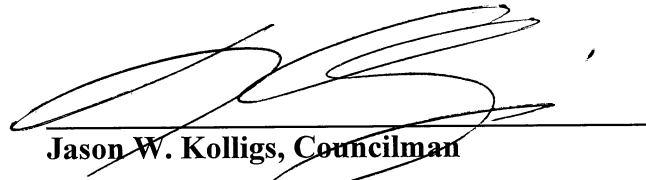
COUNCIL OF THE CITY OF ABERDEEN



Patrick L. McGrady, Mayor

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

Adam M. Hiob, Councilman

Jason W. Kolligs, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date March 28, 2022