

**EXHIBIT A**

Section 1000

ARTICLE I. TITLE, PURPOSE, AND JURISDICTION

SECTION 1000. TITLE.

This Ordinance shall be known as and may be referred to as the "1994 Queen Anne's County Zoning Ordinance and Subdivision Regulations".

SECTION 1001. APPLICATION AND INTENT OF ORDINANCE

The provisions of this Ordinance shall apply to all of Queen Anne's County except those portions which lie within the boundaries of incorporated towns.

Special attention has been given to making this Ordinance conform to the 1993 Comprehensive Plan for Queen Anne's County; and great care has been taken to follow carefully the goals of that Plan and to insure that the standards and zoning maps will achieve the goals and objectives of the Plan.

SECTION 1002. EFFECTIVE DATE AND DISPOSITION OF PENDING MATTERS.

- A. General effective date. Except as expressly provided in the remaining provisions of this section, this Ordinance shall take effect and be enforced forty-five (45) days following its passage.
- B. Building permits. Construction may be started and/or completed under the terms of a building permit issued prior to the effective date of this Ordinance if such permit was in force and fully valid on that date. Such construction is subject to (1) all terms of the permit, (2) the Ordinance under which it was issued and (3) if applicable, the provisions of subsection D.
- C. Pending matters. Any of the following matters filed prior to ~~the effective date of this Ordinance~~ ~~November 5, 1994~~ shall be processed and/or decided in accordance with the ordinance in effect on the date on which the particular matter was filed:
  - 1. Completed applications for building permit;
  - 2. Completed applications for subdivision approval, other than applications involving a major subdivision;
  - 3. Completed applications for approval of a major subdivision, if such application received preliminary approval by the Planning Commission prior to the effective date of this Ordinance;

## Section 1002

4. Any matter pending before the Board of Appeals on appeal or by way of application for conditional use.
- D. Duration of site plan approval. A project may be started and/or completed in accordance with final site plan approval given prior to the effective date of this Ordinance, or in accordance with subsection C 3, under the terms of the ordinance governing such approval. However, any such approval shall expire at the later of (a) two years from the effective date of this Ordinance or (b) two years from the date of such final approval. On written application of the owner prior to the time of such expiration, the Planning Commission may grant an extension for a specified period of not more than two years from the expiration date provided in this subsection. The Planning Commission shall not grant an extension unless it finds that the owner has not effectively abandoned the project, such as, for example, where construction has not been completed for reasons beyond the control of the owner and his contractors and agents.
  - E. Effect of section. With respect to any building permit or pending matters referred to in subsections B, C and D, nothing in this section shall be construed (a) to affect the status of any use or structure involved in any such permit, application, approval or pending matter as a nonconforming use or structure under this Ordinance; (b) to extend, enlarge or otherwise affect the provisions of any prior ordinance relating to the duration, expiration or termination of any such permit, application, approval or pending matter; or (c) to revive or give any other effect to any permit, application, approval or pending matter which has been, or is hereafter deemed to be, abandoned or terminated under the provisions of this Ordinance or any prior ordinance which is applicable.
  - F. Approved Subdivision: Any lot in a subdivision having received final approval of the Planning Commission after June 1, 1965, and prior to the effective date of this Ordinance, but not recorded, will upon recordation of the subdivision plat be deemed to be a lot of record as of the date of Planning Commission final approval and shall be processed under the terms of this Ordinance as if recorded on the date of final approval, provided said lots have at least thirty-five (35) foot frontage along a public or private road.
  - G. Approved Transfer of Development Rights: Any original Instrument of Transfer having received approval by the Planning Director and recorded in the Land Records after April 9, 1987, and prior to the effective date of this Ordinance, may be processed under the terms of the 1987 Ordinance.

## Section 1002

- H. Existing Waste Disposal Facilities. Any applications for building permits, use certificates, variances, conditional use approval, or site plan approval pending as of July 2, 1996 and which effect a waste disposal facility lawfully existing and in use prior to July 2, 1996 shall be processed and determined in accordance with the Ordinance in effect on July 1, 1996.

### SECTION 1003. PURPOSE.

The purpose of this Ordinance is the implementation of the 1993 Queen Anne's County Comprehensive Plan and the promotion of the health, safety, and general welfare of the present and future inhabitants of the County by:

- A. Giving effect to policies and proposals of the 1993 Queen Anne's County Comprehensive Plan.
- B. Dividing the unincorporated area of the County into zoning districts of distinct community character according to the use of land and buildings, the intensity of such use (including bulk and height), and surrounding open space.
- C. Preserving and enhancing the County's rural character.
- D. Preserving and protecting the County's natural resources and protecting the waters of the Chesapeake Bay and its tributaries.
- E. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- F. Lessening the danger and congestion of traffic on the roads and highways; limiting excessive numbers of intersections, driveways, and other friction points; minimizing other hazards; and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- G. Securing safety from fire, panic, flood, and other dangers.
- H. Providing adequate privacy, light, and air.
- I. Protecting the tax base by facilitating cost-effective development within the County.
- J. Promoting economy in local government expenditures.
- K. Protecting the values of property throughout the County.

