CHARLES COUNTY
ZONING REGULATIONS
CHAPTER 297

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ZONING REGULATIONS

ARTICLE I
Introduction

§ 297-1. Purpose.

The regulations set out in this chapter of the Charles County Code are hereby adopted for the purpose of protecting and promoting the health, safety, morals, comfort and welfare of the present and future inhabitants of Charles County and shall constitute the text of the Charles County Zoning Ordinance.

§ 297-2. Statutory authority.

This chapter is adopted pursuant to the provisions of Article 66B of the Annotated Code of Maryland, as amended.

§ 297-3. Applicability.

This chapter shall not apply to the Charles County government or the land, buildings, structures or other facilities owned by the county that would otherwise be regulated by this chapter.

§ 297-4. Violations and penalties.

A. Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this chapter or who violates or fails to comply with any order or regulation made hereunder or who interferes in any manner with any person in the performance of a duty required by the terms of this chapter shall be guilty of a misdemeanor and punished by a fine of not more than $300 or by imprisonment in the county jail not to exceed 90 days, or by both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense.

B. In addition to other remedies, the County Commissioners, the Zoning Officer or any adjacent or neighboring property owner may institute an injunction, mandamus, abatement or other appropriate action or proceedings to compel compliance with the provisions of this chapter.

C. In addition to and not in substitution for any other penalty imposed for a violation hereof or for any other right or remedy available hereunder, there is hereby established a civil penalty for a violation of this chapter.

D. Civil penalties shall be imposed based upon the following schedule:

(1) First offense: $50.

(2) Second offense: $100.

(3) Third offense: $200.

(4) Subsequent offenses: $500 each.

E. A civil penalty may be imposed for each day a violation exists, and each day the violation exists is a separate offense.

F. Failure to correct a violation after expiration of the time period for correction stated in a citation is a separate offense.

G. Any person who receives a citation for a zoning violation, which imposes a civil penalty, shall pay the civil penalty as set forth on the citation, within 15 days after receipt of the citation, to the County Commissioners of Charles County, Department of Fiscal Services, P.O. Box 2150, La Plata, Maryland 20646.

H. Any person who fails to pay a civil penalty imposed under this section within 15 days after the date notice was sent to such person pursuant to Article 66B, § 7.01(c)(6), of the Annotated Code of Maryland shall be liable for twice the civil penalty which that person had failed to pay.

I. A citation may be delivered either by personal delivery to the person named on the citation or by mail to the person named on the citation at the address of the zoning violation or the address to which tax bills for the property are sent, or both.

J. For purposes of this chapter, notice is effective, if given by mail, and delivery of a citation is effective, if accomplished by mail, at the end of the fifth day after deposit in the mail, postage prepaid, of the notice or citation, respectively.

K. The County Attorney shall prosecute all civil zoning violations with full authority to settle such violations, including the power to enter into agreements on behalf of the county to resolve the violation and the power to dismiss the citation.

§ 297-5. Zoning Map.

A. The set of maps implementing the comprehensive rezoning of Charles County, Maryland, adopted by the County Commissioners of Charles County on August 31, 1992, shall accompany and be a part of this chapter and shall hereafter be known as the "Zoning Maps of Charles County, Maryland."

B. The zones established in this chapter are bounded and delineated as designated on the Zoning Maps and subsequent amendments thereof.

C. The Zoning Maps, as amended, shall reflect the current zoning of all land in Charles County and be filed with the Clerk of the Circuit Court.

§ 297-6. Compliance required.

Land can only be used and a building or other structure can only be erected, moved, structurally altered, added to, enlarged, used or otherwise modified in accordance with the uses and development standards prescribed by the zone in which the building or land is located. This chapter does not, however, prohibit the use of any land for exclusively agricultural purposes.

§ 297-7. Severability.

Each section of this chapter and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof.

§ 297-8. Conflicting regulations.

Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or other rules, regulations, ordinances, chapters or by private restriction, the provisions of this chapter shall control.

§ 297-9. Rules of construction.

It is the declared legislative intent of the County Commissioners that the terms and provisions comprising the text of this chapter shall be liberally construed by the relevant departments, agencies, commissions and boards of the Charles County government based on the following rules of construction, in addition to rules applicable generally to the construction of zoning ordinances and the interpretation requirements of the Charles County Code:

A. In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection of the health, morals, safety and general welfare of the existing and future residents of Charles County.

B. In this chapter, words used in the present tense include the future; the singular number includes the plural and the plural the singular; the particular controls the general; and the word "shall" is mandatory and not optional.

C. This chapter of the Charles County Code shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinance, rules, regulations or easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall prevail. Except as herein after provided, the general regulations set out in this article shall apply.

D. In case of a conflict between the text of this chapter and any caption, illustration, summary or illustrative table, the text shall control.

E. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

F. The word "person" includes an individual, dole proprietorship, corporation, partnership or incorporated association and any recognized legal entity.

G. Unless it is plainly evident from the context that a difeerent meaning is intended, in a regulation that involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either .... or," the use of the conjunction is defined as follows:

(1) "And" means that all the connected items, conditions, provisions and events apply together and not separately.

(2) "Or" means that the connected items, conditions, provisions or events apply separately or in any combination.

(3) "Either .... or" means that the connected iteme, conditions, provisions or events shall apply separately but not in combination.

H. The words "includes" or "including" do not limit a term to the specified examples, but are intended to extend the term's meaning to all other instances or circumstances of similar kind or character.

I. When a term used in this chapter is defined elsewhere in the County Code but not in this chapter, the term shall have the meaning specified in that section of the Code.

J. The word "county" means Charles County, Maryland; the word "state" means the State of Maryland.

K. As used in this chapter, words importing the masculine gender include the feminine and neutral.

L. Throughout this chapter, all words other than the terms specifically defined herein shall have the meaning inferred from their context or as defined in the most recent edition of Webster's International Dictionary.

M. The word "chapter" or "this chapter" shall mean the Charles County Zoning Ordinance.

§§ 297-10 through 297-20. (Reserved)

ZONING REGULATIONS

ARTICLE II
General Provisions

§ 297-21. Interpretation of zone boundaries.

A. A zone is represented by name in this chapter and by letter combinations on the Zoning Map. Where an area on the map is designated as a cer tain zone, the zoning regulations pertaining to that zone prevail.

B. Where the boundaries of the various zones, as shown on the map, are uncertain, the following shall apply:

(1) Where a zoning boundary line is given a position within a street, alley, navigable or nonnavigable stream, it shall be deemed to be in the center of the street, alley or stream; if the actual location of such street, alley or stream varies slightly from the location as shown on the Zoning Map, then the actual locations shall control.

(2) Where a zoning boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

(3) Where a zoning boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way. Distances shown as measured from a railroad track shall be m easured from the center of the designated track.

(4) Where the zone boundaries are not otherwise indicated and where the property has been or m ay hereafter be divided into blocks and lots, the boundary line shall be construed to be the lot lines; where the zones designated on the map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such zones, unless said boundaries are otherwise indicated on the map or by ordinance.

(5) In an unsubdivided property, unless otherwise indicated, the zone boundary shall be determined by the use of the scale contained on such map.

§ 297-22. Lots divided by zoning boundary lines.

A. Whenever a single lot two acres or less in size is located within two or more different zones, the zoning regulations applicable to the zone which constitutes the lar ger portion of the lot shall apply to the entire lot.

B. Whenever a single lot greater than two acres in size is located within two or more different zones, each portion of that lot shall be subject to all the regulations applicable to the zone in which it is located.

§ 297-23. Amendments to the Official Zoning Map.

A. Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XXVII.

B. The Zoning Officer shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the County Commissioners. Upon entering any such amendment on the map, the Zoning Officer shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

C. No unauthorized person may alter or modify the Official Zoning Map.

D. The Zoning Officer shall keep copies of superseded prints of the Zoning Map for historical reference.

§ 297-24. Computation of time.

A. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the day of the precipitation event or decision and including the last day of the time period. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven days, intervening Saturdays, Sundays and legal holidays shall be excluded.

B. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

§ 297-25. General lot requirements.

A. Separate lot requirements. Except as otherwise permitted by this chapter, not more than one principal building used for dwelling purposes shall be permitted on any single lot; establishment of a building with separate dwelling units for rental, cooperative or condominium purposes on a single lot shall not violate this requirement.

B. Division of building, parcel or lot. Division of existing buildings, parcels or lots shall not be permitted if the proposed division would create any buildings or lots which do not comply with requirements of this chapter, except for public use lots as defined by this chapter. **[Amended 6-24-1996 by Ord. No. 96-69]**

C. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]** Lot frontage requirements. Any building, structure or use fronting on a public or private road shall be located on a lot abutting the road for at least 25 feet, except as otherwise required by this chapter. In attached dwelling projects, provided that all buildings are so located as to provide access for servicing, fire protection and off-street parking, lots may front on open space, courts or group parking areas, and each such attached dwelling unit shall not be required to meet the road frontage standard. To permit uniform front yard setbacks, the minimum lot frontage for radial lots intended for residential use in the AC, RC, RR, RV and RL Zone

Districts may be reduced as follows:

Zone District	Minimum Lot Frontage for Radial Lots (feet)
AC	50
RC	60
RR	55
RV	45
RL	45

D. Areas not satisfying lot area requirements. Those areas of a lot which lie in an existing or proposed road right-of-way, except alleys or designated open space, shall not qualify as part of the required minimum lot area. The area within the "handle" of a panhandle lot shall not be considered part of the required minimum area.

E. Minimum residential lot area with private utilities. The minimum residential lot areas provided in this chapter shall not reduce any other prescribed lot size or lot width if a more restrictive requirement exists. The minimum lot areas shall be subject to any additional area required by regulations of the State Department of Health and Mental Hygiene or county law or regulation.

F. **[Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94-100]** Panhandle lot requirements. Panhandle lots shall be permitted for residential use only to achieve better use of irregularly shaped parcels, to avoid development in areas with environmentally sensitive features or to minimize access to collector or arterial roads, subject to the following:

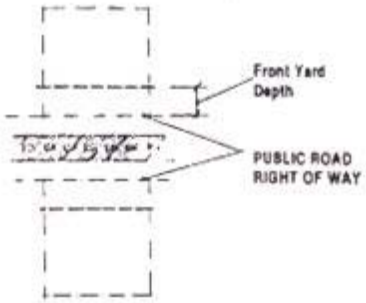
(1) The minimum lot frontage shall be 12 ½ feet.

(2) Except in Agricultural Conservation and Rural Conservation Zones, with regard to any parcel, not more than three lots or 5% of the lots intended for detached dwellings, whichever is greater, and not more than 10% of lots intended for attached dwellings may be panhandle lots.

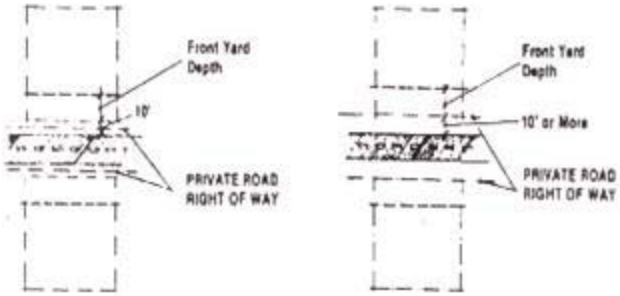
§ 297-26. General yard requirements.

A. **[Amended 12-7-1993 by Ord. No. 93- 100; 11-21-1994 by Ord. No. 94-100]** Front yard depth. The minimum front yard depth, as specified in this chapter, shall be measured in the following manner:

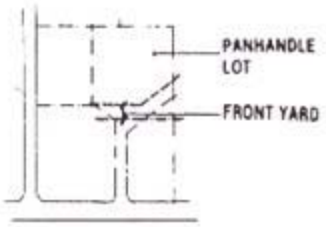
(1) From the proposed or established public road right-of- way line.



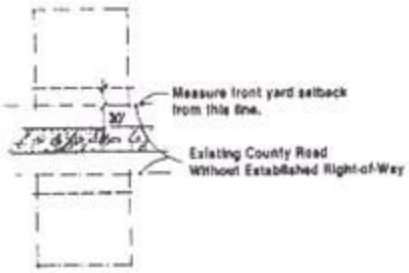
(2) From any private road or access driveway on a line 10 feet from and parallel to the edge of the traveled roadway or 10 feet from and parallel to a line established as a private road right-of-way, whichever is greater.



(3) In the case of a panhandle lot not served by an access driveway, the setback shall be measured from the end of the handle and extend across the lot where the minimum front yard setback is met or where the minimum lot width is met, whichever is greater. The setback line shall extend in a straight line from points along the side lot lines which are approximately equidistant from the end of the handle.

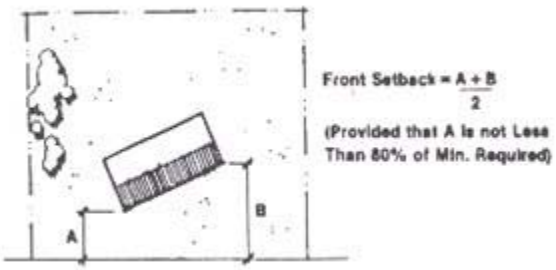


(4) In the case of a lot with fr ontage on an existing county road without established right-of-way lines, the setback shall be measured from a line 30 feet from and parallel to the center line of the traveled roadway.

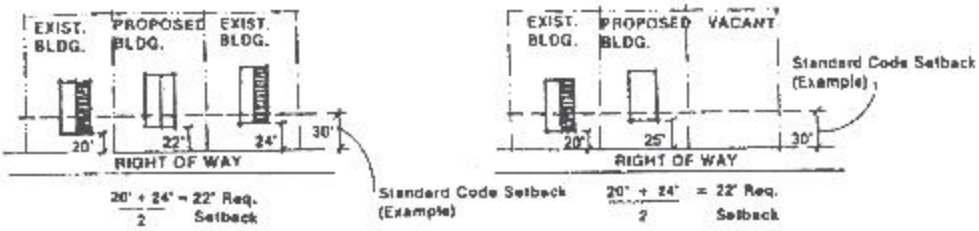


(5) Average front yard.

(a) Where a structure is not parallel to the road, the minimum yard requirement may be met by averaging the yard width from one end of the structure to the other end, provided that the yard at the narrowest point is not less than 80% of the minimum yard required by the chapter, not including the reductions permitted by this section.

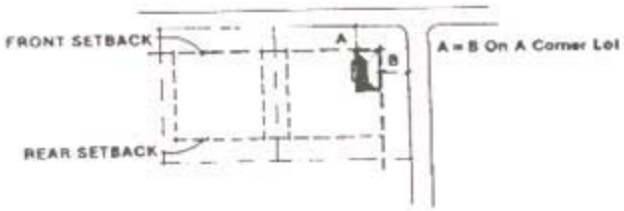


(b) When the average front yard setback of structures located on an existing public road on either side of a vacant lot differs from the m inimum setback required by this chapter, such setback on the vacant lot need not exceed the average setback of the adjoining structure or, when only one of the abutting lots is im proved, such setback need not exceed the average of the minimum required setback of the zone and the setback of the adjoining structure.

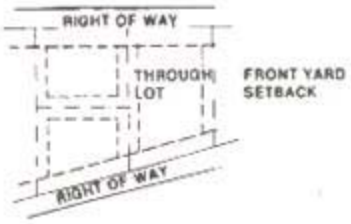


(6) Corner and through lots.

(a) In the case of corner lots, a f ull front yard of the required depth will be provided off both front lot lines, except as otherwise permitted by this chapter.

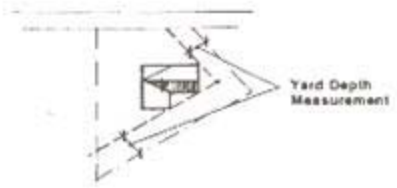


(b) In the case of through lots, front yards will be provided of f all front lot lines, except as otherwise permitted in this chapter.



B. Side and rear yard depth. The minimum side and rear yard depths, as specified in this chapter, shall be measured in the following manner:

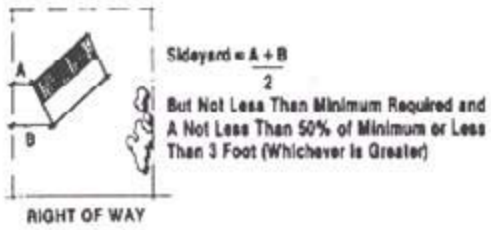
(1) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.



(2) When measured from an alley, ½ of the alley width may be included as a portion of the rear or side yard.

(3) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.

(4) Average side yard. The side yard width may be varied where the side wall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than ½ the otherwise required minimum width or narrower than three feet in all cases, except lot line dwellings. Any minor offset, broken or irregular part of a structure which is not the same vertical plane as the portion of the side wall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.



C. Exceptions and modifications to minimum yard requirements.

(1) Projections. The following structures shall be allowed to project into the minimum required yard not to exceed the following dimensions:

(a) Awnings, canopies, cornices, eaves or other architectural features: three feet.

(b) Bay windows, balconies, chimneys, porches or decks: three feet or as specified in Article XIV, Cluster Development, Figure XIV-2: Schedule of Dimensional Requirements - Cluster Development. **[Amended 3-12-2001 by Ord. No. 01-16]**

(c) Open fire escapes or patios (not enclosed): five feet.

(d) Uncovered stairs or necessary landings: six feet.

(e) Fences and walls in accordance with this chapter.

(f) Structures (including but not limited to awnings, canopies, porches, etc.) in the WC and AUC zones shall be allowed to project into the minimum front setback area in accordance with §297-96(D)(4). **[Added 4-23-2010 by Bill No. 2010-02]**

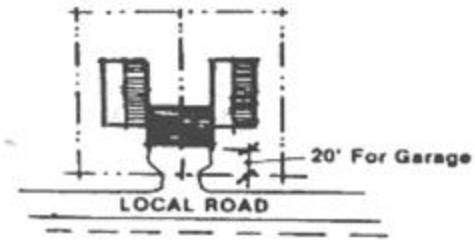
(g) Structures (including but not limited to awnings, canopies, porches, etc.) in the CRR and CER Zones shall be allowed to project into the minimum front setback area in accordance with §297-95(C)(6). **[Added 4-23-2010 by Bill No. 2010-05]**

(2) Reduced front yards. The minimum front yard requirements of this chapter may be reduced in accordance with the following:

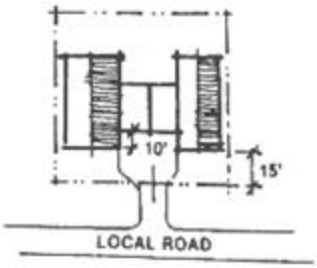
(a) Open space or court. When dwelling units are designed to front on open space or a courtyard, rather than a parking area or road, the front yard setback may be reduced to a minimum of 10 feet, provided that the dwelling units are adjacent to a local road and the open space or courtyard extends for the length of the structures and has a minimum building-to-building width of 40 feet.

(b) Group parking. When off-street group parking is provided for three or more dwelling units and each dwelling unit is designed without a parking pad or garage, the front yard setback may be reduced to 15 feet for single-family detached and 10 feet for all other dwelling units.

(c) Attached garage. When dwelling units are designed with an attached garage and access is provided to a local road, the minimum front yard setback may be reduced to 20 feet for the garage only.

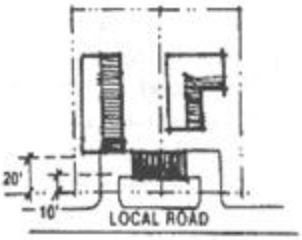


(d) Recessed garage and parking pad. When dwelling units are designed with a garage or parking pad which is recessed by at least 10 feet from the front of the dwelling and access is provided to a local road, the minimum front yard setback may be reduced to 15 feet.

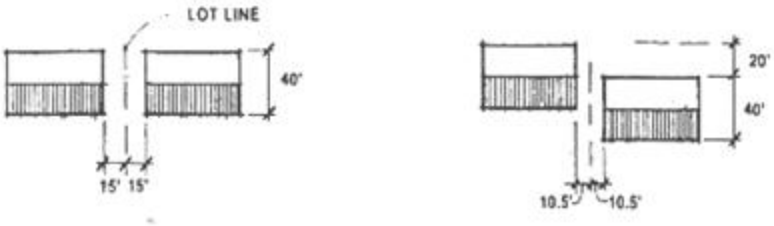


(e) Parallel garage. When dwelling units are designed so that the garage opening is perpendicular to the road and access is provided to a local road, the minimum front yard setback may be reduced to 10 feet for the garage and 20 feet for the dwelling

unit.



(3) Reduced side yards. Where a lot for each dwelling unit is established, the minimum side yard requirements of this chapter may be reduced not more than 30%, when side walls of adjoining single-family attached or semidetached dwellings are offset by 50% or more.



(4) Solar orientation. When site plan, landscaping and building units are designed to achieve energy conservation goals and building units are designed for solar collectors or passive solar heating, the yard dimensions of the zone may be reduced to not less than 65% of the minimum yard requirements of this chapter, provided that a shadow plan demonstrating the benefits of the reduced yards and covenants which limit landscaping to protect solar access shall be submitted to justify granting this reduction.

§ 297-27. Exceptions and modifications to minimum height requirements.

A. General exceptions. The building height limitations of this chapter shall not apply to the following:

(1) Houses of worship, private schools, hospitals or high-rise apartment dwellings, provided that the front, side and rear yards shall be increased not less than one foot for each two feet by which said structure exceeds the height limitation established for the zone in which said structure is located.

(2) Fire or parapet walls, towers, steeples, flagpoles, radio and television antennas and silos.

(3) Bulkheads, roof structures, including gable roof systems that do not include approved living space, penthouses, silos, water tanks, monitors and scenery lofts, ventilating fans or similar equipment required to operate and maintain the building, provided that no linear dimension of any such structure exceeds 50% of the corresponding road lot line frontage; or towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height, provided that all such structures which exceed the heights otherwise permitted in the zone shall not occupy more than 25% of the area of the lot and shall be set back at least 50 feet from every lot line which is not a road right-of-way line. **[Amended 3-1-1999 by Ord. No. 99-16]**

B. Fences and walls. Fences and walls may be located in required yards in accordance with the following:

(1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to a maximum of six feet above ground elevation.

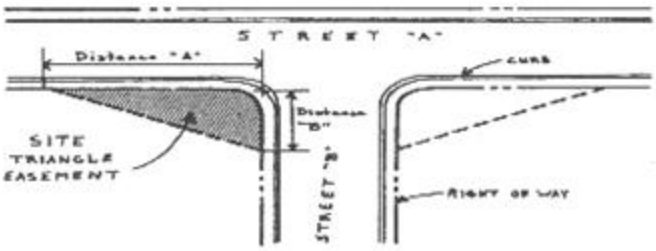
(2) Rear and side yards. Walls and fences shall not exceed eight feet in height above ground elevation. Tennis court fences shall not exceed 12 feet.

(3) Security fences for business, industrial or institutional uses shall not exceed 10 feet in height above the elevation of the surface of the ground unless otherwise necessary to comply with screening requirements.

§ 297-28. Visibility at intersecting roads.

Sight triangles shall be required and shall include the area on each street or road corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street. The location of structures exceeding 30 inches in height that would obstruct the clear sight across the area of the sight triangle shall be prohibited, and a public right-of-entry shall be reserved for the purpose of removing any object or material that obstructs the clear sight. The distances shown in Figure II-I between the connecting points and the intersection of the right-of-way lines shall be required as sight triangles.

Figure II-1
Sight Triangle Easements



Distance "A"/Distance "B"

	"B" Street Type		
"A" Street Type	**Local**	**Collector**	**Arterial**
Local	30/30	30/100	30/120
Collector	100/30	100/100	100/120
Arterial	120/30	120/100	120/120

§297-29. Accessory uses and structures.

A. Except as otherwise restricted by this chapter , customary accessory structures and uses shall be permitted in any zone in connection with the principal permitted use within such zone.

B. The following accessory uses shall be perm itted and the following restrictions shall apply in agricultural and residential zones upon issuance of a zoning perm it in accordance with the following:

(1) In the residential zones and on lots less than three acres in agricultural and rural zones, the area of a single accessory use or structure shall not exceed 50% of the gross floor area of the principal use or structure or 1,000 square feet, whichever is greater. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

(2) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structures.

(3) No accessory use or structure on any lot shall increase any im pervious surface area beyond the maximum permitted.

(4) No accessory use or structure shall be established within the required front yard, except agriculture, not including structures, signs, fences, walls or parking area.

(5) No agricultural or residential accessory use or structure shall be established within six feet of any side or rear lot line. Business, industrial and institutional accessory structures

shall be subject to the same front, side and rear yards as required for the principal structure.

(6) No accessory use or structure shall be located within any recorded easement area.

(7) An accessory structure which does not abut the principal building shall be located at least six feet from any other building on the same lot.

(8) Private horse stables to provide any stables, feeding or bedding areas for two or more horses shall be located at least 75 feet from any public road or lot line. Pastures, when fenced, may extend to the lot line. **[Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94-100]**

(9) Wayside stands for the sale of farm products which are grown or produced on-site, provided that such uses are set back a minimum of 20 feet from the public right-of-way, and in no case shall be less than 30 feet from the edge of pavement, and provide at least three off-street parking spaces. Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(10) Specialized vehicles such as recreational vehicles, campers, manufactured home coaches, boats and boat trailers may be parked or stored in all residential zones under the following conditions:

(a) That such vehicles are not used as living quarters or occupied for more than seven days in any ninety-day period.

(b) That the location of the parking or storage area shall be in the buildable area of the lot and shall not be in front of the principal structure in the RR, RL, RM or RH Zones.

(11) No motor vehicles having a gross vehicle weight of more than 10,000 pounds shall be parked in any residential zone. A motor vehicle having a gross weight of less than 10,000 pounds designed or used to carry freight or passengers for a fee or merchandise in the furtherance of any commercial enterprises shall be allowed in a residential zone on the basis of one vehicle for each residential lot. School buses specifically shall be limited to one such vehicle for each residential lot.

(12) Except for trucks used in farming the property on which they are located or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding five tons empty weight shall not be stored or parked in any residential zone unless engaged in moving household goods or making deliveries.

(13) No inoperable or untagged motor vehicle and/or vehicle part(s) may be parked or stored on any lot unless such motor vehicle and/or vehicle part(s) are stored within a completely enclosed building or are parked or stored in accordance with all of the

following criteria. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 3-11-2002 by Ord. No. 02-30]**

(a) A maximum of one untagged or inoperable motor vehicle, in accordance with the criteria below, may be parked or stored on any lot.

(b) Any untagged motor vehicle shall remain in running condition and shall not be deemed inoperable. "Inoperable" shall be defined as a motor vehicle with any major part, equipment, or component which is necessary for the vehicle's operation removed from the vehicle and not replaced for a period of at least 15 days.

(c) Any untagged or inoperable motor vehicle shall be parked or stored on a hard surfaced area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission. Acceptable hard surfaces shall include, but are not limited to, concrete, asphalt, blue stone, and gravel.

(d) Any untagged or inoperable motor vehicle shall be covered by a manufactured vehicle cover, except during active maintenance.

(e) No untagged or inoperable motor vehicle may be parked or stored within six feet of the property line unless on a legally established driveway. At no time shall such motor vehicle be parked or stored on any public roadway, common or public parking area, assigned or unassigned.

(f) This provision shall not apply to vehicles used in bona fide agricultural operations stored on site.

(14) Accommodations for required servants' quarters and guest houses, provided that all front, side and rear yards, lot area and density requirements are maintained.

(15) Pens, stalls or runs for animals shall not be located within 50 feet of any adjacent residential lot line.

(16) Recreation facilities, such as swimming pools and tennis courts, if the facilities are used by the occupants or guests of the principal use and no admission or membership fees are charged, provided that the edge of the facility, not including security fences, shall be located not less than 10 feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side and rear lot line.

(17) Storage in a structure on a residential lot.

(18) Home occupations may be permitted in accordance with the following criteria:

(a) Delivery of inventory or materials is permitted only by the Postal Service, a private delivery service such as UPS or by the occupant.

(b) Traffic shall not exceed three customers or deliveries per day and will not create an increase in traffic patterns normally associated with a residential community. Any parking required is to be limited to off-street gravel or paved parking, on the permit holder's property.

(c) Employees are limited to members of the immediate family who reside in the dwelling.

(d) Applications for home occupation permits will be approved or disapproved by the Zoning Officer based on the criteria of this subsection.

(e) All business activities associated with the conduct of a home occupation shall be conducted entirely within those portions of the principal dwelling that are approved for the home occupation use. All materials, equipment, supplies, and inventory associated with the home occupation shall be stored within the principal dwelling. A home occupation shall not involve the production or improper disposal of any hazardous, toxic, or carcinogenic materials or waste. **[Added 12-4-2006 by Bill No. 2006-13.[1]]**

(f) The home occupation shall not operate between the hours of 8:00 pm and 7:00 am. Business activities associated with a home occupation shall not be conducted on Sundays or federal holidays. **[Added 12-4-2006 by Bill No. 2006-13.]**

(g) The types of businesses considered suitable as home occupations include but are not limited to:

[1] Tailoring or dressmaking.

[2] Catalog or mail-order sales.

[3] Typing or word processing services.

[4] Answering services.

[5] Bookkeeping or accounting services.

[6] Office space for off-site service businesses.

[7] Woodcrafting or other home crafts.

(h) The types of businesses considered unsuitable as home occupations include but are not limited to:

[1] Automobile sales, repair, dismantling, storage or body shops.

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1 **Editor's Note: This bill also redesignated former Subsection B(18)(e) and (f) as Subsection B(18)(g) and (h).**

[2] Engine or machine repair.

[3] Lawn equipment repair.

[4] Retail sales.

[5] Barber- or beauty shops.

[6] Medical or dental offices.

[7] Dance studios.

[8] Restaurants.

(19) Except in the AC Zone, any areas of lives tock confinement, manure storage or feed storage erected after the ef fective date of th is chapter shall be a m inimum distance of 50 feet from any public street or highway and in no case closer than 250 feet to any existing dwelling units on an adjoining parcel.

(20) Storage of petroleum products for on-site consumption, provided that the storage vessel does not exceed 10,000 gallons.

(21) A cemetery may be an accessory use when located either on the sam e lot or on a lot which abuts a place of regular worship, but not a place of occasional worship such as a memorial chapel.

(22) Cottage industries may be perm itted with conditions by the Zoning Officer in the AC and RC Zones and by special exception in the RR Zone in compliance with the following criteria:**[Added 12-4-2006 by Bill No. 2006-13]**

(a) Cottage industries shall not be operated on lots of record sm aller than five (5) acres.

(b) The Cottage Industry shall be owned a nd operated by an owner of the property upon which the business operation is conducted. A cottage industry may be placed in an existing structure on an existing farm lot (containing at least five (5) acres) that is adjacent to and under common ownership with an existing lot of record containing the principal dom icile of the adjacent farm lot owner. Not more than three (3) persons shall be employed by a Cottage Industry, not more than one (1) of which may reside off the subject property. **[Amended 10-16-2007 by Ord. No. 2007-09]**

(c) Cottage Industries m ay be conducted in an existing rear or side yard accessory structure on lots containing a prim ary residential structure. Any structure used for a cottage industry shall be com pletely enclosed on all four (4) sides, and located not more than five hundred (500) feet from the owner's primary residence. The structure to be used for a cottage industry also shall be located at least fifty (5)

feet closer to the owner's primary residence than to the next closest existing residential structure in the vicinity. Finally, the cottage industry structure shall be located not less than fifty (50) feet from any side or rear lot line nor more than one hundred hundred (100) feet from the primary access road. **[Amended 10-16-2007 by Bill No. 2007-09]**

(d) The Cottage Industry shall be conducted entirely within the designated structure, and the gross floor area dedicated to the Cottage Industry shall not exceed fifty (50) percent of the gross floor area of the principal residential structure on the property or the principal domicile on the adjoining lot. **[Amended 10-16-2007 by Bill No. 2007-09]**

(e) A Cottage Industry may be authorized to utilize one (1) room, containing not more than two hundred (200) square feet of floor area, in the principal residential structure or adjoining principal domicile as a business office for the maintenance and processing of records associated with the Cottage Industry. No business operations, activities, or transactions associated with the Cottage Industry shall be conducted in any portion of the principal residential structure not approved for Cottage Industry use by the County. **[Amended 10-16-2007 by Bill No. 2007-09]**

(f) A Cottage Industry shall not involve the production of any hazardous, toxic, or carcinogenic materials or waste. This restriction shall not be applied to common household cleansers, film developing chemicals, or medical waste generated and properly disposed by a doctor, dentist, or veterinarian in the conduct of an approved Cottage Industry. All materials, equipment, supplies, and inventory associated with the Cottage Industry shall be stored within the designated accessory structure. All power, pneumatic, or hydraulic tools and equipment utilized in the operation of the Cottage Industry shall be stored and operated within the designated accessory structure. These restrictions shall not apply to a kiln or forge that may be used in association with an approved pottery or wrought iron handcrafting operation. Any such kiln or forge shall be located in close proximity to the designated accessory structure, where direct visibility from adjoining dwellings or public roads will be minimized. Additional vegetative screening or fencing may be required to minimize direct visibility from adjoining dwellings or public roads.

(g) The Cottage Industry shall not cause or result in any material change in the outside character or appearance of the conforming principal use of the property, with the exception of the erection of one (1) non-illuminated sign and advertising the Cottage Industry, which shall not exceed four (4) square feet in sign area and shall not extend higher than five (5) feet above the ground nor be located less than five (5) feet from the right-of-way line of the adjoining street. If a freestanding sign is not desired, said sign may be affixed to the accessory structure that houses the Cottage Industry.

(h) A Cottage Industry shall not be permitted in a structure that does not comply with the applicable building codes, fire codes, zoning regulations, or other local, state, and federal regulations.

(i) Delivery or shipment of inventory or materials is permitted only by the U.S. Postal Service, a private delivery service (such as U.P.S., Federal Express, or a similar package delivery service), a customer, or an employee of the Cottage Industry.

(j) Customer and/or shipping traffic to and from the Cottage Industry shall not exceed ten (10) trips per day. The Cottage Industry shall provide at least two (2), but not more than four (4) dedicated off-street parking spaces to service the Cottage Industry. The Cottage Industry shall not generate any business-related traffic or vehicles that exceeds the available off-street parking capacity at any point in time. Any vehicles bearing signs or advertising for the Cottage Industry shall be parked or stored on the property in a location such that the signs or advertising are not clearly or directly visible from any adjoining street or residences on adjoining properties. Any vehicles that exceed fifteen thousand (15,000) pounds gross vehicle rated weight shall require a separate permit from the County.

(k) The Cottage Industry shall not generate any business or customer traffic, nor shall any power, pneumatic, or hydraulic equipment and tools associated with the business be operated, between the hours of 8:00 pm and 7:00 am.

(l) The types of businesses considered suitable as Cottage Industries include, but are not necessarily limited to:

[1] Any business activity considered suitable as a home occupation.

[2] Small engine (lawn mower, motorcycle, moped, etc.) and small electronic appliance repair and servicing, provided the business will have no outdoor displays or staging of inventory.

[3] Pottery, glass, art, sculpture, wood crafting, or other commercial handcrafting operation.

[4] Veterinary office to primarily serve a surrounding agricultural community.

[5] Personal services, excluding massage parlors, provided that the gross floor area of the proposed use does not exceed four hundred (400) square feet.

(m) The types of businesses considered unsuitable as Cottage Industries include, but are not necessarily limited to:

[1] Any manufacturing or industrial processing operations that are not permitted or permitted with conditions in the AC or RC Zones.

[2] Automobile or farm equipment sales, repair, dismantling, storage or body shops.

[3] Heavy or large engine or machine repair.

[4] Medical or dental offices, unless such offices are established and operated to primarily serve a surrounding agricultural community.

[5] Restaurants.

[6] Commercial kennels or cat boarding facilities.

[7] Retail sales operations.

[8] Landscaping, plumbing, or electrical contractor trades.

[9] Massage parlors.

C. The following accessory uses shall be permitted upon issuance of a zoning permit in commercial and industrial zones:

(1) Incidental repair facilities and outside storage of goods normally carried in stock, used in or produced by the business or industrial use, provided that no storage is within 10 feet of any side or rear lot line; all storage is effectively screened from any adjacent residential use or zone; and, such use is not prohibited under the applicable zone regulations of this chapter.

(2) Retail sales in industrial zones shall be permitted, provided that the goods sold are manufactured or produced on the site.

(3) The use of any tractor -trailer or portion of any tractor- railer, tagged or untagged, as a storage facility for whatever purpose is permitted, provided that such storage shall not interfere with parking or rear delivery areas or impede the flow of traffic or emergency vehicles in any way. Such storage shall be adequately screened from all rights-of-way and residential properties by fencing or landscaping and shall meet the minimum setback requirements of the zone and any applicable provisions of the Charles County BOCA Code. Nothing in this section shall prohibit the use of temporary construction trailers as storage.

(4) Storage of petroleum products for on-site consumption, provided that the storage vessel is not more than 20,000 gallons for commercial zones. There is no limit for accessory storage of petroleum in the industrial zones.

§ 297-30. Temporary uses.

Temporary uses shall be permitted upon issuance of a temporary use permit, subject to the following. The specific temporary uses described below shall be subject to the following:

A. **[Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94·100]** Public events, such as carnivals, circuses, decorator' s showcases or them e festivals, shall be allowed for a maximum period of 30 days, provided that no structure or equipment shall be located within 200 feet of any residential lot less than five acres. When a public event accom modates more than 300 people, it shall be subject to the following additional requirements:

(1) The temporary use permit shall specify the use, dates and hours of operation of the event.

(2) Adequate arrangements for temporary sanitary facilities must be approved by the County Department of Health.

(3) No permanent or temporary electrical power for lighting or other uses shall be installed without an electrical perm it demonstrating compliance with the County's electrical code. **[Amended 1-28-2002 by Ord. No. 02-06]**

(4) The site shall be cleared of all debris at the end of the event and cleared of all tem porary structures within three days thereafter . A bond or guarantee in a sufficient amount as determined by the Zoning Of ficer shall be provided to insure that the prem ises shall be cleared of all debris. For an event of 1,000 or m ore attendees per day , the bond or guarantee in a sufficient amount as determined by the Zoning Officer shall be provided to insure that all public em ergency service agencies will be paid for the provision of agreed upon services. **[Amended 1-28-2002 by Ord. No. 02-06]**

(5) Adequate off-street parking shall be provided and a stabilized drive to the parking area shall be maintained.

(6) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notif y the local enforcement authority and shall provide adequate traf fic control.

B. Christmas tree displays and sales shall be pe rmitted in any zone for a maximum period of 45 days. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

C. Contractor's offices and construction equipm ent sheds or accom modations for security shall be permitted in any zone if the use is incident al to a construction project. The office or shed shall be removed upon completion of the project.

D. A real estate sales of fice shall be perm itted in any zone for rental or sale of dwellings in the project. The office shall be rem oved upon initial sales of all units. A rental of fice may be permanently maintained in a rental project.

E. Wayside stands for the sale of agricultural products, Christmas trees, shellfish, and fish in their unpreserved and natural condition shall be permitted on a seasonal basis, provided that the parcel used has suf ficient road frontage to ensure safe ingress and egress. The sales area, including produce stands, shall be set back a minimum of 20 feet from the nearest public road right-of-way and in no case shall be less than 30 feet from the edge of pavement.

Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

F. Temporary manufactured homes.

(1) When a fire or natural disaster has rendered a single-family detached unit unfit for human habitation, the temporary use of a manufactured home located on the lot during rehabilitation of the original residence or construction of a new residence is permitted. Any temporary manufactured home located during the rehabilitation or construction period must meet the following conditions. The temporary manufactured home shall:

(a) Be removed within 12 months of the date of the fire or natural disaster unless an extension is granted as specified below;

(b) Be served by water and sanitary facilities approved by the Charles County Health Department;

(c) Meet all yard and setback requirements for a single-family detached dwelling; and,

(d) Be subject to a building permit approved by the Zoning Officer for the temporary location of a manufactured home.

(2) The Zoning Officer may approve the location of the temporary manufactured home for a period not to exceed 60 days beyond the time specified in Subsection F(l)(a) above if a building permit for the new or renovated residence has been issued and construction has commenced. Any extension beyond 60 days shall require approval by the Planning Commission. The temporary manufactured home shall be removed from the property upon completion of the new or rehabilitated residence and issuance of a use and occupancy permit or upon the expiration of the temporary building permit, with extensions, if any, whichever shall first occur. The property owner shall agree, in writing, to remove the temporary manufactured home, in accordance with the provisions of this subsection, prior to the issuance of any building permit authorizing the location of such a temporary manufactured home. Failure to remove a manufactured home in compliance with these provisions constitutes a violation of this chapter.

G. Any sales or trade of goods, wares or merchandise including but not limited to furniture, clothing, tools, implements, works of art and any tangible personal property of whatever kind, from a motor vehicle or temporary stand, is prohibited, except as provided in this section, or sales in conjunction with a permanent business when such vehicles or stand is located on the premises or adjacent to the premises used by said permanent business, or as otherwise allowed by this chapter.

§ 297-31. Smoke standards.

A. In all zones except IH, no use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1; except that, in

industrial or commercial zones, an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential zone.

B. In the IH Zone, no use may emit from a vent, stack, chimney or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 2, except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 3 is permissible for a duration not more than four minutes during any eight-hour period if the source of emission is not located within 500 feet of a residential zone.

C. For the purpose of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of the Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringlemann number referred to in this section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringlemann No. I indicates a twenty-percent density of the smoke observed.

D. All measurements shall be taken at the point of emission of the smoke.

§ 297-32. Noise.

A. The following is the Table of Maximum Permitted Sound Levels, dB(A), Re: 0.0002:

Figure II-2

Maximum Permitted Sound Levels

dB(A) Re: 0.0002 Microbar

Zoning of Adjacent Lot

Zoning of Lot Where Use is Located	Residential (7 p.m. to 7 a.m.)	PMH, PRD, MX (7 p.m. to 7 a.m.)	Commercial	Industrial PEP Zoning
IG, PEP	50	45	55	65
IH, BP	50	45	60	70

B. Except as provided in Subsection F, Figure II-2 establishes the maximum permissible noise levels for a use by location, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the use is located.

C. A decibel is a measure of a unit of sound pressure. Since sound waves having the same

decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes into account the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

D. The standards established in Figure II-2 are expressed in terms of the equivalent sound level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten-second intervals (see Appendix H[2]) and computing the Leq in accordance with the table set forth in Appendix H. The measurements shall be taken at all property lines of the source of the noise.

E. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures listed in Figure II-2, except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

F. Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

§ 297-33. Air pollution standards.

A. Any use that emits any "air contaminant" as defined in the State Air Pollution Control Law shall comply with applicable state standards concerning air pollution, as set forth in the Annotated Code of Maryland.

B. No zoning permit may be issued with respect to any development covered by Subsection A until the appropriate state permits have been received by the applicant.

§ 297-34. Disposal of liquid wastes.

No use in any zone may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.

§ 297-35. Electrical disturbance or interference.

No use may create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or otherwise cause, create or contribute to the

2 **Editor's Note: Appendix H is located at the end of this chapter.**

interference with electronic signals, including television and radio broadcasting transmissions, to the extent that the operation of any equipm ent not owned by the creator of such disturbance is adversely affected.

§ 297-36. Hazardous materials storage near railroad tracks.

A. For separation distances for loaded tank cars and storage tanks from railroad tracks, the standards below shall apply:

Activity	Combustible Liquid Corrosive Material and ORMS (feet)	PIH (PGI), Flammable Liquid, Flammable Gas Nonflammable Gas and All Other Hazard Classes (feet)
Loading or unloading, distance from main line	50	100
Storage of loaded tank cars, distance from main line	25	50
Storage in tanks, distance from main or side lines	50	100

Source: Association of American Railroads

B. These standards apply to all properties, including storage on railroad property and on chemical company property.

§ 297-37. Change in use.

A. A change in use shall require issuance of a new use and occupancy permit. If the change also involves any development activity, any other applicable permits shall also be required.

B. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

(1) The change involves a change from one principal use category to another.

(2) If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall uses are altered.

(3) If the original use is a combination of uses, the mixture of types of individual principal uses changes.

(4) If the original use is a planned residential development, the relative proportions of different types of dwelling units change .

(5) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use) and such business or enterprise moves out and a different type of enterprise moves in (even though the new business or enterprise may be classified under the same principal use or combination use category as the previous type of business).

C. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

D. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

§ 297-38. Transportation element of Comprehensive Plan.

A. The areas where the transportation element of the Comprehensive Plan has been duly approved by the County Commissioners and adopted by the Planning Commission showing a proposed new highway or street or proposed relocation or evidencing of an existing highway or street, no building or part of a building shall be permitted to be erected within the planned acquisition line of such proposed highway or street.

B. The owner of the property so affected, however, shall have the right to appeal the Zoning Officer's refusal of a building permit to the Board of Zoning Appeals, and the Board may grant a permit to build, subject to such conditions and restrictions as it deems necessary. If it should find, upon the evidence and arguments presented to it upon such appeal:

(1) That the entire property of the appellant, of which the area affected by the transportation element forms a part, cannot yield a reasonable return to the owner unless such appeal is granted; and

(2) That balancing the interest of the general public in preserving the integrity of the place and element and the interest of the owner of the property in the use and benefits of his property, the granting of such permits is required by consideration of reasonable justice and equity.

C. Before taking any such action, the Board shall hold a public hearing at which the parties in interest shall have an opportunity to be heard.

D. All of the general provisions and the specific requirements and procedures related to appeals contained in Article XXV will be applied by the Board in its determination of whether a building permit should or should not be issued.

E. If the Board grants a development permit in any such appeal, it shall specify the exact location, ground area, height and other details as to the extent and character of the development for which the permit is granted and msy require reasonable requirem ents as a condition of granting such permit, which requi rements shall inure to the benef it of the county.

§297-39. Expiration of Home Occupation & Cottage Industry Permits. [Added 12-04-2006 by Bill No. 2006-13]

A permit issued by the County for a Home Occupation or Cottage Industry shall expire under any of the following circumstances.

A. Whenever the applicant ceases to occupy the structure or lot for which the Home Occupation or Cottage Industry perm it was issu ed. No subsequent occupant of such premises shall engage in any Home Occupation or Cottage Industry until a new perm it has been issued for the proposed business activity. A permit to operate a Home Occupation or Cottage Industry is not transferable to a new residence or lot.

B. Whenever the holder of a Hom e Occupation or Cottage Industry perm it ceases operation of the permitted business activity for any period of ninety (90) consecutive days.

C. When the owner of a perm itted Home Occupation or Cottage Industry is issued a notice of violation of this section, the owner shall cease and desist from all business operations until such tim e as the Zoning Officer has ve rified, through on-site inspection, that the violation has been rem edied. Failure to ceas e and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within thirty (30) days of the date that the notice of violation was issued, the Home Occupation or Cottage Industry permit shall expire and no resum ption of business activities associated with such business may occur without first obtaining a new permit.

D. Where a cottage industry perm it has been issued for a farm lot where the principal domicile or dwelling is on an adjoining sepa rate lot of record under com mon ownership with the subject farm lot, the cottage industry permit shall expire when any of the following conditions occur: **[Added 10-16-2007 by Bill No. 2007-09]**

(1) The two adjoining lots cease to be under common ownership;

(2) The adjoining residential lot ceases to be the primary domicile of the farm lot and business owner;

(3) The permit expiration terms of either subsec tion B or C of this section are satisf ied; or

(4) The two lots cease to be adjoining.

§297-40. Scenic and/or Historic Roads. [Added 11-9-2010 by Bill No. 2010-15].

A. Characteristics of scenic and/or historic roads.

(1) Definition. Scenic and/or historic roads are public roads in the county which have at least one of the following characteristics in order to qualify and be included in the inventory in accordance with the scoring methodology in Appendix "J".

(a) Pass through an area of outstanding natural environmental features providing views of scenic elements such as forests, steep topography, and stream or river valleys;

(b) Provide outstanding views of rural agricultural landscapes including ssenic elements such as panoramic or distant views, cropland, pastures, fields, streams, ponds, hedgerows, wooden fences, farm buildings and farmsteads;

(c) Follow historic road alignments and provide views of historic resources; or

(d) A large portion of the road provides frontage for properties that are in a historic district or subject to perpetual or long-term agricultural, environmental or historic easements.

(2) Features of scenic and/or historic roads are features within or adjacent to the right of way. The features which contribute to scenic and/or historic character include narrow pavement width, embankments, road alignments which conform closely to natural topography, hedgerows, mature trees or forest along the edges of the roadway, and other features by which the road reflects and is related to the surrounding landscape.

B. Scenic and/or historic roads inventory.

(1) Adoption by Commissioners. The County Commissioners shall adopt a scenic and/or historic roads inventory, and associated maps, which designates certain roads or road segments in the county as scenic and/or historic roads. After adoption of the scenic and/or historic roads inventory, roads or road segments may be added or deleted by the County Commissioners through resolution or through the update of the Comprehensive Plan.

(2) The County Commissioners may include a road or road segment in the scenic and/or historic roads inventory if it finds that the road has at least one of the characteristics listed in the definition for a scenic and/or historic road in §297-40A(1) above.

(3) Contents of inventory. The scenic and/or historic roads inventory shall:

(a) Identify all scenic and/or historic roads;

(b) Describe in general terms the scenic and/or historic elements or views from the road; and

(c) Describe in general terms the features of the road right-of-way.

(d) Include a map of designated scenic and/or historic roads.

(4) Appendix J includes the inventory form and methodology used to score and qualify for scenic/historic designation in Charles County. The Charles County Commissioners, in their capacity as the chief executive body of the Charles County Government, are hereby authorized to modify the methodology from time to time, as circumstances warrant, in accordance with procedures to be adopted by the Charles County Commissioners.

C. Regulations affecting scenic and/or historic roads. See the County's Subdivision Regulations and R oad O rdinance for specific design and development criteria a pplicable to projects adjacent to scenic and/or historic roads.

§§ 297-41 through 297-48. (Reserved)

ARTICLE III
Definitions and Interpretations

§ 297-49. Word usage; definitions.

A Unless otherwise specifically provided, the words and phrases defined shall have the meanings indicated when used in this chapter.

B. When necessary in this chapter, a specific term will be defined by a footnote where the term appears in the text.

C. The Critical Area Zone (Article IX) contains a separate list of definitions which are applicable to only that zone. If a term is not defined in that section but is defined in this section, then the definition in this section controls.

D. To amplify and clarify all provisions of this chapter, the following rules shall apply:

(1) Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.

(2) The word "shall" is mandatory and not discretionary.

(3) The word "may" is permissive.

(4) The word "lot" shall include the words "piece," "parcel" and "plots"; the word "building" includes all other structures of every kind, regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for."

(5) All measured distances shall be rounded to the nearest integral foot.

E. Definitions.

ACCESSORY APARTMENT -- A second dwelling unit that is part of an existing one-family detached dwelling or is located in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent facility with provision within the accessory apartment for cooking, eating, personal sanitation and sleeping. Such a dwelling unit is subordinate to the main dwelling. **[Amended 11-13-2009 by Ord. No. 2009-12]**

ACCESSORY USE -- See "use, accessory." Also see § 297-29 of Article II.

AGRICULTURE -- The use of land for agricultural purposes, including dairying, pasturage, agriculture, apiaries, horticulture, floriculture, orchards, agricultural nurseries, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be

secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the acceptance or disposal of land clearing debris or rubble which originates off-site or the commercial feeding of garbage or offal to swine or other animals. The breeding, raising, training and general care of livestock for uses other than food, such as sport or show purposes, as pets or for family recreations, shall be considered a normal farming function, but kennels are excluded from this definition.

AGRICULTURAL TOURISM (AG TOURISM) – An AG Tourism Facility is an agricultural related business located on a farm that is open for customers and tourists for at least six (6) months of the year, for at least four (4) days a week, and which provides tours and on-site sales or samples of primarily Charles County agricultural products. **[Added 5-11-2012 by Bill No. 2012-07]**

AIRPORT, GENERAL AVIATION -- Any land area which is used or intended for use for the landing and taking off of 20 or more aircraft, and any appurtenant accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary building and open spaces. This term does not include private use airports.[2]

AIRPORT, PRIVATE USE -- Any airport for personal use of the property owner, which includes no commercial uses.

ANTENNA -- Exterior equipment designed to transmit or receive electronic signals.

APARTMENT, COMMERCIAL -- See "commercial apartment."

APPLICANT -- A person, corporation or company whose request initiates the administrative procedures for the issuance of a zoning permit, zoning change, special exception, variance, appeal, sign permit or other decision based on this chapter.

AQUACULTURE -- The commercial rearing of finfish, shellfish and aquatic plants for sale, trade, barter or shipment. "Aquaculture" shall not include the processing of this material other than what is necessary for transportation from the site.

AUTOMOBILE DISMANTLING AND STORAGE YARD -- See "junkyard."

BASEMENT -- A story having ½ or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

BED-AND-BREAKFAST or TOURIST HOME -- An existing single-family, owner-occupied dwelling that is used for lodging guests for compensation, none of whom remain for more than seven consecutive nights, and that provides food or beverage service for the overnight guests, including breakfast at a minimum.

BILLBOARD -- See "sign, outdoor advertising."

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2 **Editor's Note: See definition for "airport, private use" which follows.**

BLACKSMITH -- A commercial operation producing forged iron products, including horseshoes, except that a farrier whose operation is limited to shoeing horses or other equine is not a commercial "blacksmith."

BOARDINGHOUSE or ROOMING HOUSE -- A single-family detached residence consisting of at least one dwelling unit, together with more than two rooms that are rented or are designed or intended to be rented but, individually or collectively, do not constitute separate dwelling units. A rooming house or boardinghouse is distinguished from a bed-and-breakfast or tourist home in that the former is designed to be occupied by longer-term residents as opposed to overnight or weekly guests.

BUILDING -- A structure having one or more stories and a roof designed primarily as a place of occupancy, storage or shelter.

BUILDING, ACCESSORY -- A building subordinate to and located on the same lot as a principal building and used incidentally to a principal building or housing an accessory use, which is not attached to the principal building in any way.

BUILDING, FLOOR AREA OF -- The total number of square feet area in a building, excluding cellars, uncovered steps and uncovered porches, but including the total floor area of accessory buildings on the same lot.

BUSINESS SERVICES -- Establishments primarily engaged in rendering services to businesses on a fee or contract basis. Some illustrative but non-inclusive examples are actuarial services, advertising services, blueprinting and photocopying, catering, credit reporting and collection services, data processing, detective and protection services, direct-mail advertising, disinfecting and exterminating, duplicating and publishing, employment agencies and services, janitorial services, motion picture distribution services, office or business equipment rental and leasing, photofinishing, secretarial or stenographic services, tag and title services, telecommunications, window cleaning and computer processing.

CAMP, CAMPGROUND -- A lot, tract or parcel of land upon which two or more campsites are located, established or maintained and occupied by camping units for children or adults, or both. Camps will include tents, cabins, dormitories, dining halls, active and passive recreation facilities.

CANOPY -- A roof-like structure of a permanent nature which may be freestanding or projected from a wall of a building or its supports.

CAR WASH -- An area of land and/or a structure with mechanical or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

CAT BOARDING FACILITY -- Any establishment for the commercial boarding of five or more adult cats for which a fee is charged. **[Added 9-10-1996 by Ord. No. 96-88]**

CIRCULATION AREA -- That portion of the parking area used for access to parking or loading areas or other facilities on the lot. Driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

CLUSTER DEVELOPMENT -- A development concept which encourages and permits variations in residential developments by allowing deviation in lot size, type of dwelling, lot coverage and open space from that which is normally required in the applicable zone as further described under Article XIV.

COMMERCIAL APARTMENT -- A dwelling unit located above and/or behind the principal commercial use.

COMMUNITY WATER SUPPLY SYSTEM -- A source of water supply and distribution system serving two or more individual lots, dwelling units, businesses, commercial or industrial establishments or any combination thereof, and may be publicly or privately owned and/or operated.

CONSERVATION LANDSCAPING – Installing plants that are suited to the site conditions (sun exposure, soil moisture, soil pH and soil type), native to the region, and emulate a specific habitat (woods, wetland or meadow). **[Added 5-7-08 by Bill No. 2008-01]**

CONSTRUCTION SERVICES AND SUPPLIERS -- The performance of work by, or furnishing of supplies to, members of the building trades. Some illustrative but non-inclusive examples are: building contractors; carpentry and wood flooring services; electrical services; energy systems service and products; general contractors; masonry, stonework, tile-setting and plastering services; plumbing, mechanical, heating and air-conditioning services; roofing and sheet metal services; septic tank sales, service and installation; sign painting; and cabinet making.

CONVENIENCE STORE -- A one-story retail store containing less than 4,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies. It is designed to attract, and depends upon a large volume of, stop-and-go traffic. Illustrative examples of "convenience stores" are those operated by the "High's," "7-11" and "Dash-In" chains.

COTTAGE INDUSTRY – An accessory business operation conducted within an existing accessory structure to an principal residential dwelling on a property or within an existing structure located on a farm adjoining and under common ownership with a lot containing the primary domicile of the common property owner and located within the AC, RC, or RR Zones in full compliance with the conditions and requirements specified in Section 297-29 B (22) of the

Charles County Zoning Ordinance. See also definition of "home occupation". **[Added 12-14-2006 by Bill No. 2006-13, Amended 10-16-07 by Bill No. 2007-09]**

COUNTRY INN -- Any detached residential structure at least 50 years old in which rooms are rented to paying guests on an overnight basis with meals served daily in said structure. A country inn may also provide catering and facilities for banquets, weddings, receptions, reunions and similar one-time events which are not open to the public generally. **[Added 10-31-1995 by Ord. No. 95-96]**

DAY-CARE CENTER or DAY NURSERY -- A place where day care is provided to nine or more dependent individuals, not members of the family that resides on the premises, but not including public or private schools organized, operated or approved under Maryland laws or day-care homes registered with the Department of Social Services, as set forth in the Family Law Article of the Annotated Code of Maryland. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 8-9-2005 by Ord. No. 05-13]**

DAY-CARE HOME -- A residence in which care is given to a child in place of parental care, for less than 24 hours a day, other than the child's residence, for which the day-care provider is paid. No more than two children under age two and no more than eight children, including the provider's own, may be provided for. **[Amended 8-9-2005 by Ord. No. 05-13]**

DEVELOPMENT -- Any activity, other than normal agricultural activity, which materially affects the existing condition or use of any land or structure, including mines, landfills or land disturbances such as grading, paving and excavation.

DRIVEWAY, ACCESS -- Any private way used to provide motor vehicle access to three or more lots or three or more distinct areas or buildings in un-subdivided developments. **[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]**

DRIVEWAY, PARKING -- That portion of a parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

DUPLEX -- See "residence, duplex."

DWELLING -- A building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multifamily dwellings (not including hotels and motels).

DWELLING, ATTACHED -- A building containing two or more dwelling units having common walls or roof and a separate ground-level entry for each unit.

DWELLING UNIT -- An enclosure containing sleeping and kitchen facilities designed for and used or held ready for and as a permanent residence by one family.

EARTH STATION -- An antenna and attendant processing equipment for reception or transmission of electronic signals from satellites where the structure is in excess of 12 feet in diameter.

ELDERLY CARE HOME, RESIDENCE -- See "residence, elderly care home."

ELDERLY PEOPLE -- People who are 62 years of age or over or families where either the husband or wife is 62 years of age or older.

ELECTRIC POWER, GAS TRANSMISSION AND TELECOMMUNICATION BUILDINGS AND STRUCTURES -- Buildings and structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers and other such devices for supplying electric service; telephone offices; radio or television transmitter towers and stations; and aboveground pipelines.

ENERGETICS -- A branch of physics that deals primarily with energy (physical, chemical or biological) and it's transformations, including the research and development of pyrotechnics, explosives, and propellants. **[Added 11-1-2008 by Bill No. 2008-21]**

EXISTING BUILDING OR DWELLING -- A lawful building in place at the time of the enactment of this chapter.

FAÇADE – The exterior elevation or face of a building from ground level to roofline. **[Added 4-23-2010 by Bill No. 2010-02]**

FAMILY -- An individual or two or more persons related by blood or marriage or a group of not more than eight persons, excluding servants, not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

FAMILY BURIAL SITE -- A private, nonprofit cemetery used for the burial of deceased members of the extended family of the owner of the land.

FARRIER -- An individual who shoes horses or other equine. A farrier whose operation is limited to horseshoeing is not a commercial blacksmith. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

FLOOR AREA RATIO -- The quotient determined by dividing the gross floor area of all buildings on a lot by the total area of that lot. For the purpose of calculating floor area ratio, the floor area of a parking garage structure (attached, integrated, or detached) shall not be included in the gross floor area of occupied buildings. **[Amended 4-23-2010 by Bill No. 2010-06]**

FRONTAGE -- The length of a property line abutting a public street, road, highway or private right-of-way recorded in the land records of Charles County. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

GARDEN APARTMENTS -- A building with no more than three stories containing four or more dwelling units off a common entry.

GENERAL MERCHANDISE -- Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment such as lumber and building materials, farm implements, garden supplies, feed and grain storage, marine equipment sales and service, stone monument sales and like uses.

GROSS DEVELOPABLE AREA -- Total site acreage minus any tidal wetland acreage equals "gross developable area."

GROSS FLOOR AREA -- The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROSS RESIDENTIAL DENSITY -- Gross developable area multiplied by the number of dwelling units permitted per acre in a given zone.

GROUP HOME -- A residence in which individuals who are under treatment for a mental disorder may be provided care or treatment in a home-like environment, as provided for in the Mental Hygiene Law of the Annotated Code of Maryland. Also a residence within a single dwelling unit for at least six but not more than eight unrelated individuals who are physically or mentally handicapped or infirm or under the age of 18, together with not more than two persons providing care or assistance to such persons not requiring medical treatment, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

GUEST HOUSE -- Dwelling or lodging units for temporary nonpaying guests in an accessory building. No such quarters shall be occupied by the same guests for a period of more than three months in any twelve-month period, and no such quarters shall be rented, leased or otherwise made available for compensation of any kind.

GROSS TRACT – A contiguous assembly of one or more lots, for the purpose of filing an application for development. **[Added 4-23-2010 by Bill No. 2010-06]**

HALFWAY HOUSE -- A home for not more than nine unrelated people who have demonstrated a tendency toward alcoholism, drug abuse or antisocial or criminal conduct, together with not more than two people providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

HELIPORT -- An area, either at ground level or elevated on a structure, that is used or intended to be used regularly for the landing and taking off of helicopters, which may include major helicopter support facilities for fueling, maintenance, parking or storage, administration offices, cargo loading and waiting room. "Heliports" may be public or private.

HELISTOP -- An area, either at ground level or elevated on a structure, that is used or intended to be regularly used for the landing or taking off of helicopters without major helicopter support facilities. An area is a "helistop" if helicopters land and take off more than five times per week or use the site for more than 20 days during a twelve-month period. "Helistops" may have minor support facilities such as a sheltered waiting or loading area and an administrative office, if necessary, but shall not have facilities for fueling, maintenance, parking or storing or major cargo loading. "Helistops" may be public or private.

HOME OCCUPATION -- An activity carried out for financial gain within a dwelling by the resident(s) which is subordinate to the residential use of the property. Home Occupations shall be conducted in full compliance with the conditions and requirements specified in Section 297-29 B (18) of the Charles County Zoning Ordinance. See also definition of “cottage industry”. **[Amended 12-14-2006 by Bill No. 2006-13]**

HOSPITAL -- A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the inpatient medical, psychiatric or surgical care of sick or injured humans and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

HOTEL, MOTEL or INN - A building or group of buildings containing guest rooms where, for compensation, lodging is provided for transient visitors. A hotel, motel or inn is not a bed-and-breakfast, boardinghouse, fraternity or sorority house or school or college dormitory as may be defined and regulated elsewhere in this chapter.

INTERMITTENT STREAM -- A stream in which surface water is absent during a portion of the year.

JUNK YARD (or SALVAGE YARD) -- An open area where waste or scrap materials, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles, are bought, sold, exchanged, stored, baled, packed, disassembled or handled. It includes an auto wrecking yard or the storage of three or more inoperable vehicles, but excludes uses established entirely within enclosed buildings and wrecked motor vehicles stored for a period of not more than 90 days.

KENNEL, COMMERCIAL -- Any establishment for the commercial breeding, boarding, grooming, sale or training of five or more adult domestic animals for which a fee is charged, provided that an animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "commercial kennel." **[Amended 9-10-1996 by Ord. No. 96-88]**

LANDSCAPE AREA – An area containing plant materials, including trees, shrubs, ground cover and other vegetation, established and maintained for enhancing the appearance of the site, noise reduction, buffering or screening. Where appropriate, a landscape area may also include walls or fences, benches, terraces, pathways and similar features. **[Added 4-23-2010 by Bill No. 2010-02]**

LOT:

(1) A parcel of land whose boundaries have been established by a recorded deed or a recorded subdivision plat filed among the land records of the county, but not including land identified on any such plat as an out-lot.

(2) If a public body or any authority with the power of eminent domain condemns, purchases or otherwise obtains fee simple title to a strip of land cutting across a parcel of land otherwise characterized as a "lot" by this definition or a private road is created across a parcel of land otherwise characterized as a "lot" by this definition and the interest thus obtained for the road so created is such as effectively to prevent the use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

(3) The Zoning Officer and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this chapter.

LOT AREA -- The total area circumscribed by the boundaries of a lot, except that:

(1) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line or, if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street;

(2) In a residential zone, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be 25 feet from the center of the traveled portion.

LOT, CORNER -- A lot situated at the intersection of two or more streets.

LOT COVERAGE -- The computed ground area occupied by all buildings within a lot.

LOT DEPTH -- The mean horizontal distance between the front lot line and rear lot line of a lot, measured within the lot boundaries.

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINE, FRONT -- That boundary of a lot which is along an existing private or dedicated public street or, where a public street exists, is along a public way. In the case of a corner or through lot, both boundaries along a public way shall be considered "front lot lines."

LOT LINE, REAR -- The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line at least 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the case of corner and through lots, one "rear lot line" shall be established.

LOT LINES -- The property lines bounding the lot.

LOT LINE, SIDE -- Any boundary of a lot which is not a front lot line nor a rear lot line.

LOT, OUTLOT -- A parcel of land which is shown on a recorded plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this chapter. No building permit shall be issued on any land so designated.

LOT, PANHANDLE -- A lot with a narrow stem, extension or "handle" which provides frontage on a public road or public road right-of-way or a private road right-of-way recorded in the land records of Charles County. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

LOT, RADIAL -- A lot with frontage on a cul-de-sac and side lot lines which extend from the common radial point of the cul-de-sac or with frontage on the outside edge of a road curve and side lot lines perpendicular to the road center line. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

LOT, RECORD -- A parcel of land which has been legally recorded in the land records of Charles County.

LOT, THROUGH -- A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.

LOT WIDTH -- The horizontal distance between the lot lines along a straight line parallel to the front line at the minimum required building setback line.

MANUFACTURED HOME -- A dwelling unit that is not constructed in accordance with the standards set forth in the county's Building Code[3] applicable to site-built homes; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and exceeds 40 feet in length and eight feet in width.

MANUFACTURED HOME, CLASS A -- A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

(1) The home has a length not exceeding four times its width, which may be calculated using the measurements of a carport or an enclosed porch;

(2) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(3) The exterior siding consists of wood, hardboard or aluminum (vinyl-covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

(4) A continuous, permanent masonry foundation, un-pierced except for required ventilation and access, is installed under the home; and

(5) The tongue, axles, transporting lights and removable towing apparatus are removed after placement on the lot and before occupancy.

MANUFACTURED HOME, CLASS B -- A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home.

MANUFACTURED HOME PARK -- A residential use in which more than one manufactured home is located on a single lot.

MANUFACTURING -- Processing, creating, repairing, renovating, painting, cleaning and

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3 **Editor's Note: See Ch. 224, Building Construction**

assembling of goods, merchandise or equipment. Retail sales and service uses may be included, provided that the products sold are manufactured on the site or accessories to products manufactured on the site by the owner or lessee of the site, not more than 10% of the floor space of the main structure may be devoted to the retail sales of articles made on the premises and any service facilities are limited to the repair and/or service of products manufactured by the owner or lessee of the site. Nothing herein contained shall be construed to permit the operation of general retail sales business.

MARINA -- A place for docking four or more pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies and provisions of goods, beverages and entertainment as accessory uses. A yacht or boat club shall be considered as a "marina."

MARQUEE -- A roof-like structure of a permanent nature which projects from the wall of a building or its supports and may overhang the public way.

MERCHANDISE, GENERAL -- See "general merchandise."

MIGRANT WORKERS' HOUSING -- One or more structures, buildings, tents, barracks, trailers, vehicles, manufactured homes, converted buildings and unconventional enclosure of living spaces established, operated or used as living quarters for four or more migratory workers engaged in agricultural activities, including related food processing.

MIXED-USE BUILDING – A building in which the predominant uses on the first floor are retail, restaurant, or commercial services and the predominant uses on the upper levels are residential apartments or offices. **[Added 4-23-2010 by Bill No. 2010-02]**

MIXED-USE BUILDING, RESIDENTIAL – A mixed-use building designed for residential use on at least one level above the first floor. **[Added 4-23-2010 by Bill No. 2010-02]**

MODULAR HOME -- A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a "modular home" may consist of two sections transported to the site in a manner similar to a manufactured home or a series of panels or room sections transported on a truck and erected or joined together on the site.

MOTEL -- See "hotel, motel or inn."

MOTOR VEHICLE FUEL SALES -- Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed, such as ignition service, tire repair or repair and replacement of minor parts such as pumps and filters, brake service and the like. "Motor vehicle

fuel sales" does not include a repair or body shop, but shall include self-service filling stations and any convenience store accessory to or associated with such gas sales. A car wash with up to two bays may be permitted as an accessory use.

MOTOR VEHICLE SALES -- Storage and display for sale of more than one motor vehicle or any type of trailer, provided that the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales.

MULTI-FAMILY – A building or portion thereof containing three or more dwelling units. **[Added 4-23-2010 by Bill No. 2010-02]**

NEIGHBORHOOD SERVICES, ESSENTIAL -- Any utility facility needed to provide a basic service such as water, sewer, telephone and cable television to the individual users.

NONCONFORMING SITUATION -- A situation that occurs when, on the effective date of this chapter, any previously lawfully existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the zone in which the lot or structure is located. Among other possibilities, a "nonconforming situation" may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter or because land or buildings are used for purposes made unlawful by this chapter. Nonconforming signs shall not be regarded as "nonconforming situations" for purposes of Article XXVIII, but shall be governed by the provisions of Article XIX.

NURSING CARE INSTITUTION -- An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

OFF-TRACK BETTING FACILITY -- A commercial establishment or an accessory use which offers pari-mutuel betting at a satellite simulcast facility of a thoroughbred or harness race that is simulcast from a sending track by a state licensee and which transmits pari-mutuel information regarding bets back to the sending track.

