
ARTICLE 5. REGULATION OF USES

CHAPTER 50 USE CLASSIFICATIONS

Sections:

50.1 Purpose and Applicability.

50.2 Use Types Not Classified.

50.3 Prohibited Use Types.

50.4 Use Classifications, Use Types, and Location within Zoning Districts.

50.1. Purpose and Applicability.

This Chapter identifies the use classifications, lists and defines use types within each classification, and identifies the zoning districts in which each use type may locate. Existing use types not located consistent with this chapter are nonconforming.

1. Use classifications identify broad categories of uses for which similar regulations shall apply. Use types identified within the classification are intended as examples of types of uses rather than exhaustive lists. The Planning Director shall determine whether a specific use shall be deemed to be within one or more use classification or not within any classification identified in this chapter.
2. Use types within each use classification describe one or more uses of land or activities having similar characteristics, but do not list every use or activity that may fall appropriately within the use classification. In addition, specific uses identified within the use types are intended as inexhaustive examples of uses having similar characteristics that shall be specifically regulated under this Ordinance as one use type.

50.2. Use Types Not Classified.

The Planning Director shall determine how to categorize a use type not listed in Schedule 50.4. The Planning Director shall determine which use type is substantially similar to the proposed use. If the Planning Director determines that there are no use types substantially similar to the proposed use, the Planning Director shall determine that the proposed use is not permitted in any district. The Planning Director's decision may be appealed to the Board of Appeals.

50.3. Prohibited Use Types.

The following identifies uses that are expressly prohibited within St. Mary's County:

1. Floating homes are prohibited in all zoning districts and local waters.
2. Private detention centers of all types are prohibited in all zoning districts.
3. Extraction of and processing of oil deposits for wholesale distribution, chemical or catalytic manufacturing, chemical fabrication, gasoline processing, or refining of petroleum or petroleum products are prohibited in all zoning districts. This prohibition does not apply to land and buildings if they were used:
 - a. On or before July 23, 1974, for chemical or catalytic manufacturing, chemical fabrication, gasoline processing, or refining of petroleum or petroleum products; or
 - b. On or after July 1, 1998, for manufacturing alcohol fuel.
4. Industrial manufacture of paper and paper products for wholesale distribution is prohibited in all zoning districts.

50.4. Use Classifications, Use Types, and Location within Zoning Districts.

Refer to Schedule 50.4 to identify the use types and where they may locate within the County. The schedule provides the following information:

1

Use Type Number	Use Classification
1-13	Agricultural Uses
14-23	Residential Uses
24-39	Public & Semi Public Uses
40-81	Commercial Uses
82-87	Industrial Uses
88-98	Transportation, Communication, Utility Uses
99-107	Marine Uses
108-124	Accessory Uses
125-129	Temporary Uses

- 2 1. **Use Classification Groups:** Agricultural, Residential, Public/Semipublic, Commercial, Industrial,
3 Transportation/Communication/Utility, Marine, Accessory and Temporary.
- 4 2. **Use Types.** Uses identified in the description of each use type are intended as examples of types
5 of uses rather than exhaustive lists. Use types are numbered to correspond with the use
6 regulations found in Chapter 51.
- 7 3. **Location of Use Types.** Base zoning district columns (established in Chapter 30 of this
8 Ordinance) in which letter designations are used to indicate where the use types are permitted (P),
9 allowed subject to limitations (L), conditionally allowed subject to Board of Appeals approval (C),
10 allowed only as part of a Planned Unit Development (PD), allowed only as an accessory to an
11 approved use (A), allowed only as an accessory type use to an allowable use pursuant to Section
12 11.2.4.b. (A) or not permitted (-).
- 13 4. **Intensity of Use.** Use intensity column that indicates the intensity of the use (high or low) for
14 purposes of determining buffer requirements (refer to Section 63.3).
- 15 5. **Critical Area Uses.** Critical Area Overlay column in which letter designations are used to indicate
16 the Critical Area Overlay Zone (RCA, LDA, IDA) in which use types may be located in
17 accordance with Critical Area regulations, and which uses are either prohibited or significantly
18 restricted (-) in the Critical Area in accordance with the standards of Chapter 51. Uses proposed in
19 the Critical Area Overlay must be determined to be allowable under the base zoning district
20 regulations. An applicant may seek growth allocation to obtain appropriate Critical Area Overlay
21 zoning for a proposed use that is allowed in one or more of the Overlay Zones.

22

1 **Schedule 50.4 Use Classifications, Use Types and Location within Zoning Districts**

2

Legend	P	Use is permitted in accordance with Chapter 51 General Standards
	L	Use is permitted in accordance with Chapter 51 General and Limited Standards
	C	Use is permitted in accordance with Chapter 51 General and Conditional Standards
	A	Use is permitted as accessory to an allowable use (See Section 11.2.4.b)
	PD	Use is permitted only within a Planned Unit Development subject to the review, conditions, and approval of the Board of County Commissioners
	-	Use is prohibited within the zone
	RCA	Use may be allowed in the Resource Conservation Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	LDA	Use may be allowed in the Limited Development Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	IDA	Use may be allowed in the Intensely Developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
	X	In the Critical Area, new non-maritime industries may be permitted only in the IDA and then only if the facility or activity demonstrates that there will be a net improvement in water quality to the adjacent body of water.

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Agricultural Use Classifications																			
1. <i>Agricultural Industry, Major.</i>	Extensive processing of crop and animals products produced off site. This use type includes dairy processing plants, meat processing facilities, fertilizer manufacturers, and tanneries.	High	C	C	-	-	-	-	-	-	C	C	-	-	-	P	-	-	LDA IDA
2. <i>Agricultural Industry, Minor.</i>	Processing, drying or storage of crop and animal products, including minor dairy processing facilities and small scale grain mills.	High	P	P	-	-	-	-	-	-	P	P	-	-	-	P	-	-	RCA LDA IDA
3. <i>Animal Husbandry.</i>	Agricultural activity primarily engaged in raising farm animals or primary production of animal products, such as eggs or dairy products.	Low	P	P	-	P	P	-	-	-	P	P	-	-	-	-	-	-	RCA LDA IDA
4. <i>Aquaculture.</i>	Agricultural Activity primarily engaged in farming or culturing of finfish, shellfish, other aquatic plants or animals, or both. Use includes land or water based aquaculture that utilizes natural or man-made impoundments—lakes, and other natural or artificial water bodies or tanks. Activities may include hatching, cultivating, raising, and harvesting of aquatic plants and animals and maintenance or construction of necessary equipment, buildings, and growing areas. Excludes land- and water –based aquaculture activities that are not operated for profit—i.e. ponds stocked for private fishing, oysters grown in floats at private piers for consumption by the landowner, etc.	Low	P	-	-	L	L	-	L	L	L	L	-	-	-	P	-	P	RCA LDA IDA
5. <i>Crop Production and Horticulture.</i>	Agricultural activity primarily engaged in raising and harvesting of orchard crops, row crops, or field crops on an agricultural or commercial basis, including primary processing and packaging, but excluding canning and secondary food production. Includes horticultural operations engaged in cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs on a wholesale basis with incidental retail sales. Includes buildings and other structures necessary for storing, and handling produce, grains, plants, etc. grown on site and for housing and maintaining equipment on site.	Low	P	P	P	P	P	-	-	P	P	P	P	P	-	P	P	-	RCA LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
6. <i>Farmer's Market.</i>	Retail sales of locally produced agricultural, fishery products and locally made handcrafted products by two or more sellers, on a property usually separate from that where the items for sale were grown or made.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
7. <i>Auction House.</i>	Wholesaling of locally produced agricultural and handcrafted goods, excluding livestock, to the highest bidder on a property usually separate from that where the items for sale were grown or made.	Low	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	RCA LDA IDA
8. <i>Roadside Stand.</i>	Display and sale of locally produced agricultural and handcrafted products. This classification includes transient carts, vehicles, and stands used for the transport, storage and display of products operated more than 20 days per year as well as permanent roadside structures.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
9. <i>Silviculture.</i>	Agricultural Activity primarily engaged in care and cultivation of forest trees and timber harvesting.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
10. <i>Equestrian Facility, Major.</i>	Any building or structure over 30,000 s.f. that is used for an equestrian activity or event.	Low	C	-	-	C	C	-	-	-	C	C	-	-	-	-	-	-	RCA LDA IDA
11. <i>Equestrian Facility, Minor.</i>	Any building, structure or land area that is used for an equestrian activity or event.	Low	P	-	-	L	L	-	-	-	P	P	-	-	-	-	-	-	RCA LDA IDA
8/02/11 2/05/13 12. a. <i>Distillery.</i>	A facility operated under a Class 1 Manufacturer's license. May include an area or separate facilities for incidental administrative office functions, tours, product sampling, retail sales of products manufactured on the licensed premises and related merchandise, promotional events incidental to the distillery, and a kitchen facility for preparing and serving food at permitted events.	High	P	P	-	P	-	-	-	-	P	P	-	-	-	-	-	-	RCA LDA IDA
12. b. <i>Winery.</i>	A facility for processing and fermenting grapes and other fruits into wine; includes the bottling, aging, storing, and shipping of wine. May include an area or separate facilities for incidental administrative office functions, incidental retail sales of wine and related promotional items, wine tasting events, promotional events incidental to the winery, and a kitchen facility for preparing and serving food at permitted events. Promotional events may include wedding receptions, private parties, and other similar events.	High	P	P	-	-	-	-	-	-	P	P	-	-	-	-	-	-	RCA LDA IDA
12/18/12 12. c. <i>Farm Brewery.</i>	A facility operated under a class 8 Farm Brewery License. May include an area or separate facilities for product sampling, incidental administrative office functions; incidental retail sales of beer and related promotional items, promotional events held pursuant to a permit from the Comptroller, and kitchen facilities for preparing and serving food pursuant to the license.	High	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	RCA LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

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13. <i>Agricultural Tourism.</i>	Activities conducted on a working farm or vineyard and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation, and which are related to agriculture or natural resources and incidental to the primary operation on the site. Agricultural tourism activities include farm tours, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.	Low	A	A	A	A	A	-	-	A	A	A	A	A	-	A	A	-	RCA LDA IDA
Residential Use Classifications																			
14. <i>Dwelling Unit, Attached.</i>	A structure containing multiple dwelling units placed side by side sharing common walls, but each unit has a separate front and rear access. Includes townhouses and duplexes.	High	L	-	-	L	P	P	-	P	P	P	P	P	-	-	-	-	RCA LDA IDA
15. <i>Dwelling Unit, Detached.</i>	A detached structure containing a single dwelling unit. Dwelling may be either a site built structure meeting the St. Mary's County Building Code or a modular structure for residential occupancy, conforming to the requirements of the Maryland Industrialized Building Act. Note: Mobile homes are regulated separately under this Ordinance.	Low	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	P	RCA LDA IDA
16. <i>Dwelling Unit, Multi-Family Residence.</i>	A single structure that contains three or more dwelling units that share common entrances and exits. Classification includes structures commonly called apartments or condominiums.	High	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	LDA IDA
17. <i>Group Home.</i>	Single family dwelling licensed or approved by a governmental agency for the purpose of providing special care or rehabilitation to the occupants. Group homes include residences for not more than eight persons including disabled persons, persons 60 years or older, and staff.	Low	L	A	A	P	P	P	P	P	P	P	P	P	-	-	-	A	RCA LDA IDA
18. <i>Halfway House.</i>	A residential care facility-licensed by the State of Maryland that provides for the supervision, counseling, training or treatment of residents to facilitate their transition from a correctional educational environment to independent living. This classification includes facilities for persons on probation, parole or early release.	Low	C	-	-	C	C	C	-	C	L	L	L	L	-	-	-	-	LDA IDA
19. <i>Institutional Residence.</i>	Shared living quarters in a single structure housing unrelated persons without separate kitchen or bathroom facilities for each room or unit. This classification includes congregate living services, rooming houses or boarding houses, barracks, dormitory, fraternity, sorority, convent, private residential club, seasonal agricultural worker housing and group homes housing more than eight persons.	High	A	-	-	L	L	P	-	P	P	P	P	-	-	-	-	-	LDA IDA
20. <i>Mobile Home.</i>	A manufactured structure certified by the US Department of Housing and Urban Development and bearing a HUD label (or if built prior to June 15, 1976, that complies with the Standard for Mobile Homes, NFPA 501, ANSI 119.1). Structure is transportable in one or more sections, which in traveling mode is 8 feet or more in width and 40 feet or more in length and which is built on a permanent chassis.	Low	P	-	-	L	L	-	L	-	-	-	-	-	-	-	-	-	RCA LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

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21. <i>Mobile Home Park or Subdivision.</i>	A contiguous development of land under single ownership which has been planned and improved for the placement of mobile homes.	High	-	-	-	-	PD	PD	-	-	-	-	-	-	-	-	-	-	LDA IDA
22. <i>Residential Services.</i>	Establishments offering a wide range of housing, social, and medical services for those that cannot care for themselves and for the elderly. Includes facilities providing housing and/or custodial care services. Variety of residential choices include independent living facilities (cottages or apartments), assisted living services, life care or continuing care services and skilled or long-term nursing care. Facilities include a wide variety of residential accommodations, meal service, and support and health care services.	High	C	-	-	C	C	P	-	L	L	L	P	P	-	-	-	-	LDA IDA
23. <i>Single-Room Occupancy Units.</i>	Establishments providing rooms for lodging, typically on a weekly or monthly basis, with kitchen facilities in the room and weekly housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. Facilities may provide recreational amenities and dining service for residents. (See Lodging for facilities primarily renting on a daily basis)	High	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	LDA IDA
Public and Semi-Public Use Classifications																			
24. <i>Burial Grounds.</i>	Cemeteries, crypts, tombs, mausoleums or columbariums for the interment of deceased humans or animals. This classification does not include crematories or mortuaries.	Low	P	A	A	P	P	A	A	A	P	P	A	A	A	A	A	-	RCA LDA IDA
25. <i>Clubs or Lodges.</i>	Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers. Retail sales of food, beverage, incidentals or provisions of recreation and entertainment to other than club members and their guests shall require approval as an accessory restaurant, tavern, retail sales outlet, or recreation and entertainment facility.	High	C	P	P	C	C	C	C	C	P	P	P	P	P	-	-	A	LDA IDA
26. <i>Cultural Institutions.</i>	Nonprofit institutions displaying or preserving objects of interest in the arts or sciences. This classification includes visitors' centers, libraries, museums, and art galleries. Facilities may include auditoriums, exhibition halls, classrooms, administrative support facilities, concessions for visitors or any combination thereof.	Low	C	C	C	-	-	C	-	P	P	P	P	P	P	A	A	A	LDA IDA
27. <i>Day Care, Facility, Medical.</i>	Day care facility providing health care programs licensed or approved by a government agency to provide daytime health services and therapeutic recreational services to adults aged 18 and over with severe functional impairments.	Low	-	-	-	P	P	-	-	P	P	P	P	P	P	P	P	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
28. <i>Day Care, Non-Medical.</i>	Day care facility licensed or approved by a governmental agency to provide non-medical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	P	C	P	P	P	P	P	P	P	P	-	LDA IDA
29. <i>Education Facility, College.</i>	Public or private institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes establishments engaged in the teaching of vocational and technical skills.	High	C	-	-	C	C	C	-	C	P	P	P	-	C	L	L	-	LDA IDA
30. <i>Education Facility, School.</i>	Public or private facility for primary or secondary education, including elementary, middle and high schools and private institutions having a curriculum comparable to that required in the public schools in the State of Maryland.	High	C	-	P	P	P	P	L	P	P	P	C	-	C	C	-	-	LDA IDA
31. <i>Government Facility.</i>	Administrative, clerical, or public contact offices of federal, state or local government agencies. Also publicly owned and operated facilities such as fairgrounds and parking facilities, postal facilities, etc.	High	C	P	C	C	C	C	L	P	P	P	P	P	P	P	P	C	LDA IDA
32. <i>Hospital.</i>	Licensed general hospital with or without surgical facilities, primarily engaged in providing diagnostic and medical treatment to inpatients suffering from a wide variety of medical conditions. These facilities maintain inpatient beds and an organized staff of physicians and medical professionals to provide patient care services. Hospitals may also provide supporting outpatient, diagnostic, laboratory, and pharmacy services. This classification includes psychiatric and substance abuse hospitals and specialty hospitals licensed to provide diagnostic and medical treatment to inpatients suffering from a specific disease or medical condition.	High	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	LDA IDA
33. <i>Long-Term Care Facility.</i>	Primarily engaged in providing inpatient nursing and rehabilitative services to individuals requiring 24-hour nursing care for an extended period of time. This classification includes nursing homes, rest homes, and homes for the elderly with nursing care.	High	-	-	-	C	C	C	-	-	P	P	P	C	-	-	-	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

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34. <i>Outpatient Care Center.</i>	Licensed facility with medical staff primarily engaged in providing primary care and general or specialized outpatient care, including family planning, mental health, physical therapy, substance abuse, and kidney dialysis centers or clinics. No overnight patient or dormitory facilities shall be allowed. This classification includes HMO medical centers, freestanding ambulatory surgical and emergency centers (except hospitals), where surgical services are provided on an outpatient basis, and medical and diagnostic laboratories providing analytic or diagnostic services to the medical profession or to the patient on referral from a health practitioner.	High	-	L	L	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
35. <i>Public Recreation Facility.</i>	Non-commercial park, playground, recreation facility, and publicly accessible open space. This classification includes fields for amateur and youth sports including, but not limited to, baseball, softball, football, and soccer fields. Golf courses are regulated separately under this Ordinance.	Low	P	-	P	P	P	P	L	P	P	P	P	P	-	P	P	P	LDA IDA
36. <i>Public Maintenance Facility.</i>	Facilities providing maintenance and repair services for public and utility vehicles and equipment, and materials storage areas. This classification includes utility and road maintenance depots, equipment service centers, and similar facilities.	High	P	-	C	-	-	-	-	C	C	C	C	-	P	P	-	-	LDA IDA
37. <i>Public Safety Facility.</i>	Facility for public safety and emergency services, including fire protection, rescue squad, police, and detention service. Includes private non-profit ambulance services	High	C	C	P	L	L	C	L	P	P	P	P	P	P	P	C	L	LDA IDA
38. <i>Religious Assembly.</i>	Religious worship and incidental religious education, not including private schools.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	LDA IDA
39. <i>Rural Medical Practice.</i>	Facility with licensed professional staff engaged in general or specialized medical care and licensed by the Department of Health and Mental Hygiene.	High	L	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA
Commercial Use Classifications *NOTE: Any low intensity commercial use that exceeds 20,000 square feet shall be considered a high intensity use.																			
40. <i>Adult Entertainment.</i>	Establishments based primarily on materials and performances that depict, describe, or relate to sexual activities.	High	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	LDA IDA
41. <i>Animal Boarding.</i>	Shelter and care (feeding exercise, incidental medical care) for animals, including kennels and boarding facilities for domestic animals and pets and shelters for unwanted or abandoned animals.	Low *	P	P	L	A	A	-	-	-	L	L	-	L	L	-	-	-	LDA IDA
42. <i>Animal Hospital.</i>	Establishments for the medical and surgical treatment of domestic and farm animals, including grooming and boarding of animals for no more than 30 days if incidental to the hospital uses and limited to animals receiving medical care.	Low *	L	-	L	-	-	-	-	L	L	L	L	L	P	P	-	-	LDA IDA
43. <i>Animal Sales and Service.</i>	Establishment engaged in boarding, veterinary care, retail sales of domestic and farm animals, and services such as grooming, feed and tack stores. May include impregnation, gestation and birthing of domestic animals on a commercial basis. This classification does not include livestock auctions, or incidental sales from animal husbandry operations. (For breeding of farm animals, see <i>Animal husbandry</i>)	Low *	P	L	P	-	-	-	-	L	L	L	L	P	-	-	-	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

9/06/11

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
44. <i>Campground and Day or Boarding Camp.</i>	Outdoor establishment improved, used or intended to provide camping sites designated for tents or providing servicing or temporary accommodation of one or more recreational vehicles used for travel, camping or recreational purposes. Dwelling and recreation facilities under single ownership used for programmed activities on a commercial basis.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C/A	LDA IDA
45. <i>Commercial Parking Facility.</i>	Facility which offers parking to the public with or without a fee on parking lots which are not attendant to or required by another use. Fee use of a parking lot that is attendant to or required by another use is exempt from regulation as a commercial parking facility.	High	C	A	A	A	A	-	-	L	L	L	P	P	P	P	-	-	LDA IDA
46. <i>Conference Facility.</i>	Establishment providing meeting, training and catering kitchen space for lease or rent. Facility may be either a principal or an accessory use.	Low *	C	P	-	C	C	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
47. <i>Construction Materials and Equipment Storage.</i>	Stockpiling and storage of construction vehicles, materials and equipment or commercial goods, and building contractors' yards.	High	L	-	-	-	-	-	-	-	-	-	-	-	-	L	-	C	LDA IDA
48. <i>Convenience Store.</i>	Retail establishment engaged in the sale of prepackaged food products, household items, newspapers and magazines and sandwiches and other freshly prepared foods for off-site consumption. Accessory fuel sales only in accordance with "Motor fuel sales".	Low *	-	L	L	-	-	-	-	-	P	P	P	P	P	-	P	A	LDA IDA
49. <i>Corporate Campus.</i>	Large office complex planned, developed and operated to serve a single corporate user in an integrated facility with special attention given to circulation, parking, utility needs, and provision of services and amenities to employees and clients.	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	LDA IDA
50. <i>Fairgrounds and Flea Markets.</i>	Commercial establishments engaged in maintaining building(s) or open area in which buildings, parking facilities and open areas rented or otherwise provided for temporary uses including public or private shows or events or for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique. May include selling of goods at retail by businesses or individuals that are generally engaged in retail trade of new or secondhand, reclaimed or salvaged goods.	Low *	P	P	-	-	-	-	-	P	P	P	P	P	A	A	A	-	LDA IDA
51. <i>Financial Institution.</i>	Establishments including banks, credit union offices, savings and loans, or check cashing services, that provide central banking functions to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
52. <i>Funeral and Interment Service.</i>	Services involving the care, preparation or disposition of human or small domestic animal remains other than in a cemetery. Typical uses include crematories and mortuaries.	Low *	C	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	LDA IDA
53. <i>Golf course.</i>	Golf courses, country clubs, and connected facilities such as pro shops.	Low *	C	-	-	C	C	-	L	-	-	C	-	-	-	-	C	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