## Section 2300

Dwelling, single family residential. A dwelling designed for single-family residential use and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.

Dwelling unit (du). A principal building, room or group of rooms providing, or intended to provide, living quarters for not more than one (1) family.

Easement. Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

Effluent Disposal Uses. This use category includes spray irrigation facilities, sewer treatment plants, community septic fields, berm infiltration ponds and other State and County approved effluent treatment facilities which dispose of or treat effluent which is generated in Queen Anne's County.

Environmental assessment. A comprehensive report that describes the natural features and characteristics of a proposed development site; the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

Erosion hazard area. Areas designated as having moderate to high historic erosion rates on the Historical Shorelines and Erosion Rates maps prepared by the Maryland Geological Survey, 1975.

Family. One (1) or more persons related by blood, marriage, adoption, or guardianship, or not more than five (5) persons not so related, occupying a dwelling unit and living as a single housekeeping unit.

Farm. A parcel or combination of parcels under the same ownership which is: (1) not less than five (5) acres in size; and (2) used for agricultural purposes, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, aquaculture, silviculture, and animal and poultry husbandry. "Farm" includes necessary accessory uses for packing, treating or storing produce which are purely secondary to and support normal agricultural activities conducted on the parcel. "Farm" does not include the business of garbage feeding of hogs or other animals or the raising of such animals as rats, mice, monkeys and the like for use in medical or other tests and experiments.

Farm field. Any land five (5) acres or more in agricultural production of food or fiber for two (2) out of the last five (5) years; and any land which is fallow or set aside due to Soil Conservation Service best management practices, crop rotation, or federal, state, or local government programs.

## Section 2300

Open space, resource protection. Land required to be restricted by Article V, Section 5302 of this Ordinance to natural resource protection and ancillary agricultural and recreational uses.

Open space ratio (OSR). The total area of district or resource protection open space divided by the Base Site Area.

Outside storage or display. Outdoor storage or display of fuel, raw materials, vehicles, boats, manufactured products, and equipment.

Performance guarantee. A financial guarantee to insure that all improvements, facilities or work required by this Ordinance will be completed in compliance with the Ordinance and the approved plans and specifications of a development.

Planned development. A residential development that involves the identification and protection of required open space and one (1) or more of the dwelling unit types referred to in Section 5106.

Projecting Sign. A sign, other than a wall sign, which is attached to and projects perpendicular from a structure or building facade or other vertical building surface.

Public service. Any service rendered to the general public by an agency of government, or a facility maintained in connection with the rendition of such service, including, but not limited to, road maintenance garages, firehouses, police facilities, ambulance garages and government offices. For purposes of this definition, a recognized volunteer fire company which receives an appropriation from Queen Anne's County shall be construed to be an agency of government.

Public sewer. Includes the Queen Anne's County Sanitary District and other forms of sewer systems approved by the State Health Department, and maintained by a public or private agency authorized to operate such systems.

Public utilities. Facilities owned or maintained by public utility companies or public agencies, for the furnishing of water, sewer, gas, electric, communication, or similar services, but not including any cross-country transmission lines or towers.

Recycling facility. A facility that collects paper, plastic, metal and glass products for recycling and that bundles or packages such products for shipment. All such facilities shall be owned and operated by Queen Anne's County.

## Section 2300

incorporated in a window display, works of art which in no way identify a product, scoreboards located on athletic fields or vending machines.

Sign, development. A sign which, by symbol or name, identifies a residential, commercial or industrial development.

Sign, directional. A sign that provides off-site directional information following a standard format for important municipal, emergency, or educational uses, or identifies general commercial areas or places.

Sign, electronic. A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

Sign, freestanding. A sign not attached to a building, resting on or supported by poles, standards, or any other type of base on the ground.

Sign, projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of such building or wall.

Sign, wall. A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall to which they are mounted, nor shall they project more than eighteen (18) inches from the wall surface.

Site plan. A graphic depiction of features on a site such as existing and proposed structures, paved areas, ingress/egress points, and landscaped areas and all information required in Article IX.

Site plan, major. Any site plan other than a minor site plan.