OPEN SPACE -- Uncovered areas for public enjoyment consisting of such things as green areas, gardens, plazas, walks, pathways, promenades, arcades, lawns, fountains, decorative plantings, passive or active recreational areas and uncovered areas used for agriculture or forestry. Such space shall not include parking or maneuvering areas for vehicles. Areas devoted to this are readily accessible to the public or residents of the development.

PARKING AREA -- That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas.

PARKING AREA AISLES -- A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

PARKING SPACE -- An area set aside for the parking of one vehicle.

PERENNIAL STREAM -- A stream containing surface water throughout an average rainfall year.

PERSONAL SERVICES -- Services rendered to an individual. Examples are beauty and barber shops, clothing alterations, dance and music studios, fur repair, interior decorating, photography studios, rug cleaning and repair (in-home cleaning), shoe repair, watch and jewelry repair, appliance repair and furniture repair.

POULTRY HOUSE **[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]** -- The keeping of more than:

(1) Twenty-five fowl on five to 10 acres;

(2) Fifty fowl on 10 to 50 acres; or

(3) One hundred fowl on 50 acres or more.

POZZOLAN -- The finely divided residue which results from combustion of ground or powdered coal and is released by combustion gases, as further defined in § 7-464 of the Natural Resources Article, Annotated Code of Maryland, as amended. **[Added 2-13-1996 by Ord. No. 96-7]**

POZZOLAN MANAGEMENT FACILITY -- An area where pozzolan is deposited or landfilled in accordance with sound engineering practices and may be later reclaimed or mined. **[Added 2-13-1996 by Ord. No. 96-7]**

PROPERTY LINES -- The lines bounding a lot, as defined herein.

PUBLIC USE LOT -- **[Amended 6-24-1996 by Ord. No. 96-69]** A parcel of land which is designated not to be used as a residential lot and is to be dedicated to the homeowners' association, the county, the state or any other public entity, subject to the following:

(1) The lot shall be demonstrated to be acceptable to the future property owner, organization

or agency, including reasonable access and maintenance.

(2) Written acknowledgment by the future property owner, organization or agency is to be provided prior to preliminary subdivision plan approval.

(3) The proposed use of the lot is clearly specified on the subdivision plan and plat and determined to be an appropriate use by the planning commission as a part of the preliminary subdivision plan approval process.

(4) Appropriate deed restrictions are recorded with the final subdivision plat.

PUBLIC WAY -- Any sidewalk, street, alley, highway or other public thoroughfare.

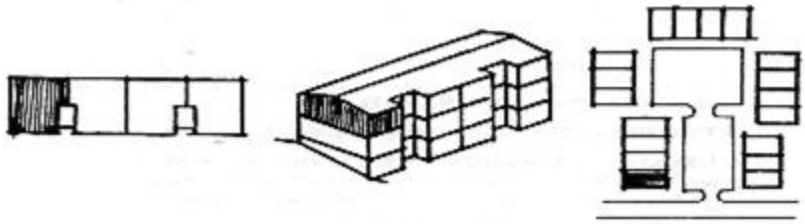
RECREATIONAL VEHICLE -- A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.

RECREATIONAL VEHICLE PARK -- Any site, lot, parcel or tract of land which is improved, used or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping or recreational purposes.

RESIDENCE, DUPLEX -- A two-family residential use in which the dwelling units share a common wall, including the wall of an attached garage or porch.

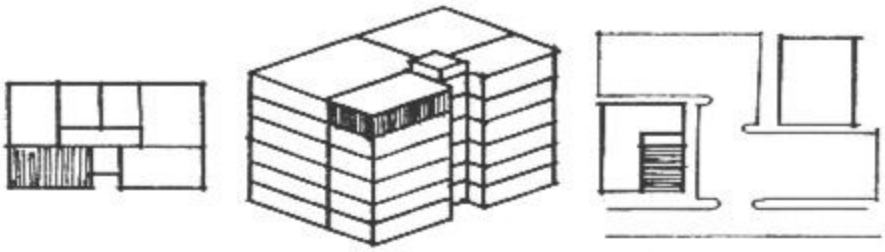
RESIDENCE, ELDERLY CARE HOME -- Group, family-style, assisted housing for the elderly in existing single-family detached homes which provide a residential environment and supervised personal services for persons over the age of 62 who have temporary or periodic difficulties with one or more essential activities of daily living. Any such facility shall be certified or licensed by the State of Maryland.

RESIDENCE, GARDEN APARTMENT -- A building containing four or more dwelling units off a common entry with no more than three stories.



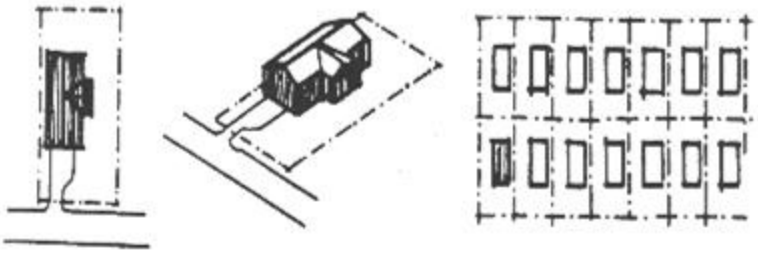
Residence, Garden Apartment: plan, perspective and layout.

RESIDENCE, HIGH-RISE -- A building containing eight or more dwelling units with six or more stories and a common entry.



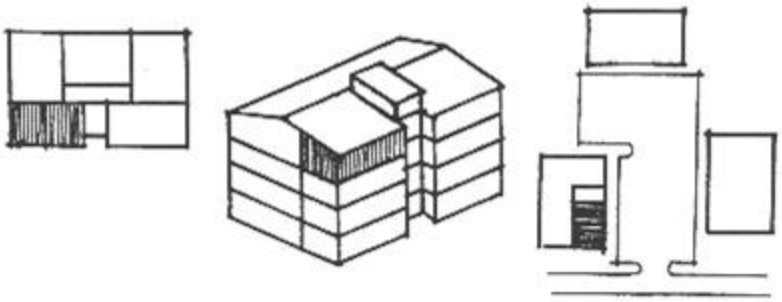
Residence, High-Rise: plan, perspective and layout.

RESIDENCE, LOT LINE -- A building on a single lot containing one dwelling unit located with one side on or near one side lot line and designed to orient interior living space to the other three yards.



Residence, Lot Line: plan, perspective and layout.

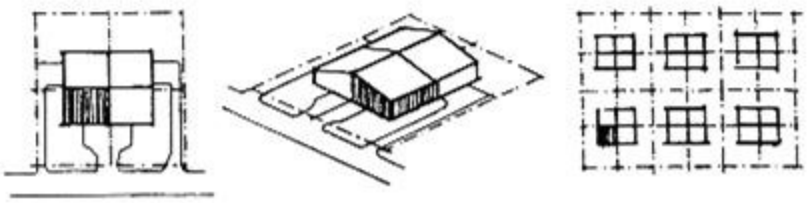
RESIDENCE, MID-RISE -- A building containing eight or more dwelling units off a common entry with four or five stories.



Residence, Mid-Rise: plan, perspective and layout.

RESIDENCE, MULTIFAMILY -- A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

RESIDENCE, MULTIPLEX -- A building containing three or more attached dwelling units having common walls or roof and a separate entry for each unit.



Residence, Multiplex: plan, perspective and layout.

RESIDENCE, PRIMARY, WITH ACCESSORY APARTMENT -- A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 50% of the gross floor area of the building, and the minimum floor area shall also be 300 square feet.

RESIDENCE, SINGLE-FAMILY DETACHED -- A residential use consisting of a single detached building containing one dwelling unit, including modular homes and manufactured homes meeting the following criteria:

(1) Not less than 24 feet in width and 40 feet in length;

(2) Installed in compliance with the regulations of the county;

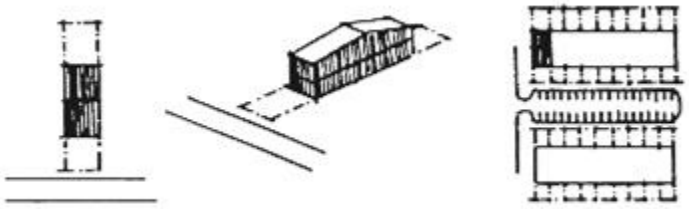
(3) Constructed with brick, wood, aluminum, vinyl or cosmetically equivalent exterior siding;

(4) Constructed with a minimum pitch of three feet for every 12 feet of shingle roof covering or a cosmetically equivalent roof system;

(5) Constructed with a minimum four-inch roof overhang; and

(6) Permanently affixed to a foundation supporting the load-bearing framework of the manufactured home and a foundation wall enclosing its entire perimeter.

RESIDENCE, TOWNHOUSE -- A building containing three or more attached dwelling units in a row having access from the front and rear of the dwelling.



Residence, Townhouse: plan, perspective and layout.

RESTAURANT, DRIVE-IN -- A place of business being operated for the retail sale of food and other goods, services or entertainment which is designed to allow patrons to be served or accommodated while remaining in their automobiles or which allows the consumption of any food or beverage obtained from a carry-out window.

RESTAURANT, DRIVE-THROUGH -- Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can either be eaten inside the premises or served customers in motor vehicles at a drive-through window.

RESTAURANT, FAST-FOOD -- An establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.

RESTAURANT, FAST-FOOD CARRY-OUT/DELIVERY -- An establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so it can readily be eaten away from the premises as there are no facilities for on-premises consumption of food.

RESTAURANT, STANDARD -- A food-serving establishment whose principal business is the production and sale of food ordered from a menu and served to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park operated solely for the convenience of its patrons shall not be considered a restaurant.

RETAIL SALES GREATER THAN 100,000 SQUARE FEET -- Buildings on one floor ranging from 100,000 square feet or larger designed for use as a discount department store offering a wide variety of merchandise; a product category store offering a large selection of merchandise of a particular type of product; a warehouse club offering a variety of bulk goods at discount prices, or an outlet store. The store shall be a freestanding, one-story building and not more than 50% of the building's floor area is subleased or subdivided for other businesses. **[Added 9-23-2002 by Ord. No. 02-80]**

RETIREMENT HOUSING COMPLEX -- A residential institutional facility providing a graduated range of housing and services for individuals who are 55 years of age or older, ranging from single-family attached, detached or multifamily dwelling units to congregate housing facilities. For all dependent and semi-independent living units within the complex, such facilities shall include communal dining and food preparation facilities, laundry and cleaning facilities, common recreation and meeting space, and medical and personal services, provided that none of these ancillary facilities or services are available to the general public, unless otherwise permitted within the zone in which the use is located. **[Added 9-28-1998 by Ord. No. 99-25; amended 10-3-2005 by Bill No. 2005-18]**

ROAD, ARTERIAL -- A road which carries the major portion of the traffic entering and leaving an area of the county.

ROAD, COLLECTOR -- A road which provides for principal internal movements at low to moderate operating speeds within residential neighborhoods, business or industrial areas and which is a primary means of circulation between adjacent neighborhoods and which functions to distribute traffic from arterials to local and other collector roads and collects traffic from local roads and channels it into the arterial system.

ROAD, CUL-DE-SAC -- A street that terminates in a vehicular turnaround.

ROAD, LOCAL -- A road which primarily provides direct access to abutting property. Overall operating speeds are low in order to permit frequent stops or turning movements to be made with maximum safety.

ROAD, MARGINAL ACCESS -- A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat

sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

ROAD, PARKWAY -- An arterial road with special requirements for landscaping and access. These include roads like Western Parkway, St. Patrick's Drive, Smallwood Drive and St. Charles Parkway.

ROAD, PRINCIPAL ARTERIAL -- An arterial road which carries a high volume of traffic for interstate or inter-county travel. These include roads like U.S. Route 301, MD Route 5, MD Route 210, MD Route 205, MD Route 228 from MD Route 210 to Beale Hill Road to U.S. Route 301 and MD Route 6 east of La Plata.

ROAD, PRIVATE -- All private rights-of-way recorded in the land records of Charles County used to provide motor vehicle access to one or more lots. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

ROAD, PUBLIC -- A public street or a street with respect to which an offer of dedication and improvements consistent with the county's Road Ordinance[4] has been made.

ROOMING HOUSE -- See "boardinghouse."

SALVAGE YARD -- See "junkyard."

SATELLITE DISH -- An antenna and attendant processing equipment for reception of transmission of electronic signals from satellites where the structure is less than 12 feet in diameter.

SATELLITE SIMULCAST BETTING -- The pari-mutuel betting at a satellite simulcast facility in the county on a race that is simulcast from a sending track by a Mile Thoroughbred Racing licensee or a Harness Racing licensee; and the transmission of the pari-mutuel information regarding bets at the satellite simulcast facility to the sending track.

SETBACK -- A line which is a required minimum distance from the road right-of-way and any lot line that establishes the area within which buildings or structures must be erected or placed.

SHELTER, PERMANENT -- A shelter operated by a public or nonprofit organization to provide temporary housing to an individual or a family in emergency before the individual or the family move(s) to a more permanent place. A permanent shelter could be a single-family dwelling unit or a larger building which could either have a common kitchen and bathroom or efficiencies with

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4 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks**

separate provisions for cooking and bathing. The maximum stay of an individual or a family shall not exceed one year.

SHELTER, TEMPORARY -- A shelter operated for no more than 30 days by a public or nonprofit organization to provide housing to individuals or families.

SHOPPING CENTER -- A concentrated grouping of retail and service uses designed, developed and managed as an integral entity providing common vehicle access and group parking.

SHOPPERS' MERCHANDISE -- Commodities which tend to be purchased on a comparison basis, including apparel and accessories, automobile supplies, business equipment sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics and upholstery, floor coverings, furniture, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall coverings, party supplies, photographic equipment sales and service, radios, records and tapes, secondhand merchandise, sporting goods, television and stereo sales and service, toys and games shops and like uses. Establishments commonly referred to as catalog showrooms, department stores, discount stores, variety stores and supermarkets shall be regulated as "shoppers' merchandise." Rental businesses of any merchandise allowed to be sold in the respective zone shall be regulated as "shoppers' merchandise."

SHOPS, SPECIALTY -- See "specialty shops."

SHORELINE EROSION HAZARD AREA -- Any shoreline that has a historical shoreline erosion of four to eight feet or greater according to the Atlas of Historic Erosion Rates in Maryland (Coastal Resources Division, Tidewater Administration).

SIGN -- Any structure, part thereof or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement or direction or to attract attention to any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land, vehicle, building, on or upon a window or indoors and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. The flag, emblem, insignia, poster or other display of a nation, political unit, educational, charitable, religious or similar group, campaign, drive or event shall not be included within the meaning of this definition. Customary displays of merchandise or objects and material without lettering placed behind a store window are not "signs" or parts of "signs."

SIGN AREA -- The entire area enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it

is placed, excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal area.

SIGN, BILLBOARD -- See "sign, outdoor advertising."

SIGN, BUILDING -- See "sign, wall" and "sign, projecting."

SIGN, BUSINESS -- A sign which directs attention to a business, commodity, service or other activity conducted upon the premises upon which such sign is located.

SIGN, DIRECTIONAL OR INFORMATION -- A sign designating the location of a community or an institution of a public or quasi-public nature or the opening of an event of public interest, but not including signs pertaining to real estate.

SIGN, FREESTANDING -- A sign supported by uprights or braces in or upon the ground surface.

SIGN, FREESTANDING SIGN STRUCTURE -- A structure consisting of uprights of braces in or upon the ground surface supporting one or more signs.

SIGN, MONUMENT -- A sign which touches ground level and is not higher than twelve (12) feet above the road grade. **[Amended 7-23-10 by Bill. No. 2010-12]**

SIGN, INCIDENTAL -- Nameplates or signs designating accessory uses, such as a doctor's office, home occupation or similar use or advertising exclusively the sale of farm products produced on the premises.

SIGN, ON-PREMISES -- A sign located on the premises to which it pertains.

SIGN, OUTDOOR ADVERTISING -- A sign, including a billboard, which directs attention to a business, commodity, service, entertainment or other activity conducted, sold or offered elsewhere than on the premises upon which such a sign is located.

SIGN PERMIT -- A permit issued by the Zoning Officer that authorizes the recipient to erect, move, enlarge or substantially alter a sign.

SIGN, PROJECTING -- A sign which is attached directly to the building or wall and which extends from the face of the wall based upon what the current building code allows. **[Amended 7-23-2010 by Bill. No. 2010-12]**

SIGN, REAL ESTATE -- A sign advertising the sale, lease, rental or development of any particular premises or directing attention to the opening and location of a new subdivision, neighborhood or community.

SIGN, ROOF -- A sign which is erected, constructed and/or maintained upon and projects above or beyond the roof or parapet wall.

SIGN, TEMPORARY -- A sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for the holidays or public demonstrations.

SIGN, WALL -- A sign which is painted on or attached directly to the building wall and which extends not more than what the current building code allows from the face of the wall. **[Amended 7-23-2010 by Bill No. 2010-12]**

SITE PLAN, MAJOR -- "Major site plans" are any site plans other than those identified as minor site plan applications.

SITE PLAN, MINOR -- Site plans for detached single- and two-family dwellings, accessory buildings, additions less than 1,200 square feet for residential uses and change in use.

SINGLE-ROOM OCCUPANCY (SRO) UNIT -- One room containing sleeping and bathing facilities designed for and used as a permanent residence by one or two individuals. Kitchen facilities may be contained in the unit or may be part of the common area shared by at least three "SRO units." Each "SRO unit" shall be considered 1/3 of a dwelling unit for purposes of calculating density and parking requirements.

SPECIALTY SHOPS -- A retail store which carries only one type of interrelated goods, including bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, novelty shops, pet shops, photographic shops, souvenir shops, stationery shops, tack shops, tobacco shops, liquor stores, wine and cheese shops, video rental, bicycle sales and service (non-motorized) and like uses.

STABLE, COMMERCIAL -- Any stable for the housing of horses or other equine, operated for remuneration, hire, sale or stabling or any stable, not related to the ordinary operation of a farm, with a capacity for more than four equine.

STORY (OF A BUILDING) – A portion of a building that is accessible by an interior stairway, designed and constructed to be occupied for human activity, and located between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, between the floor and the ceiling above it. **[Added 4-23-2010 by Bill No. 2010-02]**

STREAM -- A perennial or intermittent watercourse created naturally or artificially which contains flow from surface water and water originating from a groundwater source during a portion of the year, as field verified. **[Added 10-25-1994 by Ord. No. 94-93]**

STREAM ORDER -- A classification of streams based on stream hierarchy. The smaller the stream and the fewer its tributaries, the lower its numerical classification. Stream order hierarchy depends on position in a watershed. Low-order streams are found in the upper reaches of a watershed; higher-order streams exist in the lower reaches of a watershed. A first-order stream does not have tributaries and normally originates from springs or seeps. A second-order stream begins at the confluence of two first order streams, etc.

STRUCTURE -- An assembly of materials forming a construction for occupancy or use, including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio and television broadcasting towers, water tanks, trestles, piers, wharves, buildings located on piers or wharves, sheds, skateboard ramps, coal bins, shelters, fences, walls, signs and light poles. Objects such as swing sets, jungle gyms, mailboxes, tree houses and woodpiles are ordinarily not "structures."

SUBDIVISION -- The division of a tract of land into two or more lots, building sites or other divisions for the purpose of sale or building development.

SUPERIOR DESIGN – A design of residential or mixed use developments that contain a residential component that is designed and constructed to demonstrate optimal land planning with greater efficiency, environmental sensitivity, resource conservation, convenience and amenity than required under the Base Zone Regulations (Article VI), or Cluster Development (Article XIV) Regulations, whichever is applicable. Appendix I sets forth the specific criteria for superior design. **[Added 4-23-2010 by Bill No. 2010-06]**

SURFACES, IMPERVIOUS – Any man-made surfaces that are resistant to the penetration of water. Concrete, brick paving, roofs and heavily used gravel roads and parking areas which are subject to high levels of compaction are examples of “impervious surfaces”.**[Added 5-17-08 by Bill No. 2008-01]**

TENANT HOUSE -- A dwelling that exists on a farm that is occupied on a temporary or permanent basis. The tenant shall be actively involved in the farming operation either on a part-time or full-time basis.

TOP PLATE HEIGHT – The vertical distance from the lowest grade at the structure’s foundation to the building’s cornice, soffit or top of parapet wall. **[Added 4-23-2010 by Bill No. 2010-02]**

TOWER -- Any ground- or roof-mounted pole, spire, structure or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the

purpose of mounting an antenna, meteorological device or similar apparatus above grade. The term "tower" includes any apparatus attached to the structure except wireless communication antennas, use 4.06.500. **[Added 9-7-1999 by Ord. No. 99-85]**
TOWNHOUSE -- See "residence, townhouse."

TRACT -- A lot (see definition of lot). The term "tract" is used interchangeably with the term "lot," particularly in the context of subdivisions, where one "tract" is subdivided into several lots.

USE -- The purpose or activity for which land, buildings or structures are designed, arranged or intended or for which land, buildings or structures are occupied or maintained.

USE, ACCESSORY - A use which is customarily incidental and subordinate to the principal use of a lot or the main building thereon and located on the same lot as the principal use or building.

USE, PERMITTED -- A use which may be lawfully established in a particular zone or zones provided that it conforms with all regulations, requirements and standards of such zone.
USE, PRINCIPAL -- The primary purpose or purposes for which a lot or the buildings thereon are designed, arranged or intended and for which it is or may be used, occupied or maintained.

USE, RESIDENTIAL -- Any dwelling unit or use listed in the Table of Permissible Uses under the categories 3.00.000, Residential, or 4.03.000, Institutional residence or care or confinement facilities.[5]

USEABLE OPEN SPACE – Open space designed for active and passive human activities such as relaxation, recreation and social activity. Useable open spaces may include, but are not limited to the following: **[Added 4-23-2010 by Bill No. 2010-06]**

(a) Community public open spaces;
(b) Land dedicated for County parks, plazas, or squares;
(c) Pocket parks;
(d) Courtyards;
(e) Public use green roofs;
(f) Useable water bodies; or
(g) Preserved woodlands.

Useable open spaces shall not include areas statutorily excluded from development such as jurisdictional wetlands and required bufferyards.

WETLAND, NONTIDAL **[Amended 10-25-1994 by Ord. No. 94-93]:**

(1) An area that it inundated or saturated by surface or groundwater at a frequency to

5 **Editor's Note: See Figure IV-1**.

support, and under normal conditions does support, a prevalence of vegetation commonly known as "hydrophytic vegetation," which is typically adapted for life in saturated soil conditions.

(2) Outside the critical area, land that is considered a non-tidal wetland in accordance with the most current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, which contains the most current standards and which may be amended and interpreted by the United States Environmental Protection Agency.

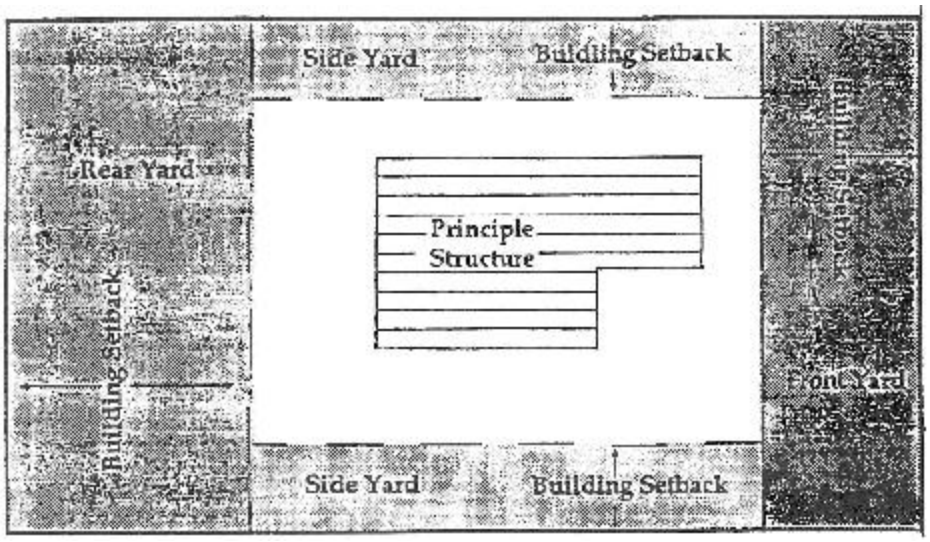
(3) Inside the Chesapeake Bay Critical Area, a "non-tidal wetland" is the same as non-tidal wetlands as defined by the state critical area program.

(4) Does not include tidal wetlands regulated under the Natural Resources Article, Title 9, of the Annotated Code of Maryland.

WHOLESALE SALES -- The sale of commodities or goods (usually in large quantities) to distributors, contractors or retail outlets for resale to ultimate consumers. Retail sales and service uses may be included as an accessory use, provided that the products sold are stored or distributed either by the owner or lessee of the site, not more than 10% of the floor space of the main structure may be devoted to the retail sales of articles stored or distributed on the premises and any service facilities are limited to the repair and/or service of products stored or distributed by the owner or lessee of the site. Nothing herein contained shall be construed to permit the operation of general retail sales business.

YARD -- An open area between a lot line and the setback line within which no structure shall be located except as provided by this chapter. See Figure III-1 next page.

Figure III-1



YARD, FRONT -- A yard extending the full width of the lot, which includes the area between the front building setback line and the road right-of-way. In the case of a corner or through lot, both yards extending along the road right-of-way shall be considered "front yards."

YARD, REAR -- A yard extending across the full width of the lot between the rear building setback line and the rear lot line.

YARD, SIDE -- A yard extending from the front yard to the rear yard between the side building setback line and the side lot line.

ZONING OFFICER -- The official designated by the County Administrator as responsible for enforcing and administering all requirements of this chapter.

ZONING PERMIT -- A permit issued by the Zoning Officer that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

§§ 297-50 through 297-60. (Reserved)

ARTICLE IV
Permissible Uses

§ 297-61. Use of designations P, PC and SE in Table of Permissible Uses.[6]

When used in connection with a particular use in the Table of Permissible Uses, the letter "P" means that the use is permissible in the indicated zone with a zoning permit. The letters "PC" mean a use is permitted in the indicated zone, subject to the conditions outlined in Article XIII. The letters "SE" mean a special exception permit must be obtained from the Board of Appeals and that there are additional regulations applicable in Article XIII. A blank means the use is not permitted in the zone.

§ 297-62. Permissible uses and specific exclusions.

A. The list of permissible uses set forth in the Table of Permissible Uses[7] are all inclusive; those uses that are listed shall be interpreted by the Zoning Officer to include other uses that have similar impacts to the listed uses.

B. The Table of Permissible Uses shall not be interpreted to allow a use in one zone when the use in question is more closely related to another specified use that is permissible in other zones.

C. Uses such as incinerators, private prisons, private landfills and rubblefills, toxic and hazardous waste disposal facilities, private sludge storage facilities and other uses that have similar impacts that are not listed in the Table of Permissible Uses are not allowed. Although currently prohibited by Maryland law, in the event that the Maryland General Assembly legalizes the use of slot machines or other similar gaming devices at any future time, it is the specific and declared intent of the County Commissioners, that the use of slot machines or other similar gaming devices shall not be a permitted use anywhere within the jurisdictional boundaries of Charles County, Maryland**. [Amended 5-5-1997 by Ord. No. 97-44]**

D. Whenever a proposed use could fall within more than one use classification in the Table of Permissible Uses, the Zoning Officer shall interpret the proposed use to be included in that classification which most closely and most specifically describes the proposed use.

§ 297-63. Table of Permissible Uses.

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6 **Editor's Note: See § 297-63.**

7 **Editor's Note: See § 297-63.**

Figure IV-1
Table of Permissible Uses

[Amended 8-2-1993 by Ord. No. 93-82; 12-7-1993 by Ord. No. 93-100; 12-7-1993 by Ord. No. 93-101; 12-7-1993 by Ord. No. 94-4; 9-12-1994 by Ord. No. 94-83; 11-21-1994 by Ord. No. 94-100; 10-

KEY:
P = Permitted
PC = Permitted with Conditions
SE = Special Exception
Blank = Not Permitted
* = See § 91(D) Commercial

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
1.00.000 AGRICULTURAL																										
1.01.000 Agricultural operations, farming																										
1.01.100 Excluding livestock - horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P		P						
1.01.200 Including livestock on a parcel greater than 5 acres - dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry or aquaculture	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC		PC		PC						
1.01.300 Keeping of livestock on less than or equal to 5 acres																										
1.01.310 Horses, livestock maintained as pets, and 4-H or school projects	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC		PC						
1.01.320 Cattle, swine, goats and sheep, rabbits, poultry or fowl raised for sale	SE	SE		SE																						
1.01.400 Uses located greater than 200 feet from the nearest boundary line of the land on which located																										
1.01.410 Grain dryers and related structures	P	P									P		P		P	P										
1.01.420 Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building	P	P									P		P		P	P										

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
1.01.430 Commercial assembly and repair of all equipment normally used in agriculture	P	P											P		P	P		P								
1.01.440 Accessory petroleum storage, not to exceed 20,000 gallons and subject to applicable safety codes, ordinances, and statutes	P	P											P		P	P		P								
1.01.450 Poultry houses, hog operations with 6 or more hogs	PC	SE																								
1.01.460 Slaughterhouses	SE	SE														SE										
1.01.470 Processing and selling products raised on-site	P	P	P																							
1.01.500 Commercial Stables	P	P	SE	SE		SE	SE			P	P		SE				SE									
1.01.600 Farrier services	P	P	P							P	P	P	P													
1.01.700 Use of heavy cultivating machinery, spray planes, or irrigating machinery	P	P	P	P		PC	PC																			
1.02.000 Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P		P						
1.03.000 Open-air markets and horticultural sales																										
1.03.100 Open-air markets																										
1.03.110 Farm and craft markets, flea markets										P	P	P	P						P		P		P		P	P
1.03.120 Open-air product markets	PC	PC	PC	PC						P	P	P	P						P		P		P		P	P
1.03.200 Horticultural sales with outdoor display	SE	SE	SE								P	P	P						P		P					
1.03.300 Livestock markets	SE	SE	SE													PC										
1.04.000 Hunting and fishing cabins	PC																									
1.05.000 Commercial green house operation																										
1.05.100 No on-premise sale	P	P	P	P						P	P		P		P	P										
1.05.200 On-premise sales permitted	P	SE	SE	SE						P	P		P		P	P										
1.06.000 Kennel, commercial	PC	SE	SE			SE				PC	PC		PC													
1.07.000 Cat boarding facility	PC	PC	PC	PC		PC																			P	P
2.00.000 MARINE																										
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis											PC		PC					PC	PC							
2.02.000 Seafood processing																										
2.02.100 Seafood processing and seafood operations with products raised or harvested off-site											PC		P		P			SE	PC							
2.02.200 Seafood processing and seafood operations with products raised on the premises	PC	PC	PC																							
2.03.000 Marine terminal													SE		P	P		P	SE							
2.04.000 Commercial fishing	P	P	P		P																					
3.00.000 RESIDENTIAL																										
3.01.00 Single-family detached																										
3.01.100 Single-family detached	P	P	P	P	P	P	P	P	P				P		PC		P		P	P		PC	PC	PC		
3.01.200 Lot line																	PC		PC		PC			PC		

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
3.01.300 Patio/Court/Atrium																	PC		PC		PC			PC		
3.01.400 Class A manufactured home	P	P	P	P	P	P	P	P												P						
3.01.500 Class B manufactured home	P	P	SE	SE		SE														P						
3.01.600 Tenant house	PC	PC	PC	PC		PC																				
3.01.700 Primary residence with accessory apartment	PC	PC	PC	PC	PC	PC	PC	PC	PC	P									PC		PC	PC	PC	PC		
3.01.800 Single Room Occupancy Units								P	P	P	P	P	P				P		P		P	P	P	P		
3.02.000 Single-family attached																										
3.02.100 Duplex					P		PC	PC									PC		PC		PC	PC	PC	PC		
3.02.200 Townhouse							PC	PC									PC		PC		PC	PC	PC	PC	PC	PC
3.02.300 Multiplex							PC	PC									PC		PC		PC	PC	PC	PC	PC	PC
3.03.000 Multi-family																										
3.03.100 Garden apartment							PC	PC									PC		PC		P	PC	PC		PC	PC
3.03.200 Mid-rise							PC	PC									PC		PC		P				PC	PC
3.03.300 Hi-rise																	SE		SE		SE					PC
3.03.400 Commercial apartment									P	P	P	P	P						P		P	P	P		PC	PC
3.04.000 Homes emphasizing special services, treatment, or supervision, and residential elderly care homes																										
3.04.100 Group homes																										
3.04.110 Not more than 8 people	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC		PC	PC	PC	PC	PC	PC	PC	PC
3.04.120 With between 9 and 16 people	SE	SE	SE	SE	SE	SE	SE	SE	P	P			P				SE		SE	SE	SE	SE	SE	SE	SE	SE
3.04.200 Day care																										
3.04.210 Day-care home (having fewer than 9 recipients)	P	P	P	P	P	P	P	P	P	P			P				P		P	P	P	P	P	P	P	P
3.04.220 Day-Care center, day nursery (between 9 and 30 care recipients)	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	*	SE		P	P	P	SE	P	P	P	SE	P	P
3.04.300 Halfway house	SE	SE	SE	SE	SE	SE	SE	SE	P								SE		SE	SE	SE			SE	SE	SE
3.04.400 Elderly care homes																										
3.04.410 Elderly care homes (1 - 8 people)	P	P	P	P	P	P	P	P	P								P		P	P	P	P	P	P	P	P
3.04.420 Elderly care homes (9 - 16 people)	SE	SE	SE	SE	SE	SE	SE	SE	SE								SE		SE	SE	SE	SE	SE	SE	SE	SE
3.04.500 Retirement housing complex								SE	SE			SE					P		P		P	P	P	P	P	P
3.05.000 Miscellaneous rooms for rent situations																										
3.05.100 Rooming houses, boarding houses rented by the month	PC	PC	PC	PC	PC	SE	SE	SE	PC	PC	PC	PC	PC				SE		SE		SE		PC	PC	PC	PC
3.05.200 Bed and breakfast, tourist homes	PC	PC	PC	PC	PC	SE	SE	SE	PC	PC	PC	PC	PC				SE		PC		PC		P	SE	PC	PC
3.05.300 Hotels, motels, convention centers, conference centers, and similar business or institutions providing overnight accommodations	SE	SE									P	P	P	PC				P	P		P	P	P		P	P
3.05.400 Country Inn	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	PC	PC	PC						SE		SE		P			
3.06.000 Shelters, permanent	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P						P							
3.07.000 Migrant workers housing	PC	PC	PC																							
4.00.000 INSTITUTIONAL/UTILITIES/RECREATION																										
4.01.000 Educational, cultural, religious, philanthropic, social and fraternal uses																										

Uses Description	Zones																								
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
4.01.100 Schools																										
4.01.110 Private elementary and secondary (included pre-school, kindergarten, associated grounds, athletic, and other facilities)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE			P	P	P	P	P	SE	SE	SE		
4.01.120 Trade or vocational schools								P		P	P	P	P	P	P	P	P	P	SE		SE	P			P	P
4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE			SE				SE	P	P		P				P	P
4.01.200 Churches, synagogues, and temples (including associated cemeteries, associated residential structures for religious personnel and associated buildings with religious classes not including elementary or secondary school buildings)	P	P	P	P	P	P	P	P	P	P	P	P	P	SE	P	P	P	P	P	P	P	P	P	P	P	P
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)																										
4.01.310 Located within a building designed and previously occupied as a residence or institutional use	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P		P	P	P	P	P	P	P	P	P		P	P
4.01.320 Located within any other structure	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	PC	P	P	P	P	P	P	P	P	P		P	P
4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls, and similar uses	SE	SE	SE		SE				P	SE	P	P	P		P	P	P	P	P	P	P		P		P	P
4.02.000 Recreation, amusement and entertainment																										
4.02.100 Activity conducted entirely within building or substantial structure																										
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billard and pool halls, indoor athletic										SE	P	P	P	*	PC			P	P		P	P	PC		P	P
4.02.120 Movie theatres, theatres, coliseums and stadiums																										
4.02.121 Seating capacity of not more than 300										P	P	P	P				P	P	P		P	P	P		P	P
4.02.122 Seating capacity up to 1000											P	P						P	P		P	P	P		P	P
4.02.123 Coliseums and stadiums with seating capacity more than 1,000											SE							P	P		P					
4.02.130 Indoor rifle and pistol ranges										SE	SE	SE	SE					SE								
4.02.140 Off-track betting facilities											SE	SE			SE			SE	SE		SE		SE		P	P
4.02.200 Activity conducted primarily outside enclosed buildings or structures																										
4.02.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, not constructed pursuant to a permit authorizing the construction of a residential development	SE	SE	SE	SE	SE	SE	SE	SE		P	P		P	*			P	P	P	P	P			P		
4.02.220 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, approved as part of a residential development	P	P	P	P	P	P	P	P	P								P		P	P	P	P	P	P	P	P
4.02.230 Recreation vehicle parks	SE	SE									PC		PC													
4.02.240 Campgrounds and camps	SE	SE	SE																							
4.02.250 Automobile and motorcycle racing tracks	SE	SE													SE	SE										

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
4.02.260 Drive-in movie theaters, open-air theaters, and amphitheaters	SE	SE											SE													
4.02.270 Amusement and theme parks	SE	SE		SE															SE							
4.02.280 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, batting cages, and similar uses	SE	SE	SE	SE						P	P		P					P	P							
4.02.290 Rifle and pistol ranges, war games, archery ranges, or other recreational activities using weapons	SE	SE								SE	SE		SE				SE	SE								
4.03.000 Institutional residence or care or confinement facilities																										
4.03.100 Hospital and other in-patient medical (including mental health treatment) facilities in excess of 10,000 square feet of floor area	SE	SE	SE							PC	PC	PC	PC	PC				PC	PC		PC	PC			P	P
4.03.200 Nursing care, intermediate care, handicapped, infirm, and child care institutions	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P					P	P		P	P			P	P
4.04.000 Emergency Services																										
4.04.100 Fire Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4.04.200 Rescue squads, ambulance services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4.05.000 Miscellaneous public and semi-public facilities																										
4.05.100 Post Office																										
4.05.110 Local	SE	SE	SE		SE				P	P	P	P	P	P	P			P	P		P	P	P		P	P
4.05.120 Regional											P			P	P	P		P	P		P	P				
4.05.200 Airport																										
4.05.210 Private use	SE	SE		SE																						
4.05.220 General aviation airport															PC											
4.05.300 Helicopter facilities																										
4.05.310 Heliports	SE	SE		SE											PC	PC		SE	SE		SE					
4.05.320 Helistops	SE	SE		SE	SE					SE	SE	SE	SE	*	PC	PC		PC	PC		SE					PC
4.06.000 Public utilities (including towers and related structures)																										
4.06.100 Neighborhood essential service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4.06.200 Electric power, gas transmission, and telecommunications buildings and structures not associated with a tower	SE	SE	SE	SE		SE	SE	SE	SE		SE			SE	P	P		SE	SE		SE	SE			SE	SE
4.06.300 Towers more than 50 feet tall	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
4.06.400 Towers and antennas 50 feet tall or less	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4.06.500 Wireless communication antennae	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
4.07.000 Satellite dishes and earth stations																										
4.07.100 Earth stations	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	PC	PC	SE	PC	SE	SE	SE	SE	SE	SE		
4.07.200 Satellite dishes	PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	PC	P	P	P	PC	P	PC	PC	PC	PC	PC	PC	PC	PC
4.08.000 Cemeteries and crematoriums																										
4.08.100 Cemeteries																										

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
4.08.110 Family burial sites	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC	PC				PC	PC								
4.08.120 Other cemeteries	SE	SE	SE	SE	SE	SE	SE	SE									SE									
4.08.200 Crematoriums	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P		P		P	P	SE	P				SE				
4.09.000 Transportation																										
4.09.100 Bus stations, train stations									P		P	P	P	P	P	P		P	P		P	P	P	P	P	P
4.09.200 Park and ride facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
5.00.000 SERVICE ORIENTED COMMERCIAL																										
5.01.000 All operations conducted entirely within fully enclosed building																										
5.01.100 Operations designed to attract and serve customers or clients on the premises																										
5.01.111 Professional offices (examples are attorneys, architects, engineers, insurance and stock brokers, travel agents, government office buildings, etc.)									P	P	P	P	P	P	P			P	P		P	P	P		P	P
5.01.112 Personal services (see definition)									P	P	P	P	P	*				P	P		P	PC	P		P	P
5.01.113 Dry cleaning/laundry and laundromats										P	P	P	P	*				P	P		P				P	P
5.01.114 Banks and financial institutions										P	P	P	P	P	P			P	P		P	P	P		P	P
5.01.115 Business services									P	P	P	P	P	*				P	P		P	P	P		P	P
5.01.116 Office or clinics of physicians, dentist, and chiropractors									P	P	P	P	P	P				P	P		P	P	P		P	P
5.02.000 Operations conducted within and/or outside fully enclosed building																										
5.02.100 Construction services and supplies											P		P		P			P	P		P					
5.02.200 Retail concrete mixing										PC	PC				P	P										
5.02.300 Funeral homes	SE	SE	SE	SE	SE				PC	PC	PC	PC	PC					PC	PC		PC	PC			PC	PC
5.02.400 Veterinarians and veterinary hospitals	P	P	SE	SE	SE	SE				PC	PC		PC					PC	PC		PC	PC			PC	PC
5.02.500 Nursery schools and day care centers with more than 30 children	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	*	SE		SE	P	P	SE	P	P	P	SE	P	P
6.00.00 COMMERCIAL																										
6.01.000 Commercial sales and rental of goods, merchandise and equipment																										
6.01.100 Retail sales																										
6.01.110 Building floor space <15,000 sq. ft./parcel																										
6.01.111 Shoppers merchandise stores (see definition)										P	P	P	P					P	P		P	P	P		P	P
6.01.112 Specialty shops (see definition)									P	P	P	P	P						P		P	P	P		P	P
6.01.113 Antique shops, art galleries	SE	SE	SE		SE				P	P	P	P	P					P	P		P	P	P		P	P
6.01.120 Building floor area > 15,000 sq. ft.																										
6.01.121 Shoppers merchandise stores (see definition)											P	P	SE					P	P		P				P	P
6.01.122 Speciality shops (see definition)											P	P	SE					P	P		P				P	P
6.01.123 Antique shops, art galleries	SE	SE	SE								P	P	SE					P	P		P				P	P
6.01.130 General merchandise (see definition)											P		SE					P	P		P					
6.01.140 Convenience Stores										SE	P	P	SE					P	P		P	SE	SE	SE	P	P
6.01.150 Retail Sales over 100,000 sq. ft. on one floor (see definition)											SE	SE							SE		SE					

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
6.01.200 Wholesale sales (see definition)											P		P	P	P	P		P	P		P	P				
6.02.000 Restaurants																										
6.02.100 Restaurant, standard, fast food, bars, nightclubs, dinner theaters									PC	SE	P	P	P	PC	P			P	P		P	P	P		P	P
6.02.200 Restaurant, fast food carry-out and delivery										SE	P	P	SE	*	P			P	P		P	P	P		P	P
6.02.300 Restaurant, fast food drive-in and drive-thru																										
6.02.310 With direct highway access to a public road											SE	SE	SE					SE	SE		SE					
6.02.320 Part of a shopping center with no direct access to a public road											P	P	P					P	P		P	P	P			
6.03.000 Motor vehicle related and service operations																										
6.03.100 Motor vehicle sales or rental; mobile home sales																										
6.03.110 Motor vehicle sale or rental in the CB Zone on >3												SE														
6.03.120 All other motor vehicle sale or rental; mobile home sales											PC	PC	PC					PC	PC			SE				
6.03.200 Sales and installation of motor vehicle parts or accessories such as tires and mufflers.										PC	PC		PC		PC			PC	PC							
6.03.300 Motor vehicle repair and maintenance, fuel sales, car wash (not including auto body work)																										
6.03.310 Motor vehicle repair and maintenance										PC	PC	PC	PC		PC			PC	PC			P	P			
6.03.311 For more than two buses, bus dispatching, storage, including parts, maintenance, washing, and service facility, as incorporated herein	SE																									
6.03.320 Motor vehicle fuels sales																										
6.03.321 Associated with commercial uses >3,500 sq. ft.										SE	SE	SE	PC		SE			SE	SE							
6.03.322 All other										SE	PC	PC	PC		PC			PC	PC							
6.03.330 Car wash										PC	PC	PC	PC		PC			PC	PC							
6.03.400 Motor vehicle painting and body work											PC		PC		PC			PC								
6.03.500 Automotive parks											PC				PC			PC	PC							
7.00.000 INDUSTRIAL																										
7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise, and equipment																										
7.01.100 All operations conducted entirely within fully enclosed building																										
7.01.110 Buildings <10,000 sq. ft. per parcel										SE	P		SE	P	P	P		P	P			P			SE	SE
7.01.120 Buildings >10,000 sq. ft. per parcel													SE	P	P	P		P	SE			SE				SE
7.01.200 Operations conducted within or outside fully enclosed building																										
7.01.210 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shops	SE												P		P	P		P								
7.01.220 Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast, or the rendering fats and oils															P	P		P								
7.01.230 Saw mills	P	P	PC										P		P	P										

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
7.01.240 Alcoholic beverage manufacturing																										
7.01.241 Brewery producing 100 K or > barrels annually (State Class 5A), Distillery																P										
7.01.242 Brewery producing <100 K barrels annually (State Class B)															P	P										
7.01.250 Winery	PC	PC	P												P	P				P						
7.01.260 Fertilizer mixing plants	SE															P		SE								
7.01.270 Brick or block manufacturing																P										
7.01.280 Asphalt plants/concrete plants, sand and gravel washing, crushing, and screening	SE	SE													SE	PC										
7.01.290 Wood/stump grinding	PC	PC													PC	PC										
7.02.000 Storage and parking																										
7.02.100 Automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related											P	P	SE	P	P	P		P	P		P	P	P			
7.02.110 Automotive parking garage																									PC	PC
7.02.120 Automobile parking lot																										
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)																										
7.02.210 All storage within completely enclosed structures											P		P	PC	P	P		P	PC		PC					
7.02.220 Warehouse storage inside or outside completely enclosed structures															P	P		P	P							
7.02.230 Mini-warehouses											SE	SE	SE	SE	PC	PC		SE								
7.02.240 Storage of petroleum products															SE	SE		SE								
7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where: (I) vehicles or equipment are owned and used by the person making use of the lot and (ii) parking or storage occupies more than 75 percent of the developed area (contractor's yard)											SE		SE		P	P		P								
7.02.400 Parking of Motor Vehicles (Trucks)																										
7.02.410 Parking of one motor vehicle > 15,000 pounds gross vehicle weight	PC	PC	PC	PC	SE										P	P										
7.02.420 Parking of more than one motor vehicle > 15,000 pounds gross vehicle weight	SE	SE		SE	SE										P	P										
7.03.000 Scrap materials, salvage yards, junkyards, and automobile graveyards															SE	SE										
7.04.000 Research facilities and laboratories																										
7.04.100 Without processing of materials	SE	SE	SE								SE			P	P	P		P	P		P	P				P
7.04.200 With processing or manufacturing of materials											SE			P	P	P		P	P		SE	SE				SE
7.04.210 Energetics Research and Development																		PC								
7.05.000 Mineral extraction																										
7.05.100 Surface mining																										

Uses Description	Zones																									
	AC	RC	RC (D)	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
7.05.110 Of > 10 acres	SE	SE	SE	SE		SE	SE	SE		SE	SE		SE	SE	SE	SE		SE		SE						
7.05.120 Of < 10 acres	SE	SE	SE	SE		SE	SE	SE		SE	SE		SE	SE	SE	SE		SE		SE						
7.05.200 Wells for oil, natural gas, or petroleum	SE	SE	SE	SE		SE	SE	SE		SE	SE		SE		SE	SE		SE		SE						
7.06.000 Pozzolan Management Facility	SE	SE													SE	SE										
8.00.000 Mixed-Use																										
8.01.000 Mixed-Use Building																			P		P	P	P		P	P
8.02.000 Mixed-Use Building, Residential																			P		P	P	P		P	P

§§ 297-64 through 297-74. (Reserved)

ARTICLE V
Residential Density

§ 297-75. Residential density. [Amended 4-23-2010 by Bill No. 2010-02; 4-23-2010 by Bill No. 2010-06]

A. Subject to Subsections B, C and D of this Section, every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the Schedule of Zone Regulations tables in Articles VI and VII. In determining the number of dwelling units permissible on a tract of land, the base densities established in Figure V-1 shall be used. When calculating the number of dwelling units for a tract of land, fractions of a dwelling unit shall be rounded to the nearest whole number. The established residential densities work in combination with minimum lot sizes to limit the number of units that can be located on a given property. As a result, it may not always be feasible to achieve the permitted density on a given property through conventional subdivision of minimum sized lots. In many cases, the development must meet clustering standards to achieve the established density. In some cases, the physical constraints of the parcel will require that a tighter clustering of dwellings through a mixed residential cluster or a planned development floating zone be used to achieve the permitted density.

B. On lots containing 12,000 square feet or less, two-family conversions in primary residences with an accessory shall be allowed only on lots containing 50% more than the minimum square footage required for one dwelling unit in the zone.

C. Bonus densities over the base densities shall be permitted as set forth in Article VII, Planned Development Zone Regulations; Article XIV, Cluster Development; and, Article XV, Moderately Priced Dwellings. Figure V-1 illustrates how this range of densities may be reached through the various degrees of performance.

D. An accessory apartment shall not constitute a dwelling unit for purposes of density calculations.

E. Residential density in the Activity Center Zones is established in Article VI §297-96. **[Added 4-23-2010 by Bill No. 2010-02]**

§§ 297-76 through 297-86. (Reserved)

Figure V-1
Maximum Residential Densities
(Dwelling Units Per Acre)

[Amended 3-1-1999 by Ord. No. 99-16; 12-11-2000 by Ord. No. 00-93; 6-16-2003 by Bill No. 03-03; 1-25-2005 by Bill No. 05-04; 7-25-05 by Bill. No. 05-01; 3-7-07 by Bill. No. 2006-15; 4-23-2010 by Bill No. 2010-06]

Residential Zones	Type of Development	Base Density	With Affordable Housing Density Bonus[1]	With Maximum TDRs	Maximum TDRs Affordable Housing Density Bonus
Agricultural Conservation (AC)	Conventional	0.33	0.40	--	--
	Cluster	0.33	0.40	--	--
Rural Conservation (RC)	Conventional	0.33	0.40	--	--
	Cluster	0.33	0.40	--	--
Rural Conservation Deferred RC(D)[2]	Conventional	0.10			
Rural Residential (RR)	Conventional	1.00	1.22	--	--
	Cluster	1.00	1.22	--	--
Village Residential (RV)	Conventional	1.80	2.20	--	--
	Cluster	1.80	2.20	--	--
	W/ Central Water or Sewer	3.00	3.40		
	Application of a Planned Development – MX Zone	3.00	3.66	6.00	6.66
Low-Density Residential (RL)	Conventional	1.00	1.22	--	--
	Cluster	1.00	1.22	3.00	3.22
	Application of a Planned Development - PRD	1.75	1.97	4.59	4.81
Medium-Density Residential (RM)	Conventional	3.00	3.66	--	--
	Cluster	3.00	3.66	4.00	4.66
	Application of a Planned Development – PRD Zone	3.00	3.66	6.00	6.66
	Application of a Planned Development – MX and PMH Zones	3.00	3.66	8.00	8.66
	Application of a Planned Development - TOD Zone	4.00	4.66	10.00	10.66
High-Density Residential (RH)	Conventional	5.00	6.10	--	--
	Cluster	5.00	6.10	6.00	7.10
	Application of a Planned Development – PRD Zone	5.00	6.10	12.00	13.10
	Application of a Planned Development-MX Zone	5.00	6.10	19.00	20.10
	Application of a Planned Development -PMH Zone	5.00	6.10	10.00	11.10
	Application of a Planned Development -TOD Zone	15.00	16.10	27.50	28.60
Core Employment/Residential (CER)	Conventional	2.00	-	15.00[3]	15.00[3]
Core Retail/Residential (CRR)	Conventional	2.00	-	15.00[3]	15.00[3]
Core Mixed Residential (CMR)	Conventional	2.00	-	10.00[3]	10.00[3]
Central Business (CB), Community Commercial (CC), Business Park (BP)	Application of a Planned Development – MX Zone	5.00	6.10	19.00	20.10
	Application of a Planned Development – TOD Zone	15.00	16.10	27.50	28.60
Commercial Village (CV)	Application of a Planned Development – MX Zone	3.00	3.66	6.00	6.66
Light Industrial (IG), Heavy Industrial (IH)	Application of a Planned Development – MX Zone	5.00	6.10	19.00	20.10
	Application of a Planned Development – TOD Zone	15.00	16.10	27.50	28.60

Notes:

1. The County Commissioners may grant density bonuses as set forth in § 297-241. A minimum of 10% of units shall be affordable housing to qualify for density bonus.
2. Densities may be increased to 1DU per acre in the Neighborhood Conservation District established in the Comprehensive Plan as set forth in § 297-88.
3. Density calculations in the CER, CMR and CRR Zones. To achieve a density over the base density in these zones, the applicant must purchase one Transferable Development Right for each of the third, fifth, seventh and ninth lots/dwelling units per acre. Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required. Any fractional portion of a number resulting from a density calculation will automatically be rounded up to the next whole number. For instance, if the resulting density calculation yields 2.01units per acre, this will be considered to be 3 units per acre, and one Transferable Development Right must be purchased for each of the lots/dwelling units. In no case may densities in these zones exceed 15 units per acre in the Core Retail Residential (CRR) and Core Employment Residential (CER) Zones or 10 units per acre in the Core Mixed Residential (CMR) Zone.

Figure V-2
Residential Density Ranges
(Dwelling Units Per Acre)
Amended 4-23-2010 by Bill No. 2010-05

Residential Zones	Density Range (Note A)	Density Range Achieved Through Application of PDR, MDC, or PMH (Note B)
Agricultural Conservation (AC)	0.33 to 0.40	N/A
Rural Conservation (RC) and RC(D)	0.10 to 0.40	N/A
Rural Residential (RR)	1.00 to 1.22	N/A
Village Residential (RV)	1.80 to 3.40	N/A
Low Density Residential (RL)	1.00 to 3.97	1.75 to 5.72
Medium Density Residential (RM)	3.00 to 6.56	4.00 to 10.86
High Density Residential (RH)	5.00 to 13.10	7.00 to 20.10
Residential Office (RO)	1.00 to 3.97	1.75 to 5.72
Core Employment/ Residential (CER)	2.00 (Note C)	N/A (Note D)
Core Retail/ Residential (CRR)	2.00 (Note C)	N/A (Note D)
Core Mixed Residential (CMR)	2.00 (Note C)	N/A (Note D)

Notes:

(A) Maximum densities allowed varies depending on the bonus densities achieved through housing and TDR's
(B) Maximum densities allowed varies depending on the bonus densities achieived through housing and TDR's as well as the maximum allowed through performance identified in the Development Guidance System set forth in Article VIII.
(C) Densities noted for the Core Mixed Use Zones are minimum densities.
(D) Application of floating zones are not permitted.

ARTICLE VI
Base Zone Regulations

§ 297-87. AC Agricultural Conservation Zone.

A. Objectives. The Agricultural Conservation Zone provides a full range of agricultural and farming activities, protects these established uses from encroaching development which might adversely affect the agricultural economy of the county and encourages the right to farm in the county without undue burden on the landowner. The zone is to prevent premature urbanization in areas where public utilities, roads and other public facilities are planned to meet exclusively rural needs and where present public programs do not propose public facility improvements suitable for development at higher densities. This zone provides for certain agriculture-related commercial and industrial uses with special conditions. Such uses are to accommodate flexibility in the use of lands by those persons or organizations that pursue agriculture activities and/or earn their income from agriculture when these uses are not in conflict with the protection of farmland and support protection of the farm economy. The zone protects existing natural resources and scenic values and provides limitations on residential development and encroachment in these areas dominated by agricultural uses. In addition, the zone assists in the implementation of the county's Transferable Development Rights (TDR) Program by providing an appropriate zone to be designated as a sending area.

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-1, shall apply subject to other requirements of this chapter.

C. Special regulations. The following provisions for the protection of agricultural uses will apply:

(1) Any agricultural use of land is permitted.

(2) Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.

(3) Customary 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 which may produce normal agriculturally related noise and odors.

(4) The sale of farm products produced on the farm where the sales are made is permitted.

(5) Hours of operation of farm equipment, restricting odor-producing fertilizers or mandatory noise reductions may not be imposed on a farmer in the AC Zone.

(6) The Planning Commission may, upon findings of fact, require the establishment of buffer areas where necessary to protect this abutting agricultural zone from the impact of the subdivisions hereafter approved.

D. Permitted uses. The permitted uses within the AC Zone shall be in conformance with the uses permitted in the Table of Permissible Uses.[8]

8 **Editor's Note: See § 297-63.**

Figure VI-1
Schedule of Zone Regulations: Agricultural Conservation Zone

ABBREVIATIONS:
du: dwelling unit.
FAR: floor area ratio. An intensity measured as a ration derived by dividing the total floor area of a building by the base site area.
ISR: impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
AC Zone																
Agricultural 1.00.000	3 acres		150	200	120	75	40	80	50	40						
Grain dryers, etc. 1.01.410	20 acres		600	600	450	200	200	400	200							
Commercial stables 1.01.500	20 acres		350	350	300	100	100	200	100	40						
Park-and-ride facilities 4.09.200	1 acre		100	150	75	30	15	30	20							
Sawmill 7.01.230	20 acres		800	800	650	100	300	600	300	40						
Residential lots less than 3 acres created before 12-31-1974	20,000 square feet					30	8	18	20							
All other permitted uses	3 acres		150	200	120	75	40	80	50	40	3					

§ 297-88. Rural zones. [Amended 4-15-2009 by Bill No. 2009-03]

A. Objectives. The Rural Conservation (RC) and Rural Residential (RR) Zones are intended to maintain rural character in many county areas consistent with the Comprehensive Plan objectives.

(1) RC Rural Conservation Zone. This zone maintains low-density residential development, preserves the rural environment and natural features and established character of the area. It also maintains existing agricultural and aquacultural activities and the land base necessary to support these activities.

(2) RR Rural Residential Zone. This zone provides for low to moderate residential densities in areas closer to portions of the development district and incorporated towns. These areas contain or are within the sphere of influences of community facilities and services, including schools, and are in proximity to major transportation network components.

(3) RC(D) Rural Conservation Deferred Development District. This zone maintains low-density residential development, preserves the rural environment and natural features and established character of the area. It also maintains existing agricultural and aquacultural activities and the land base necessary to support these activities. The density and lot area provisions of the RC(D) Zone and the Table of Permissible Uses shall apply to any property zoned RC(D), except as set forth in § 297-88D. All other provisions of the Zoning Ordinance regarding the RC Zone shall apply to any property zoned RC(D). The County Commissioners will reconsider all RC(D) zoning on a not less than five-year basis as part of, and concurrent with, the update of the Comprehensive Plan, or sooner if deemed appropriate by the County Commissioners. **[Added 12-11-2000 by Ord. No. 00-93; amended 6-16-2003 by Ord. No. 03-03]**

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-2, shall apply subject to other requirements of this chapter.

C. Specific regulations regarding the right to farm. The following provisions for the protection of agricultural uses will apply:

(1) Any agricultural use of land is permitted.

(2) Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.

(3) 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 which may produce normal agriculturally related noise and odors.

(4) The sale of farm products produced on the farm where the sales are made is permitted.

(5) The Planning Commission may, upon findings of fact, require the establishment of buffer zones where necessary to protect abutting agricultural or rural countryside conservation zone areas from the impact of the subdivisions hereafter approved.

D. Specific regulations affecting neighborhood conservation areas in the RC(D) Zone. Lots located in the neighborhood conservation areas identified in the Charles County Comprehensive Plan which are in the Rural Conservation Deferred Development District Zone, RC(D), may subdivide at a density of one dwelling unit per acre subject to the following conditions: **[Added 6-16-2003 by Ord. No. 03-03[9]]**

(1) RL standards for height, bulk and density found in § 297-90 shall apply, and the area of the additional lots created shall not be less than the average lot area in the identified neighborhood conservation area.

(2) Parcels to be subdivided shall be 10 acres or less in area.

(3) The subdivision of land shall meet the requirements of a minor subdivision set forth in the Charles County Subdivision Regulations [10] and shall not in any case exceed the creation of three lots, including the parent parcel.

(4) Properties to be subdivided shall be located wholly within the neighborhood conservation districts as shown on the land use concept map adopted as part of the Charles County Comprehensive Plan, 1997. Any interpretations of the neighborhood conservation district boundaries shall be made by the Director of Planning.

E. Permitted uses. The permitted uses within the rural zones shall be in conformance with the uses permitted in the Table of Permissible Uses.[11]

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9 **Editor's Note: This ordinance also redesignated former Subsection D as Subsection E.**

10 **Editor's Note: See Ch. 278.**

11 **Editor's Note: See §: 297-63.**

Figure VI-2
Schedule of Zone Regulations: Rural Residential Zones
[Amended 12-11-2000 by Ord. No. 00-93; 6-16-2003 by Bill No. 03-03]

ABBREVIATIONS:
du: dwelling unit.
FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
RC Zone																
Agricultural 1.00.000	3 acres[1]	15	0	200	120	75	40	80	50	40						
Grain dryers, etc. 1.01.410	20 acres		600	600		200	200	400	200	40						
Residential 3.00.000	3 acres[1]	12	0	200	100	50	30	60	50	36	3					
Institutional/utilities/ recreation 4.00.000	3 acres[1]	12	0	200	100	50	30	60	50	36	3		0.20 FAR			
Park-and-ride facilities 4.09.200	1 acre		100	150	75	30	15	30	20							
Sawmills 7.01.230	20 acres		800	800	650	100	300	600	300	40						
Residential lots less than 3 acres (existing prior to 10-31-2000)						30	15	35	36	36	3					
RR Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	30,000 square feet	10	0	150	80	40	20	40	40	36	3	25%		15%		
Institutional/utilities/ recreation 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%				
Residential lots less than 3 acres (existing prior to 10-31-2000)			100			30	15	35	30	36	3	30%				

NOTES:[1] For the RC(D) Zone, the minimum lot area shall be 10 acres, except as set forth in §297-88D for Neighborhood Conservation Districts.

§ 297-89. Village zones.

A. Objectives. These zones, Village Residential (RV) and Village Commercial (CV), are located at existing centers of population or commerce in areas of the county outside the development district.

(1) RV Village Residential Zone. This zone directs new residential growth into villages by providing low- to medium-density residential development where the pattern of development has previously been established.

(2) CV Village Commercial Zone. This zone provides for appropriate locations for limited commercial activities to serve the rural areas of the county.

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-3, shall apply subject to other requirements of this chapter.

C. Permitted uses. The permitted uses within the village zones shall be in conformance with the uses permitted in the Table of Permissible Uses.[12]

D. The Site Design and Architectural Review (SDAR) approval of site plans and buildings for all commercial construction in the CV Zone must be obtained. All new construction, renovation and expansion projects shall comply with all applicable sections of the commercial and industrial guidelines and standards. Projects that do not add more than 2,000 square feet of gross floor area or alter more than 25% of the building facade or site area are exempt. The guidelines and standards shall conform to appropriate planning principles and to the purposes stated for the CV Zone. **[Added 5-2-2005 by Ord. No. 05-08].**

12 **Editor's Note: See 297-63**

Figure VI-3
Schedule of Zone Regulations: Village Zones

ABBREVIATIONS:
du: dwelling unit.
FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
RV Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Single-family detached 3.01.000	20, 000 square feet	80		100	65	30	10	25	30	36	3	30%		15%		
Duplex 3.02.100	18,000 square feet	50		100	45	30	15		40	36	3	30%				
Institutional/utilities/ recreation 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%	0.30 FAR		0.5	
CV Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Marine 2.00.000	3 acres		150	200	150	75	6	12	10	40			0.40 FAR		0.7	
Residential; institutional/ utilities/ recreation; service-oriented commercial; commercial 3.00.000, 4.00.000, 5.00.000 and 6.00.000	1 acre	20,000	100	120	80	30	6	12	10	36	3		0.35 FAR		0.7	
Industrial within building 7.01.100	1 acre		100	120	80	30	6	12	10	36	3		0.35 FAR		0.7	
Industrial within or outside building 7.01.200	3 acres		150	200	120	30	6	12	10	36	3		0.35 FAR		0.7	

§ 297-90. Development district residential zones.

A. Objectives. These zones, Low-Density Residential (RL), Medium-Density Residential (RM), High-Density Residential (RH) and Residential Office (RO), concentrate residential development in areas identified as development districts in the Comprehensive Plan. Such areas are suitable for suburban intensities of development because public water and sewer, roads and other public facilities are available or planned at some future time. These zones assist in implementation of the county's Transferable Development Rights (TDR) Program by providing appropriate locations for receiving areas.

(1) RL Low-Density Residential Zone. This zone provides for low- to medium-density residential development in areas where public water and sewer, roads and other public facilities are not currently available, adequate or planned for the immediate future, but might be provided through design and construction of sewer waste treatment facilities or roads or through extension of public water or sewer utilities or roads at some future time. These areas include portions of the development districts where settlement patterns are generally established but sewer and water systems and roads may not be in place to service new development.

(2) RM Medium-Density Residential Zone. This zone provides for medium- to high-density residential development in those areas of the development district and town centers where public water and sewer and other public facilities are available and can support higher development densities.

(3) RH High-Density Residential Zone. This zone provides high-density residential development within and adjacent to the urban core of the development district.

(4) RO Residential/Office Zone. This zone accommodates a mixture of office and residential uses in a manner that assures that low-intensity commercial uses are compatible with adjacent dwellings. This zone may serve as a transition between higher-intensity commercial uses and residential uses.

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-4, shall apply subject to other requirements of this chapter.

C. Permitted uses. The permitted uses within the development district residential zones shall be in conformance with the uses permitted in the Table of Permissible Uses.[13]

13 **Editor's Note: See § 297-63.**

Figure VI-4
Schedule of Zone Regulations: Development District Zones

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
RL Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	18,000 square feet	70		80	65	30	15	35	30	36	3	30%		15%		
Institutional 4.00.000	1 acre		100 15	0	80	50	20	40	40	36	3	30%	0.30 FAR		0.5	
RM Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	12,000 square feet	60		65	50	25	8	20	25	36	3	35%		15%		
Institutional 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%	0.35 FAR	60%	0.5	
RH Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000	8,000 square feet	50		55	45	20	8	20	25	36	3	40%		15%		
Institutional 4.00.000	1 acre		100	150	80	50	20	40	40	36	3	30%	0.40 FAR	70%		
RO Zone																
Agricultural 1.00.000	3 acres		150	200	120	75	40	80	50	40						
Single-family detached 3.01.000	14,000 square feet	70		100	60	30	10	25	25	36	3	40%				
Group home (9-16 people) 3.04.120	1 acre		100	120	80	40	10	25	40	36	3	40%				
Halfway house 3.04.300	1 acre		100	120	80	40	10	25	40	36	3	40%			0.7	

Figure VI-4
Schedule of Zone Regulations: Development District Zones
(Cont'd)

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
Day-care center 3.04.220	1 acre		100	120	80	40	10	25	40	36	3	40%				
Institutional/utilities/ recreation 4.00.000	14,000 square feet	70		100	60	30	10	25	25	36	3		0.40 FAR		0.7	
Service Oriented Commercial 5.00.000	14,000 square feet	70		100	60	30	10	25	25	36	3		0.40 FAR		0.7	
Commercial 6.00.000	14,000 square feet	70		100	60	30	10	25	25	36	3		0.40 FAR		0.7	

§ 297-91. Commercial zones.

A. Objectives. These zones, Neighborhood Commercial (CN), Community Commercial (CC), Central Business (CB) and Business Park (BP), provide distinctive standards for the range of commercial uses from neighborhood business to highway-oriented commercial uses. They direct commercial activities into commercial clusters to discourage "strip" development.

(1) CN Neighborhood Commercial Zone. This zone provides limited retail and commercial services which satisfy those basic daily consumer needs of residential neighborhoods. Standards are established to minimize impact on residential zones by providing for similar building massing and low concentration of vehicular traffic.

(2) CC Community Commercial Zone. This zone provides a wide range of commercial uses and establishments to serve several neighborhoods in appropriate locations along major roads while discouraging strip development.

(3) CB Central Business Zone. This zone provides appropriate locations for high-intensity commercial uses and encourages development consistent with a traditional downtown area. This zone is located in town centers and the urban core as designated in the Comprehensive Plan.

(4) BP Business Park Zone. This zone concentrates business and light industrial uses in a park-like setting to promote economic development and job creation while protecting the environment and reducing impacts on the surrounding residential neighborhoods. This zone is located where a large area of land permits horizontal expansion sufficient to provide on-site storage, parking and landscaped areas. These locations can be served by a complete array of community facilities and provide for the regional transportation network.

B. General regulations.

(1) Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-5, shall apply subject to other requirements of this chapter.

(2) Minimum lot sizes may be reduced to 10,000 square feet when the lot is created as part of a subdivision with an internal circulation network where the lot does not access directly on a collector or arterial street. However, the lot may access directly on a service road.

(3) **[Added 10-31-1995 by Ord. No. 95-95]** The minimum side yard building restriction line as contained in CC and CB Zones may be eliminated in the case where adjacent fee-simple lots share a building wall on common property lines. Reduction in the building

restriction lines under this subsection must comply with the following conditions:

(a) The off-street parking requirements of § 297-335, number of parking spaces required, must be met for the individual use for each fee-simple lot.

(b) A maximum of one freestanding sign structure shall be permitted for the collective buildings.

(c) Legally binding documents are required to identify that all subdivided parcels are provided with unrestricted ingress and egress.

C. Permitted uses. The permitted uses within the commercial zones shall be in conformance with the uses permitted in the Table of Permissible Uses.[14]

D. Accessory uses permitted in the BP Zone. In addition to those accessory uses allowed under § 297-29C, the following uses shall be allowed in the Business Park (BP) Zone when intended to primarily serve the employees of the business park subject to the restrictions set forth herein. **[Added 10-23-2001 by Ord. No. 01-87]**

(1) Permitted accessory uses are:

(a) Day-care center, day nursery (between 7 and 30 care recipients), Use 3.04.220;

(b) Indoor recreation, Use 4.02.110;

(c) Privately owned outdoor recreational facilities, Use 4.02.210;

(d) Helistops, 4.05.320;

(e) Personal services, 5.01.112;

(f) Dry cleaning, 5.01.113;

(g) Business services, 5.01.115;

(h) Nursery schools and day-care centers with more than 30 children, 5.02.500;

(i) Restaurant, fast food carry-out and delivery, 6.02.200.