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54. <i>Laboratory.</i>	Facility engaged in routine processing, analysis and testing to provide medical, dental, photographic and technical laboratory services. Use class excludes laboratories primarily engaged in developing new methods for processing, analysis and testing (see Research and Development) and laboratories for other types of service (See Industry, limited.)	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
55. <i>Lodging, Bed and Breakfast Inn.</i>	Visitor accommodations providing guest rooms for lodging on a less than weekly basis, with incidental eating and drinking service provided to lodgers and their guests.	Low *	P	P	P	P	C	-	-	P	P	P	P	-	-	-	-	P	RCA LDA IDA
56. <i>Lodging, Hotel and Motel.</i>	Visitor accommodations providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units and daily housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification may include accessory recreational facilities, or eating, drinking and banquet service, and conference facilities.	Low *	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
57. <i>Maintenance and Repair Service, Major.</i>	Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and implements. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats or ships.	High	L	C	C	-	-	-	-	L	L	L	L	L	L	P	L	A	LDA IDA
58. <i>Maintenance and Repair Service, Minor.</i>	Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats or ships, or industrial equipment.	Low *	L	P	P	-	-	-	-	P	P	P	P	P	A	P	-	A	LDA IDA
59. <i>Manufactured Home Sales.</i>	Establishments engaged in the retail sale or leasing, delivery and installation of manufactured homes where models are located or purchasable products are stored on site.	High	-	-	-	-	-	-	-	-	P	P	C	P	-	A	-	-	LDA IDA
60. <i>Fuel Sales.</i>	Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants or household propane.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	-	A	L	A	LDA IDA
61. <i>Motor Vehicle Maintenance Service, Major.</i>	Repair of automobiles, trucks, motorcycles, tractors, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes towing, engine repair, body and fender shops, vehicle painting, wheel repairs, tire sales and installation and/or repair of heavy trucks or construction vehicles, but excludes vehicle dismantling or salvage, tire re-treading and recapping. Includes facilities providing services for major repair and maintenance of recreational or commercial watercraft and marine engines. (Use may be accessory to a marina or boatyard use)	High	-	L	L	-	-	-	-	-	L	P	P	L	A	P	-	A	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
62. <i>Motor Vehicle Maintenance Service, Minor.</i>	Establishments where vehicle repairs and routine maintenance are made in enclosed bays and no vehicles are stored overnight, including quick-service oil, tune-up, tire, and brake and muffler shops. Washing, waxing, or cleaning of automobiles or similar vehicles. This classification excludes uses providing towing, engine repair, body and fender work, vehicle painting, or repair of heavy trucks or construction vehicles. May include accessory motor fuel sales.	Low *	-	L	L	-	-	-	-	-	L	P	P	P	P	P	-	A	LDA IDA
63. <i>Office.</i>	Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.	Low *	-	P	L	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
64. <i>Personal Improvement Service.</i>	Establishment providing facilities for and instruction in, but not limited to, photography, fine arts, crafts, dance, music, gymnastics, martial arts, driving, scuba instruction, sailing, and weight management.	Low *	L	P	P	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
65. <i>Personal or Business Service.</i>	Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; picture framing shops; shops for tailors, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic or other similar services.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	-	P	-	LDA IDA
66. <i>Personal Storage.</i>	Storage of goods and materials within an enclosed building with direct access to individual storage spaces and available to the general public for a fee. This classification does not include warehousing or wholesaling and distribution centers.	Low *	-	-	P	-	-	-	-	-	L	L	-	L	-	P	P	-	LDA IDA
67. <i>Recreational Facility, Major.</i>	This classification includes commercially operated indoor and outdoor recreation and entertainment facilities not specifically classified elsewhere that provide accommodations for any number of spectators or that occupy 15 acres or more of land. This use type includes, but is not limited to, live performing arts theaters, drive-ins, amphitheaters, sports arenas, amusement parks and water parks.	High	PD	-	-	-	-	-	-	-	-	-	-	PD	PD	PD	-	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
68. <i>Recreational Facility, Motor Sports. Facilities</i>	This classification includes any commercially operated motor sports facility including, but not limited to, a speedway, drag strip, raceway, oval track or road course. Also includes associated vehicle or equipment maintenance, repair or testing facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA
69. <i>Recreational Facility, Minor Indoor.</i>	This classification includes but is not limited to commercially operated indoor recreation and entertainment facilities such as bowling alleys, billiard parlors, ice or roller skating rinks, swimming pools, miniature golf, tennis or racquetball courts, movie theaters, health or fitness clubs and gyms, dance halls, and game centers including pinball arcades or establishments having five or more coin-operated electronics or mechanical game machines.	Low *	C	P	L	-	-	-	-	P	P	P	P	P	P	P	A	-	LDA IDA
70. <i>Recreational Facility, Minor Outdoor.</i>	This classification includes but is not limited to commercially operated outdoor recreation and entertainment facilities such as miniature golf or scale-model courses, skating rinks, swimming pools, tennis or racquetball courts, target shooting, golf driving or batting ranges.	High	C	L	-	-	-	-	-	P	-	P	L	L	L	L	-	-	LDA IDA
71. <i>Rental and Leasing.</i>	Establishments that provide tangible goods, such as vehicles, computers, construction or agricultural machinery and equipment, office equipment, power and hand tools, party supplies, and similar equipment, in return for a periodic rental or lease payment. Establishments that rent real property are classified under "offices."	High	-	P	P	-	-	-	-	-	P	P	P	P	P	P	-	L	LDA IDA
72. <i>Research and Development Service.</i>	Industrial or scientific research, including limited product testing. This classification includes electronic research firms, computer software development and pharmaceutical research laboratories, and laboratories primarily engaged in developing new methods for processing, analysis and testing for manufacturing or medical activities.	Low *	C	-	-	-	-	-	-	C	L	L	L	L	-	P	P	-	LDA IDA
73. <i>Restaurant.</i>	An establishment serving unpackaged food and beverages in a ready to consume state primarily to persons seated at counters or tables within the building. May include outside dining and sale of food prepared onsite and beverages for consumption off the premises. Where alcoholic beverages are sold in conjunction with sale of food for consumption on the premises and the sale of said beverages comprise less than 50% of the gross receipts. (See "Tavern" for establishments where sales of alcoholic beverages comprise more than 50% of gross receipts).	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
2/20/14 73a. <i>Micro-brewery</i>	A facility located in or attached to a restaurant and operated under a Class 7 Micro-brewery License.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	-	-	-	LDA IDA
2/20/14 73b <i>Pub-Brewery</i>	A facility located in or attached to a restaurant and operated under a Class 6 Pub-brewery License.	Low *	-	P	P	-	-	-	-	P	P	P	P	P	P	-	-	-	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
74. <i>Restaurant, Fast Food.</i>	An establishment that offers quick eat-in or take out food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers' table, food is not served at the same table or counter where the food is consumed, and food is generally served in disposable wrapping and containers.	High	-	L	C	-	-	-	-	-	L	L	P	P	L	-	-	-	LDA IDA
75. <i>Retail Sales or Service, Vehicles.</i>	Establishments engaged in the retail sale of new or used vehicles of all types-cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, watercraft, outboard motors. They may have show-rooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.	High	-	-	L	-	-	-	-	-	-	P	P	P	P	-	-	A	LDA IDA
76. <i>Retail Sales, General.</i>	Establishment engaged in high volume retail sales of goods and merchandise not specifically listed under another use classification. Use type includes department stores, discount stores, retail warehouses and shopping "clubs," home furnishing stores, pharmacies and supermarkets; retail plant nurseries and garden centers; and establishments engaged in retailing or wholesaling of building supplies or equipment including lumberyards and implement, tool and equipment sales. Use also includes any establishment listed under "Retail sales limited" that occupies a gross floor area in excess of 20,000 square feet. Except in the RCL	Low *	-	P	P	-	-	-	-	-	P	P	P	P	P	-	-	-	LDA IDA
77. <i>Retail Sales, Limited.</i>	Establishment engaged in low volume retail sales of goods and merchandise not specifically listed under another use classification, including, but not limited to, specialty stores engaged in the retail sale of antiques, appliances, art, art supplies and services, new automotive parts and accessories, (excluding service and installation), bicycles, cameras, carpeting and floor coverings, coins, electronic equipment, hand-crafted items, hardware, hobby materials, jewelry, kitchen utensils, medical supplies, office supplies, paint and wallpaper, photographic supplies, records, sporting goods, toy stores, pawnshops, grocers, liquor stores or delicatessens.	Low *	-	P	P	-	-	-	-	A	P	P	P	P	P	A	A	A	LDA IDA
78. <i>Take-Out Food and Beverage Sales.</i>	Establishments offering prepared foods and beverages exclusively for off-site consumption. Includes delivery service, catering services, custom bakeries, and specialty shops, e.g. coffee shops and delicatessens.	Low *	-	P	P	-	-	-	-	A	P	P	P	P	A	A	A	A	LDA IDA
79. <i>Tavern.</i>	A licensed establishment serving alcoholic beverages in which 50% or more of gross receipts are from the sale of such beverages at retail for immediate consumption. Establishments may provide limited food and entertainment (primarily music) services	High	-	P	P	-	-	-	-	-	P	P	P	P	P	-	-	A	LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
80. <i>Warehousing and Storage.</i>	Long- or short-term storage of goods or materials produced off-site within an enclosed building prior to their distribution to wholesale or retail outlets. Except in the OBP zone, includes wholesaling and distribution centers facilities with sales of goods on-site. Excludes 'discount clubs' and similar establishments engaged in retail sales of bulk items.	High	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	LDA IDA
81. <i>Wholesaling and Distribution Center.</i>	Indoor storage and sale of factory-direct merchandise and bulk goods. This use includes mail-order sales, importing and the wholesale sale of goods imported by the establishment and wholesale distribution. Excludes "discount clubs", and similar establishments engaged in retail sales of bulk items.	High	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	LDA IDA
Industrial Use Classifications																			
82. <i>Extractive Industry.</i>	Removal of natural materials from the surface or subsurface of the earth for sale or further processing. This classification includes sand and gravel mining and mineral extraction.	High	L	-	-	L	L	-	-	L	L	L	-	-	L	L	-	-	RCA LDA IDA
83. <i>Production Industry, Custom.</i>	On-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This classification includes custom carpentry, cabinet and small scale furniture making and woodworking, blacksmiths, welding, machine shops, sail lofts, small-scale sawmills for custom work.	Low	P	L	L	-	-	-	-	-	L	L	-	L	-	P	-	-	IDA X
84. <i>Production Industry, General.</i>	Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. This classification includes food processing and packaging, furniture manufacture, laundry and dry cleaning plants, stonework and concrete products manufacture and large-scale sawmills and kiln drying operations.	High	L	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	IDA X
85. <i>Production Industry, Limited.</i>	Manufacturing of finished products or parts, primarily from previously prepared materials, and provision of industrial services; both within an enclosed building. This classification includes commercial bakeries and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.	High	-	-	-	-	-	-	-	-	-	P	-	P	-	P	L	-	IDA X
86. <i>Slaughterhouse.</i>	Establishments engaged in killing and butchering livestock.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	IDA X
87. <i>Wrecking and Salvage.</i>	Storage or dismantling of inoperative vehicles, machinery, or other goods. Objects may either be displayed as individual items or assembled into partial or complete vehicles or other machines. This classification includes but is not limited to establishments engaged in the sale of used parts recovered from on-site vehicles and machines.	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	IDA X
Transportation, Communication and Utility Use Classifications																			

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
88. <i>Airport, Landing Strip and Heliport.</i>	Facilities open to aviation or operated for the takeoff and landing of aircraft, including runways; helicopter pads; passenger and cargo facilities; facilities for air traffic control, emergency service, informational devices, maintenance and overhaul, fueling, service, storage; tie-down areas; hangars and other necessary open spaces. May include offices and facilities for flight instruction, charter and cargo service and related services for airport customers as accessory uses.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	P/C	C	-	LDA IDA
89. <i>Antennae and Microwave Equipment.</i>	Amateur radio antennae, or satellite and microwave dishes and equipment installed and operated to serve an individual residence or business.	Low	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
90. <i>Communication Tower, Public Safety or Other Non-Commercial.</i>	Communication tower designated by the Board of County Commissioners for operation of emergency communications equipment or co-located commercial equipment.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
91. <i>Communication tower, commercial.</i>	Communication tower that supports commercial uses or non-commercial uses when the structure exceeds 100 feet in height.	High	C	-	C	C	C	-	-	-	C	C	C	C	C	C	C	-	-
92. <i>Freight Terminal.</i>	Facilities for freight service and operations by truck, rail, or ship. This classification does not include airports or heliports.	High	-	-	-	-	-	-	-	-	-	-	-	-	-	P	L	P	LDA IDA
93. <i>Passenger Terminal.</i>	Facilities for passenger transportation operations. This classification includes rail stations and bus terminals.	High	-	-	-	-	-	-	-	-	-	P	P	P	L	P	-	-	LDA IDA
94. <i>Regional Flood and Storm Water Management Facility.</i>	Facilities designed and managed by a public agency or public utility to provide flood control or manage stormwater drainage for multiple development sites.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
95. <i>Small Wind Energy System.</i>	Wind-powered electric system sized for homes, farms, and small businesses with a capacity of 100 kilowatts and below.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
96. <i>Solid Waste Acceptance, Processing, Transfer and/or Resource Recovery Facility.</i>	Public or private recycling, refuse collection, solid waste transfer or disposal facilities or material recovery facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-	IDA
97. <i>Utility, Major.</i>	Power generating plant, or power substation, water reservoir, water or wastewater treatment plant and associated disposal ponds, or similar facility of a public agency or public utility. A structure that may have a significant effect on surrounding uses is regulated under this classification.	High	C	-	-	C	C	-	-	-	-	-	-	-	-	C	C	-	LDA IDA
98. <i>Utility, Minor.</i>	Public utility that is necessary to support legally established uses and involves only minor facilities or structures such as a small drainage channel; aqueduct; small sewer or water pump station or substation; above ground distribution or transmission lines including service for telephone or cable television; underground water, sewer, drainage, gas, electricity, telephone, or related utility lines; recycling centers; telephone switching centers; and telegraph or cable television transmitting offices.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
Marine Use Classifications																			

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
99. <i>Boatel (multi-level watercraft storage rack building).</i>	Any structure or rack system that includes roof and end walls, is more than 10 feet in height, and is erected or established for the purpose of storing watercraft. (Use may be accessory to a Marina or Boatyard use)	High	PD	-	-	PD	PD	-	PD	-	-	PD	-	-	-	-	-	C	LDA IDA
100. <i>Boatyard.</i>	Facility providing services for construction and repair and overhaul of watercraft. May include accessory retail sale of boats.	High	PD	-	-	PD	PD	-	-	-	-	PD	-	-	-	P	-	P	LDA IDA
101. <i>Charter Fishing Facility.</i>	This classification includes any facility that berths more than one vessel for hire carrying more than 6 passengers regardless of whether inspection is required pursuant to US Coast Guard regulations governing passenger vessels OR more than three vessels for hire meeting the requirements as an "Uninspected vessel under 100 gross tons" pursuant to US Coast Guard regulations and accommodating 6 or fewer passengers each.	Low	C	-	C	-	-	-	C	-	-	C	-	-	-	-	-	P	LDA IDA
102. <i>Commercial Dock.</i>	A facility used for commercial mooring for on-and off-loading of local seafood catch and with no on-site processing. Facilities with processing facilities are classified as Seafood Industry.	Low	L	-	A	L	L	-	L	-	-	L	-	-	-	-	-	L	RCA LDA IDA
103. <i>Dock, Ramp and/or Railway, Public.</i>	Public facility for launching, mooring, or securing watercraft, and where overnight berthing is prohibited.	Low	P	-	-	P	P	-	L	-	-	P	-	-	-	-	-	P	RCA LDA IDA
104. <i>Marina.</i>	Facility for launching, mooring, berthing, storing or securing 10 or more watercraft. May include support facilities such as fuel sales, management office parking, hauling or ramp, sewage pumpout facilities, restrooms and amenities provided for slipholders such as a swimming pool or other recreational area. Provision of Marine services; Maintenance and repair services, Major; Lodging; Restaurant; Retail sales; and Commercial recreation & entertainment allowed as accessory uses in zones where permitted by this Ordinance.	High	PD	-	PD	PD	PD	-	PD	-	-	PD	-	-	-	-	-	P	LDA IDA
105. <i>Marine Services.</i>	Facility that provides services primarily to recreational watercraft in the water and occupants thereof. Includes restrooms, sewage pumpout facility, concessions, and sale of fuel and incidental supplies. (May be accessory to a conforming Marina, Boatyard, or Public dock use)	High	A	-	A	A	A	-	A	-	-	A	-	-	-	-	-	P	LDA IDA
106. <i>Marine Terminal.</i>	Commercial or industrial piers or port facility for the loading and off loading of passengers, vehicles, bulk materials, and cargo on boats, ships, tankers, or barges. Includes shipping terminals, ferry terminals, tanker ports, and barge loading facilities. (Use may be accessory to an Extractive Industry or General production industry.)	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	PD	-	C	IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
107. <i>Seafood Industry.</i>	A facility used for processing shellfish and finfish including facilities for securing and off-loading fishing vessels; facilities to hold, process, or store the catch; and facilities to manage waste byproducts. Includes land and water-based aquaculture for-profit operations where raising of fish or shellfish is within any natural, open, free-flowing waterbody—streams, inlets, estuaries. This includes establishments engaged in the buying and selling seafood, wholesale or retail, excluding grocery stores. (See “Commercial Dock” for sites without facilities for processing or wholesale or retail seafood sales.	High	L	-	L	L	L	-	L	-	L	L	-	-	-	-	-	P	RCA LDA IDA
Accessory Use Classifications																			
108. <i>Accessory Apartment.</i>	A secondary residential use incidental to the principal permitted or conditionally permitted use on a site.	Low	A	A	A	A	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
109. <i>Automated Teller Machine (ATM).</i>	Automated teller machines located on the exterior of buildings for direct pedestrian access or in freestanding booths for walk-up or drive-up access. ATMs for access from within a building are not regulated.	Low	-	A	A	-	-	-	-	A	A	A	A	A	A	A	A	A	RCA LDA IDA
110. <i>Bus Shelter.</i>	Detached structure located at County - approved pick-up or drop-off point for passengers for school or public transportation.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
111. <i>Collection Receptacles for Recyclables Materials.</i>	Dumpsters used for the collection of recyclable materials.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
112. <i>Day Care, Family Home.</i>	Non-medical care for a maximum child care capacity of 12 children in the principal residence of the caregiver.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
113. <i>Dock, Ramp and/or Railway, Private.</i>	Facility for mooring, berthing, storing or securing four (4) or fewer watercraft, and a boat ramp provided the boat ramp is located adjacent to the pier.	Low	A	-	A	A	A	-	A	-	-	A	-	-	-	-	-	-	RCA LDA IDA
114. <i>Dock, Ramp and/or Railway.</i>	Facility for mooring berthing, storing or securing 5 to 9 watercraft, and a boat ramp provided the boat ramp is located adjacent to the pier.	Low	A	-	A	A	A	-	A	-	-	A	-	-	-	-	-	-	RCA LDA IDA
115. <i>Drive-Through Services.</i>	Facility for providing services to persons remaining in automobiles.	High	-	A	A	-	-	A	-	A	A	A	A	A	A	A	A	-	RCA LDA IDA
116. <i>Home Occupation.</i>	Accessory commercial uses allowed in a dwelling unit where the occupation, profession, activity or use is clearly a customary, incidental, and secondary use of a residential dwelling unit that does not alter the exterior of the property or affect the character of the neighborhood.	Low	A	A	-	A	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
117. <i>Live Entertainment.</i>	Any establishment that provides performances for the purpose of amusing a guest or patron on a scheduled basis more than three times a calendar year, regardless of whether the performers are compensated. This classification also includes any form of dancing by guests or patrons that occurs on a scheduled basis.	High	-	A	A	-	-	-	-	-	A	A	A	A	A	A	A	A	RCA LDA IDA

10/02/12

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
118. <i>On-Site Workers' Housing.</i>	Residential structures owned and operated by an employer for the purpose of providing living quarters for workers during the period of their employment on the site of their employment. Housing may be long- or short-term, seasonal or year round.	Low	A	-	-	A	A	-	-	-	A	A	A	A	-	-	-	-	RCA LDA IDA
119. <i>Accessory General.</i>	Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.	None	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
120. <i>Outdoor Storage.</i>	Storage or placement of equipment, merchandise, or products not otherwise permitted outside of a building. This does not apply to agricultural use classifications.	High	-	A	A	-	-	-	-	-	A	A	A	A	A	A	A	A	LDA IDA
121. <i>Recreational Vehicles.</i>	Vehicles that are self propelled or towable and designed primarily for temporary living while traveling or camping.	None	A	A	A	A	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
122. <i>Swimming Pool Private, Non-Commercial.</i>	Above or in-ground structure filled with water for swimming allowed as an accessory use to a permitted principal use. (For community and public pools see "Public recreation facility" for commercially operated pool facilities, see "Commercial recreation and entertainment.").	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
123. <i>Stables.</i>	An accessory building, not related to the ordinary operation of a farm, for housing of horses or mules.	Low	A	A	-	A	-	-	A	-	A	A	-	-	-	-	-	-	RCA LDA IDA
124. <i>Charter Fishing.</i>	Charter fishing activities operated at a private pier that is accessory to residential use providing berthing and facilities for: One vessel capable of carrying more than 6 and less than 25 passengers and meeting the requirements for a "Small Passenger Vessel (under 100 gross tons) pursuant to US Coast Guard regulations OR no more than three uninspected vessels capable of carrying 6 or fewer passengers for hire each meeting the requirements as an "Uninspected vessel under 100 gross tons" pursuant to US Coast Guard regulations. Generation of revenue from fishing operations shall not be deemed prima facie evidence contradicting the subordinate and incidental nature of this use to the primary residential use.	None	A	-	A	A	A	-	-	-	-	A	-	-	-	-	-	-	RCA LDA IDA
Temporary Use Classifications																			
125. <i>Construction Trailer/Office.</i>	Prefab building used as offices and/or storage during project construction.	NA	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
126. <i>Sales Office/Model Home.</i>	Facilities housed on the site of a development project during construction for the purpose of sales activities relating to the project.	Low	P	P	-	P	P	P	P	P	P	P	P	P	-	-	-	-	RCA LDA IDA
127. <i>Shows and Events, Indoor.</i>	Temporary indoor events occurring at a site. Includes animal shows for domestic or farm animals; art fairs and shows; indoor display and sale of hand crafts and similar objects; equipment and trade fairs; concerts, carnivals, fairs, and other similar events; and events that provide games, eating and drinking facilities, live entertainment, or similar activities.	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	RCA LDA IDA

St. Mary's County Comprehensive Zoning Ordinance
Article 5. REGULATION OF USES

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
128. <i>Shows and Events, Outdoor.</i>	Temporary outdoor events occurring at a site. Includes animal shows for domestic or farm animals; art fairs and shows; indoor display and sale of hand crafts and similar objects; equipment and trade fairs; concerts, carnivals, circuses, fairs, and other similar events; and events that provide games, eating and drinking facilities, live entertainment, or similar activities.	NA	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
129. <i>Temporary Residence During Construction.</i>	A mobile home used as a temporary residence in conjunction with the construction of a permanent home.	NA	P	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	RCA LDA IDA

CHAPTER 51 USE REGULATIONS AND STANDARDS

Sections:

51.1 Applicability.

51.2 General Regulations and Standards for All Uses.

51.3 Specific Regulations and Standards.

51.1. Applicability.

This section establishes regulations and standards, consistent with the Comprehensive Plan, for uses that are:

1. Permitted as of right (P); or
2. Permitted with limitations (L); or
3. Permitted only with conditional use approval (C) by the Board of Appeals; or
4. Permitted only as accessory uses and structures (A) intended to be ancillary to permitted, limited, and conditional uses; or
5. Permitted under the Temporary Use Classification, as temporary uses intended to be ancillary to permitted principal, limited, or conditional uses and to operate for a specified period of time; or
6. Permitted only as part of a planned development (PD).