Site plan, minor. A site plan which involves only: (1) duplex planned development units; or (2) a non-residential use which will cover ten (10) percent or less of the lot; or (3) an addition to an existing non-residential building after April 9, 1987, that will cover no more than (10%) of the permitted floor area as determined by Section 5305 of this Ordinance.

Sludge, Land Application. An Agricultural practice by which sewage sludge is applied to cropland as a fertilizer supplement in accord with standards promulgated and permits validly issued by the Maryland Department of the Environment. The Land Application of sewage sludge on marginal lands for disposal purposes is not an agricultural practice.

## Section 2300

Truck stop/travel plaza. Recreational vehicle and truck service facilities which consist of fuel sales and restaurant facilities, and may also include vehicle service and repairs, ancillary retail overnight lodging activities, and shower and locker room facilities, all managed as a unit with off-street parking provided on the property.

Understory tree. A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood and witch-hazel.

Use. The purpose or activity for which land or any structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, accessory. An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use; (2) is subordinate in area, extent, and purpose to the principal structure or use served; (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Ordinance; and (4) is customarily incidental to the principal structure or use.

Use, principal. The specific primary purpose(s) for which land is used.

Use, temporary. A use established for a fixed period of time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this Ordinance granted pursuant to Article IX.

Waste Disposal Facility. Any facility designated and operated to dispose or manage the disposal of waste, including but not limited to junk, scrap and salvage yards, sanitary or rubble landfills, sludge disposal or sludge storage facilities, resource recovery facilities, and trash transfer stations. All such facilities shall be owned and operated by Queen Anne's County or a regional governmental authority. Waste Disposal Facilities do not include Recycling Facilities.

Wetlands, non-tidal. Non-tidal wetlands are those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and which under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is considered a non-tidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands", published in 1987 and as may be amended and interpreted by the U.S. Environmental Protection Agency.

Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>C. Institutional</b>												
1. Outdoor Recreation	Y	Y	Y	Y	Y	Y	Y	Y	C	C	Y	C
2. Institutional (Non-Profit)	C	C	Y	Y	Y	Y	Y	C	Y	Y	Y	C
2a. Institutional	C	C	C	C	C	C	Y	C	Y	Y	Y	C
3. Institutional Residential serving 6 or more Residents	C	C	C	C	C	Y	N	C	N	N	N	C
4. Institutional Residential Serving 5 or Less Residents	Y	Y	Y	Y	Y	Y	N	C	N	N	N	Y
5. Public Service	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Public Utilities	C	C	C	C	C	C	C	C	C	C	C	C
7. Day Care - Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Day Care - Group <sup>4</sup>	C	C	C	C	C	Y	Y	C	N <sup>4</sup>	N <sup>4</sup>	Y	N
9. Waste Disposal Facility	C	N	N	N	N	N	N	N	C	N	N	N
10. Effluent Disposal Uses <sup>4</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C
11. Recycling Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>D. Commercial <sup>5</sup> *</b>												
1. High	N	N	N	N	N	N	Y	C	NA	NA	Y	N
2. Medium	N	N	N	N	N	N	Y	C	NA	NA	Y	N
3. Low	N	N	N	N	N	N	Y	C	NA	NA	Y	N
4. SI/LIHS Commercial	N	N	N	N	N	N	N	N	Y	Y	N	N
5. Hotels	N	N	N	N	N	N	Y	C	N	Y	Y	N
6. Country Inn	C	C	C	N	N	N	Y	C	N	N	Y	N
7. Bed & Breakfast	Y	Y	C	C	C	N	N	C	N	N	Y	C

Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>D. Commercial (continued)</b>												
8. Marinas	N	C	C	C	C	C	C	C	C	N	C	C
9. Regional Shopping Center	N	N	N	N	N	N	Y	N	Y	Y	Y	N
10. Ag. Support	Y	C	N	N	N	N	Y	C	Y	Y	Y	N
11. Private Airports	C	C	N	N	N	N	C	N	C	C	N	N
12. Home Occupations	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y
13. Camp Grounds	C	C	N	N	N	N	N	N	N	N	C	N
14. Fraternal Org.	C	C	C	C	C	C	Y	C	N	N	Y	C
15. Funeral Homes	C	C	C	C	C	C	Y	Y	N	N	Y	C
16. Shooting Clubs	C	C	N	N	N	N	N	N	N	N	N	N
17. Truck Stops and Travel Plazas	N	N	N	N	N	N	N	N	C	C	N	N
18. Country Store	C	N	N	N	N	N	Y	C	N	N	Y	N
<b>E. Industrial</b>												
1. Light Industry	N	N	N	N	N	N	Y	C	Y	Y	C	N
2. Heavy Industry	N	N	N	N	N	N	N	N	C	C	N	N
3. Major Extraction and Dredge Disposal	C	C	N	N	N	N	N	N	C	C	N	N