(2) The total area of permitted accessory uses shall not exceed 15% of the floor area of a building housing a permitted principal use, and the site area or parcel used to accommodate all accessory uses shall not exceed 15% of the total site area or subdivision area.

E. The Site Design and Architectural Review (SDAR) approval of site plans and buildings for

14 **Editor's Note: See § 297-63.**

all commercial construction in the CN, CC, CB and BP Zones must be obtained. All new construction, renovation and expansion projects sh all comply with all a pplicable sections of the commercial and ind ustrial guidelines and standards. Projects that do not add more than 2,000 square feet of gross floor area or alter more than 25% of the building facade or site area are exempt. The guidelines and standards shall conform to appropriate planning principles and to the purposes stated for the specific zone. **[Added 5-2-2005 by Bill No. 05-08]**

F. Ancillary equipment, facilities, and utilities necessary to support a general aviation airport. **[Added 10-22-2008 by Bill No. 2008-12]**

Figure VI-5
Schedule of Zone Regulations: Commercial Zones
Charles County, Maryland
[Amended 10-31-1995 by Ord. No. 95-95; 1-10-2006 by Bill No. 2005-11]

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
CN Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Residential 3.00.000		20,000	100	150	80	30	6	12	10	36	3					
Institutional/utilities/ recreation 4.00.000			100	150	80	30	10	20	20	36	3		0.30 FAR			
Service-oriented commercial 5.00.000			100	150	80	30	6	12	10	36	3		0.30 FAR		0.8	
Commercial 6.00.000			100	150	80	30	6	12	10	36	3		0.30 FAR		0.8	
CC Zone																
Agricultural 1.00.000	3 acres		150	200		100	40	80	30	40					0.85	
Residential 3.00.000	1 acre	20,000	100	150	80	75	30	60	50	36	3				0.85	
Institutional/utilities/ recreation 4.00.000	1 acre		100	150	80	30	4 6	20	20	40	3		0.40 FAR		0.85	
Service-oriented commercial and commercial 5.00.000 and 6.00.000	1 2 acres		150	200	120	30	4 6	12	10	40	3		0.40 FAR		0.85	5 acres
Industrial 7.00.000	1 acre		100	150	80	30	4 6	12	10	40	3		0.40 FAR		0.85	5 acres
CB Zone																
Agricultural 1.00.000	3 acres		150	200	120	100	40	80	30	40	3					
Residential 3.00.000	1 acre	10,000	100	150	80	50	30	60	50	60					0.85	
Institutional/utilities/ recreation 4.00.000	1 2 acres		150	200	120	25	4 6	12	10	60	3 5		0.60 FAR		0.9	

Figure VI-5
Schedule of Zone Regulations: Commercial Zones
Charles County, Maryland
(Cont'd)

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
Service-oriented commercial and commercial 5.00.000 and 6.00.000	[1] 2 acres		150	200	120	25	[4] 6	12	10	60	[3] 5		0.60 FAR		0.9	
Industrial 7.00.000	3 acres		150	200	120	25	[4] 6	12	10	60	[3] 5		0.60 FAR		0.9	
BP Zone																
Agricultural 1.00.000	[2] 3 acres		150	200	120	75	40	80	50	60	[3] 5					
Day care 3.04.200	[2] 1 acre		100	150	80	40	20	40	40	60	[3] 5		0.35 FAR		0.6	10 acres
Hotels, motels, convention centers, etc. 3.05.300	[2] 3 acres		150	200	120	50	20	40	25	60	[3] 5		0.50 FAR		0.7	10 acres
Institutional/utilities/ recreation 4.00.000	[2] 2 acres		100	150	80	50	20	40	25	60	[3] 5		0.35 FAR		0.7	10 acres
Service-oriented commercial and commercial 5.00.000 and 6.00.000	[2] 2 acres		100	150	80	50	20	40	25	60	[3] 5		0.35 FAR		0.7	10 acres
Industrial 7.00.000	[2] 2 acres		100	150	80	50	20	40	25	60	[3] 5		0.35 FAR		0.7	10 acres

NOTES: [1] Minimum lot sizes may be reduced to 10.000 square feet when created as part of a subdivision with consolidated access and an internal traffic network.

[2] Minimum lot sizes may be reduced to 30,000 square feet when created as part of a subdivision with consolidated access an internal traffic network.

[3] May be increased as set forth in §297-27, Article II.

[4] May be reduced as per §297-91B, General Regulations, for Commercial Zones.

[5] The maximum height for mini-warehouse facilities, permissible use No. 7.02.230, in the CC Zone and in the development district, as provided in the Charles County Comprehensive Plan, is 60 feet, five stories.

[6] The intensity for mini-warehouse facilities, permissible use No. 7.02.230, in the CC Zone and in the development district, as provided in the Charles County Comprehensive Plan, and in the CB Zone, is 1.0 FAR. In the CC Zone exterior to the development district, the maximum intensity is 0.6 FAR.

§297-92. Industrial zones.

A. Objectives. These zones, General Industrial (IG) and Heavy Industrial (IH), strengthen the economic environment of the county by recognizing existing industrial uses and promoting industrial development in order to broaden the county's tax base and create new jobs.

(1) IG General Industrial Zone. This zone provides appropriate locations for industrial uses of moderate scale and intensity.

(2) IH Heavy Industrial Zone. This zone provides appropriate locations for larger scale or intensive processing which may generate substantially more impact on surrounding properties than intended in the General Industrial Zone.

B. General regulations.

(1) Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard and maximum building height, as displayed in Figure VI-6, shall apply subject to other requirements of this chapter.

(2) Minimum lot sizes may be reduced to 10,000 square feet when the lot is created as part of a subdivision with an internal circulation network where the lot does not access directly on a collector or arterial street. However, the lot may access directly on a service road.

C. Special regulations. The following heavy industrial uses and others of a similar nature are expressly prohibited.

(1) Arsenals.

(2) Blast furnaces.

(3) Boiler works.

(4) Distillation of bones.

(5) Dumps.

(6) Fat rendering.

(7) Forge plants.

(8) Grease, lard or tallow manufacturing or processing.

(9) Incinerators or reduction of dead animals, garbage or offal, except when operated or licensed by a duly authorized public agency.

(10) Manufacture of any of the following:

(a) Acetylene.

(b) Ammonia.

(c) Celluloid or pyroxylin (or treatment thereof)

(d) Disinfectants.

(e) Emery cloth and/or sandpaper.

(f) Explosives, fireworks or gunpowder.

(g) Fertilizers.

(h) Gas for illumination or heating.

(i) Glue, size or gelatin.

(j) Insecticides.

(k) Lampblack.

(l) Leather goods.

(m) Linoleum.

(n) Matches.

(o) Mortar, lime, plaster, gypsum.

(p) Oil cloth and/or oiled products.

(q) Paint, oil, shellac, turpentine or varnish employing a boiling or rendering process.

(r) Potash.

(s) Rubber or products made therefrom.

(t) Soap.

(u) Shoeblacking or polish.

(v) Soda or soda compound.

(w) Acids or other corrosive or offensive substances.

(x) Tar or tar roofing or waterproofing or other tar products or distillation thereof.

(y) Yeast, except as part of medical and biotechnical research and development.

(z) Ore reduction.

(aa) Packing houses, including meat canning or curing houses.

(bb) Petroleum refining or storage in more than tank car lots.

(cc) Rolling mills.

(dd) Smelting.

(ee) Tanning, curing or dyeing of leather, rawhides or skins or storage of skins.

(ff) Wool Pulling or scouring.

D. Permitted uses. The permitted uses within the industrial zones shall be in conformance with the uses permitted in the Table of Permissible Uses.[15]

E. The Site Design and Architectural Review (SDAR) approval of site plans and buildings for all commercial construction in the IG and IH Zones must be obtained. All new construction, renovation and expansion projects shall comply with all applicable sections of the commercial and industrial guidelines and standards. Projects that do not add more than 2,000 square feet of gross floor area or alter more than 25% of the building facade or site area are exempt. The guidelines and standards shall conform to appropriate planning principles and to the purposes stated for the specific zone. **[Added 5-2-2005 by Bill No. 05-08]**

15 **Editor's Note: See § 297-63.**

Figure VI-6
Schedule of Zone Regulations: Industrial Zones
Charles County, Maryland
[Amended 3-10-1997 by Ord. No. 97-21; 3-30-1999 by Ord. No. 99-34; 2-7-2000 by Ord. No. 00-7]

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ratio derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
IG Zone																
Agricultural 1.00.000	3 acres	15	0	200		75	40	80	50	36	3					
Marine 2.00.000	3 acres		150	200	120	75	40	80		36	3		0.40 FAR		0.5	
Residential 3.00.000	1 acre		100	150	80	75	30	60	50	36	3		0.40 FAR		0.3	
Institutional/utilities/ recreation 4.00.000	1 acre		100	150	80	50	6	12	10	36	3		0.50 FAR		0.75	
Service-oriented commercial, commercial and industrial 5.00.000, 6.00.000 and 7.00.000	1 acre		100	150	80	50	6	12	10	36	3		0.50 FAR		1 0.75	
IH Zone																
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	50	4					
All except agricultural and industrial 2.00.000, 3.00.000, 4.00.000, 5.00.000 and 6.00.000	1 acre		100	150		50	6	12	10	50	4		0.50 FAR		0.6	
Industrial 7.00.000	3 acres		150	200		50	6	12	10	50	4		0.50 FAR		0.6	

NOTES:
1 The ISR may be increased to 85% on a lot if stormwater management facilities are located regionally, off site.

§ 297-93. Planned Unit Development (PUD) Zone.

A. Purposes. The purpose of this zone is to recognize the existing Planned Unit Development (PUD) Zone known as St. Charles. This zone shall apply to the area within the PUD on the effective date of this chapter, and at the discretion of the County Commissioner, to the following specific parcels described in the following deeds: 30.45-acre parcel at Liber 257, Folio 382; 90.085-acre parcel at Liber 265, Folio 116; 6.311-acre parcel at Liber 1586 Folio 603 and to any additional land which is contiguous to the PUD, now or here after, included within the St. Charles PUD, upon approval by the County Commissioners of Charles County, Maryland, as an amendment to Docket 90. No additional sites shall be considered for PUDs after the adoption of this chapter. Activity within the zone is based on Docket 90, as amended. **[Amended by Bill No. 2008-25].**

B. Requirements. The PUD Zone shall meet the following requirements:

(1) It shall be designed and planned as an economically self-sufficient community and to this end shall have not less than 10% nor more than 25% of its total area developed as commercial and industrial use.

(2) It shall be designed and planned as an independent area for community services and to this end shall have county-approved public water and sewer systems and not less than 18% of its total area reserved for recreation, open space and community facilities.

(3) It shall be designed and planned to be consistent with the purpose of this chapter in order to protect and promote the health, safety and welfare of present and future inhabitants of Charles County.

C. Permits. Following the approval of the Master Plan for the entire zone, preliminary plans, improvement plans and final record plats shall be prepared in accordance with the County Subdivision Regulations[16] and shall be approved by the Planning Commission for each stage of development. Unless otherwise provided in this chapter or other applicable laws, zoning permits and certificates of occupancy may be issued even though the use of land, the location and height of buildings to be erected in the area, minimum lot sizes, yards and open space contemplated by the plans do not conform in all respects to specific uses as set forth in other zones. Nothing herein shall render inapplicable any regulations of the county relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this section. **[Amended 5-2-2000 by Ord. No. 00-37]**

§ 297-94. Waterfront Planned Community (WPC) Zone.

A. The purpose of this zone is to recognize the existing Waterfront Planned Community (WPC) known as Swan Point. This zone shall apply only to the area within the WPC on the effective date of this chapter, except for the following specific parcels described as a 185.29-acre parcel and a 15.59-acre parcel in a deed recorded at Liber 1503, Folio 295. These parcels

16 **Editor's Note: See Ch. 278, Subdivision Regulations.**

may be included upon approval by the County Commissioners as an amendment to Docket 250. No additional sites shall be considered for WPCs after the adoption of this chapter. Activity within the zone is based on Docket 250, as amended.

B. Uses permitted. The WPC provides suitable sites for varied residential developments such as single-family attached and detached dwellings, townhouses, marinas, recreation or any other uses considered appropriate to a waterfront planned community development.

C. Requirements. The WPC Development shall be served by an approved public water and sewer facility, and not less than 40% of its total area shall be devoted to recreational development, open space and community facilities. The total number of dwelling units permitted for the entire WPC Zone will be set by the Planning Commission and approved by the County Commissioners, but under no circumstances shall the total number of dwelling units exceed three units per acre.

D. Permits. Following the approval of the General Development Plan for the entire zone, preliminary plans, improvement plans, the final record plats shall be prepared in accordance with the County Subdivision Regulations [17] for approval by the Planning Commission for each stage of development. Unless otherwise provided in this chapter or other applicable laws, zoning permits and certificates of occupancy may be issued even though the use of land, the location and height of buildings to be erected in the area, minimum lot sizes, yards and open space contemplated by the plan do not conform in all respects to specific uses as set forth in other zones. Nothing herein shall render inapplicable any regulations of the county relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this section.**[Amended 5-2-2000 by Ord. No. 00-37]**

§ 297-95. Core Mixed-Use Zones. [Added 7-25-2005 by Bill No. 05-01; Amended 4-23-2010 by Bill No. 2010-05]

A. Objectives. It is the objective of the Core Mixed-Use Zones to create mixed-use areas that are consistent with County plans and enhance existing communities by: promoting new development that is safe, comfortable, and attractive to pedestrians; encouraging in fill and redevelopment where applicable; reinforcing streets as public places that encourage pedestrian and bicycle travel; providing roadway and pedestrian connections to residential areas; designing and scaling buildings that will be compatible with existing or planned development in the area; providing efficient land use by facilitating compact, moderate to high density development and minimizing the amount of land that is needed for surface parking; facilitating development (land use mix, density and design) that supports public transit and maintaining mobility along traffic corridors and state highways.

17 **Editor's Note: See Ch. 278, Subdivision Regulations.**

(1) Core Employment/Residential Zone (CER). This zone provides for development which will successfully integrate a mixture of complementary land uses that are primarily employment and residential but may also include retail, commercial services, and civic uses, to create economic and social vitality and encourage the linking of transportation and land use.

(2) Core Retail/Residential Zone (CRR). This zone provides for development which successfully integrates a mixture of complementary land uses that are primarily retail but may also include employment, residential, commercial services, and civic uses, to create economic and social vitality and encourage the linking of trips.

(3) Core Mixed Residential Zone (CMR). This zone provides for high-density residential development adjacent to the core employment/residential and retail residential areas. It will incorporate a mix of housing types and uses, along with traditional neighborhood design principles.

B. General regulations. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard, and maximum building height, as displayed in Figure VI-7, shall apply, subject to other requirements of this chapter.

C. Specific regulations. The following regulations shall apply to the Core Mixed-Use Zones:

(1) A design code which conforms to the site design and architectural (SDA) guidelines shall be submitted with any preliminary plat or site plan as set forth in § 297-109.

(2) Minimum density shall be 2 dwelling units per acre. Any increase over the permitted base residential density range shall be achieved through the use of transferable development rights (TDRs). For additional units, with the use of TDR, the density permitted may not exceed 15/du's per acre in the Core /Employment Residential (CER) and Core Retail/Residential (CRR) Zones, and 10/du's per acre in the Core Mixed Residential (CMR) Zone. **[Amended 4-23-2010 by Bill No. 2010-05]**

(3) In the Core Employment/Residential (CER) and Core Retail /Residential (CRR) Zones, any development which includes residential uses: **[Amended 4-23-2010 by Bill No. 2010-05]**

(a) Must be on properties of two acres or greater.

(b) If residential and nonresidential uses are in separate buildings, no more than 50% of the total acreage of the parcel may be devoted to residential uses.

(c) In residential mixed use buildings, a maximum of 75% of the building area may be devoted to residential use.

(4) Building frontages will be required to face streets wherever possible.

(5) Buildings will be sited to form a uniform front setback along all arterial, major collector, and minor collector roads. All commercial and mixed use buildings shall occupy a minimum of 70 percent of the lot width. **[Amended 4-23-2010 by Bill No. 2010-05]**

(6) The following requirements apply in addition to the requirements in the Schedule of Zone Regulations: **[Added 4-23-2010 by Bill No. 2010-05]**

(a) Front building facades shall be located between the required minimum and maximum front setbacks.

(b) Porches, steps, and covered entries shall not project more than eight feet from the building façade. They may extend into the minimum front setback area.

(c) Awnings and canopies may extend up to five feet into the minimum front setback area. They shall maintain a minimum clearance height of eight feet above the ground.

(d) Storefront display windows may extend up to two feet into the minimum front setback area.

(e) For lots with street frontage of 100 feet or less, the building façade must occupy at least 75 percent of the street frontage.

(f) For lots with street frontage of 100 to 200 feet, the building façade must occupy at least 80 percent of the street frontage.

(g) For lots with street frontage of 200 feet or greater, the building façade shall occupy at least 85 percent of the street frontage.

(7) On-street parking is permitted on all streets in the core mixed-use zones where street width permits, except along MD 210 and MD 227.

(8) Parking spaces along all roads adjacent to the frontage of a lot and nearby off-site shared parking will be credited towards parking requirements for the use.

(9) Required off-street parking spaces will be located at the rear of buildings. Parking lots will be screened where visible from public streets. Security cameras must be provided in all parking lots. Interior lot parking is required for residential uses. Pedestrian ways (e.g., ten-foot-wide walkways) from interior parking lots to streets should be provided. Parking lots will not be located adjacent to major intersections or occupy highly visible locations.

(10) Parking should be shared and interconnected where possible using the Bryans Road-Indian Head Sub-Area Plan or other local plans as a guide where available. **[Amended 4-23-2010 by Bill No. 2010-05]**

(11) Access to rear parking should be permitted through a frontage road only if alternative access is not available.

(12) Uses in the core mixed-use zones that adjoin the Core Mixed Residential Zone (CMR) must demonstrate compatibility with existing or new development in those areas through means such as appropriately scaled buildings, facade treatment, placement of parking, increased setbacks (20 to 30 feet), fences and/or buffers.

(13) Subdivision plans and site plans shall provide open space in accordance with the Schedule of Zone Regulations. Required open space shall be designed to provide parks, greens, plazas, and other public amenities; and provide for protection of sensitive environmental features. The open space requirement may be satisfied by providing open space on-site; or by creating a common open space lot for dedication to the County or a property owners association; or by providing common open space off-site within a Core Mixed-Use Zone or Activity Center Zone; or by payment of a fee-in-lieu as provided below: **[Added 4-23-2010 by Bill No. 2010-05]**

(a) For subdivision plans within the Core Mixed-Use Zones, dedication of open space may be used to meet the requirements for community open space given in Chapter 278, Subdivision Regulations, §278-60 and 61.

(b) Fee in lieu of establishment of common space.

(c) The Planning Director may approve payment of a fee in lieu of the required open space based on findings that the purpose and intent of the Core Mixed Use Zone would be better met through contribution to funding for common open space rather than through establishment of the required open space on the particular site.

(d) The fee shall be as established in a fee schedule approved by the County Commissioners.

(e) The County shall use the fees to purchase land within a Core Mixed Use Zone or Activity Center Zone for parks, greenways, pedestrian pathways or stormwater management.

(14) Streetscape Requirements. **[Added 4-23-2010 by Bill No. 2010-05]**

(a) Intent. Development shall contribute to creation of a walkable community through the following design standards:

(1) Provide a comprehensive, continuous system of sidewalks and paths to

enhance connections and pedestrian safety.

(2) Orient buildings to the street and utilize every opportunity to create open, inviting storefronts, outdoor café seating, and interesting visual accents such as public art.

(3) Provide streetscape amenities and street furniture to encourage pedestrian activity.

(4) Enhance safety and visual appearance through the provision of street trees and planting strips located between streets and sidewalks (whenever possible) to provide shade and buffer pedestrians from traffic.

(b) Installation / Bonding of Streetscape Improvements.

(1) Streetscape elements (including but not limited to sidewalks, streetlights, street trees, street furniture, bicycle racks, landscaping and planters, decorative paving, sculpture/artwork, and bus shelters) shall be required for development approved through a site plan or subdivision plan. For expansion of existing uses, streetscape elements may be required by the Zoning Officer proportionate to the proposed expansion.

(2) All streetscape improvements shown on an approved subdivision plan or site plan shall be bonded.

(3) Proposed streetscape elements shall be indicated on plan submittals and shall include information on location, spacing, quantity, construction details, and method of illumination.

(c) Streetscape Design Consistency. The design of streetscape elements shall be consistent within a development project and throughout each Zone. Streetscape elements shall be consistent with the County Site Design and Architectural Guidelines.

(d) Use of Front Setback Area. For nonresidential or mixed use buildings, the front setback area between the street right-of-way and the building façade shall be used for sidewalks, landscaping, public seating areas or other pedestrian-orientated features that enhance and contribute to the streetscape.

(e) Constrained Sites. Where existing conditions make the streetscape elements difficult to implement, development shall make every effort to meet these streetscape standards in full.

(1) If required streetscape elements cannot be provided with the street

right-of-way due to right-of-way constraints, the elements shall be provided partially on the development site between the building façade and the right-of-way.

(2) If provision of all streetscape elements is not possible due to right-of-way constraints and the location of existing buildings or infrastructure, the priorities for streetscape improvements shall be: (i) Sidewalks, (ii) Streetlights, (iii) Street trees (if sufficient room is not available for the survival of street trees, seasonal displays in above-ground planter boxes should be substituted) and (iv) Landscape strips.

(3) The final determination of required streetscape elements on constrained sites shall be made by the Planning Director.

(f) Sidewalks.

(1) For development activity requiring a subdivision plan or site plan, sidewalks shall be installed along streets within or abutting the development site. Sidewalks may be placed along one or both sides of the street as deemed appropriate by the County.

(2) Sidewalks shall also be provided to connect building entrances and parking areas with the sidewalks along the streets.

(3) Sidewalks may be located partially within the street right-of-way and partially within the front setback area of the abutting property.

(4) Where sufficient right-of-way is available, sidewalks shall be separated from streets by a landscape strip to allow for street trees and to buffer pedestrians from street traffic.

(g) Street Trees. Street trees shall be provided along all streets at the time of development.

(1) Spacing. At least one large shade tree shall be planted per 40 linear foot of frontage along all public streets and major private streets. Street trees may be spaced between 35 and 45 feet apart on center.

(2) Planting Standards. Street trees shall be planted using either underground planters with minimum dimensions of 6 feet by 8 feet and structural soil amendments; or the planting site shall be prepared with a minimum of 120 cubic feet of rootable soil with structural soil amendments.

(h) Streetlights. Pedestrian-scaled, County-approved street lighting fixtures shall be installed on both sides of all streets at no more than 60-foot intervals measured parallel to the street. The developer is responsible for the installation of streetlights only on the side of the street being developed.

(i) Other Streetscape Elements. All types of streetscape furniture (including but not limited to benches, bike racks, movable seating, game tables, trash receptacles, and public mailboxes) may be considered in public spaces and along streets with mixed-use, commercial or office development. Streets limited to residential uses should have more limited furniture such as trash receptacles and benches.

(j) Curb bump-outs and bus turn-outs may be incorporated into streetscape design to provide physical separations, to mitigate the visual impact of on-street parking areas and to serve as additional tree planting areas or locations for streetscape amenities.

D. Permitted uses. The permitted uses within the core mixed-use zones shall be in conformance with the uses permitted in the Table of Permissible Uses.

Figure VI-7
Schedule of Zone Regulations: Town Center Core Mixed Use Zones
Charles County, Maryland

ABBREVIATIONS:
du: Dwelling unit.
FAR: floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Yard (feet)	Maximum Height		Lot Coverage	Intensity	Minimum Open Space
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Front	Feet	Stories			
Core Retail/Residential (CRR) Zone															
Single-family detached 3.01.100	5,000 square feet		55	75	30	10	6	12	20		40	3	50 to 70		20%
Patio/court/atrium 3.01.300	3,000 square feet		45		30	10	6	12	20		40	3	50 to 70		20%
Duplex 3.02.100	6,000 square feet	3,000 square feet	45	75	30	10	6	12	20		40	3			20%
Townhouse 3.02.200		1,200 square feet			18	10	0	0	20		40	3	50 to 70		20%
Garden apartment 3.03.100	2,500 square feet		200	200	200	10	10	20	50		40	3			10%
Mixed-Use Building 8.01.00 & 8.02.000	10,000 square feet		100	100		10	0	0	20	18	50	2-4		0.50	20%
Commercial apartment 3.03.400		1,000 square feet									50	2-4			**20%**
Inst./Util./Rec. 4.00.000	10,000 square feet		100	100		10	0	0	50	18	50	2-4		0.50	20%
Service-oriented commercial 5.00.000	10,000 square feet		100	100		10	0	0	20	18	50	2-4		0.50	**20%**
Commercial 6.00.000	10,000 square feet		100	100		10	0	0	20	18	50	2-4		0.50	**20%**
Industrial 7.00.000	10,000 square feet		100	100		10	10	20	50	18	50	2-4		0.50	**20%**
Core Employment/Residential (CER) Zone															
Single-family detached 3.01.100	5,000 square feet		55	75	30	10	6	12	20		40	3	50 to 70		**20%**
Patio/court/atrium 3.01.300	3,000 square feet		45		30	10	6	12	20		40	3	50 to 70		**20%**
Duplex 3.02.100	6,000 square feet	3,000 square feet	45	75	30	10	6	12	20		40	3			**20%**
Townhouse 3.02.200		1,200 square feet			18	10	0	0	20		40	3	50 to 70		**20%**
Garden apartment 3.03.100	2500 square feet		200	200	200	10	10	20	50		40	3			20%

Figure VI-7
Schedule of Zone Regulations: Town Center Core Mixed Use Zones
Charles County, Maryland
(Cont'd)

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Yard (feet)	Maximum Height		Lot Coverage	Intensity	Minimum Open Space
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Front	Feet	Stories			
Core Employment/Residential (CER) Zone (Cont'd)															
Commercial apartment 3.03.400		1,000 square feet									50	2-4			20%
Mixed-Use Building 8.01.000 & 8.02.000	10,000 square feet		100	100		10	0	0	20	18	50	2-4		0.50	20%
Inst./Util./Rec. 4.00.000	10,000 square feet		100	100		10	0	0	50	18	50	2-4		0.50	20%
Service-oriented commercial 5.00.000	10,000 square feet		100	100		10	0	0	20	18	50	2-4		0.50	20%
Commercial 6.00.000	10,000 square feet		100	100		10	0	0	50	18	50	2-4		0.50	20%
Industrial 7.00.000	10,000 square feet		100	100		10	10	20	50	18	50	2-4		0.50	20%
Core Mixed/Residential (CMR) Zone															
Single-family detached 3.01.100	5,000 square feet		55	75	30	10	6	12	20		36	3	50 to 70		
Patio/court/atrium 3.01.300	3,000 square feet		45		30	10	6	12	20		36	3	50 to 70		
Duplex 3.02.100	6,000 square feet	3,000 square feet	45	75	30	10	6	12	20		36	3			
Townhouse 3.02.200		1,200 square feet			18	10	0	0	20		36	3	50 to 70		
Commercial apartment 3.03.400		1,000 square feet									36	3			
Inst./Util./Rec. 4.00.000	10,000 square feet		100	100		10	20	40	50		36	3		0.50	
Service-oriented commercial 5.00.000	10,000 square feet		100	100		10	20	40	50		36	3		0.50	
Commercial 6.00.000	10,000 square feet		100	100	10	10	20	40	50		36	3		0.50	
Industrial 7.00.000	10,000 square feet		100	100		10	20	40	50		36	3		0.50	

§297-96 Activity Center Zones [Added 4-23-2010 by Bill No. 2010-02]

A. Objectives.

(1) The Activity Center Zones are established to promote and require forms of development that create cohesive communities through the integration of residential, retail, business, office, and civic uses into a network of streets, pedestrian ways and open space. Activity Center Zones are intended to achieve the following objectives:

(a) Range of uses. Permit residential, office, retail, commercial service and institutional uses. Restrict highway-oriented commercial uses.

(b) Range of housing. Permit a range of housing types, including mixed-use buildings, attached, and multi-family dwellings.

(c) Street network. Create a grid street network that provides multiple means of getting to destinations.

(d) Streetscape character. Create attractive streetscapes with a lively, pedestrian-oriented character.

(e) Modes of transportation. Provide pedestrian, bicycle and transit linkages.

(f) Open space. Provide parks, plazas and greenways as community gathering spaces and natural areas.

(g) Building form. Promote building forms that respect and improve the integrity of streets, open spaces and other public areas.

(h) Visual harmony. Promote harmony in the visual relationships and transitions between buildings.

(i) Transition to other districts. Provide transitions or buffers so that new development is compatible with or protective of surrounding residential uses.

(2) Waldorf Central Zone (WC). This zone provides for moderate-to high-density development in the pattern of the downtown core of a traditional town, with a mix and intensity of uses supportive of rail transit. Development is to be consistent with the Downtown Waldorf Vision Plan and Design Guidelines adopted by the County Commissioners.

(3) Acton Urban Center Zone (AUC). This zone provides for high density, urban-scaled development with a mix and intensity of uses supportive of rail transit. Development is to be consistent with the Downtown Waldorf Vision Plan and Design Guidelines adopted by the County Commissioners.

B. Uses Permitted.

(1) Permitted uses shall be in conformance with the Table of Permissible Uses (Figure IV-2).

(2) The following additional requirements apply to the permitted uses of land within the Waldorf Central and Acton Urban Center Zones:

(a) Mixed use buildings are encouraged.

(b) Buildings abutting an arterial highway (U.S. 301 and MD Business Route 5) or a Waldorf Urban Major Collector, as identified in the Downtown Waldorf Vision Plan and Design Guidelines, shall be developed for mixed use or non-residential use. No solely residential buildings are permitted in these locations.

(c) Residential uses in mixed use buildings shall be above the ground floor.

(d) The retail component of mixed use buildings shall be primarily on the ground floor of the building and oriented towards a public street.

C. Density – WC and AUC Zones.

The following requirements apply in the Waldorf Central and Acton Urban Center Zones:

(1) Attached residences (Townhouse and Multiplex) shall be built at a minimum density of 12 dwelling units per acre and a maximum density of 36 dwelling units per acre.

(2) Garden apartment, mid-rise and high-rise dwellings in residential-only buildings shall be subject to a minimum density of 15 dwelling units per acre. There is no minimum density for apartments within mixed-use buildings.

(3) There are no maximum density requirements for apartments. The floor area ratio and building height requirements in the Schedule of Zone Regulations determine the allowed scale and intensity of apartment and mixed use development.

(4) Transferable Development Rights (TDRs) are required at the following rates:

(a) No TDRs are required for the first 12 dwelling units per acre.

(b) For attached residences, one TDR is required per dwelling unit in excess

of 12 units per acre.

(c) For garden apartment, mid-rise or high-rise residences in residential-only buildings, one TDR is required per two dwelling units or fraction thereof in excess of 12 units per acre.

(d) In mixed-use buildings, one TDR is required per three dwelling units or fraction thereof in excess of 12 units per acre.

D. Building and Lot Requirements.

(1) General. The layout and design of lots, structures and other improvements shall contribute to the following goals:

(a) Primary building facades shall be oriented toward the street and public realm.

(b) Public and private space shall be clearly defined as public with open views and surveillance, or as private and protected.

(c) Service areas and mechanical equipment shall be located away from the street.

(d) Off-street parking areas shall be located away from the streets and shared by multiple owners/uses whenever possible.

(2) The requirements in the Schedule of Zone Regulations, Figure VI-9, shall apply subject to other requirements of this Chapter.

(3) The following requirements apply in addition to the height requirements established in the Schedule of Zone Regulations:

(a) Maximum floor-to-ceiling height for the ground floor: 16 feet.

(b) Maximum floor-to-ceiling height for each story above the ground story: 12 feet.

(c) An upper story required to satisfy minimum story requirements shall have at least 70 percent of the floor area of the story below.

(d) Transition in building height. Where a lot in an Activity Center Zone is within 40 feet of a single-family detached home outside the Activity Center Zones, the maximum top plate height for any structure on the lot shall not exceed 36 feet.

(4) The following requirements apply in addition to the required front setbacks established in the Schedule of Zone Regulations:

(a) Front building facades shall be located between the required minimum and maximum front setbacks.

(b) Porches, steps and covered entries shall not project more than eight feet from the building façade. They may be extended into the minimum front setback area but shall not extend into the public street right-of-way.

(c) Awnings and canopies may extend into a public street right-of-way, up to five feet beyond the minimum front setback. They shall maintain a minimum clearance height of eight feet above the ground.

(d) Storefront display windows may extend into a public street right-of-way, up to two feet beyond the minimum front setback.

(5) Minimum building façade along street frontage:

(a) For lots with street frontage of 100 feet or less, the building façade must occupy at least 75 percent of the street frontage.

(b) For lots with street frontage of 100 to 200 feet, the building façade must occupy at least 80 percent of the street frontage.

(c) For lots with street frontage of 200 feet or greater, the building façade shall occupy at least 85 percent of the street frontage.

E. General Architectural Requirements.

(1) Intent. Buildings in the Activity Center Zones shall use high-quality materials and pedestrian-scaled detailing to enhance the visual appeal of development.

(2) Exterior Facades.

(a) Facades greater than 40 feet in length shall be articulated with discernible architectural elements, such as windows, recessed entrances and windows, display windows, arcades, balconies, plane projections and recesses, and other architectural details.

(b) All facades visible to the public (from a street, public or private open space, or parking area located interior to a block) shall provide quality architectural materials and detailing. Blank building walls/facades are not permitted.

(c) Buildings on corner lots shall be architecturally treated as having frontage

on all facades along a street.

(d) The streetscape and front building façade shall be the primary focus of the development.

(3) Mechanical Equipment. Mechanical equ ipment (such as air compressors, pumps, transformers, meters, boxes, and HVAC units) shall be visually screened from public streets and public open spaces. Screening methods may include locating equipment upon a roof behind a parapet wall or to the rear of the building, fencing, or appropriate landscaping.

(4) Design Guidelines. Within the Waldorf Central and the Acton Urban Center Zones:

(a) Buildings shall conform to the architectural guidelines of the Downtown Waldorf Vision Plan and Design Guidelines.

(b) Trademark buildings with franchise architecture shall conform in full to the Design Guidelines. Departures for the purpose of conforming to corporate design and architectural standards are not permitted.

F. Road Classification and Layout.

(1) Intent. All development proposals shall contribute towards the creation of an inter

-connected grid street network.

(2) Standards. Roads shall conf orm to the Waldorf Urban Road S tandards of the Downtown Waldorf Vision Plan and the Charles County Road Ordinance.

(3) Subdivisions and site plans in the Waldorf Central Zone and Acton Urban Center Zone shall conform to the following provisions.

(a) Dedication and construction of new roads and widening of existing roads within and abutting a subdivision shall implement the road network shown in the Downtown Waldorf Vision Plan and Design Guidelines.

(b) The Planning Commission may approve a subdivision plan that does not fully implement the road recommendations of the Downtown Waldorf Vision Plan and Design Guidelines if the size and configuration of the property makes implementation through the subdivision process infeasible.

(c) If the Planning Commission or Planning Director determines that f ull construction of proposed roads is not necessary at the time of subdivision, rights-of-ways for proposed roads shall be dedicated as provided in Section 278-83 of the Subdivison Regulations.

(d) Site plans. If the property shown on a proposed site plan contains or abuts a road shown on the Downtown Waldorf Vision Plan and Design Guidelines, to the extent possible improvements shall be located to reserve the full road right-of-way for future road construction.

(4) Alleys. The construction of alleys is encouraged to provide access routes to parking and service areas located behind buildings that front the street.

G. Streetscape Requirements.

(1) Intent. Development shall contribute to creation of a walkable community through the following design standards:

(a) Provide a comprehensive, continuous system of sidewalks and paths to enhance connections and pedestrian safety.

(b) Orient buildings to the street and utilize every opportunity to create open, inviting storefronts, outdoor café seating, and interesting visual accents such as public art.

(c) Provide streetscape amenities and street furniture to encourage pedestrian activity.

(d) Enhance safety and visual appearance through the provision of street trees and planting strips located between streets and sidewalks (whenever possible) to provide shade and buffer pedestrians from traffic.

(2) Installation / Bonding of Streetscape Improvements.

(a) Streetscape elements (including but not limited to sidewalks, streetlights, street trees, street furniture, bicycle racks, landscaping and planters, decorative paving, sculpture/artwork, and bus shelters) shall be required for development approved through a site plan or subdivision plan. See 297-96.N., Figure VI-8, for thresholds and applicability of streetscape requirements.

(b) All streetscape improvements shown on an approved subdivision plan or site plan shall be bonded.

(c) Proposed streetscape elements shall be indicated on plan submittals and shall include information on location, spacing, quantity, construction details, and method of illumination.

(3) Streetscape Design Consistency. The design of streetscape elements shall be consistent within a development project and throughout each zone. Streetscape elements shall be consistent with the Downtown Waldorf Design Guidelines.

(4) Use of Front Setback Area. For non-residential or mixed-use buildings, the front setback area between the street right-of-way and the building façade shall be used for sidewalks, landscaping, public seating areas or other pedestrian-oriented features that enhance and contribute to the streetscape.

(5) Constrained Sites. Where existing conditions make the streetscape elements difficult to implement, development shall make every effort to meet these streetscape standards in full.

(a) If required streetscape elements cannot be provided within the street right-of-way due to right-of-way constraints, the elements shall be provided partially on the development site between the building façade and the right-of-way.

(b) If provision of all streetscape elements is not possible due to right-of-way constraints and the location of existing buildings or infrastructure, the priorities for streetscape improvements shall be (i) sidewalks, (ii) streetlights, (iii) street trees (if sufficient room is not available for the survival of street trees, seasonal displays in above-ground planter boxes should be substituted) and (iv) landscape strips.

(c) The final determination of required streetscape elements on constrained sites shall be determined by the Planning Director.

(6) Sidewalks.

(a) For development activity requiring a subdivision plan or site plan, sidewalks shall be installed along streets within and abutting the development site where appropriate, based upon the road standards established by the Downtown Waldorf Vision Plan, Section 5.3 and Figures 4 through 8.

(b) Sidewalks shall also be provided to connect building entrances and parking areas with the sidewalks along the streets.

(c) Sidewalks may be located partially within the street right-of-way and partially within the front setback area of the abutting property.

(d) Where sufficient right-of-way is available, sidewalks shall be separated from streets by landscape strips to allow for street trees and to buffer pedestrians from street traffic.

(e) The width and design of sidewalks and planting strips shall be guided by the Downtown Waldorf Vision Plan and Sections 4.1 and 4.3 of the Downtown Waldorf Design Guidelines.

(7) Street Trees. Street trees shall be provided along all streets at the time of development.

(a) Spacing. At least one large shade tree shall be planted per 40 linear foot of frontage along all public streets and major private streets. Street trees may be spaced between 35 and 45 feet apart on center.

(b) Planting Standards. Street trees shall be planted using either underground planters with minimum dimensions of 6 feet by 8 feet and structural soil amendments or the planting site shall be prepared with a minimum of 120 cubic feet of rootable soil with structural soil amendments.

(8) Streetlights. Pedestrian-scaled, County-approved street lighting fixtures shall be installed on both sides of all streets at no more than 60 foot intervals measured parallel to the street. The developer is responsible for the installation of streetlights only on the side of the street being developed.

(9) Other Streetscape Elements. All types of streetscape furniture (including but not limited to benches, bike racks, movable seating, game tables, trash receptacles, and public mailboxes) may be considered in public spaces and along streets with mixed-use, commercial or office development. Streets limited to residential uses should have more limited street furniture such as trash receptacles and benches.

(10) Curb bump-outs and bus turn-outs may be incorporated into streetscape design to provide physical separations, to mitigate the visual impact of on-street parking areas and to serve as additional tree planting areas or locations for streetscape amenities.

H. Signage.

(1) Intent. Site and building signs should complement the architectural composition and design of the building and the surrounding environment. Durable, attractive, and well-maintained signs attract potential customers, provide directional orientation, and contribute to the look and feel of the community.

(2) Signs shall be constructed of high-quality materials such as brick, cut stone, stainless steel, or other similar materials.

(3) The requirements of Article XIX, Signs, shall apply within the Activity Center Zones, with the following additional requirements.

(a) Freestanding, pole-mounted commercial signs are not permitted.

(b) Signs located above or projecting from the roofline or parapet wall are not permitted.

(c) Illuminated signs shall be lit externally. External lighting fixtures used to

illuminate signage shall provide full cut-off fixtures to reduce sky glow and glare.

(d) Common sign plans shall be provided for all new non-residential and mixed-use buildings.

I. Lighting.

(1) Intent. Lighting should be a cohesive element of architectural and environmental design to strengthen the appearance and functionality of structures and their surroundings, while providing adequate safety and visibility. Light fixtures should be constructed of attractive, high-quality materials, be incorporated into the design of the project, direct glare away from adjoining properties and public rights-of-way, and reduce light pollution.

(2) The requirements of §297-306, "Lighting Standards", apply. In addition, the following requirements are applicable.

(a) Comprehensive lighting plans shall be provided with site plan submittals for new institutional, office, mixed-use and retail/commercial buildings. These lighting plans shall be accompanied by plans, sketches, or photographs indicating the design, size, methods of lighting fixture attachment and shielding.

(b) Illumination shall be provided for main entrances, parking lots, service entrances, alleys, pathways, open space, and plazas.

J. Landscaping, Buffering, and Screening Standards.

(1) Intent. Attractive landscaping provides a wealth of benefits for a community, including adding beauty, stabilizing soil, cooling the environment, filtering pollutants, providing buffers between uses and increasing property values. Trees, flowering plants, shrubs, and high-quality walls and fencing should be used on lots and within street rights-of-ways to create a pleasant and comfortable environment and to screen unattractive uses, parking areas, and mechanical equipment.

(2) Public Spaces and On-Site Open Space. Public spaces and on-site open space shall be planted with shade trees, evergreen shrubs, and other appropriate landscaping to provide shade, increase air quality, and treat storm water, as well as to add interest, visual appeal, and year round greenery and color. Other devices, such as trellises, covered walkways, pavilions, and gazebos are also encouraged in public spaces.

(3) The bufferyard requirements established in Articles XXII and XXIII do not apply between land uses or along roads within the Activity Center Zones. Bufferyard requirements apply along the boundaries of the Activity Center Zones as required

between zoning districts and along principal arterial highways.

K. Parking and Circulation.

(1) Intent. Parking areas are a necessary accessory use but s hould not dominate the streetscape, obscure building frontages, or overwhelm the visual environment. The parking requirements in this section reduce on-site parking requirem ents while encouraging shared park ing facilities to ensu re that sufficient parking is available to support a mix of land uses. Shared parking areas reduce paved areas and provide increased opportunities for landscaping, buildings, and open space, contributing to the quality of the visual environment.

(2) The requirements of Article XX, Parking Facilities, apply except as modified in this Section.

(3) Required Number of Parking Spaces.

(a) Minimum Requirements:

i. At least two parking spaces shall be provided per dwelling unit for townhouse or multiplex units.

ii. For all other land uses, the m inimum number of of f-street surface parking spaces shall be equal to 50 percent of the minimum number of r equired off-street parking spaces required by Article XX, Figure XX-1.

(b) Maximum Requirement: The maximum number of off-street surface parking spaces permitted for each land use type shall be equal to:

i. 100 percent of the m inimum number of required off-street parking spaces required by Figure XX-1 for residential land uses; and

ii. 80 percent of the minimum required off-street parking spaces required by Figure XX-1 for all other land uses.

iii. If shared parking is used or structured parking is provided, this maximum number may be increased.

(4) Required parking may be provided in the following locations:

(a) On-site;

(b) Off-site under the provisions for satellite parking in §297-341; or,

(c) On-street. For parking parallel to the curb, twenty-two feet of linear

frontage on a street where parking is allowed shall be counted as one parking space. On-street parking spaces must be on the same side of the street as the use being served by the spaces.

(5) Shared parking is permitted as provided in §297-341(B). The maximum number of parking spaces required above does not apply to shared parking.

(6) Location of Parking Areas.

(a) Parking shall be located to the side or rear of buildings and, whenever possible, in shared parking areas.

(b) Structured parking may be integrated within a mixed use, non-residential or multifamily structure. Whenever possible, locate retail or commercial uses on the first floor street façade.

(c) Freestanding parking structures are permitted. These shall be located on the interior of the block or at the rear of the property, and shall be accessed from a side street, alley, or entrance drive-aisle. Freestanding parking structures located adjacent to a public street right-of-way other than an alley shall be set back a minimum of 10 feet from the right-of-way.

(d) Parking pads and garages for townhouse and multiplex dwellings shall be accessed from the rear of the dwelling. Garages may be a separate accessory structure or within the principal structure.

(7) Perimeter Landscaping for Parking Areas.

The perimeter landscaping requirements of §297-358 shall not apply within the Activity Center Zones. The following requirements apply instead.

(a) Generally, parking areas will be screened from streets by buildings. Where parking areas are located to the side of a building, or along an alley, a landscape area with a minimum width of 6 feet shall be provided between the street right-of-way and the parking area.

(b) Screening within the landscape area shall be provided by an evergreen hedge with or without an ornamental fence or wall. The maximum height of evergreen hedges and solid walls shall be 36 inches.

(c) Additional landscape materials within the landscape area may consist of shade trees, low shrubs and ground cover. A minimum of one shade tree shall be provided per 35 linear feet of parking lot frontage on a public street, excluding driveway openings.

(d) Walls and hedges shall provide openings for pedestrians when the wall is

adjacent to open space, a pedestrian path, public plaza, or other pedestrian-oriented space.

(8) Loading and service areas shall not be visible from streets. They shall be screened with landscape plantings and/or a 6-foot high opaque wood fence or masonry wall.

(9) Parking, loading, and service area screening walls and fences shall be made of high quality materials such as brick, stone, finished decorative concrete, wrought iron, and wood.

(10) Bicycle Parking Requirements.

(a) Bicycle parking shall be provided at appropriate locations to encourage bicycle use.

(b) On-site bicycle parking spaces shall be provided for the following uses: multifamily residential; parks and plazas; office and commercial uses; recreational or cultural uses; and institutional uses.

(c) Bicycle parking areas shall be convenient to the entrances of buildings and shall not obstruct sidewalks or walkways.

(11) Drive-In and Drive-Through Windows. Drive-in or drive-through windows shall not be permitted for any new use except banks. Drive-through windows for banks shall be located to the rear of the lot and shall not front the street.

L. Open Space.

(1) Intent. Subdivision plans and site plans within the Activity Center Zones shall provide open space in accordance with the requirements in the Schedule of Zone Regulations. The open space shall contribute to the creation of a comprehensive system of parks, pathways and open space; provide pocket parks, greens, plazas and other public amenities; and provide for protection of sensitive environmental features.

(2) Open space required by the Schedule of Zone Regulations may be provided on-site, by creating a common open space lot for dedication to the County or a property owners association, by providing common open space off-site within the same activity center, or by payment of a fee-in-lieu as provided below.

(3) For subdivision plans within the Activity Center Zones, dedication of open space may be used to meet the requirements for community open space given in Chapter 278, Subdivision Regulations, §278-60 and 61.

(4) Fee in Lieu of Establishment of Open Space.

(a) The Planning Director may approve payment of a fee in lieu of the

required open space based upon findings that the purpose and intent of the Activity Center District would be met better through contribution to funding for common open space rather than through the establishment of the required open space on the particular site.

(b) The fee shall be as established in a fee schedule approved by the County Commissioners.

(c) The County shall use the fees to purchase land within the same Activity Center Zone for parks, greenways, pedestrian pathways or stormwater management.

(5) If a proposed development in the Waldorf Central Zone or Acton Urban Center Zone is on a site for which the Downtown Waldorf Vision Plan and Design Guidelines show proposed greenways, parks, pathways and other community open space areas:

(a) Subdivision proposals shall reserve these areas to the extent possible as provided in §278-83.

(b) Site plans shall be designed to locate improvements away from proposed open space areas to the extent possible. Reserved areas may be used as on-site common space.

(6) Common open space areas may be used for regional stormwater management.

M. Reservation. If the property shown on a proposed site plan contains or abuts a public infrastructure improvement (including but not limited to transit facilities and stormwater facilities) shown on the Downtown Waldorf Vision Plan and Design Guidelines, to the extent possible other improvements shall be located to reserve the full right-of-way for future construction of said public infrastructure improvement.

N. Administration.

(1) A site plan shall be required for all development within the Activity Center Zones.

(2) Site plans shall be reviewed for compliance with the requirements of this District as well as the Design Guidelines adopted by the County Commissioners for the specific area.

(3) Limits of Applicability.

The Activity Center Zones will be applied to areas with existing residences, businesses and industries. The Activity Center Zones are intended to allow for existing uses to continue, while the goals of the zones are gradually realized through infill, redevelopment and major expansion. Figure VI-8 establishes thresholds at which the requirements of this Section shall be applied to proposed development in the WC and AUC Zones. Any request for expansion or extension of a nonconforming use shall first comply with the provisions and processes established in Article XXVIII (Nonconforming Uses) of this Chapter.

Figure VI-8
Threshold and Applicability of Standards
[Added 4-23-2010 by Bill No. 2010-02]

Type of Development	Applicable Requirements								
	Building & Lot Standards	Architectural	Road Classification and Layout	Streetscape	Signs	Lighting	Landscape	Parking	Open Space
1. New Principal . dz\fŘ\y∃	√	√	√	√	√	√	√	√	√
2. Additions to Single-Familě Detached Dwellings									
3. Additions to Non-Residential or Multi-Family Building- Less than 20% of existing GFA or 1,000 square feet GFA, whichever is less – Apply standards to new construction and areas affected by new site improvements		√	√		√	√	√		
4. Additions to Non-Residential or Multi-Family Building – 20% or greater, but not more than 100% of existing GFA or 1,000 square feet GFA, whichever is less – Apply standards to new construction and areas affected by new site improvements.	√	√	√		√	√	√	√	√
5. Additions to Non-Residential or MF Building– Increase in existing GFA by more than 100% - Apply standards to entire site to the extent possible	√	√	√	√	√	√	√	√	√
6. New Parking Areas That Add 1-10 Spaces			√			√	√		
7. New Parking Areas – 11+ Spaces			√			√	√	√	√

GFA = Gross Floor Area

Figure VI-9
Schedule of Zone Regulations: Activity Center Zones
Charles County, Maryland
[Added 4-23-2010 by Bill No. 2010-02]

	Minimum Lot Criteria				Front Setback Requirements		Minimum Yard Requirements (Feet)					
Uses: Waldorf Central (WC) Zone	**Area (Sq. Ft.)**	**Width (Feet)**	**Depth (Feet)**	**Frontage (Feet)**	**Minimum**	**Maximum**	**Side**	**Rear**	**Min. and Max Height (Stories)**	**Min. and Max. Floor Area Ratio (FAR)**	**Maximum Lot Coverage**	**Minimum Open Space**
Townhouse 3.02.200		18	50	18	6	15	0	0	2-3		70%	20%
Multiplex 3.02.300	10,000	18	50		6	15	0	0	2-3		70%	20%
Garden Apartment 3.03.100	10,000	50	80	50	0	12	0	0	2-3	0.5-1.6	90%	20%
Mid-Rise 3.03.200	10,000	50	80	50	0	12	0	0	4-5	0.5-1.6	90%	15%
Commercial Apartment 3.03.400	10,000	50	80	50	0	12	0	0	2-5	0.5-1.6	90%	15%
Inst./Utility/ Recreation 4.00.000	10,000	50	80	50	0	12	0	0	2-5	0.5-1.6	90%	15%
Service Commercial 5.00.000	10,000	50	80	50	0	12	0	0	2-5	0.5-1.6	90%	15%
Commercial 6.00.000	10,000	50	80	50	0	12	0	0	2-5	0.5-1.6	90%	15%

Figure VI-9 Continued
Schedule of Zoning Regulations: Activity Center Zones
Charles County, Maryland
[Added 4-23-2010 by Bill No. 2010-02]

	Minimum Lot Criteria				Front Setback Requirements		Minimum Yard Requirements (Feet)					
Uses: Acton Urban Center (AUC) Zone	**Area (Sq. Ft.)**	**Width (Feet)**	**Depth (Feet)**	**Frontage (Feet)**	**Minimum**	**Maximum**	**Side**	**Rear**	**Min. and Max Height (Stories)**	**Min. and Max. Floor Area Ratio (FAR)**	**Maximum Lot Coverage**	**Minimum Open Space**
Townhouse 3.02.200		18	50	18	6	15	0	0	2-4		70%	20%
Multiplex 3.02.300	10,000	18	50		6	15	0	0	2-4		70%	20%
Garden Apartment 3.03.100	10,000	50	80	50	0	12	0	0	2-3	0.7-2.0[1]	90%	20%
Mid-Rise 3.03.200	10,000	50	80	50	0	12	0	0	4-5	0.7-2.0[1]	90%	15%
High-Rise 3.03.300	20,000	100	200	100	0	12			6-10	0.7-2.0[1]	90%	15%
Commercial Apartment 3.03.400	10,000	50	80	50	0	12	0	0	3-10	0.7-2.0[1]	90%	15%
Inst./Utility/ Recreation 4.00.000	10,000	50	80	50	0	12	0	0	3-10	0.7-2.0[1]	90%	15%
Service Commercial 5.00.000	10,000	50	80	50	0	12	0	0	3-10	0.7-2.0[1]	90%	15%
Commercial 6.00.000	10,000	50	80	50	0	12	0	0	3-10	0.7-2.0[1]	90%	15%

Notes:

[1] Maximum FAR may be increased under the following circumstances:

a. An FAR up to 2.5 shall be permitted for buildings within ¼ mile of an existing or planned light rail station.

b. An FAR up to 6.0 shall be permitted within the AUC Zone, provided that structured parking shall be required if the FAR exceeds 2.5, and a traffic study and trip management plan are submitted demonstrating that the available road, pedestrian and transit facilities are adequate to handle projected trips.

§§ 297-97 through 297-100. (Reserved)

ARTICLE VII

Planned Development Zone Regulations

[Repealed & Re-enacted 4-23-2010 by Bill No. 2010-06]

§ 297-101. Objectives.

The objectives of the following Zones, Planned Residential Development (PRD), Mixed Use Development (MX), Planned Employment and Industrial Park (PEP), Transit Oriented Development (TOD) and Planned Manufactured Home Park (PMH) are

A. To encourage innovative and creative design of residential, commercial and industrial development; and

B. To provide a broad range of housing and economic opportunities to present and future residents of the County consistent with the Charles County Comprehensive Plan.

The Planned Development process establishes density and intensity of uses with a Master Plan.

§ 297-102. General regulations.

A. Location. Figure VII-1 indicates the appropriate locations for each of the Planned Development Zones based on the objectives of the Comprehensive Plan as referenced in each of the purpose clauses of the respective Planned Development Zones. The reclassification from the Base Zone to the respective Planned Development Zone, via the process established in this Chapter, requires that the application comply with the provisions of each purpose clause of the respective Planned Development Zone, compatibility with the surrounding neighborhood and all other standards set forth in the respective Planned Development Zone and this Chapter.

B. Permitted uses. All uses permitted in these Zones shall conform to the uses permitted in the Table of Permissible Uses (Figure IV-1).[18] Approval of a Planned Development Zone shall not exempt property from compliance with all other requirements of this Chapter.

C. Procedures.

(1) Master Plan review required. The purpose of a Master Plan is to:

(a) Assure detailed compliance with the applicable provisions of the Chapter;

18 **Editor's Note: See §297-63**

(b) To provide the Planning Staff, the Planning Commission, and the County Commissioners with the necessary information to fully evaluate the proposed development;

(c) To determine density and intensity of uses; impacts to public facilities; and

(d) To determine any mitigation deemed necessary to address these impacts.

(2) Submission requirements for Planned Development Zones. A Planned Development Zone application and Master Plan shall be completed and filed with the Planning Division, along with appropriate fees and supporting data and analysis.

(a) Upon receipt of the application and Master Plan, the Planning Division will conduct a review for completeness and solicit comments from other departments, agencies and any officials deemed appropriate to determine if the selected criteria can be met. Incomplete applications will be returned with comments within 30 days of submission.

(b) Following a complete submission, the Planning Division will review the application and the Master Plan and provide comments to the applicant.

(c) After revising the Master Plan and other supporting information based on the initial review, the applicant may resubmit a revised application and Master Plan.

(d) The Planning Commission will hold a public meeting on all submissions which shall include the following:

[1] Introduction by staff;

[2] Presentation by the applicant;

[3] Staff review, comments, and recommendation; and

[4] Public testimony

(e) The Planning Commission will forward its report and recommendations to the County Commissioners.

(3) Public hearing. The County Commissioners will hold a public hearing on the

reclassification from the Base Zone to the requested Planned Development Zone for the proposed development project, which includes:

(a) Staff review, comments, and recommendation;

(b) Presentation by the applicant;

(c) Planning Commission review, comments, and recommendation; and

(d) Public testimony.

(4) Final decision. Following the public hearing and in accordance with §297-104 of this Article, the County Commissioners will make the final decision as to whether the reclassification should be granted and the requested density or intensity permitted. The County Commissioners may add conditions to the Zoning approval.

Figure VII-1
Location of
Planned Development Zones
[Amended 3-1-1999 by Ord. No. 99-16; Amended 7-25-2005 by Bill No. 05-01; Amended 3-17-2007 by Bill No. 2006-15; Amended 4-23-2010 by Bill No. 2010-02; 4-23-2010 by Bill No. 2010-06]

Base Zone	Planned Development Zones				
	PRD	MX	PEP	PMH	TOD
AC			P		
RC			P		
RR			P		
RV		P	P		
RL	P		P		
RM	P	P	P	P	P
RH	P	P	P	P	P
RO					
CN			P		
CC		P	P		P
CB		P	P		P
CV		P	P		
BP		P	P		P
IG		P	P		P
IH		P	P		P
CER					
CRR					
CMR					
WC					
AUC					

NOTES:
1. A blank indicates that Planned Development is not allowed in the base zone.
2. P=Permitted

§ 297-103. Master Plan.

A. Any application for the designation to a Planned Development Zone shall be accompanied by a proposed Master Plan which contains all of the information required in Appendix A. The proposed Master Plan shall also include any information necessary to evaluate the proposal, including but not limited to the following:

(1) Schedule and phasing with approximate or estimated dates for beginning and completion of each phase of construction and proposed market absorption.

(2) Architectural elevation sketches of typical proposed structures, typical recreation areas, typical landscaping and screening areas and typical development blocks.

(3) A report showing the fiscal impact of the proposed development on the County.

(4) A statement showing the relationship of the proposed development to the Comprehensive Plan.

(5) A generalized impact mitigation report giving a preliminary analysis of the impacts of the proposal on public facilities such as roads, schools, water, sewer, fire, police services and parks and any measures proposed to adequately mitigate for these impacts or provide for an acceptable level of services.

(6) A statement of proposed density (residential units) and/or intensity (non-residential square feet), as requested, for the project. This statement shall include a written description of the general uses desired; ratios of proposed uses; type of residential units proposed and proportional mix of dwelling units by type; and type of non-residential structures.

(7) A description of the surrounding area of the subject property that will be affected by the requested reclassification.

(8) As part of the Master Plan, a graphic indicating location of designated uses, generalized boundaries and approximate square footages of proposed areas intended for residential, employment, industrial, institutional/civic, transit, and major open space. The applicant shall refer to the designated use categories of the requested zone.

(9) The proposed major circulation system, including the general location of proposed major roads and pedestrian pathways, points of access to existing roads, and existing or proposed public transit facilities on the proposed graphic.

(10) A Design and Development Code which conforms to the Site Design and Architectural (SDA) Guidelines or other guidelines adopted by the County

Commissioners and appropriate for the particular site.

(11) A statement which explains how applicable Superior Design Criteria, as defined in Appendix I, will be met, as agreed upon by the County Commissioners and the applicant. The required Superior Design Criteria shall be included in the conditions of approval of the Master Plan.

(12) As an alternative to using the County's Schedule of Zone Regulations for the particular Planned Development Zone, the applicant may propose a separate design and development code for the project. Refer to §297-109(C) of this Article for detailed requirements.

B. The County Commissioners shall approve the Master Plan at the time of approval of the Planned Development Zone.

§ 297-104. Approval.

A. In order to approve a Planned Development Zone, the County Commissioners must find that the proposed project, with its Master Plan, is sufficient to achieve the purposes of the zone requested, is compatible with the surrounding area and is consistent with the Comprehensive Plan. The specific maximum density is determined by use of Figure V-1, Maximum Residential Densities (dwelling units per acre) in Article V of this Chapter. Intensity (square feet) for the project shall be specified in the application and is to be approved by the County Commissioners in the grant of zoning approval based on the Master Plan. Once approved by the County Commissioners, the Master Plan design may be amended, with approval of the County Commissioners, if:

(1) The project remains in conformance with the conditions of the zoning approval;

(2) Is in substantial conformance with the original approved Master Plan; and

(3) Does not increase the number of residential development units or square footage of non-residential development.

B. The approval of a Planned Development Zone shall establish:

(1) The proportional mix of dwelling units by type when residential development is allowed.

(2) Special conditions to be satisfied during the development process, including but not limited to the timing of construction, on-site and off-site infrastructure improvements, buffering, typical architectural elevations, Design and

Development Codes, infrastructure plans, environmental standards or requirements and fiscal impact limitations.

C. Any residential density granted by the County Commissioners greater than the base zone density, in combination with the affordable housing density bonus (per Figure V-1 in Article V of this Chapter), must be achieved only through the transfer of development rights as set forth in Article XVII.

D. For any project to be built in phases, the applicant shall, once the project is approved, provide a n arrative with the current accounting status of the approved Planned Development Zone's progress at the time of each Preliminary Plan and/or Site Plan application. In this narrative, the applicant shall demonstrate that all criteria and conditions for development are being monitored. The narrative shall also include:

(1) The uses co mpleted in terms of density (number of units) and/or intensity (square feet);

(2) The uses approved but not completed;

(3) The uses proposed in the application being submitted; and

(4) The uses planned in the future.

§ 297-105. Planned Residential Development (PRD) Zone.

A. Purpose. It is the purpose of the Planned Residential Development (PRD) Zone to implement standards and recommendations of the Charles County Comprehensive Plan by permitting unified residential development consistent with the densities recommended in the Comprehensive Plan. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible residential uses, optimum land planning with greater efficiency, environmental sensitivity, convenience and amenity than the procedures and regulations would permit as a right under the base zones. In so doing, it is intended that this zone be utilized to implement the recommendations and other pertinent County policies in a manner closely compatible with said County plans and policies. Additional purposes of this zone are:

(1) To ensure that all developments will positively contribute to the County's historic and cultural heritage, as reflected in the Comprehensive Plan, by preserving historic structures, sites and vistas.

(2) That development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to enco urage the creation

of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential uses.

(3) To provide and encourage a broad range of housing types, comprised of owner and rental occupancy units, with single-family, multiple-family and other structural types.

(4) To preserve and take the greatest possible aesthetic advantage of trees and to achieve this objective through minimal grading necessary for construction of a development.

(5) To encourage and provide for open space not only for use as buffeyards and yards surrounding structures and related walkways, but also conveniently located with respect to areas of residential and commercial concentration so as to function for the general benefit of the community and public at large as places of relaxation, recreation and social activity; and, furthermore, open space should be situated as part of the plan and design of the development so as to achieve the physical and aesthetic integration of the uses and activities within said development.

(6) To encourage and provide for the development of comprehensive pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreation areas, commercial and employment areas and public facilities, thereby minimizing reliance upon the automobile as a means of transportation.

(7) To achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas; and, furthermore, to assure compatibility and coordination of each development with existing and proposed uses which constitute the surrounding area of a subject property.

(8) To foster prosperous and viable communities that are of an enhanced design and structural quality which will result in property values that will be sustained over time.

B. This zone shall be approved upon findings that the application

(1) Is consistent with the comprehensive and systematic development of the County;

(2) Is capable of accomplishing the purposes of this zone;

(3) Is consistent with the Comprehensive Plan; and

(4) Is compatible with the surrounding neighborhood.

C. The required minimum area shall be 20 acres.

D. The maximum number of dwelling units submitted in the development shall be determined using the gross tract area of the Planned Residential Development and the density ranges established in Figure V-1 (Maximum Residential Densities) in Article V. A maximum density greater than the base zone density, in combination with the affordable housing density bonus (per Figure V-1 in Article V), shall only be achieved through the purchase of transferable development rights.

E. In addition to the bufferyard requirements of Article XXIII, dwelling units located near the periphery of a PRD zone shall be compatible with neighboring areas and provide adequate transition in density and dwelling unit type.

§ 297-106. Mixed Use (MX) Zone.

A. Purpose. It is the purpose of the Mixed Use (MX) Zone to establish standards for the implementation of the Comprehensive Plan for planned projects which will successfully integrate residential, commercial, industrial and institutional uses into a master-planned development. Additional purposes of this zone are:

(1) To provide a more flexible approach to the comprehensive development of master-planned projects in terms of use mix, density and design and to encourage the reduction of travel time between the home and the workplace.

(2) To implement the Comprehensive Plan and other County plans and policies in a manner and to a degree more closely compatible with County plans and policies than are possible under the base zone. Where applicable, a proposed MX Zone must implement and be integrated with the detailed proposals for land use, road network, infrastructure and design established in Sub-Area plans, Vision Plans and design guidelines adopted by the County Commissioners.

(3) To establish standards through which the land use objectives and recommendations of the Comprehensive Plan can serve as the basis for evaluating a multi-use project proposal.

(4) If project boundary is located within one-quarter mile of the area included in the Downtown Waldorf Vision Plan, the project should include development that supports the planning principles and design goals in the Downtown Waldorf Vision Plan.

(5) To ensure that the development is architecturally integrated by requiring an internal policy mechanism such as a design and development code or an architectural review board.

(6) To promote the type of development which corrects any existing ecological or environmental deficiency found on or in the vicinity of a subject property.

(7) To ensure that all developments will positively contribute to the County's historic and cultural heritage, as reflected in the Comprehensive Plan, by preserving historic structures, sites and vistas.

(8) To provide for the expansion or relocation of existing county businesses and to enhance the County's tourism industry.

(9) To manage traffic congestion by providing for multiple modes of transportation including pedestrian/bicycle facilities and transit service and by providing an adequate road circulation system to help distribute traffic.

(10) To encourage activities which expand the County's solid waste and recycling program.

(11) To promote the development of and location for qualified "target" industries as designated by the County Economic Development Department.

(12) To encourage the orderly, staged construction of comprehensively planned, multi-use centers at locations recommended in the Comprehensive Plan and Sub-Area plans.

(13) To provide, where appropriate, higher-density residential uses integrated into the overall multi-use project.

(14) To ensure internal compatibility of residential and nonresidential uses by providing superior design, and to successfully integrate a mixture of complementary uses, including residential, commercial, recreational, employment, civic and institutional uses.

(15) To assure compatibility of the proposed uses with surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under base zones.

(16) To allow for the integration of different types of uses within the same area or building in a way that achieves overall harmony within the proposed development and promotes a lively, dynamic environment.

(17) To provide for open space serving the following functions:

(a) Places of relaxation, recreation and social activity for the community and public at large;
(b) Parks, plazas and squares that provide attractive landscaped amenities; and
(c) Protection of mature woodlands and sensitive environmental features.

Open space should be situated and designed to connect and integrate the uses and activities within the development. In addition, structured parking within mixed-use planning is encouraged to help achieve the open space and amenities objective of this zone.

(18) To encourage and provide for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and industrial areas and public facilities;

(19) To encourage and provide for efficient use of energy resources through shared facilities, energy efficient development or other economies of scale or technology.

(20) To foster prosperous and viable communities that are of a superior design and structural quality which will result in property values that will be sustained over time.

B. Compatibility requirements. In addition to the bufferyard requirements of Article XXIII, uses and structures located near the periphery of an MX Zone shall be compatible with existing and planned uses in the surrounding area adjacent to the gross tract boundary and provide adequate transition in intensity and building type.

C. The required minimum area shall be 10 acres.

D. The maximum number of dwelling units permitted in the project is determined using the total of the gross tract area and the density ranges established in Figure V-1 (Maximum Residential Densities) in Article V. A maximum density greater than the base zone density, in combination with the affordable housing density bonus (per Figure V-1 in Article V), shall only be achieved through the purchase of transferable development rights.

E. Non-residential intensity (square feet) shall be proposed in conjunction with the Master Plan and considered with the generalized public facilities impact mitigation

report required to be submitted with Planned Development rezoning applications. A maximum intensity shall be established on the gross tract area of the entire MX Zone as part of the Master Plan approval. A floor area ratio (FAR) may be provided in conjunction with the proposed square footage in the Design and Development Code.

F. Use distribution. Development within an MX Zone may incorporate residential, commercial retail / office, institutional/civic and low-intensity industrial uses (See Figure IV-1, Table of Permissible Uses, for a comprehensive list of uses). Projects shall be approved through the Planned Development Zone process in accordance with the criteria set forth below:

Required percentage mix of uses for residential, commercial retail / office, and institutional/civic

Uses	**Percentage of development as measured in square feet**
Residential	
Maximum	65
Minimum	20
Commercial, retail*	
Maximum	30
Minimum	10
Commercial, office*	
Maximum	30
Minimum	20
Institutional and/or civic	
Maximum	10
Minimum	5

*Note: light industrial employment uses may be substituted for commercial or office uses as desired.

G. A minimum of 20 percent of the gross tract area of the MX Zone shall be open space. A minimum of 10 percent of the gross tract area shall be usable open space. Usable open space shall be counted as part of the required minimum open space. Usable open space shall include on-site landscaped areas, community open space, and/or land dedicated for County parkland, and shall allow for human activities of relaxation, recreation and social activity. Usable open space shall not include areas statutorily excluded from development such as jurisdictional wetlands, forest stands and bufferyards. The distribution of major open space areas, major stream corridors,

proposed County parks and other key features shall be shown on the Master Plan graphic and typical designs.

§ 297-107. Planned Employment and Industrial Park (PEP) Zone.

A. Purpose. It is the purpose of the Planned Employment and Industrial Park (PEP) Zone to establish standards for planned developments of light and medium industrial uses along with related commercial uses. Additional purposes of this zone are:

(1) To encourage development which presents an attractive appearance and is compatible with uses in the surrounding area by means of appropriate siting of buildings, service areas and landscape treatment.

(2) To locate development on land with water and sewer facilities which meet applicable county standards, on sites served by one or more major highways and on sites that are clearly suitable for the physical characteristics of development for such uses.