51.2. General Regulations and Standards for All Uses.

Uses are permitted, limited, conditional, accessory, temporary, or allowed only in a planned unit development in individual zoning districts, as shown in Schedule 50.4. Uses shall comply with the following general and applicable specific provisions:

1. **General Provisions.** Unless otherwise stated in the standards for a specific use, the following general provisions are applicable to all uses and structures:
 - a. Compliance with procedures for application and approval as required by Article 2; and
 - b. Compliance with special and overlay district requirements as required by Article 4; and
 - c. Compliance with use regulations and standards requirements as required by Article 5; and
 - d. Compliance with site development standards as required by Article 6; and
 - e. Compliance with site development and resource protection standards as required by Article 7; and
 - f. Compliance with the St. Mary's County Building Code; and
 - g. Compliance with the St. Mary's County Subdivision Ordinance, Section 30.11, for lots served by a private drive or road.
2. **Limited Uses.** Limited uses shall comply with all General Standards for that use type in addition to the limited standards listed for that use type in Section 51.3. Limited uses that fully comply with the regulations and standards are permitted as-of-right.
3. **Conditional Uses.** Conditional uses shall, at a minimum, comply with all General Standards in addition to all conditional standards listed for that use in Section 51.3. Compliance with the general and conditional standards for that use type shall not impair the authority of the Board of Appeals or preclude the proper exercise of discretion by the Board of Appeals in hearing and deciding a conditional use application, whether to approve, approve with conditions or deny any application. As required by Chapter 25, the Board of Appeals may impose additional conditions of approval.
4. **Accessory Uses.** An accessory type use shall be incidental and subordinate to an allowable use, on the same site as an allowable use, and serve an allowable use. Accessory uses identified in

Schedule 50.4 shall be permitted on vacant property subject to Section 11.2.4.b. The following general provisions are applicable to all accessory uses and structures.

- a. No detached, accessory structure shall occupy more than 25 percent of required setback areas.
- b. No detached, accessory structure shall exceed the maximum permitted height in the zoning district in which the use is proposed.
- c. Detached accessory structures shall be located no closer than 10 feet to any other accessory or principal structure.
- d. Accessory structures shall comply with the floodplain provisions of this Ordinance found on Section 76.6.

5. **Temporary Uses.** A temporary use shall be incidental to the principal use on a site and shall operate for no longer than the period stated in Section 51.3, Specific Regulations and Standards, or if not stated, for no more than 20 days per year. The following general provisions are applicable to all temporary uses and structures:

- a. Uses intended to attract large numbers of people to the event shall be located at sites having sufficient off-street parking available, which may include a grass field to accommodate anticipated parking needs. Arrangements for managing traffic-ingress, egress, and parking, including attendants and directional signage shall be provided.
- b. Upon termination of the temporary use, the site occupied by the temporary use shall be cleaned of litter and returned to its original condition.

51.3. Specific Regulations and Standards.

(NOTE: IN THIS SECTION THE TERM "RESERVED" IS AN OUTLINE PLACEHOLDER ONLY)

1. Agricultural Industry, Major.

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Uses generating more than 50 vehicle trips per day shall only be approved by the Board of Appeals as a conditional use.

b. *Limited Standards. (reserved)*

c. *Conditional Standards. (reserved)*

2. Agricultural Industry, Minor.

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) In the RCA, the uses must be associated with an agricultural use on the same property.

3. Animal Husbandry.

a. *General Standards:*

- (1) All areas used or intended to be used for animal raising, keeping and confinement, including corrals, pastures, pens, paddocks, and similar facilities shall be enclosed by an adequate fence or other device capable of securely containing and protecting the animals kept or confined.

b. *Limited Standards. (reserved)*

4. Aquaculture.

a. *General Standards:*

-
- 1 (1) Site plan approval shall be required.
- 2 (2) Land and water-based aquaculture activities that are not operated for profit e.g.
- 3 ponds stocked for private fishing, oysters grown in floats at private piers for
- 4 consumption by the landowner, etc – are not regulated and may occur in any
- 5 district.
- 6 b. *Limited Standards:*
- 7 (1) A minimum 75 foot setback shall be provided between any adjoining property
- 8 and any tank or structure built in relation to or area of aquaculture operation
- 9 activity.
- 10 5. ***Crop Production and Horticulture.***
- 11 a. *General Standards. (reserved)*
- 12 6. ***Farmers Market.***
- 13 a. *General Standards:*
- 14 (1) Permit approval shall be required.
- 15 (2) Structures must not exceed 5,000 square feet. Structures in excess of this area
- 16 shall seek approval for “fairgrounds and flea markets.”
- 17 (3) Permanent and moveable structures shall be set back 10 feet from the roadside
- 18 property line and shall be at least 15 feet from the rear property line.
- 19 (4) Off-street parking and loading space shall be provided.
- 20 (5) Exits and entrances to the parking area shall be located so as to provide safe
- 21 ingress to and egress from the site.
- 22 (6) An on-site sign, not to exceed 32 square feet on a side may be permitted. Off-
- 23 site signs shall comply with this Ordinance.
- 24 (7) Examples of goods or structures for sale that are placed on a site along with
- 25 signage directing customers to contact or visit another location for purchase
- 26 shall be regulated as off-site signage under this Ordinance.
- 27 7. ***Auction House.***
- 28 a. *General Standards:*
- 29 (1) Site plan approval shall be required.
- 30 (2) Minimum lot size shall be five (5) acres.
- 31 (3) Frontage shall be on a collector or arterial road and access shall be from a local,
- 32 or higher, road classification.
- 33 (4) Minimum setback of the auction building, whether or not it is enclosed, shall be
- 34 100 feet from all property lines.
- 35 b. *Conditional Standards:*
- 36 (1) The application submitted by the applicant to the Board of Appeals for an
- 37 auction house shall meet the requirements of Chapter 25 of this Ordinance, as
- 38 amended from time to time.
- 39 (2) Evening and weekend operations may be permitted as long as such operations
- 40 do not have an adverse impact on adjoining uses.
- 41 (3) The Board of Appeals may require additional loading spaces as needed.

8. **Roadside Stand.**

a. *General Standards:*

- (1) Permit approval shall be required.
- (2) The structure shall be no larger than 2,000 sq. ft. in area. Structures in excess of this area shall be considered a "Farmer's Market."
- (3) The building, transient cart, vehicle, or other device used as a roadside stand shall be at least 15 feet from the rear property line, and maintain a 10-foot front yard setback from the roadside property line.
- (4) Exits and entrances shall be provided and shall be located to provide safe ingress and egress.
- (5) Adequate off-street parking spaces shall be provided.
- (6) One sign, not to exceed 32 sq. ft. on a side, may be permitted on-site. Any off-site signs shall comply with Chapter 65.

9. **Silviculture.**

a. *General Standards:*

- (1) Conversion of harvested land from "Silviculture" use to another land use within five-years of the harvest is prohibited unless the harvested area is mitigated in accordance with Chapter 75.
- (2) Harvesting operations in the Critical Area shall obtain an environmental permit and shall submit an application including:
 - (a) A Forest Harvest Plan approved by the Forestry Board; and
 - (b) An approved Erosion and Sediment Control Plan; and
 - (c) A Forestry Declaration of Intent signed by the landowner.

10. **Equestrian Facility, Major.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Minimum lot size shall be fifteen (15) acres.
- (3) Minimum setback of the 30,000 square or larger equestrian building or structure, whether or not it is enclosed, shall be 100 feet from all property lines.

b. *Conditional Standards:*

- (1) Evening and weekend operations may be permitted as long as such operations do not have an adverse impact on adjoining uses.
- (2) The Board of Appeals may require additional loading spaces as needed.

11. **Equestrian Facility, Minor.**

a. *General Standards:*

- (1) Permit approval shall be required.
- (2) Structures must not exceed 30,000 square feet. Structures in excess of this area shall seek approval for "Equestrian Facility, Major."
- (3) Structures shall be set back in accordance with Schedule 32.1.
- (4) Off-street parking and loading space shall be provided.

1 (5) Exits and entrances to the parking area shall be located so as to provide safe
2 ingress to and egress from the site.

3 (6) An on-site sign, not to exceed 32 square feet on a side may be permitted. Off-
4 site signs shall comply with this Ordinance.

5 b. *Limited Standards:*

6 (1) Minimum lot size shall be five (5) acres.

8/02/11 7 12. **A. Distillery.**

2/05/13 8 a. *General Standards:*

9 (1) Site plan approval shall be required.

10 (2) Adequate parking shall be provided in accordance with Schedule 64.3.1 of this
11 Ordinance.

12 (3) A promotional event must comply with the requirements of Use Type 127,
13 indoor shows and events and Use Type 128, outdoor shows and events, where
14 applicable, in accordance with Section 51.3 of this Ordinance.

15 (4) A distillery may include an area or separate facilities for administrative office
16 functions incidental to distillery operations, tours, product sampling, retail sales
17 of products manufactured on the licensed premises and related merchandise,
18 promotional events incidental to the distillery, and a kitchen facility for
19 preparing and serving food at permitted events.

20 (5) The maximum footprint of the area housing office space, product sampling,
21 retail sales, promotional events and kitchen facilities, shall be in accordance
22 with Schedule 32.1 of this Ordinance.

23 **B. Winery.**

24 a. *General Standards:*

25 (1) Site plan approval shall be required.

26 (2) A winery may include space for administrative office functions, wine tasting
27 events, other promotional events, kitchen facilities, and retail sales of wine and
28 related promotional items, provided that such space is incidental to winery
29 operations.

30 (3) The maximum footprint of the area housing office space, retail sales of wine,
31 incidental retail sales, wine tasting events, kitchen facilities and promotional
32 events incidental to the winery operation shall be in accordance with Schedule
33 32.1 of this Ordinance.

34 (4) The winery shall be operated in accordance with all federal, state, and local
35 laws.

36 (5) Adequate parking shall be provided in accordance with Schedule 64.3.1 of this
37 Ordinance.

38 (6) In the RPD, the following additional limitations apply:

39 (a) Promotional events other than wine tasting events must be temporary
40 events and may include wedding receptions, private parties, and other
41 similar events. Promotional events must comply with the applicable
42 Maryland Winery Licenses and with the requirements for Use Type
43 125, indoor shows and events and Use Type 126, outdoor shows and
44 events in accordance with Section 51.3 of this Ordinance.

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- (b) The facility shall not produce more than 27,500 gallons of wine per year.
- (c) The owner or operator of the facility shall cultivate grapes or other fruit on site or on other land located in the County.

12/18/12 5 **C. Farm Brewery.**

6 a. *General Standards:*

- 7 (1) Site plan approval shall be required.
- 8 (2) Adequate parking shall be provided in accordance with Schedule 64.3.1 of this Ordinance.
- 9
- 10 (3) A promotional event must comply with Section 51.3.127 and Section 51.3.128 of this Ordinance.
- 11
- 12 (4) A farm brewery may include space for product sampling, incidental administrative office functions, incidental retail sales of beer and related promotional items, promotional events held pursuant to a permit from the Comptroller, and kitchen facilities for preparing and serving food pursuant to the license.
- 13
- 14
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- 16
- 17 (5) The maximum footprint of the area for product sampling, office space, retail sales of beer and promotional items, promotional events, and kitchen facilities, incidental to the brewery operation, shall be in accordance with Schedule 32.1 of this Ordinance.
- 18
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- 20

21 13. **Agricultural Tourism.**

22 a. *General Standards: (reserved)*

23 14. **Dwelling Unit, Attached.**

24 a. *General Standards:*

- 25 (1) Site plan approval shall be required.
- 26 (2) The minimum area for any single parcel having a townhouse structure shall be three acres. Said parcel shall have a depth from the street of at least 200 feet and frontage on a street of at least 200 feet.
- 27
- 28
- 29 (3) A townhouse structure may not exceed 130 feet in length.
- 30 (4) Townhouse width shall be no less than 20 feet (measured at the building line). Lot width for end units shall be adequate to meet zone setback requirements from adjacent properties and rights-of-way. A structure containing three (3) or more dwelling units shall be a minimum of 75 feet from the boundary of the site where the site adjoins a single-family detached dwelling.
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- 35 (5) Rear yards shall be screened from rear yards of adjacent attached dwelling units rear yards by a six-foot privacy fence extending not less than 15 feet from the rear building wall.
- 36
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- 38 (6) Minimum distance between two unattached attached dwelling structures shall be 40 feet between exterior walls. This setback shall increase to 60 feet if the structures are face to face. In a cluster these separations may be reduced to 25 and 40 feet respectively. Structures shall be setback at least 25 feet from any interior driveway and at least 15 feet from off-street parking areas (excluding garages provided in individual units).
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- 44 (7) A minimum of 800 square feet of open space per attached dwelling unit (exclusive of front, side, or rear yards) shall be maintained in common open space in a location approved by the Planning Commission.
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- 1 (8) No part of an attached dwelling unit may exceed 40 feet in height.
- 2 b. *Limited Standards:*
- 3 (1) In the RPD, only a single duplex may be allowed on a parcel.
- 4 (2) In the RLT, only duplexes may be allowed.
- 5 15. ***Dwelling Unit, Detached.***
- 6 a. *General Standards:*
- 7 (1) Permit approval shall be required.
- 8 (2) Mobile homes are regulated as a separate use in this Ordinance.
- 9 16. ***Dwelling Unit, Multi-family Residence.***
- 10 a. *General Standards:*
- 11 (1) Site plan approval shall be required.
- 12
- 13 (2) Maximum lot coverage for a principal structure shall not exceed 30 percent of
- 14 the total tract area.
- 15 (3) Recycling Collection Receptacles. Apartment communities with 100 or more
- 16 dwelling units and multi-family residential buildings with 100 or more multi-
- 17 family dwelling units shall provide recycling.
- 18 (4) At least 30 percent of the total tract area shall be maintained in open space
- 19 (exclusive of rear yards, driveways and parking or loading areas). At least 50
- 20 percent of the open space shall be useable open space.
- 21 (5) Apartments:
- 22 (a) Private rear yards, having an area of at least 15 feet by 15 feet, shall be
- 23 screened from adjacent private yards by the equivalent of six-foot
- 24 privacy fence.
- 25 (b) Minimum distance between two unattached multi-family structures
- 26 shall be 40 feet between exterior walls. This setback shall increase to
- 27 60 feet if the structures are face to face.
- 28 (c) At least 30 percent of the development envelope shall be maintained in
- 29 Useable Open Space. At least 25 percent of the open space shall be
- 30 Amenity Space.
- 31 17. ***Group Home.***
- 32 a. *General Standards:*
- 33 (1) Permit approval shall be required.
- 34 (2) Facility shall house no more than eight unrelated individuals (including staff).
- 35 (3) Accommodations for each eight (8) persons shall constitute an equivalent
- 36 dwelling unit for purposes of determining residential density and adequate
- 37 facilities.
- 38 (4) Any facility housing children shall provide a dedicated outdoor play space, free
- 39 from hazards and appropriately equipped for the age and number of children.
- 40 (5) New and renovated structures shall have the appearance of a single-family
- 41 residential structure.
- 42 b. *Accessory Standards:*

-
- (1) Existing residences may remain or be replaced in-kind. Expansion of an existing residential structure is limited to 50 percent of the floor area existing on the date of adoption of this Ordinance.

18. ***Halfway House.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Accommodations for each eight (8) persons shall constitute an equivalent dwelling unit for purposes of determining residential density and adequate facilities.

b. *Limited Standards:*

- (1) Halfway houses shall be located at least 1,000 feet from any elementary or secondary school property.
- (2) New and renovated structures shall have the appearance of one-or two-family residential structures.
- (3) Facility shall house no more than eight unrelated individuals (including staff) unless a conditional use approval is granted to increased number of residents.
- (4) A 4-foot residential type wooden fence shall be provided at the sides and rear of the property. Chain link fencing is not acceptable.

19. ***Institutional Residence.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Accommodations for each eight (8) persons shall constitute an equivalent dwelling unit for purposes of determining residential density and adequate facilities.
- (3) A minimum of 30 percent of the tract area shall be maintained in Useable Open Space and at least 50 percent of this open space shall be Amenity Space for residents of the facility.
- (4) Any facility housing children shall provide a dedicated outdoor play space, free from hazards and appropriately equipped for the age and number of children.

b. *Limited Standards:*

- (1) New and renovated structures shall have the appearance of a single-family residential structure.
- (2) Facility shall house no more than eight unrelated individuals (including staff) unless a conditional use approval is granted to increased number of residents.

c. *Accessory Standards:*

- (1) Housing shall be for seasonal agricultural workers. No other forms of institutional housing are permitted.
- (2) Structures shall be located on a site used for or immediately adjacent to a site used for a bona fide agriculture operation.

20. ***Mobile Home.***

a. *General Standards:*

- (1) Permit approval shall be required.

-
- 1 (2) New mobile homes are prohibited in the coastal high hazard area and in the
2 floodway. In other floodplain zones, all new, replacement, or substantially
3 improved mobile homes, whether or not in a mobile home park, shall comply
4 with the floodplain requirements of this Ordinance.
- 5 (3) Mobile homes shall be installed in accordance with the St. Mary's County
6 Building Code.
- 7 (4) Mobile homes shall have their crawlspace enclosed by skirting to finished grade.
8 Abandoned mobile homes shall be ordered removed after such abandonment has
9 continued for a continuous 30 days, regardless of the owner or tenant's intent to abandon.
10 The Planning Director or designee shall serve written notice that the mobile home is
11 declared abandoned and that it shall be removed from the property by the property owner
12 within 30 days of such notice. If the property owner fails to remove the abandoned
13 mobile home, the County may enter upon the property and remove the abandoned mobile
14 home at the owner's expense.
- 15 b. *Limited Standards.*
- 16 (1) Mobile homes may be allowed in the RLT, RL and RNC zones as a "Temporary
17 residence during construction." (See Use "Temporary Residence During
18 Construction.")
- 19 (2) In the specific mapped RNC district where a new or replacement mobile home is
20 proposed, the use shall only be permitted if at least 50 percent of developed lots
21 contain other legal mobile homes "on the date application is made for the new or
22 replacement mobile home."
- 23 21. ***Mobile Home Park or Subdivision.***
- 24 a. *General Standards:*
- 25 (1) Site plan approval shall be required.
- 26 (2) A "B" buffer yard shall be provided between any mobile home park or
27 subdivision and any land not zoned or utilized for a mobile home park or
28 subdivision. In cases where the buffer yard is already wooded, the Planning
29 Commission may make adjustments in the required plantings, provided the
30 natural forest vegetation is not disturbed.
- 31 (3) Mobile home pads and structures shall be located at least 10 feet from any buffer
32 yard, at least 10 feet from any lot line, and at least 20 feet from any other mobile
33 home, building, or interior road right-of-way.
- 34 (4) The owner, condominium association, homeowners' association, or similar
35 entity of ownership of a mobile home park or subdivision shall be required to
36 maintain all in-park facilities and utilities including, but not limited to, roads,
37 curbs, sidewalks, stormwater management systems, hydrants and fire alarm
38 systems. The county may revoke all business licenses should such maintenance
39 be proven inadequate, in addition to other remedies available in this Ordinance.
40 Individual users may be required to maintain connection of utilities to individual
41 homes.
- 42 (5) A minimum of 50 percent of the total site shall be reserved for Usable Open
43 Space.
- 44 22. ***Residential Services.***
- 45 a. *General Standards:*
- 46 (1) Site plan approval shall be required.