Section 4002

Table of Permitted Uses - continued

General use	AG	CS	E	SE	SR	UR	UC	VC	SI	LI HS	SC	NC
<b>E. Industrial (continued)</b>												
4. Minor Extraction and Dredge Disposal Uses	Y	Y	C	C	C	C	C	C	Y	Y	C	C
<del>5. Effluent Disposal</del>	<del>Y</del>	<del>C</del>										
<del>6 5. Towers</del>	C	C	N	N	N	N	N	N	C	C	N	N
<del>7 6. Public Heliports and Airports</del>	C	N	N	N	N	N	N	N	C	C	N	N
<b>F. Other</b>												
1. Private Landing Strips and Heliports	C	C	N	N	N	N	N	N	N	N	N	N
2. Covered Slips/Private	N	C	C	C	C	C	N	C	N	N	N	C

Y = Permitted      N = Not Permitted      C = Permitted as Conditional Use      NA = Not Applicable

1. A single-wide manufactured home is a permitted use in NC districts with a "T" designation only. A single-wide manufactured home is also permitted in any zoning district as a replacement for any legal existing mobile home or single-wide manufactured home. A single-wide manufactured home is permitted to provide housing for temporary farm workers in the AG and CS districts provided the requirements of Section 4010 have been met. A single-wide manufactured home is also permitted as temporary shelter provided the requirements of Section 4010 have been met.

2. A manufactured home community which contains single-wide manufactured homes is allowed only as a conditional use in those NC districts with a "T" designation.

3. Commercial Apartments are a conditional use in conjunction with a Country Store in the AG district.

4. Group Day Care is permitted in the SI and LIHS districts only as an accessory use related to a principal use of industrial, commercial or office development.

~~5. All effluent disposal uses are conditional uses in the VC and NC Districts. Sewer treatment plants and spray irrigation facilities are conditional uses in the SE, SR and UR Districts; all other effluent disposal uses are permitted in those Districts.~~

~~6 5.~~ All commercial uses which are not separately categorized in Section 4002 D. 5-18 are to be specified in Section 4008 as either low, medium or high commercial.

~~6 7.~~ Certain Agricultural uses are permitted only on NC properties that meet the definition of a Farm under Section 2300. These include all methods of the commercial production or management of crops, vegetation, soil and the related activities of tillage, fertilization, pest control, silviculture and aquaculture harvesting and marketing. All other agriculture uses are prohibited on properties that meet the definition of a Farm.

Section 4006

- G. Manufactured home community. A type of planned development which may be a rental community or subdivision which contains manufactured homes.
- H. Apartment, commercial. See definition in Section 2300.
- I. Apartment, first floor commercial. See definition in Section 2300.

SECTION 4007. INSTITUTIONAL USES.

- A. Outdoor recreational. Outdoor recreational uses include areas for active recreational activities (including, but not limited to, jogging, cycling, totlots, playfields, playgrounds, outdoor swimming pools, tennis courts, and golf courses). Also included are passive recreational uses (including, but not limited to, arboretums, areas for hiking, nature areas, and wildlife sanctuaries). Also included are picnic areas, public and private parks, garden plots and beaches.
- B. Institutional uses. These uses include aquariums, youth camps, cemeteries, churches, conference centers associated with non-profit institutions, community or recreational centers, gymnasiums, privately owned libraries or museums, indoor recreational centers, public or private schools, indoor skating rinks (ice or roller), indoor swimming pools, tennis, racquetball, handball courts, and all other indoor recreational uses.
- C. Institutional residential. These uses include convents or monasteries, group care facilities, nursing homes, protective living facilities, rooming houses, and sheltered care homes.
- D. Public service. See definition in Section 2300.
- E. Public utilities. See definition in Section 2300.
- F. Day care center, family. See definition in Section 2300.
- G. Day care center, group. See definition in Section 2300.
- H. Waste Disposal Uses. See definition in Section 2300.
- I. Effluent Disposal Uses. See definition in Section 2300.
- J. Recycling Facility. See definition in Section 2300.

## Section 4009

extermination shops; food processing and packing plants; fuel oil (storage and sales); coal storage and sales (fully enclosed); furniture cleaning plants; furniture refinishing shops; lumberyards; manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with fewer than five hundred (500) employees on a single shift); mirror supply and refinishing shops; monument works; ornamental iron workshops; pilot plants; printing plants; publishing plants; scientific (e.g., research, testing, or experimental) laboratories; trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling); truck terminals; wholesale business and storage. Also permitted are showrooms and incidental retail associated with building and plumbing supply distribution operations.