(3) To provide a more flexible approach to the comprehensive development of large tracts of land in terms of land use, intensity and design.

(4) To be used to implement the Comprehensive Plan and other county plans and policies in a manner closely compatible with said county plans and policies.

(5) To establish standards through which the land use objectives and recommendations of the Comprehensive Plan can serve as the basis for evaluating individual PEP proposals.

(6) To promote the type of development which corrects any existing ecological or environmental deficiency found on or in the vicinity of the subject property.

(7) To ensure that all developments will positively contribute to the county's historic and cultural heritage, as reflected in the Comprehensive Plan, by preserving historic structure, sites and vistas.

(8) To reduce traffic congestion by improving the level of service (LOS) of the road network serving the development by reducing or minimizing entrances, curb cuts and side friction along main roads by the construction of service roads, in accordance with county policies and by incorporating trip reduction measures into developments.

(9) To encourage activities which expand the county's solid waste and recycling program.

(10) To promote the development and location of qualified "target" industries as designated by the County Economic Development Commission.

(11) To require the orderly, staged construction of large-scale, comprehensively planned employment centers.

(12) To assure compatibility of land uses proposed in such a development with uses in the surrounding area of the site by incorporating higher standards of land planning and site design than could be accomplished under the base zone.

(13) To encourage and provide for efficient use of energy resources through shared facilities or other economies of scale or technology, including innovative fuels.

B. Compatibility requirements. In addition to the bufferyard requirements of Article XXIII, uses and structures located near the periphery of a PEP Zone shall be compatible with the surrounding area and provide adequate transition in intensity and building design.

C. The minimum area shall be 20 acres.

D. The maximum FAR per site shall be determined by the Development Guidance System (DGS) in Article VIII and shall apply to each lot in the PEP zone.

E. A design code which conforms to the Site Design and Architectural (SDA) Guidelines shall be submitted with any preliminary plat or site plan as set forth in § 297-110. **[Added 5-2-2005 by Ord. No. 05-08]**

§ 297-108. Planned Manufactured Home Park (PMH) Zone.

A. Purpose. It is the purpose of the Planned Manufactured Home Park (PMH) Zone to establish the standards for planned manufactured home residential developments, including related recreational and service facilities. Additional purposes of this zone are:

(1) To locate manufactured home developments at appropriate locations that are consistent with the objectives and recommendations of the Comprehensive Plan.

(2) To provide for flexibility of design, grouping and layout of the sites of manufactured homes in such a development; and to provide amenities normally associated with planned residential areas such as recreational facilities and convenient associated services.

(3) To require site and development plans which maximize compatibility of development with existing and planned land uses in the surrounding area of the subject property.

(4) To encourage the upgrading of existing manufactured home parks.

(5) To encourage the location of such development in the vicinity of or adjacent to existing manufactured home parks.

(6) To promote the type of development which corrects any existing ecological or environmental deficiency found on or in the vicinity of the subject property.

(7) To encourage developments which provide sites for manufactured homes requiring relocation due to failing septic systems at their former locations.

(8) To encourage the provision of open space.

(9) To encourage activities which expand the county's solid waste and recycling program.

(10) To be used to implement the Comprehensive Plan and other county plans and policies in a manner closely compatible with said county plans and policies.

(11) To establish standards through which the land use objectives and recommendations of the Comprehensive Plan can serve as the basis for evaluating individual proeects.

(12) To ensure that all manufactured developments will positively contribute to the county's historic and cultural heritage, as reflected in the Comprehensive Plan, by preserving historic structures, sites and vistas.

B. Compatibility requirements. The manufactured home development shall be compatible with existing and planned uses in the surrounding area to the maximum extent possible, either by locating double-wide trailers adjacent to land for which the Comprehensive Plan recommends a single-family detached zone or by the location of open spaces and landscaping or by other appropriate methods as may be desirable or appropriate.

C. Minimum tract dimensions.

(1) Manufactured home park or manufactured home subdivision (not in combination).

(a) Minimum area: 10 acres.

(b) Minimum width. Minimum width of tract for portions used for general vehicular entrances and exits only (other than alleys and service entrances) shall be 60 feet; for portions containing lots for dwellings and buildings open generally to occupants, the minimum dimension shall be 200 feet.

(c) The tract shall comprise a single lot or parcel except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and similar uses, with appropriate access from the manufactured home park, provided that all such lands involved shall be so dimensioned and located as to facilitate efficient design and management.

(2) Manufactured home subdivision combined with manufactured home park.

(a) Minimum area: 20 acres.

(b) The manufactured home park portion shall be separate from the manufactured home subdivision.

(c) The manufactured home subdivision portion shall consist of at least 10 acres and shall meet all other requirements for subdivisions in the base zone.

(d) Minimum width. Minimum width of tract for portions used for general vehicular entrances and exits only (other than alleys and service entrances) shall be 60 feet; for portions containing lots for dwellings and buildings open generally to occupants, the minimum dimension shall be 200 feet.

(e) The tract shall comprise a single lot or parcel except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities and the like, with appropriate access from the manufactured home park, provided that all lands involved shall be so dimensioned and related as to facilitate efficient design and management.

D. No lot in any manufactured home subdivision shall be occupied until all of the lots comprising the subdivision have been improved in accordance with the standards contained in this section.

E. The number of units permitted in the project is calculated using the gross acreage of the planned manufactured home development and is subject to the Development Guidance System (DGS).

F. Minimum dimension requirements.

(1) Setbacks. All structures shall be set back at least 75 feet from the boundary of the PMH or 100 feet from the center line of any street or road right-of-way adjoining such boundary, whichever is greater.

(2) Manufactured home sites. A minimum manufactured home unit site shall contain at least 4,500 square feet.

G. Development standards. Developments shall meet all of the applicable requirements of Regulation 10.03.23 of the Maryland State Department of Health and Mental Hygiene (HMH) governing construction, equipment, sanitation, operation and maintenance of manufactured home parks except insofar as the Planning Commission may recommend, and the Department of HMH grant, an exception permitting an alternate method which is found to implement the general intent and purpose of those regulations equally well or better. In addition, the following specific standards shall apply:

(1) Sewerage and water supply. No land shall be classified in the PMH Zone unless its proposed water and sewerage system is shown in the Comprehensive Water and Sewer Plan or an application for inclusion in simultaneously approved.

(2) Utility lines. All utility lines shall be placed underground.

(3) Storage facilities. In order to provide for the storage of personal effects of the residents of the manufactured home park, at least 125 cubic feet of enclosed storage space per unit shall be provided, either in an individual structure adjacent to each manufactured home stand or in a common building within 600 feet of the residential units.

(4) Open space. At least 25% of the tract, excluding the rights-of-way, shall be established in open space.

(5) Installation. Each manufactured home, together with all enclosed extensions or structural additions thereto, shall be installed upon a manufactured home stand and shall be securely anchored thereto so as to prevent the manufactured home from shifting or overturning and shall be suitably treated so as to conceal the undercarriage.

(6) Distances between manufactured homes. There shall be a distance of at least 20 feet between manufactured homes or enclosed extensions thereof, in order to ensure adequate light, air, safety, convenience and amenity for the residents in the development.

(7) Access for fire protection services. Access shall be such as to permit fire protection apparatus to approach to within 200 feet of each manufactured home.

(8) Setback from internal streets. No part of any manufactured home or other structure shall be located within 20 feet of any interior street.

(9) Setback from common areas. No part of any manufactured home stand shall be located within 10 feet of any common driveway, walk, parking area or other common area within the development.

(10) External street frontage. Each parcel or tract to be developed as a manufactured home community shall have frontage of at least 100 feet on an existing state or county road.

(11) Construction of internal streets. Streets shall be constructed in accordance with the Charles County Road Ordinance.[19] The department of Planning and Growth shall determine all issues relative to the construction and maintenance of streets under the provisions of the Charles County Subdivision Regulations and Road Ordinance.[20]

(12) Pedestrianways. Walkways shall form a logical, safe and convenient system for pedestrian access to all manufactured homes, on-site facilities and principal off-site manufactured home sites with commercial and recreational facilities within the community. Pedestrianways shall be not less than four feet wide. In addition, sidewalks shall be provided to each manufactured home stand from a paved street, a paved driveway or paved parking space connecting to a paved street.

(13) Recreational areas. Not less that 8% of the total area of any manufactured home development shall be devoted to common recreational areas and facilities, such as playgrounds or community buildings. Where only one recreational area is provided, it shall be in a central location conveniently accessible to all dwellings. In developments 15 acres or larger, decentralized facilities may be provided. No recreation area shall be credited toward meeting these requirements unless it contains at least 30,000 square feet. Recreational facilities and areas shall be so located, designed and improved as to minimize traffic hazards to users and adverse effects on surrounding residential uses.

(14) Required bufferyards and screening.

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19 **Editor's Note: See Ch. 276, Streets, Roads, and Sidewalks.**

20 **Editor's Note: See Ch. 278, Subdivision Regulations and Ch. 276, Streets, Roads, and Sidewalks.**

(a) Approved fences, walls or vegetative screening shall be provided along the edges of PMH Zones, where needed, to protect residents from undesirable views, lighting, noise or other off-site influences or to protect occupants of adjoining residential zones from similar adverse influences within the PMH Zone. In both cases, screening shall be designed to control existing or potential adverse effects from existing or potential first-floor residential windows in the PMH Zone or adjacent residential zones. In particular, extensive off-street parking areas, service areas for loading and unloading vehicles other than passenger vehicles and service areas for storage and collection of trash and garbage shall be screened.

(b) At a minimum, all manufactured home parks or subdivisions shall provide a bufferyard between the park/subdivision and any land not zoned or utilized for a manufactured home park/subdivision. The bufferyard shall be in accordance with Article XXIII.

H. **[Amended 12-11-2000 by Ord. No. 00-93]** Nonconforming manufactured home parks. The manufactured home parks legally existing on the date of adoption of this chapter, namely Smitty's Trailer Park, Idlewood Trailer Park, Marshall Hall Trailer Park, Lund's Trailer Park, Gillespie's Trailer Park, Jack Blair's (Rhodes') Trailer Park and Aqualand Marina, shall be subject to the following requirements:

(1) Unless previously submitted, the owner of any legally existing manufactured home park shall, within 90 days of the date of adoption of this chapter, file a report prepared, under penalty of perjury, with the Zoning Officer. Said report shall be submitted under oath and shall include the following information:

(a) A plat of the property, prepared by a registered land surveyor, which shows the boundaries of the property used as a mobile home park on March 30, 1983, as shown on aerial photographs of Charles County as prepared by Tallamey and Associates upon the request of the County Commissioners.

(b) The number of manufactured home spaces.

(c) A list of the names and addresses of the current occupants of each manufactured home space.

(d) A list of the names and addresses of the current owner of each manufactured home located upon the property.

(2) Density of legally existing manufactured home parks.

(a) As of the date of the adoption of this chapter, the legally existing mobile home parks named in this subsection shall conform to a density of not more than 10 manufactured homes per acre; provided, however, that the reduction in density of legally existing manufactured home parks to a density of 10 manufactured homes per acre shall be accomplished under the provision of Subsection H(2)(b). In the case of Aqualand Marina Mobile Home Park, the permitted density shall not exceed a total of 40 manufactured homes on the property.

(b) In any legally existing manufactured home park which, at the time of the adoption of this chapter, exceeds a density of 10 manufactured homes per acre, if a manufactured home which is located in the manufactured home park is moved from its space to outside the manufactured home park or if there is a change of occupancy of a manufactured home located in the manufactured home park, a lessening of the density in the manufactured home park shall occur and the density shall continue to reduce upon the happening of either of said occurrences until such time as the density is reduced to 10 manufactured homes per acre. When the density in a legally existing manufactured home park has been reduced to 10 manufactured homes per acre, that density shall not thereafter be increased.

(3) All such existing manufactured home parks shall comply with all state and county laws, rules, regulations and ordinances, including but not limited to those of the Health Department and fire, electrical and plumbing codes, within 18 months of the date of the adoption of Ordinance No. 84-53 (July 1, 1984);[21] provided, however, that legally existing manufactured home parks shall not be required to comply with those provisions of the county Road Ordinance and Subdivision Regulations[22] relative to the construction of streets in a manufactured home park.

(4) At no time after the effective date of this chapter shall any of the above-named manufactured home parks have a greater number of manufactured homes located within the area of land described on the plat submitted under the requirements of Subsection H(1)(a) above than the number located on said area of land on May 3, 1984, as determined by an actual count compiled by the staff of the Charles County Planning Commission on May 3, 1984; such count shall be presumed accurate for the purposes of this subsection.

(5) Failure to comply with the provisions of this subsection shall effect a termination and abandonment of the manufactured home park's nonconforming use, and the permitted use of the property as a manufactured home park shall immediately terminate.

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21 **Editor's Note: Ordinance No. 84-53 was an amendment to former Ch. 295, Zoning.**

22 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks and Ch. 278, Subdivision Regulations**

§ 297-109. Design Guidelines and Requirements.

A. The Charles County Planning Division staff are authorized to develop and recommend for approval by the County Commissioners the Master Plan Design and Development Code to guide the implementation of this Article and the approval of development in the PRD, MX, PUD, TOD, PEP and WPC Zones. The Design and Development Code shall conform to appropriate planning principles and to the purposes stated for the specific zone.

B. Required Master Plan Design and Development Code. Applicants for Planned Development Zones must submit a Design and Development Code to set standards for layout and design. The Design and Development Code shall be submitted with the application for Master Plan for development within a Planned Development Zone. The Design and Development Code shall include the following: the overall planned development design concept; standards for street, block and lot layouts; streetscape design standards; building and lot design and development standards; landscape standards for public and private spaces; and architectural design standards. The applicant shall submit either 1) A Design and Development Code that is in conformance with the Zoning Ordinance Schedule of Zone Regulations and either the SDA guidelines or design guidelines adopted by the County Commissioners for a specific area of the County, whichever is applicable; or 2) An alternative Design and Development Code as set forth in Subsection C below. An applicant's Design and Development Code shall be reviewed and approved under the procedures in Subsection E below.

C. Alternative Design and Development Code. As stated in § 297-103, as an alternative to using the County's Schedule of Zone Regulations for the particular Planned Development Zone, the applicant may propose the following criteria and requirements for the project:

(1) Minimum yard and setback requirements;

(2) Lot design and development criteria, which allows development of structures to proceed with subdivision and as a minimum standard, conforms to the applicable building code requirements;

(3) A chart depicting the proposed development program. This development program shall be updated at each Preliminary Plan and/or Site Plan application, as applicable, and shall include the following:

(a) Development thresholds permitted by zoning;
(b) Development planned by use type;
(c) Mix of uses by use categories; and

(d) Open space calculations, for both usable and non-usable open space.

D. For a site adjacent to or within one quarter mile of the area included in the Downtown Waldorf Vision Plan, the proposed Design and Development Code for all or that portion of the proposed development within one quarter mile shall set standards that are in general conformance with the Downtown Waldorf Design Guidelines, rather than the SDA guidelines, so that the proposed development will be integrated into and consistent with the character desired for Downtown Waldorf.

E. Procedures.

(1) An application for a Master Plan for development within an existing PRD, MX, PUD, TOD, PEP or WPC Zone shall be accompanied by a Design and Development Code, prepared by the applicant, to supplement and modify the minimum standards required in conventional subdivisions.

(2) Staff shall review and comment on the Design and Development Code proposed by the applicant to ensure that it conforms to the pertinent requirements; or, if an alternative Design and Development Code is submitted, that it otherwise meets the criteria set forth in Subsection (4) below.

(3) Once a completed application is filed, the applicant shall meet with Planning staff to present the development proposal, including the proposed Design and Development Code. After the initial meeting, the applicant shall submit a revised proposal to conform to the comments or suggestions from the review staff. After submission of the revised proposal, staff shall review the proposal, after which it shall submit a final report to the Planning Commission for their review and recommendation to be included with the Planned Development Zone application for approval by the County Commissioners.

(4) In approving a Design and Development Code, the Planning Commission shall be guided by the purposes of the Planned Development Zone, the orderly development of the existing PRD, MX , PUD, TOD, PEP or WPC Zones and the other provisions of this Article.

(5) As part of the Planned Development Zone application, the Planning Director may approve administratively minor changes to an applicant's approved alternative Design and Development Code.

§ 297-110. Transit Oriented Development (TOD) Zone.

A. Purpose. It is the purpose of the Transit Oriented Development (TOD) Zone to establish standards for the implementation of the Comprehensive Plan recommendations for master planned developments which will promote the

integrated development of high-density transit-oriented development along major transportation arteries where transit opportunities exist and in the vicinity of existing or planned transit stops in a manner that will support existing or future public transportation systems. Additional purposes of this zone are:

(1) To integrate high-density residential, commercial, industrial, recreation and/or institutional uses into a community designed around a transit-oriented theme.

(2) To provide a more flexible approach to the development of land situated adjacent to existing or future public transportation corridors and /or systems.

(3) To implement the Comprehensive Plan and other County plans and policies in a manner and to a degree more closely compatible with said County plans and policies than is possible under base zones.

(4) To encourage the reduction of trips and travel time between home and the workplace by developing a community that is transit-supportive and pedestrian friendly.

(5) To encourage the effective and viable use of public transit and other major transportation systems.

(6) To provide appropriate treatment of historic structures, sites and vistas, as reflected in the Comprehensive Plan.

(7) To provide for the expansion or relocation of existing County businesses and to enhance the County's tourism industry.

(8) To reduce traffic congestion by encouraging the use of mass transit, public transportation, park-and-ride facilities and other major transportation systems, etc.

(9) To require the orderly, staged construction of comprehensively planned, multi-use centers at locations consistent with the Comprehensive Plan.

(10) To ensure that the development is architecturally integrated by requiring an internal policy mechanism, such as a Design Code.

(11) To provide, where appropriate, a wider variety of housing types integrated into the overall multi-use project as a method of directing growth within appropriate areas and reducing urban sprawl within rural areas.

(12) To ensure internal compatibility of residential and nonresidential uses through superior design and successful integration of complementary uses, including residential, commercial, recreational, employment and institutional.

(13) To encourage high-density residential and high-intensity commercial development within existing urban core areas where necessary public infrastructure exists or is readily available.

(14) To foster prosperous and viable communities, including commercial, residential, and mixed use components, that are of an enhanced design and structural quality which will result in property values that will be sustained over time.

(15) To create economic development through business retention and attraction of predominantly high paying career opportunities with limited retail development.

(16) To conform to design principles that are compatible with urban, mixed use areas, including:

(a) Development of an attractive, pedestrian-friendly built environment;

(b) Establishment of design standards that will result in superior architecture and site design; and

(c) Incorporation of lands for public and private parks, landscape amenities and open space for a range of activities.

B. Compatibility requirement. In addition to the bufferyard requirements of § 297-370 of Article XXII, uses and structures located on the periphery of a TOD Zone shall be compatible with planned uses in the surrounding area.

C. The required minimum area shall be 10 acres.

D. All TOD Zone applications must be predominantly contained inside or within ¼ mile of the "Urban Core" as defined in the Charles County Comprehensive Plan.

E. Where applicable, a TOD Zone application must show how it will implement and be integrated with the detailed proposals for land use, road network, infrastructure and design established in Sub-Area plans, vision plans and design guidelines adopted by the County Commissioners.

F. The maximum number of dwelling units permitted in the project is determined using the gross tract area of the TOD Zone and the density ranges established in Figure V-1 (Maximum Residential Densities) in Article V. A maximum density shall only be

achieved through the purchase of transferable development rights.

G. Non-residential intensity (square feet) shall be proposed in conjunction with the Master Plan and considered with the general public facilities impact mitigation report required to be submitted with planned development rezoning applications. A maximum intensity shall be established on the gross tract area of the entire TOD Zone as part of the Master Plan approval. A floor area ratio (FAR) may be provided in conjunction with the proposed square footage in the Design and Development Code.

H. Use distribution. Development within a TOD Zone may incorporate residential, commercial retail / office and institutional/civic uses (see Figure IV-1, Table of Permissible Uses, for a comprehensive list of uses). Projects shall be approved through the Planned Development Zone process in accordance with the criteria set forth below:

Required percentage mix of uses for residential, commercial retail / office, and institutional/civic

Uses	**Percentage of development as measured in square feet**
Residential	
Maximum	65
Minimum	20
Commercial, retail	
Maximum	30
Minimum	10
Commercial, office	
Maximum	30
Minimum	20
Institutional and/or civic	
Maximum	10
Minimum	5

I. A minimum of 10 percent of the gross tract area of the TOD Zone shall be open space. A minimum of 50 percent of this total open space shall be usable open space. Usable open space shall be counted as part of the required minimum open space. Usable open space shall include on-site landscaped areas, community open space, and land dedicated for County parkland, and shall allow for human activities of relaxation, recreation and social activity. Usable open space shall not include areas statutorily excluded from development such as jurisdictional

wetlands, forest stands and buf feryards. The distribution of major open space areas, major stream corridors, proposed County parks and other key features shall be shown on the Master Plan graphic and typical designs.

J. The applicant must demonstrate that the TOD Zone can substantially meet the purposes stated in Subsection A above and that the location of the zone can feasibly be accessed by users of existing or potential mass transportation systems.

Figure VII-2
Schedule of Zone Regulations: Planned Residential Development (PRD) Zone
[Repealed & Re-enacted 4-23-2010 by Bill No. 2010-06; Amended 10-15-10 by Bill 2010-13]

ABBREVIATIONS:
du: Dwelling unit.
ISR: Impervious surface ratio. The ration derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Minimum Open Space	Maximum ISR
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories			
Agricultural 1.00.000	3 acres	n/a	150	200	n/a	75	40	80	50	40	n/a	n/a	n/a	n/a
Single-family detached 3.01.100	6,000 square feet	1,250-1,650[2]	55	75	30	20	8	20	20	36	3	50%	n/a	n/a
Lot line 3.01.200	3,000 square feet	n/a	45	n/a	30	20	0 to 6	15	15	36	3	60%	30%	0.30
Patio/court/atrium 3.01.300	3,000 square feet	n/a	45	n/a	30	20	0 to 6	15	15	36	3	60%	30%	0.30
Duplex 3.02.100	8,000 square feet	4,000	50	100	30	30	15	40	20	36	3	n/a	35%	0.25
Townhouse 3.02.200	1,500 square feet	1,250	18	n/a	18	15	0	0	20	36	3	60%	45%	0.35
Multiplex 3.02.300	10,000 square feet	3,000	50	100	30	30	15	40	20	36	3	n/a	45%	0.35
Garden apartments 3.03.100	20,000 square feet	5,000	400	400	400	30	15	40	20	40	3	n/a	55%	0.45
Mid-rise 3.03.200	20,000 square feet	4,000	600	600	400	30	15	40	20	60	5	n/a	60%	0.40
High-rise 3.03.300	20,000 square feet	3,000	50	100	30	30	15	40	20	60	5[1]	n/a	70%	0.30
All other permitted uses	1 acre	n/a	100	150	75	n/a	40	80	50	50	3	n/a	n/a	0.70

Notes:
1. May be increased as per §297-210, Art. XIII.
2. Based on the square footage of development per §297-212, Use #3.01.100.

Figure VII-3
Schedule of Zone Regulations: Mixed Use (MX) Zone
[Repealed & Re-enacted 4-23-2010 by Bill No. 2010-06]

ABBREVIATIONS:
du: Dwelling unit.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
Agricultural 1.00.000	3 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a
Marine 2.00.000	2 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a
Single-family detached 3.01.100	5,000 square feet	1,250-1,650[2]	55	75	30	10	6	12	20	40	3	50%
Lot line 3.01.200	3,000 square feet	n/a	45	n/a	30	10	0 to 6	12	15	40	3	60%
Patio/court/atrium 3.01.300	3,000 square feet	n/a	45	n/a	30	10	0 to 6	15	15	40	3	60%
Duplex 3.02.100	6,000 square feet	4,000	50	100	30	10	6	12	20	36	3	n/a
Townhouse 3.02.200	n/a	1,250	18	n/a	18	10	0	0	20	40	3	60%
Multiplex 3.02.300	10,000 square feet	3,000	50	100	30	10	6	12	20	36	3	n/a
Garden apartments 3.03.100	20,000 square feet	5,000	200	200	200	10	0/10	0/10	50	40	3	n/a
Mid-rise 3.03.200	20,000 square feet	4,000	150	150	150	10	0/10	0/10	50	60	4	n/a

Figure VII-3 Cont'd
Schedule of Zone Regulations: Mixed Use (MX) Zone
[Repealed & Re-enacted 4-23-2010 by Bill No. 2010-06]

ABBREVIATIONS:
du: Dwelling unit.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
High-rise 3.03.300	20,000 square feet	3,000	300	300	200	10	0/10	0/10	50	60	5[1]	n/a
Commercial apartment 3.03.400	n/a	1,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Mixed-Use Building 8.01.000 & 8.02.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5[1]	n/a
Institutional/utilities/ recreation 4.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	40	5	n/a
Service-oriented commercial 5.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5[1]	n/a
Commercial 6.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5	n/a
Industrial 7.00.000	3 acres	n/a	100	100	n/a	75	40	80	50	60	5	n/a

Notes:

1. May be increased as per §297-210, Art. XIII
2. Based on percentage of development per §297-212, Use 3.01.100

Figure VII-4
Schedule of Zone Regulations: Planned Employment and Industrial Park (PEP) Zone
[Amended 8-30-2004 by Ord. No. 04-06]

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ration derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	40						
Park-and-ride facility 4.09.200	1 acre		100	150	75	30	15	30	20	40					0.85	
Marine, residential, institutional/ utilities/ recreation and service-oriented commercial 2.00.000 through 5.00.000	2 acres[3]		100	150		75 (30[2])	40 (6[2])	80 (12[2])	50 (10[2])	60	5		1 0.40 FAR		0.60 (0.85[2])	
Commercial 6.00.000	1 acre[3]		100	150		75 (30[2])	40 (6[2])	80 (12[2])	50 (10[2])	40	3		1 0.40 FAR		0.60 (0.85[2])	
Industrial 7.00.000	3 acres[3]		150	200		75 (30[2])	40 (6[2])	80 (12[2])	50 (10[2])	40	3		1 0.40 FAR		0.60 (0.85[2])	

NOTES:

1. May be increased through the Development Guidance System (DGS).

2. Setbacks may be reduced and maximum ISR may be increased if located in Community Mixed Use Areas, Business Corridor Mixed Use Areas, Opportunity Mixed Use Areas or Employment Areas as defined by adopted Sub-Area Plans.

3. Minimum lot sizes may be reduced to 10,000 square feet when created as part of a project with consolidated access and an internal traffic network.

Figure VII-5
Schedule of Zone Regulations: Planned Manufactured Home Park (PMH) Zone

ABBREVIATIONS:
du: Dwelling unit.
FAR: Floor area ratio. An intensity measured as a ratio derived by dividing the total floor area of a building by the base site area.
ISR: Impervious surface ratio. The ration derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
Agricultural 1.00.000	3 acres		150	200		75	40	80	50	30	2					
Residential 3.00.000	6,000 square feet		55	75	30	20	10	20	20	30	2	30%		25%		
Institutional 4.00.000 (excluding 4.09.200)	2 acres		150	200		75	40	80					0.35 FAR		0.50	
Park-and-ride facilities 4.09.200	2 acres		100	150	75	30	15	30	20						0.85	
Service-oriented commercial 5.00.000	2 acres		150	200		75	40	80	50	30	2		0.35 FAR		0.75	

Figure VII-5A
Schedule of Zone Regulation: Transit-Oriented Development (TOD) Zone
[Added 10-25-1999 by Ord. No. 99-92; Amended 4-23-2010 by Bill. No. 2010-06]

ABBREVIATIONS:
du: Dwelling unit.

ISR: Impervious surface ratio. The ration derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Maximum ISR
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories		
Agricultural 1.00.000	3 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a	n/a
Marine 2.00.000	2 acres	n/a	150	200	n/a	75	40	80	50	40	3	n/a	0.40
Single-family detached 3.01.100	5,000 square feet	1,250-1,650[2]	55	75	30	10	6	12	20	40	3	50%	n/a
Lot line 3.01.200	3,000 square feet	n/a	45	n/a	30	10	0 to 6	12	15	40	3	60%	n/a
Patio/court/atrium 3.01.300	3,000 square feet	n/a	45	n/a	30	10	0 to 6	15	15	40	3	60%	n/a
Duplex 3.02.100	4,000 square feet	2,000	50	100	30	10	6	12	20	36	3	n/a	0.25
Townhouse 3.02.200	1,500 square feet	1,250	18	n/a	18	10	0	0	20	40	3	60%	n/a
Multiplex 3.02.300	4,800 square feet	1,600	50	100	30	10	6	12	20	36	3	n/a	0.50
Garden apartments 3.03.100	20,000 square feet	3,000	200	200	200	10	0/10	0/10	50	40	3	n/a	0.50
Mid-rise 3.03.100	20,000 square feet	2,000	150	150	150	10	0/10	0/10	50	60	4	n/a	0.50

Figure VII-5A Cont'd
Schedule of Zone Regulations: Transit-Oriented Development (TOD) Zone
[Added 10-25-1999 by Ord. No. 99-92; Amended 4-23-2010 by Bill No. 2010-06]

ABBREVIATIONS:
du: Dwelling unit.

ISR: Impervious surface ratio. The ration derived by dividing the area of impervious surface by the base site area. Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads and sidewalks.

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Maximum ISR
	Area	Square feet per du	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories		
High-rise 3.03.200	20,000 square feet	1,000	300	300	200	10	0/10	0/10	50	60	5[1]	n/a	0.50
Commercial apartment 3.03.400	20,000 square feet	1,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a	60	n/a	n/a	n/a
Mixed-Use Building 8.01.000 & 8.02.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	n/a	n/a	0.70
Institutional/ utilities/ recreation 4.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	n/a	n/a	0.70
Service oriented commercial 5.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5[1]	n/a	0.70
Commercial 6.00.000	20,000 square feet	n/a	100	100	n/a	10	0/10	0/10	25	60	5	n/a	0.70

Notes:
1. May be increased as per §297-210, Art. XIII.
2. Based on percentage of development per §297-212, Use # 3.01.100.

§ 297-112 through 297-114. (Reserved)

Article VIII.

§ 297-115 through 297-125 (Reserved)

ARTICLE IX

Critical Area Zone (Overlay Zone)
[Amended 10-25-1994 by Ord. No. 94-93; 11-21-1994 by Ord. No. 94-99; 2-10-1998 by Ord. No. 98-59; 8-20-2001 by Ord. No. 01-75, Bill # 2011-12]

§ 297-126. Purpose; statutory authority.

A. The purpose of the Critical Area Overlay Zone is to establish special regulatory protection for the land and water resources located within the Chesapeake Bay Critical Area in Charles County. Land use development standards and requirements established herein are intended to foster more sensitive development activity for shoreline areas and to minimize the adverse impacts of development activities on water quality and natural habitats. This chapter implements the Charles County Critical Area Program and the requirements of the Maryland Critical Area Law and the Critical Area criteria and is adopted pursuant to the Natural Resources Article, Title 8, Subtitle 18, of the Annotated Code of Maryland, and COMAR 27.01-.03, the Critical Area Criteria.

B. The requirements of Articles IX supplement the County's land development codes, including existing zoning and subdivision provisions. They impose specific regulations for the development and other land use within the Charles County Critical Area. In the event of inconsistency between the provisions of Articles IX and the provisions established in other applicable ordinances, the more restrictive or stringent provisions shall apply.

C. The Charles County Chesapeake Bay Critical Area Program consists of the requirements contained in this chapter, other applicable requirements set forth in the Zoning Ordinance, the official Critical Area Zone maps, the Charles County Comprehensive Plan, Charles County Subdivision Regulations and all other applicable County regulations.

§ 297-127. Applicability.

A. No person shall develop, alter or use any land for residential, commercial, industrial or institutional uses; nor conduct agricultural, fishery or forestry activities in the Charles County Critical Area, except in compliance with the applicable provisions contained herein.

B. Articles IX shall only apply to the Charles County Critical Area, hereafter referred to as the "Critical Area Zone." The Critical Area Zone shall include all lands and waters within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Natural Resources Article, Annotated

Code of Maryland.

C. Development in accordance with the Swan Point General Development Plan shall be reviewed in accordance with the Growth Allocation Indenture and Docket 250 indenture, which shall supercede any contrary language in this article.

§ 297-128. Definitions of terms applicable to Critical Area Zone.

Unless otherwise specifically provided, the words and phrases defined shall have the meaning indicated when used in this article, and when used in the Charles County Critical Area Program. The following definitions are intended to be consistent with the State Critical Area Criteria in COMAR 27.01.01.01 and §8-1802 of the Natural Resources Article, Annotated Code of Maryland.

ABATEMENT – The act of putting an end to a land alteration, development activity, or other action citied as a violation under this chapter. Abatement includes the act of reducing the degree or intensity of the alteration, activity or action.

ACCESSORY STRUCTURE – A structure that is detached from a principal structure; located on the same lot as the principal structure; and, customarily incidental and subordinate to the principal structure.

ADDITION – A newly constructed area that increases the size of a structure.

AFFORESTATION -- The establishment of a tree crop on an area from which it has always or very long been absent or the planting of open areas that are not presently in forest cover.

AGRICULTURE – All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

ANADROMOUS FISH -- Fish that travel upstream (from their primary habitat in the ocean) to fresh water in order to spawn.

BEST MANAGEMENT PRACTICES (BMPs) -- Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxic substances and sediment. Agricultural BMPs include but are not limited to strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips and proper nutrient application measures.

BLUFF -- See "cliff."

BUFFER (spelled with a capital B) -- A naturally vegetated area or area established in native vegetation which is managed to protect aquatic, wetland shoreline and terrestrial environments from man-made disturbances. In the Critical Area Zone, the Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high-water line), tributary streams in the Critical Area and tidal wetlands and has a minimum width of 100 feet even if that area was previously disturbed by human activity. The Buffer shall be expanded beyond the minimum depth to include certain sensitive contiguous areas as per requirements established in this chapter. The Buffer shall be delineated on a site by site basis as a part of the environmental review and site analysis process.

BUFFER MODIFICATION AREA (BMA) – An officially mapped area, approved by the Critical Area Commission, where it has been sufficiently demonstrated that the pattern of residential, industrial, commercial, institutional or recreational development existing as of December 1, 1985, prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

BUFFER MANAGEMENT PLAN – A narrative, graphic description, or plan of the Buffer that is necessary when an applicant proposes a development activity that will affect a portion of the Buffer, alter Buffer vegetation, or require the establishment of a portion of the Buffer in vegetation. A Buffer Management Plan may be Major, Minor or Simplified, as described in §297-131.

CALIPER – Has the meaning stated in COMAR 08.19.03.01.

CANOPY TREE – A tree that, when mature, reaches a height of at least 35 feet.

CLIFF -- A high, steep, face of 10 feet or more in height above the toe of the slope, in excess of 50% in pitch, either vegetated or nonvegetated.

COLONIAL NESTING BIRD SPECIES – Herons, Egrets, Terns and Glossy Ibis. For the purposes of nesting, these birds congregate (this is “colonize”) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

COMMUNITY PIERS -- Boat docking facilities associated with subdivisions and similar residential areas and with condominium, apartment and other multiple-family dwelling units. Private piers and moorings are excluded from this definition.

CONSERVATION EASEMENT -- A nonpossessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

CONSOLIDATION – A combination of any legal parcels of land or recorded, legally buildable lots into fewer parcels or lots. Consolidation includes any term used by a local jurisdiction for a development application that proposes to combine legal parcels of land or recorded, legally buildable lots into fewer parcels or lots than the number that existed before the application, such as a subdivision, lot line abandonment, boundary line adjustment, replatting request, or lot line adjustment.

CRITICAL AREA -- All lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

A. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private wetlands designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland;

B. All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland; and

C. Modification to these areas through inclusions or exclusions proposed by Charles County and approved by the Chesapeake Bay Critical Area Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

CRITICAL AREA COMMISSION -- The Maryland Chesapeake Bay Critical Area Commission.

CRITICAL AREA ZONE – The portions of the Maryland Critical Area within the jurisdiction of Charles County.

DENSITY -- The number of dwelling units per acre of gross area of a development tract, unless otherwise specified.

DEVELOPED WOODLANDS –An area of trees and natural vegetation interspersed with residential, commercial**,** industrial, institutional, or recreational development.

DEVELOPER –A person who undertakes a development activity, or a person who undertakes development as defined in §8-1802 of the Natural Resources Article of the Annotated Code of Maryland.

DEVELOPMENT or DEVELOPMENT ACTIVITY (includes the term "develop") -- Any activity that materially affects the condition or use of dry land, land under water, or any structure. Development activities include: Any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land or

action that results in construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

DEVELOPMENT ENVELOPE -- The portion of a parcel or tract of land required for development activities in connection with a growth allocation application or growth allocation approval. The envelope shall include all individually owned lots, required buffers, impervious surfaces, roads, utilities and their easements, stormwater management facilities, on-site sewage disposal facilities, any areas subject to human use on a regular basis, such as active recreation areas, and any additional acreage needed to meet development requirements.

DEVELOPMENT PAD -- The area of a lot within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed, the remaining area of the lot must be maintained in natural vegetation.

DISTURBANCE – Any alteration or change to the land. Disturbance includes any amount of clearing, grading or construction activity. Disturbance does not include gardening or maintenance of an existing grass lawn**.**

DRAINAGEWAYS -- Minor watercourses that are defined either by soil type, the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join, including: the land, except where areas are designated as floodplain, on either side of and within 50 feet of the center line of any intermittent or perennial stream shown on the United States Geological Service's seven-and-one-half-minute quadrangle sheets covering the unincorporated areas of Charles County.

DRIVEWAY – A private access road, drive, or land to an individual residence which is contained within the lot or parcel, or access easement, and is not intended to serve any other lot or parcel of land.

DWELLING UNIT -- A single unit, being an enclosed structure, containing complete, independent living facilities designed for and held ready for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes accessory apartment or guest house. **[Added 6-20-2005 by Ord. No. 05-12]**

EASEMENT, CONSERVATION -- See "conservation easement."

ENVIRONMENTAL ASSESSMENT -- A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development and mitigation measures to be taken to minimize

undesirable impacts to the environment.

ESTABLISHMENT – The planting or regeneration of native vegetation

EXCESS STORMWATER RUNOFF – Means all increases in stormwater resulting from:

A. An increase in the lot coverage on the site, including all additions to buildings and parking lots;

B. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;

C. Alteration of drainageways or regrading of slopes;

D. Destruction of forest; and,

E. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

FAMILY, IMMEDIATE -- Father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, step-parents, step-children and legal wards and guardians.

FINANCIAL ASSURANCE – A performance bond, letter of credit, cash deposit, insurance policy or other instrument of security acceptable to Charles County.

FISH, ANADROMOUS -- See "anadromous fish."

FISHERIES ACTIVITIES -- Commercial water-dependent fisheries facilities, including structures for the packing, processing, canning or freezing of finfish, crustaceans, mollusks and amphibians and reptiles, and also including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations.

FOREST –Has the meaning as stated in Natural Resources Article, §5-1601, Annotated Code of Maryland.

FOREST INTERIOR DWELLING BIRDS – Species of birds which require relatively large forested tracts in order to breed successfully. Examples of forest interior dwelling birds, include but are not limited to, various species of Flycatchers, Warblers, Vireos and Woodpeckers.

FOREST MANAGEMENT -- The protection, manipulation and utilization of the forest to provide multiple benefits, such as timber harvesting, wildlife habitat, etc.

FOREST PRACTICE -- The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational or water quality values.

FULLY ESTABLISHED -- A term used to indicate that the Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

GRANDFATHERED -- The status accorded certain properties and development activities that are of record prior to the date of adoption of this chapter or provisions of this chapter.

GROWTH ALLOCATION -- Either an area of land calculated as 5% of the total resource conservation area (excluding tidal wetlands and federally owned land), that the county may convert to more intense management areas to accommodate land development; or an act of the County Commissioners, i.e., approving the "growth allocation," which provides for conversion of a property or properties located in a Resource Conservation Zone (RCZ) and/or the Limited Development Zone (LDZ) in the Critical Area to another land management classification which allows an increase in the permitted density.

HABITAT PROTECTION AREAS -- Land containing specialized plant or wildlife habitat, where protection is essential to the preservation of biological species and water quality. Habitat protection areas in Charles County include the one-hundred-foot Critical Area Buffer, expansions of the Critical Area Buffer, threatened and endangered species habitat, nontidal wetlands, natural heritage areas, colonial water bird nesting areas, historic waterfowl staging areas, forest areas with forest interior dwelling birds, and anadromous fish propagation waters.

HABITAT PROTECTION PLAN – A plan for the protection of specialized plant or wildlife habitat, as those terms are defined in 27.01.09.04 of the Code Of Maryland Regulations (COMAR), as a requirement of the development review process.

HAZARDOUS TREE --

A. A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion; or

B. Based on its location in the landscape, a healthy tree that, with continued normal growth will damage an existing permanent structure or significantly increase the likelihood of soil erosion.

C. This term does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished: with

routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning; or by relocation of property that is likely to be damaged.

HIGHLY ERODIBLE SOILS -- Soils with a slope greater than 15%; or those soils with a "K" value greater than thirty-five hundredths (0.35) with slopes greater than 5%.

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA – An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

HYDRIC SOILS -- Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

IMMEDIATE FAMILY -- See "family, immediate," above.

IMPERVIOUS SURFACE -- See "surface, impervious." **[Amended 10-25-1994 by Ord. No. 94-99]**

IN-KIND REPLACEMENT – The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint area, width, and length.

INTENSE DEVELOPMENT ZONE (IDZ)– A mapped area of a least 20 acres where residential, commercial, institutional, or industrial developed land uses predominate and a relatively small amount of natural habitat occurs. The Intense Development Zone includes:

A. An area with a housing density of at least four dwelling units per acre; or,

B. An area with public water and sewer systems with a housing density of more than three dwelling units per acre.

INTRAFAMILY TRANSFER -- A fee-simple conveyance of a portion of property to a member of the property owner's immediate family (see definition above), for the purpose of establishing a residence for that family member.

INVASIVE SPECIES – A type of plant that is non-native to the ecosystem under consideration and whose introduction causes, or is likely to cause, economic or environmental harm or harm to human health.

LAND CLEARING -- Any activity that removes the vegetative ground cover.

LANDWARD EDGE – The limit of a site feature that is farthest away from a tidal water, tidal wetland, or tributary stream.

LARGE SHRUB – A shrub that, when mature, reaches a height of at least six (6) feet.

LIMIT OF DISTURBANCE – The area of development or redevelopment activity that includes temporary and permanent disturbance.

LIMITED DEVELOPMENT ZONE (LDZ)– A mapped area that is developed in low or moderate intensity uses and contains areas of natural plant and animal habitat and where the quality of runoff has not been substantially altered or impaired. The Limited Development Zone includes an area:

A. With a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre;

B. With a public water or sewer system;

C. That is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or,

D. That is less than 20 acres and otherwise qualifies as an Intense Development Zone.

LOT COVERAGE – The percentage of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway or, is covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material. Lot coverage includes the total ground area covered or occupied by a stairway or impermeable deck. Lot coverage does not include:

A. A fence or wall that is less than one (1) foot in width that has not been constructed with a footer;

B. A walkway in the Buffer or expanded Buffer, including a stairway that provides direct access to a community or private pier;

C. A wood mulch pathway; or,

D. A deck surface with gaps not less than one-quarter inch in width or a composite deck surface with gaps not less than one-half inch in width at the time of construction, which allows water to pass freely.

MAJOR INFRACTION-- An infraction which has severe adverse affect and / or threatens the environment, or has significant adverse effect on the health, safety or general welfare of the neighborhood, community or the public at large. A major infraction includes, but is not limited to:

A. The clearing, grading, or filling of 5,000 square feet or more;

B. Construction / emplacement of a structure, or other lot coverage, 200 or more square feet in size;

C. Development activities within the Buffer; and / or,

D. Development activities in violation of an approved habitat protection plan or Buffer Management Plan.

MARINA -- Any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

MEAN HIGH WATER LINE -- The average level of high tides at a given location.

MINOR INFRACTION-- An infraction which does not have noticeable or significant adverse effect on the environment or on the peaceful use, enjoyment or value of another's property. A minor infraction includes, but is not limited to:

A. The clearing, grading, or filling of less than 1,000 square feet;

B. Construction / emplacement of a structure, or other lot coverage, less than 100 square feet in size; and / or,

C. Construction of a structure (pier, deck, boat lift, pilings, etc.) Over tidal waters or wetlands with the authorization of the Maryland Department of the Environment but without the approval of the Charles County Department of Planning & Growth Management.

MITIGATION – An action taken to compensate for adverse impacts to the environment resulting from development, a development activity, or a change in land use or intensity.

MODERATE INFRACTION-- An infraction which has noticeable or significant adverse effect on the environment or on the peaceful use, enjoyment or value of another's property, but does not have significant adverse effect on the health, safety or general welfare of the neighborhood, community or the public at large. A moderate infraction includes, but is not limited to:

A. The clearing, grading, or filling of 1,000 to 4,999 square feet;

B. Construction / emplacement of a structure, or other lot coverage, 100 to 199 square feet in size;

C. Construction of a structure (pier, deck, boat lift, pilings, etc.) Over tidal waters or wetlands without the authorization of the Maryland Department of the Environment and the Charles County Department of Planning & Growth Management;

D. Development activities which exceed the limits of a permit or plan approved by the Charles County Department of Planning & Growth Management; and / or,

E. Development activities under an approved permit or plan for which associated mitigation is not completed as required by the Charles County Critical Area Program.

MODIFICATION, BUFFER -- An act of the County Commissioners, approved by the Critical Area Commission, that permits an area of the County to fall under modifications of the Buffer provisions of the Critical Area Zones under certain conditions.

NATIVE- Indigenous to the physiographic area in Maryland where the planting is proposed.

NATURAL FEATURES -- Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

NATURAL FOREST VEGETATION -- Plant cover consisting of canopy trees, understory trees, shrubs, and herbaceous plants typically found in upland and riparian areas of Maryland unaffected by human activities.

NATURAL REGENERATION – Has the meaning stated in COMAR 08.19.03.01.

NATURAL VEGETATION -- Plant communities that develop in the absence of human activities.

NONTIDAL WETLANDS -- See "wetlands, nontidal."

OFFSETS -- Structures or actions that compensate for undesirable impacts.

OPEN SPACE -- Undeveloped land used primarily for resource protection or recreational purposes. Land and water areas retained for use as active or passive recreation areas in an essentially underdeveloped state or land areas retained in natural cover, agricultural or commercial forestry use.

OPEN WATER -- Tidal waters of the state that do not contain tidal wetlands and/or submerged aquatic vegetation.

PERMANENT DISTURBANCE – A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. Permanent disturbance includes: (i) construction or installation of any material that will result in lot coverage; (ii) construction of a deck; (iii) except as under (iii) of temporary disturbance, grading; and (iv) except as under (ii) of temporary disturbance, clearing of a tree, forest, or developed woodland.

PERSON – An individual, partnership, corporation, contractor, property owner, or any other person or entity.

PHYSIOGRAPHIC FEATURES -- The soils, topography, land slope and aspect and local climate that influence the form and species composition of plant communities.

PIERS, COMMUNITY -- See "community piers."

PRINCIPAL STRUCTURE -- The building containing the primary use of a property.

PROGRAM AMENDMENT – Any change or proposed change to the Charles County Critical Area Program that is not determined by the chairman of the Critical Area Commission to be a program refinement.

PROGRAM REFINEMENT – Any change or proposed change to an the Charles County Critical Area Program that the chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area in a manner consistent with the Charles County Critical Area Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

A. A change to the Charles County Critical Area Program that results from State Law;

B. A change to the Charles County Critical Area Program that affects local processes and procedures;

D. A change to the Zoning Ordinance or Charles County Code that clarifies an existing provision; and,

E. A minor change to an element of the Charles County Critical Area Program that is clearly consistent with the provisions of State Critical Area Law and all the criteria of the Commission as set forth in §8-1802 of the Natural Resources Article of the Annotated Code of Maryland.

RECONFIGURATION – A change of the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lots. Reconfiguration includes any term used for a development application that proposes to change the arrangement of the existing lot or parcel lines of any legal parcel of land or recorded, legally buildable lot that existed before the application, such as a subdivision, lot line adjustment, or boundary line adjustment, replatting request, or a revision of acreage to increase density.

REDEVELOPMENT -- The process of developing land that is or has been developed.

REFORESTATION -- The establishment of a forest through artificial reproduction or natural regeneration.

RESOURCE CONSERVATION ZONE (RCZ)– A mapped area that:

A. Is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and,

B. Resource-based activities, such as agriculture, forestry, fisheries, or aquaculture.

Resource Conservation Zone includes an area with a housing density of less than one dwelling unit per five acres.

RESTORATION – The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

RIPARIAN HABITAT – Habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines and wetlands.

ROAD – A public thoroughfare under the jurisdiction of the State, a county, a municipal corporation, or any other public body. Road does not include a drive aisle or driveway.

SHORE EROSION CONTROL MEASURES -- Any of number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically, the term refers to:

A. Nonstructural.

(1) AQUATIC VEGETATION -- Creation of intertidal marsh channelward of the line of mean high water, through the establishment of habitat consisting of native emergent plants.

(2) UPLAND VEGETATION -- The establishment of stable shoreline through the planting of an existing shore, landward of the line of mean high water, with a wide band of native upland plant cover appropriate to specific site conditions.

(3) BANK SLOPING/VEGETATION -- Sloping and planting a nonwooded bank, using native plant materials, to manage tidal water contact and reduce shoreline erosion.

(4) BEACH NOURISHMENT -- Filling alongshore with sandy materials consistent with natural beach materials, followed by grading, thus reducing tidal water contact with the eroding upland area.

B. Structural.

(1) REVETMENT -- Facing, composed of riprap stone, or other similar interlocking components, in the form of an embankment-like structure, loosely placed on a gently (no greater than 2:1) sloping shore to withstand and reduce wave energy and contain shore materials.

(2) OFFSHORE BREAKWATER -- Elongated structure composed of various rigid materials, placed offshore and parallel to the shoreline to deflect and reduce wave energy, thereby decreasing shoreline erosion immediately inshore.

(3) CONTAINED BEACH -- Filling alongshore with sandy materials consistent with natural beach materials, grading, and containing the new beach materials through the placement of structures that impede the lateral transport of beach materials, such as groins, jetties or breakwaters. The reasonable channelward length of such structures is a function of reasonable width of desired beach, and effects to navigation.

(4) BULKHEAD -- Retaining wall structure, composed of pressure-treated lumber or other rigid materials, installed along or immediately landward of the line of mean high water, and designed for a functional life of no less than 30 years. New bulkheads are generally acceptable only where warranted specific to unique site conditions.

SIGNIFICANT SHORELINE EROSION -- An annual rate of erosion of two feet or greater.

SLOPES, STEEP -- Slopes of 15% or greater incline.

SMALL SHRUB – A shrub that, when mature, reaches a height of up to six (6) feet.

SOIL CONSERVATION AND WATER QUALITY PLANS -- Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

A. How the landowner plans to treat a farm unit;

B. Which best management practices the landowner plans to install to treat undesirable conditions; and

C. The schedule for applying best management practices.

SOILS, HIGHLY ERODIBLE -- See "highly erodible soils."

SOILS, HYDRIC -- See "hydric soils."

SPECIES IN NEED OF CONSERVATION – Those fish and wildlife whose continued existence, as part of the State's resources, are in question and which may be designated by the Secretary of Natural Resources as in need of conservation in accordance with the requirements set forth in §§ 10-2a-06 and 4-2a-03 of the Natural Resources Article of the Annotated Code of Maryland.

SPOIL PILE – The overburden and reject materials as piled or deposited during surface mining or dredging.

STEEP SLOPES -- See "slopes, steep."

STREAMS, TRIBUTARY -- See "tributary streams."

STRUCTURE –

A. A building or construction materials, or a combination of those materials, that are purposely assembled or joined together on or over land or water.

B. Includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, or shelter for the purposes of marine access, navigation, working, eating, sleeping, or recreating.

SUBSTANTIAL ALTERATION – A repair, reconstruction, replacement, or improvement of a principal structure, with a proposed total footprint that is at least 50 percent greater than that of the structure that is the subject of the application.

SUPPLEMENTAL PLANTING PLAN – A description and landscape schedule that shows the proposed species type, quantity and size of plants to be located within a Buffer if natural regeneration does not meet the required stem density.

SURFACE, IMPERVIOUS -- Any man-made surface that is resistant to the penetration of water. Concrete, brick paving, roofs and heavily used gravel roads and parking areas which are subject to high levels of compaction are examples of "impervious surfaces."

SURFACE MINING, OR SAND AND GRAVEL OPERATION, WITHIN THE CRITICAL AREA -- The breaking of surface soil to extract or remove minerals; any activity or process constituting all or part of the process for the extraction or removal of minerals from their original location; the extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities; any operations engaged in processing of materials at the site of extraction; removal of overburden and excavation of any material for the purpose of prospecting and, to the extent necessary, to determine the location, quantity or quality of a natural deposit; or, any activities thereof, if the affected land exceeds one acre or more in area.

SURFACE, SEMIPERVIOUS -- Any man-made surface that is partially resistant to the penetration of water.

TEMPORARY DISTURBANCE – A short-term change in the landscape that occurs as part of a development or redevelopment activity. This includes (i) storage of materials that are necessary for the completion of the development or redevelopment activity; (ii) construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; and (iii) grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity. Temporary disturbance does not include (i) a septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required; and (ii) a violation.

TIDAL WETLANDS -- See "wetlands, tidal."

TOPOGRAPHY -- The existing configuration of the earth's surface, including the relative relief, elevations and position of land features.

TRAIL – A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within a right-of-way or within and independent tract or easement. Multi-use trail activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

TREE -- A woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part; a perennial shrub or herb of arborescent form.

TRIBUTARY STREAMS -- Perennial and intermittent streams as defined in §297-49 and identified by site inspection or in accordance with the procedures set forth in this chapter. **[Amended 10-25-1994 by Ord. No. 94-99]**

UNDERSTORY TREE – A tree that, when mature, reaches a height of 12 to 35 feet.

UNWARRANTED HARDSHIP -- Unwarranted hardship means that, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. **[Added 6-20-2005 by Ord. No. 05-12]**

UPLAND BOUNDARY – The landward edge of a tidal wetland or nontidal wetland.

WATER-DEPENDENT FACILITIES -- Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities which Charles County has determined require location at or near the shoreline within the Buffer.

WATERFOWL – Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

WETLANDS, NONTIDAL -- Those areas defined by 26.23.01.01, Code of Maryland Regulations that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

WETLANDS, TIDAL -- State wetlands that are defined as any land under the navigable waters of the state below the mean high water line, affected by the regular rise and fall of tide and private wetlands defined as any land not considered state wetlands bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. Private wetlands includes wetlands transferred by the state by a valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred. The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.

WILDLIFE CORRIDOR -- Strip of land having vegetation that provides habitat and a safe passageway for wildlife.

§ 297-129. Official Critical Area Zone Maps and zone designations.

A. Official Critical Area Zone maps. The Charles County Critical Area shall be delineated on Official Critical Area Zone Maps, prepared as part of the Charles County Critical Area Program. The Critical Area Zone Maps shall be maintained in force as official maps of the county. The Critical Area Zone Maps shall delineate the extent of the Critical Area Zone in Charles County which is as defined in § 297-127B.

B. Critical Area Zone designation.

(1) All land within the Charles County Critical Area Zone, with the exception of federal land, shall be assigned to one of the following zones which correspond to the land use management classification as determined in the Charles County Critical Area Program which shall be shown on the Critical Area Zone Maps.

(a) Intense Development Zone (IDZ);

(b) Limited Development Zone (LDZ); or

(c) Resource Conservation Zone (RCZ).

(2) The land use management classification shall be based on the actual land use as of December 1985 and mapped according to rules for making such determination as established in the Charles County Critical Area Program, except as provided in § 297-134, Growth Allocation (GA).[26]

§ 297-130. Lots of record in Critical Area Zone; grandfather provisions.

A. **[Amended 10-25-1994 by Ord. No. 94-99]** A single lot or parcel of land that was legally of record on the date of the adoption of this chapter may be developed with a single-family dwelling, if a dwelling was not already placed there, notwithstanding that such development may be inconsistent with the density provisions of § 297-132A. Except as otherwise provided, the following types of land may be developed in accordance with density requirements in effect prior to the adoption of this chapter:

(1) Any lot on which development activity has legally progressed to the point of pouring foundation footing or installation of structural members;

26 Editor's Note: Former Subsection C, Chesapeake Bay Critical Area compliance certificate, which immediately followed this subsection, was repealed 10-25-1994 by Ord. No. 94-93. This ordinance also provided as follows: "Note: building permits, zoning certificates, grading permits and use and occupancy permits serve the same function as the Critical Area compliance certificate."

(2) Any legal parcel of land, not being part of a recorded subdivision, that was recorded as of December 1, 1985. Development on lots created after June 1, 1984, and prior to the adoption dates of Charles County Critical Areas implementation ordinances shall comply with the conditions imposed under "interim findings" made by the Charles County Planning Commission;

(3) Land that was subdivided into recorded, legally buildable lots, or where the subdivision received final approval prior to June 1, 1984, provided that the development of these lands conforms with the Charles County Critical Area Program. At a minimum, development on lots created prior to June 1, 1984, shall comply with the provisions of §297-132, or shall be approved through the variance process by the Board of Appeals and reviewed by the Critical Area Commission. Where the Charles County Health Department requires consolidation or reconfiguration of lots not individually owned, the provisions of this chapter and Section 19 of the Charles County Subdivision Regulations shall apply to the consolidated or reconfigured lots, insofar as possible;

(4) Land that was subdivided into recorded, legally buildable lots where the subdivision received final approval after December 1, 1985, provided that either development of any such land conforms to the requirements of this chapter or the area of land is counted against the county's remaining growth allocation; and

(5) Any existing legal building or use of land as of June 7, 1989, is a legal nonconforming use. Expansion of such existing buildings or uses may be permitted after a determination has been made that such expansion complies with the provisions of this chapter, or complies insofar as possible with the chapter, and is approved through the variance process by the Board of Appeals and is reviewed by the Critical Area Commission.

(6) Lot consolidations and lot reconfigurations shall be subject to the standards and requirements outlined in Section 19 of the Charles County Subdivision Regulations. A proposed lot line adjustment, lot consolidation, or lot reconfiguration must effectively bring those lands into conformance with the Critical Area Program to the extent feasible.

B. Any new development grandfathered by the provisions listed above must meet the habitat protection and water-dependent facilities requirements in the Charles County Critical Area Program and this chapter.

§ 297-131. Critical Area Buffer Regulations.

A. Buffer function, definition, and expansion.

(1) The Critical Area Buffer establishes an area of undisturbed natural vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Functions of the Buffer include: Removing or reducing sediments, nutrients and potentially harmful or toxic substances in runoff;

(a) Minimizing adverse effects from human activities on shorelines, wetlands, stream banks, tidal waters and aquatic resources;

(b) Maintaining areas of transitional habitat between aquatic and upland communities;

(c) Maintaining the natural environment of streams; and

(d) Protecting riparian wildlife habitat.

(2) This buffer is designated within 100 feet landward of:

(a) The line of mean high water of tidal waters,

(b) The edge of each bank of tributary streams, and

(c) The upland boundary of tidal wetlands.

(3) For all properties within the Resource Conservation Zone that are subject to an application for subdivision or site development plan approval that does not involve growth allocation, the Buffer is at least 200 feet landward of:

(a) The line of mean high water of tidal waters or tidal wetlands; and,

(b) 100 feet landward of tributary streams.

(4) The Buffer shall be expanded to include contiguous sensitive areas on the parcel. Sensitive areas and expansion requirements are applicable as follows:

(a) Where site features include slopes contiguous to the Buffer of 15 percent or greater as measured over a horizontal interval of 10 feet, the Buffer shall be expanded four feet for every 1 percent of steep slope, or to the top of the slope, whichever is greater in extent.

(B) When the Buffer is contiguous to hydric soils or highly erodible soils on a slope of less than 15 percent, the Buffer shall be expanded to the landward edge of the soil or 300 feet, whichever is less.

[1] If the Buffer is contiguous to a highly erodible soil on a slope of less than 15 percent or a hydric soil and is located on a lot or parcel created before January 1, 2010, development may occur within the expanded Buffer if:

[a] The location of the development activity is in the expanded portion of the Buffer for a highly erodible soil on a slope less than 15 percent or a hydric soil, but not the 100-foot Buffer.

[b] The Buffer for a highly erodible soil on a slope less than 15 percent or a hydric soil occupies at least 75 percent of the lot or parcel; and,

[c] Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.

[2] Where the Buffer is contiguous to nontidal wetlands that are not nontidal wetlands of special state concern, the Buffer shall be expanded to the upland boundary of the nontidal wetlands.

[3] Where the Buffer is contiguous to nontidal wetlands of special state concern, the Buffer shall be expanded to include the wetland and its regulated 100 foot Buffer.

[4] Upon initial expansion of the Buffer, as required by the above criteria, should the new location of the Buffer be contiguous to additional sensitive areas, further expansion shall be required per the provisions of this chapter.

[5] The 200-foot Buffer in the RCZ may be reduced if:

[a] The strict application of the 200 foot Buffer would preclude:

[1] Subdivision of the property at a density of one dwelling unit per 20 acres, if all other State and

local requirements will be satisfied; or

[2] An intra-family transfer.

B. Buffer delineation and establishment.

(1) When lands are subject to proposals for development, subdivision, or conversion to new uses, the location of the Buffer shall be delineated at the time of approval of a development activity through field verification. The approved delineation of the Buffer shall remain valid for a period of three years. Any application for development beyond the three year period shall warrant a review by the Planning Division to determine whether development is being actively pursued. It shall be the responsibility of the applicant to demonstrate to the Planning Division in writing that the development activity is being actively pursued. Should the Planning Division determine that the development activity is not actively being pursued, the Planning Division may require a reverification of the Buffer through field inspection. Based upon the results of the field inspection, the Buffer may need to be redelineated.

(2) Buffer establishment requirements are applicable to:

(a) A development or redevelopment activity that occurs on a lot or parcel that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream if that development or redevelopment activity is located outside the Buffer; or,

(b) The approval of a subdivision that includes a Buffer to tidal waters, a tidal wetland, or a tributary stream.

(3) Buffer establishment requirements are not applicable to:

(a) An in-kind replacement of a principal structure;

(b) Minor grading and filling activities for the purpose of maintaining or restoring an existing yard / lawn area.

(4) When lands that are subdivided remain in agricultural use after subdivision, implementation of the Buffer Management Plan may be delayed until the use of the lot is converted to a nonagricultural purpose, provided a Buffer Management Plan is prepared in accordance with § 297.131.E.

(5) A Buffer Management Plan sufficient to establish the Buffer in vegetation is

required with an application for:

(a) Approval of a subdivision or a lot;

(b) Conversion from one land use to another land use on a lot or a parcel; or,

(c) Development on a lot or a parcel created before January 1, 2010.

(6) When the Buffer is not fully forested or is not fully established in existing, naturally occurring woody or wetland vegetation, the Buffer shall be established according to the following table:

Development Category	**Lot Created Before June 7, 1989**	**Lot Created After June 7, 1989**
Development on a vacant lot	Establish the Buffer based on total square footage of lot coverage outside the Buffer	Fully establish the Buffer
Subdivision	Fully establish the Buffer	
New lot with an existing dwelling unit	Establish the Buffer based on total square foot age of lot coverage outside of the Buffer	
Conversion of a land use on a parcel or lot to another land use	Fully establish the Buffer	
Addition, accessory structure, or redevelopment	Establish the Buffer based on net square footage increase in lot coverage outside of the Buffer	
Substantial alteration	Establish the Buffer based on total square footage of lot coverage outside of the Buffer	

(7) A local jurisdiction may authorize an applicant to deduct from the total establishment requirement an area of lot coverage removed from the Buffer if:

(a) The lot coverage existed before the date of local program adoption or was Allowed by local procedures; and

(b) The total area is stabilized.

C. Buffer development standards.

(1) New land uses and development activities permitted in the underlying base zones, including clearing of natural vegetation, erection of structures, construction of new roads, parking areas, or other impervious surfaces or lot coverage, and, on new lots, the placement of private sewage disposal systems, shall be prohibited

within the Critical Area Buffer, except for the following:

(a) Community piers, individual private piers, docks, and launching ramps.

[1] Only the following community pier facilities shall be permitted to be located in the Buffer:

[a] Docks, piers, slips, launching ramps, access roads, paths; and,

[b] Loading/unloading areas.

[2] Where community or individual slips or piers, are proposed in conjunction with new development approved after the date of the Charles County Critical Area Program adoption, the number of slips and piers shall be the lesser of Subsection A(1)(a)[2][a] or [b] below.

[a] Up to one slip for every 50 feet of shoreline in subdivisions in the LDZ and IDZ, and one slip for every 300 feet of shoreline in subdivisions in the RCZ; or

[b] A density of slips to platted lots or dwellings in the development according to the following schedule:

Platted Lots or Dwellings in the Critical Area	**Slips**
Up to 15	1 for each lot or dwelling
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
Over 300	75 or 15%, whichever is greater

[c] If community piers are provided as part of the new development, private piers in the development are not allowed.

[3] New subdivisions within the Limited Development Zone and

Resource Conservation Zone.

[a] The Planning Commission has the authority to determine whether a new subdivision should be permitted to utilize community piers or individual piers. Individual piers are not allowed if the Planning Commission finds that individual piers would result in detrimental impact to:

(i). Habitat of rare, threatened or endangered species;

(ii) submerged aquatic vegetation;

(iii) forest interior dwelling species habitat;

(iv) historic waterfowl staging areas; or,

(v) historic shellfish areas.

[b] The Planning Commission may also consider whether the exceptional narrowness, shallowness, or shape of specific parcels of property, or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels or property precludes development of a community pier as not reasonably feasible or practicable.

[c] When a development within the LDZor RCZ proposes to use individual piers the Planning Commission will be presented with a report detailing the applicant's proposal for individual piers. This report may include staff review and/or analysis from other appropriate agencies, such as the Critical Area Commission, Maryland Department of the Environment, or, the Department of Natural Resources.

[d] A note shall be included on the preliminary plan and/or final plat to indicate whether individual piers or a community pier(s) was approved for the subdivision. The note shall also specify the number of individual piers or community piers approved.

(b) New industrial or port-related facilities, and the expansion, redevelopment or replacement of industrial or port-related facilities, where permitted in

the IDZ and where designated as a Buffer Modification Area.

(c) New commercial marinas and other related commercial maritime facilities where permitted in the LDZ and the IDZ, and expansion of existing commercial marinas and other related commercial maritime facilities in the RCZ, provided that non-water-dependent uses and activities are not located in the Buffer, and provided sufficient demonstration that any expansion will result in an overall net improvement in water quality at or leaving the site of the marina. While proposed water-dependent uses shall be reviewed on a case-by-case basis by the Planning Division, Figure VIII-1 generally distinguishes those water dependent facilities which may be permitted in the Critical Area, within and exterior to the Buffer, subject to the standards of the underlying base zone.

Figure VIII-1
Buffer/Non-Buffer Water-Dependent and Associated Service Facilities

BUFFER	OUTSIDE BUFFER
INDUSTRIAL AND PORT-RELATED WATER-DEPENDENT FACILITIES	
Docks, piers and access roads	Processing facilities
Freight staging areas	Warehouses
Rail lines	Parking
Dry docks	Repair shops
Fueling areas	Administrative and maintenance offices
Public access areas	
COMMERCIAL MARINAS AND OTHER RELATED COMMERCIAL MARITIME FACILITIES	
Docks, piers, launch ramps, access roads and paths	[Nonautomated] Dry storage facilities
Loading/unloading areas	Boat repair yards
Railways associated with non-automated boat repair	Boat sales
Fueling areas	Boater retail sales
Fresh water and ice	Other retail
Phone and electric hookups	Motels/hotels
Sewage pumpout, dockside toilets/lockers	Parking

BUFFER	OUTSIDE BUFFER
	Related recreation uses (pools, tennis courts)
	Wet dock shop facilities
	Marina office
	Waterfront restaurant
COMMUNITY PIERS AND OTHER RELATED NONCOMMERCIAL DOCKING/STORAGE FACILITIES	
Docks, piers, launch ramps, access roads and paths	Lockers
Loading/unloading areas	Rest rooms
	Parking
	Storage areas
PUBLIC BEACHES/OTHER PUBLIC WATER-ORIENTED RECREATION AND EDUCATION AREAS	
Lifeguard stations	Showers
Nature study/passive recreation facilities with no structure or impervious surface	Lockers (non marina use)
Docks, piers, launch ramps, access roads and paths	Rest rooms
Loading and unloading areas	Parking
Fueling areas	Storage areas
Fresh water and ice	Service facilities for education and passive recreation areas
Phone and electric hookups	Marina office
Sewage pumpout, dockside toilets/lockers	
RESEARCH AREAS	
Research facilities operated by local, state or federal agencies or education institutions	All non-water-dependent
	Restrooms
	Parking
FISHERIES AND RELATED COMMERCIAL WATER-DEPENDENT FACILITIES	
Docks, piers and access roads	Warehouses

BUFFER	OUTSIDE BUFFER
Fueling areas	Parking
Fish offloading docks	Repair shops and facilities
Shore facilities for aquaculture facilities	Processing and packing facilities
	Administrative and maintenance offices
	Waterfront restaurants

(d) Minor grading and filling of existing yard. Minor grading and filling of existing yard for the purpose of maintaining or restoring the lawn to a usable condition is permitted on residential, recreational, commercial, and industrial properties, provided that:

[1] The total area to be disturbed or the entire project is less than 5,000 square feet in size and involves less than 100 cubic yards of fill;

[2] A site inspection is conducted by the Planning Division staff prior to initiating the proposed work;

[3] Lawn or other approved ground cover is immediately re-established;

[4] Any natural or planted vegetation, not including sod or fescue (grass), removed within the Buffer is replaced on-site within the Buffer on a one-to-one basis with native vegetation; and,

[5] Sediment and erosion controls are utilized in conjunction with the requirements of the Soil Conservation District.

[6] Should the project, when considered as a whole, require disturbance of 5,000 square feet or more, or 100 or more cubic yards of fill, a grading permit will be required for the project. Multiple zoning permits may not be used as a mechanism to avoid the grading permit requirement.

(e) Shore erosion control measures are permitted with an approved Zoning permit.

[1] Nonstructural methods shall be utilized unless the property lies within an area designated by the Department of the Environment

as appropriate for structural shore erosion control measures or the property owner can demonstrate to the satisfaction of the Department of the Environment that non-structural measures are not feasible.

[2] Each application to the County shall comply with the requirements in Appendices A and M of this chapter.