-
- 1 (2) Facilities providing medical care shall be certified, permitted, or licensed by the
2 State of Maryland.
- 3 (3) Accommodations for each eight (8) persons shall constitute an equivalent
4 dwelling unit for purposes of determining residential density and adequate
5 facilities.
- 6 b. *Limited Standards:*
- 7 (1) Adequate facility analysis for emergency and rescue service response time to the
8 facility and recommendation for approval of the analysis by emergency and
9 rescue departments serving the area shall be required as a condition of approval
10 for the facility.
- 11 (2) The use will be housed in buildings that appear to be residential dwelling(s).
- 12 c. *Conditional Standards:*
- 13 (1) The facility shall meet limited standards.
- 14 (2) Applicant must provide evidence to demonstrate the use will not cause negative
15 impacts to the adjacent neighborhood because of traffic, noise, or the number of
16 patients or people being cared for.
- 17 23. ***Single Room Occupancy Units.***
- 18 a. *General Standards:*
- 19 (1) Site plan approval shall be required.
- 20 (2) Accommodations for each eight (8) persons shall constitute an equivalent
21 dwelling unit for purposes of determining residential density and adequate
22 facilities.
- 23 24. ***Burial Grounds.***
- 24 a. *General Standards:*
- 25 (1) Site Plan approval shall be required.
- 26 (2) Burial plots shall be located at least 20 feet from any property line.
- 27 (3) Arrangements for perpetual maintenance of burial grounds shall be required and
28 a maintenance agreement, approved by the County Attorney, shall be recorded
29 with the Clerk of the Court.
- 30 (4) In the RCA new uses shall be limited to 20,000 square feet of impervious
31 surface area of 15% of the site, whichever is less. The area of individual head
32 stones or grave markers shall not be included in the calculation for impervious
33 surface. In the RCA, expansion of existing uses shall be governed by the
34 provisions of Chapter 52, except that a variance shall be required when
35 expansion allowed by that chapter would exceed the impervious surface limits
36 for the Resource Conservation Area Overlay.
- 37 b. *Accessory Standards:*
- 38 (1) Existing family burial grounds in any zone may continue in use. Such burial
39 grounds may not be operated for profit. Access to the site shall be provided.
- 40 (2) New burial grounds may be approved as accessory uses provided such burial
41 grounds are not operated for profit and a permanent easement for access to the
42 site from a public road is provided.
- 43 25. ***Clubs or Lodges.***
- 44 a. *General Standards:*

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- 1 (1) Site plan approval shall be required.
- 2 (2) Services such as a restaurant, tavern, retail sales, recreation and entertainment
- 3 for other than members and their guests shall require zoning permit approval as
- 4 a principal use.
- 5 b. *Accessory Standards:*
- 6 (1) In the CM, the facility must be accessory to a conforming Marina use.
- 7 c. *Conditional Standards:*
- 8 (1) In the RNC, the creation of such a use after the effective date of this Ordinance
- 9 is prohibited unless it can be demonstrated to the satisfaction of the Board of
- 10 Appeals that similar legally created uses currently exist in the RNC
- 11 neighborhood surrounding the proposed use.
- 12 26. **Cultural Institution.**
- 13 a. *General Standards:*
- 14 (1) Site plan approval shall be required.
- 15 (2) The facility may consist of one or more buildings or structures that shall be
- 16 devoted entirely to the furtherance of the arts or culture.
- 17 b. *Conditional Standards:*
- 18 (1) The tract upon which the facility is located shall have a minimum area of at
- 19 least one acre.
- 20 27. **Day Care Facility, Medical.**
- 21 a. *General Standards:*
- 22 (1) Site plan approval shall be required.
- 23 (2) Facility shall be certified, permitted or licensed by the State of Maryland.
- 24 28. **Day Care, Non-medical.**
- 25 a. *General Standards:*
- 26 (1) Site Plan approval shall be required.
- 27 (2) Facility shall be certified, permitted, or licensed by the State of Maryland.
- 28 (3) Facility shall have fenced open space for the use and recreation of the
- 29 individuals served by the facility. Facilities for children shall have fenced
- 30 outdoor play areas and equipment for children of the age and number served by
- 31 the facility.
- 32 29. **Education Facility, College.**
- 33 a. *General Standards:*
- 34 (1) Site plan approval shall be required.
- 35 b. *Limited Standards:*
- 36 (1) Development envelope shall not exceed 25 percent of a proposed or existing
- 37 business park or industrial zone.
- 38 (2) In the I district, the development shall only be for vocational and technical skills
- 39 training.
- 40 c. *Conditional Standards:*

-
- (1) Applicant must provide evidence to demonstrate the use will not negatively impact the adjacent neighborhood because of traffic, noise, and number of students attending the institution.

30. ***Education Facility, School.***

a. *General Standards:*

- (1) Site Plan approval shall be required.

b. *Limited Standards:*

- (1) In the RNC, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.

c. *Conditional Standards:* Applications for new public facilities located outside of County-certified "Priority Funding Areas" shall be accompanied by:

- (1) Evidence of the need to provide adequate school facilities to meet the needs of existing rural development; and
- (2) Evidence that expansion of existing school facilities outside of Priority Funding Areas to meet the needs of existing rural development feasible.

31. ***Government Facility.***

a. *General Standards:*

- (1) Site Plan approval shall be required.
- (2) In the Critical Area, new non-maritime facilities may be permitted only in the IDA and then only if the facility or activity has demonstrated to all appropriate local and state permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

b. *Limited Standards:*

- (1) In the RNC, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.

c. *Conditional Standards:* Applications for new facilities located outside of County-certified "Priority Funding Areas" shall be accompanied by:

- (1) Evidence that the facility is necessary to provide adequate health, safety and welfare primarily for rural residents; and
- (2) Evidence that location outside of Priority Funding Areas is necessary to meet the function of the proposed facility.

32. ***Hospital.***

a. *General Standards:*

- (1) Site Plan approval shall be required.

b. *Limited Standards:*

- (1) Inpatient facilities of greater than 10,000 square feet shall be located on parcels of five acres or more in size.
- (2) An approved certificate of need shall be submitted with the application for site plan approval.
- (3) Access shall be from an arterial or major collector road.

- (4) Hospitals proposing accessory heliport facilities shall require conditional use approval when the site abuts land in a residential district.

33. ***Long-Term Care Facility.***

a. *General Standards.*

- (1) Site plan approval shall be required.

b. *Conditional Standards:*

- (1) Applicant must provide evidence to demonstrate the use will not negatively impact the adjacent neighborhood because of traffic, noise, and number of patients or people being cared for.
- (2) The use will be housed in buildings that are architecturally compatible with other buildings in the surrounding neighborhood.
- (3) The tract upon which the facility is located shall be a minimum area of at least one acre.

34. ***Outpatient Care Center.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) The use will be housed in buildings that are architecturally compatible with other buildings in the surrounding neighborhood.
- (2) Applicant must provide evidence to demonstrate that the use will not cause negative impacts to the adjacent neighborhood because of traffic, noise, and number of people being cared for.
- (3) The tract upon which the facility is located shall be a minimum area of at least one acre.
- (4) Vehicle trips per day generated by the activity of the facility shall not exceed 50.

35. **Public Recreation Facility.**

a. *General Standards.*

- (1) Site plan approval shall be required.
- (2) Off-street parking, either on- or off-site, shall be provided for any new or expanded facility.
- (3) Restrooms shall be provided for any public recreation facility that is not accessory to an on-site or adjacent commercial use.
- (4) Conditional use approval is required to install lights at a facility in the RPD or within 1,000 feet of any residential structure or boundary of a residential zoning district.
- (5) A concessions stand may be permitted for operation only during normal hours of operation for the facility. If on-going games or activities extend outside normal hours of operation, concessions may begin up to an hour before the first game and end an hour after the last game of the day.

b. *Limited Standards:*

-
- (1) In the RNC, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.

36. **Public Maintenance Facility.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Outdoor storage must be located a minimum 200 feet from any residential district boundary.

37. **Public Safety Facility.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Lighting shall be directed down, and fixture light source shall not be visible from areas beyond the property boundaries.
- (3) Requirements and standards for stations as adopted by the St. Mary's County Fire Board or the St. Mary's County Ambulance and Rescue Association may not be restricted by zoning approval.

b. *Limited Standards:*

- (1) The use will be housed in buildings that are architecturally compatible with other buildings in the surrounding neighborhood.

38. **Religious Assembly.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Lighting shall be directed down and shall not be visible from areas beyond the property boundaries.
- (3) In the RNC, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.
- (4) Applicant must provide evidence to demonstrate that the use will not negatively impact the adjacent neighborhood because of traffic, noise, and number of people attending the facility.
- (5) Overflow on-street parking shall not cause a hazard or nuisance for residents of the neighborhood.
- (6) The use will be housed in buildings that are architecturally compatible with other buildings in the surrounding neighborhood.

39. **Rural Medical Practice.**

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) Ownership by deed of at least five contiguous acres in a single parcel by the licensed professional practicing and residing on site. Property must abut a public road.
- (2) Proof of current, active, professional Maryland Department of Health and Mental Hygiene licensure of the property owner residing on site.

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- 1 (3) A facility shall be no larger than 2,000 square feet at ground level, or if under
2 the same roof as the dwelling 50 percent of dwelling.
- 3 (4) No overnight patients or dormitory facilities shall be allowed.
- 4 (5) Office hours limited to Monday through Friday (8 a.m. to 6 p.m.) and Saturday
5 (9 a.m. to 1 p.m.).
- 6 (6) Facility shall be in character with the surrounding neighborhood or visually
7 screened from view.
- 8 (7) No on-street parking allowed. A limit of ten off-street parking spaces shall be
9 allowed for employees and patients. The parking area shall be visually screened
10 from view of adjacent properties and public roads.
- 11 (8) Signage shall not exceed four square feet.
- 12 40. **Adult Entertainment.**
- 13 a. *General Standards:*
- 14 (1) Site plan approval shall be required.
- 15 b. *Limited Standards. (reserved)*
- 16 c. *Conditional Standards:*
- 17 (1) Adult entertainment uses shall be permitted only above the ground floor.
- 18 41. **Animal Boarding.**
- 19 a. *General Standards:*
- 20 (1) Site plan approval shall be required.
- 21 (2) All animal boarding facilities and operations shall comply with the applicable
22 animal control regulations.
- 23 (3) Facilities in the RPD, TMX, VMX, and RL shall be located on parcels at least
24 six acres in size.
- 25 (4) Structures for animal boarding must be adequately soundproofed and
26 constructed so there will be no emission of noise, odor, or chemicals detrimental
27 to any neighboring property.
- 28 (5) Setbacks and buffer yards.
- 29 (a) A type "B" buffer yard shall be required along the side and rear
30 property lines for any facility having outdoor areas of animal
31 confinement.
- 32 (b) All waste disposal facilities (e.g. dumpsters, waste traps) shall be
33 screened and located at least 200 feet from any property in residential
34 use within RMX, RL, RH or RNC boundary lines.
- 35 (c) Facilities with outdoor dog runs, kennels or pens shall locate those
36 confinement areas 200 feet or more from actual or potential residences
37 in the RPD or the residential property line RL, RH or RNC zones.
- 38 (d) Facilities for the indoor housing of dogs, or the outdoor housing of
39 domestic animals other than dogs, shall locate those confinement areas
40 100 feet or more from actual or potential residences in the RPD or from
41 the property line RMX, RL, RH or RNC zones.
- 42 (6) Refrigeration facilities for the purposes of storing dead animals must be self-
43 contained within the principal shelter structure.

b. *Limited Standards:*

- (1) Facilities in the CMX and CC shall be located on parcels at least two acres in size.
- (2) Facilities with outdoor dog runs, kennels or pens shall locate those confinement areas 200 feet or more from actual or potential residences or the residential property line within RMX and RL zones.
- (3) Facilities for the indoor housing of dogs, or the outdoor housing of domestic animals other than dogs, shall locate those confinement areas 100 feet or more from actual or potential residences or the property line in RMX and RL zones.

42. ***Animal Hospital.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Facilities that house animals for more than 48 hours shall meet the general requirements of an animal boarding facility for that zone, except for parcel minimum size.
- (3) Structures that house animals overnight must be adequately soundproofed and constructed so there will be no emission of noise, odor, or chemicals detrimental to the reasonable use and enjoyment of a neighboring property.
- (4) Setbacks and buffer yards.
 - (a) A type "B" buffer yard shall be required along the side and rear property lines for any facility having outdoor areas of animal confinement.
 - (b) All waste disposal facilities (e.g. dumpsters, waste traps) shall be screened and located at least 200 feet from any property in residential use within an RMX, RL, RH or RNC boundary.
 - (c) Facilities with areas of animal confinement (runs, kennels, paddocks or pens) shall locate those confinement areas 200 feet or more from property in any residential use or property within RMX, RL, RH, or RNC boundaries.

b. *Limited Standards:*

- (1) All activities shall be performed or house within an enclosed building and not located in a residential subdivision.

43. ***Animal Sales and Service.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Facilities that house animals for more than 48 hours shall meet the requirements of an "Animal boarding facility," except for parcel minimum size.
- (3) Structures that house animals overnight must be adequately soundproofed and constructed so there will be no emission of noise, odor, or chemicals detrimental to any neighboring property.
- (4) Setbacks and buffer yards.
 - (a) A type "B" buffer yard shall be required along the side and rear property lines for any facility having outdoor areas of animal confinement.

(b) All waste disposal facilities (e.g. dumpsters, waste traps) shall be screened and located at least 200 feet from any property in residential use within an RMX, RL, RH, or RNC boundary.

(c) Facilities with areas of animal confinement (runs, kennels, paddocks or pens) shall locate those confinement areas 200 feet or more from property in any residential use or property within RMX, RL, RH, or RNC boundaries.

b. *Limited Standards:*

(1) All activities shall be performed or housed within an enclosed building.

(2) Outdoor ring with appropriate setbacks shall be permitted.

44. ***Campground and Day or Boarding Camp.***

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Year-round residency within tents and recreational vehicles in campgrounds is prohibited.

(3) Each campground shall provide the following service facilities for every 20 campsites. (Any fraction of 20 campsites shall be counted as 20.)

(a) Two flush-type toilets;

(b) Two lavatories; and

(c) Two showers with hot and cold running water.

(4) Separate facilities shall be provided for males and females.

(5) The facilities shall be conveniently located in one or more buildings.

(6) Facilities shall be constructed to prevent the penetration of moisture and rainwater.

(7) Facilities shall be properly protected from damage by ordinary use, decay, corrosion, termites, and other destructive elements.

(8) Campgrounds shall be kept free of litter, rubbish, and other flammable materials.

(9) No mobile recreational vehicle or camping trailer may be occupied for more than three consecutive months.

b. *Conditional Standards:*

(1) In a CM zone, campgrounds greater than 15 campsites shall comply with the conditional standards set forth herein.

(2) Minimum lot size shall be 10 acres.

(3) A minimum of 50 percent of the campground shall be reserved for Useable Open Space. Camper sites shall not be permitted in required Useable Open Space.

(4) All campsites shall have a minimum setback of 100 feet from property lines.

c. *Accessory Standards:*

(1) In a CM zone, the campground must be accessory to a Marina use.

(2) A campground established as an accessory use shall comply with all General Standards, in addition to all accessory standards set forth herein, for a campground and day or boarding camp.

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- (3) Campgrounds shall be limited to a maximum of 15 campsites.
 - (4) All campsites shall have a minimum setback of 50 feet from property lines.
 - (5) Buffer yards shall be required in accordance with Section 63.3 of this Ordinance.

45. ***Commercial Parking Facility.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Stormwater management shall be required regardless of area of paved parking lot.
- (3) Facility shall provide sidewalk connections to adjacent properties and lighting meeting the criteria of this Ordinance.
- (4) At-grade facilities shall provide an interior landscaping ratio as required by Chapter 63 (in addition to the buffer yard).
- (5) Facility shall provide off-street queuing space for at least two cars waiting to enter any lot having a controlled ingress point.
- (6) Any at-grade facility shall provide a continuous “B” buffer yard at the perimeter of the lot, excluding points of egress and ingress to the facility.
- (7) Only 50 percent of the square foot area of a multistory parking structure shall be included in the FAR calculation for a site.

b. *Limited Standards:*

- (1) All impervious surfaces, including parking areas and travel aisles, shall allow or shall drain to an area that allows infiltration of stormwater and pollutants and shall utilize bioretention facilities within the parking lot to control quantity and quality of stormwater run-off from the parking lot.
- (2) Commercial parking facilities exclusively for storage of recreational vehicles or watercraft on trailers are subject to the following:
 - (a) Minimum five acre tract is required, and no more than 30 percent of the site may be occupied by the vehicle storage area. Area of parking lot, access roads, and required stormwater detention shall be deducted from the land area for calculation of residential density or floor area ratio.
 - (b) Number of vehicles shall be 1 per 2,000 square feet of tract area with a maximum of 150 vehicles or trailered watercraft on a site.
 - (c) Site shall be used for parking and storage of recreational vehicles and watercraft only. No overnight occupancy of any vehicle while parked is allowed. No sale, rental, or maintenance of parked vehicles is allowed on site. No other commercial use of the property of any type shall occur on the site unless use is listed as a permitted use in Schedule 50.4.
 - (d) Parking area shall be fully screened from view from adjacent properties by a fence, dense evergreen vegetation, or combination of these.
 - (e) Security lighting, if provided, shall be directed down.

c. *Conditional Standards:*

- (1) Facility shall comply with both general and limited standards.

d. *Accessory Standards:*

-
- 1 (1) Any parking lot required for a permitted use may be used as a commercial
2 parking facility provided it meets the General Standards criteria in paragraph 1
3 above.
- 4 46. **Conference Facility.**
- 5 a. *General Standards:*
- 6 (1) Site plan approval shall be required.
- 7 b. *Conditional Standards:*
- 8 (1) Evening and weekend operations may be permitted as long as such operations
9 do not have an adverse impact on adjoining uses.
- 10 (2) In the RPD, the appearance of the Conference Facility must preserve the rural
11 character by either being designed to resemble an agricultural building or by
12 being setback behind fields in active agricultural use or screened by existing
13 forest so that no non-agricultural features are obvious to passersby.
- 14 (3) In other zones, the appearance must preserve the character of the neighborhood.
- 15 47. **Construction Materials and Equipment Storage.**
- 16 a. *General Standards.*
- 17 (1) Site plan approval shall be required.
- 18 (2) No debris shall be stockpiled or landfilled.
- 19 (3) No on-site sale of materials is allowed.
- 20 b. *Limited Standards:*
- 21 (1) In the I zone, a perimeter fence or berm is required in addition to the buffer yard
22 in accordance with Chapter 63 to screen stockpile, equipment, or materials from
23 a public road and from adjacent dissimilar uses.
- 24 (2) In the RPD zone, no stockpile, equipment or materials shall be visible from a
25 public road or an adjacent property.
- 26 c. *Conditional Standards:*
- 27 (1) In the Critical Area, stockpiling of marine related construction equipment and
28 materials is not allowed in the Critical Area buffer unless in a Buffer
29 Management overlay. Temporary staging shall be allowed in the Critical Area
30 buffer in the LDA and IDA for loading and offloading barges used for
31 transportation of construction materials and equipment only upon approval of a
32 buffer management plan.
- 33 48. **Convenience Store.**
- 34 a. *General Standards:*
- 35 (1) Site plan approval shall be required.
- 36 (2) When facility has accessory motor fuel sales, the number of vehicle fueling
37 positions shall meet the requirements for Motor Fuel Sales.
- 38 (3) Where adjacent to existing residential or office uses, provide a "C" buffer yard.
- 39 b. *Limited Standard:*
- 40 (1) In RSC and RCL zones, the use shall not occupy more than 3,500 square feet on
41 the site.
- 42 c. *Accessory Standards:*

(1) A facility to provide incidentals to the boating public may serve a conforming Marina use.

(2) Use shall not occupy more than 10 percent of the square footage of the structure in which it is located or 500 square feet, whichever is greater.

49. **Corporate Campus.**

a. *General Standards:*

(1) Site plan approval shall be required.

50. **Fairgrounds and Flea Markets.**

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Permanent structures including stalls and display structures shall be permitted and inspected prior to use and occupancy and shall meet all of the requirements of the building code.

(3) Off street parking shall be required. Any overflow on-street parking shall not cause a hazard or nuisance for residents of the neighborhood.

51. **Financial Institution.**

a. *General Standards:*

(1) Site plan approval shall be required.

52. **Funeral and Interment Service.**

a. *General Standards:*

(1) Site plan approval shall be required.

b. *Conditional Standards:*

(1) Crematories for small domestic pets only may be approved as an accessory use to a Cemetery in the RPD on the condition that no services, gatherings or areas of public accommodation are provided.

53. **Golf Course.**

a. *General Standards:*

(1) Site plan approval shall be required.

b. *Conditional Standards:*

(1) Golf course facilities shall be part of and integrated into the overall design of the principal use.

(2) Applicant shall demonstrate that the clearing of forest, alteration of natural drainage patterns, and use of non-native plant species for landscaping have been minimized to the extent practicable in the design of the course.

(3) Integrated pest management shall be the primary method for controlling insects and pests at the facility.

c. *Limited Standards:*

(1) In an RNC, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.