- B. Heavy industry. This use category includes manufacturing activities, a significant part of which may be conducted outdoors. Outdoor storage is permitted. Nuisances associated with the use such as noise, odor, smoke and dust are significant. Such uses include asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed), motor or rail terminals; also, any industrial use, including those uses listed above as light industry with more than five hundred (500) employees on any single shift.

These uses have severe potential for negative impact on any uses located relatively close to them. These uses differ from light industrial uses in that they require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage. Because of their scale, they are likely to have a regional impact.

- C. ~~Major extraction and dredge disposal uses. This category includes junk, scrap or salvage yards, landfills, sludge disposal or storage, resource recovery facilities, trash compaction, waste or trash transfer stations and any other form of waste management facilities, all extraction operations which disturb more than five (5) acres, dredge disposal uses which disturb more than ten (10) acres of land, and all non-lateral oil and gas drilling and extraction. Extraction associated with aquacultural activities are exempted from this Section is not included in this Section, provided all extracted material remains on-site.~~

These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses is an acceptable neighbor in a residential environment.

## Section 4009

- D. Minor extraction and dredge disposal uses. This category includes dredge disposal sites which disturb less than ten (10) acres; and gravel, sand, or similar extraction; lateral oil and gas drilling and extraction; and storage operations which disrupt five (5) or less acres of land. Extraction associated with aquacultural activities ~~are exempt from this Section is not included in this Section, provided all extracted material remains on-site.~~
- ~~E. Effluent disposal uses. This use category includes spray irrigation facilities, sewer treatment plants, community septic fields, berm infiltration ponds and other State and County approved effluent treatment facilities which dispose of or treat effluent which is generated on or off site.~~
- F. Towers. Towers for phone, radio, microwave, or other forms of communications transmission that exceed district height limitations, except power transmission line towers and windmills.
- G. Airports, public and heliports, public. See definition in Section 2300.

## SECTION 4010. TEMPORARY USES.

- A. Authorization. Temporary uses are permitted only as expressly provided in this section and shall comply with the requirements of Article IX.
- B. Zoning Certificate required. No temporary use shall be established unless a Zoning Certificate shall have first been issued as provided in Article IX.
- C. Use limitations.
1. No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Sections 6400.F.1.
- D. Particular temporary uses permitted. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
1. Christmas tree sales.
    - a. Permitted in any district.
    - b. Maximum length of permit for display and open-lot sales shall be forty-five (45) days.

**PART 2 - NONRESIDENTIAL STANDARDS**

**SECTION 5200. NONRESIDENTIAL PERFORMANCE STANDARDS.**

Table of Nonresidential Performance Standards

District and Use	Minimum LSR	Maximum FAR
<b>AGRICULTURE (AG)</b>		
agriculture	--	--
agricultural support	.20	.35
major extraction and disposal	.20	.12
all other	.60	.12
<b>COUNTRYSIDE (CS)</b>		
agriculture	--	--
major extraction and disposal	.20	.10
all other (Critical Area)	.85	.10
all other	.70	.10
<b>ESTATE (E)</b>	.70	.10
<b>SUBURBAN ESTATE (E)</b>	.70	.10
<b>SUBURBAN RESIDENTIAL (SR)</b>		
institutional	.60	.13
all other	.65	.11
<b>SUBURBAN COMMERCIAL (SC)</b>		
office	.55	.17
commercial	.55	.20
all other	.55	.17
<b>URBAN RESIDENTIAL (UR)</b>		
institutional	.50	.15
other	.50	.15
<b>URBAN COMMERCIAL (UC)</b>		
office	.40	.25
commercial	.40	.25
all other	.40	.25
<b>VILLAGE CENTER (VC)</b>		
office	.30	.30
commercial	.30	.30
all other	.30	.30
<b>SUBURBAN INDUSTRIAL (SI)</b>		
office	.35	.27
major extraction and disposal	.20	.22
other industrial	.35	.40
all other	.35	.22
<b>LIGHT INDUSTRIAL HIGHWAY SERVICE (LIHS)</b>	.35	.40
major extraction and disposal	.20	.22
all other	.35	.40
<b>NEIGHBORHOOD CONSERVATION (NC)</b>		
institutional/residential	.50	.30
all other	.60	.13

Section 5201

SECTION 5201. NONRESIDENTIAL BULK REQUIREMENTS.