(f) Erosion control measures above mean high water are permitted with an approved Buffer Management Plan and Zoning Permit. Each application to the County shall comply with the requirements in Appendices A and N of this chapter.

(g) Lot coverage in the Buffer may not exceed the minimum amount necessary for water-dependent facilities, regardless of the classification or the size of the parcel or lot, except:

[1] For a Buffer Modification Area, as mapped on the official Critical Area Maps for Charles County;

[2] For a variance granted in accordance with this chapter; or

[3] As provided in a waterfront revitalization area or a waterfront industrial area as designated under the Charles County Critical Area Program and Comprehensive Plan.

(4) Agricultural activities within the Buffer.

(a) The Critical Area Buffer is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices as required in COMAR 27.01.06.

(b) A 25-foot vegetated filter strip measured landward from the mean high water line of tidal waters or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established, and further provided that:

[1] The filter strip shall be composed of either trees with a dense ground cover, or a thick sod of grass, and shall be so managed as to provide water quality benefits and habitat protection consistent with the Charles County Critical Area Program; noxious weeds, including Johnson Grass, Canada Thistle, and Multiflora Rose,

which occur in the filter strip, may be controlled by authorized means;

[2] The filter strip shall be expanded by a distance of 4 feet for every 1 percent of slope, for slopes greater than 6 percent;

[3] The 25-foot vegetated filter strip shall be maintained until such time as the landowner is implementing a program of best management practices for the specific purposes of improving water quality and protecting plant and wildlife habitat; and provided that the portion of the soil conservation and water quality plan being implemented achieves the water quality and habitat protection objectives of the 25-foot vegetated filter strip;

[4] The best management practices shall include a requirement for the implementation of a nutrient management program where appropriate;

[5] The feeding or watering of livestock may not be permitted within 50 feet of the mean high water line of tidal water and the edge of the bank of tributary streams or from the landward edge of tidal wetlands within the Critical Area, whichever is further inland; and,

(c) Clearing of existing natural vegetation in the Buffer is not permitted;

(d) The drainage, diking or filling of non-tidal wetlands for the purpose of new agricultural lands is prohibited;

(e) Agricultural activities, including the grazing of livestock, do not disturb stream banks, tidal shorelines or other habitat protection areas as described in this Ordinance; and,

(f) When agricultural use of lands within the Buffer ceases and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in this section of the Ordinance.

(3) Commercial harvesting of trees is permitted, under a timber harvest plan approved by the Department of Natural Resources and The District Forestry Board. Harvesting is permitted to within 50 feet of the edge of the intermittent streams, and to within 50 feet of the mean high waterline or tidal wetlands when harvesting

involves clear cutting of loblolly pine and tulip poplar or selective cutting of other species. Cutting shall not occur in any Habitat Protection Areas, but may be permitted in the Buffer in accordance with these provisions.

(4) The application of Biosolids in the Buffer is prohibited.

(5) New commercial and industrial maritime, and related facilities, are prohibited in the Buffer, as it affects the Resource Conservation Zone (RCZ).

(6) Surface mining and related facilities, including wash plants, ponds, stockpiles and equipment, are prohibited in the Buffer.

D. Buffer mitigation and planting standards.

(1) These mitigation and planting standards are applicable to a development or redevelopment activity that occurs on a lot or parcel that includes a buffer to tidal waters, tidal wetlands, or a tributary stream, when the development or redevelopment activity is located inside of the buffer.

(2) A Buffer Management Plan in accordance with §297-131.E shall be sufficient to satisfy the planting and mitigation standards of this section as well as establishment requirements in §297-131.B so as to:

(a) Prohibit the installation or cultivation of new lawn or turf on-site in the Buffer;

(b) Ensure the planting of native species;

(c) Ensure coverage of the Buffer with mulch or ground cover or both until Buffer plantings are established;

(d) Ensure plantings are distributed throughout the Buffer to provide optimum habitat and water quality benefits.

(3) The cumulative amount of Buffer mitigation required shall be calculated according to the following standards:

(a) For a development or redevelopment activity within the Buffer, mitigation shall be cumulatively based upon:

[1] The following ratios:

ACTIVITY	PERMANENT DISTURBANCE	TEMPORARY DISTURBANCE
Septic on a lot created before local program approval if located in existing grass or if clearing is not required	Not applicable	0
Septic system in a forest or developed woodland on a lot created before local program approval if clearing is required	1:1	Not applicable
Shore erosion control	1:1	1:1
Shore erosion control above mean high water	2:1	1:1
Riparian water access	2:1	1:1
Development or redevelopment of a water-dependent facility	2:1	1:1
Variance	3:1	1:1
Violation	4:1	Not applicable

And, [2] The square footage of the area of the canopy coverage removed.

(b) Mitigation for the removal of a diseased or dying, invasive, or hazardous tree shall be:

[1] one tree of at least a ¾-inch caliper for each tree removed; or

[2] the affected area shall be stabilized in native woody vegetation, if a tree cannot be replanted to space constraints.

(4) The total mitigation requirement may be reduced by an equal area of lot coverage removed from the Buffer if:

(a) The lot coverage existed before the date of local program adoption or was allowed by local procedures; and

(b) The total area is stabilized.

(5) Requirements for establishment may be met by a combination of plantings and natural regeneration for Buffer establishment in accordance with the following table:

TOTAL ESTABLISHMENT REQUIREMENT	OPTIONS
Less than 1/4 acre	Landscaping stock according to §d(7) for the entire area
¼ acre to 1 acre	At least 25 percent landscaping stock according to §d(7), with the remainder a combination according to §d(10) or natural regeneration according to §e(10)
Greater than 1 acre	At least 10 percent landscaping stock according to §d(7), with the remainder a combination according to §d(10) or natural regeneration according to §e(10)

(6) Requirements for mitigation may be met by a combination of plantings for Buffer mitigation in accordance with the following table:

TOTAL MITIGATION REQUIREMENT	OPTIONS
Less than 1 acre	Landscaping stock according to §d(7) for the entire area
1 acre or greater	At least 50 percent of area in landscaping stock according to §d(7), with the remainder according to §d(10)

(7) The following landscaping stock planting credits for the type and size of vegetation proposed are applicable:

VEGETATION TYPE	MINIMUM SIZE ELIGIBLE FOR CREDIT	MAXIMUM CREDIT ALLOWED (SQUARE FEET)	MAXIMUM PERCENT OF LANDSCAPE STOCK CREDIT
Canopy tree	2-inch caliper	200	Not applicable
Canopy tree	3/4 inch caliper	100	Not applicable
Understory tree	3/4 inch caliper	75	Not applicable
Large shrub	3 feet high	50	30
Small shrub	18 inches high	25	20
Herbaceous perennial	1 quart or based on the area covered by plugs or seed mix	2	10
Planting cluster 1 for Buffer establishment or mitigation of less than ½ acre	1 canopy tree; and 3 large shrubs or 6 small shrubs of sizes listed above	300	Not applicable

Planting cluster 2 for Buffer establishment or mitigation of less than ½ acre	2 understory trees; and 3 large shrubs or 6 small shrubs of sizes listed above	350	Not applicable

(8) The percentage of large shrubs, small shrubs, or herbaceous perennials in a Buffer Management Plan may be increased, by county approval, if:

(a) The Buffer has existing canopy coverage of at least 50 percent; or

(b) Site constraints that preclude canopy planting, including severely eroding slopes, salt water intrusion, predominately sandy soils, or unconsolidated fill.

(9) All landscaping stock planted shall be 100 percent guaranteed for at least 2 years after planting is completed.

(10) Flexible stocking size, may be permitted in accordance with §297-131.D.(5) and .D(6) of this article under the following criteria:

STOCK SIZE OF TREES ONLY	**REQUIRED NUMBER OF STEMS PER ACRE**	**SURVIVABILITY REQUIREMENT**	**MINIMUM FINANCIAL ASSURANCE PERIOD AFTER PLANTING**
Bare-root seedling or whip	700	50 percent	5 years
½-Inch to 1-inch container grown trees	450	75 percent	2 years
More than 1-inch container grown trees	350	90 percent	2 years

(11) If mitigation planting cannot be located on-site within the Buffer because of site constraints, mitigation alternatives may be permitted in the following order of priority:

(a) Planting on-site and adjacent to the Buffer;

(b) Planting on-site outside of the Buffer, but within the Critical Area; or,

(c) Payment of fee-in-lieu of Buffer mitigation under the provision of §297-

131.G of this subsection.

(12) The Board of Appeals may not issue a variance to the Buffer planting and mitigation standards of this article.

(13) A final use and occupancy permit or approval may not be granted until a property owner:

(a) Completes the planting required under an approved Buffer Management Plan; or,

(b) Provides financial assurance that the planting will be completed during the next planting season. Said financial assurance shall be sufficient to cover the costs for:

[1] Materials and installation; and,

[2] In the case of a mitigation or establishment requirement that is at least 5,000 square feet, long-term survivability, 2 years of monitoring and the implementation of a reinforcement planting plan should survival rates fall below those required by §297-131.D.

(14) Prior to recordation of a final subdivision or final approval of a site plan for a multifamily, commercial, industrial, or institutional use, an applicant shall:

(a) Post permanent signs delineating the upland boundary of the Buffer at a ratio of at least one sign per lot or per 200 linear feet of shoreline, whichever is applicable; and

(b) Design each sign so that it:

[1] Is at least 6 inches in width and 8 inches in height;

[2] Is placed at a height of 4.5 feet, but not attached to a tree; and,

[3] Clearly states “Critical Area Buffer---no clearing or disturbance permitted”.

(15) Concurrent with the recordation of a final plat, an applicant shall record an easement or similar instrument as required by the approved Buffer Management Plan.

(16) An approved Buffer Management Plan is required prior to approval of a final subdivision application.

E. Buffer Management Plans.

(1) Unless otherwise required by this chapter, a Buffer Management Plan is not required for the maintenance of an existing grass lawn, such as mowing or raking of leaves, or an existing garden in the Buffer.

(2) A Buffer Management Plan is required for:

(a) Any development activity for which Buffer establishment is required by this article; or,

(b) Any development activity which will result in disturbance to the Buffer. This includes:

[1] A variance;

[2] Subdivision approval;

[3] Site development plan approval;

[4] Shore erosion control measures approved under a Zoning or Infrastructure permit;

[5] Building permits;

[6] Infrastructure permits;

[7] A special exception;

[8] Permit by a local health department for the installation, repair, or replacement of a septic system; or

[9] A Tree Removal authorization or Zoning Permit.

(3) A Buffer Management Plan may not be approved unless:

(a) The plan clearly indicates that all planting standards of this article will be met; and

(b) Appropriate measures are in place for the long-term protection and maintenance of all Buffer areas established as required by this article.

(4) Approval of a Buffer Management Plan is required prior to approval of a development activity.

(a) At a minimum a County Zoning Permit and/or Tree Removal authorization shall be required. Any mitigation required shall be comprised of vegetative species native to southern Maryland.

(5) Failure to implement a Buffer Management Plan shall constitute a violation of the Charles County Critical Area Program.

(6) No permit or other approval of a development activity will be issued on a property that is the subject of a violation under (5).

(7) Simplified Buffer Management Plans

(a) A Simplified Buffer Management Plan is required as part of the application associated with any of the following activities:

[1] Providing access to a private pier or shoreline that is up to 3 feet wide;

[2] Manually removing invasive or noxious vegetation;

[3] Minor grading and filling to repair or maintain an existing grass lawn, as permitted by this article;

[4] Managing storm damage;

[5] Repairing or replacing a septic system;

[6] Except for an emergency situation under e(b) of this section, cutting up to five dead, diseased, dying, invasive, or hazardous trees.

(b) If cutting a tree in the Buffer is immediately necessary because of an emergency situation, the applicant shall submit a Simplified Buffer Management Plan for approval at the earliest possible time after the tree has been cut.

(c) A Simplified Buffer Management Plan shall include:

[1] A brief narrative describing the proposed activity, including the anticipated start date and method to be used;

[2] The proposed mitigation;

[3] In the case of removal of invasive or noxious species, the revegetation of the area in accordance with this article;

[4] The proposed planting date;

[5] The signature of the party responsible for the proposed activity and for ensuring survival of the plantings.

(8) Minor Buffer Management Plans.

(a) A Minor Buffer Management Plan is required as part of the application associated with any of the following activities:

[1] Establishment of less than 5,000 square feet of the Buffer for an application listed under this article; or,

[2] A requested disturbance that requires less than 5,000 square feet of mitigation as required by this article.

(b) A Minor Buffer Management Plan shall include:

[1] A plan that shows the proposed limit of disturbance, the total number and size of trees to be removed, if applicable, and the arrangement of the planting to be done;

[2] A landscape schedule that shows the proposed species type, the quantity of plants, the size of plants to be installed, and the planting date;

[3] A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provision of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards of this article;

[4] An inspection agreement that grants permission to the local jurisdiction to inspect the planting at appropriate times;

[5] The information on which calculation of the amount of Buffer to be planted was based, if Buffer establishment is required;

[6] Information on which calculation of the amount of the Buffer to be planted was based, if Buffer mitigation is required; and,

[7] The signature of the party responsible for the proposed activity and ensuring the survival of the plantings.

(9) Major Buffer Management Plans.

(a) A Major Buffer Management Plan is required as part of the application associated with any of the following activities:

[1] Establishment of at least 5,000 square feet of the Buffer for an application under this article; or,

[2] A requested disturbance that requires at least 5,000 square feet of mitigation for an application under this article.

(b) A Major Buffer Management Plan shall include:

[1] A plan that shows the proposed limit of disturbance, the total number and size of trees to be removed, if applicable, and the arrangement of the planting to be done;

[2] A landscape schedule that shows the proposed species type, the quantity of plants, the size of plants to be installed and the planting date;

[3] A maintenance plan for the control of invasive species, pests, and predation that shows invasive species and pest control practices, the provision of at least 2 years of monitoring, and a reinforcement planting provision if survival rates fall below the standards required by this article;

[4] A long-term protection plan that includes evidence of financial assurance that adequately covers the planting and survivability

requirement, a provision for at least 2 years of monitoring as required by this article, and if planting, an anticipated planting date before construction or the sale of the lot;

[5] An inspection agreement that grants permission to the local jurisdiction to inspect the plantings at appropriate times;

[6] If Buffer establishment is required, the information on which the calculation of the amount of Buffer to be planted was based;

[7] If Buffer mitigation is required, the information on which the calculation of amount of Buffer to be planted was based; and,

[8] The signature of the party responsible for the proposed activity and for the survival of the plantings.

(c) For a Buffer Management Plan:

[1] A single species may not exceed 20 percent of the total planting requirement; and,

[2] Shrubs may not exceed 50 percent of the total planting requirement.

(10) Natural regeneration requirements.

(a) A Buffer Management Plan which includes natural regeneration shall consist of:

[1] A site plan that includes:

[a] Delineation of the proposed area within 300 feet of a mature forest that contains a seed bank of native species adequate to support natural regeneration;

[b] The soil type; and

[c] Signage that delineates the natural regeneration area at one sign per 200 linear feet along the boundary of the area; and

[2] A description in narrative form of:

[a] Nearby seed sources of mature tree species;

[b] Presence or absence of invasive species in the proposed natural regeneration area and in the nearby forest, and, if applicable, control practices for those invasive species;

[c] Soil texture, soil moisture regime, sunlight exposure, and soil amendments of the proposed natural regeneration area;

[d] Site preparation methods and timing;

[e] A monitoring plan; and

[f] A supplemental planting plan to be implemented in accordance with §d of this regulation; and

[3] Financial assurance for at least 5 years that:

[a] Is sufficient to cover the cost of planting an area equivalent to the area of proposed natural regeneration; and

[b] specifies that release of the financial assurance may not occur until the natural regeneration area, through natural growth and, if necessary, implementation of the supplemental planting plan, contains at least 300 live trees on a per acre basis that are at least 4feet tall.

[4] A statement certifying that areas of natural regeneration will not be converted to lawn or turf.

(B) Report, inspection, and procedures for release of financial assurance.

[1] Five years after the date of approval of a Buffer Management Plan that includes natural regeneration, the party responsible for the development or redevelopment activity and the survival of the planting associated with that activity shall submit to the County a report for the natural regeneration area that contains:

[a] Photographs of the natural regeneration area;

[b] Based on standard sampling practices, an estimate of the number and average size of trees growing within the natural regeneration area on a per acre basis; and

[c] A list of all plant species found within the natural regeneration area.

[2] Upon receipt of the report, the County shall inspect the natural regeneration site.

[3] If the natural regeneration area does not contain at least 300 live trees on a per acre basis that are at least 4 feet tall, the County may:

[a] Extend the term of the natural regeneration and financial assurance to allow for up to 5 additional years of growth, if the report and inspection indicate viable progress toward natural regeneration; or

[b] Require implementation of the supplemental planting plan provided in the natural regeneration component of the Buffer Management Plan.

[4] If the County extends the term of the natural regeneration and financial assurance is extended to allow for additional growth, the County may increase the amount of financial assurance required.

[5] Upon expiration of the time provided under an extension of the term of natural regeneration and financial assurance or under a supplemental planting plan:

[a] The party responsible shall submit to the County an updated report that contains all the information required under §D(1) of this regulation; and

[b] Upon receipt of the report, the County shall re-inspect the natural regeneration site.

[6] At the end of 5 years after the date of approval, at the end of a term extension, or at the end of the implementation of a supplemental planting plan, if the natural regeneration area:

[a] Contains at least 300 live trees on a per acre basis that are at least 4 feet tall, the County may release the financial assurance; or

[b] Does not contain at least 300 live trees on a per acre basis that are at least 4 feet tall, the County may not release the financial assurance.

[7] At any time during the course of performance of a Buffer Management Plan, if the County determines that natural regeneration is not likely in the time anticipated in the Buffer Management Plan and that the party responsible is no longer available to complete performance of the Buffer Management Plan, the County may apply the financial assurance to implement the supplemental planting plan.

F. Buffer Modification Area provisions. The following special provisions apply in designated Buffer Modification Areas, throughout the Critical Area Overlay Zone.

(1) Permitted uses.

(a) New development or redevelopment, provided that the development and redevelopment rules and offsetting requirements set forth in Subsection C(3) and (4) below are observed.

(b) Shore erosion control measures, provided that such measures are consistent with the County's shore erosion protection policies, and provided that the measure has obtained all applicable County, State, and Federal permits.

(c) Limited cutting or clearing of trees for the following purposes only, provided that clearing is limited to the minimum amount necessary to complete the proposed project and is subject to a Simplified Buffer Management Plan, as defined in this Article, and approved by the Planning Division:

[1] For personal use, providing that Buffer functions are not impaired and trees cut are replaced on an equal area basis;

[2] To prevent trees from falling and blocking streams, causing damage to dwellings or other structures, or resulting in accelerated erosion of the shore or streambank;

[3] In conjunction with horticultural practices used to maintain the health of individual trees;

[4] To provide access to private piers, provided that any vegetation cleared is replaced on an area basis of two to one (2:1);

[5] To install or construct an approved shore erosion protection device or measure, provided that any vegetation cleared is replaced on an area basis of one to one (1:1);

[6] To protect trees from extensive pest or disease infestation by recommendation of the Department of Agriculture or the Department of Natural Resources; or

[7] To permit the development or redevelopment allowed in §297-131 C(1)(a) and (b) to be constructed or installed. Mitigation shall be required as applicable under sections 131(C)(4) and 132(F) and (G).

[8] A County Zoning permit and/or Tree Removal Authorization shall be required.

(2) Prohibited uses: water-polluting activities, including, but not limited to, storage of vehicles, fuel, or chemicals.

(3) Development and redevelopment rules. For all new development and redevelopment activities, applicants must demonstrate that the distance between the new development and the mean high water line has been maximized. New development or redevelopment shall not be located less than twenty-five feet from the line of mean high water or the edge of tidal wetlands. The following rules also apply:

(a) Existing structures. The expansion or redevelopment of existing structures in the Buffer Modification Area may not occur closer to open water or wetlands than the existing principal structure or the setback line as defined by the location of principal structures on adjacent lots, measured as described below in Subsection C(3)(c), whichever is closer to the water. The location of the setback line shall generally run parallel to the line of mean high water.

(b) Removal of existing structures. When a structure within the Buffer

Modification Area is removed or destroyed, it should be replaced, insofar as possible, outside of the Critical Area Buffer. Where this is not possible and in such cases where a setback line exists as defined by the existing principal structure or principal structures on adjacent lots or parcels, the structure may not be replaced closer to open water or wetlands than that line. Any lot coverage created greater in extent to preexisting lot coverage within the Buffer Modification Area shall be offset as described in §297-131.C(4) below.

(c) New single-family detached residential development. New development in the Buffer Modification Area shall minimize the extent to which lot coverage extend toward open water or wetlands insofar as possible taking into consideration existing County yard setback requirements of the underlying zones and other such factors. In no case may such lot coverage be extended closer to open water or wetlands than any setback line as defined by principal structures on adjacent lots or parcels or the setback of underlying zones required in this chapter, nor shall any new single-family residential development or redevelopment be located less than twenty-five feet from the line of mean high water or the edge of tidal wetlands. Accessory structures, septic systems, and other development activities shall not be used to determine a setback line in the Buffer Modification Area. The setback distance shall be measured from the building corner nearest to the water, to the line of mean high water or the limit of tidal wetlands or the edge of a tributary stream.

(d) Accessory structures. Construction of new accessory structures or expansion of existing accessory structures may be permitted closer to the water than the principal structure under an approved Buffer Management Plan, provided that:

[1] The new structure or expansion is not closer to the tidal waters, tidal wetlands or tributary streams than the standard rear yard setback of the underlying zone, or 25 feet, whichever is greater.

(e) Development activities may not disturb Habitat Protection Areas other than the Buffer, and may not occur in the Buffer where other Habitat Protection Areas overlap with the Buffer.

(f) New multifamily residential, institutional, commercial and industrial development and redevelopment shall not be closer than 50 feet to the line of mean high water or the minimum standard rear yard setback, whichever is greater.

(g) The setback requirements of the underlying base zone shall be satisfied, or variance from the setback requirements shall be approved, before requests for additional intrusion into the Buffer are considered.

(h) BMA designation shall not be used as a criterion to facilitate approval of the filling of tidal wetlands that are contiguous to the Buffer, for the purpose of creating additional buildable land for new development or redevelopment.

(4) Offsetting requirements. All development activities in the Buffer Modification Area which cause additional lot coverage shall be required to offset for such development as follows:

(a) Natural forest vegetation covering an area twice the extent of the lot coverage created in the Buffer shall be planted on the site and within the Buffer to the maximum extent practicable. If the Buffer is of an existing fully forested/vegetated condition, other locations on site may be considered. If locations on site are inadequate or unavailable, plantings may occur offsite in accordance with §297-132.E(4)

(b) When site constraints prevent full compliance with the above-described planting requirement, alternative offsets may include the removal and replacement, with natural forest vegetation, of existing lot coverage area in the Buffer, of no less an area than the newly created lot coverage; the construction of best management practices for stormwater; wetland creation or restoration; or other measures that improve water quality and habitat.

(c) All plantings shall be in accordance with § 297-131.D of this article.

(5) The Swan Point Development is subject to the Swan Point Alternative for Buffer Modification Areas. The Swan Point Alternative guides development activities within the Buffer Modification areas of Swan Point, and can be found in Appendix L of the Charles County Zoning Ordinance.

G. General regulations.

(1) Construction staking. The outer edge of the Critical Area Buffer shall be field staked, clearly delineated with flagging as the limit of clearing and grading, and inspected by the Planning Division prior to the commencement of clearing and grading activities that occur within 50 feet of the Critical Area Buffer. The limits

of permitted clearing and grading within the Critical Area Buffer shall likewise be field staked and clearly delineated. Once construction is complete, the Critical Area Buffer shall be inspected by the Planning Division to ensure that no disturbance has occurred within the Critical Area Buffer.

(2) Signage. Permanent signage shall be required for those portions of the Critical Area Buffer which are owned by a homeowner's association under an approved Buffer Management Plan and within 50 feet of a residential or non-residential lot.

(3) Trails. Trails constructed within the Critical Area Buffer shall be:

(a) Nonmotorized;

(b) Constructed of a pervious material; and

(c) No more than six (6) feet in width.

H. Fee-in-lieu of Buffer mitigation.

(1) Applicants who cannot comply with the Buffer mitigation or offsetting requirements of Sections 297-131.A through G must pay into a fee-in-lieu program.

(2) Fees-in-lieu shall be assessed at the rate of $1.50 per square foot of mitigation or offset required.

(3) Any fees-in-lieu collected shall be placed in an account, which may not revert to the general fund, that will assure use of such fees for:

(a) Establishment of the Buffer on sites where planting is not a condition of development or redevelopment; or,

(b) Water quality and habitat enhancement projects within the Critical Area.

§ 297-132. Development standards.

The following standards shall apply to all development activities in the Critical Area Zone.

A. Density provisions.

(1) Intense Development Zone (IDZ). Density in the Intense Development Zone shall be as established in the underlying base zone.

(2) Limited Development Zone (LDZ). The density of development and minimum lot sizes permitted within a Limited Development Zone shall be governed by prescriptive densities within the applicable underlying base zoning districts. However, in underlying base zones that permit residential use, density may not exceed four units per acre.

(3) Resource Conservation Zone (RCZ). Residential densities in the Resource Conservation Zone shall be limited to no more than one dwelling unit per 20 acres, except as provided for in §§ 297-130 and 297-134 and below under Subsection A(5). **[Amended 6-20-2005 by Ord. No. 05-12]**

(4) Determining density. Maximum density shall be based on the areal portion of the parcel located within the Critical Area limits, excluding tidal wetlands, not to exceed one dwelling unit per 20 acres in the RCZ. In the RCZ, private wetlands, those wetlands located above the elevation of mean high water, may be included in the density calculation, provided the actual development density specific to the upland portion of the site does not exceed one dwelling unit per eight acres.

(5) Within the RCZ, one additional dwelling unit per lot or parcel shall be considered as part of the primary dwelling unit for the purpose of the density calculation under this subsection, if the additional dwelling unit meets either of the following sets of conditions: **[Added 6-20-2005 by Ord. No. 05-12]**

(a) Is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit; does not exceed 900 square feet in total enclosed area; and is served by the same sewage disposal system as the primary dwelling unit; or

(b) Is located within the primary dwelling unit; by its construction does not increase the amount of lot coverage already attributed to the primary dwelling unit; and is served by the same sewage disposal system as the primary dwelling unit.

(6) An additional dwelling unit meeting all the criteria of this section that is separate from the primary dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit. **[Added 6-20-2005 by Ord. No. 05-12]**

(7) The provisions of this section apply to density calculations only and may not be construed to authorize the County to grant a variance, unless the variance is granted in accordance with the requirements and standards in this ordinance for variances in the Critical Area. **[Added 6-20-2005 by Ord. No. 05-12]**

(8) The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit and shall provide this information on a quarterly basis to the Critical Area Commission. **[Added 6-20-2005 by Ord. No. 05-12]**

B. Intrafamily transfers. The one-unit-per-twenty-acre density limitation shall not prevent a bona fide intrafamily transfer to members of the owner's immediate family (as defined in §297-128), subject to the following limitations:

(1) Intrafamily transfers will be permitted on parcels of land in the Critical Area Zone where it is shown that the parcel was recorded on or before March 1, 1986, and where the portion of such parcel in the Critical Area is at least seven acres and not more than 60 acres in size.

(2) A notation shall be placed on the final subdivision plat denoting the lot(s) and residue that are created under these provisions.

(3) Subdivision of land within the Critical Area under the bona fide intrafamily transfer provisions contained herein shall be subject to the following limitations:

(a) Parcels of seven acres to less than 12 acres cannot be subdivided into more than a total of two lots.

(b) Parcels of 12 acres to less than 60 acres cannot be subdivided into more than three lots.

(4) Lots created pursuant to these provisions shall not be created for purposes of ultimate commercial sale. A lot created pursuant to these provisions may not be subsequently conveyed to any person except as provided herein:

(a) Where the conveyance is to a member of the owner's immediate family; or

(b) Where the conveyance of the lot is as part of a default on a mortgage or deed of trust.

(5) Any lot created under this subsection may not be transferred or sold to a third party, who is not a member of the owner's immediate family or holder of a mortgage or deed of trust on the property, unless and until the Planning Commission has determined that the following conditions apply:

(a) A change in circumstances has occurred since the original transfer, which would warrant permitting a subsequent transfer, when such circumstances

are consistent with the warrants and exceptions contained herein. A change in circumstance may include situations where the intrafamily transfer recipient has not resided in the County for the past five consecutive years and signs an affidavit verifying their intent not to reside in Charles County or demonstrates significant financial hardship; or

(b) Other circumstances necessary to maintain land areas to support protective uses of agriculture, forestry, open space and natural habitats in the RCZ warrant an exception.

(6) Deeds of transfer shall include a covenant stating that the lot is subject to the provisions of this subsection. These covenants shall restrict the subsequent transfer or sale of a lot or lots created pursuant to the intrafamily transfer provisions contained herein to a third party who is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, except as provided in Subsection B(5) above.

C. Incentives to cluster development. Clustering of subdivided lots in addition to that allowed within the base zones shall be permitted as follows:

(1) A cluster development (see Article XIV) shall be permitted in the RCZ, provided that the overall density in the RCZ is not increased.

(2) For those parcels which lie partially within and partially outside of the Critical Area Zones, clustering of development shall be permitted within the portion outside of the Critical Area Zones, provided that the following conditions are met:

(a) The requirements of cluster development (Article XIV) are met.

(b) The resulting density of the clustered area outside the Critical Area shall not exceed twice the density allowed by the underlying zone, and the resulting density on the entire parcel shall not exceed the base density allowed by the underlying zone.

(c) For computing the number of units which may be transferred outside the Critical Area, the net acreage will be equal to the total acreage of the parcel within the Critical Area minus the total acreage of tidal wetlands on the parcel. Transferable density shall be determined by the underlying base zone. For every lot created in the Resource Conservation Zone, 20 acres must be subtracted from the overall acreage used to calculate the amount of transferable units.

D. General regulations.

(1) Except as provided below, permitted uses, accessory uses and special exception uses in the Critical Area Zone shall be limited to those permitted within the existing applicable underlying base zone, as shown on the Official Charles County Zoning Maps.

(2) Existing industrial and commercial facilities, including those directly supporting agriculture, forestry and aquaculture, shall be allowed in the RCZ. Additional land may not be used in the RCZ for industrial or commercial development, except as provided in Figure IX-2. All other uses permissible in the underlying base zone shall require a growth allocation, as established in § 297-134.

Figure VIII-2

USES PERMISSIBLE IN THE RCZ
Uses Permitted Without Additional Requirements Specific to the RCZ
Commercial assembly/repair of agricultural equipment (accessory to a farm)
Grain dryers and related structures (accessory to a farm)
Hunting and fishing cabins
Greenhouses (no on-premises sales)
Commercial kennels (minimum 5 acres required)
Tenant houses
Primary residences with accessory apartment (restricted to 1 dwelling unit per 20 acres)
Seafood processing and operations (accessory to on-site waterfront access or products raised on site
Group homes (no more than 8 occupants)
Day-care homes (less than 7 care recipients)
Halfway houses (no more than 9 occupants)
Elderly care homes (no more than 8 occupants)
Rooming houses, boarding houses rented by the month
Bed-and-breakfast, tourist homes
Shelters (no more than 8 rooms or efficiencies)
Migrant workers' housing (occupants employed on owner's farm)
Helistops

USES PERMISSIBLE IN THE RCZ
Private and family burial sites
Park-and-ride facilities (public not-for-profit)
Blacksmith shops, welding shops, ornamental iron works, machine shops and sheet metal shops
Saw mills (accessory to on-site harvest)
Wineries
Wood/Stump grinding (accessory to on-site harvest)
Uses Permitted with Maximum [Impervious Surface] LOT COVERAGE of the Lesser of 15% of the Site Area or 20,000 square feet
Private elementary and secondary schools
Churches, synagogues and temples
Fire stations, rescue squads and ambulance services (accessory uses such as dance and bingo halls subject to growth allocation)
Private use airport
Research facilities and laboratories (noncommercial only)
Veterinary offices and hospitals (accessory to a farm)

(3) The following uses are prohibited in the Critical Area Zone, except in the Intense Development Zone, due to their high potential for adverse impact on plant and wildlife habitats and water quality, only after it has been demonstrated that the activity will create a net improvement in water quality to the adjacent body of water.

(a) Non-maritime heavy industry; and

(b) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants).

(4) The following uses are prohibited in the Critical Area Zone:

(a) New or expanded solid or hazardous waste collection or disposal facilities, excluding dumpsters and trash receptacles;

(b) New or expanded sanitary landfills; and

(c) New sludge handling, storage, and disposal facilities, other than those associated with wastewater treatment facilities; however, agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted. Charles County reserves the right to regulate the application of sludge, exterior to the Buffer in the Critical Area, and sludge application in the Buffer is prohibited.

(5) Sand and gravel operations, as defined in § 297-128 of this article, may be permitted as Special Exceptions in the Critical Area Zone if they are permissible by Special Exception in the underlying base zone, they comply with all other applicable sections of this chapter, and if the following requirements are met:

(a) Proposed surface mining operations, and expansions thereof, in the Critical Area Zone must assure that all available measures will be implemented to protect the Critical Area from sources of pollution, including, but not limited to, sedimentation, siltation, chemical and petrochemical use and spillage; and storage and/or disposal of water, dusts, and spoils.

(b) Surface mining within the Critical Area shall be prohibited in the following unsuitable areas:

[1] Areas where important natural resources, such as threatened and endangered species, are of unique scientific value or Habitat Protection Areas occur;

[2] Areas where highly erodible soils exist;

[3] Areas where the use of renewable resource lands would result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture or would result in a degrading of water quality or a loss of vital habitat; or

[4] The lands within the Buffer extending a minimum of 100 feet from the mean high water line of tidal waters, or from the edge of perennial streams.

(c) Future wash plant facilities, including ponds, spoil piles and equipment, may not be located within the Buffer.

(d) The applicant will identify appropriate post-excavation uses for the land such as recreation, habitat restoration, open space use or development .

(e) Upon the expiration and as a condition of renewal of the special exception permit for any existing sand and gravel operations within the Critical Area, the county will review the activity to assure that:

[1] To the fullest extent possible, extraction activities are separated by a minimum one-hundred-foot buffer of natural vegetation from the mean high water line of tidal waters or the edges of streams and tidal wetlands, whichever is further inland.

[2] Existing wash ponds are to be reclaimed as soon as possible after cessation of the sand and gravel operation.

(6) The Planning Director may make reasonable accommodations to avoid discrimination on the basis of a physical disability and allow improvements to property that would not otherwise be permitted. Reasonable Accommodations for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in the following paragraphs:

(a) An applicant shall have the burden of demonstrating:

[1] The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act.

[2] That literal enforcement of the provisions of this Ordinance would result in discrimination by virtue of such disability;

[3] A Reasonable Accomodation would reduce or eliminate the discriminatory effect of the provisions of this Ordinance, or restore the disabled resident's or user's reasonable use or enjoyment of the property.

[4] The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this chapter; and,

[5] Environmental impacts associated with the accommodations are the minimum necessary to address the needs resulting from the particular disability of the applicant.

(b) The Planning Director may require, as a condition of approval, that upon termination of the need for the accommodation, the property be restored to comply with all applicable provisions of this chapter. The Planning Director may require the posting of an appropriate bond in order to ensure the County's ability to restore the property should the applicant fail to do so. The County is not precluded from placing a lien on the property to ensure the County's ability to restore the property should the applicant fail to do so.

(7) Agricultural activities outside of the Buffer, including the clearing of new agricultural lands are permitted under a soil conservation and water quality plan, approved by the soil conservation district, provided that:

(a) A program of best management practices be implemented for the specific purposes of improving water quality and protecting plant and wildlife habitat by controlling the nutrient, animal waste, pesticide and sediment runoff generated by the agricultural activity;

(b) The best management practices shall include a requirement for the implementation of a nutrient management program where appropriate;

(c) The drainage, diking or filling of non-tidal wetlands for the purpose of new agricultural lands is prohibited; and

(d) Agricultural activities, including the grazing of livestock, do not impact habitat protection areas as described in this Ordinance.

E. Woodland reforestation and afforestation standards outside of the Critical Area Buffer. Where reforestation or afforestation is required for development outside of the Critical Area Buffer, a reforestation and/or afforestation plan shall be prepared in accordance with the Charles County Forest Conservation Ordinance[27]. The following conditions also apply:

(1) Planting plans, bonds and inspections. Required planting plans shall be prepared and submitted with the site plan, preliminary plan or final subdivision plat. A planting plan shall be included as a required public improvement with site plans or subdivisions plats. The planting plan must demonstrate compliance with the minimum standards for reforestation and afforestation in the Charles County Forest Conservation Ordinance. The plans must also show:

(a) The site plan, building outlines (existing and proposed), walls, fences,

[27] Editor's Note: See Ch. 298, Forest Conservation

parking spaces, loading spaces, driveways, walks, storage areas, public rights-of-way, easements and the general location of structures and uses of abutting properties;

(b) Existing and proposed grades; and

(c) Existing vegetative cover to be retained and the location, general size and type of such vegetation.

(d) Exact location**,** size**,** and species of all required plantings.

(2) Plant materials and planting schedule.

(a) Tree or shrub species for afforestation or reforestation shall be Maryland natives, approved by the Planning Division for suitability. Areas planted to satisfy mitigation or offsetting requirements shall be designed to mimic the structure and species composition of the natural forest vegetation disturbed.

(b) All planting should be completed between the month of November and the month of May. For the first two years, steps should be taken to control competing vegetation. Technical assistance from the Maryland Department of Natural Resources or by the Charles County Forester is highly recommended.

(c) For the purpose of determining credits for planting materials, the following standards shall apply:

MATERIAL	**SQUARE FOOTAGE CREDIT**
Large canopy tree at least 6 feet tall and 1 inch dbh	200 square feet
Understory tree at least 6 feet tall and 1 inch dbh	100 square feet
Bare root seedlings	50 square feet
Large shrubs 3 gallon and 3-4 feet high	50 square feet
Small shrubs 3 gallon and 18 inches high	25 square feet
Native grasses	Equal to area of coverage

MATERIAL	SQUARE FOOTAGE CREDIT
Planting Cluster Type A: 1 canopy tree and either 3 large shrubs or 6 small shrubs	400 square feet
Planting Cluster Type B: 2 understory trees and either 3 large shrubs or 6 small shrubs	400 square feet

(3) The planting plan shall be accompanied by an estimate of the cost for all materials, labor and maintenance. Upon approval of the plan and the cost estimate, the applicant or owner shall enter into an agreement with the county to provide and maintain plantings as may be required. The Planning Division may require that a performance bond or other approved surety executed by the applicant or owner be provided for planting plans with estimated costs in excess of $5,000, in accordance with the standards set forth in the Charles County Forest Conservation Ordinance. In addition:

(a) If the foregoing costs exceed the amount of the deposit bond or other approved surety, the excess shall be a continuing obligation of the property owner.

(b) Failure to maintain, or replace any dead plant materials, shall result in a forfeiture of the surety posted for the amount necessary to replace the dead plant materials.

(c) Where existing vegetation is to be used to meet the requirements contained herein, the surety requirement may be modified appropriately. However, to the extent that existing vegetation is or will be inadequate to meet the standards set herein, a planting plan meeting all of the requirements herein must be submitted.

(d) All plantings shall be inspected by the county upon notification by the applicant or owner and shall be approved if they substantially accomplish the results shown in the planting plan.

(4) The replacement forest area should be located on the affected property or within the Critical Area whenever possible. Replacement areas shall also comply with the priorities for determining reforestation and afforestation areas set forth in the Charles County Forest Conservation Ordinance.[28] Replacement forest areas may be established in the following approved areas, in order of priority:

28 **Editor's Note: See Ch. 298, Forest Conservation.**

(a) Planting on a property owned by the applicant within the Critical Area.

(b) Planting on another property within the Critical Area not owned by the applicant with a permanent protective easement recorded.

(c) Planting on an abandoned sand and gravel extraction site(s) within or adjacent to the Mattawoman and Zekiah areas of critical state concern with a permanent protective easement recorded.

(d) Planting or natural regeneration on existing agricultural land within the Critical Area, outside of the Critical Area Buffer, approved by the County to create or enhance a forest environment with a permanent protective easement recorded.

(e) Retention of existing forest on historically used crop lands, as identified by aerial photos taken no earlier than 1970, and/or soil conservation plan records. Retention shall be at two times the required mitigation and recorded under a permanent conservation easement.

Mitigation provided in the form of any of the above methods shall be approved by the Planning Division and in place prior to approval of the associated development activity.

(5) Applicants who cannot comply with the mitigation requirements of this chapter either on-site or through off-site methods available must pay into a fee-in-lieu program. Any fees-in-lieu collected shall be placed in an account that will assure use of such fees only for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement, Critical Area environmental education, or acquiring perpetual land preservation easements. Fees-in-lieu, as determined by the Charles County Commissioners and adopted annually, shall be assessed per square foot of mitigation remaining outstanding.

F. Development standards in the Intense Development Zone (IDZ). All development and redevelopment in the IDZ shall be subject to the following development standards and/or conditions, in addition to those established elsewhere in this chapter:

(1) All sites for which development activities are proposed shall identify environmental or natural features on that portion of site within the Critical Area.

(2) No structure or uses associated with development in an Intense Development Zone shall be permitted within the Buffer, except as provided for in § 297-131.

(3) Development and redevelopment shall be designed to conserve and enhance fish, wildlife, and plant habitats to the extent possible, subject to a Habitat Protection Program and requirements of §297-137.

(4) Roads, bridges or utilities are prohibited in a habitat protection area unless no feasible alternative exists. Roads, bridges and utilities that must cross a habitat protection area shall be located, designed, constructed and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality.

(5) A development activity may not be located in a manner that will cross or affect a tributary stream unless no feasible alternative exists. All development activities which cross or affect tributary streams in the Critical Area shall:

(a) Cross the stream as close as possible to a ninety-degree angle;

(b) Minimize adverse impacts to water quality and stormwater runoff, and reduce increases in flood frequency and severity that are attributable to development;

(c) Provide for retention of natural stream bed substrate; and

(d) Retain existing tree canopy in the Buffer.

(6) Development and redevelopment shall be designed to minimize the adverse water quality and quantity impact of stormwater and encourage the use of retrofitting measures to address existing stormwater management problems. Additionally, a development proposal shall be required to use stormwater management practices appropriate to site development which achieve a ten-percent reduction of predevelopment pollutant loadings. Applicants must comply with the most current ten-percent reduction guidance documents published by the Chesapeake Bay Critical Area Commission.

(7) All non-tidal wetlands shall be protected according to state regulations, except where they are adjacent to tidal waters, tidal wetlands, and/or a tributary stream, in which case they shall also be buffered according to county standards.

(8) Where the underlying zone permits cluster development, new residential subdivisions, as a means to reduce lot coverage and to maximize areas of natural vegetation, shall be required to use cluster development to the extent feasible.

(9) Proposed development and redevelopment activities shall include measures for stabilizing significantly eroding shoreline reaches on the proposed development site. Nonstructural shoreline erosion control measures shall be used unless it can be demonstrated that such measures would be impractical or ineffective.

G. Development standards in Limited Development Zone (LDZ) and Resource Conservation Zone (RCZ). All development and redevelopment in the LDZ and the RCZ shall be subject to the following development standards and / or conditions, in addition to those established elsewhere in this chapter:

(1) All sites for which development activities are proposed shall identify environmental or natural features on that portion of site within the Critical Area.

(2) Site development shall be designed to assure that those features or resources identified as Habitat Protection Areas in §297-137 are afforded protection as described in said section.

(3) Roads, bridges or utilities are prohibited in a habitat protection area unless no feasible alternative exists. Roads, bridges and utilities that must cross a Habitat Protection Area shall be located, designed, constructed and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality.

(4) A development activity may not be located in a manner that will cross or affect a tributary stream unless no feasible alternative exists. All development activities which cross or affect tributary streams in the Critical Area shall:

(a) Cross the stream as close as possible to a ninety-degree angle;

(b) Minimize adverse impacts to water quality and stormwater runoff, and reduce increases in flood frequency and severity that are attributable to development;

(c) Provide for retention of natural stream bed substrate; and

(d) Retain existing tree canopy in the Buffer.

(5) Development activities shall be located and designed to provide for the maintenance of the existing wildlife and plant habitats on the site and to maintain continuity with those on adjacent sites. When wildlife corridors exist or are

proposed, they shall include any existing Habitat Protection Areas and connect large forested areas on or adjacent to the site.

(6) Forest and developed woodlands, as defined, shall be created or protected in accordance with the following:

(a) Developed woodland vegetation shall be conserved to the greatest extent practicable;

(b) The total acreage in forest coverage within the Critical Area shall be maintained or, preferably, increased;

(c) If no forest is established on a proposed development site, the site shall be planted to provide a forest or developed woodland cover of at least 15 percent. The location of the afforested area should be designed to reinforce protection to habitats on the site or to provide connections between forested areas when they are present on adjacent sites.

(d) When forests, or developed woodland exists on the site and proposed development requires the cutting or clearing of trees, areas proposed for clearing shall be identified on the proposed development plan.

(e) The applicant shall submit proposed plans for development showing areas to be cleared, reforested and/or afforested to the Charles County Department of Planning and Growth Management.

(f) The Charles County Planning Division shall review all plans for clearing or cutting associated with proposed development activities. Approval for proposed development activities shall require that the proposed development activity has been reviewed and determined to be in compliance with the Charles County Critical Area Program.

(g) Cutting or clearing which is associated with development shall be subject to the following limits and replacement conditions:

[1] Removal of forest or developed woodland in the Buffer is prohibited, except as permitted under §297-131;

[2] All forested areas cleared or developed woodland removed shall be mitigated in accordance with Subsection E;

[3] No more than 20% of the forested or developed woodland within

the site proposed for development may be removed (except as provided for below), and the remainder shall be maintained as forest cover through the use of appropriate legal instruments as approved by the county;

[4] The clearing of forest or developed woodland of up to 20% shall be mitigated on an area basis of one to one (1:1);

[5] An applicant may propose clearing up to 30% of the forest or developed woodland on a site, but if greater than 20% of the forest or developed woodland is removed, then the clearing shall be mitigated at the rate of 1.5 times the entire area removed;

[6] Clearing of more than 30% of the forest or developed woodland on a site shall require the approval of the Charles County Board of Appeals. Once approved, mitigation shall be required at a rate of three times the area cleared; and,

[7] Clearing on residential lots one-half acre or less in size that were in existence on or before December 1, 1985 may exceed 30% of the existing forest or developed woodland provided that it is limited to the minimum amount necessary to accommodate a principal structure, including decks, patios, and accessory structures and does not exceed 8,000 square feet. Mitigation shall be required at a ratio of 1:1.

(h) Limited cutting or clearing of trees and shrubs is allowable for the following non-development-related purposes only, provided that clearing is limited to the minimum amount necessary to complete the proposed project and is subject to approval by the Planning Division under a County Tree Removal Authorization (for under 1,000 square feet of disturbance), a Zoning permit, and/or grading permit:

[1] For personal use, provided that trees and shrubs cut are replaced on an equal area basis;

[2] To prevent trees from falling and blocking streams, causing damage to dwellings or other structures or resulting in accelerated erosion of the shore or streambank;

[3] In conjunction with horticultural practices used to maintain the health of individual trees; or

[4] To protect trees from extensive pest or disease infestation with the advice of the Department of Agriculture or the Department of Natural Resources.

(i) Surety in the form of a performance bond or other means acceptable to the county shall be provided in accordance with §297-132 E.

(j) The forests and developed woodland required to be retained or created through afforestation or reforestation efforts off-site, in accordance with subsection E, shall be maintained through restrictive covenants, easements or similar instruments in a form approved by the county.

(k) Applicants who cannot comply with reforestation or afforestation requirements above may pay into a fee-in-lieu program. Any fees-in-lieu collected shall be placed into an account that will assure use of the fees only for projects within the Critical Area for the benefit of wildlife habitat, water quality improvement or environmental education. Fees-in-lieu, as determined by the Charles County Commissioners and adopted annually, shall be assessed per square foot for each square foot of reforestation or afforestation required that cannot be satisfied on site or at an approved off-site location.

(l) If the cutting of forests and/or developed woodland occurs before a required grading permit, Zoning permit, or, Tree Removal Authorization has been obtained, the forest and / or developed woodland is required to be replanted according to § 297-135.

(m) Commercial harvesting of trees is permitted, under a Timber Harvest Plan approved by the Maryland Department of Natural Resources (DNR), provided that cutting or clearing within Habitat Protection Areas conserves wildlife and habitat, under a Habitat Management Plan approved by the Wildlife and Heritage Division of DNR. Harvesting within the Critical Area Buffer is additionally subject to a Buffer Management Plan approved by the Charles County Department of Planning and Growth Management, Planning Division.

(7) Development on slopes of 15% or greater shall be prohibited.

(8) Lot coverage requirements.

(a) Lot coverage shall be limited to 15% of a parcel or lot, except as otherwise

provided below in this subsection.

(b) Lot coverage is limited to 25% of the parcel or lot if the parcel or lot is ½ acre or less in size and existed on or before December 1, 1985.

(c) If a parcel or lot greater than ½ acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to 15% of the parcel or lot.

(d) Lot coverage in a subdivision approved after December 1, 1985 may not exceed 15%. However, the total lot coverage on an individual lot one acre or less in size may exceed 15%.

[1] To demonstrate compliance with lot coverage requirements outlined in subsection G(8)(d) above, proposed lot coverage calculations shall be provided to the Planning Division for review prior to approval of any preliminary subdivision plan, subdivision plat, lot consolidation, or lot reconfiguration.

(e) This subsection does not apply to a trailer park that was in residential use on or before December 1, 1985.

(f) The Charles County Planning Division may allow a property owner to exceed the lot coverage limits provided above in Subsection G(8)(b) through (d) of this section, if the following conditions exist and if the following actions are taken:

[1] The owner submits a written request detailing the purpose and justification of the need to exceed lot coverage limits;

[2] New lot coverage associated with new development activities on the property has been minimized;

[3] For a lot or parcel ½ acre or less in size, total lot coverage does not exceed lot coverage limits in applicable Subsection G(8)(a) through (d) of this section by more than 25% or 500 square feet, whichever is greater;

[4] For a lot or parcel greater than ½ acre and less than one acre in size, total lot coverage does not exceed lot coverage limits in applicable Subsection G(8)(a) through (d) of this section or 5,445 square feet, whichever is greater;

[5] Water quality impacts associated with runoff from the new development activities that contribute to lot coverage can be and been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality. Minimization shall be demonstrated through engineered calculations or other methods approved by the county;

[6] The property owner performs on-site mitigation with natural forest vegetation covering an area twice the extent of the new lot coverage to offset potential adverse water quality impacts from the new development activities that contribute to lot coverage, or, if on-site mitigation, or approved off-site mitigation is not feasible, the property owner pays a fee-in-lieu to the county at the rate determined by the Charles County Commissioners and adopted annually for each square foot of mitigation that cannot be met on-site or at an approved off-site location, and

[7] The property is not located in a Buffer Modification Area.

(g) When a portion of a lot or parcel is located within the limited development or resource conservation zone, lot coverage shall be limited to 15% of that portion of the lot or Parcel that is designated LDZ and 15% of that portion that is designated as RCZ.

(h) In the case of a growth allocation award, to the limited development zone, lot coverage shall be limited to:

[1] 15 percent of the growth allocation development envelope; or,

[2] 15 percent of the acreage proposed for growth allocation deduction.

(i) Where the underlying zone permits cluster development, new residential subdivisions, as a means to reduce lot coverage and to maximize areas of natural vegetation, shall be required to use cluster development to the extent feasible.

(9) All non-tidal wetlands shall be protected according to state regulations, except where they are associated with a stream, in which case they shall also be buffered according to county standards.

(10) Proposed development and redevelopment activities shall include measures for stabilizing significantly eroding shoreline reaches on the proposed development site or otherwise protecting property as established in the Charles County Critical Area Program. Nonstructural shoreline erosion control measures shall be used unless it can be conclusively demonstrated that such measures would be impractical or ineffective.

H. Habitat Protection Areas. All proposed development activities shall be subject to the habitat protection program and requirements of §297-136. In addition, the following regulations shall also apply:

(1) Applicants for subdivision or development activities shall be required to map any Habitat Protection Areas that are located on the project site or that may be affected by the proposed development.

(2) If it is determined that the proposed development activity has the potential to negatively affect the function of a Habitat Protection Area, the applicant will be required to develop a Habitat Protection Plan as specified in §297-136 of this chapter.

I. Critical Area Commission notification procedures for the processing of subdivisions and site development plans.

(1) Within 10 days of approval or denial by the Critical Area planner, a copy of the site plan and/or subdivision drawing shall be sent to the Critical Area Commission for their file.

(2) Should changes be made to the drawing / plan that the Critical Area planner deems are relevant to Critical Area review the Critical Area planner shall determine if a new review is needed and provide any resultant copies to the Critical Area Commission for their file. Should the Critical Area planner determine that changes made are considered inconsequential to Critical Area review, the prior approval or denial shall remain valid.

(3) Upon final approval or denial of a site plan or subdivision by the Department of Planning and Growth Management, the Critical Area planner shall provide a copy of the approval or denial letter issued by the County to the Critical Area Commission for their file.

§ 297-133. Site plans.

All development activities proposed in the Critical Area require the submission of a site plan and the Charles County Critical Area form for County approval. The site plan requirements for a major site plan found in Appendix A of this chapter shall be made part of this article for purposes of development review. The Planning Director or designee may accept a site plan that does not meet all of the requirements of Appendix A should it be determined by the Planning Director that the information in question is not essential to the review of the development activity.

§ 297-134. Growth Allocation (GA). [Amended 10-25-1994 by Ord. No. 94-99; 11-21-1994 by Ord. No. 94-99]

A. Purpose and intent. Growth allocation is the system by which Critical Area overlay zones are redesignated to allow for denser development. Growth allocation may be used in existing limited development zones or in resource conservation zones. The purpose of the growth allocation system is to designate areas within the Critical Area where the County Commissioners may approve a change in the current Critical Area overlay zone on specific sites and for specific development projects. Only specific development projects, site plans, preliminary subdivisions or planned development zones regulated under Article VII of this chapter may be considered by the County Commissioners for a growth allocation award. The County Commissioners must approve growth allocation prior to general approval of the development projects with which they are associated, although review may occur simultaneously with the growth allocation application. Growth allocation approval may be contingent upon other local, state and federal approvals.

B. Location criteria. The granting of growth allocation shall be consistent with the Charles County Critical Area Program. When approving the Growth Allocation Zone, the County Commissioners shall use the following standards to determine if the location of the proposed Critical Area Zone under the GA Zone classification is consistent with the Charles County Critical Area Program:

(1) Locate A new IDZ in an existing LDZ or adjacent to an existing IDZ;

(2) A new IDZ must be a minimum of 20 acres unless it is adjacent to an existing IDZ or LDZ; and

(3) Locate A new LDZ adjacent to an existing LDZ or IDZ.

(4) Locate a new LDZ or IDZ in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09 and in an area and manner that

optimizes benefits to water quality.

(5) Locate a new IDZ or a LDZ in a RCZ at least 300 feet beyond the landward edge of tidal wetlands or tidal waters unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources.

(6) Locate new IDZ and LDZ in a manner that minimizes their impacts to the defined land uses of the RCZ.

(7) Except as provided in §297-134(b)(9), no more than one-half of the expansion may be located in the RCZ.

(8) New IDZs or LDZs involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the Comprehensive Zoning Map submitted as part of an application to the Commission for program approval or at a later date in compliance with §8-1809(G), Annotated Code.

(9) If the County is unable to utilize a portion of the growth allocated to the County within or adjacent to existing IDZs or LDZs as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the RCZ. A developer shall be required to cluster any development in area of expansion authorized under this standard.

C. Design Criteria. Growth allocation applications shall comply with the following design criteria:

(1) The design of development projects which use growth allocation awards must minimize impacts to Habitat Protection Areas and optimize benefits to water quality;

(2) The designation of development projects which use growth allocation awards must provide adequate protection to historic and archaeological resources listed on state or local surveys or properties on or eligible for the National Register of Historic Places;

(3) When growth allocation is permitted in an RCZ not adjacent to an IDZ or LDZ, the applicant will be required to cluster the development and provide for resource enhancement in the design of such development;

(4) All Habitat Protection Area issues must be identified and addressed, and preliminary habitat protection plans must be approved by the Planning Division;

(5) All Critical Area Commission standards must be met by the project; and

(6) The project must conform with the Charles County Critical Area Program at the time of development.

(7) The project application must consider and address the following factors:

(a) Consistency with the Comprehensive Plan and its goals and objectives;

(b) For a new IDZ, whether the development:

[1] Is served by a public wastewater system;

[2] Has an allowed average density of at least 3.5 units per acre, as calculated under §5-7b-03(h) of the state finance and procurement article;

[3] Is located within a Priority Funding Area, when the project area exceeds 20 acres; and

[4] Demonstrates an economic benefit to the area.;

(c) For a new LDZ, whether the development:

[1] Is served by a public wastewater system or septic system that uses the best available nitrogen removal technology;

[2] Is a completion or expansion of an existing subdivision or is clustered.;

(d) Minimizes impacts to Priority Preservation Areas, as designated by Charles County;

(e) Minimizes environmental impacts associated with wastewater and stormwater practices and discharges; and,

(f) Minimizes environmental impacts associated with location in a coastal hazard area or increased flooding attributable to the proposed development.

D. Basis for determining maximum permitted density. Maximum permitted densities will be

computed based on the total site area less the area occupied by tidal wetlands. The maximum density that will be permitted using growth allocation awards shall be limited as follows, depending on which is the more restrictive:

(1) The total number of approved individual septic systems or total number of units approved for community facilities by the Charles County Health Department, Maryland Department of the Environment, or the Charles County Department of Planning and Growth Management; or

(2) The maximum number of dwelling units permitted under all applicable zones.

E. Conditions of approval.

The development of a proposed project must demonstrate that the following design standards will be met or exceeded in order to be approved:

(a) All applicable requirements of the Charles County Critical Area Program, this chapter and the Subdivision Regulations.[29]

(b) The design of the development enhances the water quality and resource and habitat values of the area, e.g., results in additional planting of forest cover in the Buffer and implementation of Best Management Practices on portions of the site to be retained in agriculture use.

(c) The development incorporates the comments and recommendations of county and the Department of Natural Resources in the project design.

(d) The applicant executes restrictive covenants or conservation easements that guarantee maintenance of the required open space areas.

(e) The proposed project maximizes the use of permanent conservation easement and minimizes the use of the county's Growth Allocation.

F. Computing the use of the growth allocation. Growth allocation acreage shall be computed in one of two ways:

(1) The total Critical Area portion of the parcel or set of parcels not in tidal wetlands, less Buffers, that are 300 feet or greater shall be subtracted from the county's total growth allocation set forth in the Charles County Critical Area Program for approved Growth Allocation Zones.

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29 **Editor's Note: See Ch. 278, Subdivision Regulations**

(2) Development envelopes may be used to calculate growth allocation acreage. Projects must meet the following requirements.

(a) Only one development envelope shall be established per parcel or set of parcels, unless it can be demonstrated that multiple development envelopes will better promote environmental and other conservation considerations of the Charles County Critical Area Program. The use of multiple development envelopes shall be allowed only if such a practice is consistent with Critical Area Commission policy or regulations.

(b) If a development envelope is proposed in the RCZ and less than 20 acres remain outside the development envelope, or the original parcel in the RCZ is less than 20 acres, then the entire parcel must be deducted.

(c) If there is a permanently protected RCZ which is contiguous to acreage outside the development envelope resulting in a minimum of 20 acres in the RCZ, then the entire parcel does not have to be deducted.

G. [Amended 2-10-1998 by Ord. No. 98-59] Procedures. The county's growth allocation acreage will be awarded on a project-by-project basis to permit changes in the Critical Area boundaries that are consistent with the Charles County Critical Area Program, Charles County Comprehensive Plan and the base zoning when a specific development project is proposed. The following procedures will be followed in determining if a site qualifies for the application of growth allocation.

(1) All projects that require growth allocation for completion must apply for growth allocation at the earliest development review stage to which the projects are subject.

(2) At the request of the applicant, the Department of Planning and Growth Management will review concept, sketch or comprehensive development plans submitted for consistency with the Critical Area Program and will provide general comments and recommendations to the applicant prior to submission of preliminary site plans or plats or applications for a Planned Development Zone.

(3) Applicants for growth allocation will request that the County Commissioners designate a Growth Allocation Zone to their project site.

(4) All applications for the Growth Allocation Zone shall be accompanied by a preliminary site plan or preliminary subdivision plan or application for a Planned Development Zone prepared as per the requirements of this chapter and/or the

county's Subdivision Regulations.[30]

(5) Growth allocation applications are accepted in the months of February, May, August, and November, upon payment of the Growth Allocation Request Fee.

(6) Upon receipt of application and plans, the Zoning Officer will review the materials for completeness. Incomplete applications will be returned with comments within 30 days of submission.

(7) Upon receipt of a complete submission, the Zoning Officer will review the application package and the request for growth allocation and provide comments and evaluation to the applicant within 45 business days.

(8) After revising the growth allocation application and plan, and other supporting information based on the initial review, the applicant may resubmit the application. Once an application has been deemed complete and has been found in compliance with the Charles County Critical Area Program and applicable sections of all county ordinances, the Zoning Officer shall proceed in accordance with time frames set forth in § 297-448 of this chapter.

(9) The Zoning Officer will review the proposed project and submit his or her recommendations to the Planning Commission. The Planning Commission will hold a public meeting on all submissions, which shall include the following:

(a) Presentation of the project by the applicant;

(b) Staff analysis review comments and evaluation; and

(c) Submission of public comments.

(10) The Planning Commission will then prepare and forward its report and recommendations on the proposed project and the report, evaluation and recommendations of the Zoning Officer to the County Commissioners. The applicant may amend the application based on the Planning Commission, staff or public comments at any time, but may be subject to new review by planning staff, the Zoning Officer and/or the Planning Commission.

(11) Public hearing. After the Planning Commission makes its final recommendations, the County Commissioners will hold a public hearing on the growth allocation reclassification for the proposed development project. The public hearing shall

30 **Editor's Note: See Ch. 278, Subdivision Regulations.**

include:

(a) Presentation of the project by the applicant;

(b) Staff review, comments and recommendations; and

(c) Planning Commission review, comments and recommendations; and public testimony.

(12) Approval. In order to approve a growth allocation application, the County Commissioners must find that the proposed project, with its growth allocation plan, meets growth allocation design and location criteria, is sufficient to achieve the purposes of the critical area classification requested and the underlying base zone or Planned Development Zone, is compatible with the surrounding area and is consistent with the Comprehensive Plan. The approval of a growth allocation request shall establish special conditions to be satisfied during the development process, including, but not limited to, an initial phasing schedule as required by §297-134.I(3), the timing of construction, on-site and off-site improvements, buffering, environmental standards and requirements and fiscal impact limitations.

(13) In approving an application for growth allocation, the County Commissioners may establish additional conditions of approval consistent with the intent of the Charles County Critical Area Program.

(14) Final decision. Following the public hearing, the County Commissioners will make the final decision whether or not to grant the reclassification, and determine any specific conditions of approval, including approval of an initial phasing schedule.

(15) The County Commissioners will then forward the request for use of growth allocation to the Critical Area Commission to be considered as either a program amendment or program refinement.

(16) Upon final approval of the growth allocation and conditions of approval by the County Commissioners and the Critical Area Commission, the conditions of approval shall be formalized in the form of a zoning indenture.

(17) The applicant may proceed to the next steps of development approval, once the indenture has been finalized and recorded in Charles County's land records.

(18) Subsequent to the approval of the growth allocation, the applicant will provide

payment of the growth allocation fee and the official Critical Area maps shall be amended.

(19) An updated phasing schedule will be submitted simultaneously with each preliminary subdivision plan and/or site plan for review and approval.

(20) Prior to approving the final site plan or subdivision plat, the Planning Commission will ensure that all conditions of approval of growth allocation are incorporated into the final plan, performance agreements, deed covenants, etc.

(21) Final subdivision plats and site plans shall be processed as per the requirements of this chapter and the Subdivision Regulations.[31]

H. Objectives for applying the growth allocation.

(1) Growth allocation proposals must provide a net positive fiscal impact to the county.

(2) Fifty percent of the total growth allocation acreage will be reserved for commercial and industrial uses.

I. Growth allocation plan. Any application for designation as a Growth Allocation Zone shall be accompanied by a growth allocation plan which contains all information necessary to evaluate the proposal, including, but not limited to, the following:

(1) Justification and written discussion of how the project meets growth allocation location and design criteria described earlier in Subsections B and C of this section.

(2) Justification and written discussion of how the project meets or exceeds design standards listed in Subsection E of this section.

(3) Schedule and phasing with approximate dates for beginning and completion of each phase of construction and projected market absorption.

(4) A report showing fiscal impact of the proposed project on the county.

(5) A statement showing the relationship of the proposed development to the Charles County Comprehensive Plan.

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31 **Editor's Note: See Ch. 278, Subdivision Regulations.**

(6) A description of the surrounding area of the subject property that will be affected by the requested growth allocation classification.

(7) A site plan illustrating necessary components of the proposal.

(8) Any additional materials necessary to satisfy the Critical Area Commission's growth allocation submittal regulations, COMAR 27.01.02.05-1

J. Growth allocation review.

(1) The Planning Division shall review the progress of the development on an annual basis to determine whether or not the development is meeting the goals & objectives of the growth allocation, the conditions of the growth allocation and/or the most recently approved phasing schedule. If the Planning Division determines that the development is not meeting the goals & objectives of the growth allocation, the conditions of the growth allocation and/or the phasing schedule and the applicant is not making good faith efforts to address these elements, the Planning Division may refer the development to the Planning Commission for its review and recommendation.

(2) Upon referral from the Planning Division, the Planning Commission will review the growth allocation to determine whether or not the development is meeting the goals & objectives of the growth allocation, the conditions of the growth allocation and/or the most recently approved phasing schedule. If the Planning Commission finds that the development is not meeting the goals & objectives of the growth allocation, the conditions of the growth allocation and/or the phasing schedule and the applicant is not making good faith efforts to address these elements, the Planning Commission may recommend to the County Commissioners that appropriate action be taken, which may include a recommendation that the growth allocation be withdrawn.

(3) The County Commissioners will hold a public hearing upon receipt of the recommendation from the Planning Commission. If the County Commissioners determine that the development is not meeting the goals & objectives of the growth allocation, the conditions of the growth allocation and/or the most recently approved phasing schedule and the applicant is not making good faith efforts to address these elements, the County Commissioners may take whatever action they deem necessary, to include withdrawal of the growth allocation.

§ 297-135. Critical Area violations. [Added 10-25-1994 by Ord. No. 94-99; amended 6-20-2005 by Ord. No. 05-12]

A. A development activity commenced without a required permit, approval, variance, or special exception is a violation of Natural Resources Article §8-1808 and Article IX of the Charles County Zoning Ordinance and Critical Area Program. Violations in the Critical Area will be enforced in accordance with Article I of this chapter, except for**:**

(1) Notwithstanding, § 297-4A, regarding the maximum fine of $300, and, in addition to any other penalty applicable under state or County law, each person who violates a provision of the Natural Resources Article, Title 8, Subtitle 18, or this chapter, including a contractor, property owner, or any other person who committed, assisted, authorized, or participated in the violation is subject to a civil penalty not exceeding $10,000, per offense, per day.

(2) Civil penalties for continuing violations shall accrue without a requirement for an additional assessment, notice or opportunity for a hearing for each separate offense.

(3) In determining the amount of the penalty to be assessed under Subsection A, the County shall consider the following:

(a) The gravity of the violation;

(b) Any willfulness or negligence involved in the violation;

(c) The environmental impact of the violation; and

(d) The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to the county for performing, supervising, or rendering assistance to the restoration and mitigation.

(4) The amount of the civil penalty shall be at a minimum according to the following schedule, not exceeding $10,000 per offense, per day:

	MINOR INFRACTION	**MODERATE INFRACTION**	**MAJOR INFRACTION**
First Offense	$50	$100	$500
Second Offense	$100	$200	$500
Third Offense	$150	$300	$500
Subsequent Offenses	$200	$400	$500

(5) The Zoning Officer shall determine whether the violation constitutes a minor, moderate, or major infraction, as defined by this chapter.

(6) Each calendar day that a violation continues is a separate offense.

(7) Each violation of this chapter constitutes a separate offense.

(8) For each offense, a person shall be subject to separate fines, orders, sanctions, and other penalties.

B. The following additional penalties shall also apply:

(1) The area disturbed shall be restored and additional required remediation shall include the planting of forest vegetation native to southern Maryland and adaptable to site conditions, in accordance with § 297-132.E of this article, in the amount of three times the area disturbed or four times the area disturbed if the violating disturbance is located within the Critical Area Buffer.

(2) A restoration and mitigation plan shall be reviewed and approved by the Planning Division prior to the commencement of restoration and mitigation activities.

(3) The Buffer shall be the first priority for replanting wherever possible.

(4) Planting shall take place within one calendar year of the notification of violation with the exception of subsection 297-135.D. below. Failure to complete required mitigation plantings will result in a civil penalty at the rate determined by the Charles County Commissioners and adopted annually and shall be assessed per square foot of land remediation required.

(5) For restoration or mitigation that exceeds 1,000 square feet or involves expenses exceeding $1,000, a bond or other financial security shall be required to be posted to ensure that the restoration or mitigation is properly completed. If the restoration or mitigation involves planting, the bond shall be held for at least 2 years after the date the plantings were installed to ensure plant survival.

C. (1) An application for a variance to legalize a violation of this chapter cannot be accepted unless a notice of violation has been issued to the property owner.

(2) The County may not issue a permit, approval, variance or special exception for a property unless the property owner seeking the permit, approval, variance, or special exception has:

(a) Fully paid all administrative, civil, and criminal penalties imposed;

(b) Prepared a restoration or mitigation plan approved by the local jurisdiction, to abate impacts to water quality or natural resources as a result of the violation; and,

(c) Performed the abatement measures in the approved plan in accordance with the Critical Area Program.

D. A person may appeal a notice of violation as an appeal of an administrative decision in accordance with §297-417 . Should the Board Of Appeals determine that a violation has occurred, the person shall be liable for a penalty that is twice the amount of the assessment in the notice of violation. An application for a variance to legalize a violation of this chapter constitutes a waiver of the appeals process as provided in §297-417.

§ 297-136. Critical Area Administrative Variance

A. Variances in the Critical Area will be enforced in accordance with Article XXV of this chapter.

(1) No permits shall be issued for a development activity subject to a variance until the applicable 30-day appeal period has elapsed.