54. **Laboratory.**

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- 1 a. *General Standards:*
- 2 (1) Site plan approval shall be required.
- 3 55. ***Lodging, Bed and Breakfast Inn.***
- 4 a. *General Standards:*
- 5 (1) Site plan approval shall be required.
- 6 (2) The number of guest units shall not be more than six in any single structure or
- 7 more than 10 on a parcel without obtaining a conditional use approval.
- 8 (3) Exterior appearance.
- 9 (a) Where the original structure existed prior to the effective date of this
- 10 Ordinance, the exterior changes to existing site structures shall be
- 11 minimized. Extension or enlargement of principal and accessory
- 12 structures may not exceed 50 percent of the gross floor areas of each
- 13 individual building above what existed on the effective date of this
- 14 Ordinance.
- 15 (b) When a new structure is constructed, it shall have the appearance of a
- 16 single family dwelling.
- 17 (4) The parking area shall be screened from the view of adjacent properties by a
- 18 fence, dense evergreen vegetation or combination of these.
- 19 56. ***Lodging, Hotel and Motel.***
- 20 a. *General Standards:*
- 21 (1) Site plan approval shall be required.
- 22 b. *Accessory Standards:*
- 23 (1) Facility must serve a conforming Marina use.
- 24 57. ***Maintenance and Repair Service, Major.***
- 25 a. *General Standards:*
- 26 (1) Site plan approval shall be required.
- 27 b. *Limited Standards:*
- 28 (1) Facility shall be 7,500 square feet maximum unless the applicant obtains a
- 29 conditional use approval from the Board of Appeals.
- 30 c. *Accessory Standards:*
- 31 (1) In a CM zone, facility must be accessory to a conforming Marina use.
- 32 58. ***Maintenance and Repair Service, Minor.***
- 33 a. *General Standards:*
- 34 (1) Site plan approval shall be required.
- 35 b. *Limited Standards:*
- 36 (1) Facility shall not exceed 5,000 square feet.
- 37 c. *Accessory Standards:*
- 38 (1) In a CM zone, the facility must be accessory to a conforming Marina use.
- 39 59. ***Manufactured Home Sales.***
- 40 a. *General Standards:*

-
- 1 (1) Site plan approval shall be required.
- 2 60. **Fuel Sales.**
- 3 a. *General Standards:*
- 4 (1) Site plan approval shall be required.
- 5 (2) Filling station pumps may occupy required setback areas, provided they are not
- 6 less than 20 feet from right-of-way lines.
- 7 (3) The area under a canopy roof or 300 square feet per fuel dispensing station
- 8 whichever is greater shall be included when calculating overall FAR on the site.
- 9 (4) Facility shall provide sufficient queuing space for anticipated volume over the
- 10 peak 15-minute period (based on an analysis of the anticipated drive-through
- 11 traffic volume submitted by the applicant).
- 12 (5) Openings for filling tanks and vents shall be located a minimum of two feet
- 13 above the 100-year flood elevation or V-zone elevation (as applicable) and be
- 14 protected from drive aisles and associated traffic. Flood Elevation Certificate
- 15 shall be required. Tanks in the floodplain shall be anchored to prevent floating.
- 16 b. *Limited Standards:*
- 17 (1) Driveways shall not exceed 30 feet in width and shall be the minimum width
- 18 necessary to accommodate the projected traffic flow.
- 19 c. *Accessory Standards:*
- 20 (1) In a CM zone, facility must be accessory to a conforming Marina use and shall
- 21 be primarily for sale to persons in watercraft.
- 22 (2) Facility shall have no more than four fueling positions. Fuel storage tanks shall
- 23 be located outside the buffer, in an approved spill containment structure.
- 24 61. **Motor Vehicle Maintenance Service, Major.**
- 25 a. *General Standards:*
- 26 (1) Site plan approval shall be required.
- 27 (2) Adverse impacts on water quality from structures or conveyances shall be
- 28 minimized.
- 29 b. *Limited Standards.* In RSC, RCL, and VMX zones:
- 30 (1) All repair activities shall be housed within an enclosed building.
- 31 (2) Facility shall be 7,500 square feet maximum unless the Board of Appeals grants
- 32 a conditional use approval.
- 33 c. *Accessory Standards:*
- 34 (1) Facility shall not exceed 25 percent of the square footage of the principal use on
- 35 the property, up to 4,000 square feet maximum.
- 36 (2) In a CM zone, facility must serve a conforming Marina use and conform to the
- 37 following:
- 38 (a) All impervious surfaces, including parking areas, boat yards, and
- 39 forklift and travel-lift aisles, shall allow or shall drain to an area that
- 40 allows infiltration of stormwater and pollutants.
- 41 (b) Out-of-water work or storage areas shall be located a minimum of 200
- 42 feet from any residential district boundary.

62. ***Motor Vehicle Maintenance Service, Minor.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) New and expanded auto washing facilities shall install wash water recycling systems.

b. *Limited Standards:*

- (1) The facility shall be 5,000 square feet maximum unless the Board of Appeals grants a conditional use approval.

c. *Accessory Standards:*

- (1) The facility shall not exceed 25 percent of the square footage of the principal use on the property, up to 2,500 square feet maximum.
- (2) Facility must be accessory to a conforming Marina use.
- (3) All impervious surfaces, including parking areas, boat yards, and forklift and travel-lift aisles, shall allow or shall drain to an area that allows infiltration of stormwater and pollutants.
- (4) Out-of-water work or storage areas shall be located a minimum of 200 feet from any residential district boundary.

63. ***Office.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) Establishment shall not exceed 15,000 square feet.

c. *Accessory Standards:*

- (1) Facility shall not exceed 25 percent of the square footage of the principal use on the property up to 2,500 square feet maximum.

64. ***Personal Improvement Service.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) Limited to sailing, scuba or other water based personal services.

c. *Accessory Standards:*

- (1) Establishment shall not exceed 2,500 square feet.

65. ***Personal or Business Service.***

a. *General Standards:*

- (1) Site plan approval shall be required.

66. ***Personal Storage.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) A perimeter fence or berm and "C" buffer shall be required for screening of facility from a public road and from adjacent dissimilar uses.

(3) Lighting shall be directed down and shall not shine directly onto an adjacent property.

(4) No on-site retail sales shall be permitted.

b. *Limited Standards:*

(1) Activities shall be enclosed within a building no larger than 5,000 square feet in the VMX or 25,000 square feet in the TMX and CMX.

67. ***Recreational Facility, Major.***

a. *General Standards:*

(1) Site plan approval shall be required.

68. ***Recreational Facility, Motor Sports Facility.***

a. *General Standards:*

(1) Site plan approval shall be required.

b. *Limited Standards:*

(1) Structures and Buildings.

(a) No permanent structure or building greater than a single story in height shall be located within 100 feet of the property line. Any structure or building having a footprint in excess of 1,000 square feet shall be setback a minimum of 200 feet from the property line.

(b) Grandstands shall be located a minimum of 400 feet from the property line. The applicant shall specify the ultimate capacity for the grandstand. Capacity may be approved in phases to avoid need to revise the conditional use for expansion up to the ultimate capacity.

(c) No permanent structure shall have a roofline height of more than 45 feet.

(d) The floor area ratio for structures located on the site shall not exceed that allowed within the zoning district.

(2) Impervious Surfaces, Open Space, and Buffers.

(a) The total area of impervious surface on the property shall be limited to 40 percent of the entire property.

(b) A minimum of 15 percent of the property shall be maintained as open space. No new structures or activities of any type shall be undertaken in the open space area.

(c) The open space shall include a wooded buffer area for a width of 30 feet surrounding the perimeter of the property.

1. The buffer shall not apply to any area of a site that adjoins and abuts a property in the same use category.

2. Except for approved points of ingress or egress, no proposed or future disturbance, grading, or construction of any type shall be conducted within the buffer area.

3. If the buffer is not vegetated with natural forest vegetation, planting of vegetation to achieve the equivalent to a "C" buffer yard shall be required.

4. The buffer area shall be preserved in a natural vegetative state. The buffer may be credited toward forest conservation

- 1 requirements on the site in accordance with the provisions of
2 Chapter 75.
- 3 (3) Lighting and Noise Limitations.
- 4 (a) The maximum height of any lighting poles shall be 45 feet, with the
5 exception of a row of lighting poles located within 120 feet of the
6 actual racing surface and running parallel with the racing surface,
7 which poles may be 70 feet in height.
- 8 1. Lighting from these poles shall be directed internally and shall
9 not project light into the 30-foot buffer area. All shall be
10 directed so the lighting does not extend into the permanent
11 buffer area.
- 12 2. All exterior lighting except lighting limited for security
13 purposes, shall be used only during events.
- 14 (b) The facility shall comply with all state regulations concerning noise
15 levels. All loudspeakers shall be used only during events. All speakers
16 shall be directed and located to project internally so as to reduce any
17 noise impacts on adjoining properties.
- 18 (4) Parking / Traffic Control.
- 19 (a) Access to the facility shall be from an arterial or higher classification
20 road, and the entrance(s) shall comply with state and county
21 regulations.
- 22 (b) Parking on-site shall be restricted to the designated parking areas.
- 23 (c) Temporary overflow off-site parking shall be allowed for major
24 regional and national events.
- 25 1. Temporary off-site parking proposals shall be specified as to
26 location and frequency (number of total events per year).
- 27 2. If off-site parking is permitted, the operator of the facility shall
28 be required to provide a proper number of qualified traffic
29 control officers to assist pedestrian and automobile traffic and
30 avoid congestion on public highways.
- 31 (5) Signage. The operator of the facility shall be allowed one externally lighted sign
32 located at or near the entrance. The maximum size shall be 12 feet by 16 feet.
33 The sign shall not be lighted beyond 10:00 p.m. except that it may remain
34 lighted for 1 hour after the end of the last event if an event is being held past
35 10:00 p.m.
- 36 (6) Repair / Maintenance Facilities. Except for those facilities and/or structures
37 intended to serve (a) registered competitors' or participants' equipment and (b)
38 equipment to be operated to maintain the facility, there shall be no automotive
39 repair facilities on the property.
- 40 (7) Recreational Vehicles. Participants may utilize recreational vehicles that have
41 self-contained water/sanitary facilities for overnight stays during multi-day
42 events.
- 43 (8) Compliance with Laws. The facility shall be operated in compliance with all
44 industry standards and all applicable state and federal statutes, rules, and
45 regulations governing the activity being sponsored and conducted at the facility.
- 46 (9) Future Buildings / Construction. Any construction activities or the expansion,
47 modification, or erection of any permanent structure associated with or used for

activities on the site shall be undertaken in full compliance with all state and county statutes, ordinances, rules and regulations applicable to such activity.

69. ***Recreational Facility, Minor indoor.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) For areas outside DMX zones, that are adjacent to residential uses, provide a "C" buffer yard.
- (3) In the I zone, only warehouse style buildings and uses, such as bowling alleys, roller or skating rinks, enclosed courts and gymnasiums, shall be permitted.

b. *Limited Standards:*

- (1) Use shall be limited in the RCL to Health or fitness clubs and gyms.

c. *Conditional Standards:*

- (1) Use shall be limited in the RPD to shooting galleries.
- (2) Maximum occupant load of the building must not exceed 99 persons.
- (3) Evening and weekend operations may be permitted as long as such operations do not have an adverse impact on adjoining uses.
- (4) In the RPD, the appearance of the Recreation Facility must preserve the rural character by either being designed to resemble an agricultural building or by being setback behind fields in active agricultural use or screened by existing forest so that no non-agricultural features are obvious to passersby.

70. ***Recreational Facility, Minor Outdoor.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) Facilities shall be located at least 200 feet outside of any residential district boundary.
- (2) Where adjacent to residential uses, provide a "C" buffer yard.
- (3) Normal hours of operation for any land or building used for a minor outdoor facility shall be between 8:00 a.m. and 12:00 p.m.
- (4) Lighting shall be in accordance with Section 61.3 of this Ordinance.
 - (a) Other than minimal security lighting, exterior lighting shall be extinguished outside of hours of operation.

c. *Conditional Standards:*

- (1) Evening and weekend operations may be permitted as long as such operations do not have an adverse impact on adjoining uses.
- (2) In the RPD, the appearance of the Recreation Facility must preserve the rural character by either being designed to resemble an agricultural building or by being setback behind fields in active agricultural use or screened by existing forest so that no non-agricultural features are obvious to passersby.

71. ***Rental and Leasing.***

a. *General Standards:*

- (1) Site plan approval shall be required.

- 1 b. *Limited Standards:*
- 2 (1) Equipment rental shall be limited to boats, watercraft, and equipment or tools
- 3 necessary to perform on-site repair and maintenance of watercraft and related
- 4 items.
- 5 72. ***Research and Development Service.***
- 6 a. *General Standards:*
- 7 (1) Site plan approval shall be required.
- 8 b. *Limited Standards:*
- 9 (1) All activities shall occur or be housed entirely within an enclosed structure.
- 10 73. ***Restaurant.***
- 11 a. *General Standards*
- 12 (1) Site plan approval shall be required.
- 13
- 14 b. *Accessory Standards:*
- 15 (1) In I zones, the establishment shall be limited to 10 percent of the area of the
- 16 principal industrial use.
- 17 (2) In an OBP zone, the establishment shall be limited to 25 percent of the area of
- 18 the principal use or 2,500 square feet, whichever is less.
- 19 (3) In a CM zone, facility must be accessory to a conforming Marine use.
- 20 73a. Micro-Brewery.
- 21 a. General Standards :
- 22 (1) Site Plan approval shall be required.
- 23 73b. Pub-Brewery.
- 24
- 25 a. General Standards :
- 26
- 27 (2) Site Plan approval shall be required.
- 28
- 29 74. ***Restaurant, Fast food.***
- 30 a. *General Standards:*
- 31 (1) Site plan approval shall be required.
- 32 (2) Where provided, outdoor seating areas shall have a minimum width of 20 feet
- 33 and at least 600 square feet accessible from the public entrance to the building
- 34 without crossing a travel lane.
- 35 b. *Limited Standards:*
- 36 (1) Driveways and travel lanes shall not exceed 30 feet in width and shall be the
- 37 minimum width necessary to accommodate the projected traffic flow.
- 38 75. ***Retail Sales or Service, Vehicle.***
- 39 a. *General Standards:*
- 40 (1) Site plan approval shall be required.

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2/20/14

b. *Limited Standards:*

- (1) Areas where retail sales and rental activities are conducted shall be enclosed within a building no larger than 5,000 square feet. This shall not apply to vehicle inventory in an open air lot on the same premises.

c. *Accessory Standards:*

- (1) Sales shall be restricted to sale of and service for boats, other watercraft, and marine engines.

76. ***Retail Sales General.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Storage of all materials that produce odors or attract pests shall be located a minimum of 100 feet from any residential district boundary.
- (3) No building shall measure longer than 200 feet on any continuous plane. Building offsets shall be provided along each building facade to relieve the visual effect of single long walls. Rooflines and setbacks shall also be varied between attached structures. Structure heights must provide further visual relief to break up the apparent mass of the structure. No complex of attached structures shall have an elevation with dimension in excess of 880 linear feet.

77. ***Retail Sales, Limited.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) No building shall measure longer than 150 feet in any continuous plane. Building offsets shall be provided along each building to relieve the visual effect of single long walls. Rooflines and setbacks shall also be varied between attached structures. Structure heights must provide further visual relief to break up the apparent mass of the structure. No complex of attached structures shall have an elevation with dimension in excess of 880 linear feet.

b. *Accessory Standards:*

- (1) In RMX, I, and OBP zones, the facility shall be less than 25 percent of the square footage of the principal use on the property and shall not exceed 2,500 square feet.
- (2) In a CM zone, the facility must be accessory to a conforming Marina use and shall primarily serve slipholders and patrons of the Marina and no more than five percent of the facility area, including outside yards, may be for retail sales.

78. ***Take-out Food and Beverage Sales.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Accessory Standards:*

- (1) Establishment shall be limited to 25 percent of the area of the principal use or 2,500 square feet, whichever is less.
- (2) In a CM zone, facility must be accessory to a conforming Marina use and shall primarily serve slipholders and patrons of the Marina.

79. ***Tavern.***

a. *General Standards:*

-
- 1 (1) Site plan approval shall be required.
- 2 b. *Accessory Standards:*
- 3 (1) Facility must be accessory to a conforming Marina use.
- 4 80. ***Warehousing and Storage.***
- 5 a. *General Standards.:*
- 6 (1) Site plan approval shall be required.
- 7 81. ***Wholesaling and Distribution Center.***
- 8 a. *General Standards:*
- 9 (1) Site plan approval shall be required.
- 10 (2) A "C" buffer shall be provided for screening of facility from a public road and
- 11 from adjacent dissimilar uses.
- 12 82. ***Extractive Industry.***
- 13 a. *General Standards:*
- 14 (1) Site plan approval shall be required.
- 15 b. *Limited Standards.*
- 16 (1) When established as a permitted use, extraction, processing, and removal of
- 17 sand, gravel, or stone, stripping of top soil (but not including stripping of sod),
- 18 and borrow pits, shall be subject to the following standards:
- 19 (a) The total affected area to be mined on any tract or parcel shall not
- 20 exceed five acres. Any mining beyond a total mined area of five (5)
- 21 acres on a tract or parcel may be permitted only upon approval of a
- 22 conditional use by the Board of Appeals.
- 23 (b) No gravel processing equipment may be allowed for excavation
- 24 established as a permitted use, and only hand tools, trucks, bulldozers,
- 25 loaders and similar equipment may be utilized on the site.
- 26 (c) The mined area may be no closer than one hundred and fifty (150) feet
- 27 to any boundary line.
- 28 (d) If the mined area exceeds 5,000-sq. ft., a copy of the Soil Conservation
- 29 Service plan and/or grading plan shall be submitted. A zoning permit
- 30 shall be required for all projects of less than five (5) acres that exceed
- 31 5,000 sq. ft.
- 32 c. *Conditional Standards:*
- 33 (1) Extraction operations shall be located and conducted in a manner that minimizes
- 34 their environmental and visual impacts.
- 35 (2) All structures and extraction operations areas shall be set back not less than 200
- 36 feet from all external property lines. Setbacks may be reduced to 100 feet from
- 37 property lines in an I district. Equipment may be stored not less than 100 feet
- 38 from adjacent property lines and not less than 75 feet from adjacent rights-of-
- 39 way.
- 40 (3) A "B" buffer yard, specified, shall be provided along adjacent public rights-of-
- 41 way and at adjacent lot lines. This requirement may be reduced or eliminated
- 42 along lot lines adjoining other extractive industry, limited or general industry, a
- 43 major or minor utility, or general agricultural industry use classifications.

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- (4) The Board of Appeals may require the applicant to submit a professionally prepared traffic study analyzing the impact of the proposed extractive industry on the surrounding road network and may require specific access and road improvements on a case by case basis.
 - (5) Production tanks shall be located within a containment berm designed to impound 100 percent of the fluid capacity of the largest impoundment tank.
 - (6) Any building (including temporary processing plants and equipment used for extracting, processing, or stock piling of sand, gravel, stone, or similar products) shall be deemed temporary. Such building shall be dismantled and removed within a period of four months following cessation of operations.
 - (7) All equipment shall be constructed, maintained, and operated in a manner that minimizes noise, vibration, or dust. Dust reduction treatments shall be specified and maintained on all access ways or roads within premises.
 - (8) Surety for repair and maintenance of public roads affected by the operation may be required in an amount to be determined by the Director of Public Works and Transportation.
 - (9) The proposed extraction must be in accordance with the plan for the development of the property, or a use otherwise permitted for the specific zoning district and the reclamation plan as described below.
 - (10) An operation plan that includes the method and schedule for extractive activity and completion, production, abandonment, and reclamation phases of the operation is required. The operation plan shall include:
 - (a) Proposed waste disposal methods and emergency response systems.
 - (b) A drainage, dust, and erosion control plan.
 - (c) An access plan that details the capacity of all access roads and their suitability for accommodating estimated loads.
 - (d) A reclamation plan that includes a schedule for proposed grading, revegetation, or other appropriate measures to restore the surface upon completion of operations. Proposed future use shall be included, as reflected in the Comprehensive Plan, in addition to a plan for cleanup necessary for the future use.

83. ***Production Industry, Custom.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) Material storage areas shall be fully screened from dissimilar uses on adjoining properties.
- (2) Sawmills shall be subject to the following additional standards:
 - (a) Stationary sawmills in RSC, RCL, VMX, TMX, and CMX zones shall be entirely enclosed within a building.
 - (b) Portable sawmills for cutting timber grown on the premises shall be permitted in any zone, provided the sawmill is removed from the property at the conclusion of the milling of the on-site timber.

84. ***Production Industry, General.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) A "C" buffer shall be provided for screening the facility from public roads and from adjacent dissimilar uses.
- (2) In RPD zones, a sawmill is the only activity permitted by right, and production of manufactured homes is the only activity that may be permitted as a conditional use.

85. ***Production Industry, Limited.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Limited Standards:*

- (1) All activities, including storage of materials, goods, and supplies, must be inside an enclosed building.

86. ***Slaughterhouse.***

a. *General Standards:*

- (1) Site plan approval shall be required.

b. *Conditional Standards:*

- (1) Site shall have direct access to a minor or principal arterial roadway.
- (2) Waste, by-products, or any decomposable residue that results from the slaughtering of animals, must be refrigerated while on the premises. Waste or any decomposable residue from the slaughterhouse operation may not be disposed of by spreading on and/or plowing under on a farm unless the farm contains at least 100 acres and Health Department approval is obtained.
- (3) Adequate measures must be developed for the abatement of offensive and obnoxious odors, dust, smoke, or similar nuisances. Adequate measures meeting construction code requirements for a sound level reduction (SLR) of 25 decibels (dB) must be installed for the abatement of noises.
- (4) In RPD zones, Slaughterhouse uses may be located on a minimum of 20 acres or a minimum of 100 acres if the slaughterhouse includes a feedlot. Stock pens or building associated with the slaughterhouse operation not meeting the SLR 25 requirements must be a minimum of 300 feet from any public road right-of-way and 500 feet from any other property line.
- (5) In I zones:
- (a) Minimum lot size shall be five acres.
- (b) All structures shall be located a minimum 200 feet from property lines, except that if the facility includes a retail sales outlet, the front of the retail sales outlet may be as close as 50 feet from the right-of-way boundary of a major collector street.
- (c) Holding of live animals is not to exceed 24 hours, except as may be required by the Department of Agriculture or the Health Department.

87. ***Wrecking and Salvage.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) A "C" buffer shall be provided outside of a 12-foot tall perimeter stockade fence (or similar opaque fence type) that is located at least 25 feet inside the boundary of the property. Egress and ingress into the salvage yard shall be via gates at least 8 feet tall.
- (3) No junk vehicles, parts or materials shall be located outside of or be visible above the fence.
- (4) Oils, petroleum products and other liquids shall be collected from salvaged materials and equipment and disposed of in accordance with applicable regulations.
- (5) Storm water management shall be required regardless of area of salvage yard. Design for protection of surface water and groundwater quality shall be required, especially from heavy metals, and petrochemicals in runoff.
- (6) Unless authorized by the Board of County Commissioners as a PUD, hours of operation shall not exceed 7:00 am to 6:00 p.m. Monday through Saturday. Facility shall be closed and locked outside hours of operation.