All nonresidential structures shall comply with the following minimum bulk requirements. Unless otherwise permitted by this Ordinance, no nonresidential structure in any district shall have a setback less than thirty-five (35) feet from the front yard property line or fifty (50) feet from a tidal wetland or body of water. In cases where the bufferyard exceeds any minimum setback, the more restrictive shall apply. Any detached structures on a lot shall be placed at least fifteen (15) feet apart from one another.

**TABLE OF NONRESIDENTIAL BULK REQUIREMENTS/SETBACKS**

District	U.S. Rts. 50/301	Arterial	Height	Side & Rear Yards
AG				
On-lot AG	100	75	135	10
Commercial	100	75	135	
AG support				10
All other	100	75	45	10
CS				
On-lot AG	100	75	135	10
Commercial	100	75	135	10
AG support				10
All other	100	75	45	10
E	100	50	30	10
SE	100	50	30	10
SR	100	50	30	10
SC	50	50	30	10
UR	100	50	40	10
UC	50	20	45	10
VC	50	25	45	10
SI	75	50	45	10
LIHS <sup>1</sup>	200 <sup>2</sup>	150 <sup>2</sup>	45	100
NC	50	25	30	10

<sup>1</sup> Minimum lot size in the LIHS district is ten (10) acres. Minimum lot size for subdivision of an existing residence is one (1) acre.

<sup>2</sup> A minimum one hundred (100) foot setback is required if the property fronts on a road or intersection with a right-of-way which results in at least one hundred (100) feet of planted open space between the paved edge of the roadway and the back edge of the right-of-way.

## Section 6108

### SECTION 6108. HABITATS OF THREATENED AND ENDANGERED SPECIES.

Disturbance of habitat areas for threatened and endangered species may only be permitted after consideration of recommendations from the Maryland Department of Natural Resources and any expert advice from the applicant. Such disturbance shall be limited to the minimum extent necessary to permit practical development of the site.

## PART 2 - LANDSCAPING STANDARDS

### SECTION 6200. LANDSCAPING STANDARDS.

This part contains the landscaping standards required for on-site and for parking lots, district boundary boundaries and street buffers. These standards apply to planned, cluster and nonresidential developments. These standards do not apply to single-family large lot subdivisions, or large lot agricultural or sliding scale subdivisions in the AG district.

### SECTION 6201. STANDARD PLANT UNITS.

- A. Required landscaping shall conform to one or more of the following standard plant unit alternatives found in this Section, except that required landscaping for all waste disposal, major extraction and dredge disposal, and heavy industrial must conform to Alternative #7.
- B. Subsection F. specifies alternative plant units that may be used for street and district boundary bufferyards, on-site landscaping and parking areas. The first five plant mixes are interchangeable, but alternative #5 shall be used for the interior of parking lots. Along U.S. 50/301, alternative #4 is the preferred alternative. Alternate plant unit #6 shall be employed only as an alternative where on-lot landscaping requirements exceed five (5) acres.
- C. In the Countryside, Estate, Suburban Estate, and Suburban Residential districts the shrub requirements for street buffers may be substituted with two (2), four foot tall trees for every five (5) shrubs required per plant unit.
- D. In street and district boundary Buffer Yards Canopy trees may be reduced in caliper by one inch and Evergreen Trees may be reduced in height by two feet if a three foot high berm is used.
- E. The amount and type of plantings for a fraction of a total plant unit shall be determined by the Planning Director.

F. PLANT UNITS

1. Alternative Unit #1

- 1 - 2.5" caliper canopy tree
- 2 - 1.5" understory trees
- 10 - 18" high shrubs

2. Alternative Unit #2

- 1 - 2" caliper canopy tree
- 1 - 1.5" understory tree
- 10 - 18" high shrubs
- 1 - 8' high evergreen tree

3. Alternative Unit #3

- 1 - 2" caliper canopy tree
- 10 - 18" high shrubs
- 2 - 6' high evergreen trees

4. Alternative Unit #4

- 10 - 18" high shrubs
- 1 - 8' high evergreen trees
- 2 - 6' high evergreen trees

5. Alternative Unit #5

- 3 - 3" caliper canopy trees
- 2 - 2.5" caliper canopy tree
- 5 - 18" high shrubs

6. Alternative Unit #6

- 1 - 2.5" caliper canopy tree
- 21 - 12" high canopy tree whips at  
minimum 10' on center spacing

7. Alternative Unit #7

- 10 - 6' high evergreens
- 10 - 18" high shrubs

SECTION 6303. TABLE OF REQUIRED BUFFERYARDS AND STREET BUFFERS.