B. The Planning Director may grant an administrative variance from the requirements of this article for legal nonconforming structures in existence as of June 10, 1989 as follows:

(1) Based upon a preponderance of evidence the Planning Director shall find:

(a) The proposed development activity does not result in increased lot coverage beyond the existing setbacks of the legal nonconforming structure;

(b) Total lot coverage for the parcel or lot does not exceed lot coverage requirements specified in §297-132.G.(9);

(c) Special conditions or circumstances exist that are peculiar to the land or structure such that literal enforcement of the provisions of this chapter would result in unwarranted hardship to the property owner;

(d) A literal interpretation of this section would deprive the property owner of rights commonly enjoyed by other property owners in the same zone;

(e) The granting of the administrative variance will not confer upon the property owner any special privilege that would be denied by this section to other owners of lands or structures within the same zone;

(f) The variance request is not based upon conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

(g) The granting of an administrative variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and the Charles County Critical Area Program; and,

(h) The variance shall not exceed the minimum necessary to relieve the unwarranted hardship.

(2) Notice of the variance proposal shall be published once in a newspaper of general circulation in the jurisdiction at least 15 days before variance approval.

(3) The Planning Director may require conditions for variance approval, including site design conditions or mitigation, to minimize adverse impacts on water quality or fish, wildlife, or plant habitat.

(4) A person aggrieved or feeling aggrieved by a decision of the Planning Director made under this subsection may appeal the decision de novo to the Board Of Appeals.

(5) Planning staff shall provide to the Critical Area Commission a copy of the variance application at least 15 days prior to approval or denial by the Planning Director. A copy of the written decision regarding an administrative variance shall be provided to the Critical Area Commission within 5 working days after a written decision is issued.

§ 297-137. Habitat Protection Areas and Plans.

A. Habitat Protection Areas. The following areas are considered Habitat Protection Areas. Review by the Department of Natural Resources and a habitat protection plan may be required prior to approval of a development activity that may impact a Habitat Protection Area.

(1) Chesapeake Bay Critical Area Buffer;

(2) Habitats of threatened and endangered species and species in need of conservation;

(3) Bald eagle protection zones;

(4) Non-tidal wetlands;

(5) Natural Heritage Areas. as designated by the Secretary of the Department of Natural Resources;

(6) Colonial water bird nesting sites;

(7) Historic waterfowl staging and concentration areas;

(8) Forests containing forest interior dwelling bird species;

(9) Anadromous fish propagation waters; and

(10) Additional plant and wildlife habitat areas determined by the Charles County Commissioners to be of local significance. If additional plant and wildlife habitat areas are designated in the future, local public hearings, as appropriate, shall be held to consider comments on the areas and protection measures proposed.

B. Habitat protection plans. The following process applies to the development and implementation of a habitat protection plan:

(1) The applicant will obtain a review letter from the Department of Natural Resources, Wildlife and Heritage Division and present that letter to the Planning Division at the earliest stage of development. Review by the Department of Natural Resources is not required for bald eagle protection zones.

(2) The applicant will propose a habitat protection plan for the identified Habitat Protection Area.

(3) The habitat protection plan will:

[a] Delineate the boundaries of the habitat protection area;

[b] Propose management guidelines in accordance with the guidelines provided by the Department of Natural Resources, and included in Appendix O; and,

[c] Contain a detailed plan of the proposed activity and an analysis of possible adverse impacts associated with the proposed activity.

(4) The Planning Division, in consultation with appropriate local, state and/or federal agencies, will review the proposed protection measures to determine if protection measures are adequate for the species or habitat area.

(5) Revisions to the habitat protection plan may be necessary to incorporate the comments of the reviewing agencies.

(6) Once all of the requirements and comments have been adequately addressed, the Planning Division may approve the habitat protection plan.

(7) The habitat protection plan shall be incorporated into the proposed development proposal. no preliminary subdivision plan, final plat, site plan, infrastructure or building permit may be approved until the habitat protection plan has been approved and incorporated into the development proposal.

§§ 297-138 through 297-145. (Reserved)

ARTICLE X
Highway Corridor (Overlay Zone)

§ 297-146. Purposes.

A. The purpose of this zone is to protect the aesthetic and visual character of land adjacent to major highway corridors and to provide for and promote orderly development. All development proposed within this zone shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular base zone in which the development occurs. The following specific purposes will be accomplished through evaluation of whether proposed developm ents comply with the standards of the Highway Corridor (HC) Zone:

(1) To encourage and better articulate positive visual experiences along the county's major existing and proposed highways.

(2) To provide for the continued safe and efficient use of these roadways.

(3) To maintain natural beauty and scenic, cultural and historic character of the corridors, particularly distinctive views, vistas and visual continuity.

(4) To protect existing greenbelts, natural vegetation and wildlife habitats along the corridors.

(5) To prohibit indiscriminate clearing, excessive grading and clear-cutting along the corridors.

(6) Minimize cut-and-fill operations by placing emphasis on the retention of natural topography of the corridors.

(7) Minimize intersection and site access points.

B. The provisions of the HC Zone and the administrative mechanisms used to implement those provisions will be reviewed annually to ensure that the objectives of the Comprehensive Plan are being achieved.

§ 297-147. Establishment of zones.

A. The Highway Corridor (HC) Zone shall include all lands within 500 feet of on each side of the following rights-of-way:

(1) U.S. Route 301.

(2) Maryland State Route 210

(3) Maryland State Route 228 from MD Route 210 to Bealle Hill Road to U.S. Route 301.

(4) Maryland State Route 5.

(5) Maryland State Route 205.

B. The approximate boundary of this zone shall be shown on the Official Zoning Map[33] and shall be shown as a surveyed line by the applicant on each property subject to review.

§ 297-148. Affected development.

A. All development plan applications for development located in the Highway Corridor (HC) Zone shall satisfy the standards of the HC Zone.

B. Permitted development activity.

(1) Any alteration of the existing condition of the lands, uses or structures within the HC Zone shall comply with the standards of the HC Zone.

(2) The overlay zone regulations supplement the uses permitted and the requirements for the appropriate underlying zone.

C. Uses prohibited in the underlying zone are also prohibited in the overlay zone.

D. The following development activities are exempt from following HC Zone requirements:

(1) Where a development activity occurs on an individual single-family residential lot existing at the adoption of this chapter.

(2) In the case of a minor subdivision where the Planning Commission has determined that the lot size and configuration will not negatively impact on the road corridor.

§ 297-149. Architectural standards.

A. Guidelines. The compatible relationship of architecture and site design related to development within the HC Zone is of critical importance to the successful implementation of this article. The intent of design review is not to stifle innovation in architectural design, but to reduce incompatible and adverse impacts on the visual experience of the roadway. To accomplish this, the following general guidelines shall be used when reviewing proposed

33 **Editor's Note: The Zoning Map is on file in the county offices.**

development within the HC Zone:

(1) Proposed development shall avoid excessive or unsightly grading, indiscriminate earthmoving or clearing of property and removal of trees and vegetation that could cause disruption of natural watercourses or disfigure natural land forms.

(2) Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. To the extent practicable, scenic views from the principal arterial, existing structures or the natural environment shall not be impeded by proposed development. Structures shall not dominate, by excessive or inappropriate height or mass, any existing development, adjacent building or natural landscape.

(3) The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance, history and cultural heritage of the county, with natural land forms and existing vegetation and with other development plans already approved by the county. Specific consideration shall be given to compatibility with adjacent properties where such projects demonstrate the county's character. The following shall be the specific guidelines used to meet the general guidelines established above.

(a) Large work area doors or open bays shall not open toward or face the principal arterial road.

(b) Heating, ventilating and air-conditioning equipment, duct work, air compressors and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the principal arterial road. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly treated.

(c) Manufactured homes and office-type manufactured units shall be screened from view from the principal arterial road and equipped with skirting on all sides.

(d) No temporary structures are permitted except those used in conjunction with and during construction projects.

(e) Fencing along the principal arterial road right-of-way shall be permitted for security reasons, and such fencing shall be screened by a ten-foot landscape strip consistent with Bufferyard C (see Article XXIII). **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

(f) Long monotonous facade designs, including but not limited to those characterized by unrelieved repetition of shape or form or by unbroken extension of line, shall

be avoided.

(g) In general, natural wood, brick or other materials with similar texture and appearance are appropriate to county character. Reflective surfaces are generally not acceptable.

(h) The colors of paints and stains should nature-blend with generally no more than three colors per building. Semitransparent stains are recommended for application on natural wood finishes.

(i) Signs shall be compatible with architectural features of the associated building.

(j) Architectural lighting shall be recessed under roof overhangs or generated from concealed-source, low-level light fixtures.

B. Following project completion, all appearance features required by the county or shown on approved plans shall be maintained in good condition by all subsequent owners of the property. Changes beyond the owner's control shall be restored by the owner, unless otherwise provided. Changes proposed by the owner shall require approval by the Zoning Officer.

§ 297-150. Access standards.

Refer to Article XVIII for standards applicable in the HC Zone.

§ 297-151. Road buffer standards.

Refer to Figure X-1 and to Article XXIII for the standards applicable in the HC Zone. Figure X-1, Road Corridor Buffeyards and Building Setback Requirements, delineates the Buffeyard types and building setbacks (in feet) required in particular zones along the higher classifications of roads.

Figure X-1
Road Corridor Bufferyard and Building Setback Requirements
(Bufferyard by type and setback in feet)
[Amended 8-30-2004 by Bill No. 2004-06; 7-25-2005 by Bill No. 2005-01; 4-23-10 by Bill No. 2010-02]

Road Classification	Zones																
	AC, RC, RR	**RV**	**RM, RL**	**RH**	**RO, CN**	**CC**	**CB**	**CV**	**BP**	**IG**	**IH**	**PMH, PRD**	**PEP**	**MX**	**CRR, CER**	**CMR**	**WC, AUC**
Principal arterial	D 100	B 50	D 75	C 50	C 50	C 40	B 30	B 30	C 100	B 100	E 125	D 125	C 100[4]	D 75	D 40	C 50	B 30
Parkway			D 50	C 50	B 40	B 40	B 25	B 40	C 75	B 75	E 75	C 75	C 75[4]	C 50	B 40	C 50	
Other arterials	C 75	B 50	D 50	B 40	B 50	C 40	B 25	B 30	C 75	B 75	E 80	C 100	C 75[4]	D 60	C 20	B 50	
Collector	B 50	A 40	C 40	B 40	A 30	A 30	A 25	A 30	B 50	A 50	B 50	B 75	B 50[4]	C 40	B 25	B 40	

NOTES:
1. 'A' through 'E' designates type of Buffer required as illustrated in Article XVII, Part II.
2. Numbers given are the building setback requirements in feet.
3. Single-family residential lots and minor subdivision will be exempt from the buffer requirements above.
4. Setbacks may be reduced to 30 feet if located in Community Mixed Use Areas, Business Corridor Mixed Use Areas, Opportunity Mixed Use Areas or Employment Areas as defined by adopted Sub-Area Plans.

§ 297-152. Retention of natural buffers along road rights-of-way.

The intent of the minimum road buffer is to leave the naturally occurring buffer vegetation intact for its softening effect. This buffer may be enhanced or created, where such vegetation is insufficient or nonexistent, with trees and shrubs of a variety of species appropriate to county character. If the minimum buffer already has trees of protected size and type as noted in this article, their preservation is required. Where masses of native shrubs are present, their preservation with minimum disturbance is strongly encouraged. White complete screening of a projects is not required, sufficient plant material shall be installed to accomplish the softening effect required in this article. Road buffers shall be exempt from the shrub layer required in Article XXIII. In order to maintain the screening effect, existing vegetation shall not be limbed-up from the ground based on best management practices. However, if understory planting is planned, existing vegetation may be limbed-up to a height that will provide adequate sunlight to those plants. Minimum height and caliper of new trees shall be consistent with provisions of the tree protection requirements in Appendix E[34] Minimum height of new shrubs used to create the minimum visual buffer shall be three feet.

§ 297-153. Exemptions from buffer standards.

Exemptions, whether partial or total, from the buffer provisions may be granted if it can be sufficiently demonstrated that such buffer will have a deleterious visual effect upon an existing situation or that, through the preservation of an existing tree stand or other unique natural vegetative resource, particular effort on the part of an applicant in protecting the existing natural environment warrants the relaxation of buffer requirements. The following outlines those anticipated situations where the buffer requirements may be relaxed or removed.

A. Protection of existing visual environment. Buffer requirements may be relaxed or removed in the following cases where the characteristics of the existing visual environment would be detracted from by the provision of a required buffer or level of buffer:

   (1) Views and vistas of existing buildings which exhibit a high degree of aesthetic value serving to heighten the visual experience, serve as important points of spatial identification, contain value as important historical resources.

   (2) Views and vistas of existing natural landscape/topographical features of a particular locale which correspond to certain high points affording panoramic views, views to historic settlement clusters, views of water, valleys and other elements of the physical landscape.

   (3) Views and vistas to existing recreational/open space areas, whether natural or man-made, which serve to contribute to the overall visual environment; uses such as golf courses, state or local parks, equestrian centers, cemeteries.

34 **Editor's Note: Appendix E is located at the end of this chapter.**

(4) Views and vistas to which give the observer an awareness of a location's inherent character related to views of farmland, pastures, water activities, such as docks or other maritime activities specific to the area.

B. Protection of proposed visual environment. Buffer requirements may be relaxed or removed in the following cases where a proposed development intended to further enhance or protect the existing visual environment would be visually affected by the required buffer:

(1) A proposed development which by virtue of the characteristics of its structures indicated innovation of design, a unique relationship with the site, represents a focal point, establishes a particular identifying element for the locale.

(2) A proposed development which exhibits innovative or unique uses of site landscaping or which combines in the use of the site open recreational areas such as described above.

C. Retention of existing natural attributes of the site. In this case, significant steps must be taken by an applicant to preserve significant tree stands, topographic characteristics, even in the event that such elements are in locations where they are not wholly visible. The intent is to provide incentives to retain the features of the existing natural environment rather than encourage its destruction and then to remedy the situation with new plantings.

D. Management of existing and proposed resources. In order to encourage management programs for visual natural resources, so that the continuation of such resource is assured, buffer requirements may be reduced or waived.

E. Where a development activity occurs on an individual single-family residential lot existing at the adoption of this chapter, buffer requirements may be reduced or waived.

F. In the case of a minor subdivision where the Planning Commission has determined that the lot size and configuration will not negatively impact on the road corridor, buffer requirements may be reduced or waived.

§ 297-154. Permitted activity in road buffer before and after development.

A. No existing vegetation of any type, size or origin shall be altered or removed unless it satisfies the tree protection requirements of this chapter.

B. Within the minimum visual buffer there shall be no development, clearing, grading or construction activity, with the following exceptions.

(1) Roadway and/or driveway access to the portion of the site not in the minimum visual

buffer, provided that is it approximately perpendicular to the accessed road.

(2) Provision for water, sanitary sewer, storm drainage, electrical, telephone, natural gas and cable service lines, provided that they are approximately perpendicular to the right-of-way. In the even that utilities must be installed approximately parallel to the road right-of way, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for easement and right-of-way disturbance and clearing for such services shall be more favorably considered when such activity is consolidated with vehicular access routes.

(3) Pedestrian and bicycle paths designed to provide continuous connection along the road corridor, provided that they can be constructed without materially reducing the screening and visual softening capacity of the vegetation buffer.

(4) Lighting fixtures only for approved signs or if, for safety reasons, they cannot be placed outside the buffer, and then only when electric utility lines serving these fixtures and necessary easements can be established and constructed without reducing the screening and visual softening capacity of the vegetation buffer.

(5) Signs in accordance with the sign regulations in Article XIX.

(6) Clear sight distances at the permitted entrances and exists to any development as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices and as contained in § 297-28 of Article II and Appendix B, Specifications on Driveway Entrances.[35]

(7) Service roads may be located within the required road buffer and setback, provided that the buffer plantings are intensified in a manner consistent with Bufferyard standards in Article XXIII. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

§§ 297-155 through 297-166. (Reserved)

35 **Editor's Note: Appendix B is located at the end of this chapter.**

ARTICLE XI
Resource Protection Zone (RPZ) (Overlay Zone)

§ 297-167. Purpose.

The purpose of this zone is to protect stream valley habitat and stream water quality. In particular, the purposes of this zone are to:

A. Preserve floodplains in a natural state;

B. Preserve wetlands associated with floodplains;

C. Preserve significant habitat areas associated with stream valleys or in other locations;

D. Prevent soil erosion and sedimentation by protecting steep slopes associated with stream valleys;

E. Protect persons and property from environmental hazards such as unstable or highly erodible soils and flooding;

F. Filter nutrients, toxics and sediment from stormwater;

G. Protect scenic values;

H. Provide recreational opportunities; and

I. Minimize public investment in floodplain stormwater management.

§ 297-168. Scope. [Amended 8-22-1994 by Ord. No. 94-80]

These regulations shall apply to all proposed development, including projects for which subdivision, site plan, building and grading permits or approvals are necessary; timber harvesting; and agricultural activities, except as provided in §§ 297-480, 297-481 and 297-482 of this chapter.

§ 297-169. Application.

The Resource Protection Zone (RPZ) shall apply to those county streams or those portions of county streams outside of the Critical Area Zone, including but not limited to: Zekiah Swamp, Gilbert Run, Nanjemoy Creek, Swanson Creek, Indian Creek, Port Tobacco River, Mattawoman Creek, Chicamuxen Creek, Popes Creek, Indian Creek, Wards Run, Kerrick Swamp, Mill Run, Beaverdam Creek, Hancock Run, Old Woman's Creek, Piney Branch and tributaries thereof or of the Potomac River.

§ 297-170. Resource Protection Zone delineation. [Amended 2-10-1998 by Ord. No. 98-59]

The Resource Protection Zone shall encompass stream valleys, steep slopes, associated wetlands and floodplains, if present; and a buffer, as called for in §§ 297-171 and 297-172. Except as permitted in this chapter, the land within this zone is to remain in an undisturbed natural stage, and the outer edge of this zone shall constitute the limit of clearing and grading.

§ 297-171. Minimum stream Buffer widths. [Amended 8-22-1994 by Ord. No. 94-80]

A. The minimum buffer standards shall be as follows:

(1) One hundred feet for streams of stream order three or higher.

(2) Fifty feet for intermittent streams and streams of stream order one and two.

B. The minimum buffer shall extend outward from both sides of the stream channel. The buffer shall be measured horizontally from the stream channel without regard for the lay of the land.

§ 297-172. Buffer adjustments for adjacent nontidal wetlands, one-hundred-year floodplains and steep slopes. [Amended 8-22-1994 by Ord. No. 94-80]

A. The buffer shall be expanded beyond the minimum buffer to account for nontidal wetlands adjacent to the stream as follows:

(1) Within the development district, to include all lands 25 feet from the outer edge of nontidal wetlands adjacent to the stream channel.

(2) Outside the development district, to include all lands measured from the edge of nontidal wetlands adjacent to the stream channel measuring 50 feet for intermittent streams or perennial streams of stream order one and two or 100 feet for perennial streams of stream order three and four.

B. Where the one-hundred-year floodplain extends beyond the buffer adjusted for nontidal wetlands, if applicable, the extent of the one-hundred-year floodplain shall become the extent of the buffer.

C. The buffer shall be further increased to account for steep slopes that are contiguous with or within 25 feet of the buffer.

(1) The buffer width shall be increased by 50 feet for intermittent streams or perennial streams of stream order one and two or 100 feet for perennial streams of stream order three and four or shall extend to the top of the slope, whichever is less, where average slopes greater than 15% adjoin the minimum buffer or are within 25 feet of the minimum buffer.

(2) Percentage of average slopes shall be determined by plotting a transect from the outer edge of the minimum buffer to the top of the adjoining slope, defined as the point at the top of slope where the slope falls below 15%, and calculating an average slope from the slope percentages crossed by the transect. The number of transects will vary depending on the uniformity of slopes adjoining a particular reach of a stream. Transects may be spaced up to 100 feet apart, regardless of slope uniformity. However, transect spacing exceeding 100 feet shall be based on slope uniformity.

§ 297-173. Use restrictions.

The following uses shall be prohibited in the RPZ:

A. Mining or excavation, except for existing operations.

B. Dredging, except as may be permitted under state law.

C. Deposit or landfilling of fill, refuse and solid or liquid waste, except manure applied as a crop fertilizer, and acceptable fill permitted by the United States Army Corps of Engineers for streambank erosion control.

D. Alteration of the stream bed and bank of a waterway, except for best management practices to reduce stream erosion and construction and maintenance of stream crossings for permitted uses.

E. Clearing of vegetation and grading, except as may be permitted under this chapter.

§ 297-174. Permitted uses.

The following land uses shall be permitted, provided that the conditions herein are met:

A. Agriculture. Agricultural uses shall be permitted, provided that a soil conservation and water quality plan is approved by the Charles County Soil Conservation District. Existing agricultural uses must obtain approval within three years from the adoption of this chapter. The soil conservation and water quality plan shall include twenty-five-foot vegetative filter strips adjoining streams.

B. Timber harvesting. Landowner timber harvesting for personal use shall be permitted. Commercial timber harvesting shall be permitted, provided that the timber harvesting is conducted in conformance with the Natural Resources Article, Title 5, Forests and Parks, Subtitle 16, Forest Conservation, of the Annotated Code of Maryland, or a local program pursuant to said subtitle. **[Amended 8-22-1994 by Ord. No. 94-80]**

C. Utility transmission lines, railroads, roads, stormwater management facilities, storm drainage improvements, recreational nonmotorized trails, public environmental education facilities,

facilities for recreational access to a stream and associated clearing shall be permitted, provided that:

(1) Project location in the RPZ is essential for access or continuity and no reasonable alternative exist.

(2) Crossings of the RPZ are as close to 90º as reasonably possible.

(3) The project complies with the requirements of the United State Army Corps of Engineers, Maryland Department of Natural Resources and the Charles County Floodplain Management Ordinance.[36]

(4) The project is designed to minimize disturbance, clearing and grading.

(5) Approved sedimentation and erosion control, best management practices and revegetation plans in accordance with Title 5, Subtitle 16, Forest Conservation, of the Annotated Code of Maryland, or local program pursuant to Title 5, Subtitle 16, Forest Conservation, of the Annotated Code of Maryland, or local program pursuant to Title 5, Subtitle 16, Forest Conservation, of the Annotated Code of Maryland, as applicable, are implemented for the project. **[Amended 8-22-1994 by Ord. No. 94-80]**

(6) The habitats of federal- or state-listed threatened and endangered species or other critical habitats are fully protected.

D. New single-family dwelling and accessory structures proposed on lots of record as of October 1, 1992. Up to a total of 5,000 square feet may be disturbed in the Buffer, provided that any disturbance to the floodplain must comply with county Floodplain Regulations.[37] **[Added 8-22-1994 by Ord. No. 94-80]**

§ 297-175. Open space credit.

Land within the RPZ may be used to meet open space requirements.

§ 297-176. Extension of RPZ.

A. The County Commission may extend, upon receiving an application for extension, the RPZ to include adjoining hydric soils, severely erodible soils, entire steep slopes, state-designated natural heritage areas, state-designated wetlands of special concern, habitats of federally or state-listed threatened and endangered species, other critical and significant wildlife and plant habitats deserving of protection and priority-one forested areas in accordance with the

36 **Editor's Note: See Ch. 238, Flood Damage Control.**
37 **Editor's Note: See Ch. 238, Flood Damage Control.**

Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, of the Annotated Code of Maryland. Applications for extension of the RPZ will follow the same processing and requirements as a local map amendment, detailed in Article XXVII.

B. The following are examples of critical and significant wildlife and plant habitats deserving protection:

(1) Large forested areas which are occupied by rare threatened and endangered species which may be located beyond the Critical Area.

(2) Large forested areas (e.g., over 100 acres) wherein 60% or more of the area is occupied by steep slopes (e.g., slopes over 25%).

(3) Forested areas associated with nontidal wetland vegetation where the area of nontidal or hydric soils coincidental with the forest is over 25 acres.

§ 297-177. Adjustment of zone.

The application of this zone to the county zoning maps shall be construed as general in nature and may be adjusted by the Zoning Officer upon the presentation of engineering data which delineates more precisely the boundaries of this zone.

§ 297-178. Plans and plats information.

A. All plans submitted to Charles County for review shall indicate the boundary of the RPZ and buffer width, as applicable.

B. All plats prepared for recording shall clearly show:

(1) The extent of the RPZ.

(2) A label stating, "Resource Protection Zone" for the area within the RPZ.

(3) A note stating: "There shall be no clearing, grading, construction or disturbance of vegetation in the Resource Protection Zone except as may be permitted by the Charles County Planning Commission." **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100[38]]**

§ 297-179. Construction staking.

The outer edge of the RPZ buffer shall be field staked and clearly delineated as the limit of

38 **Ediotr's Note: Ordinance Nos. 93-100 and 94-100 also repealed former Subsection B(4), dealing with conservation easements for RPZ land, which immediately followed this subsection.**

clearing and grading prior to the commencement of clearing and grading activities within 50 feet of the RPZ, permitted clearing and grading in the RPZ excepted. The limits of permitted clearing and grading within the RPZ shall likewise be field staked and clearly delineated.

§ 297-180. Enforcement.

The enforcement provisions of the Charles County Grading and Sediment Control Ordinance[39] shall also apply to this zone.

§ 297-181. Performance bond.

A performance or other surety in a form and amount established as acceptable to the county shall be executed by the applicant to cover possible damage to RPZ lands during construction. The bond or surety shall remain in full force until the work encompassed by the applicable grading permit has been completed and approved by the county. Accidental or incidental construction damage to the RPZ may result in a full or partial forfeiture of the performance bond or surety, depending on the severity of the violation and the costs of restoring damaged RPZ land. It shall be the applicant's responsibility to restore damaged RPZ land in accordance with county revegetation requirements.

§ 297-182. RPZ variance provisions.

The variance provisions of Article XXV shall apply to this article.

39 **Editor's Note: See Ch. 244, Grading and Sediment Control.**

§ 297-183 through 297-192. (Reserved)

ARTICLE XII
Airport (Overlay Zone)

§§ 297-193 through 297-209. (Reserved)

ARTICLE XIII
Minimum Standards for Special Exceptions and Uses Permitted with Conditions

§ 297-210. General provisions.

A. This Article contains the minimum conditions for each special exception (SE) and minimum requirements for each use permitted with conditions (PC) that are listed in the Table of Permissible Uses[40] These conditions and requirements supplement the base requirements for the zone in which the proposed use is located. All minimum conditions and requirements listed in this article shall be contained on a site plan submitted with the zoning permit or special exception application.

B. In addition to the general criteria set forth in this article for each special exception, when a use is designated SE in the Table of Permissible Uses, the Board of Appeals shall find that the requested SE use at the proposed location will not adversely affect neighboring, vicinal or abutting properties; will be compatible with the existing character or future planned development of the surrounding area; and will conform to the minimum requirements contained in each of the special exceptions listed in this article.

C. Buildings over five stories. A special exception must be obtained for a building to be above five stories or 60 feet in height subject to the following: principal structures may be erected to a height not exceeding 10 stories or 120 feet when the required side and rear yards are each increased by at least one foot for each additional foot of building height above the height restrictions for that zone, except where prohibited as an obstruction to air navigation. In considering such special exceptions, the Board shall take into account the impacts, if any, on the views from the Portico of Mount Vernon.

D. The uses in § 297-212 are classified by a number which coincides to the numerical reference contained in the Table of Permissible Uses for that designated use. The specific uses are alphabetized in the following section and also refer to the numbering system contained in the permissible use table.

§ 297-211. Alphabetical listing.

The following is an alphabetical listing of uses as they appear in the Table of Permissible Uses.[41]

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40 **Editor's Note: See § 297-63.**
41 **Editor's Note: See § 297-63.**

Use	Permissible Use Number
Airport, private use	4.05.210
Amphitheaters and open-air theaters	4.02.260
Amusement and theme parks	4.02.270
Antique shops, less than 15,000 square feet of floor area per parcel	6.01.113
Antique shops, more than 15,000 square feet of floor area per parcel	6.01.123
Archery ranges, outdoor	4.02.290
Art centers, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Art centers, private, located within any structure	4.01.320
Art galleries, less than 15,000 square feet of floor area per parcel	6.01.113
Art galleries, more than 15,000 square feet of floor area per parcel	6.01.123
Asphalt/concrete plants	7.01.280
Automobile graveyards, junkyards, salvage yards and scrap materials	7.03.000
Automobile repair and maintenance, not including auto body work	6.03.300
Automobile painting and body work	6.03.400
Automobile sales or rental	6.03.100
Automobile sales with installation of automobile parts or accessories	6.03.200
Automobile and motorcycle racing tracks	4.02.250
Automotive parks	6.03.500
Bed-and-breakfast, tourist homes	3.05.200
Betting facilities, off-track	4.02.140
Blacksmith shops, welding shops, ornamental iron works, machine shops and sheet metal shops	7.01.210
Boardinghouses, rooming houses	3.05.100
Brewery, pub and micro **[Added 8-21-2000 by Ord. 00-64.]**	
Buses (for more than two), bus dispatching, storage, including parts, maintenance, washing and service facility **[Added 5-17-08 by Ord. No. 2008-02]**	6.03.311
Cabins, hunting and fishing	1.04.000

Campgrounds and camps	4.02.240
Car wash	6.03.300
Cat boarding facility **[Added 9-10-1996 by Ord. No. 96-88]**	1.07.000
Cemeteries, commercial	4.08.120
Cemeteries, private	4.08.110
Child care, nursing care, intermediate care, handicapped or infirm institutions	4.03.200
Clubs and lodges, social, fraternal	4.01.400
Coliseums and stadiums with seating capacity more than 1,000	4.02.123
Concrete mixing, retail, operation conducted within and/or outside fully enclosed building	5.02.200
Convenience stores	6.01.140
Convention centers, conference centers	3.05.300
Country inn **[Added 10-31-1995 by Ord. No. 95-96]**	3.05.400
Crematoriums	4.08.200
Day- care centers, day nurseries, 9 to 30 care recipients	3.04.220
Day-care centers, nursery schools, more than 30 children	5.02.500
Earth stations	4.07.100
Elderly care homes (9 to 16 people)	3.04.420
Fertilizer mixing plants	7.01.260
Funeral homes	5.02.300
General merchandise	6.01.130
Gasoline station (motor vehicle fuel sales)	6.03.300
Golf courses, miniature	4.02.280
Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses	4.02.280
Greenhouses, commercial, with on-premises sales permitted	1.05.200
Group homes less than or equal to 8 people	3.04.110
Group homes, 9 to 16 people	3.04.120
Halfway house	3.04.300
Heliports	4.05.310
Helistops	4.05.320
Hog operations with 6 or more hogs	1.01.450
Horticultural sales with outdoor display	1.03.200
Horses on less than or equal to 5 acres	1.01.310
Hospitals and other impatient medical facilities more than 10,000 square feet	4.03.100
Hotels, motels	3.05.300

Hunting and fishing cabins	1.04.000
Junkyards, salvage yards, scrap materials and automobile graveyards	7.03.000
Kennel, commercial	1.06.000
Libraries, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Libraries, private, located within any other structure	4.01.320
Livestock on less than or equal to 5 acres	1.01.300
Livestock on a parcel greater than 5 acres **[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994**	1.01.200
Livestock as pets, 4-H or school projects on less than or equal to 5 acres	1.01.310
Livestock for sales, cattle, etc., on less than or equal to 5 acres	1.01.320
Livestock markets	1.03.300
Lodges and clubs, social, fraternal	4.01.400
Machine shops, blacksmith shops, ornamental iron works, welding shops and sheet metal shops	7.01.210
Machinery, heavy cultivation machinery, spray planes or irrigating machinery	1.01.700
Manufacturing, etc., with all operations conducted entirely within fully enclosed building, buildings less than 10,000 square feet per parcel	7.01.110
Manufacturing, etc., with all operations conducted entirely within fully enclosed buildings, buildings more than 10,000 square feet per parcel	7.01.120
Marina	2.01.000
Marine terminal	2.03.000
Markets, livestock	1.03.300
Markets, open-air produce	1.03.120
Meeting halls, union halls	4.01.400
Mental health treatment facilities more than 10,000 square feet	4.03.100
Migrant workers' housing	3.07.000
Mining, wells for oil natural gas or petroleum	7.05.200
Mining, surface	7.05.100
Motels, hotels	3.05.300
Motor vehicle fuel sales	6.03.300
Motor vehicle painting and body work	6.03.400
Motor vehicle parks	6.03.500

Motor vehicle fuel sales associated with commercial uses greater than 3,500 square feet or which provide more than 12 fueling positions **[Added 1-23-2000 by Ord. No. 00-84]**	3.03.321
Motor vehicle fuel sales not associated with commercial uses greater than 3,500 square feet or providing more than 12 fueling positions **[Added 10-23-2000 by Ord. No. 00-84]**	6.03.322
Motor vehicle repair and maintenance **[Amended 10-23-2000 by Ord. No. 00-84]**	6.03.310
Motor vehicle sales or rental in the CB Zone on more than 3 acres **[Amended 12-7-1993 by Ord. No. 93-101]**	6.03.110
Motro vehicle sales or rental, all other; mobile home sales **[Amended 12-7-1993 by Ord. No. 93-101]**	6.03.120
Motor vehicle sales with installation of motor vehicle parts or accessories	
Movie theater, drive-in	4.02.260
Museums, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Museums, private, located within any other structure	4.01.320
Nursery schools and day-care centers, more than 30 children	5.02.500
Nursing care, intermediate care, handicapped, infirm and child care institutions	4.03.200
Parking, automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking related	7.02.100
Parking, one motor vehicle greater than 15,000 pounds gross vehicle weight **[Added 2-22-2000 by Ord. No. 00-10]**	7.02.410
Parking, more than one motor vehicle greater than 15,000 pounds gross vehicle weight **[Added 2-22-2000 by Ord. No. 00-10]**	7.02.420
Parking, outside, where vehicles are owned and used by the person making use of the lot and parking occupies more than 75% of the developed area	7.02.300
Petroleum products storage	7.02.240
Post office, local	4.05.110
Poultry houses	1.01.450
Racing tracks, automobile and motorcycle	4.02.250
Recreation facilities, indoor	4.02.110
Recreation facilities, outdoor privately owned and not constructed pursuant to a permit authorizing the construction of some residential development	4.02.210

Recreation vehicle park	4.02.230
Research facilities and laboratories with processing or manufacturing of materials	7.04.200
Research facilities and laboratories without processing of materials	7.04.100
Residential, multifamily: garden apartment	3.03.100
Residential, multifamily: high-rise	3.03.300
Residential, multifamily: mid-rise	3.03.200
Residential, single-family attached: duplex	3.02.100
Residential, sing-family attached: multiplex	3.02.300
Residential, single-family attached: townhouse	3.02.200
Residential, single-family detached: accessory apartment	3.01.700
Residential, single-family detached lot line dwelling	3.01.200
Residential, single-family detached: manufactured home, Class B	3.01.500
Residential, single-family detached: patio/court/atrium	3.01.300
Residential, single-family detached: single-family dwelling **[Added 8-2-1993 by Ord. No. 93-82]**	3.01.100
Residential, single-family detached: tenant house	3.01.600
Restaurant, fast-food, carry-out and delivery	6.02.200
Restaurant, fast-food, drive-in and drive-through with direct highway access to a public road	6.02.310
Restaurant, standard, fast-food, bars, nightclubs and dinner theaters	6.02.100
Retirement housing complex	3.04.500
Rifle and pistol ranges, indoor	4.02.130
Rifle and pistol ranges, outdoor	4.02.290
Rooming houses, boardinghouses	3.05.100
Salvage yards, automobile graveyards, junkyards and scrap materials	7.03.000
Sand and gravel washing, crushing and screening	7.01.280
Satellite dishes	4.07.200
Sawmills **[Added 12-11-2000 by Ord. No. 00-93]**	7.01.230
Seafood processing and seafood operations with products raised on the premises	2.02.200
Seafood processing and seafood operations with products raised or harvested off-site	2.02.100
Schools, private elementary and secondary	4.01.110
Schools, private colleges, universities, community colleges	4.01.130

Schools, trade or vocational	4.01.120
Shelters, permanent	3.06.000
Shoppers' merchandise store, more than 15,000 square feet of floor area per parcel	6.01.121
Skateboard parks	4.02.280
Slaughterhouses	1.01.460
Specialty shops, more than 15,000 square feet of floor area per parcel	6.01.122
Stables, commercial	1.01.500
Stadiums and coliseums with seating capacity more than 1,000	4.02.123
Storage, outside, where stored equipment is owned and used by the person making use of the lot and storage occupies more than 75% of the developed area	7.02.300
Storage, petroleum products	7.02.240
Storage, warehouse	7.02.220
Storage, warehouse, mini-	7.02.230
Stump/wood grinding **[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]**	7.01.290
Surface mining	7.05.100
Theaters, open-air amphitheaters	4.02.260
Towers more than 50 feet tall **[Added 9-7-1999 by Ord. No. 99-85]**	4.06.300
Union halls, meeting halls	4.01.400
Utilities, public: electric power, gas transmission and tele-communications buildings and structures, not associated with a tower	4.06.200
Utilities, public: towers and antennas more than 50 feet tall	4.06.300
Veterinarians and veterinary hospitals	5.02.400
Warehouse storage	7.02.220
Warehouse, mini-	7.02.230
Water slide parks	4.02.280
Wells for oil, natural gas or petroleum	7.05.200
Winery	7.01.250
Wireless communications antennas **[Added 9-7-1999 by Ord. No. 99-85]**	4.06.500

§ 297-212. Uses corresponding with Table of Permissible Uses[42].

The following uses are listed according to the numbering system on the Table of Permissible Uses and establish the specific minimum requirements for uses permitted with conditions or special exception uses.

1.01.200 Livestock on a parcel greater than five acres. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

This use is permitted in all zones, provided that any areas of animal confinement less than one acre, manure storage or feed storage shall be a minimum distance of 75 feet from any public street or highway and in no case closer than 250 feet from any existing residential dwellings on an adjoining parcel.

1.01.310 Horses, livestock maintained as pets and 4-H or school projects on less than or equal to five acres. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

This use is permitted with conditions in all zones, provided that the following requirements are met:

A. The keeping of horses and other large livestock such as cattle, swine, goats and sheep in any residential zone shall be permitted on lots or parcels of two acres or more with a minimum of one acre per animal.

B. Small livestock, such as poultry and rabbits, shall be permitted, provided that the ratio of animals to acreage set forth in the following schedule is met and the animals must be maintained in a humane, secure and sanitary fashion so as not to create a detriment or nuisance to the public.

Acreage	Number of Animals (per acre)
Less than 2 acres	2 adult animals
Greater than 2 acres	4 adult animals

1.01.320 Cattle, swine, goats and sheep, rabbits and poultry or fowl raised for sale on less than or equal to five acres.

The keeping of cattle, swine, goats and sheep, rabbits. poultry or fowl on less than or equal to five acres when raised for sale is permitted by special exception in the AC, RC and RR Zones,

42 **Editor's Note: See § 297-63**

provided that the minimum standards for land area set by the United States Department of Agriculture and Article IV of this chapter are met.

1.01.450 Poultry houses, hog operations with six or more hogs.

This use is permitted by special exception in the RC Zone and permitted with conditions in the AC Zone, subject to the following:

A. The use is located greater than 200 feet from the nearest boundary line of the land on which it is located.

B. Obtain a soil conservation water quality plan and/or a nutrient management plan prepared with the assistance of the Charles County Soil Conservation District or the Charles County Cooperative Extension Service. [**Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94-100]**

1.01.460 Slaughterhouses, w here use is located gr eater than 200 feet fr om the near est boundary line of the land on which it is located.

This use is permitted by special exception in the AC, RC and IH Zones, subject to the conditions below:

A. Site plan requirements.

(1) 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 a County Health Department approval is obtained.

(2) Adequate measures must be developed, as per Article II, for the abatement of offensive and obnoxious odors, dust, smoke or similar nuisances, to the degree that such odors, dust, smoke or similar nuisances will be confined within the boundaries of the slaughterhouse site.

(3) Adequate measures meeting the Building Code standards[43] must be installed for the abatement of animal noises.

(4) Design, construction and operation of the facility must meet or exceed the requirements of all relevant state and federal regulations, and the operation must conform to the requirements of Agricultural Handbook 570, United States Inspected Meat and Poultry Packing Plants, a Guide to Construction and Layout, published by the United States Department of Agriculture in February 1981, as amended.

43 **Editor's Note: See Ch. 224, Building Construction.**

(5) Waste, by-products or any decomposable residue which results from the slaughtering of animals must be refrigerated while on the premises.

(6) There must be provided adequate off-street parking and loading and unloading facilities for customers and employees.

(7) The site must have direct access to a collector or arterial road.

(8) There will be no construction in a floodplain, even with floodproofing.

(9) Construction and earthmoving will not be done within 25 feet of tidal or nontidal wetlands which cover at least one-fourth (1/4) acre.

(10) Construction and earthmoving will not be done within 25 feet of slopes over 20%.

B. Minimum site area. A minimum of 20 acres is required for any slaughterhouse operation. If the slaughterhouse includes a feedlot, a minimum of 100 acres is required.

C. No slaughterhouses shall be constructed or established within one mile of any neighborhood of 20 lots or more in which the average density is one dwelling unit per five acres or more.

D. Stock pens or buildings associated with the slaughterhouse operation must be at least 300 feet from any public right-of-way and must be at least 500 feet from any other property line.

E. In the IH Zone, the following requirements apply:

(1) A minimum of five acres is required.

(2) No structure may be located closer than 200 feet from the nearest public or private boundary, 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 collector or arterial road.

1.01.500 Commercial stables. [Amended 12-11-2000 by Ord. No. 00-93]

This use is permitted by special exception in the RC(D), RR, RL, RM, CV, PRD and MX Zones, provided that the following standards are met:

A. The stable shall be located on a tract of not less than five acres.

B. No building shall be located less than 100 feet from the nearest property line.

1.01.700 Use of heavy cultivating machinery, spray planes or irrigating machinery.

Use of this type of farm equipment is permitted with conditions in the RL and RM Zones, provided that the following requirements are met:

A. The decibel level during operation shall not exceed 70 decibels at the property line measured in accordance with § 297-32, Noise, in Article II.

B. Bufferyards shall be required to adequately separate this use from adjacent residential use on lots of five acres or less in order to eliminate or minimize potential negative impacts from dust and odor. The buffer shall conform to the buffer requirements equivalent to Bufferyard B in Article XXIII.

1.03.120 Open-air produce markets.

This use is permitted with conditions in the AC, RC and RR Zones, provided that the following requirements are met:

A. A permanent structure is permitted for the display and sale of locally produced agricultural and fishery products, provided that:

(1) The building shall be no larger than 1,500 square feet in area.

(2) The building shall maintain the front yard setback for the zone in which it is located or the prevailing front yard setback, whichever is less.

(3) Exits and entrances shall be provided which shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

(4) There shall be a minimum of three off-street parking spaces and one space per 300 square feet of building area over 900 square feet.

(5) At a minimum, one self-contained privy shall be maintained on the site while the operation is in use.

1.03.200 Horticultural sales with outdoor display.

This use is permitted by special exception in the AC and RC Zones, subject to the requirements contained in 1.03.120 for open-air markets.

1.03.300 Livestock markets.

Livestock auction markets are permitted with conditions in the IH Zone, subject to the following requirements and site plan approval. This use is permitted by special exception in the AC and RC Zones, subject to the same requirements.

A. A minimum lot area of 10 acres.

B. Stock pens and main buildings located at least 300 feet from any street or highway and at least 800 feet from any residence existing at the time of application.

C. Adequate off-street parking and off-street loading space for customers and employees.

D. Bufferyards will be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, odor or danger from fires or explosions.

1.04.000 Hunting and fishing cabins.

This use is permitted with conditions in the AC Zone, provided that the following requirements are met:

A. There is to be no more than one cabin permitted on a parcel.

B. Hunting and fishing cabins are an accessory use and designed to accommodate no more than 10 individuals.

C. This use shall not be used as a permanent residence.

1.05.200 Commercial greenhouse operation with on-premises sales permitted.

This use is permitted by special exception in the RC and RR Zones, together with buildings incidental thereto, subject to the following:

A. Such use will not cause a negative impact because of traffic, noise or other factors.

B. Such use will not include the sale or storage of general hardware or power equipment.

C. The use is located on a tract of land containing greater than two acres

D. The use will be set back more than 50 feet from the nearest property line.

E. Greenhouses shall have a minimum setback of twice the height of the building.

F. Storage of all materials which produce odors or attract pests shall be effectively covered.

1.06.000 Kennel, commercial. [Amended 10-25-1999 by Ord. No. 99-92] [Amended 6-29-2012 by Bill No. 2012-08]

This use is permitted by special exception in the RC and RL Zones and is permitted with conditions in the AC, CN, CC, CV, MX and TOD Zones, subject to the following:

A. The minimum area shall be five acres if dogs are left out, two acres if placed in a soundproof building. Boarding areas will be in an enclosed area in a soundproof building. **[Amended 6-29-12 by Bill No. 2012-08].**

B. Boarding and exercise / run areas shall not be located within 200 feet of a residential structure, in the RC and RL Zones the distance required is 300 feet. **[Amended 6-29-12 by Bill No. 2012-08]**

C. In the RC and RL Zones, the Board of Appeals will establish appropriate hours of operation for this use. **[Amended 6-29-12 by Bill No. 2012-08].**

D. The facility will conform to the Animal Regulations of Charles County for Commercial Animal Establishments. **[Amended 6-29-12 by Bill No. 2012-08].**

E. Solid waste shall be collected, stored, and disposed of in accordance with the applicable rules and regulations of the Charles County Health Department. **[Added 6-29-12 by Bill No. 2012-08]**

F. The facility shall have drainage and plumbing adequate for daily cleaning and sanitation purposes. **[Added 6-29-12 by Bill No. 2012-08]**

G. In the RC and RL Zones a Bufferyard C shall be provided along the property line. **[Added 6-29-12 by Bill No. 2012-08]**

H. Dog runs and/or exercise areas shall be enclosed by 8 foot tall solid fencing**. [Added 6-29-12 by Bill No. 2012-08]**

I. In the RC and RL Zones pens and enclosures where dogs are kept shall have a minimum area of 50 square feet per dog boarded within the facility**. [Added 6-29-12 by Bill No. 2012-08].**

J. Dogs shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m. **[Added 6-29-12 by Bill No. 2012-08].**

K. The facility shall at all times employ at least one employee per 30 dogs boarded within the facility to ensure proper care of the animals and safety of staff. **[Added 6-29-12 by Bill No. 2012-08].**

1.07.000 Cat boarding facility. [Added 9-10-1996 by Ord. No. 96-88]

This use is permitted with conditions in the AC, RC, RR and RL Zones subject to the following conditions.

A. Minimum lot area: five acres

B. The use shall not be located within 150 feet of a dwelling located on adjacent properties.

C. Bufferyard C will be required to adequately separate this use from adjacent uses or properties.

D. The use will conform to the Animal Regulations of Charles County.[44]

2.01.000 Marina, including boat sales and repair and boat rental, including sailboards and jet skis.

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44 **Editor's Note: See Ch. 230, Dogs and Other Animals, Art. I.**

This use is permitted with conditions in the CC, CV, PEP and MX Zones, subject to the following:

A. The minimum lot area shall be one acre above the mean high water line.

B. Off-street parking or loading areas shall be separated from any residential zone by a Bufferyard D.

C. In no case shall the length of piers or boat houses' length exceed ½ of the distance from mean high water line to the center line of the body of water or cove.

D. Each lot shall have side and/or rear yards measuring not less than 25 feet in width. No structures shall be permitted within these required yards.

E. Each lot shall have a minimum width at the waterfront of 100 feet. Lot width at the waterfront shall be measured along a straight line drawn between the points at which the wide property lines intersect the- mean high water line. In cases where a lot is bounded on more than one side by water, separate waterfront widths for each side may be calculated, and their totals shall measure not less than 100 feet.

F. The project must comply with all provisions of the Charles County Chesapeake Bay Critical Area Program, Article IX, Critical Area Zones (Overlay Zones), other county regulations and all applicable state and federal regulations.

G. The site plan shall contain the following information:

(1) Water depth contours shown at two-foot intervals at mean low water taken by sounding.

(2) The description, method and location of water supply and sewerage disposal facilities.

(3) The location, design and type of lighting facilities.

(4) Mean high and mean low water lines.

(5) All existing and proposed piers, buoys, launching ramps, shore protection structures and any and all existing deterrents or aids to navigation.

(6) The location and dimensions of all areas to be dredged, including present and proposed depths.

(7) The volume of dredge spoil to be removed, type of material, location and dimensions of disposal area(s), including dikes.

(8) Locations and dimensions of all outdoor, dry storage, maintenance and repair facilities.

(9) The location and capacity of all travel lifts, railways, hoists or other devices for launching or removal of watercraft.

(10) The location and dimensions of all boat launching ramps.

(11) The location and dimensions of all boat slips and mooring buoys.
(12) The location of fuel dock and gasoline storage tanks.

2.02.100 Seafood processing and seafood operations with products raised or harvested off-site.

This use is permitted by special exception in the PEP Zone and is permitted with conditions in the CC and MX Zones, subject to the following:

A. The minimum area shall be two acres.

B. Setback. There shall be a minimum setback of 100 feet from side, front and rear lot lines.

C. Adequate measures will be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration or similar nuisances.

D. Design, construction and operation of the facility will meet the requirements of appropriate state and federal regulatory agencies.

E. Retail sales of processed food are permitted only as an accessory use.

2.02.200 Seafood processing and seafood operations with products raised on the premises.

This use is permitted with conditions in the AC and RC Zones, subject to the following requirements:

A. The use will be located a minimum of 100 feet from all property lines.

B. Seventy-five percent of the products must be raised on site.

C. The minimum area shall be 50 acres.

2.03.000 Marine terminal.

This use is permitted by special exception in the CV and MX Zones, subject to the following standards:

A. Bufferyards will be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize potential negative impact from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, odor or danger from fires or explosions.

B. A traffic and road condition study shall be submitted by the applicant to determine the

adequacy of the road network and the structural elements serving the site from truck traffic to be generated by the marine terminal.

C. The Board of Appeals will establish appropriate hours of operation for this use.

3.01.100 Single-family detached residential: single-family. [Added 8-2-1993 by Ord. No. 93-82; Amended 5-2-2000 by Ord. N o. 00-37; by Ord. No. Z TA 01-46; Amended 4-2-2010 by Bill No. 10-01; Amended 4-23-2010 by Bill No. 10-06]

A. This use shall be permitted with conditions in the RL, RM, RH, RV, RO, PRD, MX, PUD, WPC, PMH, CER, CMR and CRR Zones, subject to the following: **[Amended 7-25-2005 by Bill No. 05-01]**

(1) The minimum square footage of finished, livable space, not to include the square footage enclosed by garages, porches, decks, unfinished basements or attic areas, will not be less than 1,250 square feet; subject to the following: **[Amended 4-2-2010 by Bill No. 10-01]**

(a) 25% of the units may be a minimum of 1,250 square feet, **[Added 4-2-2010 by Bill No. 10-01]**

(b) 25% of the units may be a minimum of 1,450 square feet, **[Added 4-2-2010 by Bill No. 10-01]**

(c) Remaining units must be a minimum of 1,650 square feet. **[Added 4-2-2010 by Bill No. 10-01]**

(d) Dwelling units less than 1,650 square feet are to be mixed within each subdivision. **[Added 4-2-2010 by Bill No. 10-01]**

(e) 100% of units located in minor subdivisions, as defined under Section 17 of the Charles County Subdivision Regulations, may be a minimum of 1,250 square feet. **[Added 4-2-2010 by Bill No. 10-01]**

(2) Subsection §297-212 A(1) A-E; shall not apply to: **[Added 4-2-2010 by Bill No. 10-01]**

(a) Residential developments that are restricted by deed to the residency of individuals 55 years of age or older and further restricted by deed to exclude school age children from permanently residing on the property.

(b) A low-to-moderate-priced dwelling unit project being constructed by a nonprofit organization that has been approved by the Housing Authority Board. **[Amended**

4-2-2010 by Bill No. 10-01]

(c) Ten percent or less of the total number of dwelling units within an existing platted residential subdivision of 10 or more single-family detached units for subdivisions approved after 4/2/2010. For those projects utilizing this provision, the square footage shall not be less than 1,250 square feet. **[Amended 4-2-2010 by Bill No. 10-01]**

(d) A dwelling unit that is not within public/municipal wastewater collection system service areas: S-I, S-3 or S-5.

(3) Exterior appearance. Structures shall consist of complementary materials and design features to provide variation and value through architectural design features such as roofed porches (screened or unscreened), sunrooms, atriums or other similar design features, and natural siding materials, such as brick, stone, wood or similar materials, that augment the neighboring dwelling units and community design. Material selection, variation and design features will require prior approval by the Site Design and Architectural Review Board (SDARB) and/or county review designee, following standards set forth in the Charles County site design and architectural guidelines. This subsection shall not apply to a low-to-moderate-priced dwelling unit project being constructed by a nonprofit organization that has been approved by the Housing Authority Board. **[Amended 4-2-2010 by Bill No. 10-01]**

B. This use shall be permitted with conditions in the IG Zone subject to the following. Lots shall be created for the purpose of constructing a single-family detached dwelling for the use of the owner or a child, or a grandchild of the owner, provided that:

(3) The intra-family transfer shall be subject to the requirements of the Charles County Subdivision Regulations[45] and shall file a declaration of intent for intra-family transfers pursuant to the Charles County Forest Conservation Ordinance § 298-4K. A notation shall be placed on the final subdivision plat denoting the lot(s) and residue that are created under these provisions.

(4) Subdivisions of land under the intra-family transfer provisions contained herein shall not cause parcels to be subdivided into more than a total of five lots.

C. Lots created pursuant to these provisions shall not be created for purposes of ultimate commercial sale. A lot created pursuant to these provisions may not be subsequently conveyed to any person except as provided herein:

(3) Where the conveyance is to a member of the owner's immediate family; or

45 **Editor's Note: See Ch. 278, Subdivision Regulations.**

(4) Where the conveyance of the lot is as part of a default on a mortgage or deed of trust.

D. Any lot created under this section may not be transferred or sold to a third party, who is not a member of the owner's immediate family or holder of a mortgage or deed of trust on the property, unless and until the Planning Commission has determined that the following conditions apply:

(3) A change in circumstances has occurred since the original transfer, which would warrant permitting a subsequent transfer, when such circumstances are consistent with the warrants and exceptions contained herein.

(4) The third party intends to develop the property for a permitted industrial or commercial use.

E. Deeds of transfer shall include a covenant stating that the lot is subject to the provisions of this subsection. These covenants shall restrict the subsequent transfer or sale of a lot or lots created pursuant to the intra-family transfer provisions contained herein to a third party who is not a member of the owner's immediate family or a holder of a mortgage or deed of trust on the property, except as provided in Subsection D above.

3.01.200 Single-family detached residential: lot line dwelling. [Amended 3-1-1999 by Ord. No. 99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted with conditions in the CMR, MX, PUD, WPC and TOD Zones subject to the following requirements:

A. This use may be permitted as part of the approval of a PRD and MX Zone, subject to all applicable provisions of this chapter and Article VII, Planning Development Zone Regulations.

B. This use may be permitted where this use is shown and approved on a preliminary plan of subdivision in the PUD and WPC Zones, subject to all applicable provisions of this chapter and executed zoning indenture documents.

C. This use may be permitted in the CMR Zone where the use is shown and approved on a preliminary plan of subdivision and approved by the County's Site Design Architectural Review Board.

3.01.300 Single-family detached residential: patio/court/atrium. [Amended 3-1-1999 by Ord. No. 99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted with conditions in the CMR, PRD, MX, PUP, WPC and TCD Zones, subject to the following requirements:

A. This use may be permitted as part of the approval of a PRD and MX Zone, subject to all applicable provisions of this chapter and Article VII, Planned Development Zone Regulations.

B. This use may be permitted where the use is shown and approved on a preliminary plan of subdivision in the PUD and WPC Zones, subject to all applicable provisions of this chapter and executed zoning indenture documents.

C. This use may be permitted in the CMR Zone where the use is shown and approved on a preliminary plan of subdivision and approved by the County's Site Design Architectural Review Board.

3.01.500 Single-family detached residential: Class B manufactured home.

A Class B manufactured home is permitted by special exception in the RR and RL Zones, provided that a continuous permanent masonry foundation, except for the required ventilation and access, is installed under the structure.

3.01.600 Single-family detached residential: tenant house.

A tenant house is permitted with conditions in the AC, RC, RR and RL Zones, provided that:

A. Each dwelling has a separate water supply and sewerage disposal system.

B. Dwellings are occupied by agricultural workers actively engaged in farming on a full-time or part-time basis on the farm on which the tenant house is located.

C. No more than one house per 50 acres may be located on a farm. A maximum of three tenant houses may be located on a farm under ownership by a single entity.

3.01.700 Single-family detached residential: primary residence with accessory apartment. [Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94-100; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; Amended 11-13-2009 by Ord. No. 2009-12]

This use is permitted with conditions in the AC, RC, RR, RV, RL, RM, RH, RO, MX, TOD, CER, CMR and CRR Zones, subject to the following requirements:

A. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.

B. Apartment size. The minimum floor area for an accessory apartment within a principal dwelling shall be 300 square feet, but in no case shall it exceed 50% of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings,

the minimum floor area shall also be 300 square feet, there shall be no more than two bedrooms in the apartment, and the apartment shall not occupy more than 50% of the accessory structure.

C. There shall be no more than one accessory apartment permitted per existing single-family dwelling.

D. Exterior appearance. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall, to the degree reasonably feasible, reflect the appearance of the single-family residential structure. No external entrance that faces a road or street shall be added to either the principal dwelling or an accessory building.

E. Water and sewerage service. Prior to the issuance of a zoning permit for the establishment of an accessory apartment in an existing residential structure or the conversion of an existing accessory building to an accessory apartment use, approval of the proposed method of water supply and sewage disposal shall be obtained from the County Department of Health.

F. Off-street parking. Off-street parking shall be provided in accordance with the standards and requirements of Article XX, Parking Facilities.

3.02.100 Single-family attached residential: duplex. [Amended 3-1-1999 by Ord. No.99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-06]

This use is permitted with conditions in the RM and RH Zones and in the PRD, MX, TOD, CER, CMR and CRR Zones subject to the requirements below. Where this use is shown and approved on a master plan or preliminary plan of subdivision, it is permitted in the PUD and WPC Zones, subject to the following requirements:

A. This use is permitted in the PRD, MX, and TOD Zones subject to all applicable provisions of Article VII, Planned Development Zones.

B. The conditions for this use are the same as specified below for 3.02.200 Single-family attached residential: townhouse.

3.02.200 Single-family attached r esidential: townhouse. [Amended 12-7-1993 b y Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 7-8-1997 by Ord. No. 97-83; 3-1-1999 by Ord. N o. 99-16; 7-25-2005 by Ord. No. 05-01; Amended 4-2-2010 by Bill No. 2010-01; 4-23-10 by Bill No. 2010-02; 4-23-2010 by Bill No. 2010-05; 4-23-2010 by Bill No. 2010-06]

This use is permitted with conditions in the RM and RH Zones and in the PRD, MX, TOD, CER, CMR, CRR, WC, and AUC Zones, subject to the requirements below. Where this use is shown and approved on a master plan or preliminary plan of subdivision, it is permitted in the PUD and WPC Zones, subject to the following requirements: **[Amended 4-23-2010 by Bill No. 2010-02; 4-23-2010 by Bill No. 2010-06]**

A. This use is permitted in the PRD, MX and TOD Zones subject to all applicable provisions of Article VII, Planned Development Zones.

B. Landscaping. A landscaping plan and a schedule of planting shall be included with the site plan which satisfies the following requirement: Areas not occupied by buildings, roads, parking areas, service areas or other required or permitted uses, including open spaces and usable recreation areas, shall be landscaped by lawns, trees, shrubs, gardens or other suitable ground cover.

C. Building requirements and relationship within the PUD, WPC, PRD, MX, TOD, CER, CMR, and CRR Zones: **[Amended 4-23-2010 by Bill No. 2010-02]**

(1) Dwelling units per structure. There shall be no more than four units within a townhouse building or structure when averaged throughout the entire proposed development, but in no case more than six dwelling units shall be contained in a townhouse structure. Deviations from this standard may be approved by the County Commissioners as part of the Planned Development Zone approval or in the CRR and CER Zones upon the demonstration by the applicant that the design is superior in achieving the objectives and purposes of the zone. **[Amended 4-23-2010 by Bill No. 2010-05]**

(2) Setback between buildings. The minimum distance between any two unattached dwelling structures is 25 feet. The setback can be increased to 40 feet if the dwelling structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features. A walkway may be provided between buildings without meeting the minimum setback if approved by the County Commissioners as part of the Planned Development Zone approval upon the demonstration by the applicant that the design is superior in achieving the objectives and purposes of the zone.

(3) Distance to service areas. No dwelling structure shall be closer than 20 feet to any interior driveway or closer than 15 feet to any off-street parking area, excluding garages built into an individual dwelling unit.

(4) Rear yard access. All dwelling units shall be situated so as to provide adequate access to rear yards except in the CRR and CER Zones. **[Amended 4-23-2010 by Bill No. 2010-05]**

(5) The rears of townhouse buildings shall either be effectively screened by other structures, landscaping, berms or fencing from views from public spaces, such as recreational areas, streets and parking lots, or the rears of townhouse buildings shall be designed so that they have similar features to the fronts (such as reverse gables,

bay windows, shutters, trim, entry doors and other architectural features) and shall be designed, along with the sides, to appear as a whole object, such that the front, side and rear facades are compatible with each other and contain common design elements.

(6) Side and rear walls shall be articulated with doors, windows, recesses, chimneys or other architectural treatments. All end walls shall have a minimum of two architectural features, and lots where end walls are prominent (such as comer lots and lots visible from public spaces, streets or because of topography or road curvature) shall have additional end wall features in a balanced composition.

(7) Above-grade foundation walls shall be clad with finish materials compatible with the primary facade materials. Finished stucco and stamped concrete may be permitted and, if permitted, shall be of a color compatible with the primary facade colors.

(8) At least 60% of the exterior of each building or structure shall consist of brick or stone.

(9) The minimum square footage of finished livable space, not to include the square footage enclosed by garages, porches, decks, unfinished basements or attic areas, will not be less than 1,250 square feet; subject to the following: **[Amended 4-2-2010 by Bill No. 2010-01]**

(a) 25% of the units may be a minimum of 1,250 square feet. **[Added 4-2-2010 by Bill No. 2010-01]**

(b) 25% of the units may be a minimum of 1,450 square feet. **[Added 4-2-2010 by Bill No. 2010-01]**

(c) Remaining units must be a minimum of 1,650 square feet. **[Added 4-2-2010 by Bill No. 2010-01]**

(d) Dwelling units less than 1,650 square feet are to be mixed within each subdivision. **[Added 4-2-2010 by Bill No. 2010-01]**

D. Within the WC and AUC Zones: **[Added 4-23-2010 by Bill No. 2010-02]**

(1) Development shall comply with all applicable requirements of §297-96.

(2) Buildings shall be sited and designed to comply with the Downtown Waldorf Vision Plan and Design Guidelines.

(3) Attached dwellings (Townhouses and Multiplex) shall not be constructed on lots

abutting a principal arterial highway (U.S. 301) or a Waldorf Urban Major Collector as identified in the Downtown Waldorf Design Guidelines.

E. Requirements for dwelling units located on a public way.

(1) All lots within a development of this use shall, at a minimum, front on a public way. A public way intended for pedestrian circulation shall have a minimum width of five feet. Public ways intended for automobile parking and circulation shall meet the requirements of Article XVI of this chapter.

(2) Within the WC and AUC Zones, public ways shall comply with requirements of §297-96, Activity Center Zones, and the standards of the Downtown Waldorf Vision Plan and Design Guidelines. **[Added 4-23-2010 by Bill No. 2010-02]**

(3) All public ways or other common facilities within a development of this use shall be maintained by the property owners within the same development.

F. Site plan approval. Site plan approval shall be required for all developments of this use and shall contain all of the elements required in Appendix A.[46]

3.02.300 Single-family attached residential: multiplex. [Amended 3-1-1999 by Ord. No. 99-16; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02; 4-23-2010 by Bill. No. 2010-06]

This use is permitted with conditions in the RM and RH Zones and in the PRD, MX, TOD, CER, CMR, CRR, WC, and AUC Zones, subject to the same conditions as specified in Use 3.02.200. Where this use is shown and approved on a master plan or preliminary plan of subdivision, it is permitted in the PUD and WPC Zones, subject to the same conditions for this use as Use 3.02.200.

3.03.100 Multifamily residential: garden apartment. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 3-1-1999 by Ord. No. 99-16; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02; 4-23-2010 by Bill 2010-06]

This use is permitted with conditions in the RM and RH Zones and in the CER, CRR, PRD, MX, WC, and AUC Zones, subject to the following:

A. This use is permitted in the PRD and MX Zones, subject to all applicable provisions of Article VII. Planned Development Zone Regulations, and the following requirements:

(1) Dimensional standards. The minimum distance between any two buildings shall be 40 feet.

(2) A central parking compound for recreational campers, trailers, boats and other

46 **Editor's Note: Appendix A is included at the end of this chapter.**

incidental motor vehicles shall be provided.

(3) Open space/recreational space. Not less than 25% of the lot area of any lot used for multifamily or multigroup dwellings shall be devoted to open space or recreational space. In an MX or TOD Zone, this requirement may be located outside of an individual lot but within the overall master plan.

B. In the WC and AUC Zones: **[Added 4-23-2010 by Bill No. 2010-02]**

(1) Development shall comply with all applicable requirements of §297-96, Activity Center Zones.

(2) Buildings shall be sited and designed to comply with the Downtown Waldorf Design Guidelines.

(3) Lots abutting a principal arterial highway (U.S. 301) or a Waldorf Urban Major Collector Street, as identified in the Downtown Waldorf Design Guidelines, shall be developed for mixed use or non-residential use. No solely residential buildings are permitted in these locations.

C. This use may be permitted in the CER and CRR Zones only if constructed above first floor nonresidential use(s) permitted in those zones.

3.03.200 Multifamily residential: mid-rise. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 3-1-199 9 by Ord. No. 99-16; 4-23-2010 by Bill No. 2010-02; 4-2 3-2010 by Bill No. 2010-06]

This use is permitted with conditions in the RM and RH Zones and in the PRD, MX, WC, and AUC Zones, subject to the following:

A. This use is permitted in the PRD and MX Zones, subject to all applicable provisions of Article VII, Planned Development Zone Regulations and the following requirements:

(1) The minimum area shall be five acres.

(2) Building separation for multiple-group dwellings. Within the lot, the distance between any two multiple-family dwellings shall be not less than 50 feet, provided that if either building is more than 50 feet in height, then the distance between buildings shall be increased one foot for each foot by which the taller building exceeds 50 feet.

(3) No accessory building and no parking spaces or other surfaces designed for vehicular use shall be located within the minimum dimensions of yards, except that entrance and exit drives may cross them in as direct a manner as possible.

(4) A central parking compound for recreational campers, trailers, boats and other incidental motor vehicles shall be provided.

(5) Open space/recreational space. Not less than 55% of the lot area of any lot used for multiple-family or multiple-group dwellings shall be devoted to open space or recreational space. In an MX or TOD Zone, this requirement may be located outside of an individual lot but within the overall master plan.

(6) Lighting. No luminaries on parking lots shall be more than 10 feet above ground level, and no outdoor lighting shall shine in residential windows or onto adjoining residential property.

B. Within the WC and AUC Zones: **[Added 4-23-2010 by Bill No. 2010-02]**

(1) Development shall comply with all applicable requirements of §297-96, Activity Center Zones.

(2) Buildings shall be sited and designed to comply with the Downtown Waldorf Design Guidelines.

(3) Lots abutting a principal arterial highway (U.S. 301) or a Waldorf Urban Major Collector street as identified in the Downtown Waldorf Vision Plan and Design Guidelines, shall be developed for mixed use or non-residential use. No solely residential buildings are permitted in these locations.

3.03.300 Multifamily residential: high-rise. [Amended 3-1-1999 by Ord. No. 99-16; 3-21-2005 by Bill No. 05-03; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the AUC Zone and is permitted by special exception in the PRD, MX and TOD Zones, based on the requirements contained in 3.03.200.

3.04.110 Group homes with not more than eight people. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the AC, RC, RR, RV, RL, RM, RH, RO, PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones, subject to the submittal to the Zoning Officer of an affidavit certifying compliance with all applicable state and federal laws, ordinances and regulations.

3.04.120 Group homes with between nine and 16 people. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]

A group home for nine to 16 individuals is permitted by special exception in the AC, RC, RR,

RV, RL, RM, RH, PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones, subject to the following standards:

A. The facility is in accordance with all applicable county, state and federal rules and regulations.

B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood.

D. That any site to be used as a group residential facility for children provide ample outdoor play space, free from hazards and appropriately equipped for the age and number of children.

3.04.220 Day-care center, day nursery, between nine and 30 care recipients. [Amended 7-25-2005 by Ord. No. 05-01; 8-29-2005 by Ord. No. 05-13]

A day-care center for nine to 30 individuals is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, IG, PMH and CMR Zones, subject to the following:

A. The facility will be in accordance with all applicable county, state and federal rules and regulations.

B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. The building and play area facilities shall be at least 50 feet from any adjacent residential lot or use.

D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.

E. Any such use will not have a detrimental impact in terms of traffic, noise, etc., on the surrounding properties.

F. The hours of operation will be established by the Board of Appeals.

G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding area.

3.04.300 Halfway house. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted by special exception in the AC, RC, RR, RV, RM, RL, RH, PRD, MX, PMH, TOD, CMR, WC and AUC Zones, subject to the following:

A. The facility shall be in accordance with all applicable county, state and federal rules and regulations.

B. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in an excessive concentration of similar uses in the same general neighborhood.

C. That any property to be used for a halfway house is of sufficient size to accommodate the proposed number of residents and staff; however, no more than nine unrelated individuals may reside in one dwelling.

D. The exterior appearance of the structure will remain as a single-family detached residential structure, and no external entrance that faces a road or street will be added. A maximum of three external entrances will be allowed for the facility.

E. The proposed project shall comply with parking requirements as specified under Article XX of this chapter.

3.04.420 Elderly care homes for nine to 16 people. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]

A residential elderly care home for nine to 16 residents is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, PRD, MX, PMH, TOD, CER, CMR , CRR, WC and AUC Zones, subject to the following:

A. Any such facility shall be certified, permitted or licensed by the State of Maryland.

B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. Such a facility shall be owner-occupied.
D. Care shall be given to residents over the age of 62.