88. ***Airport, Landing Strip, and Heliport.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Publicly-owned airports, landing strips, and heliports are permitted in accordance with an adopted Airport Master Plan. All other airports, landing strips, and heliports may be permitted as a conditional use in accordance with Chapter 25 of this Ordinance.
- (3) The site plan must show all existing and/or proposed buildings, hangars, runways, tie-down areas, fuel storage and pumping areas, fencing, employee and public parking, public transit loading and unloading areas, screening, vehicle ingress and egress areas, and off-street pedestrian pickup space.
- (4) The site plan shall also show topography and elevations of the highest point or projection for structures and towers (existing and/or proposed) surrounding the runway/landing area for a distance of
 - (a) 20,000 feet from the runways of an airport with at least one runway more than 3,200 feet in length; or
 - (b) 10,000 feet from the runways of an airport with at least one runway no more than 3,200 feet in length; or
 - (c) 5,000 feet from the landing and take off areas of each heliport.
- (5) Minimum setbacks for the facility shall be determined by the clearance criteria of Chapter 43. The height of existing structures in the vicinity of the proposed facility shall be evaluated when siting for new airports, airfields, landing strips and heliports
- (6) Minimum lot size for an airport shall be 10 acres and for a heliport shall be two acres.

89. ***Antennae and Microwave Equipment.***

a. ***General Standards:***

- (1) Site plan approval shall be required.

b. ***Limited Standards:***

- (1) No part of an amateur radio antenna shall be constructed within required yards or setback areas.
- (2) No amateur radio antenna shall be constructed so it exceeds a height of 100 feet above finished ground level grade.
- (3) Satellite Dish. Satellite dishes mounted on structures shall not be regulated. A freestanding satellite dish installed on a lot in any district shall comply with the following criteria:
- (a) Satellite dishes in excess of six feet in height shall be set back 10 feet from property lines.
- (b) No satellite dish shall exceed the maximum building height for the district in which the dish is located.
- (c) All wires and/or cables necessary for operation of the dish or reception of the signal shall be placed underground, except for wires or cables attached flush with the surface of a building or the structure of the dish.
- (d) No advertising or highly reflective surfaces shall be permitted.
- (4) Microwave Receiving Transmitting and Relay Antennae.
- (a) Microwave antennae and/or equipment shall not be installed in any required front, street or side setback area.
- (b) No antenna shall exceed the maximum building height by more than 10 feet for the district in which the antenna is located.
- (c) All wires or cables necessary for the operation of the antenna or reception of the signal shall be placed underground, except those wires or cables attached flush with the surface of a building or structure of the antenna.
- (d) Landscaping or solid screening shall be placed around the base of any antenna and/or equipment to screen the antenna and/or equipment from view and to provide a physical separation between the antenna and/or equipment and any pedestrian or vehicular circulation.
- (e) Notwithstanding subpart b. (2), above, a microwave transmitting or relay antenna may extend to a height of 40 feet above a building in the I-zone, if roof-mounted.

90. ***Communication Tower, Public Safety or Other Non-Commercial.***

a. ***General Standards:***

- (1) Site plan approval shall be required.
- (2) Purpose. In balancing the interests of County residents, tower contractors, telecommunications providers and telecommunications customers, and for the general health, safety, and welfare of the public, these regulations are intended to:
- (a) Provide for the appropriate location and development of communication towers by maximizing the use of any new and existing towers, minimizing the need for new towers, encouraging the use of

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- alternative tower structures or tower sites, and minimizing the number of towers in the County. (Note: The term “existing towers” includes towers already constructed and in use, as well as towers submitted to the St. Mary’s County Department of Land Use and Growth Management for review and approval.) The Department of Land Use and Growth Management will continuously maintain a list of existing towers, including owner points of contact, and shall make this list available to all new tower applicants; and
- (b) Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of tower structures and antennae; and
- (c) Minimize the adverse visual impacts of communication towers through careful siting, design, screening, and camouflage; and
- (d) Ensure that proposed siting and development of communication towers is done in a reasonable manner, that is, not to the detriment of the zone in which it is located and not contrary to the intent of the Comprehensive Plan. The preference of the Board of County Commissioner’s is for communication towers to be sited on County or other publicly owned property. If this is not technically practical or feasible, then the preference is for siting communication towers on properties zoned for commercial and industrial purposes. If the facility is proposed on property zoned residential or Rural Preservation District, the design and siting shall include measures to preserve the rural and/or residential character of the area; and
- (e) To encourage private/public partnerships for communications facilities, where appropriate, that promote the communications needs of the County.
- (3) All communication towers, structures and equipment shall meet or exceed current standards and regulations of the FAA and the FCC. Pursuant to Federal Communications Commission Regulations 1.1301-1.1319, as amended from time to time, communication towers shall be subject to the provisions of the National Environmental Policy Act (NEPA).
- (4) Approval of proposals for tower construction shall be subject to satisfactory completion of an aeronautical study. The resulting FAA aeronautical study shall address the following:
- (a) What impact the construction of the tower will have on the Airport’s current approach minimums based on a minimum descent altitude and visibility;
- (b) What potential impact on the planned improvements will be realized in accordance with the Airport Master Plan; and
- (c) Assurance that the FAA Flight Procedures Branch has also made a determination of whether there is an incompatibility with the published instrument approach procedures.
- (5) Applicants shall file a Notice of Proposed Construction or Alteration, FAA Form #7460-1 (as amended from time to time) with the Federal Aviation Administration as required by the FAA or applicable Federal law, and forward copies of the form and any FAA response received, via first-class mail, postage pre-paid to:
- (a) St. Mary’s County Department of Land Use and Growth Management, P.O. Box 653, Leonardtown, MD 20650;

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- 1 (b) St. Mary's County Regional Airport at St. Mary's (attn: Airport
2 Manager) 44200 Airport Road, California, MD, 20619; and
- 3 (c) Department of the Navy, Commanding Officer, Naval Air Station,
4 22268 Cedar Point Road, Unit NASAD, Patuxent River, MD 20670-
5 1154.
- 6 (6) To the extent permitted by law, no tower or equipment or antennae attached
7 thereto shall cause localized interference with reception of television and radio
8 broadcasts, nor shall any tower or equipment or antennae attached thereto
9 interfere with existing lines of communication used for public safety purposes.
- 10 (7) Minimum site size, setbacks, and buffers shall be identical to those required for
11 commercial communication towers.
- 12 (8) The normal lot setbacks for each district shall apply and may be reduced
13 pursuant to Section 61.7, where applicable.
- 14 91. **Communication Tower, Commercial.**
- 15 a. *General Standards:*
- 16 (1) Site plan approval shall be required.
- 17 (2) Commercial communication towers shall meet the general standards and
18 purpose for public safety communications towers.
- 19 b. *Conditional Standards:*
- 20 (1) The application submitted by the applicant to the Board of Appeals for a
21 commercial communication tower, shall satisfactorily address the requirements
22 for conditional use applications as defined by the zoning ordinance for any
23 conditional use whatsoever, as amended from time to time, and shall in addition
24 include the following:
- 25 (a) A system design plan that shall include, at a minimum, radio frequency
26 parameters, tower height; number and location of antennae on the
27 tower, all existing or proposed buildings within the "fall zone"; radio
28 frequency output; effective radiated power; and azimuth antenna type.
- 29 (b) A signal coverage/propagation map of the area to be served by the
30 proposed tower. The propagation map shall show signal intensity in
31 dBm (for at least three signal intensities). The propagation map shall
32 also show major roads and major developments, towns, villages, etc.
33 The County reserves the right to request propagation maps for other
34 sites or height alternatives.
- 35 (c) The signal coverage/propagation map shall show coverage area
36 available under existing towers with co-location opportunities,
37 approved towers and antennae/equipment installed on other structures
38 (water towers, buildings, etc.).
- 39 (d) Evaluation of the tower's relationship to other antenna sites, existing
40 off-site structures taller than 50 feet, communication towers, and water
41 tanks within a two mile radius of the proposed tower. Verifiable
42 evidence must be provided of the lack of space or unsuitability of any
43 existing tower or structure within that search radius.
- 44 (e) A detailed engineering analysis of the proposed new tower, including a
45 summary of the proposed tower's capacity to provide space for future
46 co-location by others.

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- (f) Federal Communications Commission review, evaluation and approval under the National Environmental Policy Act of 1969, and applicable Federal Communication Commission regulations and standards through the Office of Engineering and Technology as required by federal law.
- (g) The specific type of tower to be constructed and the proposed materials to be used in the construction of the tower.
- (h) The design of the proposed tower shall be sealed by a licensed engineer licensed to practice in the State of Maryland.
- (i) Identification of all noise, odor and other potential nuisance producing facilities, appurtenances and/or outbuildings, or the like, that are associated with the proposed use.
- (j) Identification of the maximum number of antennae and co-location spaces that can safely be placed on the tower. An engineering statement must be submitted certifying that the proposed tower can accommodate a minimum of three users, however, a minimum of five is preferred. If this is not possible, a justification statement must be provided that is based on structural, height, radio frequency or engineering limitations.
- (k) An elevation drawing, depicting the tower at its proposed height, with all planned antennae/equipment shown.
- (l) A visual impact study, including photo-simulations, demonstrating that a proposed tower shall not unreasonably interfere with the view of, or from sites of significant public interest such as a public park, a state or county designated scenic road or river, or a structure on the historic sites survey or in a historic district, located within two miles of the proposed tower site. The Department of Land Use and Growth Management staff may request, and the Board of Appeals may require the applicant to conduct a balloon or crane test and to submit additional photo-simulations or a line-of-sight analysis documenting the visual impact the proposed tower may have on surrounding sites. The applicant shall provide the County and adjacent property owners with at least a 48-hour notice of the test. If the applicant's visual impact analysis relies upon an existing tree buffer on the subject property (but outside the lease area), the applicant, as a condition of approval, shall secure an easement to preserve/protect that buffer for the duration of the conditional use.
- (m) An engineering statement prepared by a licensed professional engineer certifying that the proposed facility will meet or exceed all regulatory emissions standards established by the FCC. This statement shall identify the predicted exposures for the specific equipment proposed along with the allowable federal limit of exposure. If future co-location occurs on the tower, then emissions statements shall be provided for each co-locator.
- (n) An engineering statement prepared by a licensed professional engineer describing the contained fall design for the tower in the event of a structural failure.
- (o) Evidence that at least one telecommunications carrier has agreed to locate antennae on the tower.
- (p) A plan that describes company plans for new towers or antenna placements within the entire County during the next two years. The plan shall include propagation maps (showing at least three different

signal intensities in dBm) that depict existing and proposed sites and describe the anticipated timing for proposed sites. Thereafter, each company that owns the tower, or places telecommunications equipment on the tower, must submit an annual plan that describes the company's plans for new towers or antenna placements within the County in the next two years. For each tower owner, this document will also identify what equipment is placed on each tower, the height at which the equipment is placed, and the owner of the equipment. The plan described in this section need only be prepared one time during the year and does not need to be revised with each application submitted during the period of coverage.

- (q) All fees for the costs of any technical review of the application by an independent consultant hired by the County.

- (2) The applicant for a new commercial communications tower shall demonstrate to the Board of Appeals that co-location on existing commercial towers, public safety towers, or other appropriate structures is not feasible. Feasibility shall be demonstrated by an analysis and explanation prepared by a licensed professional engineer that identifies why other existing or proposed towers within a two-mile radius cannot be used. The analysis must evaluate any reasonable, technically feasible alternative locations and/or facilities that would provide the proposed communication service and provide a structural analysis indicating that no existing or proposed tower can be structurally modified to meet the applicant's needs. Replacement of an existing approved tower with a new tower on the same site shall be an alternative addressed in the analysis.

The intention of analyzing the alternatives analysis is to present alternative strategies that would minimize the number, size, and adverse visual, environmental, and public safety impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for co-location at an existing or new site and the potential for locating facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Physical constraints may be considered but will not be determinative. Approval of the project is subject to the Board of Appeals making a finding that the proposed site results in fewer or less severe impacts than any feasible alternative site.

- (3) Co-location is not deemed possible if the Board of Appeals finds that:

- (a) Planned equipment would exceed the structural capacity of existing and approved towers or towers proposed to be constructed, considering existing and planned use of those towers, and such towers cannot be feasibly structurally modified or reinforced to accommodate planned or equivalent equipment. In the case of existing towers owned by the applicant, the applicant shall have demonstrated to the Board of Zoning Appeals that a new (replacement) tower cannot be constructed on the existing approved site to satisfy its new requirements.

- (b) Planned equipment will cause interference with other existing or planned equipment for the tower, and the interference cannot be prevented.

- (c) Existing, approved towers, or towers proposed to be constructed do not have space on which to place planned equipment so it can function effectively; or

- (d) Existing, approved towers, or towers proposed to be constructed, will not provide reasonable signal coverage that is appropriate for St.

Mary's County (-89 dbm) (demonstrated through propagation maps showing signal coverage).

- (4) The tower shall be constructed so as to provide adequate capacity for future co-location of other commercial and/or government-operated antennae, unless the applicant demonstrates why such design is not physically feasible. The system design plan shall delineate areas near the base of the tower to be used for the placement of additional equipment buildings for other users.
- (5) No signals, lights or illumination shall be permitted on the tower unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- (6) No commercial advertising or other signage shall be permitted on the tower.
- (7) All obsolete or unused facilities, including buildings, towers, and all other improvements associated with the tower, shall automatically be deemed abandoned upon 24 months of continuous cessation of operations and shall be removed at such time without cost to the County. The applicant shall provide a bond, letter of credit, or other appropriate surety at time of approval as approved by the County to cover the cost for demolition of the facility and site restoration.
- (8) Towers shall be constructed at the minimum height required to obtain reasonable signal coverage that is appropriate for St. Mary's County (-89 db). Towers exceeding a height of 199 feet above existing grade shall require detailed engineering justification, documenting the basis for determining that a taller structure is required. Towers exceeding 199 feet above existing grade may also be justified by demonstrating that the existence of previously approved tower(s) in the vicinity of the proposed site serves to mitigate visual impacts, or that a single (taller) tower will reduce adverse visual impact by replacing multiple existing towers.
- (9) The site shall be large enough to accommodate the tower and all related structures, equipment and appurtenances (whether above or below ground), and of a size sufficient to meet Health Department standards if water and sanitary facilities are provided. The site plan shall depict the tower site, the location of all structures, equipment and appurtenances to be installed with the tower (whether located above or below ground), all existing tree buffers on the subject property, all adjoining properties; means of ingress/egress; and all required setback lines.
- (10) In addition to any setbacks otherwise required by the Zoning Ordinance, towers shall require a setback distance of 100 percent of the height of the tower from any residence, historic site, building or other structure not associated with the tower site. If the setback is to be on an adjoining property, a notarized statement of agreement or an easement must be obtained from the adjoining property owner. If the communications tower is proposed along a state or County scenic roadway, then a setback from the road of 300 percent of the height of the tower and additional landscaping, or additional screening may be required by the Board of Appeals.
- (11) The tower enclosure shall be buffered from adjoining properties with at least two rows of fast growing evergreen species such as red cedar or Leyland cypress. The County reserves the right to require a different vegetated buffer as part of the conditional use approval.
- (12) No commercial communication tower shall be constructed within the Critical Areas as shown on the Official Zoning Maps.

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- 1 (13) The County shall have the right of first refusal to any available collocation space
2 on a tower at no cost to the County; provided, however, that the County shall be
3 responsible for maintaining its own equipment.
- 4 (14) Contact information shall be prominently displayed on the fence enclosing each
5 facility. This information shall be current and shall identify the company name,
6 responsible individual, and phone number for the contact person.
- 7 92. ***Freight Terminal.***
- 8 a. *General Standards:*
- 9 (1) Site plan approval shall be required.
- 10 b. *Limited Standards:*
- 11 (1) Facility shall provide sufficient queuing space for anticipated volume over the
12 peak one hour period (based on an analysis of the anticipated traffic volume
13 submitted by the applicant).
- 14 93. ***Passenger Terminal.***
- 15 a. *General Standards:*
- 16 (1) Site plan approval shall be required.
- 17 (2) Site parking and circulation layout shall provide sufficient queuing space for
18 anticipated volume over the peak one hour period (based on an analysis of the
19 anticipated traffic volume submitted by the applicant);
- 20 (3) Security lighting (lights, including lighting for signs shall not shine directly onto
21 an adjacent property or produce glare) shall be provided; and
- 22 (4) A covered drop-off/pick up/waiting area shall be provided at primary entrance.
- 23 b. *Limited Standards:*
- 24 (1) Accessory garages for routine vehicle maintenance shall be prohibited.
- 25 94. ***Regional Flood and Storm Water Management Facility.***
- 26 a. *General Standards:*
- 27 (1) Site plan approval shall be required.
- 28 (2) In the Critical Areas, regional flood and storm water management facilities may
29 be permitted in the RCA if they serve only development in that zone.
- 30 (3) In the Critical Areas, facilities must demonstrate to all appropriate local and
31 state permitting agencies that there will be a net improvement in water quality
32 discharged to the adjacent body of water.
- 33 95. ***Small Wind Energy System.***
- 34 a. *Accessory Standards:*
- 35 (1) The purpose of these regulations is to allow a Small Wind Energy System used
36 to generate electricity at a rated capacity (as defined by the manufacturer) of 100
37 kilowatts or less to be constructed and installed primarily for on-site
38 consumption. The application submitted by the property owner or his
39 designated representative to the Department of Land Use and Growth
40 Management for a building permit to construct a Small Wind Energy System
41 shall satisfactorily address the standards as set forth below:
- 42 (a) A building permit shall be obtained prior to installing a small wind
43 energy system. The building permit application shall be accompanied
44 by a site plan of the property, including all boundaries, drawn to scale,

showing the following information. Approval of the building permit shall be subject to a determination by appropriate personnel affiliated with Patuxent River Naval Air Station as to noninterference with military activities.

1. The location of the proposed small wind energy system and the locations of all existing buildings, structures, overhead utility lines, and environmental features including woodland and other vegetation shall be shown on the site plan; and
2. The distance between the small wind energy system tower and structures on adjoining properties shall be shown on the site plan; and the distance between the small wind energy system tower and property lines shall be shown on the site plan.

(b) Compliance with the St. Mary's County Building Code: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the St. Mary's County Building Code shall also be submitted. This analysis may be supplied in the form of documentation from the manufacturer or supplier. Submit the footing specifications developed by the tower supplier or manufacturer.

(c) A Small Wind Energy System must comply with regulations of the Federal Aviation Administration (FAA), if applicable, including any necessary approvals for installations close to airports.

(d) Compliance with National Electric Code: Building permit applications for Small Wind Energy Systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.

(e) Wind turbines shall be the default color of the manufacturer or painted a non-reflective, neutral color that conforms to the environment.

(f) A Small Wind Energy System shall not exceed the ambient noise levels as established by this Ordinance, Maximum Noise Standards by Zoning District.

(g) A Small Wind Energy System shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable authority.

(h) A Small Wind Energy System shall not be used for displaying any advertising. Appropriate warning signs and signs identifying the manufacturer, installer, or owner of the Small Wind Energy System may be attached.

(i) Electrical controls and control wiring and power-lines shall be wireless or underground.

(j) The tower of a Small Wind Energy System shall be designed so as to prohibit step bolts or a ladder readily accessible to the public for a minimum height of 10 feet above the ground.

(k) The height of a Small Wind Energy System shall not exceed a maximum height of 85 feet, if located on a lot or parcel less than one acre in size; or a maximum height of 150 feet, if located on a lot or parcel one acre in size or greater.

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- 1 (l) The tower of a Small Wind Energy System shall be set back a distance
2 equal to its total height, which is a one to one (1:1) ratio between height
3 and setback, from all property lines and any overhead utility lines. A
4 variance or an agreement in recordable form signed by the adjoining
5 property owner(s) must be obtained in order to reduce this required
6 setback from property lines. Total height means the vertical distance
7 from ground level to the tip of a wind generator blade when the tip is at
8 its highest point.
- 9 (m) The blade tip of any wind turbine shall, at its lowest point, have ground
10 clearance of no less than fifteen (15) feet, as measured at the lowest
11 point of the arc of the blades.
- 12 (n) One Small Wind Energy System shall be permitted on a site.
- 13 (o) Any small wind energy system found to be abandoned or unsafe by the
14 Building Code Official shall be repaired or removed by the landowner.
15 A small wind energy system that fails to operate or is out of service for
16 a continuous 12-month period shall be deemed to be abandoned.
- 17 (2) In Critical Area overlay zones, the following additional criteria shall apply:
- 18 (a) Applications shall be reviewed per Section 71.2 of this Ordinance.
19 Facilities may not be located in areas designated as Forest Interior
20 Dwelling Species (FIDS) habitat; habitat protection areas for rare,
21 threatened and endangered species, species in need of conservation, or
22 colonial water birds; or Natural Heritage areas unless the applicant has
23 obtained from DNR Wildlife and Heritage Service a letter stating its
24 recommendations for protection and conservation of the above listed
25 habitats. Applicants shall comply with all DNR recommendations.
- 26 (b) If otherwise approved for location in the 100-foot Buffer and/or
27 expanded Buffer, the County shall require the following:
- 28 1. Clearing of forests, developed woodlands, and natural
29 vegetation shall be limited to only the amount necessary for
30 installation of the wind turbine; and
- 31 2. Mitigation shall be required at a ratio of 3:1 for the footprint
32 of any new lot coverage associated with the wind turbine; and
- 33 3. Mitigation shall be required at a ratio of 3:1 for the limit of
34 disturbance of any clearing of forests, developed woodlands,
35 and natural vegetation; and
- 36 4. Required mitigation shall be located on-site within the 100-
37 foot Buffer to the extent possible and shall be planted to
38 provide a diverse natural habitat in accordance with Section
39 72.3.2 of this Ordinance, except that any canopy trees required
40 per the site stocking criteria of Section 72.3.5.c.(1) need not be
41 located within a 300-foot radius from the base of the wind
42 turbine.
- 43 5. A Buffer Management Plan showing an offsite location for
44 canopy tree placement or a proposal for alternative site
45 stocking that substitutes understory trees for required canopy
46 trees may be approved by the County Environmental Planner
47 if the applicant demonstrates that all mitigation cannot be
48 located onsite.