A. The letters in the table below establish bufferyard requirements and standards along adjacent zoning districts, and streets, and for certain institutional and industrial uses. For example, a "B" bufferyard is described in the Table of Bufferyard Standards as being fifteen (15) feet wide and containing two (2) plant units, as described in Section 6201, per one hundred fifty (150) lineal feet. The Tables for District Boundary Buffers and Street Buffers do not apply to any waste disposal, major extraction and dredge disposal, or heavy industry.

DISTRICT BOUNDARY BUFFERS

Adjacent Zoning District

Developing Property Zoning District	AG,CS	E	SE,SR,NC	UR,VC	SC	SI,UC	LIHS
AG, CS	--	--	--	--	--	--	--
E	A	--	B	C	D	E	E
SR, SR	--	A	--	A	D	E	E
UR, VC	B	C	B	--	C	D	D
SC	D	D	D	C	--	A	A
SI, UC	D	E	E	D	A	--	--
LIHS	L	L	L	L	L	L	--

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STREET BUFFERS

Developing Property Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
AG	--	--	--	--
CS	S	A	--	--
E,SE,SR	D	C	S	S
UR	D	C	C	C
VC	B	--	--	--
SC	B	S	B	S
SI	D	C	E	S
UC	B	B	D	S
LIHS	L	L	L	S

BUFFERS FOR WASTE DISPOSAL, MAJOR EXTRACTION, DREDGE DISPOSAL, AND HEAVY INDUSTRIAL USES

Developing Property Zoning District	All Streets	All Property Lines	All Adjacent Zoning Districts
AG, CS, SI, LIHS	I	I	I

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TABLE OF BUFFERYARD STANDARDS

<u>Bufferyard</u>	<u>Number of plant units per 150 lineal feet</u>	<u>Bufferyard Width</u>
A	1	15 feet
B	2	15 feet
C	3	20 feet
D	4	20 feet
E	5	20 feet
S	2	10 feet from edge of street r.o.w.
L	8	40 feet
I	6	60 feet

- B. In cases where the property line requiring a buffer is less than 150 feet in length, a minimum of one (1) plant unit is required. For property lines requiring a buffer which are greater than 150 feet, but not an even multiple of 150 feet, the required amount of plant units shall be calculated and determined by the Planning Director.
- C. In cases where a commercial or industrial use is proposed adjacent to a residentially zoned property with an existing residential use, the Planning Commission may require earthen berms and/or opaque or semi-opaque fencing in addition to the required plant units.
- D. Notwithstanding the other provisions of this section, the design of a required buffer shall insure that neighboring properties and public rights-of-way are adequately screened from adverse external effects of proposed adjacent development.

SECTION 6304. BUFFERYARD USE.

A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (1) no required plant material is eliminated, (b) the total width of the bufferyard is maintained, and (c) all other regulations of the Ordinance are met. In no event shall active recreation uses be permitted in bufferyards.

## Section 7101

- D. The County Commissioners shall consider the map amendment request pursuant to Section 9930 of this Ordinance. The requirements of Section 9931B. shall not apply to a floating zone map amendment. The County Commissioners shall require that the map amendment is in compliance with the standards of Section 7100 of this Ordinance. County Commissioner approval of the UR map amendment shall be contingent upon the applicant receiving final site plan and/or final subdivision plat approval from the Planning Commission and approval of all required building permits within two (2) years of County Commissioners conditional approval of the map amendment. If the above conditions are not satisfied the County Commissioners may take action to nullify the conditional approval of the map amendment.
- E. Once the final site plan and/or final subdivision plat has been approved and all required building permit applications have been approved, the Planning Director shall prepare revised copies of the pertinent Zoning Map(s) for signature by the County Commissioners.

## PART 2 - CONDITIONAL USES

### SECTION 7200. CONDITIONAL USES: GENERAL

Conditional uses are those uses which must be reviewed on a case-by-case basis to evaluate their appropriateness for a particular location. Conditional uses for each zoning district are listed in Section 4002 (Table of Permitted Uses) of this Ordinance. For purposes of establishing the proper public notification procedures in Section 9053 of this Ordinance, conditional uses are divided into two categories -- Major Conditional Uses (Section 7203 (A-G) and Minor Conditional Uses (Section 7203 (H-O)).

### SECTION 7201. CONDITIONAL USE PROCEDURES

- A. An application for conditional use approval shall include a concept site plan and/or sketch subdivision plan as required in Sections 9311 and 9451 and any other information necessary to determine the appropriateness of the use at a particular location.
- B. Applications for conditional use approval shall be processed by the Planning Director as follows:
1. Prior to formal application for conditional use approval it is highly recommended that the applicant schedule a meeting with County staff to discuss the proposal. During this meeting, every effort will be made to provide the applicant with preliminary guidance.