E. Care shall be given in an existing single-family detached residential structure, providing family-style care in a residential environment.

F. Care shall consist of supervised personal services for persons who have temporary or periodic difficulties with one or more essential activities of daily living.

G. Any building modifications or alterations must be in accordance with all provisions of the Charles County Building Code.[47]

H. Any such use will not have a detrimental impact on the surrounding properties.

3.04.500 Retirement housing complex.

This use is permitted by special exception In the RH, RO and CB Zones, subject to the following standards:

A. The minimum area shall be three acres.

B. It shall have a maximum floor area ratio (FAR) of 1.0.

C. A minimum of 40% of the property shall be devoted to green area and outdoor recreation space.

D. All other requirements of this chapter, including yards, parking, landscaping and protection of environmental resources, shall be met.

E. A retirement housing complex shall be located within close proximity to and have pedestrian linkage with retail/commercial centers, restaurants and public transportation.

3.05.100 Rooming houses, boardinghouses r ented by the month. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the AC, RC, RR, RV, RO, CN, CC, CB, CV, CMR, CRR, WC and AUC Zones and is permitted by special exception in the RL, RM, RH, PRD, MX and TOD Zones, provided that the following are met:

A. The boardinghouse is in an existing residential structure.

B. The exterior appearance of the structure will remain as a single-family residential structure, and no external entrance that faces a road or street will be added. A maximum of three external entrances will be allowed for the facility.

C. The proposed project shall comply with parking requirements as specified under Article XX of this chapter.

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47 **Editor's Note: See Ch. 224, Building Construction**

D. The facility shall have one freestanding sign, not more than 25 square feet in area and five feet in height, permitted along the road frontage. The sign shall be for identification purposes only.

E. There shall be a maximum of eight rooms in the facility to be rented on a monthly basis or longer.

3.05.200 Bed-and-breakfast, tourist homes. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; Amended 11-13-2009 by Ord. No. 2009-13; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the AC, RC, RR, RV, RO, CN, CC, CB, CV, MX,TOD, WC and AUC Zones and is permitted by special exception in the RL, RM, RH, PRD and CMR Zones, subject to the following:

A. The proposed use shall preserve the natural and historic features of the property.

B. The exterior appearance of the building will remain as a single-family residential structure, and no external entrance that faces a road or street will be added.

C. There will be a maximum of eight guests at any time. **[Amended 11-13-2009 by Ord. No. 2009-13]**

D. Bed-and-breakfast or tourist homes shall only be located in an existing dwelling unit and may include an existing accessory apartment. **[Amended 11-13-2009 by Ord. No. 2009-13]**

E. The facility shall have no more than one freestanding sign and not more than 25 square feet in area and five feet in height. The sign shall be permitted along the road frontage for identification purposes only.

F. The applicant shall comply with the parking requirements in Article XX.

G. The applicant shall comply with regulations set forth in COMAR 10.15.03 pertaining to food service facilities. **[Added 11-13-2009 by Ord. No. 2009-13]**

3.05.300 Hotels, motels, convention centers, conference centers and similar businesses or institutions providing overnight accommodations.

Such uses are permitted by special exception in the AC and RC Zones, and are permitted with conditions in the BP Zone, subject to the following:

A. The minimum area shall be 100 acres.

B. Not more than 5% of the land may be occupied by buildings.

C. Not less than 1/2 the area of the tract on which the use is located shall be used to provide recreation facilities for the use of its guests. Such recreation facilities can include such facilities as an eighteen-hole golf course, swimming pool, tennis courts and may include bridle paths and other similar or related facilities, but no outdoor amusement devises other than normal playground equipment.

D. All buildings and parking lots shall be set back from all adjoining property lines, including publicly dedicated streets, roads and highways, not less than 200 feet.

E. The maximum height of any building shall be 120 feet.

F. The land shall have at least 200 feet of frontage on a public highway of at least collector classification designated on the Transportation Plan Map of the Comprehensive Plan, and the major point of vehicular access to and from the lands shall be provided by this collector road.

G. Public water and sewer are available and shall be used for the operation of the facilities or, in the alternative, if not available, private water and sewer facilities may be used if approved by· the County Health Department.

H. Any retail businesses conducted on the premises shall be primarily for the use of the guests of the hotel, and there shall be no entrances directly from the road to such businesses and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.

I. Such uses are permitted with conditions in the BP Zone, subject to the following conditions: **[Added 10-23-2001 by Ord. No. 01-87]**

(a) See 6.02.100(b).

(b) The use must include banquet and conference facilities.

3.05.400 Country inn. [Added 10-31-1995 by Ord. No. 95-96]

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN AND MX Zones and is permitted with conditions in the CC, CB and CV Zones subject to the following:

A. Individual rooms which are rented by paying occupants shall not contain cooking facilities.

B. The number of rooming units provided on the site shall be limited to the principal structure

and shall be further limited to 12, excluding the resident management quarters. The resident manager's living quarters may be in a separate dwelling in an accessory building on the property.

C. Unless owner-occupied, the manager must reside on the premises and have no other occupation or profession.

D. Parking shall be provided on-site and screened by natural vegetation from public streets and adjoining properties. The Board of Appeals may require additional screening in its discretion in such form as it deems appropriate considering the proximity of the site to adjoining properties or the public street. The applicant shall comply with the parking requirements in Article XVI.

E. Dining facilities are limited to a maximum seating capacity of 48 persons.

F. The maximum stay for any guests using the country inn accommodations shall be 14 days, and a guest book shall be maintained by the owner which accurately identifies each guest for each night's lodging.

G. A country inn shall not be authorized on any lot of less than five acres. Not more than one country inn shall be permitted on a single lot.

H. A country inn may have a sign (on premises); the sign may be double-faced and indirectly illuminated and no larger than 12 square feet.

I. Principal uses and accessory uses shall be identified on the site plan submitted with the application.

J. Extension or enlargement of a structure housing the principal use shall not be permitted to exceed an increase of more than 50% of the gross floor area of said principal structure which existed at the time of the adoption of these regulations. The exterior design of any conversion, extension, enlargement or new construction shall be architecturally compatible with the original building.

K. Adequate vehicular access shall be provided between a country inn and road owned or maintained by the county or state.

L. The facility shall demonstrate compliance with applicable requirements for such facilities as provided by the Health Department or other state agencies.

3.06.000 Shelters, permanent.

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO and CN Zones, subject to the following:

A. The shelter is operated by a public or nonprofit organization.

B. The maximum stay of an individual or a family shall not exceed one year.

C. When the shelter is located in a new structure, not an existing single-family dwelling, then the structure must meet the intensity and dimensional requirement set forth in the Schedule of Zone Regulations.[48]

3.07.000 Migrant workers' housing.

This use is permitted with conditions in the AC and RC Zones, provided that an affidavit of compliance with COMAR 10.16.01, Migratory Labor Camps, as amended, has been submitted to the Zoning Officer.

4.01.110 Private elementary and secondary sch ools, including pr eschool, kindergarten, associated grounds, athletic and other facilities. [Amended 7-25-2005 by Ord. No. 05-01; Amended 3-24-07 by Ord. No. 2007-05]

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN, CC, BP, CV, CER, CMR and CRR Zones, subject to the following:

A. Generally. A lot, tract or parcel of land may be allowed to be used for a private educational institution upon the following findings:

(1) That, except for buildings and additions thereto completed or for which building permits have been obtained prior to the time of adoption of this chapter, such use will be located in buildings architecturally compatible with other buildings in the surrounding neighborhood, and, in the event that such building is to be located on a lot, tract or parcel of land of two acres or less, in either an undeveloped area or an area substantially developed with single-family homes, that the exterior architecture of such building will be of a residential home design that is at least comparable to existing residential homes, if any, in the immediate neighborhood.

(2) The applicant must, as part of the application, submit architectural plans that satisfy the above standards, which will be a condition of a granted special exception.

(3) That such use will not, in and of itself or in combination with other existing uses, adversely affect or change the present character or future development of the residential community in which it is located.

B. That such use can and will be developed in conformity with the following requirements:

48 **Editor's Note: See Art VI, Base Zone Regulations**

(1) Area, frontage, setback and building coverage: as shall be reflected in a site plan of development approved by the Board, provided that in no event shall such standards be less than the area and dimensional regulations for the zone in which the private educational institution is proposed to be located.

(2) Access and screening: as shall be specified in a site plan of development approved by the Board, provided that such plan meets or exceeds the standards for the zone.

(3) Intensity.

(a) Intensity is the allowable number of pupils per acre permitted to occupy the premises at anyone time, which will be specified by the Board based on the following factors:

[1] Traffic patterns, including:

[a] Impact of increased traffic on residential streets.

[b] Existence of arterial highways; access shall be from a major collector or arterial highway at a minimum.

[2] Noise or type of physical activity.

[3] Character, percentage and density of existing development and zoning within the surrounding community.

[4] Topography of the land.

(b) In no event shall a special exception be granted for a density in excess of 87 pupils per acre.

C. **[Added 3-24-07 by Ord. No. 2007-05]** In the BP zone, the use is also subject to the following:

(1) The use is allowed in support of one or more existing office, manufacturing or institutional uses within the BP zone.

4.01.120 Trade or vocational schools. [Amended 10-25-1999 by Ord. No. 99·92]

This use is permitted by special exception in the MX and TOD Zones, based on the requirements contained in 4.01.110 above.

4.01.130 Private colleges, universities and community colleges, including associated facilities such as dormitories, office buildings, athletic fields, etc.

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN, CV and PRD Zones, based on the requirements contained in 4.01.110 above.

4.01.310 Private libraries, museums, art centers and similar uses, including associated educational and instructional activities, located within a building designed and previously occupied as a residence or institutional use.

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM and RH Zones, subject to the following:

A. This use is allowed upon a finding by the Board of Appeals that the proposed use will not adversely affect neighboring, vicinal or adjoining properties.

B. That the proposed use is operated by a nonprofit organization not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of such organization or individual.

C. This may consist of one or more buildings or structures which the Board shall find will be devoted entirely to the furtherance of the arts or culture, including but not limited to a theater, museum, classrooms or any combination thereof, and may provide for a restaurant or snack bar designed solely for service of food or refreshments to people using the facilities of the proposed center.

D. The lot, parcel or tract of land upon which the proposed center is to be located shall have a minimum area of one acre.

E. The requirements for institutional uses as to setbacks, area and lot coverage, landscaping, site plan approval and other requirements shall be met.

4.01.320 Private libraries, museums, art centers and similar uses, including associated educational and instructional activities, located within any other structure.
This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO and CN Zones, subject to the requirements in 4.01.310. This use is permitted with conditions in the BP Zone, provided that the use is oriented and accessed through an internal vehicle circulation system so that it is incorporated as part of the business park.

4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls and similar uses.

Such uses are permitted by special exception in the AC, RC, RV and CN Zones, provided that:

A. Any structure shall be located at a distance of not less than 100 feet from any lot line, except that not less than 50 feet at commercial or industrial zone lot lines shall be allowed. The front setback shall be at least 100 feet, except when bordering highways of eighty-foot rights-of-way or more, where the setback shall be 50 feet.

B. The provision of food, refreshments and entertainment for club or organization members and their guests may be allowed in connection with such use.

C. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall intrude into any adjacent residential area.

4.02.110 Indoor recreation activities conducted entirely within a building or substantial structure.

A. This use is permitted with conditions in the IG Zone if the structure or building is not less than 20,000 square feet in size.

B. This use is permitted by special exception in the CN Zone if the structure or building is not greater than 15,000 square feet in size.

C. This use is permitted with conditions in the CRR Zone if the structure or building is not greater than 15,000 square feet in size. **[Added 7-25-2005 by Ord. No. 05-01]**

4.02.123 Coliseums and stadiums with seating capacity of more than 1,000.

This use is permitted by special exception in the CC and BP Zones, subject to the following:

A. The minimum area shall be 50 acres.

B. The principal vehicular access for the use is located on an arterial street or collector street and not on a local street.

C. The use does not draw vehicular traffic to or through local streets in adjacent residential areas.

D. The use is located at least 200 feet from any residential zone.

E. Adequate space for stacking of vehicles is located at the vehicular entrance, and sufficient vehicular entrances and exits are provided to prevent traffic congestion.

F. Separate vehicular entrances and exits are provided at least 100 feet apart and at least 50 feet from any street intersection.

G. Automobile parking spaces are not located within a required setback area and are at least 50 feet from any lot line

4.02.130 Indoor rifle and pistol ranges. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted by special exception in the CN, CC, CB, CV, BP, PEP, MX and TOD Zones, subject to the following standards:

A. Such range is constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

B. Soundproofing shall be required to eliminate noise impact on neighboring properties.

4.02.140 Off-track betting facilities, including the addition of said facilities to an existing permitted use. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 11-21-1994 by Ord. No. 94-100; 5-5-1997 by Ord. No. 97-44; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted by special exception in the CC, CB, BP, IG, PEP, MX, TOD and CRR Zones subject to the following:

A. The use must be conducted in association with a restaurant, bar, nightclub or dinner theater permitted under 6.02.100.

B. In the BP Zone, the use must be oriented and accessed through an internal vehicle circulation system so that it is incorporated as part of the business park, and it must be accessory to a restaurant, bar, nightclub or dinner theater (see Use 6.02.100).

C. In order to avoid the concentration of gaming activities in one location, the use shall not be located on the same premises with other gaming activities of any kind, except the sale of lottery tickets or other gaming activities administered by the Maryland State Lottery and permitted under the provisions of this Zoning Ordinance.

D. No gaming activities described above shall be permitted in any existing or future off-track betting facility.

E. The site must have direct access to a major collector or arterial road.

4.02.200 Churches, synagogues and temples (including associated cemeteries and associated buildings with religious classes not including elementary or secondary school buildings).

[Added 3-14-07 by Ord. No. 2007-05]

Churches, synagogues and temples that exist within a BP zone when it is established shall be allowed to continue as a special exception under the following conditions:

A. No new churches, synagogues and temples may be created within a BP zone after the BP zone has been established.

B. An existing church, synagogue or temple within a BP zone may be expanded by special exception, provided that the expansion will not result in an increase in the land area owned by the church, synagogue or temple within the BP zone.

C. When an existing church, synagogue or temple within a BP zone has discontinued use for 365 or more consecutive days, said use shall expire and not be reestablished.

4.02.210 Privately ow ned outdoor recreation facilities such as golf and country club s, swimming or tennis clubs, not constructed pursua nt to a permit authoriz ing the construction of a residential development.

This use is permitted by a special exception in the AC, RC, RR, RV, RL, RM and RH Zones, subject to the following standards:

A. The proposed use will not adversely affect surrounding residential uses because of noise, traffic, number of people or type of physical activity.

B. The provision of food, refreshments and entertainment for club or organization members and their guests may be allowed in connection with such use, provided that the access to such services is provided through local residential streets.

C. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shines into any residential area.

D. A minimum one-hundred-foot setback for all buildings and parking areas shall be provided adjacent to residential zones or uses.

E. Vehicular access shall be provided from an arterial or collector road.

F. At minimum, Bufferyard D shall be provided adjacent to the clubhouse/office and parking areas when said facilities are located adjacent to residential lots or uses.

G. At minimum, Bufferyard C shall be provided adjoining residential lots or uses not part of the golf course development.

4.02.230 Recreation vehicle parks.

This use is permitted with conditions in the CC and CV Zones and is permitted by special exception in the AC and RC Zones, subject to the following:

A. The minimum area shall be 10 acres.

B. Roads. Interior roads shall, at a minimum, be constructed of six inches of bank run gravel and be 20 feet wide, except that one-way roads may have a minimum width of 10 feet. Recreation vehicle park developments shall be provided with safe and convenient vehicular access from abutting public streets or roads. Connections of recreation vehicle park roads with public streets or roads shall conform to the county Road Ordinance[49] or State Highway Administration Regulations.

C. Water and sewer. Each park shall have an available water supply and sewage disposal facilities as may be required by the appropriate state and county agencies.

D. Service buildings. Each park shall provide conveniently located service building(s) which must contain the following minimum equipment for each 20 campsites within the park: one flush-type toilet, one lavatory and one shower with hot and cold running water for males and one of each for females. Such equipment shall be in accordance with county and state codes. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

E. Recreation area. A minimum of 50% of the total camp area shall be reserved for open space and developed recreational area, which does not include any land required for individual campsites, roads or service areas.

F. Fire protection. Each park shall provide such fire-protection equipment required by the County or State Fire Marshal. During installation of electrical service facilities for the camp, a representative of the duly designated county agency shall inspect the installed electrical systems, and a certificate shall be issued so stating, which shall be displayed in the electrical service equipment area. A copy of the certification shall be provided to the Zoning Officer. Recreation vehicle camper parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers rated for Class A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than required by applicable codes. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

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49 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks**

G. Setbacks. All camper, trailer sites or pads shall be set back a minimum of 100 feet from adjacent property lines and state or county roads. All camper sites shall be set back a minimum of 20 feet from all interior roads and from each other.
H. Landscaping and screening. All parks shall be effectively screened from adjacent residential areas by a type "C" bufferyard as set forth in Articles XXII and XXIII.

I. Site plan. A site plan shall be submitted to and approved by the Board of Appeals for all recreation vehicle camper parks. The site plan shall contain all of the information necessary to show that the standards have been met.

J. Time restrictions. No mobile recreation vehicle or camping trailer shall be used as a permanent residence. The owner of the park shall keep a log with information on the arrival and departure dates of all vehicles using the park to assure that no vehicle uses the park for more than three consecutive months.

4.02.240 Campgrounds and camps.

This use is permitted by special exception in the AC and RC Zones, provided that the following standards are met:

A. The minimum area shall be 10 acres.

B. Dimensional standards shall have a frontage of not less than 150 feet abutting a public highway, street, road or other public right-of-way, except when the Board waives the requirement for minimum frontage if it finds that the facilities for ingress and egress of vehicular traffic are adequate to meet the requirements of Article XVI, Adequate Public Facilities Requirements.

C. No campsite shall be located within 50 feet of any boundary or property line of such lot, parcel or tract of land or within a distance of 125 feet from the center line of any public highway, street, road or other public right-of-way.

D. The density of campsites in a campground shall not exceed an average of 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings. Each campsite, excluding parking space, shall be a minimum of 900 square feet in area. Parking space for one automobile per campsite that will not interfere with the convenient and safe movement of traffic shall be provided or equivalent parking shall be provided in a central area.

4.02.250 Automobile and motorcycle racing tracks.

This use is permitted by special exception in the AC, RC, IG and IH Zones, subject to the following standards:

A. The minimum area shall be 75 acres.

B. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.

C. Bufferyard E will be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas and to provide spacing to reduce adverse impacts of noise, odor, accidents or danger from fires or explosions.

D. A maximum constant sound level of 60 dB(A) and a maximum peak sound level of 75 dB(A) shall not be exceeded at adjacent residential property lines.

E. The Board will establish the hours of operation.

F. Access shall be from an arterial or collector road.

4.02.260 Drive-in movie theaters, open-air theaters and amphitheaters.

This use is permitted by special exception in the AC, RC and CV Zones, subject to the following:

A. The following requirements shall apply to all uses in this category:

(1) The minimum area shall be 10 acres.

(2) Vehicular access shall be only from an arterial or collector road.

(3) A minimum one-hundred-foot buffer shall be provided adjacent to a residential zone or use.

(4) A minimum fifty-foot buffer shall be provided adjacent to a nonresidential zone or use.

(5) A maximum continuous sound level of 60 dB(A) and a maximum peak sound level of 75 dB(A) shall be observed adjacent to residential uses.

(6) Security fencing shall be provided adjacent to residential zones or uses.

(7) The Board shall limit the hours of operation of the facility to between 8:00 a.m. To 1:00 p.m. when adjacent to any residential zone or use.

(8) A site plan showing setbacks, location of stage or screen, seats, parking spaces, access points and fencing, height of screen and landscaping shall be provided.

B. In addition to the requirements listed in Subsection A, amphitheaters are permitted, provided that the following are met:

(1) The stage shall be located a minimum of 600 feet from adjacent residential zones or uses.

(2) A minimum of one parking space for every four fixed seats or for each 35 square feet of floor area used for the accommodation of movable seats, whichever is greater, plus one space for every 100 square feet of ground area used for assembly, shall be required.

C. In addition to the requirements listed in Subsection A, drive-in movie theaters are permitted, provided that the following standards are met:

(1) Theater screens will not face a major highway, will be screened in accordance with this subsection and are not to be visible from outside the boundaries of the tract.

(2) A wall or fence shall screen the patrons and cars in attendance from the view of surrounding properties, and the perimeter of the wall or fence shall be landscaped.

4.02.270 Amusement and theme parks.

This use is permitted by special exception in the AC, RC, RR and MX Zones, subject to the following standards:

A. The minimum area shall be 75 acres.

B. The principal access shall be provided from an arterial or collector road.

C. Separate vehicular entrances and exits shall be provided at least 400 feet away from any road intersection.

D. No buildings or structures, including rides or other apparatus, shall be located less than 50 feet from any parcel boundary or less than 200 feet from any adjacent residential lot.

E. No automobile parking space shall be located within any required setback area, nor within 50 feet of any adjacent residential lot.

F. A site plan showing screening, setbacks, layout of rides, etc., shall be required.

4.02.280 Golf driving ranges not accessory to golf courses, par three golf courses, miniature golf courses, skateboard parks, water slides, batting cages and similar uses.

These uses are permitted by special exception in the AC, RC and RR Zones, subject to the following standards:

A. The minimum area shall be one acre.

B. Site plan with adequate screening and buffering shall be provided from any adjacent residential property. Such screening shall address noise, light and safety considerations.

C. The Board of Appeals will establish hours of operation.

4.02.290 Outdoor rifle and pistol ranges, w ar games, archery ranges or other recreational activities using weapons.

These uses are permitted by special exception in the AC, RC, CN, CC, CV, BP, PRD and PEP Zones, subject to the following standards:

A. Adjacent areas shall be predominantly undeveloped or occupied by low-intensity land uses such as agriculture, etc.

B. Facilities shall be constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

C. War games will be permitted for a period of one year only, subject to renewal.

4.03.100 Hospitals and other inpatient medical, including mental health treatment, facilities in excess of 10,000 square feet of floor area. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01]

This use is permitted with conditions in the CN, CC, CB, CV, BP, PEP, MX, TOD and CER Zones and is permitted by special exception in the AC and RC Zones, subject to the following:

A. Hospitals and other inpatient medical facilities, excluding mental health facilities.

(1) A lot or parcel or tract of land to be used for a hospital or sanitarium building may be allowed, upon a finding by the Board that such a use will not cause negative impacts on adjacent uses because of noise, traffic or number of people being cared for; and that such use will not affect adversely the present character or future development of

the surrounding residential community.

(2) Minimum requirements.

(a) Total area shall be five acres.

(b) Frontage shall be 200 feet.

(c) Setback. No portion of a building or parking area shall be nearer to the lot line than a distance equal to the height of that portion of the building, where the adjoining or the nearest adjacent land is zoned residential, and in all other cases not less than 50 feet from a lot line.

(d) Access shall be from an arterial or collector road.

(e) Building height limit shall be 145 feet.

(f) An approved certificate of need shall be filed with the application for a special exception.

(3) A traffic and road condition study shall be submitted with a completed application form that analyzes the adequacy of the road network serving the site and the impact of traffic to be generated by the use.

(4) Helistops, 4.05.320, are permitted as an accessory use.

B. Mental health treatment facilities.

(1) The minimum area shall be three acres.

(2) A traffic and road condition study to determine the adequacy of the road network serving the site for traffic to be generated by the use shall be submitted.

(3) Any structure is located at least 100 feet from any adjacent residential lot.

4.03.200 Nursing care, intermediate care, handicapped, infirm and child care institutions.

A nursing home is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH and RO Zones, subject to the following standards:

A. That such use will not cause negative impacts to the adjacent neighborhoods because of traffic, noise or number of patients or people being cared for.

B. That such use will be housed in buildings architecturally compatible with other buildings in the surrounding neighborhood.

C. That such use will not adversely affect the present character or future development of the surrounding residential community; and that such use can and will be developed in conformity with the following minimum area, density, coverage, frontage, setback, access and screening requirements, where specified.

D. All such facilities and all additions to existing facilities where 10 or more people are cared for shall comply with the following:

(1) The minimum area shall be 20,000 square feet.

(2) Minimum setbacks.

(a) Front yards: as specified for the applicable zone.

(b) Side yards.

[1] The following minimums are in addition to those otherwise required in the various zones:

[a] One and one-half feet for each bed in the AC, RC, RL and RR Zones.

[b] One foot for each bed in the RM and RV Zones.

[c] One-half foot for each bed in the RH and RO Zones.

[2] In no case shall any minimum side yard be required to be greater than 50 feet more than would otherwise be required in the applicable zone.

(c) Rear yards. One-half of the total of both side yards as required in Subsection D(2)(b) above, but not less than the minimum required in the applicable zone.

(3) Minimum screening, as determined by the Board with special emphasis given to offstreet parking and loading areas in accordance with Articles XX through XXIII.

(4) The Board shall increase the number of off-street parking spaces required for nursing or care homes under Article XX where the operation or method of operation or type of care to be provided indicates the need for such an increase.

4.05.110 Local post offices. [Amended 12-7-1993 by Ord. No. 94-4]

A. This use is permitted by special exception in the AC, RC and RV Zones, subject to the following standards:

(1) Any structure shall be compatible with the surrounding neighborhood.

(2) A traffic and road condition study shall be filed by the applicant with the completed application which analyses the adequacy of the road network serving the site and the impact of new traffic trips generated by the requested use.

(3) Evidence shall accompany the application for the special exception that indicates the United States Postal Service intends to operate a post office on the property.

B. B. In addition to the above, in the RV Zone the following standards apply:

(1) Parking shall be in the rear or side yard.

(2) Bufferyards will be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impact of noise, odor or danger from fire or explosion.

4.05.210 Private airports. This use is permitted by special exception in the AC, RC and RR Zones, provided that the following standards are met:

A. A satisfactory airspace analysis by the Federal Aviation Administration (FAA) for operation under visual flight rules is submitted with the application.

B. A site plan that indicates locations of runways, structures and their relationship to uses in the surrounding neighborhood is submitted.

C. A one-thousand-foot clear zone for fixed-wing aircraft extending from the end of all runways is secured through ownership or easement; in no case shall the end of a runway be closer than 200 feet from any property line.

D. That, for both fixed- and rotary-wing aircraft, neither the landing area nor any parking areas, buildings, structures or navigational aid shall be located within 400 feet of any property line adjacent to a residential zone or use.

E. Landing areas for rotary-wing aircraft shall be designed to comply with the Airport Design Guide of the FAA.

F. The Board will limit hours of operation to between 7:00 a.m. and 10:00 p.m.

4.05.220 General aviation airport. [Added 11-7-1995 by Ord. No. 95-97]

This use is permitted with conditions in the IG Zone subject to the following:

A. Minimum area: 200 acres.

B. The site is located on property which is on or adjacent to an existing general aviation airport that currently services 20 or more aircraft.

C. An aircraft landing area must meet the standards established by the Maryland Aviation Administration and, at a minimum, the standards set forth in the Federal Aviation Advisory Circular AC 150/√15300, Airport Design, as may be amended.

D. A site plan shall be submitted for approval by the Zoning Officer. In addition to the requirements set forth in Appendix A, the plan must show the following:

(1) Setback areas, including screening and fencing.

(2) Portion of tract being used.

(3) Existing and proposed structures and major mechanical equipment.

(4) Existing and proposed access roads.

(5) Any noise control measures provided.

(6) Points of access to the site which may be potentially hazardous and provisions to control unauthorized entry to the site shall be addressed.

(7) Environmental features, including steep slopes, hydric and erodible soils, wetlands, one-hundred- year floodplain, and forested areas.

(8) Historic and archeological resources, including sites not previously identified, shall be identified and described as to how these resources will be preserved.

(9) All operations on site, including outdoor storage of machinery and equipment, may be required to be buffered from any adjoining land or public street. The applicant shall submit plans showing the location and type of any proposed buffering material.

E. All operations shall be conducted in a safe manner with respect to hazard to persons, physical

or environmental damage to lands and improvements.

F. The decibel reading does not exceed 70 dB(A) at the property line. The method of measurement shall be governed by § 297-32, Noise, of the Zoning Ordinance.

G. Appropriate airport accessory uses such as restaurants, snackbars, automobile rental agencies, airline business offices and service facilities, but not manufacturing uses, may be permitted within the terminal building.

H. The Zoning Officer shall refer the application for site plan approval to the Federal Aviation Agency or the appropriate regional planning bodies to determine:

(1) If the airport is an integral part of, or will interfere with, the general plan of airports for the Maryland Washington Regional District; and

(2) If the take-off and landing pattern of a new, reoriented or lengthened runway will interfere with the flight pattern of a nearby airport.

I. Public hearing; process.

(1) The County Commissioners shall conduct a public hearing prior to the approval of a site plan or the issuance of a zoning permit which:

(a) Establishes a new general aviation airport; or

(b) Will result in:

[1] The lengthening of an airport runway; or

[2] The expansion or intensification of an existing general aviation airport use that would allow a larger category of aircraft to use the airport.

(2) The hearing process and procedures must follow the standards and requirements set forth in § 297-448K through U for local map amendments. The County Commissioners shall make findings as to the compatibility with the surrounding area and any detrimental impacts on the surrounding area. The site plan and zoning permit approval will be based on the findings of the County Commissioners.

4.05.310 Heliports. [Amended 10-25-1999 by Ord. No. 99-92] Heliports are permitted with conditions in the IG and IH Zones and are permitted by special exception in the AC, RC, RR, BP, PEP, MX and TOD Zones, provided that the following are met:

A. The facility meets the standards of the Federal Aviation Administration.

B. A site plan showing compliance with all of the following standards is submitted.

C. The land areas to be used by helicopters are provided with a dustproof surface.

D. Parking of vehicles is not permitted within the setback requirements for the zone in which the facility is located.

E. The day-night noise level (Ldn) at the property line, as determined in accordance with State Department of Transportation Regulation COMAR 11.03.03.01, does not exceed:

(1) Seventy-five Ldn in an industrial, commercial or planned development zone.

(2) Sixty-five Ldn in:

(a) Any zone or development not specified in Subsection E(l) above.

(b) Any zone or development specified in Subsection E(l) above if it abuts a residential property line.

F. For a heliport, the following additional requirements apply:

(1) The housing and repair of helicopters and all structures or facilities used to house and repair helicopters shall be located at least:

(a) Fifty feet from any property line; and

(b) Two hundred feet from any dwelling or public or private institution.

(2) Each heliport facility is surrounded by a well-constructed, toddler-proof fence or by dense planting at least six feet in height, with a suitable gate effectively controlling access to the area.

4.05.320 Helistops. [Amended 10-25-1999 by Ord. No. 99-92; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the IG, IH, PEP, MX, TOD and AUC Zones and is permitted by special exception in the AC, RC, RR, RV, CN, CC, CB, CV and BP Zones, provided that the following are met:

A. The requirements of 4.05.310, Subsections A through D.

B. For a helistop that is a structural part of a building, the following additional requirements apply:

(1) Landing areas and supports for landing areas are constructed of fire-retardant material.

(2) A guardrail that does not penetrate; the approach departure surface is provided around the facility in accordance with the County Building Code.[50]

(3) A safety net or fence that begins below the surface of the pad, does not rise above it and is at least five feet in width around the pad is provided around each raised landing pad.

4.06.200 Electric power, gas transmission and telecommunications buildings and structures not associated with a tower. [Amended 9-7-1999 by Ord. No. 99-85; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted by special exception in the AC, RC, RR, RL, RM, RH, RO, CC, BP, PEP, MX, TOD, CER, WC and AUC Zones, subject to the following standards:

A. Utility buildings or structures may be allowed, subject to the following:

(1) The proposed building or structure at the location is necessary for public convenience and service.

(2) The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or be detrimental to neighboring properties.

B. Public utility buildings in any permitted residential zone shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping and screen planting and fencing.

C. The Board shall prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including soundproofing; for the construction of fences, barriers or other safety devices; for surfacing of all access roads and driveways; shielding of floodlights or other artificial illumination; and landscaping or screening.

4.06.300 Tower more than 50 feet tall. [Amended 9-7-1999 by Ord. No. 99-85]

A tower and associated substations such as radio, television, microwave broadcasting, etc. are permitted by special exception in all zones subject to the following standards:

A. All structures shall be located at least 200 feet from an existing dwelling or residential zone.

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50 **Editor's Note: See Ch. 224, Building Construction**

B. A minimum ten-foot landscape strip will be around all property lines exterior to any fence or wall.

C. Any proposed tower will have a setback of one foot from all property lines for every foot of height of the tower. Any broadcasting tower lawfully existing prior to the effective date of this chapter shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed or enlarged, provided that no structural change, repair, addition, alteration or reconstruction shall result in increasing the height of such tower above the then-existing structurally designed height.

D. The application submitted by the applicant to the Board of Appeals shall include the following:

(1) A system design plan that shall include, at a minimum, radio frequency parameters, tower height, number and location of antennas on the tower, radio frequency output, effective radiated power and azimuth antenna type.

(2) Coverage map of the area to be served by the proposed tower.

(3) Coverage map showing coverage available under existing towers, towers proposed to be constructed for the county's public communication system and other appropriate structures.

(4) An evaluation of the tower's relationship to other antenna sites, existing buildings taller than 50 feet and communications towers and water tanks within ½ mile of a proposed tower which is less than 150 feet tall and within one mile of a proposed tower which is greater than 150 feet tall.

E. Co-location.

(1) The applicant for a new communications tower shall demonstrate to the Board of Appeals that co-location on existing towers or other appropriate structures is not feasible. Feasibility shall be demonstrated by an analysis and explanation prepared by the applicant which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed communication service and a structural analysis indicating that no existing or proposed tower can be structurally modified to accommodate the applicant's use.

(2) The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse 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 a new site and the potential to locate 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 and economic feasibility may be considered. Approval of the project is subject to the board making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.

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

(a) Planned equipment would exceed the structural capacity of existing and approved towers or towers proposed to be constructed for the county's public communications system considering existing and planned use of those towers, and such towers cannot be structurally modified or reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(b) Planned equipment will cause interference with other existing or planned equipment for the tower, and the interference cannot be prevented at a reasonable cost;

(c) Existing, approved towers, or towers proposed to be constructed for the county's public communications system do not have space on which planned equipment can be placed so as to function effectively; or

(d) Existing, approved towers, towers proposed to be constructed for the county's public communications system will not provide effective signal coverage sought by the applicant.

F. The tower shall be constructed so as to provide adequate capacity for future co- location of other commercial and/or government-operated antennas, unless the applicant demonstrates why such design is not economically or physically feasible. The system design plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.

G. The applicant shall submit a master plan for its proposed communications network for the entire county. The Department of Planning and Growth Management shall adopt a policy outlining the submittal requirements for such a master plan.

H. The applicant shall demonstrate that the proposed tower will not interfere with existing lines of communication used for public safety purposes.

I. 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.

J. No commercial advertising or other signage shall be permitted on the tower.

K. The applicant shall demonstrate that a tower shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state-designated scenic road, a structure on the historic sites surveyor an historic district.

L. All obsolete or unused facilities shall be removed within 12 months of cessation of operations without cost to the county.

M. No tower or fixture attached thereto shall be taller than 300 feet above existing grade.

4.06.500 Wireless communication antennas. [Added 9-7-1999 by Ord. No. 99-85]

This use is permitted with conditions in all zones, subject to the following conditions:

A. The applicant must demonstrate to the Zoning Officer that the proposed antennas will not interfere with existing lines of communication used for public safety purposes. Such demonstration shall include a recommendation from the department of Emergency Services upon review of the system design plan.

B. The application submitted by the applicant to the Zoning Officer shall include the following:

(1) A system design plan that shall include, at a minimum, radio frequency parameters, antenna height, number and location of antennas at the site, radio frequency output, effective radiated power and azimuth antenna type.

(2) Coverage map of the area to be served by the proposed antenna.

(3) Coverage map showing coverage available under existing towers and other appropriate structures.

(4) An evaluation of the antenna's relationship to other antenna sites, existing buildings taller than 50 feet and communications towers and water tanks within 1/2 mile of a proposed tower which is less than 150 feet tall and within one mile of a proposed tower which is greater than 150 feet tall.

C. The applicant shall demonstrate to the Zoning Officer that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless telecommunication facilities and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antennas at an alternative site by providing a coverage/interference analysis and capacity analyses.

D. No signals, lights or illumination shall be permitted on the antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the county.

E. No commercial advertising or other signage shall be permitted on the antenna.

F. The applicant shall demonstrate that the antenna shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state-designated scenic road, a structure on the historic sites surveyor an historic district.

G. All obsolete or unused facilities shall be removed within 12 months of cessation of operations without cost to the county.

4.07.100 Earth stations. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01]

This use is permitted with conditions in the IG, IH and PEP Zones and is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, BP, PRD, MX, PMH, TOD, CER, CMR and CRR Zones, provided that:

A. This use and/or all associated facilities shall be located in the rear yard.

B. This use and/or all associated facilities are sufficiently screened to avoid visual impacts from public rights-of-way or adjoining properties.

4.07.200 Satellite dishes. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the AC, RC, RR, RV, RL, RM, RH, RO, CV, PRD, MX, PMH, TOD, CER, CMR, CRR, WC and AUC Zones, provided that the following are met:

A. The conditions set forth in Subsections B through F below do not apply to residential lots greater than three acres in the RR, RC and AC Zones.

B. On any lot, only one satellite dish antenna may be permitted, provided that it is located in a rear or side yard at least two feet from any rear or side lot line.

C. The location of a satellite dish antenna shall be dependent on the reception of usable satellite signal. Where usable signals can be obtained, the antenna shall be ground-mounted and located in the rear yard. If usable signals cannot be obtained from such rear yard location, the antenna shall be ground-mounted and located in either side yard. If usable signals cannot be obtained from such side yard location, the antenna may be mounted on a pole or any other structure. In no event shall a satellite dish antenna be located in the front yard. On through lots and on corner lots where the designated front of the main building faces a side street, the rear, side and front yards, as used herein, shall mean the yards at the rear, side and front of the building.

D. Usable satellite signals shall be those signals from the major communication satellites which, when viewed on a conventional television set, are at least equal in picture quality to that received from local commercial television stations or by way of cable television.

E. Screening shall be provided along the rear and sides of any ground-mounted satellite dish antenna, when such antenna is visible from the street or surrounding property as viewed from ground level.

F. Satellite dish antennas may be located within any required open space area or in any required landscaped area, except along a street.

4.08.110 Family burial sites.

This use is permitted with conditions in the AC, RC, RR, RV, RL, RM, RO, CN, CC, CB, CV, BP, PRD, PEP and MX Zones, provided that:

A. The minimum area shall be two acres.

B. A family burial site is limited to members of the family of the owner of the property.

C. In the event that the property is in an area not served by public water and sewer, water table tests shall be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high water table.

D. Such use is only as an accessory use on a residentially developed property.

E. The site shall be set back at least 100 feet from any adjoining residential property and at least 50 feet from an existing street or from a proposed street.

F. The use of any property for a private cemetery or family burial site must be recorded in the county land records.

4.08.120 Cemeteries.

Cemeteries are permitted by special exception in the AC, RC, RR, RV, RL, RM, RH and PRD Zones, subject to the following:

A. A buffer of 25 feet shall be required between any burial plots and all lot lines.

B. The proposed location must be compatible with adjacent land uses, existing or proposed highways and any other elements or factors deemed to affect the public health, safety and welfare of the inhabitants of such zone.

4.08.200 Crematoriums. [Amended 7-25-2005 by Ord. No. 05-01]

Crematoriums are permitted with conditions in the RO, CN, CC, CV, BP, PEP and MX Zones and are permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, PRD and CER Zones, subject to the following:

A. Bufferyards shall be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, odor or danger from fires or explosions.

B. This use is only permitted when in conjunction with a funeral home or cemetery.

C. Any crematorium shall be located at least 200 feet from any residential lot line.

5.01.112 Personal Services [Added 4-23-2010 by Bill No. 2010-05]

This use is permitted with conditions in the CER Zone, provided that this use is limited to a maximum of 20 percent of the floor area of a development.

5.02.200 Retail concrete mixing.

As further limited by Subsection D below, this use is permitted with conditions in the CN and CC Zones, subject to the following requirements:

A. A maximum of 20 cubic yards of concrete per hour may be produced. Operations capable of producing larger amounts of concrete or where concrete is removed in containers holding more than one cubic yard of concrete are not permitted under this use classification.

B. A site plan must be submitted with the application that indicates how material, equipment, machinery and product storage will be handled and indicating how such facilities will be adequately screened from adjacent properties and public rights-of-way.

C. A noise analysis of the type of operation proposed must be submitted with evidence that the impacts will be addressed according to the standards in Article II.

D. This use shall only be permitted as an accessory to a general merchandise use, 6.01.130.

5.02.300 Funeral homes. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 10-25-1999 by Ord. No. 99-92; 7-25 -2005 by Bill No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the RO, CN, CC, CB, CV, BP, PEP, MX, TOD, CER, WC and AUC Zones and is permitted by special exception in the AC, RC, RR and RV Zones, subject to the following:

A. The use will not adversely affect vicinal or neighboring properties and will not cause a negative impact on adjacent neighborhoods because of noise, traffic or type of physical activity. In any residential zone, the premises shall, and, in any commercial zone, may, maintain, either as a separate building or a portion of the main building, one dwelling unit, which may only be occupied by the owner or an employee of the establishment.

B. Ingress and egress shall be located so as to minimize traffic conflict on the receiving street during a funeral procession. The design should not permit or encourage the stacking of cars on a public road or street.

C. Minimum lot size in the AC, RC and RR Zones shall be 35 acres and shall be part of a cemetery.

D. When a special exception is required, the funeral home shall be architecturally compatible with the neighborhood.

5.02.400 Veterinarians and veterinary hospitals. [Amended 12-11-2000 by Ord. No. 00-93; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted with conditions in the CN, CC, CV, BP, PEP, MX, TOD, CER, WC, and AUC Zones and is permitted by special exception in the RR, RC(D), RV and RL Zones, subject to the following standards:

A. The minimum area of the lot shall be one-half (½) acre.

B. It must be housed in a fully enclosed, soundproof building.

C. Except in the WC and AUC Zones, it shall be located a minimum of 75 feet from any road or street and no less than 125 feet from the nearest dwelling.

D. It must conform to standards of the County Animal Regulations[51] and applicable state and local laws.

5.02.500 Nursery schools and day-care centers with more than 30 children. [Amended 7-25-2005 by Ord. No. 05-01]

This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, IG, PRD, PMH

51 **Editor's Note: See Ch. 230, Dogs and Other Animals, Art. I.**

and CMR Zones, subject to the following standards:

A. The facility shall be in accordance with all applicable county, state and federal rules and regulations.

B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. Building and play area facilities shall be at least 100 feet from any residential zone or use:

D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.

E. Any such use shall not have a detrimental impact on the surrounding properties.

F. The hours of operation may be established by the Board of Appeals.

G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding neighborhood.

H. Adequate areas shall be provided for classrooms and play areas.

6.01.113 Antique shops and art galleries with building floor space less than 15,000 square feet per parcel.

This use is permitted by special exception in the AC, RC and RV Zones, subject to the following:

A. That the use is in an existing building or part of an existing building.

B. That the original character of the building be maintained.

C. That signs shall be limited to identification signs.

6.01.121 Shoppers' merchandise store, as defined, with building floor space greater than 15,000 square feet per parcel.

This use is permitted by special exception in the CV Zone, subject to the following standards:

A. The use will not cause negative impacts on adjacent uses because of noise, fumes, odors, traffic or physical activity.

B. It is effectively screened by a natural terrain feature, solid wall or a substantial solid fence not less than five feet in height or other effective screening measure, including exterior

landscaping as deemed appropriate by the Board of Appeals.

C. Lighting, including permitted illuminated signs, is not arranged or directed so as to reflect or cause glare into any residential area.

D. When occupying a comer lot, the ingress or egress driveway(s) are located at least 20 feet from the intersection of the front and side street lines of the lot.

E. There are no signs and other obstructions which adversely affect visibility at intersections or to the driveway(s).

F. All driveways are perpendicular to the curb or street line.

6.01.122 Specialty shops, as defin ed, with building floor area greater than 15,000 squar e feet per parcel.

This use is permitted by special exception in the CV Zone, subject to the following standards:

A. The use shall not cause negative impacts on adjacent uses because of noise, fumes, odors, traffic or physical activity.

B. It is effectively screened by a natural terrain feature, solid wall or a substantial solid fence not less than. five feet in height or other effective screening measure, including exterior landscaping as deemed appropriate by the Board of Appeals.

C. Lighting, including permitted illuminated signs, is not arranged or directed so as to reflect or cause glare into any residential area.

D. When occupying a comer lot, the ingress or egress driveway(s) are located at least 20 feet from the intersection of the front and side street lines of the lot.

E. There are no signs and other obstructions which adversely affect visibility at intersections or to the driveway(s).

F. All driveways are perpendicular to the curb or street line.

6.01.123 Antique shops and art galleries w ith building floor space greater than 15,000 square feet per parcel.

This use is permitted by special exception in the AC, RC and CV Zones, subject to the following standards:

A. That it is in an existing building or part of an existing building.

B. That the original character of the building be maintained.

C. That signs shall be limited to identification signs.

6.01.130 General merchandise, as defined.

This use is permitted with conditions in the BP Zone and by special exception in the CV Zone, subject to the following:

A. In the BP Zone, the following standards apply:

(1) All outside storage must be screened from adjacent properties and shall not be located adjacent to any county or state highway.

(2) The materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, adjacent properties and the neighborhood.

(3) When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two feet tall at time of planting which may be expected to form a year-round dense screen within three years.

B. In the CV Zone, the following standards apply:

(1) The use shall not cause negative impacts on adjacent uses because of noise, fumes, odors, traffic or physical activity.

(2) Outside storage shall be screened, and the materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, adjacent properties and the neighborhood. When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two feet tall at time of planting, which may be expected to form a year-round dense screen within three years.

(3) Lighting, including permitted illuminated signs, is not arranged or directed so as to reflect or cause glare into any residential area.

6.01.140 Convenience stores. [Amended 7-25-2005 by Ord. No. 05-01]

This use is permitted by special exception in the CN, CV, CER, CMR and CRR Zones, subject to the following:

A. Where a residence is located within 100 feet of the property and is not located across a public

road right-of-way from the subject property, Bufferyard E is required. Road Buffer standards set forth in § 297-151 shall apply along public road rights-of-way.

B. Lighting of parking areas shall meet the minimum standard established in Article XX.

C. All business, service, storage and display of goods shall be located within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.

D. A traffic and road condition study shall be submitted by the applicant to determine the adequacy of the road network serving the site for traffic to be generated by the use.

6.01.150 Retail sales greater than 100,000 square feet on one floor. [Added 9-23-2002 by Ord. No. 02-80]

This use is permitted by special exception in the CC, CB, MX, TOD, and PUD Zones, subject to the following:

A. Site design and exterior architectural plans shall be reviewed and approved by SDARB upon the granting of a special exception by the Board subject to the following minimum site design and architectural design standards:

(1) Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses with minimum two-foot depth, and in sufficient number, to reduce the unbroken massing into lengths of approximately 40 feet or less along all sides of the building.

(2) The building design along any public street shall have arcades, display windows, entry areas, awnings or other such features along no less than 60% of its horizontal length.

(3) Building facades must include no fewer than two of the following elements:

(a) Color change;

(b) Texture change;

(c) Wall offsets, reveals or projecting ribs.

(4) The roof design shall provide variations in roof lines and add interest to, and reduce the massive scale of, large buildings. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.

(5) Mechanical equipment shall be screened to views in all directions. If roof-mounted,

the screen shall be designed to conform architecturally to the design of the building either with varying planes or with parapet walls.

(6) Loading docks, outdoor storage must be screened from adjacent properties, and materials, textures, colors and design of fences, walls, and screening shall be compatible with on-site development, adjacent properties, and the neighborhood.

(7) Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building, and the landscaping shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform with those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor areas of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers.

(8) Pedestrian sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping except where features such as display windows, arcades or entryways are part of the facade.

(9) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

B. Any building which is expanded to 100,000 square feet or more on one floor shall be subject to a special exception and shall meet the requirements stated in Subsection A above.

6.02.100 Restaurant, standard, fast-food, bars, nightclubs and dinner theaters.

This use is permitted with conditions in the RO and BP Zones and is permitted by special exception in the CN Zone, subject to the following:

A. In the RO Zone, the use is limited to 3,000 square feet of floor space.

B. In the BP Zone, the use must be oriented internally and have internal access such that it is incorporated into and as part of the business park.

C. In the CN Zone, the use is subject to the following:

(1) The use at the proposed location will not create a traffic hazard or safety problem because of its locations in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings.

(2) Materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, the adjacent property and the neighborhood. When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two feet tall at time of planting, which may be expected to form a year-round dense screen within three years.

(3) Lighting, including permitted illuminated signs, shall be arranged and directed so as not to reflect or cause glare into any residential zone.

(4) The Board of Appeals will regulate hours of operation so as to diminish adverse impact on adjoining properties.

6.02.200 Restaurant, fast-food, carry-out and delivery.

This use is permitted with conditions in the BP Zone and by special exception in the CN and CV Zones, subject to the following:

A. In the BP Zone, the use must be oriented and have access internally so that it is incorporated as part of the business park.

B. In the CN and CV Zones, this use is subject to the following:

(1) The use at the proposed location will not create a traffic hazard or safety problem because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings.

(2) Materials, textures, colors and design of fences, walls and screening shall be compatible with on- site development, the adjacent property and the neighborhood. When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two feet tall at time of planting, which may be expected to form a year-round dense screen within three years.

(3) Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare into any residential zone.

(4) The Board may regulate hours of operation so as to prevent adverse impact on adjoining properties.

6.02.310 Restaurant, fast-food, drive-in or drive-through with direct highway access to a public road. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted by special exception in the CC, CB, CV, PEP, MX and TOD Zones, subject to the following standards:

A. The use at the proposed location will not create a traffic hazard or safety problem because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings.

B. Materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, the adjacent properties and the neighborhood. When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two feet tall at time of planting, which may be expected to form a year-round dense screen within three years.

C. Lighting, including permitted illuminated signs, shall be arranged so as not to reflect or cause glare into any residential zone.

D. When such use occupies a comer lot, the ingress or egress driveways shall be located at least 20 feet from the point of curvature of the quadrant radius. Driveways shall not exceed 30 feet in width, provided that the street line shall be considered to be at least 60 feet from the center line of any abutting street or highway.

6.02.400 Brewery with standard restaurant, pub-brewery and microbrewery. [Added 8-21-2000 by Ord. No. 00-64]

This use is permitted with conditions in the RO Zone and is permitted by special exception in the CN and BP Zones, subject to the following:

A. In the RO Zone, the use is limited to 3,000 square feet of floor space.

B. In the BP Zone, the use must be internally oriented and include internal access incorporated into and as part of the business park.

C. In the CN Zone, the use is subject to the following:

(1) The use at the proposed location will not create a traffic hazard or safety problem resulting from proximity to similar uses, necessity of turning movements in relation to its access to public roads and intersections or proximity to other buildings or proposed buildings.

(2) Materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, the adjacent property and the neighborhood. When solid walls are required, a planting strip of at least five feet in width shall also be provided. Such planting shall include trees at least six feet in height at the time of planting, and/or shrubs at least two feet in height, with a high degree of potential to form a year-round dense screen within three years.
(3) Lighting, including permitted illuminated signs, shall be arranged and directed so as not to reflect or cause glare into any residential zone.

(4) The Board of Appeals will regulate hours of operation so as to diminish adverse impact on adjoining properties.

6.03.100 Motor vehicle and manufactured home sales or rental.

This use is permitted with conditions in the CC, CV, BP, PEP and MX Zones, subject to the following regulations:

A. Such lot may be used for the storage, sale and rental of only the following vehicles: automobiles, motorcycles, light trailers of such limited size and capacity so as to be capable of being safely towed by a passenger motor vehicle designed for carrying fewer than 10 passengers, manufactured homes (Classes A and B) and light- and medium-duty trucks. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

B. Gasoline pumps, other service appliances, major repairs, spray paint operation or body or fender repair shall only be permitted as accessory uses.

C. Vehicles shall be stored or parked only within a hard-surfaced area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission, surrounded by a raised curb. The curb shall be located so that no vehicle can be parked or stored within 25 feet of any street line, nor within 25 feet of any property line adjoining land in a residential zone, nor within three feet of any property line.

D. Signs, product displays, parked vehicles and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.

E. Lighting shall be low-level and so arranged as not to reflect or to cause glare into any residential zone.

6.03.110 Motor vehicle and manufactur ed home sales or rental in the CB Zone on mor e than three acres. [Amended 12-7-1993 by Ord. No. 93-101]

This use is permitted by special exception in the CB Zone, subject to the following regulations:

A. That all the requirements contained in 6.03.120 are met.

B. That the scale of the use is compatible with the character of the development 10 the surrounding area.

6.03.120 Motor vehicle and manufactur ed home sa les or rental. [Amended 12-7-1993 by Ord. No. 93-101; 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 05-01]

A. This use is permitted with conditions in the CC, CB, CV, BP, PEP, MX and TOD Zones, and permitted by special exception in the CER Zone, subject to the following regulations:

(1) A lot may be used for the storage, sale and rental of only the following vehicles: automobiles, light trailers of such limited size and capacity so as to be capable of being safely towed by a passenger motor vehicle designed for carrying fewer than 10 passengers, manufactured homes (Classes A and B) and light- and medium-duty trucks.

(2) Gasoline pumps, other service appliances, major repairs, spray paint operation or body or fender repair shall only be permitted as accessory uses.

(3) Vehicles shall be stored or parked only within a hard-surfaced area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission, surrounded by a raised curb. The curb shall be located so that no vehicle can be parked or stored within 25 feet of any street line, nor within 25 feet of any property line adjoining land in a residential zone, nor within three feet of any property line.

(4) Signs, product displays, parked vehicles and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.

(5) Lighting shall be low-level and so arranged as not to reflect or to cause glare into any residential zone.

B. This use is also permitted with conditions in the CB Zone, and permitted by special exception in the CER Zone, subject to Subsection A above and the following regulations:

(1) A lot may be used for the storage, sale and rental of all the vehicles listed in Subsection A(l) above, except manufactured homes. A lot may also be used for the storage, sale and rental of boats on light trailers of such limited size and capacity so as to be capable of being safely towed by a passenger motor vehicle designed for carrying fewer than 10 passengers.

(2) Such storage, sale and rental are permitted only on the same lot with and ancillary to a sales room and/or rental office, which shall be an enclosed structure.

(3) The Zoning Officer, upon determination that site constraints such as preexisting conditions prevent full compliance with the provisions of this section, may allow reasonable adjustments to the standards set forth in this section.

(4) Accessory uses not in an enclosed structure shall be screened from any adjoining residential uses.

(5) Motor vehicle repairs and maintenance shall only be permitted as accessory uses and shall occur only in enclosed structures, and no large work area doors or open bays shall be open toward or face the street.

(6) Buildings shall be located no more than 55 feet from the front property line.

(7) A sidewalk shall be constructed along the street line with a pedestrian entrance to principal buildings.

(8) All accessory buildings shall be located in the rear of the primary building.

(9) Parked vehicles and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.

6.03.200 Motor vehicle parts sa les with installation of motor vehicle parts or accessories such as tires and mufflers. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted with conditions in the CN, CC. CV, BP, IG. PEP. MX and TOD Zones. provided that the following requirements are met:

A. This use is limited to the sale, replacement, installation or repair of tires, mufflers, batteries, brakes and master cylinders, shock absorbers, instruments, such as speedometers and tachometers, radios and sound systems or upholstery for passenger cars, motorcycles, vans and light trucks only. **[Amended 12-7-1993 by Ord. No. 93 -100; 11-21-1994 by Ord. No. 94-100]**

B. No use authorized herein shall permit any private or commercial activity which involves the painting, repair or alteration of the auto body, nor shall any repair, replacement, modification, adjustment or servicing of the power plant or drive train be permitted, except minor tune-up involving the changing of spark plugs, points, coolant or condenser, including engine block oil changes.

C. All activity and storage associated with the permitted use shall occur entirely within a completely enclosed building.

D. No building or structure shall be located in any required yard or setback.

E. Wall openings in structures are permitted in those walls directly facing an existing commercial or industrial zone. Wall openings necessary for ventilation, fire exits and light, pursuant to the standards of the Charles County Building Code[52] and the Fire Safety Code, shall be permitted.

F. The maximum permitted total floor area ratio shall not exceed 0.40. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

G. A minimum ten-foot-wide landscape strip shall be provided adjacent to and completely across all property lines. Curb cuts shall be minimized.

H. No outdoor display of merchandise sold, serviced or rented is permitted.

6.03.300 Motor vehicle repair and maintenance, fuel sales, car wash (not including auto body work). [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted with conditions in the TOD Zone.

6.03.310 Motor vehicle repair and maintenance. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 10-23-2000 by Ord. No. 00-84]

This use is permitted with conditions in the CN, CC, CB, CV, IG, PEP and MX Zones subject to the following:

A. A motor vehicle repair and maintenance shop is limited to the sale, installation, repair, replacement, modification, adjustment or servicing of the power plant or drive-train of a vehicle subject to the following standards:

(1) Minimum area: 20,000 square feet.

(2) All activity and storage of parts shall occur entirely within a completely enclosed building. Any vehicle storage shall be temporary, in side or rear yards, and screened from adjacent properties.

(3) No building or structure shall be located in any required yard or setback.

(4) Wall openings in structures are permitted in those walls directly facing an existing commercial or industrial zone. Wall openings necessary for ventilation, fire exits and light, pursuant to the standards of the Charles County Building Code and the Fire

52 **Editor's Note: See Ch. 224, Building Construction**

Safety Code, shall be permitted.

(5) The maximum permitted total floor area ratio shall not exceed 0.40.

(6) A minimum ten-foot-wide landscape strip shall be provided adjacent to and completely across all property lines. Curb cuts shall be minimized.

(7) No outdoor display of merchandise sold, serviced or rented is permitted.

(8) Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and service pits shall be located within the main structure. Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design. The site plan shall indicate the disposal methods to be used for all waste material, including recycling of waste oil generated by the operation.

6.03.311 [Added 5-17-08 by Ord. No. 2008-02] For more than two buses, bus dispatching, storage, including parts, maintenance, washing, and service facility

This use is permitted by special exception in the AC zone subject to the following:

A. Minimum area: 5 acres

B. All repair, storage of parts, maintenance, washing and service shall occur entirely within a completely enclosed building.

(1) Bay or wall opening must open to the side and not open to the front. Bay/wall openings in structures are permitted in those walls directly facing and existing commercial or industrial zone. Bay/wall openings necessary for ventilation, fire exits, and light, pursuant to the standards of the Charles County Building Code and the Fire Safety Code, shall be permitted.

C. Any outdoor bus storage shall be located in rear or side yards and shall be fenced or screened from adjacent properties.

D. No vehicles shall be parked or left standing within 100 feet of any property line.

E. The maximum permitted total floor area ratio shall not exceed 0.40.

F. The maximum impervious surface ratio shall not exceed 0.70.

G. A minimum twenty-five foot wide Bufferyard E, including a Bufferyard structure shall be provided along all property lines as in Article XXIII.

H. Access shall be directly from a county- or state- maintained road. No buses may be allowed to be parked on any lot where the access is located on privately owned road and/or shared access driveway.

I. Such bus parking facilities shall be used solely for the parking of vehicles in operating condition and with current license.

6.03.321 Motor vehicle fuel sales associated with commercial uses greater than 3,500 square feet or which provide more than 12 fueling positions. [Added 10-23-2000 by Ord. No. 00-84; amended 12-11-2001 by Ord. No. 01-90]

This use is further described as motor vehicle fuel sales associated with or on the same lot as retail, restaurant, or service-oriented commercial uses greater than 3,500 square feet or where facilities have more than six multi-product dispenser (pumps) or 12 fueling positions to accommodate up to 12 vehicles. This use is permitted with conditions in the CV, subject to Subsections A through I. This use is permitted by right in any zone, where permitted with conditions or by special exception, if it is replacing an existing conforming or legally nonconforming motor vehicle fuel sales use which existed as of October 23, 2000. This use is permitted by special exception in the CN, CC, CB, IG, PEP, and MX Zones, subject to all of the following:

A. Minimum lot size. A minimum lot area of 20,000 square feet and a minimum lot frontage of 120 feet on a public road shall be required for each gasoline service station site. In unsewered areas, the lot area must be increased sufficiently to accommodate an individual sewage disposal system approved by the County Health Officer.

B. Landscaping. Landscaping shall be established on all gasoline service station sites on a minimum of 20% of the site area.

C. Fences, walls and decorative screening. Materials, textures, colors and design of fences, walls and screening shall be compatible with the on-site development, the adjacent properties and the neighborhood. Solid walls such as masonry or wood and masonry may be required when the gasoline station borders a residential zone. When solid walls are required, a planting strip is required on the outside of the wall.

D. Off-street parking. All gasoline service station development shall meet county off- street parking standards to ensure the safe movement of vehicles and pedestrians. The arrangement of structures, islands, driveways, parking and landscaping shall be designed so as to ensure maneuvering ease, to serve the community and to not adversely affect adjacent properties. The development shall provide three spaces for each grease rack or working bay plus one space for each employee on duty, plus a separate space for each accessory vehicle, such as tow trucks, etc. Where a car wash service is being proposed as part of the normal service station operation, sufficient parking and holding lane capacity shall be provided, and public

streets shall not be used for storage.

E. Access driveways. Access driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site from the lane of traffic nearest the curb. The design, location and construction of all vehicular access driveways shall be in accordance with the applicable specifications and standards of the appropriate county and/or state agency with approval jurisdiction. At a minimum, the applicant shall demonstrate that the receiving road network will operate safely taking into consideration all potentially conflicting traffic movements, access management guidelines in § 297-302, and the cumulative impact of other high traffic-generating uses in the vicinity.

F. On-site lighting. Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine on or reflect on or into residential structures.

G. Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and service pits shall be located within the main structure. Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design. The petitioner's plan shall indicate the disposal methods to be used for all waste material, including recycling of waste oil generated by the service station operation.

H. Structures. Convenient retail cigarette and snack dispensing areas are allowed but must be effectively screened or enclosed and integrated with the architectural design of the service station.

I. Operation.

(1) The operation shall be confined to normal gasoline service station activities. Outside operations shall be limited to the dispensing of petroleum products, oil, water, pressurized air, the changing of tires and minor servicing; however, at a minimum, all fuel sales facilities shall include restrooms available to customers, pressurized air for tires and water for radiator filling. Storage of all automotive supplies shall be within the main structure.

(2) The sale or rental of boats, two-wheeled vehicles, trucks, cars, all types of trailers, tractors, mowers and any other similar uses of a rental or sales nature are prohibited, unless specifically identified in the application.

(3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping and screening plan. The responsibility for compliance with this provision shall be with all

parties having a lease or ownership interest in the gasoline service station.

J. Public necessity. The Board of Appeals must find from a preponderance of the evidence of record that the proposed use is necessary to serve the proposed existing and projected growth within the surrounding neighborhood. An evidentiary presumption shall exist that there is no public necessity for the proposed use if the lot or parcel on which the use is proposed is located within 2,500 feet of the boundaries of any other lot or parcel containing a motor vehicle fuel sale use. The presumption of the lack of public necessity may be overcome only upon findings by the Board supported by a preponderance of the evidence that:

(1) The ratio of the total number fueling positions in the neighborhood to the resident and employee population in the neighborhood of the proposed use is less than the ratio of the total number of fueling positions in the county to the resident and employee population in the county; and

(2) The ratio of the total number of fueling positions in the neighborhood to the total number of motor vehicles owned by residents in the neighborhood is less than the ratio of the total number of fueling positions in the County to the total number of motor vehicles owned countywide.

6.03.322 Motor vehicle fuel sales not associated with commercial uses greater than 3500 square feet or providing more than 12 fueling positions. [Added 10-23-2000 by Ord. No. 00-84]

This use is permitted with conditions in the CV, CC, CB, IG, PEP and MX Zones, subject to Subsections A through I for Use 6.03.321 above. This use is permitted by special exception in the CN Zone. subject to Subsections A through I for Use 6.03.321 above.

6.03.330 Car wash. [Added 10-23-2000 by Ord. No. 00-84]

This use is permitted with conditions in the CN, CC, CB, CV, IG, PEP and MX Zones, subject to the following:

A. Principal vehicular access for such use shall be located on an arterial or collector road.

B. Adequate storage space at the vehicular entrance and sufficient capacity for vehicular ingress and egress shall be provided to prevent traffic congestion.

6.03.400 Motor vehicle painting and body work. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted with conditions in the CC, CV, BP, IG and PEP Zones and is permitted by special exception in the MX and TOD Zones, subject to the following:

A) The minimum area shall be 20,000 square feet.

B) All activity and storage of materials associated with the permitted use shall occur entirely within a completely enclosed building. Vehicles may be temporarily stored in side or rear yards if completely screened from adjacent properties.

C) Wall openings in structures are permitted when walls are directly facing an existing commercial or industrial zone. Wall openings are permitted when necessary for ventilation, fire exits and light, pursuant to the standards of the Charles County Building Codes[53] and the Fire Safety Code.

D) The maximum permitted total floor area ratio shall not exceed 0.40. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

E) The minimum ten-foot-wide landscape strip shall be provided adjacent to and completely across all property lines.

F) No outdoor display of merchandise sold, serviced or rented is permitted.

G) Bufferyards shall be required to adequately separate this use from adjacent uses or properties in order to eliminate or minimize negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, fumes, odor or danger from fires or explosions.

H) A traffic and road condition study must be submitted with the application by the applicant to determine the adequacy of the road network serving the site and the traffic to be generated by the use.

6.03.500 Automotive parks. [Amended 10-25-1999 by Ord. No. 99-92]
Automotive parks are permitted with conditions in the CC, BP, IG, PEP, MX and TaD Zones, subject to the following requirements:

A. The minimum area shall be 15 acres.

B. Adequate internal circulation shall be provided between uses to eliminate additional ingress and egress points from arterial or collector roads.

C. The principal vehicular access for such use shall be located on an arterial highway or in a collector street.

D. Outside lighting must be shielded so that direct light does not shine beyond lot lines.

E. On-site lighting shall be designed and controlled so that any light source, including interior

53 **Editor's Note: See Ch. 224, Building Construction**

of a structure, shall be so shaded, shielded or directed such that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine on or reflect on or into residential structures or property.

7.01.110 Manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembling of goods, mer chandise and equipment w ith all operations conducted entir ely within fully enclosed buildings less than 10,000 square feet per parcel. [Amended 4-23-2010 by Bill No. 2010-02]

This use is permitted by special exception in the CN, CV, WC and AUC Zones, subject to the following:

A. Any buildings shall be compatible with the surrounding community.

B. All parking for such uses shall be located in the rear or side yards.

C. The Board of Appeals will establish restrictions on the hours of operation.

7.01.120 Manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembling of goods, mer chandise and equipment w ith all operations conducted entir ely within fully enclosed buildings greater than 10,000 square feet per parcel. [Amended 10-25-1999 by Ord. No. 99-92; 7-25-200 5 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02; 4-2 3-2010 by Bill No. 2010-06]

This use is permitted by special exception in the CV, CER, and AUC Zones, subject to the following:

A. No on-street parking shall be permitted.

B. The standards in Subsections A and B in 7.01.110 are applicable to this category.

7.01.210 Blacksmith shops, w elding shops, or namental iron works, machine shops, excluding drop hammers and punch pr esses over 20 tons rated capacity and sheet meta l shops.

This use is permitted by special exception in the AC Zone, provided that the following requirements are met:

A. The use shall be associated with an agricultural use.

B. Any exterior storage of equipment and products shall be screened from any public road.

C. Any such use shall meet the noise and smoke performance standards found in Article II.

7.01.230 Sawmills. [Added 12·11-2000 by Ord. No. 00-93]

This use is permitted with conditions in the RC(D) Zone, provided that the following requirements are met:

A. Minimum area: 25 acres.
B. Minimum setbacks from property line for machinery: 300 feet and 500 feet from any offsite residential dwelling.

C. Only natural wood products may be processed on site.

D. No treated wood may be stored or processed on site (i.e., telephone poles, wolmanized lumber).

E. Access to the site shall be by a minimum two-hundred-fifty-foot paved entrance.

F. No more than 20,000 cubic yards of material may be stored on site at anyone time.

G. All operations shall conform to the noise standards established for the IG Zone in Article II, § 297-32.

7.01.250 Winery.

This use is permitted with conditions in the AC or RC Zones only as part of a commercial vineyard. In addition, the applicant must demonstrate compliance with all manufacturing and processing performance standards that relate to noise and smoke provided in Article II.

7.01.260 Fertilizer mixing plants.

This use is permitted by special exception in the AC and PEP Zones, subject to the following:

A. Any such use shall meet all manufacturing processing performance standards that relate to noise and smoke provided in Article II.

B. All materials and products shall be stored in completely enclosed structures.

C. Bufferyards shall be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize potential negative impacts from dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce impacts of noise, odor or danger from fires or explosions.

D. A traffic and road condition study shall be submitted with the application to determine the adequacy of the road network serving the site and the ability to accommodate truck traffic to be generated by the plant.

7.01.280 Asphalt plants/concrete plants, sand and gravel washing, crushing and screening. [Amended 9-12-1994 by Ord. No. 94-83]

A. This use is permitted by special exception in the AC, RC and IG Zones. Wet-processing, including washing, sorting, refining and stockpiling of natural materials, may be performed in conjunction with a special exception for mineral extraction. When not part of another approved special exception, these uses and concrete batching plants, asphalt or cement mixing plants and similar facilities may be permitted, subject to the following:

(1) Minimum area:

(a) Ten acres when the site is in the IG Zone and completely surrounded by the IG, IH or BP Zones.

(b) Twenty acres when the site is in the AC, RC or IG Zones and not completely surrounded by the IG, IH or BP Zones.

(2) The Board of Appeals will establish a maximum time limit on the approval of the application, but in no case shall it be valid for more than 20 years. Extensions of specific periods may be granted if a new special exception is applied for and no substantial adverse impact is found in the continuation of the use.

(3) All fixed installations shall be located at least 750 feet from any existing homes and shall not be less than 300 feet from any property line. However, in the case where the site is completely surrounded by the IG, IH or BP Zones, the fixed installations shall not be less than 100 feet from any property line.

(4) Roads for ingress and egress from the site to public roads shall not be less than 20 feet wide and shall be hard-surfaced and shall be maintained for a distance of 150 feet from the public road into the site. All other roads shall be treated as needed with a preventative to control dust. For any roads which cross a utility right-of- way, the applicant shall obtain a permit for the crossing from the utility company and shall submit copies of the permit with the special exception petition.