6. A variance may not be granted to the mitigation requirements specified in subsection 2 and 3 above.

96. ***Solid Waste Acceptance, Processing, Transfer, and/or Resource Recovery Facility.***

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) These restrictions apply to both public and private solid waste and resource recovery facilities and require separate application and review in accordance with the Solid Waste Management and Recycling Plan.
- (3) The following location criteria shall apply:
 - (a) Pursuant to the adopted Solid Waste Management and Recycling Plan, portions of the County are excluded as areas available for location of solid waste acceptance and handling facilities including landfills, rubble fills, dumps and sanitary fills. Facilities shall not be placed in areas constrained by the presence of or close proximity to:
 1. Floodplains;
 2. Wetlands or wetland buffers;
 3. Surface water impoundments;
 4. Steep slopes or erodible soils;
 5. Historic preservation districts or sites;
 6. Areas of Critical state concern as designated by the Department of Natural Resources and the Maryland Department of Planning;
 7. Local and state parks and the State "Wildlands";
 8. Incompatible adjacent land uses, such as residential development;
 9. Habitats of rare, threatened or endangered species; or
 10. Power transmission rights-of-way.
 - (b) New facilities shall be horizontally located 1,500 feet from the nearest home or institutional building and 2,500 feet from a potable water supply or wellhead.
- (4) In Critical Area IDA overlay zones, the following additional criteria shall apply:
 - (a) Solid or hazardous waste collection or disposal facilities and sanitary landfills are prohibited unless the applicant demonstrates that no environmentally acceptable alternative exists outside the Critical Area and that these development activities are needed to correct an existing water quality or wastewater management problem.
 - (b) Any facility or activity, must demonstrate to all appropriate local and state permitting agencies that there will be a net improvement in water quality discharged to the adjacent body of water.
 - (c) Permanent sludge-handling, storage or disposal facilities, other than those associated with wastewater treatment facilities, may be permitted only in the IDA. However, the agricultural or horticultural use of sludge may be permitted in any Critical Area overlay zone outside the Critical Area Buffer.

- (5) Except when established by the approved Solid Waste Management and Recycling Plan, it shall be the applicant's burden to prove that a demonstrated need within St. Mary's County exists. The need for a facility shall be a prerequisite for considering the potential siting of any solid waste or resource recovery facility.
- (6) The minimum road frontage for any solid waste or resource recovery facility shall be 80 feet.
- (7) Solid waste or resource recovery facilities shall have a commercial entrance and be located on a road with a designated major collector or higher classification.
- (8) No commercial motor vehicle used to transport municipal solid waste shall be parked anywhere within the county, city, or town, except at locations zoned or otherwise authorized for such use by applicable ordinance, special exception, or variance.
- (9) The cargo compartment of every commercial motor vehicle that is used to transport municipal solid waste shall be so constructed so as to prevent the escape of municipal waste therefrom. Such ordinances shall exclude from their provisions vehicles owned, or operated, by persons transporting municipal solid waste from their residences to a permitted transfer or disposal facility.
- (10) In addition, the following undisturbed buffer zone requirements are established:

Table 51.3.92: Solid Waste Facility Buffer Zones

SOLID WASTE FACILITY	BUFFER
Incinerator	650'
Municipal solid waste landfill	500'
Processing facility	500'
Construction & demolition rubble landfill	500'
Materials recovery facility	300'
Land clearing debris landfill	500'
Transfer Station	300'
Recycling center	300'
Recycling collection point *	None *

*No buffer required unless otherwise prescribed by federal, state and/or local regulations.

- b. *Limited Standards.* When practicable, landfills shall be located on land degraded by previous industrial activities.

97. Utility, Major.

- a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Utility transmission facilities, except those regional or interstate facilities that must cross tidal waters, may be permitted only in a Critical Area IDA-Zone if the facility or activity has demonstrated to all appropriate local and state permitting agencies that there will be a net improvement in water quality discharged to the adjacent body of water.

98. Utility, Minor.

- a. *General Standards:*

- (1) Site plan approval shall be required.

(2) Electric Transmission Lines.

(a) Route Approval. Written evidence of route approval from the Maryland Public Service Commission shall be furnished with the application for site plan approval.

(b) Buffering. Switching yards shall be buffered with not less than an "A" buffer. Understory trees may be substituted for canopy trees in the buffer.

99. **Boatel (multi-level watercraft storage rack building).**

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Non-water dependent structures and activities shall be located entirely outside the Critical Area buffer and meet the following criteria:

(a) Access through the Buffer for launching and hauling boats shall be minimized and shall not exceed one point for each 500 feet of shoreline.

(b) Access to piers may include pervious or semi-pervious pedestrian pathways to piers and areas for loading or unloading boats into the water.

(3) Setback for the multilevel storage structure shall be the greater of the minimum required in the district or the overall height of the structure. All other on-site buildings shall meet or exceed the minimum required setback.

(4) The Critical Area Buffer shall be planted with a "C" buffer yard using native vegetation.

(5) The area of each level of the storage rack shall be included in calculation of the floor area ratio for structures on the site.

(6) All impervious surfaces should, in-so-far as possible, drain to an area that allows infiltration of stormwater and pollutants. Use of bio-retention structures for storm water management shall be the preferred method.

(7) Out-of-water work or storage areas shall be located a minimum of 200 feet from any residential district boundary.

(8) A site having facilities for mooring, docking, or berthing of 10 or more vessels on tidal navigable waters shall also be regulated as a Marina and shall provide pump-out and restroom facilities.

100. **Boatyard.**

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Non-water dependent structures and activities shall be located entirely outside the Critical Area buffer and meet the following criteria:

(a) Access through the buffer for launching and hauling boats shall be minimized and shall not exceed one point for each 500 feet of shoreline.

(b) Access to piers may include pervious pedestrian pathways to piers and to areas for loading or unloading boats into the water.

(3) Facilities that are not located adjacent to tidal waters or that are not accessory to a Marina use shall be regulated as Production Industry, Custom.

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- 1 (4) Only retail sales of marine goods, boats or other watercraft constructed on the
2 premises shall be allowed.
- 3 (5) A boatyard may be an accessory use to a Marina use.
- 4 (6) Access through the buffer may include pervious pedestrian pathway to piers or
5 areas for loading or unloading boats into the water.
- 6 (7) A site may have a facility for mooring, docking, or berthing fewer than 10
7 vessels on tidal navigable waters provided the facility is used for mooring,
8 docking, or berthing of vessels constructed or repaired on site, or for vessels
9 awaiting repair on-site.
- 10 (8) A site having facilities for mooring, docking, or berthing of 10 or more vessels
11 on tidal navigable waters shall also be regulated as a Marina.
- 12 (9) The facility shall not provide recreational or entertainment facilities.
- 13 101. **Charter Fishing Facility.**
- 14 a. *General Standards:*
- 15 (1) Site plan approval shall be required.
- 16 (2) Non-water dependent structures and activities shall be located entirely outside
17 the Critical Area buffer and meet the following criteria:
- 18 (a) Access through the buffer for launching and hauling boats shall be
19 minimized and shall not exceed one point for each 500 feet of
20 shoreline.
- 21 (b) Access to piers may include pervious pedestrian pathways to piers and
22 to areas for loading or unloading boats into the water.
- 23 (3) A toilet facility sized to accommodate customer and employee needs shall be
24 provided.
- 25 (4) A parking lot sized to accommodate customer and employee needs shall be
26 provided with setback at least 100 feet from property lines and screened with a
27 "B" buffer yard.
- 28 102. **Commercial Dock.**
- 29 a. *General Standards:*
- 30 (1) Site plan approval shall be required.
- 31 (2) Non-water dependent structures and activities shall be located entirely outside
32 the Critical Area buffer and meet the following criteria:
- 33 (a) Access through the buffer for launching and hauling boats shall be
34 minimized and shall not exceed one point for each 500 feet of
35 shoreline.
- 36 (b) Access to piers may include pervious pedestrian pathways to piers and
37 to areas for loading or unloading boats into the water.
- 38 (3) A facility shall provide restroom facilities sized to accommodate customer and
39 employee needs.
- 40 (4) Parking lot sized to accommodate customer and employee needs shall be
41 provided with setback at least 100 feet from property lines and screened with a
42 "C" buffer yard.
- 43 (5) An accessory structure no larger than 1,000 square feet may be constructed for
44 the display and sale of locally produced fishery products. Site plan approval is

required to determine adequate access, parking, and signage for this accessory retail use.

(6) The Critical Area Buffer shall be planted with a "B" buffer yard using native vegetation.

(7) Impervious surface, should, in so far as possible, drain to an area that allows infiltration of stormwater and pollutants before entering waters of the state.

(8) Out-of-water work or storage areas shall be located a minimum of 200 feet from any residential district boundary.

(9) If state grants are available, pump out facility shall be provided for any overnight berths for recreational boats.

b. *Limited Standards:*

(1) In RNC zones, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood surrounding the proposed use.

(2) A minimum "C" buffer yard shall be provided between the adjoining property zoned for residential use and any structure built in relation to the commercial activity.

103. ***Dock, Ramp and/or Railway, Public.***

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Non-water dependent structures and activities shall be located entirely outside the Critical Area Buffer and meet the following criteria:

(a) Access through the buffer for launching and hauling boats shall be minimized and shall not exceed one point for each 500 feet of shoreline.

(b) Access to piers may include pervious pedestrian pathway to piers and to areas for loading or unloading boats into the water.

(3) Facility used for paid or free public access shall not provide overnight mooring, docking or berthing.

(4) Site plan approval by the Planning Commission and water dependent facility approvals must be obtained.

(5) Signage shall be posted stating that "No disposal of fish waste into waters of the state is allowed from the pier, fish cleaning station or boats while using this facility." If a fish cleaning station is provided, provisions for waste disposal shall be required. Regular waste collection shall be provided.

(6) Parking lot sized to accommodate user needs shall be provided and screened with an "A" buffer yard.

104. ***Marina.***

a. *General Standards:*

(1) Site plan approval shall be required.

(2) Non-water dependent structures and activities shall be located entirely outside the Critical Area Buffer and meet the following criteria:

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- 1 (a) Access through the buffer for launching and hauling boats shall be
2 minimized and shall not exceed one point for each 500 feet of
3 shoreline.
- 4 (b) Access to piers may include pervious pedestrian pathway to piers and
5 to areas for loading or unloading boats into the water.
- 6 (c) New or expanded community marinas and other noncommercial boat
7 docking and storage may be permitted in the Buffer provided that:
- 8 1. These facilities may not offer food, fuel, or other goods and
9 services for sale and shall provide adequate and clean sanitary
10 facilities; and
- 11 2. The facilities are community-owned and established and
12 operated for the benefit of the residents of a platted and
13 recorded riparian subdivision; and
- 14 3. The facilities are associated with a residential development
15 approved by the County for the Critical Area and consistent
16 with all the Critical Area provisions of this Ordinance; and
- 17 4. Disturbance to the Buffer is the minimum necessary to provide
18 a single point of access to the facilities.
- 19 (3) Expanded facilities at any existing Marina use shall obtain approval in
20 accordance with this Ordinance for expansion of the water-dependent facility.
- 21 (4) Any non-conforming Marina use that exceeds 10 total berths for watercraft may
22 not be expanded unless it is brought into conformance with this Ordinance in so
23 far as possible.
- 24 (5) New or expanded facilities with 10 or more slips capable of berthing any vessel
25 over 22 feet shall provide either permanent pumpout facilities on a dedicated
26 dock or a mobile unit that can easily be moved from pier to pier. An approved
27 method of sewage disposal for the effluent is required.
- 28 (6) Except at community piers serving only residents of the community, each
29 marina shall provide separate toilet and shower facilities for males and females
30 conveniently located in one or more buildings. For every 40 slips or moorings,
31 or any fraction thereof, a facility shall provide a minimum of the following:
- 32 (a) Two flush-type toilets;
- 33 (b) Two lavatories; and
- 34 (c) Two showers with hot and cold running water.
- 35 (7) Each marina that allows customers to live aboard vessels while at dock shall
36 provide a laundry facility with a washer and dryer.
- 37 (8) The Critical Areas Buffer shall be planted with a "C" buffer yard using native
38 vegetation.
- 39 105. **Marine Services.**
- 40 a. *General Standards:*
- 41 (1) Site plan approval shall be required.
- 42 (2) Non-water dependent structures and activities shall be located entirely outside
43 the Critical Area Buffer and meet the following criteria:

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- (a) Access through the buffer for launching and hauling boats shall be minimized and shall not exceed one point for each 500 feet of shoreline.
- (b) Access to piers may include pervious pedestrian pathways to piers and to areas for loading or unloading boats into the water.
- (3) In RNC zones, the use is prohibited unless it can be demonstrated that similar legally created uses currently exist in the RNC neighborhood of the proposed use.
- (4) Pumpout facilities shall be on a dedicated dock or provided via a mobile unit that can easily be moved from pier to pier.

106. **Marine Terminal.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Non-water dependent structures and activities shall be located entirely outside the Critical Area Buffer.

b. *Conditional Standards:*

- (1) Setback shall be the greater of the minimum required in the district or the overall height of the structures used for loading and unloading at the facility.
- (2) Parking, queuing, and storage areas and terminal and office buildings shall not encroach into the Critical Area Buffer. Controlled access through the buffer shall be established and all areas of the CA Buffer not used for access to vessels for loading, unloading, and operations that are necessarily water dependent shall be densely planted using native vegetation.
- (3) Adverse impacts on water quality from structures or conveyances shall be minimized. Semi-pervious paving in moderately trafficked areas, including, cargo-handling and storage areas where practicable, shall be used to the extent feasible to reduce imperviousness and control pollution.
- (4) Use of bio-retention structures for stormwater management shall be preferred.
- (5) Out-of-water work or storage areas shall be located a minimum of 200 feet from any residential district boundary.
- (6) Pump-out and waste disposal facilities, sized to accommodate the type of vessels using the terminal, shall be provided.

107. **Seafood Industry.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Non-water dependent structures and activities shall be located entirely outside the Critical Area Buffer and comply with the following criteria:
- (a) Access through the buffer for launching and hauling boats shall be minimized and shall not exceed one point for each 500 feet of shoreline.
- (b) Access to piers may include pervious pedestrian pathways to piers and to areas for loading or unloading boats into the water.
- (3) Waste, by-products, or any decomposable residue that results from the processing of fish must be refrigerated while on the premises. Waste or any decomposable residue from the seafood operation may not be disposed of by

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- 1 spreading on and/or plowing under on a farm unless the farm contains at least
2 100 acres and Health Department approval is obtained.
- 3 (4) A toilet facility sized to accommodate customer and employee needs shall be
4 provided.
- 5 (5) A parking lot sized to accommodate customer and employee needs shall be
6 provided and setback at least 100 feet from property lines and screened with a
7 "B" buffer yard.
- 8 (6) Surface area of tanks shall be counted as impervious cover and toward the
9 allowable floor area ratio for the site.
- 10 (7) The industrial activities shall be incidental to a primary water-dependent fishery
11 activity.
- 12 b. *Limited Standards:*
- 13 (1) In an RPD zone, a permanent structure for the display and sale of locally
14 produced fishery products no larger than 750 square feet may be constructed.
15 Site plan approval is required.
- 16 (2) In an RNC zone, the use is prohibited unless it can be demonstrated that similar
17 legally created uses currently exist in the RNC neighborhood surrounding the
18 proposed use.
- 19 (3) A minimum "A" buffer yard shall be provided between the adjoining property
20 zoned for residential use and any structure built for use in the seafood
21 production activity.
- 22 108. ***Accessory Apartment.***
- 23 a. *General Standards:*
- 24 (1) Permit approval shall be required.
- 25 b. *Accessory Standards:*
- 26 (1) Principal Dwelling Unit:
- 27 (a) The accessory apartment must share at least one wall in common with
28 the living space of the principal dwelling unit.
- 29 (b) The minimum gross floor area of an accessory apartment within a
30 principal dwelling unit shall be 300 square feet.
- 31 (c) The maximum gross floor area of an accessory apartment within a
32 principal dwelling unit shall not exceed 40 percent of the gross floor
33 area of the principal dwelling unit, or a maximum of 900 square feet of
34 gross floor area, whichever is less. For purposes of calculating the size
35 of the accessory apartment, the gross floor area shall not include an
36 attached garage.
- 37 (d) An accessory apartment may share a common entrance with the
38 existing principal dwelling. If a separate entrance is provided to the
39 accessory apartment, it shall be located on the side or rear of the
40 principal dwelling.
- 41 1. A separate entrance shall be secondary to that of the primary
42 entrance to the principal dwelling unit and shall be less visible
43 from the street than that of the principal dwelling unit. In no
44 case shall the entrance face the street, except on a corner lot
45 where the entrance may face a street as long as all other
46 provisions of this section are satisfied.

- a. On a corner lot, the entrance to the accessory apartment shall not be accessed by way of an exterior stairway constructed on the street-facing sides of the principal dwelling unit.
 - (e) If the accessory apartment is located in the basement, then it can consist of the entire basement. The apartment shall comply with all applicable codes.
 - (f) The appearance of the principal dwelling with an accessory apartment shall be that of a single-family dwelling.
- (2) Accessory Structures:
- (a) The minimum gross floor area of an accessory apartment within an accessory structure shall be 300 square feet.
 - (b) The maximum gross floor area of an accessory apartment within an accessory structure shall not exceed 40 percent of the gross floor area of the gross floor area of the accessory structure, or a maximum of 900 square feet of gross floor area, whichever is less.
 - (c) The entrance to the accessory apartment shall not face the street, if said entrance is separate from the entrance to the accessory structure.
 - (d) Building materials and architectural features used in constructing the accessory apartment shall be compatible with the principal dwelling or with the accessory structure within which the accessory apartment is located.
- (3) An owner of the lot shall occupy at least one of the dwelling units on the premises, except for bona fide temporary absences as determined by the Planning Director. The owner shall sign an affidavit, prior to receiving the Certificate of Use and Occupancy, acknowledging the conditions stipulated in this section and agreeing to comply with all conditions.
- (4) There shall be no more than one accessory apartment on a lot or parcel.
- (5) All accessory apartments shall be approved by the Department of Land Use and Growth Management through the building permit process.
- (6) An additional, independently accessible parking space shall be provided for the accessory apartment.
- (7) In addition, within the RCA, an accessory apartment
- (a) Shall be either
 1. within the primary dwelling unit or
 2. its entire perimeter shall be within 100 feet of the primary dwelling unit; and
 - (b) shall be served by the same sewage disposal system as the primary dwelling unit; and
 - (c) shall be 900 square feet or less in total enclosed area; and
 - (d) shall not require a Critical Area variance to accommodate the footprint of the accessory dwelling or its appurtenances (deck, patio, parking, etc.) nor shall a variance be required for clearing of developed woodland or forest cover to accommodate the accessory dwelling or its appurtenances on the site.

109. ***Automated Teller Machine (ATM).***

a. *Accessory Standards:*

- (1) Site plan approval shall be required.
- (2) A minimum setback of two feet from the sidewalk shall be provided where unenclosed ATMs are located on the exterior of a building fronting a public street.
- (3) Unenclosed ATMs shall provide weather protection for facility users in the form of an awning or shallow portico.
- (4) ATM facilities shall be adequately marked and lighted for security purposes. Security lighting shall not result in excessive glare for nearby residential uses or passing motorists.
- (5) ATM facilities shall include a minimum of one waste receptacle per ATM.

110. ***Bus Shelter.***

a. *Accessory Standards:*

- (1) Sides and internal dividers shall be built of structurally sound materials and provide a view of waiting passengers to passing traffic and pedestrians. All transparent materials shall be shatterproof. No shelter shall be constructed in such a manner, or be constructed of such materials, as to adversely affect sight distance at any intersection or obstruct the view of traffic signs, or other traffic control devices.
- (2) Siting. Where curb and gutter are present, there shall be a minimum four feet clearance from the face of the curb to any portion of the bus shelter. Where no curb is present the front of the bus shelter shall be at least 10 feet from the edge of the main traveled roadway. Bus shelters may not be located within five feet of any fire hydrant or handicapped parking space.

111. ***Collection Receptacles for Recyclable Materials.***

a. *Accessory Standards:*

- (1) Dumpsters used for collection of recyclables shall be screened from the view of residences with a fence or screening planting.
- (2) The owner or lessee of the land where the receptacles are placed shall be responsible for ensuring that the area around the receptacles is maintained in a neat and orderly fashion.
- (3) Receptacles for collecting recyclable materials shall be located consistent with the following criteria:
 - (a) Siting shall accommodate convenient emptying of the receptacles.
 - (b) The receptacles and the vehicular or pedestrian traffic of people using the receptacles shall not interfere with normal traffic patterns or block ingress or egress to the site.
 - (c) Facilities designed for drive-up access shall have drop-off spaces or access to reserved short-term parking for at least two vehicles.
- (4) Recycling Collection Receptacles. Businesses or multi-tenant buildings with 100 or more employees shall provide recycling.

112. **Day Care, Family Home.**

a. *General Standards:*

- (1) Permit approval shall be required.
- (2) The facility shall be licensed by the State of Maryland following zoning authorization from the Department of Land Use and Growth Management.
- (3) The facility shall be in a single-family residence with access to open space sufficient to meet the state criteria for fenced outdoor play areas for children.