## Section 7201

2. Only after the applicant submits a complete application (as prescribed by the Board of Appeals) and concept/sketch plan as required in Sections 9311 and 9451 to the clerk to the Board, will the Department of Planning and Zoning offer a formal response to the applicant. The Clerk to the Board will forward copies of the application to the Departments of Planning and Zoning, Public Works, Environmental Health, Maryland State Highway Administration, Critical Area Commission and other applicable State and County review agencies as appropriate.
3. The Department will prepare a staff report outlining their comments, concerns and recommendations, and forward a copy to the Board of Appeals and applicant within 10 working days. Although the Department may request additional information from the applicant, or that the application and/or plans be revised, this request is not a requirement.
4. A public hearing shall be held by the Board of Appeals after a public notice has been published in accordance with Article 66B of the Annotated Code of Maryland. The attorney for the Board of Appeals is responsible for scheduling a hearing date. Not later than ~~ten (10)~~ **fifteen (15) working days** prior to the date set for the hearing on ~~the an application for variance or minor conditional use and not later than forty-five (45) working days~~ prior to the date set for the hearing on **an application for major conditional use**, the Planning Director and each official or agency to which the application has been referred shall file a written report with the Board of Appeals, setting forth the recommendations for changes in the plans as submitted and the conditions for approval, if any, necessary to bring such plan into compliance with any applicable ordinance or regulation or to eliminate any adverse effects of the proposed development on those aspects of the general health, safety, and welfare of the community for which such official or agency has special responsibility.
5. The Board of Appeals may, in approving the application for any conditional use, impose such restrictions and conditions as it determines are required by the general purposes, goals, and objectives of the Comprehensive Plan and this Ordinance to prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the general health, safety, and welfare of the County. All conditions imposed upon any conditional use approval shall be expressly set forth in the resolution granting such conditional use approval.

## SECTION 7203. ADDITIONAL STANDARDS FOR SPECIFIED CONDITIONAL USES.

The following additional standards must be met for the particular conditional uses listed below.

### Major Conditional Uses

#### A. Waste Disposal Facilities.

##### 1. Plans Required

a. Plan of general area (within a one (1) mile radius of the boundaries of the subject property) at a scale of one thousand (1,000) feet to the inch or less with a ten (10) foot contour interval or less to show:

##### 1) Existing Data

a) Location of proposed site.

b) Land use pattern including building locations and historical sites and buildings within a one (1) mile radius of proposed site.

c) Roads -- indicating major roads and showing width, weight loads, types of surfaces and traffic data.

##### 2) Site and geological data.

a) Soil and geology, with soil borings on a 100-foot grid for disposal or storage facilities.

b) Surface drainage patterns.

c) Groundwater movements and aquifer information.

d) Aquifer recharge data.

e) Vegetation cover on the site and dominant species.

f) Annual precipitation, and dominant seasonal wind direction.

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- 3) Proposed operation of the disposal site.
  - a) Approximate number of cubic yards of waste to be accepted per day, or thousands of gallons.
  - b) Detailed description of the operation.
  - c) Method of protecting wastes from exposure to wind, rain, or biological influences.
  - d) Types of liners or other barriers to prevent movement through the soils.
  - e) Types of leachates generated and method of managing these materials.
  - f) Type and origin of the waste materials.
  - g) Average number of vehicles entering the site and the routes taken to get there.
  - h) Ability of roads and bridges to support such loadings.
  - i) On-site management techniques used to protect against odor, dust, litter, animal or insect vectors.
  - j) Data on previous developments that have been approved by the County for either building permits, zoning reviews, subdivisions or land developments.
- b) Plan of proposed site at a scale of one hundred (100) feet to the inch or less with a two (2) foot contour interval or less to show:
  - 1) Basic data
    - a) Soils and geology.
    - b) Groundwater data and water courses.
    - c) Vegetation -- with dominant species.

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- d) Wind data -- directions and percentage of time.
- 2) Proposed usage.
- a) Final grading by contours.
  - b) Interior road pattern, its relation to operation yard and points of ingress and egress to state and county roads.
  - c) Estimated amount and description of aggregate and overburden to be removed.
  - d) Ultimate use and ownership of site after completion of operation.
  - e) Source of water if final plan shows use of water.
- c. Plan of Operation showing:
- 1) Proposed tree and berm screen locations.
  - 2) Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
  - 3) Method of disposition of excess water during operation.
  - 4) Location and typical schedule of blasting.
  - 5) Machinery -- type and noise levels.
  - 6) Safety measures -- monitoring of complaints.
- d. End Use Plan

An end use plan for the rehabilitation of the site after the disposal operation is completed shall be submitted and must be approved. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submitted. If there is an end use other than open space, then