113. **Dock, Ramp and/or Railway, Private.**

a. *Accessory Standards:*

- (1) Site plan approval shall be required.
- (2) Private individual docks, ramps railways located on residentially zoned or used sites are not required to obtain approval as a water-dependent facility when the site has one of the following:
 - (a) Fixed or floating with no more than six mooring piles and no more than four slips or boatlifts per property and with a maximum of two three foot-wide finger piers not exceeding 50 percent of the proposed length of the slip and constructed on the landward side of the end of the pier; or
 - (b) A single 15-foot wide boat ramp provided that if a pier is constructed on the site it shall meet the criteria of paragraph (a) above except that a maximum number of four slips are allowed on the pier; or
 - (c) A single marine railway provided that if a pier is constructed on the site it shall meet the criteria of paragraph (a) above except that a maximum number of 3 slips are allowed on the pier.
- (3) Private community docks, ramps, and railways located on residentially zoned or used sites are required to obtain approval as a water-dependent facility site when the site exceeds the criteria of paragraph (1) above.

114. **Dock, Ramp and/or Railway.**

a. *Accessory Standards:*

- (1) Site plan approval shall be required.
- (2) Private water-dependent facilities may provide mooring, docking, or berthing of more than four but less than 10 vessels on tidal navigable waters subject to Section 41.8.4, Water Dependent Facilities, and must meet the following:
 - (a) Private facilities shall not be used for commercial purposes (rental of slips to persons not living on the property is expressly prohibited).
 - (b) Non-water dependent activities parking, storage, etc. shall be located entirely outside the Critical Area Buffer.
 - (c) New or expanded community marinas and other noncommercial boat docking and storage may be permitted in the Buffer provided that:
 1. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities; and
 2. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and

- 1 3. The facilities are associated with a residential development
2 approved by the County for the Critical Area and consistent
3 with all the Critical Area provisions of this Ordinance; and
- 4 4. Disturbance to the Buffer is the minimum necessary to provide
5 a single point of access to the facilities.
- 6 (3) A site having facilities for mooring, docking, or berthing of 10 or more vessels
7 on tidal navigable waters shall be regulated as a Marina.

115. ***Drive-Through Services.***

a. *Accessory Standards:*

- (1) Site plan approval shall be required.
- (2) Drive-through lanes shall provide sufficient queuing space for anticipated volume over the peak 15-minute period (based on an analysis of the anticipated drive-through traffic volume submitted by the applicant). Sufficient stacking shall be provided for at least five vehicles for each drive-through lane in order to prevent overflow onto parking lot circulation aisles and public streets.
- (3) Drive-through lanes shall be incorporated into the overall parking lot layout.
- (4) Drive-through lanes shall have a layout that does not impede normal traffic in the parking lot or on adjacent service roads.
- (5) The stacking lane shall be physically separated from the adjoining parking lot or street property line by at least a seven-foot planting strip.
- (6) Drive-through facilities located adjacent to any residential district shall include screening of the talk box by a wood or masonry fence with 100 percent capacity to serve as a sound barrier.

116. *Home Occupation.*

a. *Accessory Standards:*

- (1) Permit approval shall be required.
- (2) A home occupation may be conducted entirely within a dwelling or within an accessory structure. A home occupation may not exceed 200 square feet in residential or mixed use districts or 500 square feet in the RPD or RSC.
- (3) No outdoor storage of equipment used for the home occupation shall be permitted in areas visible from adjoining roadways or parcels in residential use.
- (4) There shall be no change in the outside appearance of the building or premises and the existence of a home occupation shall not be apparent beyond the boundaries of the site except for one sign which shall not exceed 6 square feet.
- (5) The maximum number of persons other than residents of the dwelling who can be employed on-site or report to work at the site in the conduct of a home occupation is two in residential or mixed use districts or three in RPD or RSC zones.
- (6) No more than 10 off-street parking spaces may be provided.
- (7) No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the boundaries of the lot.
- (8) Any authorized County employee may inspect the premises of a home occupation at any reasonable time to ascertain compliance with these conditions and any requirements of this Ordinance. The Planning Director shall revoke the certificate for a home occupation that is not operated in compliance with these

provisions 30 days written after written notice has been served on the owner or occupant of the property unless the home occupation is brought into compliance.

(9) Funeral homes, motor vehicle repair, auto body work and food and beverage sales shall not be permitted as home occupations.

(10) One off-site advertising sign may be posted on private property only with the permission of the property owner.

(a) Signs shall indicate direction only and shall not be located more than 10 miles from the subject business location.

(b) Signs shall be limited to six square feet in size and shall be no more than 18 feet high.

(c) Signs shall be subject to a minimum setback of five feet from the road right of way.

(d) Signs shall not be lighted.

117. Live Entertainment.

a. Accessory Standards:

(1) Site plan approval shall be required.

(2) Applicant must provide evidence to demonstrate that the use will not negatively affect the adjacent neighborhood because of traffic, noise, and number of people attending the facility.

(3) Adequate parking as required by this Ordinance shall be provided, and overflow on-street parking shall not cause a hazard or nuisance for residents of the neighborhood.

118. On-site Workers' Housing.

a. General Standards:

(1) Permit approval shall be required.

(2) In the RCA, this use must be associated with a use permitted in the RCA. Occupation of the worker housing shall cease within 30-days if the agricultural, commercial, or industrial operation utilizing the workers ceases for more than 30 days, regardless of any intention to abandon or resume such activities. Housing may be reoccupied by workers utilized for the activity upon resumption of the permitted RCA use.

b. Accessory Standards:

(1) Workers housing shall meet the appropriate standards for modular homes, mobile homes, multi-family residences, or institutional residences based on type of units proposed.

(2) Housing that exceeds base zone density shall be vacated and removed if the agricultural, commercial or industrial operation employing the workers ceases for one year, regardless of any intention to abandon or resume such activities.

119. Accessory, General.

a. Accessory Standards. (reserved).

120. Outdoor Storage.

a. Accessory Standards:

(1) Site plan approval shall be required.

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- 1 (2) Provisions for screening of outdoor storage from view from public roadways
2 and dissimilar uses shall be required. An "A" buffer yard shall be the minimum
3 screening required but additional screening, fences, or berms may be imposed in
4 the site plan review.
- 5 121. **Recreational Vehicles.**
- 6 a. *Accessory Standards:*
- 7 (1) Recreational vehicles may not be occupied as permanent residences.
- 8 (2) In allowable zones, the property owner, his tenants or guests may make use of
9 one camping or recreational trailer on the owner's lot subject to the following
10 conditions:
- 11 (a) Use shall be on a parcel of 1 acre or more.
- 12 (b) The camping or recreational trailer may only be used on an intermittent
13 basis by the aforesaid individuals for private recreational use and
14 enjoyment of the owner's property, such as for camping or hunting.
- 15 (c) No person shall be entitled to reside in the recreational vehicle for more
16 than seven consecutive nights.
- 17 (d) The camping or recreational trailer must be completely screened from
18 the view of dwellings on adjacent lots by a fence or evergreen buffer.
- 19 (e) Each camping or recreational trailer shall be equipped with an
20 authorized self-contained sewerage holding tank.
- 21 (3) Recreational vehicles shall comply with the floodplain provisions of this
22 Ordinance.
- 23 122. **Swimming Pool, Private, Non-Commercial.**
- 24 a. *Accessory Standards:*
- 25 (1) Permit approval shall be required.
- 26 (2) Unenclosed outdoor swimming pools may occupy a required rear or interior side
27 setback area, provided they are not less than 10 feet from any property line.
- 28 (3) Swimming pools and associated decks and enclosures shall be prohibited in the
29 Critical Area Buffer. Variances for these structures cannot be granted.
- 30 (4) Swimming pools shall not be permitted in the front or street side setback area.
- 31 123. **Stables.**
- 32 a. *Accessory Standards: (reserved)*
- 33 124. **Charter Fishing.**
- 34 a. *Accessory Standards:*
- 35 (1) Site plan approval shall be required.
- 36 (2) Non-water dependent structures and activities shall be located entirely outside
37 the Critical Area Buffer and meet the following criteria:
- 38 (a) Access through the buffer for launching and hauling boats shall
39 minimized and shall not exceed one point for each 500 feet of
40 shoreline.
- 41 (b) Access to piers may include pervious pedestrian pathway to piers and
42 to areas for loading or unloading boats into the water.

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- (3) Parking lot sized to accommodate customer and employee needs shall be provided setback at least 50 feet from property lines and screened with a "A" buffer yard.

125. **Construction Trailer/Office.**

a. *Limited Standards:*

- (1) Permit approval shall be required.
- (2) May be used as a temporary office and/or storage during the time construction or development is actively underway, or for two years, whichever is shorter.

126. **Sales Office/ Model Home.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Real property sales activities shall be removed from the property no later than 60 days following buildout of the lots.

127. **Show and Events, Indoor.**

a. *General Standards:*

- (1) Events and shows shall be required to obtain a zoning permit unless they are held at a government facility, fairground or flea market site, recreation and entertainment facility, place of public assembly or public safety facility or on a site larger than 50 acres.
- (2) Events that include installation of stadium seating shall submit a site and seating plan for review to determine compliance with State Fire Marshall requirements.
- (3) Sites utilized for indoor shows or events shall have access to adequate off-street parking for the duration of the event.

- b. *Limited Standards.* In a CM zone, events shall be primarily related to boats and watercraft, or be primarily for the slip holders and members of the principal activity on site.

128. **Shows and Events, Outdoor.**

a. *General Standards.* (reserved).

b. *Limited Standards:*

- (1) Events and shows shall be required to obtain a zoning permit unless they are held at a government facility, fairground or flea market site, recreation and entertainment facility, public safety facility; conducted by a public safety entity; or on a site larger than 50 acres.
- (2) Events that include installation of stadium seating shall submit a site and seating plan for review to determine compliance with State Fire Marshall requirements.
- (3) Sites utilized for outdoor shows or events shall have access to adequate off-street parking for the duration of the event.
- (4) In a CM zone, events shall be primarily related to boats and watercraft, or be primarily for the slip holders and members of the principal activity on the site.
- (5) Street fairs may operate for a maximum of four consecutive days.
- (6) Live entertainment events may operate for a maximum of six (6) consecutive days.
- (7) Other events may operate for a maximum of 14 consecutive days.

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- 1 (8) Rodeos, circuses, livestock auctions or sales shall be subject to the following,
2 additional requirements:
- 3 (a) Minimum parcel or lot size for a site shall be 10 acres; and
4 (b) Stock pens and main buildings shall be located at least 300 feet from
5 any street or highway and at least 800 feet from any residence or
6 residential district boundary; and
7 (c) Provisions for managing animal wastes shall be provided.
- 8 129. ***Temporary Residence During Construction.***
- 9 a. *General Standards:*
- 10 (1) Permit approval shall be required.
11 (2) One mobile home may be used as a temporary residence in conjunction with the
12 development of a site for a period of one year. A temporary certificate of
13 occupancy shall be required for the temporary residential use. A permanent
14 electrical connection to the site shall not occur prior to the disconnection of the
15 temporary residence.
16 (3) Homes shall only be placed in the County in accordance with the manufacturer's
17 installation instruction for hurricane-sensitive areas. If the manufacturer's
18 instructions are not available, the National Conference of States on Building
19 Codes and Standards NCS BCS A 225.1 Manufactured Home Installations 1987
20 shall apply.
21 (4) No certificate of occupancy for a permanent residence on a site shall be issued
22 until the temporary residence is removed from the site.
23 (5) Mobile homes may be allowed for temporary residence during construction but
24 shall be removed from the site upon completion of the permanent residence.
25 Removal of the temporary residence to obtain a certificate of occupancy by
26 conversion of a mobile home to a storage use after completion of the permanent
27 residence is prohibited outside the RPD.

CHAPTER 52 NONCONFORMING USES, STRUCTURES, AND SIGNS

Sections:

- 52.1 Specific Purpose.
- 52.2 Continuation and Maintenance.
- 52.3 Alterations and Enlargements.
- 52.4 Abandonment of the Nonconforming Use.
- 52.5 Restoration of a Damaged Structure.
- 52.6 Identification and Registration of Nonconforming Uses.
- 52.7 Nonconforming Residential Subdivision Lots of Records.
- 52.8 Nonconforming Signs.

52.1. Specific Purpose.

This chapter is intended to limit the extent of nonconforming uses by prohibiting re-establishment after abandonment, regulating alteration, and regulating restoration after damage or destruction. While permitting use and maintenance of nonconforming buildings and structures, this chapter is intended to limit the extent of nonconforming structures and nonconforming signs by prohibiting their movement or alteration in a manner that would increase the discrepancy between existing conditions and the standards of this Ordinance.

52.2. Continuation and Maintenance.

1. A use lawfully occupying a structure or a site on the effective date of this Ordinance, or of amendments thereto, or, in the Critical Area on or before March 27, 1990, that does not conform with the use regulations for the district in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise provided in this chapter.
2. A use lawfully in existence on the effective date of this Ordinance that does not conform with the parking, loading, buffer yard, planting area, or screening regulations of the district in which it is located shall not be deemed a nonconforming use solely because of these non-conformities.
3. A structure lawfully occupying a site on the effective date of this Ordinance, or of amendments thereto, that does not conform with the standards for front yards, side yards, rear yards, height, floor area, driveways, screening, buffer yards, landscaping, or open space for the district in which the structure is located shall be deemed a nonconforming structure and may be used and maintained, except as otherwise provided in this chapter.
4. A sign, or display of any character, lawfully occupying a site on the effective date of this Ordinance, or of amendments thereto, that does not conform with the standards for location, size, lighting, or movement prescribed for signs and displays for the district in which it is located shall be deemed to be a nonconforming sign and may be displayed, except as otherwise provided in this chapter.
5. Exception: A nonconforming mobile home, lawfully occupying a site on the effective date of this Ordinance, or of amendments thereto, may be replaced or expanded. The replacement or expanded mobile home is exempt from the requirements of Section 52.3.3 pertaining to the expansion and enlargement of nonconforming uses and structures.

52.3. Alterations and Enlargements.

1. A nonconforming use may not be changed to any other use except those permitted in the zoning district in which it is located. It may be changed to a conditional use permitted in the zoning district in which it is located after review and approval by the Board of Appeals.
2. No nonconforming structure shall be moved unless required by law, or unless the movement (relocation) will result in the elimination of the nonconformity.
3. A nonconforming use or structure may be expanded or enlarged subject to the following conditions:

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- a. The expansion or enlargement shall occur upon the lot occupied by such use on the effective date of this Ordinance.
 - b. The expansion or enlargement may not occupy area required to meet any off-street parking requirements of this Ordinance.
 - c. The expansion or enlargement shall be implemented within one year by obtaining a building permit. If the expansion or enlargement is not implemented within one year, all new uses shall conform to the standards of this Ordinance.
 - d. An expansion or enlargement constituting 25 percent or less of the existing use or structure may be approved by the Planning Director as a minor site plan application utilizing the standards for conditional use in Chapter 25.
 - e. In the event the area of the proposed expansion or enlargement exceeds 25 percent of the existing structure or use the enlargement or expansion must be approved by the Board of Appeals. However, the total amount of expansion or enlargement allowed for any nonconforming use shall not exceed 50 percent. The standards to be employed in deciding on the application shall be the same as those contained in Chapter 25 for conditional uses.
 - f. All expansions and enlargements shall meet current standards of this Ordinance insofar possible.
4. No use fails to meet the standards of Chapter 25 shall be enlarged or expanded unless the enlargement or expansion will result in elimination of the nonconformity.
 5. Any non-conforming Marina use that exceeds 10 total berths for watercraft may not be expanded unless it is brought into conformance with this Ordinance in so far as possible.

52.4. Abandonment of the Nonconforming Use.

1. A nonconforming use, structure or any part thereof, that is discontinued or changed to a conforming use for a continuous period of one year or more shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations of the district in which it is located. Abandonment or discontinuance shall include cessation of a use regardless of intent to abandon or resume the use of the nonconforming use, structure or any part thereof. A nonconforming structure or a structure containing a nonconforming use, which is destroyed by fire or other calamity, may be restored in accordance with Section 52.5 of this Ordinance.
2. Abandoned nonconforming structures may be summarily removed by the County in accordance with the following procedures:
 - a. *Abatement Procedure and Cost.* The Permits and Inspections Director is authorized, after sending record owners of the lot or parcel where the structure is located notice of his determination that a nonconforming structure has been abandoned for a continuing period of at least one 1 year, to enter private property to remove an abandoned structure, which will be removed at the expense of the owner of the property upon which the sign is located.
 - (1) Lien for Sign Removal by County. Upon removal of the structure by the County, the County has a lien upon the sign for the cost of removal and may keep possession of the structure until the owner redeems it by paying the County for the cost of removal. The County must notify the owner about how to redeem the structure. The County may dispose of the structure 30 days after removal without further liability to the owner. Any property owner may remove the abandoned structure at the owner's own expense, in which case a lien will not be imposed.
 - (2) Assessment or Lien for Administrative Costs. In any case in which an order to abate has been issued, the Board of County Commissioners, by motion or resolution, may further order that a special assessment and lien shall be imposed

upon the property on which the abandoned structure is located, in order to pay for administrative costs associated with the abatement procedure. These costs include expenses for investigation, boundary determination, measurement, clerical, and other related costs. These costs may be imposed on a property even if the property owner removed the abandoned structure at the owner's own expense.

3. Cost Accounting and Reimbursement.

- a. Cost Accounting. The Planning Director and Permits and Inspections Director shall keep an account of the cost of abatement of an abandoned structure on each separate parcel of property where the work is done. The director shall submit to the Board of County Commissioners for confirmation an itemized written report showing that cost.
- b. Reimbursement. The Planning Director or Permits and Inspections Director may receive the amount due as reimbursement for abatement costs incurred and issue receipts for such payment at any time after the Board of County Commissioners has confirmed the abatement costs above.

52.5. Restoration of a Damaged Structure.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by fire or other calamity, the structure may be restored and the nonconforming use may be resumed, provided that appropriate approvals and permits are secured and the standards of this Ordinance are met insofar as possible. If the restoration is not started within two years and diligently brought to completion, the building or structure shall be removed and the area cleared.

52.6. Identification and Registration of Nonconforming Uses.

1. The Planning Director shall be responsible for identifying and recording nonconforming uses and structures. The Planning Director shall make status determinations when requested by the affected landowner or as the result of routine inspection. The Planning Director shall notify the owner of record of such properties that the status of the existing uses or structures is under investigation. The written notification shall request information regarding the history of uses and structures on the property and copies of any approvals or permits in the possession of the owner. No later than 60 days after notification by the Planning Director the owner or his agent shall supply the information requested by the Planning Director and provide documentation to support any claim that the use or structure are nonconforming. In order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a professional engineer or registered surveyor may accompany the prescribed form. The survey shall include the following:
 - a. North arrow.
 - b. Scale (minimum one inch to 100 feet).
 - c. Election District.
 - d. Boundaries of the parcel or parcels on which the nonconforming use are located.
 - e. Acreage, bearings and distances of that portion of the property expressly used for the nonconforming use on the effective date of this Ordinance.
 - f. Use, dimensions, and location of all existing structures, buildings and site improvements.
 - g. Certification and seal if professional engineer or registered surveyor.
2. Within 30 days of receipt of the requested information, the Planning Director shall make a written determination as to the non-conforming status of the use or structure.
3. Any use or structure that was illegally established or cannot be determined to be legally nonconforming shall be brought fully into compliance with this Ordinance or shall be eliminated within three years of the Planning Directors' status determination.

52.7. Nonconforming Residential Subdivision Lots of Records. Updated 12/31/2013 # 41

1. Lots that do not meet minimum area, width or depth standards of Schedule 32.1 may be developed if minimum yard requirements are met or variance is obtained.
2. Lots that are unbuildable without a variance due to the environmental constraints of Chapter 71 may sell a development right according to Chapter 26 (TDRs).
3. Projects receiving approvals prior to the effective date of this Ordinance may proceed in accordance with Chapter 27.
4. Development standards and adequate public facility requirements provisions of Chapter 70 are not applicable to lots in a minor subdivision around lawfully existing dwellings approved pursuant to Section 30.3.7 of the St. Mary's County Subdivision Ordinance; provided however, that any existing nonconformity of such lots shall not be increased.

52.8. Nonconforming Signs.

1. **Continuation and Maintenance of Nonconforming Signs.** Routine maintenance and repairs may be performed on nonconforming signs.
2. No nonconforming sign shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yards, buffer yards, side yards, rear yards, height of structures, distances between structures, driveways, or open space prescribed in the regulations for the district in which the sign is located. No nonconforming sign or its structural components, shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, distances between structures, driveways, open space or signs prescribed in the regulations for the district in which the sign is located. Changes in text and graphics on a nonconforming sign are permitted provided the sign is not structurally altered, enlarged, or moved.
3. **Reconstruction of a Damaged Nonconforming Sign.** A nonconforming sign may be reconstructed as authorized by Section 52.5.

12/31/13

CHAPTER 53 RIGHT TO FARM

Sections:

53.1 Purpose.

53.2 Implementation.

53.1. Purpose.

1. It is the policy of the Board of County Commissioners to preserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. The Right to Farm policy is intended to reduce the loss of agricultural resources by limiting the circumstances under which agricultural and forestry operations may be deemed to interfere with the reasonable use and enjoyment of adjacent land.
2. Agricultural lands and operations are worthy of recognition and protection because farming, and all manner of agricultural activities and operations within and throughout the County, are integral elements of and necessary for the continued vitality of the history, economy, landscape, open space, lifestyle, and culture of the County and the state.

53.2. Implementation.

1. The St. Mary's County Right to Farm policy is implemented in Chapter 254 of the Code of Public Laws and Ordinances of St. Mary's County.
2. Agriculture, aquaculture and silviculture are the preferred land uses in the rural preservation district. Agriculture, aquaculture and silviculture are also allowed in other zoning districts. The farmer has the right to farm without being restricted by neighboring residential areas. Restrictions on hours of operation of farm equipment and use of odor-producing fertilizers and mandatory noise reductions may not be imposed on the farmer in agricultural and rural preservation districts and in those districts where farming is allowed. Normal agricultural activities and operations in accordance with good husbandry practices, which do not cause bodily injury or directly endanger human health, are permitted and preferred activities, including activities that may produce normal agriculturally related noise and odors.