(5) Operation hours for processing and mixing operations shall be established by the Board. The Board may establish hours of operation based on the impact of noise, traffic and operation of the use on the surrounding community.

(6) A site plan shall be submitted for approval to the Board with the application, showing the following:

(a) Setback area, including screening and fencing.

(b) The portion of tract, if any, actually being excavated.

(c) Existing and proposed structures and major mechanical equipment.

(d) Existing and proposed access roads.

(e) Water supply and sewage disposal.

(f) All necessary pollution control measures.

(g) The stockpile area and height.

(h) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(i) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the operation.

(j) Environmental features, including steep slopes, hydric and erodible soils, wetlands, one-hundred-year floodplain and forested areas.

(k) Historic resources, including sites not previously identified, shall be identified and described as to how these resources will be preserved.

(l) The Board may request that an environmental impact analysis be submitted by the applicant.

(m) All operations on-site, including outdoor storage of machinery and equipment, may be required to be screened from any adjoining land or public street. The applicant shall submit plans showing the location and type of any proposed screening material.

(7) All operations shall be conducted in a safe manner with respect to hazard to persons, physical or environmental damage to lands and improvements, including but not limited to undue or unusual potential fire hazard. All operations shall minimize damage to any street, bridge or public right-of-way.

(8) The applicant must demonstrate conformance with the standards in Article II.

B. This use is permitted with conditions in the IH Zone, subject to the following:

(1) Minimum area:

(a) Ten acres when the site is completely surrounded by the IG, IH or BP Zones.

(b) Twenty acres when the site is not completely surrounded by the IG, IH or BP Zones.

(2) Roads for ingress and egress from the site to public roads shall not be less than 20 feet wide and shall be hard-surfaced and maintained for a distance of 150 feet from the public road into the site. All other roads shall be treated as needed with a preventative to control dust.

(3) The site plan shall include the following:

(a) Setback area, including screening and fencing.

(b) Existing and proposed structures and major mechanical equipment.

(c) Existing and proposed access roads.

(d) Water supply and sewage disposal.

(e) All necessary pollution control measures.

(f) Stockpile area and height.

(g) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(h) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the operation.

(i) Environmental features, including steep slopes, hydric and erodible soils, wetlands, one-hundred-year floodplain and forested areas.

(j) Historic resources, including sites not previously identified, shall be identified and described as to how these resources will be preserved.

(k) All operations on site, including outdoor storage of machinery and equipment, may be required to be screened from any adjoining land or public street. The applicant shall submit plans showing the location and type of any proposed screening material.

(4) All operations shall be conducted in a safe manner with respect to hazard to persons, physical or environmental damage to lands and improvements, including but not limited to undue or unusual potential fire hazard. All operations shall minimize damage to any street, bridge or public right- of-way.

(5) The applicant must demonstrate conformance with the standards in Article II.

7.01.290 Wood/stump grinding. [Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]

This use is permitted with conditions in the AC, RC, CV, IG and IH Zones, subject to the following requirements:

A. The minimum area shall be 25 acres.

B. Minimum setbacks from the property line for machinery shall be 300 feet and 500 feet from any off-site residential dwelling.

C. Only natural wood products may be processed on site.

D. No treated wood may be stored or processed on site (i.e., telephone poles, wolmanized lumber).

E. Access to the site shall be by a minimum two- hundred-fifty-foot paved entrance.

F. No more than 20,000 cubic yards of material may be stored on site at any one time.

G. All operations shall conform to the noise standards established for the IG Zone in Article II, § 297-32.

7.02.100 Automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related. [Amended 4-23-2010 by Bill No. 2010-02]

This use is permitted by special exception in the CV, WC, and AUC Zones, provided that the following standards are satisfied:

A. Any structure will be compatible with the surrounding neighborhood or community in terms of architecture, height, size, massing and setbacks.

B. Any parking lot shall occupy no more than one acre of the parcel or prepared surface area.

C. In the CV Zone: **[Added 4-23-2010 by Bill No. 2010-02]**

(1) Ingress and egress shall be from a collector or arterial roadway.

(2) The site plan shall show how this use will be satisfactorily screened from all neighboring uses.

D. In the WC and AUC Zones: **[Added 4-23-2010 by Bill No. 2010-02]**

(1) This special exception use is limited to structured parking facilities. Parking lots are permitted only on a lot associated with a principal use to which the parking is related.

(2) Ingress and egress shall be from a Waldorf Urban Major Collector, Waldorf Urban Minor Collector or Waldorf Urban Local Road.

(3) The structure shall comply with the siting and design standards of the Downtown Waldorf Vision Plan and Design Guidelines.

7.02.210 All storage within completely enclosed structures.

This use is permitted with conditions in the BP Zone, subject to the following:

A. The use is oriented and accessed through an internal vehicle circulation system so that it is incorporated as part of the business park.

7.02.220 Warehouse storage inside or outside completely enclosed structures where the storage of goods is not related to sale or use of those goods on the same lot where they are stored.

This use is permitted by special exception in the BP Zone, subject to the following:

A. The total lot coverage, including outside storage area, shall not exceed 35% of total lot area.

B. The exterior storage shall not exceed 75% of the square footage of the floor area of the principal structure. No exterior storage shall occur on the lot without a principal structure.

C. Any exterior storage shall be screened from any adjacent residential zones or uses.

7.02.230 Mini-warehouses.[Amended 7-6-1998 by Ord. No. 98-58; 3-30-1999 by Ord. No. 99-32; 1-10-2006 by Bill No. 05-11]

This use is permitted with conditions in the IG and IH Zones and is permitted by special exceptions in the CC, CV, CB, BP, PEP and MX Zones, provided that the following are met:

A. At least 75% of the total on-site storage space shall be contained in individual enclosed stalls containing no more than 500 square feet each and no greater than 10 feet in height.

B. No activities other than the dead storage or transfer of nonvolatile goods or leasing of storage space are permitted. Prohibited uses include but are not limited to miscellaneous sales; fabrication or repair of vehicles, equipment or other goods; transfer-storage business based on site; residential uses, other than the resident manager's apartment; or any use that creates a nuisance due to noise, odor, dust, light or electrical interference.

C. Site plans submitted with applications for mini-warehouse development shall clearly demonstrate that adequate access for fire suppression and other emergency equipment is provided to and within mini-warehouse facilities. Inner drive/parking lanes shall be a minimum of 25 feet in width, with outermost lanes of such facilities a minimum of 35 feet in width. As an alternative design, the outermost lanes of such facilities may be no less than thirty feet in width, provided that at least a forty-foot outside turning radius, and a ten-foot inside turning radius, are installed for the turns at the comers of buildings on the outermost access lanes, thereby maintaining a minimum thirty-foot uniform access drive width. Buildings, bollards or other obstructions to traffic shall not interfere with the turning radii at the corners.

D. Mini-warehouses shall not be allowed to use metal siding on those elevations that are. Visible from adjoining roads and streets.

E. If adjoining properties are used or zoned for residential purposes:

(1) Property lines not facing a street shall be improved with a minimum six-foot-high, one-hundred-percent opaque solid wooden fence or masonry wall along the entire length, except for approved access crossings; such improvements are to be located outside any public right-of- way and interior to a Level E Bufferyard as defined in Article XXIII.

(2) Property lines not facing a street shall be provided with a minimum six-foot, one hundred- percent opaque, wooden fence or masonry wall along the entire length (except for approved access crossings); and all improvements are to be located outside any public right-of-way and interior to a minimum twenty-foot landscape strip or Bufferyard C, as in Article XXIII.

F. If all adjoining properties are used or zoned for other than residential purposes:

(1) Property lines not facing a street shall be improved with a minimum six-foot-high, one-hundred-percent opaque solid wooden fence or masonry wall along the entire length, interior to a ten-foot Bufferyard B, as in Article XXIII.

(2) Property lines facing a street shall be provided with a minimum twenty-foot landscape strip or buffer as specified in Article XXII and Appendix E[54] and a minimum six foot- high, one- hundred- percent opaque wooden fence or masonry wall along the entire length (except for approved access crossings) located outside any public right-of- way and interior to any required landscape strips and/or buffers. In the CC, CB, CV, BP, IG and PEP Zones, a Bufferyard B shall be required; a Bufferyard C shall be required in the MX Zone; and a Bufferyard D shall be required in the IH Zone, as defined in Article XXIII.

G. Mini- warehouse facilities within the CB Zone and the CC Zone shall be subject to one of the following two requirements, in addition to Subsections A through F:

(1) Mini-warehouse facilities shall be designed and constructed as multilevel facilities, in accordance with the Base Zone Regulations for Commercial Zones, Figure VI-5. Elevators shall be incorporated to facilitate access to upper floors. Front elevations shall be designed to enhance the streetscape consistent with that of a downtown area, advancing the objectives of the Comprehensive Plan and subarea plans in terms of development character as it pertains to town centers; or

(2) Mini-warehouse facilities shall be sited in locations removed from the street front, to the extent reasonable and practicable, to allow for the location, contiguous to the public road, of uses that are appropriate to the objectives of the CB Zone, CC Zone, Comprehensive Plan and subarea plans.

7.02.240 Storage of petroleum products.

This use is permitted by special exception in the IG, IH and PEP Zones, provided that the following standards are met:

A. No tank shall be permitted above ground within 300 feet of any school, hospital or church.

B. The FAR established for the zone will apply to the area of the storage vessel.

C. For storage area which is closed or not operated for a continuous period of 12 months, the site shall be restored to its previous condition.

D. Applicable federal and state laws and regulations shall be followed.

E. No tank shall be permitted near railroad tracks. (See Article II.)

F. A site plan shall be submitted for approval to the Board of Appeals at the time of filing of the

54 **Editor's Note: Appendix E is included at the end of this chapter.**

application showing the following:

(1) Setback area, including screening and fencing.

(2) Existing and proposed structures and major mechanical equipment.

(3) Proposed access roads.

(4) Water supply and sewage disposal.

(5) All necessary pollution control measures.

(6) Stockpile area.

(7) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(8) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the use.

7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of the lot and parking or storage occupies more than 75% of the developed area, contractor's yard.

This use is permitted by special exception in the CV, CC, BP and MX Zones, subject to the following:

A. The site plan shall show that the proposed parking or storage area shall be fully screened from view to motorists on a collector or arterial roadway.

B. Any storage area abutting a residential zone must be screened with Bufferyard E as set forth in Articles XXII and XXIII.

C. Such parking facilities shall be used solely for the parking of vehicles in operating condition.

7.02.410 Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight. [Added 2-22-2000 by Ord. No. 00-10]

This use is permitted with conditions in the AC Agricultural Conservation Zone, RC Rural Conservation Zone, and RR- Rural Residential Zone, and permitted by special exception in the RV Zone subject to the following:

A. Minimum area: three acres or any parcel considered a legal lot of record in existence prior to October 1, 1992.

B. One motor vehicle greater than 15,000 pounds manufactured rated gross vehicle weight permitted for operation on public roads is allowed as accessory to a principal residential use.

C. The vehicle shall be parked behind the principal dwelling on a gravel or hard surface area.

D. No major mechanical repairs or maintenance of the vehicle may be performed on the subject property.

E. The vehicle is to be parked or left standing a minimum of 100 feet from any property line.

F. A buffer yard E, including a buffer yard structure, will be required prior to the vehicle being parked on the premises.

G. Access shall be directly from a county- or state-maintained road. No trucks may be allowed to be parked on any lot where the access is located on privately owned road and/or shared access driveways.

H. Trucks shall not constitute a nuisance due to excessive noise. Trucks without mufflers or trucks that do not meet manufactured recommended exhaust system are presumed to be a nuisance and not in compliance with this subsection. Trucks with refrigeration units will not be permitted unless it can be demonstrated that the noise standards for industrial uses set forth in § 297-32 are met.

I. Trucks shall not contain junk, solid waste, hazardous substances or noxious materials, including petroleum products.

J. One or more trucks may be parked on a parcel in the AC, RC and RR Zones if the property was being used for the parking of trucks on or before May 3, 1999, provided that all the requirements in Subsections A and C through J above are met. Proof of such use must be submitted to the Zoning Officer on or before June 30, 2000, and acknowledged by the Zoning Officer. This provision does not negate the need of a special exception in the RV Zone.

7.02.420 Parking of more than one motor vehicle greater than 15,000 pounds gross vehicle weight. [Added 2-22-2000 by Ord. No. 00-10]

This use is permitted by special exception as an accessory to a principal residential use in the RR Rural Residential, AC Agricultural Conservation, RV Village Residential and RC Rural Conservation Zones subject to Subsections A and C through I for Use 7.02.410, Parking of one motor vehicle greater than 15,000 pounds gross vehicle weight.

7.03.000 Scrap materials, salvage yards, junkyards and automobile graveyards.

These uses are permitted by special exception in the IG and IH Zones, provided that the following standards are met:

A. All facilities shall be screened from view with a minimum six-foot-high, one- hundred percent opaque solid fence or wall along all property lines, except for approved access crossing and utility easements. Such fence or wall shall be located interior to any required buffer or landscape strip and shall present a finished side to the exterior property line(s).

B. Vehicles shall not be stacked so that they are visible from any adjacent properties.

7.04.100 Research facilities and laboratories without processing of materials.

This use is permitted by special exception in the AC, RC and CC Zones, subject to the following:

A. The minimum area shall be 25 acres.

B. Structures erected or to be used shall not be less than 100 feet from any external property line.

C. Such use shall be confined to a structure(s).

D. Off-street parking shall not be less than 100 feet from any external property line.

E. Goods or products are manufactured or processed only to the extent necessary for testing, evaluation and test marketing to reach a commercialization decision and permit transfer to full-scale manufacturing facilities.

F. If located in a CC Zone, the special exception use is limited to the manufacture or processing of goods or products only to the extent necessary for testing, evaluation and test marketing to reach a commercialization decision and permit transfer to full-scale manufacturing facilities.

7.04.200 Research facilities and laboratories w ith processing or manufacturing of materials. [Amended 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]

This use is permitted by special exception in the CC, CER, WC and AUC Zones, if the following requirements are met:

A. All goods or products processed or manufactured will be within an enclosed building with no visible signs of the processing or manufacturing from the exterior.

B. No outside storage of materials is permitted.

C. The performance standards contained in Article II are satisfied.

7.04.210 [Added 11-1-2008 by Bill No. 2008-21] Energetics research and development.

This use is permitted with conditions in the Planned Employment and Industrial Park (PEP) zone, provided that the following requirements are met:

A. Required to be located within a technology park that is associated with a military research/development facility.

B. Required to comply with all state and federal government regulations regarding energetics research and development.

7.05.110 Surface mining of more than 10 acres. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted by special exception in the AC, RC, RR, RL, RM, RH, CN, CC, CV, BP, IG, IH, PEP, MX, PMH and TOD Zones, subject to the following:

A. Compliance with all applicable local, state or federal laws, regulations or permitting requirements.

B. The approved portion of the tract shall have a buffer to be retained in its natural topographic condition, undisturbed by excavation of mining for a minimum of 100 feet in width. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. This setback shall be increased to 250 feet if adjoining homes are within 250 feet of the approved portion of the tract. The Board of Appeals may establish wider setbacks as warranted to protect the surrounding community.

C. The height of structures below the maximum allowed and any an-made land form may be limited by the Board.

D. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within 750 feet of an existing home. Any such use shall be at least 300 feet from any property line, except that the Board may permit sedimentation ponds to be closer than 300 feet but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

E. All operations shall be conducted in a safe manner to prevent hazards to persons, physical or environmental damage to lands and improvements or damage to any street, bridge or public right-of-way. All operations must conform to the performance standards contained in Article II, §§ 297-32 and 297-33, established for the IG Zone. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

F. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and ground cover.

G. Buffer areas around environmental features shall be consistent with the standards established by the Resource Protection Overlay Zone. No disturbance or grading shall occur within these buffer areas.

H. Excavated area shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.

I. Roads in the permit area for ingress and egress from excavation areas to public roads shall not be less than 20 feet wide and shall be hard-surfaced and maintained for a distance of 150 feet from the public road into the excavation area. All other roads shall be treated as needed with a preventative to control dust. For any roads which cross a utility right-of-way, the applicant shall obtain a permit for the crossing from the utility company and shall submit copies of the permit with the special exception application.

J. The Board of Appeals shall limit the permit to operate such quarry to a specific expiration date.

K. Operation hours for excavation processing and filling operations will be established by the Board and shall be restricted to no more than nine hours daily between 6:00 a.m. and 4:00 p.m., except that Saturday operations may be permitted between 7:00 a.m. and 3:00 p.m. No blasting shall be permitted between the hours of 6:00 a.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. The Board may further limit hours of operation based on the impact of traffic and operations on the surrounding community.

L. Truckloads.

(1) The maximum number of truckloads hauled from a site shall not exceed the following:

Site	**Loads Per Day**
Mining site of more than 100 acres	20 to 200
Mining site of 51 to 100 acres	20 to 150
Mining site less than 51 acres	100 or less

(2) The Board may reduce the maximum loads per day after weighing factors such as haul roads, routes, traffic patterns, number of trucks, nature of the community and proximity to schools, churches, businesses and inhabited dwellings.

M. A site plan shall be submitted for approval to the Board at the time when the application is filed, showing the following:

(1) Setback area, including screening and fencing. The Board shall consider fencing for protection of pond areas, particularly when adjacent to residential communities.

(2) The portion of tract, if any, actually being excavated and proposed excavation areas.

(3) Existing and proposed structures and major mechanical equipment.

(4) Existing and proposed access roads.

(5) Water supply and sewage disposal.

(6) All necessary pollution control measures.

(7) The stockpile area.

(8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(9) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the quarry.

(10) Environmental features, including topography, steep slopes, hydric and erodible soils, wetlands, one-hundred-year floodplain and forested areas.

(11) Historic resources, including sites not previously cataloged, shall be identified and a description provided of how these resources will be protected.

(12) The Board may request that an environmental impact analysis of an application be conducted by the applicant and submitted to the county staff for review and comment.

7.05.120 Surface mining of less than 10 acres. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted by special exception in the AC, RC, RR, RL, RM, RH, CN, CC, CV, BP, IG, IH, PEP, MX, PMH and TOD Zones, subject to the following:

A. Only one area of less than 10 acres may be disturbed on a single tract or parcel of land.

B. Compliance with all applicable local, state or federal laws, regulations or permitting requirements.

C. The approved portion of the tract shall have a peripheral area to be retained in its natural topographic condition, undisturbed by excavation of mining for a minimum of 100 feet in width. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. This setback shall be increased to 250 feet if adjoining homes are within 250 feet of the approved portion of the tract. The Board of Appeals may establish wider setbacks as warranted to protect the surrounding community.

D. No processing of product shall be permitted on site.

E. All operations shall be conducted in a safe manner to prevent hazards to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way. All operations must conform to the performance standards contained in Article II, §§ 297-31,297-32 and 297-33.

F. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting and addition of new trees, shrubs and ground cover.

G. Buffer areas around environmental features shall be consistent with the standards established by the Resource Protection Overlay Zone. No disturbance or grading shall occur within these buffer areas.

H. The Board of Appeals shall limit the time of the permit to operate such quarry to a specific expiration date.

I. Operation hours for excavation processing and filling operations will be established by the Board and shall be restricted to no more than nine hours daily between 6:00 a.m. And 4:00 p.m., except that Saturday operations may be permitted between 7:00 a.m. and 3:00 p.m. No blasting shall be permitted between the hours of 6:00 a.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. The Board may further limit hours of operation based on the impact of traffic and operations on the surrounding community.

J. The maximum number of truckloads hauled from a site shall not exceed 50 loads per day. The applicant shall show the proposed haul routes. The Board may reduce the maximum loads per day after weighing factors such as haul roads, routes, traffic patterns, number of trucks, nature of the community and proximity to schools, churches, businesses and inhabited dwellings.

K. A site plan shall be submitted for approval to the Board at the time when the application is filed, showing the following;

(1) Setback area, including screening and fencing. The Board shall consider fencing for

protection of pond areas, particularly when adjacent to residential communities.

(2) The portion of tract, if any, actually being excavated and proposed excavation areas.

(3) Existing and proposed access roads.

(4) The stockpile area.

(5) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(6) Wetlands and one-hundred-year floodplain.

(7) Historic resources, including sites not previously cataloged, shall be identified and a description provided of how these resources will be protected.

7.05.200 Wells for oil, natural gas or petroleum. [Amended 10-25-1999 by Ord. No. 99-92]

This use is permitted by special exception in the AC, RC, RR, RL, RM, RH, CN, CC, CV, BP, IG, IH, PEP, MX, PMH and TOD Zones, subject to the following conditions:

A. The minimum area shall be five acres.

B. Any such operation shall be located at least 150 feet from any property line. Any existing vegetation that exists in this setback shall be maintained in its natural state except for ingress and egress from the site.

C. If extracted resources are to be removed by truck, then the applicant shall submit a traffic study which will evaluate the impact of the anticipated traffic on the surrounding road network and the ability of this network to handle this additional traffic generated by this use.

D. The Board of Appeals may establish a time limit on such an approval, at which time the applicant must apply for renewal of the special exception after consideration by the Board.

E. The site must be sufficiently bermed to protect the surrounding area from any potential spills or blowouts. In addition to the berms, there shall be equipment on site sufficient to construct and maintain a backup containment system in the event that it becomes necessary.

F. The disposal of any and all contaminated material collected at this site shall be at a legally regulated and authorized facility for acceptance of such materials requiring disposal.

G. There shall be a reclamation plan submitted with the application that will indicate how the

site will be handled when operations cease. The site grade shall be returned to its predevelopment state and vegetation planted unless the site is under development for another use.

H. Any such use shall conform with the standards contained in Article II.

I. All necessary county, state and federal licenses and permits shall be obtained and maintained for the site. All applicable laws, rules, regulations and ordinances shall be complied with.

7.06.000 Pozzolan management facility. [Added 2-13-1996 by Ord. No. 96-7]

A. This use is permitted by special exception in the AC, RC, IG and IH Zones subject to the following:

(1) Minimum area: 20 acres when the site is in the IG or IH Zone and is completely surrounded by the IG, IH or BP Zone. Fifty acres when the site is in the AC, RC, IH or IG Zone and not completely surrounded by the IG, IH or BP Zone.

(2) The Board of Appeals will establish a maximum time limit on the approval of the application. Extensions of specific periods may be granted if a new special exception is applied for and no substantial adverse impact is found in the continuation of the use.

(3) All fixed installations shall be located at least 750 feet from any existing homes and shall not be less than 300 feet from any property line. However, in the case where the site is completely surrounded by the IG, IH or BP Zone, the fixed installations shall not be less than 100 feet from any property line.

(4) Roads for ingress and egress from the site to public roads shall not be less than 20 feet wide and shall be hard-surfaced, and shall be maintained for a distance of 150 feet from the public road into the site. All other roads shall be treated as needed to control dust. For any roads which cross a utility right-of-way, the applicant shall obtain a permit for the crossing from the utility company and shall submit copies of the permit with the special exception petition.

(5) Operation hours shall be established by the Board. The Board may establish hours of operation based on the impact of noise, traffic and operation of the use on the surrounding community.

(6) A site plan shall be submitted for approval to the board with the application, showing the following:

(a) Setback area, including screening and fencing.

(b) Portion of tract being used.

(c) Existing and proposed structures and major mechanical equipment.

(d) Existing and proposed access roads.

(e) Water supply and sewage disposal.

(f) All necessary pollution control measures.

(g) Stockpile areas and height.

(h) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter.

(i) A traffic and road condition study to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the operation.

(j) Environmental features, including steep slopes, hydric and erodible soils, wetlands, one-hundred-year floodplain and forested areas.

(k) Historic and archaeological resources, including sites not previously identified, shall be identified and described as to how these resources will be preserved.

(l) The Board may request that an environmental impact analysis be submitted by the applicant.

(m) All operations on site, including outdoor storage of machinery and equipment. may be required to be screened from any adjoining land or public street. The applicant shall submit plans showing the location and type of any proposed screening material.

(n) Leachate collection system discharge point shall be shown if applicable to the site.

(7) All operations shall be conducted in a safe manner with respect to hazard to persons and physical or environmental damage to lands and improvements. and all operations shall minimize damage to any street, bridge or public right-of-way. The special exception permit holder shall immediately report to the Board any non-pozzolan residuals in the material being landfilled. The landfilling of such residuals may be ground for suspension or revocation of the special exception. The escape of any pollutants into the air, groundwater or surface water beyond the site shall require immediate disclosure to the appropriate state regulating agencies and may be grounds

for suspension or revocation of the special exception.

(8) The applicant must demonstrate conformance with the standards in Article II, §§ 297-31 through 297-34.

(9) A sediment and erosion control plan shall be reviewed and approved by the Charles County Soil Conservation District.

(10) A post-use land reclamation plan reviewed by the Charles County Soil Conservation District and approved by the Charles County Department of Planning and Growth Management is required prior to the commencement of any activity on site.

(11) There shall be no landfilling within a minimum of 200 feet of any surface water, including springs, seeps or intermittent streams. This buffer shall be modified for steep slopes and soil conditions in the same manner as the Resource Protection Zone is modified in Article XI. Any existing pozzolan management facilities are exempt from this requirement; however, the expansion or extension of any existing facility must comply.

(12) Loads; hauling.

(a) The maximum number of truck loads hauled to or from a site shall not exceed the following:

[1] Site of more than 100 acres: 20 to 200 loads per day.

[2] Site of 51 to 100 acres: 20 to 150 loads per day.

[3] Site less than 51 acres: 100 loads per day or less.

(b) The Board may reduce the maximum loads per day after weighing factors such as haul roads, routes, traffic patterns, number of trucks, nature of the community and proximity to schools, churches, businesses and inhabited dwellings.

(c) The pozzolan must be hauled wet so as to prevent any airborne material from escaping from the container.

(d) In the case of sites adjoining or in close proximity to the generation plant, hauling on public roads shall be minimized.

(13) A plan to reclaim or mine the pozzolan may be included and approved with the application. An approval to reclaim or mine the pozzolan shall expire five years

from the date of approval unless renewed as specified in § 297-415. If mining the pozzolan is not approved as part of the original application, a mining plan may be submitted subsequently as a modification to the special exception, provided that all the submittal requirements of Use 7.05.110, surface mining of more than 10 acres, are met.

(14) Only pozzolan created as a by-product of a power generation facility located in Charles County may be utilized by pozzolan management facilities located in the county.

(15) Compliance with all applicable local, state or federal laws, regulations or permitting requirements including § 7-464 of the Natural Resources Article, Annotated code of Maryland, as amended. No special exception for a pozzolan management facility shall be valid unless all necessary operating permits are obtained, including an NPDES permit, if necessary.

§§ 297-213 through 297-218. (Reserved)

ARTICLE XIV
Cluster Development

§ 297-219. Purpose.

A. Cluster development procedures are intended to permit residential development with better designs than could be provided under regulations applicable to conventional subdivisions. Cluster development approvals allow variations in the base zone regulations but are not intended as and do not constitute rezonings. **[Amended 3-1-1999 by Ord. No. 99-16]**

B. In cluster developments, the density may be distributed nonuniformly, with variations in bulk and dimensional requirements. Cluster developments allow variation in lot sizes if open space is provided. **[Amended 3-1-1999 by Ord. No. 99-16]**

C. Cluster developments shall satisfy the following objectives:

(1) Preserve the county's rural character by conserving natural or cultivated open space, including but not limited to farmlands, woodlands, meadowlands, wetlands, steep slope areas, stream valleys and wildlife habitat areas.

(2) Protect the natural environment in the county by preserving substantial open space areas for the enhancement and preservation of environmentally sensitive lands and significant environmental features.

(3) Provide recreational opportunities to county and cluster development residents by making available open space and facilities for active and passive recreation.

(4) Provide well-defined streetscapes and neighborhood parks within cluster developments and preserve trees and forested areas in and adjacent to cluster developments.

(5) Provide for more efficient and economical subdivision streets, lots and utility layouts and reduce infrastructure and utility costs.

(6) Allow for a greater variety of residential housing types in the county.

(7) Enhance neighborhood security without compromising privacy by increasing the density of housing within neighborhoods on cluster tracts.

(8) Encourage pedestrian and bicycle circulation, rather than automobile circulation, by providing well-designed sidewalks and hiker-biker paths between cluster neighborhoods and related community areas.

(9) Further the goals, objectives and strategies of the Charles County Comprehensive Plan.

§ 297-220. General requirements.

A. Cluster developments shall be permitted in the AC, RC, RR, RV, RL, RM and RH Zones consistent with the requirements of this article.

B. A cluster development shall meet the following requirements for recreational facilities:

(1) A cluster development shall include open space, passive recreational areas and active recreational facilities. See Figures XIV-I and XIV-3 for minimum standards. Cluster developments shall include one or more active recreational facilities, consistent with the requirements of Figure XIV-3, as a central feature of the project design. **[Amended 3-1-1999 by Ord. No. 99-16]**

(2) Active recreational facilities, whether intended for cluster development residents or the general public, shall be designed and located so as to be easily accessible and highly visible from public rights-of-way. All recreational facilities, whether active or passive, shall be integrated fully with the layout of the units in the cluster development so that all cluster development residents have ready access to and use of all such facilities.

(3) Active recreational facilities, which are to provide recreational or community group opportunities for cluster development residents, may include but are not limited to the following: sports facilities, playgrounds, equestrian centers, country clubs, health clubs, marinas, golf courses, amphitheaters, community arts centers, community meeting centers and community day-care centers.

(4) Passive recreational areas, which promote environmental preservation and enhancement, may include but are not limited to the following: nature parks, nature preserves, nature trails, wildlife habitat areas, equestrian trails and hiking trails.

(5) Where a recreational facility constitutes or includes a use required in this chapter to be approved by special exception, the applicant shall obtain a special exception for that use from the Board of Appeals.

§ 297-221. Residential dwelling types.

Residential dwelling types are permitted as shown in the Table of Permissible Uses.[55] Dwelling types shown as PC in the Table of Permissible Uses shall be permitted subject to the requirements in Figures XIV-I and XIV-2 and other sections of this article.

55 **Editor's Note: See §297-63**

§ 297-222. Design requirements. [Amended 8-22-1994 by Ord. No. 94-80; 3-1-1999 by Ord. No. 99-16]

A. Dwellings near the periphery of the project shall provide adequate transition in density and type from neighboring areas or shall provide a buffer meeting the standards of Subsection C(2) below.

B. A bufferyard shall be landscaped to screen incompatible uses in accordance with one of the following:

(1) A planting strip of at least 15 feet wide at or near the property line which shall include two canopy trees, four understory trees of mixed plant material (deciduous and evergreen) and 10 shrubs per 100 linear feet of buffer;

(2) Landscaped, rolling, earth berm of at least four feet in height; or

(3) A solid fence or wall of a minimum of five feet in height without advertising when designed with durable materials, texture and colors compatible with adjacent residential development.

C. All lots shall be configured as to be contained completely outside all wetlands, floodplains, required wetland buffers and the resource protection zone, with the following exception:

(1) Lots on cluster subdivisions in the AC and RC Zones may contain the resource protection zone if the lots can meet all minimum yard requirements outside the resource protection zone.

D. The Planning Commission may require buffering and screening in excess of these minimum standards when adjacent uses are commercial or industrial.

§ 297-223. Cluster open space.

A. The amount of open space for a cluster development shall be in an amount in accordance with Figure XIV-I. **[Amended 3-1-1999 by Ord. No. 99-16]**

B. Clustering requirements.

(1) Cluster open space shall be in areas usable for recreational or community purposes, including passive recreational purposes. It may also include permitted agricultural uses, as described below in Subsection B(5).

(2) Lands set aside for public rights-of-way and tidal wetlands may not be designated as required open space.

(3) Up to 50% of the required cluster open space may be designated on floodplains, nontidal water bodies or nontidal wetlands if the cluster open space includes a hiker/equestrian trail system or other passive recreational area approved by the Planning Commission.

(4) Floodplains or wetland areas which have been filled may not be designated as required cluster open space.

(5) Cluster open space may include permitted agricultural uses. Use of agricultural lands to meet open space requirements shall be encouraged when the site contains few significant natural features. Where the minimum residential lot size in the development is 40,000 square feet or greater, the required open space may be retained in agricultural use. The open space in agricultural use may be divided into parcels of 25 acres or more with one dwelling unit located on each parcel. Dwellings so located within required open space will count in calculating the overall density of the cluster subdivision.

C. Public open space. Cluster open space shall be made available for the benefit of all county residents and dedicated to the state or county, unless the Planning Commission, after referral to the appropriate state or county agency, finds that the size, location or type of development, the cost of development or maintenance of such cluster open space or the availability of other public open space would make use by all county residents of the cluster open space undesirable or unnecessary. All areas which are indicated for acquisition in the County Recreation and Open Space Plan or an equivalent state-approved plan shall be required by the Planning Commission to be dedicated. If the Planning Commission finds that the cluster open space is not suitable for dedication based on the above standards, it shall be managed through the premises applicable to private open space in Subsection D below.

D. Private open space. Private cluster open space shall be protected by legal arrangements satisfactory to the Planning Commission or its designee to assure the maintenance and preservation of open space for its intended purposes. Covenants or other legal arrangements shall specify ownership of the cluster open space, the method of maintenance, maintenance fee and insurance arrangements and compulsory membership and compulsory assessment requirements. Such legal arrangements shall guarantee that any association formed to own and maintain cluster open space shall not be dissolved without the consent of the Planning Commission. The legal arrangements shall also include any other matters deemed necessary to carry out the purposes of cluster development.

§ 297-224. Review procedures for cluster developments.

An application for a suburban cluster development shall be reviewed and approved by the Planning Commission under the procedures applicable to a preliminary plan of subdivision. The following requirements shall also apply:

A. An application shall include a description of the size, location and use of the open space areas and recreational facilities to be provided.

B. A cluster development shall meet the minimum tract open space requirements in Figure XIV-I and shall meet all required findings for a cluster development in § 297-226. **[Amended 3-1-1999 by Ord. No. 99-16]**

C. An application shall identify the differences sought from the height, bulk and dimensional requirements of this chapter and the design standards of the Subdivision Regulations.[56] Any such difference shall remain within the standards established in Figure XIV-2 and is subject to Planning Commission approval. The Board of Appeals shall have no jurisdiction to grant variances from any zoning regulation in a cluster development, except for variances on individual building lots which have been developed and continuously occupied for a minimum of two years. **[Amended 3-1-1999 by Ord. No. 99-16]**

D. The Planning Commission may add conditions to the approval of any suburban cluster development to protect adjacent properties and the neighborhood. All such conditions shall meet the purposes of cluster development in § 297-219. Violation of any condition shall constitute a violation of this chapter and shall be cause for revocation of the cluster development approval or for the revocation or withholding of building, grading or use and occupancy permits.

§ 297-225.[57] Required findings.

A. The Planning Commission shall find that the following requirements are met, in approving any cluster development:

(1) The cluster development plan and the preliminary plan of subdivision provides for a total environment and design which are superior, in the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for conventional subdivisions.

(2) The cluster development plan meets all requirements in §§ 297-220 and 297-221 and the approved design code, if any. **[Amended 12-7-1993 by Ord. No. 93-100; 1 1-21-1994 by Ord. No. 94-100]**

(3) Public facilities available to the cluster development, including sewer facilities, water facilities, school facilities, utilities, police facilities, fire and rescue facilities, transportation facilities and parks and recreation facilities, will be adequate to serve the development.

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56 **Editor's Note: See Ch. 278, Subdivision Regulations.**

57 **Editor's Note: Former § 297-225, Review procedures for mixed residential cluster developments, was repealed 3-1-1999 by Ord. No. 99-16.**

(4) Under the cluster development plan, the natural environment of the subject property and any historic or archaeological resources will be well-protected and preserved.

B. The Planning Commission may require modification of a proposed cluster development plan, if it finds that by reasonable modification of proposed cluster open space, lots or buildings, the plan will more fully meet the purposes in § 297-219 and the applicant's approved design code, if any.[58]

§ 297-226. (Reserved)

§297-227. Amendment of approved cluster developments.

A cluster development may be amended after initial approval without being processed as a new cluster development, subject to the following:

A. If an approved cluster development is to be amended by varying the layout of cluster open space, community or recreational facilities, lot or block sizes or other features, without amending the approved design code, if there is a design code, then the applicant may submit an amendment request, in writing, to the Zoning Officer. The Zoning Officer shall review and present the amendment request to the Planning Commission. The amendment request may be approved unless the Planning Commission finds that the original cluster development is superior in its design or its relationship to surrounding properties or the natural environment.

B. If an approved mixed residential cluster development is to be amended by altering the approved design code and varying the layout of cluster open space, community or recreational facilities, lot or block sizes or other features, the amendment request shall be processed under the procedures for the initial approval of a mixed residential cluster development.

C. If a property with an approved cluster development is rezoned, in whole or in part, then an amendment may be filed to conform to the densities allowed in the new zone. If the amendment will require changes to the approved design code, then the application shall be reviewed under the same procedures applicable to an initial approval. If no changes to the approved design code are required, then the cluster development may be amended in accordance with the procedures in Subsection A.

58 **Editor's Note: Former Subsection C, regarding additional requirements for approval of a mixed residential cluster development, which immediately followed this subsection, was repealed 3-1-1999 by Ord. No. 99-16.**

§ 297-228. Cluster development requirement charts. [Amended 3-1-1999 by Ord. No. 99-16]

See the figures included at the end of this article:

A. Figure XIV-I: Requirements for Suburban Cluster Developments.

B. Figure XIV-2: Schedule of Dimensional Requirements: Cluster Developments.

C. Figure XIV-3: Minimum Acceptable Facilities for Active Recreation.

Figure XIV-1
Requirements for Suburban Cluster Developments
[Amended 3-1-1999 by Ord. No. 99-16]

Zone	Minimum Tract	Dwelling Unit Types Allowed[1]	Minimum Open Space	
			With Sewer	Without Sewer
AC	50 acres	Single-family detached (3.01.100)	N/A	60%
RC	50 acres	Single-family detached (3.01.100)	N/A	60%
RR	25 acres	Single-family detached (3.01.100)	N/A	50%
RV	15 acres	Single-family detached (3.01.100) Duplex (3.02.100)	30%	40%
RL	15 acres	Single-family detached (3.01.100)	30%	N/A
RM	10 acres	Single-family detached (3.01.100)	20%	N/A
RH	5 acres	Single-family detached (3.01.100)	10%	N/A

1 Those uses designated as PC in the Table of Permissible Uses are permitted in the indicated zones if the standards of cluster development in this Article are met. The number in parenthesis corresponds with the use numbers in the Table of Permissible Uses.

Figure XIV-2
Schedule of Dimensional Requirements: Cluster Developments
Charles County, Maryland
[Amended 12-7-1993 by Ord. No. 93-100; 11-21-2994 by Ord. No. 94-100; 7-8-1997 by Ord. No. 97-83; 3-1-1999 by Ord. No. 99-16; 3-12-2001 by Ord. No. 01-16]

Zones and Dwelling Types	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Maximum Lot Coverage[3]
	Lot Area[1] (square Feet)	Area/dwelling unit (square feet)	Width[2] (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
AC, RC												
Single-family detached 3.01.100	40,000		100		80	50	30	60	50	36	3	25%
RR												
Single-family detached 3.01.100	15,000		80		50	30	10	25	25	36	3	30%
RV												
Single-family detached 3.01.100	10,000		70		40	25	8	20	25	36	3	35%
Duplex 3.02.100	10,000		60		40	25	0	15	20	36	3	40%
RL												
Single-family detached 3.01.100	8,000[4]		65		40	25	8	20	20	36	3	35%
RM												
Single-family detached 3.01.100	7,000[4]		55		30	20	8	20	20	36	3	50%

Figure XIV-2
Schedule of Dimensional Requirements: Cluster Developments
Charles County, Maryland
(Continued)

Zones and Dwelling Types	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Maximum Lot Coverage[3]
	Lot Area[1] (square Feet)	Area/dwelling unit (square feet)	Width[2] (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	
RH												
Single-family detached 3.01.100	6,000		55		30	20	8	20	20	36	3	50%

NOTES:

1 Where the suburban cluster development is permitted without public water and sewer, the minimum lot area shall be that which is permitted by the County Health Department.
2 Width measured at minimum building restriction line.
3 Lot coverage includes the square footage of all buildings located on the lot.
4 The minimum lot area may be reduced to 6,000 square feet when at least 25% of the density of the cluster development is the result of transferable development rights being transferred to the property.
A. An attached balcony, deck, porch, and patio may project into the minimum rear yards of townhouse units by up to 10 feet where the rear yards are adjacent to the Resource Protection Zone or Forest Conservation Easement Areas.

Figure XIV-3
Minimum Acceptable Facilities for Active Recreation
[Amended 3-1-1999 by Ord. No. 99-16]

Suburban Cluster Development on Public Water or Sewer

Dwelling Units	**Facilities**
0 to 50	Picnic shelter/tables/gazebo
50 to 100	Tot-lots
100 to 250	Fitness trail or volleyball courts
250 to 500	Tennis courts, basketball courts or multipurpose field
500+	Any one of the following: swimming pool; soccer field; football field; softball field; boat ramp; or paved bike trail

NOTES:

1. The recreational facilities identified are to serve as a guide and may be combined or substituted, provided that the facilities proposed are commensurate with the scale of the development.

2. Recreational facility requirements are cumulative in that the larger-scale development must include facilities equivalent to the smaller-scale development in addition to those listed for their class of development.

§§ 297-229 through 297-239. (Reserved)

ARTICLE XV
Moderately Priced Dwellings

§ 297-240. Intent.

The County Commissioners intend to implement the county's housing policies set forth in the Comprehensive Plan by establishing the following moderately priced dwelling requirements.

§ 297-241. Applicability.

This Article will become fully applicable upon the Commissioners' adoption of the Moderately Priced Dwelling Unit (MPDU) Program and Regulations, as a separate part of the County Code. Prior to such adoption, the Charles County Commissioners may approve MPDUs, as provided in this article, with the density bonuses in § 297-243, as based on an agreement with an applicant. This interim process shall automatically be revoked upon adoption by the Commissioners of a Moderately Priced Dwelling Unit Program and Regulations as part of the County Code.

§ 297-242. Requirements.

A. When an applicant, as defined in the MPDU Program, proposes a development at one location in the AC, RC, RR or RV Zones, the required number of moderately priced dwelling units is a minimum of 12% of the total number of dwelling units at that location. If the property is located in the RL, RM, RH, PRD, MX, CER, CRR, CMR, WC or AUC Zones, the required number of MPDUs is a minimum of 15% of the total number of units. **[Amended 7-25-2005 by Ord. No. 05-0; 4-23-2010 by Bill No. 2010-02]**

B. The application for site plan or preliminary plan of subdivision must include the number, type, location and plan for staging construction of an dwelling units and such other information as may be required by the Department of Planning and Growth Management to determine the applicant's compliance with this section.

C. A required Master Plan or general development plan for a proposed development must contain the number of MPDUs that will be constructed and how the MPDUs are distributed and integrated throughout the development.

D. Prior to final subdivision or site plan approval for the development of 50 or more residential dwellings in one location as set forth in the MPDU Program, an applicant must submit to the Zoning Officer a written MPDU agreement approved by the Deputy County Administrator for Community Services and by the County Attorney that provides the required number of moderately priced dwelling units.

E. The staging plan for an dwelling units under the approved development plan must be so arranged that MPDUs will be built along with or before any other dwelling units.

F. If an applicant does not build the MPDUs contained in the staging plan along with or before other dwelling units, the Zoning Officer may withhold any later zoning permits to that applicant until the MPDUs contained in the staging plan are built.

G. Certified copies of the covenants reflecting the restrictions or elements of the MPDU agreement between an applicant and the county, which are required to be filed in the land records, shall be presented to the Zoning Officer prior to the approval of a final site plan or subdivision plat, or else such site plan or subdivision plat submittal shall be determined to be incomplete, and no further processing will be undertaken.

§ 297-243. Density bonus.

A. When the development at one location is in a residential zone in which a density bonus is provided and is covered by a plan of subdivision, is covered by a plan of development or a site plan or requires a building permit to be issued for construction, the required number of moderately priced dwelling units is a variable percentage that is not less than 12.5% of the total number of dwelling units at that location. With the exceptions contained in the MPDU Program regulations, the required number of MPDUs must vary according to the amount by which the approved development exceeds the base density for the zone in which it is located. Article V, § 297-75, permits bonus densities over the base density where MPDUs are provided. The amount of density bonus achieved in the approved development determines the percentage of total units that must be MPDUs, as follows:

Achieved Density Bonus	MPDUs Required
Zero	12.5%
Up to 1%	12.6%
Up to 2%	12.7%
Up to 3%	12.8%
Up to 4%	12.9%
Up to 5%	13.0%
Up to 6%	13.1%
Up to 7%	13.2%
Up to 8%	13.3%
Up to 9%	13.4%
Up to 10%	13.5%
Up to 11%	13.6%
Up to 12%	13.7%
Up to 13%	13.8%
Up to 14%	13.9%
Up to 15%	14.0%
Up to 16%	14.1%

Up to 17%	14.2%
Up to 18%	14.3%
Up to 19%	14.4%
Up to 20%	14.5%
Up to 22%	15.0%
Up to 100%	75.0% (with approval of project and density bonus by County Commissioners)

B. The amount of the density bonus achieved shall be added to any other density bonuses achieved through other provisions of this chapter.

§§ 297-244 through 297-254. (Reserved)

ARTICLE XVI
Adequate Public Facilities Requirements
[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 7-6-1999 by Ord. No. 99-74; 4-23-10 by Bill No. 2010-02]

§ 297-255. Purpose.

The purpose of adequate public facilities review is to:

A. Require developers to provide new , additional or upgrades of existing public facilities that are necessary to address the impact on public facilities from their project, when the existing and planned county facilities will not provide or maintain an adequate level of service;

B. Assure that proposed development will not adversely affect the public health, safety and welfare; and

C. Encourage new development to occur in areas of the county where public facilities are being provided and which are designated in the Comprehensive Plan.

§ 297-256. Adequate public facilities required.

A. No preliminary plan for a subdivision, or major site plan required for a zoning permit, shall be approved unless the Planning Commission first determines that the proposed subdivision or development will not adversely affect the adequacy of public facilities serving the area, project or development.

B. For roads and water supply system, this article does not apply to minor residential subdivisions and nonresidential developments containing less than 1,200 square feet of floor area, except as that development requires public water and sewer.

C. For school facilities, this article applies to all except residential development which is restricted by deed for the residency of individuals age 55 years or older and further restricted by deed to exclude school-age children from permanently residing on the property.

§ 297-257. Roads. [Amended 4-23-2010 by Bill No. 2010-02]

A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.

B. This section does not apply to those projects which generate fewer than 140 vehicle trips or 14 peak-hour trips per day.

C. Roads shall be considered adequate to accommodate the projected traffic to be generated by

the proposed development if:

(1) Roads serving the project are or will be capable of accommodating existing traffic, traffic projected to be generated from developments for which plats and plans have been approved and traffic projected to be generated from the proposed development at an adequate level of service, as set forth below, for a specified design year as established by the Commission. Service levels shall at all intersections in the immediate vicinity of the project, as designated by the Zoning Officer, be defined by the current edition of the Highway Capacity Manual published by the Transportation Research Board; or

(2) The county, state or one of the incorporated towns has programmed for construction in a capital improvements plan or similar plan, additional roads or road improvements necessary, in combination with existing roads and intersections, to comply with the standards specified in Subsection C(1). The programmed improvements must be scheduled to be completed at the time the proposed development will generate new trips.

D. Levels of service.

(1) The established minimum LOS for roads and intersections is:

	Level of Service	
Comprehensive Plan District	**Off-Peak**	**Peak Hour**
Development district	C	C
Village centers	B	C
Rural/agricultural conservation areas and others	A	B
Town Centers and urban core	C	D
Mixed Use Districts (Limited to the Waldorf Central and Acton Urban Center Zones)	D	D

[Added 4-23-2010 by Bill No. 2010-02]

(2) If the existing LOS of the affected road or street is less than the standard above, then the transportation facility will be considered inadequate if the proposed development degrades the facility by more than a factor of 0.01 based on the volume to capacity ratio.

(a) To meet the level of Service D requirements in the WC and AUC Zones, alternate types of transportation improvements, in lieu of road widening, may be required. Alterative types of transportation improvements shall include construction of or

fee-in-lieu contributions to off-street public parking, road grid network development, transit facilities, or streetscape improvements. **[Added 4-23-2010 by Bill No. 2010-02]**

E. The determination of the rating of a road under Subsection C above shall consider the effects of existing traffic, traffic projected to be generated from developments in the area or vicinity or immediate area or facility as designated by the Zoning Officer for which final plats and plans have been approved, increases in through traffic and all traffic projected to be generated from the proposed development for a specified design year.

F. Prior to the submission of a preliminary subdivision plan or an application for a zoning permit, the applicant shall submit a preliminary traffic analysis which indicates the development's anticipated trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the development and a design year based upon anticipated completion of the proposed project. The Zoning Officer shall review the preliminary analysis to determine if it satisfies the standards adopted by the County Commissioners for proposed development and shall add or delete roads or intersections necessary to evaluate the impact of the development.

§ 297-258. Schools.

A. This section applies to all residential developments except certain residential developments known as retirement housing complexes and certain residential developments in the following planned development zones: the Planned Residential Development Zone (PRD); the Planned Unit Development Zone (PUD); the Mixed-Use Development Zone (MX); the Planned Manufactured Home Park (PMH); The Waterfront Planned Community (WPC); or the Transit-Oriented Development Zone (TOD), as defined in the Charles County Zoning Ordinance. In order to qualify for these exemptions, the developments within these zones shall be restricted by deed to the residency of at least one individual 55 years of age or older and exclude permanent occupancy by anyone under the age of 21 and that also have further deed restrictions which shall include each of the following: **[Amended 9-24-2001 by Ord. No. 01-80; 6-17-2003 by Bill No. 2003-04; 10-3-2005 by Bill No. 2005-18[59]]**

(1) No dwelling unit may be occupied by any individual under the age of 21 for more than 30 days in any six-month period.

(2) Each dwelling unit shall be occupied following its sale or lease by at least one individual 55 years of age or older. Individuals aged 21 or older may reside in the development as

59 **Editor's Note: The transition provision of the ordinance provide:**
"The adoption of this bill shall not invalidate any preliminary plan for an age-restricted residential development that was approved by the Planning Commission prior to the date of adoption of this bill, provided that a final plat for said development shall be recorded not later than one year from the effective date of this bill."

long as they occupy a dwelling unit with an individual aged 55 years or older, and will be allowed to remain in the dwelling unit following the death, divorce or incapacity of the individual aged 55 years or older as long as the number of residences occupied by such households does not exceed 20% of the total occupied dwelling units within the development. No new individuals aged 21 to 54 can move into the dwelling unit after the death, divorce or incapacitation of the individual aged 55 years or older.

(3) In order to insure continuous compliance with the age restrictions, each contract of sale or lease agreement for the varying housing types within the development will require certification of the household composition, i.e., the name and birth date of each resident. Each household shall re-certify its composition (i.e., the name and birth date of each resident) on an annual basis. The entity with management responsibilities or the homeowners' association for the development shall submit, on an annual basis, to the Director of Planning and Growth Management a letter certifying and documenting the composition (i.e. The name and birth date of each resident) and compliance of each household in the development.

(4) The entity with management responsibilities or the homeowners' association for the development shall be required to enforce the covenants and shall be prohibited from electing to waive its enforcement rights and obligations.

(5) The Charles County Commissioners shall be designated as a beneficiary of the covenants based upon their agreement to exempt the development from the obligation to pay the fair share school construction excise tax or an impact fee for school capacity and for the sole purpose of empowering Charles County with the right to enforce the covenants. This designation shall not obligate Charles County to enforce the covenants. The damages incurred by Charles County in the event of the entity with management responsibilities or the homeowners' association's failure to enforce the covenants described in § 297-258A will include, but not be limited to, the amount of the fair share school construction excise tax or impact fee that would have been assessed for the entire development if the development had not been exempt from the fair share school construction excise tax or impact fee.

(6) Once the age-restricted housing development has been approved for exemption from the County's School Allocation Policy and the school construction excise tax, the Department of Planning and Growth Management shall notify the Charles County Board of Education of said exemption.

B. No final plat for a residential subdivision or development services permit for a residential site plan shall be approved until school capacity allocation has been granted by the Director of Planning and Growth Management. School capacity will be deemed adequate upon the granting of a school capacity allocation. It is the intent of this chapter that the capacity of public schools shall not be adversely affected by residential development.

C. The annual School Capacity Allocation Committee, composed of the Charles County Commissioners and the Charles County Board of Education, and/or their designated representatives, will meet to decide on the appropriate allocations for the upcoming year. This Committee will consider the following factors, as well as any other information deemed pertinent, in establishing the allocatable school capacity for the upcoming year:

(1) Current enrollments.

(2) Projected enrollments.

(3) Current capacities of individual schools.

(4) (Reserved)[60]

(5) Capacity to be provided by any current capital improvement program (CIP) projects. **[Amended 6-18-2008 by Bill No. 2008-08]**

(6) Additional capacity provided by the use of relocatable classrooms within the Board of Education's relocatable classroom policy guidelines.

(7) Current district boundaries for school attendance and redistricting opportunities within the Board of Education's policy guidelines.

(8) Residential development and growth within the incorporated towns which will impact the enrollments at county schools.

(9) Number of lots from minor subdivisions recorded in previous year.[61]

D. When determining the amount of allocatable school capacity, allocation may be made only if school capacity currently exists or is programmed to exist under the then applicable capital improvement projects program as specified in the adopted Adequate Public Facilities Manual. **[Amended 6-18-2008 by Bill No. 2008-08]**

E. Allocation amounts may not exceed the amount of capacity available in the allocatable school capacity currently in effect. These allocation amounts shall be determined by the County Commissioners using the factors listed in Subsection C above as guidance. **[Amended 6-18-2008 by Bill No. 2008-08]**

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60 **Editor's Note: Former Subsection C(4), County-wide capacity at each level of school, was repealed 6-18-2008 by Bill No. 2008-08.**

61 **Editor's Note: Former subsection C(10), Core capacities of each school facility, which immediately followed this subsection, was repealed 6-18-2008 by Bill No. 2008-08.**

F. The granting of school capacity allocations shall be in accordance with the policies and procedures established in the Adequate Public Facilities Manual adopted by the County Commissioners. **[Amended 6-18-2008 by Bill No. 2008-08]**

G. The fair share school construction excise tax adopted by Ordinance 02-97 shall not apply to those projects exempted under Subsection A of this section. **[Added 6-17-2003 by Bill No. 2003-04; amended 10-3-2005 by Bill No. 2005-18]**

§ 297-259. Sewerage system.

(reserved for future inclusion.)

§ 297-260. Water supply system.

No final plat for a residential subdivision or site plan for commercial or industrial development requiring a ground water appropriation perm it shall be approved until such permit is issued by the Water Resources Administration of the State Department of Natural Resources. It is the intent of this chapter that water supplies serving existing residential, commercial and industrial users shall not be adversely affected by the water use of new development.

§ 297-261. Fire suppression for rural areas. [Added 9-2-2002 by Ord. No. 02-79]

A. To address the fire suppression needs of the rural areas, this section will meet the following objectives:

(1) Establish a reliable and effective fire protection program in the rural areas to address the impact of new development on fire suppression capabilities.

(2) Develop alternatives w hich will accom plish adequate fire suppression in the rural areas with the cooperation of fire companies which serve these areas.

(3) Improve water supply for fire suppression in rural, nonhydrant areas.

B. This section applies to areas that are clas sified as properties having a W6 water service category, as defined by the Com prehensive Water and Sewer Plan. This section will apply to the creation of more than five buildable lots after the this section and being part of a major subdivision. No preliminary plan of such a re sidential shall be approved unless the following criteria have been met:

(1) An existing water source with all-w eather access is available within four round-trip miles driving distance. "All-weather access" is defined as a loca tion that provides access to w ater every day of the year , that is capable of su pporting the weight of a

fully loaded tanker and has sufficient room to allow a tanker to turn around. The water source must be accessible to the fire department using no more than 20 feet of hard sleeve. The existing water source must meet the criteria established in the Adequate Public Facilities (APF) Manual.

(2) If an existing water source is not available, then the applicant must mitigate by providing a water source within four round-trip miles driving distance of the proposed usable area of each new building lot.

(3) Refer to the APF manual for specific details and explanations. The mitigation must comply with the design criteria in the Water and Sewer Ordinance.[62]

(4) The developer may recover costs of improvements for rural fire suppression through the reimbursements policy set forth in Section 5.7 of the Water and Sewer Ordinance. Those developers within the service area of the rural fire suppression facility must participate in the reimbursement, if required by the Water and Sewer Ordinance.

§ 297-262. Stormwater management facilities.

(Reserved for future inclusion.)

§ 297-263. Adequate public facilities study.

A. An applicant shall submit an adequate public facilities study (APFS) in conformance with the requirements of this article as part of preliminary subdivision and zoning permit submissions.

B. An APFS shall contain the following information:

(1) Background information that describes the proposed development, its location and the conditions of all surrounding public facilities that are regulated by this article.

(2) Project generation information that identifies the vehicle trips and number of students generated by the project.

(3) Analyses and identification of project impacts on public facilities covered by this article.

(4) Proposed mitigation program for impacts to public facilities.

C. An APFS required for roads shall include a traffic impact study, including traffic flow studies of the roads and intersections identified in the preliminary analysis as approved by the Zoning Officer. The traffic flow studies shall determine, at a minimum, existing traffic, traffic

62 **Editor's Note: See Ch. 291, Water and Sewers.**

projected to be generated from other proposed developments for which site plan or preliminary plan approval have been granted, projected increases in through traffic at the time of completion of the proposed development and traffic projected to be generated from the proposed development. The study shall comply with these standards or TRB's standards for traffic impact studies. In addition, the APFS shall propose improvements which will achieve the required level of service.

D. An APFS must address the impacts of a project that is to be developed in phases.

E. The Planning Commission shall review the adequate public facilities study (APFS) and other information submitted by the applicant to determine if the level of infrastructure exists or will exist to meet the standards of the chapter and whether the approval of the proposed development will be in the public interest.

§ 297-264. Mitigation.

Upon determination by the Planning Commission that public facilities are not adequate, the Planning Commission may disapprove the project or require mitigation from an applicant to assure that there exist adequate levels of public facilities that are consistent with this article.

A. Mitigation may include, but is not limited to, dedication of property to the county, payment of impact fees, fees in lieu of an improvement payment to an escrow account, participation in private/public partnerships, developer agreements, off-site improvements or other mechanisms as may be determined by the Planning Commission.

B. The Planning Commission shall review and have final approval of the proposed mitigation program of a proposed subdivision or development. A mitigation program shall include the type(s) of mitigation, the methods and schedules, including project phasing, if applicable, for the implementation of the mitigation program.

C. A mitigation program shall be contained in a legal, binding, adequate public facilities agreement between the applicant and the county, which has been approved for form and content by the County Attorney.

D. A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program.

E. No mitigation shall be allowed for the lack of available school capacity.

§ 297-265. Bonding or surety.

A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the applicant's ownership that are part of a mitigation program.

B. Upon default, the county has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

§ 297-266. Standards, criteria and procedures for adequate public facilities studies.

A. The County Commissioners will establish specific standards, criteria and procedures for use in determining the adequacy of public facilities required to support and service any proposed subdivision or development. Applicants shall comply with all specific criteria, standards and procedures, as adopted.

B. The County Commissioners shall hold a public hearing prior to the adoption of additional specific standards, criteria and procedures for adequate public facilities determinations to be undertaken as part of this chapter . Such a hearing shall comply with the requirements and procedures for the text amendments of this chapter.

C. The County Commissioners shall consider revisions to adopted standards, criteria and procedures for adequate public facilities studies on at least a biannual basis.

D. The County Commissioners will maintain an inventory of facilities which do not meet the standards of this section and will update the same on at least a biannual basis.

§§ 297-267 through 297-276. (Reserved)

ARTICLE XVII
Transferable Development Rights (TDRs) in Designated Agricultural Land Preservation Districts
[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 8-26-1996 by Ord. No.96-74; 4-23-10 by Bill No. 2010-02]

§ 297-277. Introduction.

The purpose of this article is to encourage the protection of farm land and farming resources by allowing the transfer of development potential from a site in an agricultural area having a resource deserving protection to one in a residential receiving zone within a development area. Transfer of development rights (TDRs) will further the community interest by providing long term protection of land in county- and state-designated Agricultural Land Preservation Districts. This article also supplements the Maryland Agricultural Land Preservation Foundation easement purchase program by providing an alternative to easement purchase by the state. This voluntary program furthers the objectives of the Comprehensive Plan.

§ 297-278. Definitions.

In addition to the definitions contained in Article III (Definitions), as used in this article, the following words shall have the meanings indicated:

AGRICULTURAL PRESERVATION ADVISORY BOARD OF CHARLES COUNTY --A five-member Board appointed by the County Commissioners with the duties and responsibilities as specified in the public local law and these regulations.

AGRICULTURAL LAND PRESERVATION DISTRICT-- A recorded section of prime agricultural or forestry land that is voluntarily enrolled in the Maryland Agricultural Land Preservation District Program by the owner of the property with a recommendation of approval of such a petition for district establishment by the County Preservation Advisory Board, County Planning Commission and County Commissioners.

DEVELOPMENT OPTION -- The portion of a development right which attaches to one acre of land in an Agricultural Land Preservation District. (Example: a one-hundred-acre parcel would have 100 development options.)

DEVELOPMENT RIGHT -- The right that a landowner has to develop his or her property residentially. These rights may then be conveyed to increase the density of residential land use in designated receiving zones. Three development options constitute one development right.

INSTRUMENT OF TRANSFER -- The form required by this section by which one or more development rights are transferred.

ORIGINAL INSTRUMENT OF TRANSFER -- An instrument of transfer by which development rights are initially transferred from a designated sending area by the original transferor.

ORIGINAL TRANSFEROR -- A person (transferor) who is the owner of the sending parcel from which the development rights are being transferred along with all persons who have a mortgage, deed of trust or other lien or encumbrance on the transferor parcel.

RECEIVING PARCEL OR RECEIVING ZONE -- A lot or parcel of land that has been designated as the development district in the Comprehensive Plan, is located in a Zone which the use of TDRs is authorized by this Chapter (RL, RM, RH, CER, CRR, CMR, AUC, WC) and is located in a cluster development in the RL, RM or RH Zones; or in a PRD, TOD, or MX Zone as set forth in Article VII; or in the CER, CRR, CMR, AUC or WC Zones. **[Amended 10-25-1999 by Ord. No 99-92; 3-1-1999 by Ord. No 90-16; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]**

SENDING PARCEL or SENDING ZONE - - A parcel of land in an Agricultural Land Preservation District described in Chapter 215 of the County Code and which has been recorded in the County Courthouse from which development rights are transferred.

TRANSFER OF DEVELOPMENT RIGHT -- An interest in real property that constitutes the right to develop and use the property under this chapter which is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with this chapter.

TRANSFER -- The transfer of development rights from a sending parcel to a receiving parcel is done by instrument(s) of transfer. A transfer can include any intermediate transfers to or among a transferee or directly from the transferor to a transferee. The word is used both as noun and a verb and, in the latter case, includes any tense of the verb.

TRANSFEREE -- A person to whom development rights are transferred and all persons who have any lien, security interest or other interest with respect to development rights held by the transferee.

TRANSFEROR - A person who transfers development rights from an Agricultural Land Preservation District along with all persons who have any lien, security interest or other interest with respect to development rights held by the transferor.

§ 297-279. TDR sending areas; properties assigned transferable development rights.

A. Properties assigned TDRs. TDR sending areas are all those properties that are enrolled in the Maryland Agricultural Land Preservation Program and have been recorded in the Charles County Land Records. Every parcel of land located in a sending area has a specific number of TDRs based on the allocation standards in the following subsection. These TDRs may be

used to obtain approval for development on other lands located in a TDR receiving area, identified in § 297-284 below, at a density greater than would otherwise be allowed on those lands.

B. Allocation formula.

(1) The number of transferable development rights attached to a particular property located in a TDR sending area shall be equal to one development right per three acres.

(2) One development option shall be allocated per acre of land in an Agricultural Preservation District and three development options shall equal one development right, except that three development options shall he subtracted for each residence located on a parcel in an Agricultural Preservation District which exists prior to the effective date of this chapter or is built on the property after the effective date of this chapter. However, where there is no existing dwelling unit on the Agricultural Land Preservation District property, the owner has the option of using three development options for future use for construction of a primary farm residence, but those development options will be subtracted prior to the development rights becoming certified. The total number of certified development rights will be indicated on the certificate of development rights. Construction of a residence must conform to all the requirements of Subsection C below.

(3) No development options or rights shall be granted on land which previously has been subjected to recorded restrictive development covenants or indentures which preclude the subdivision and/or residential development of the land.

(4) The owner of any parcel located in a TDR sending area may apply to the Zoning Officer for a certificate verifying the number of TDR's or options which are allocated to that parcel.

(5) Fractions of development rights. Where application of the allocation formula results in the creation of a fraction of a TDR, eg., one or two development options, such fraction of a development right, known as a "development option," may be sold, conveyed or transferred to another party to the same extent as a whole TDR.

C. Construction of a dwelling on a property with certified development rights. If three development options have been withheld at the time of certification of the development rights and no primary residence exists on the property, then the landowner may construct a dwelling subject to approval by the Charles County Agricultural Land Preservation Advisory Board, local planning and zoning approval, and approval by the Maryland Agricultural Land Preservation Foundation.

§ 297-280. Ability to transfer development rights.

A. The owner of any parcel of land located in a TDR sending area may transfer the development rights or options allocated to that parcel to any person at any time, to the same extent and in the same manner as any other interest in real property is transferred.

B. Limitations. A development right may not be used in the following manner:

(1) To increase the density of a receiving parcel unless such right is derived from a portion of a sending parcel which is in an approved Agricultural Land Preservation District; or

(2) To increase density within the RL, RM, or RH Zones unless the form of development proposed using such right(s) meets the standards for cluster subdivision as outlined in Article XIV or a planned development as outlined in Article VII of this chapter. **[Amended 3-1-1999 by Ord. No. 99-16]**

C. Intermediate transfer. A development right may be transferred to a transferee prior to the time when its use for a specific receiving parcel has been finally approved in accordance with this article. At the time of the county approval of the intermediate transfer, a title report needs to be submitted.

§ 297-281. Certificate of development options or rights.

A. Requirement. No transfer shall be recognized under this article unless the original instrument of transfer contains a certificate of development options issued by the Zoning Officer indicating that the number of development rights or options represents the number of development· rights applicable to the sending parcel and is recorded by the Zoning Officer.

B. Responsibility. The transferor and the transferee named in an original instrument of transfer shall have sole responsibility to supply all information required by this article; to provide a proper original instrument of transfer; and to pay, in addition to any other fees required by this article, all costs of its recordation among the land records of Charles County.

C. Application for certificate. An application for a certificate shall contain such information, prescribed by the Zoning Officer, as may be necessary to determine the number of development rights involved in the proposed transfer. An application shall contain such information as deemed necessary to verify parcel size as a basis for certifying the number of development options and, at a minimum, shall require submission of a plat of the proposed sending parcel, prepared by a registered land surveyor on the basis of an actual on-site survey and/or deed or deeds that describe in detail the acreage contained in the said property along with a title search for the sending parcel and shall be accompanied by such review fee as may

be prescribed by the County Commissioners. A metes and bounds survey, for certification of development rights shall only be required to be presented by the landowner when:

(1) The deed/deeds for the property in the designated sending area requesting to have their development rights certified by the Charles County Zoning Officer fail to specifically indicate numerically the number of acres contained in the sending parcel; or

(2) During the initial title search there is some conflict between said acreage in the deed/deeds and the Charles County Tax Assessor's office and the landowner wants to claim the larger of the two figures.

D. Issuance of certificate. On the basis of the information submitted, the Zoning Officer shall affix a certificate of his findings to the original instrument of transfer. The certificate shall contain a specific statement of the number of development rights which are derived from the sending parcel.

E. Effect of determination. The determination of the Planning Director shall not be construed to enlarge or otherwise affect in any manner the nature, character and effect of a transfer.

§ 297-282. Instrument of transfer.

A. An instrument of transfer shall conform to the requirements of this section. An instrument of transfer, other than an original instrument of transfer, need not contain a metes and bounds description or plat of sending parcel.

B. Any instrument of transfer shall contain:

(1) The names of the transfer or and the transferee;

(2) A current title search.

(3) A covenant that the transferor grants and assigns to the transferee and the transferee's heirs, personal representatives, successors and assigns a specified number of development rights or development options from the sending parcel.

(4) A covenant by which the transfer or acknowledges that he has no further use or right of use with respect to the development rights or options being transferred, unless those development rights or options are repurchased. The sale of any TDR immediately encumbers the entire property certified for TDR's and prohibits any additional residential dwellings other than allowed by § 297-279B(2) or subdivision for residential purposes.

(5) A statement of the rights of the transferee prior to final approval of the use of those development rights on a specific receiving parcel, as set forth in § 297-283, except when development rights or options are being transferred to the Board of County Commissioners in accordance with this article.

(6) A covenant that at the time when any development rights or options involved in the transfer are finally approved for use on a specific receiving parcel, such rights or options shall be transferred to the County Commissioners for no consideration; or, in cases when development rights are being transferred to the County Commissioners after such approval, a covenant that the rights are being transferred to the County Commissioners for no consideration.

C. An instrument of original transfer, which is required when a development option or right is initially separated from the subject property, shall also contain:

(1) A metes and bounds description of the sending parcel, prepared by a licensed surveyor named in the instrument or a deed or deeds that describe in detail the acreage contained in said property along with a title search for the sending parcel and shall be accompanied by such review fee as may be prescribed by the County Commissioners. A metes and bounds survey for certification shall only be required to be submitted by the landowner when:

(a) The deed/deeds for the property in the designated sending area requesting to have their development rights certified by the Charles County Zoning Officer fail to specifically indicate numerically the number of acres contained in the sending parcel; or

(b) During the initial title search there is some conflict between said acreage in the deed/deeds and the Charles County Tax Assessor's Office and the landowner wants to claim the larger of the two figures.

(2) A covenant that the entire sending parcel may not be subdivided unless the subdivision is for agricultural purposes [per the Maryland Agricultural Land Preservation Foundation's Regulations on Agricultural Subdivisions, Article 15-1501-05-(N)(8) Code of Maryland Regulations]. However, when an agricultural subdivision is being requested by the landowner whose development rights have been certified by the Charles County Zoning Officer, such a proposal must be reviewed by the local Agricultural Land Preservation Advisory Board and recommended to the Planning Commission for approval or denial. Final approval of such a subdivision is subject to Planning Commission action.

(3) A covenant by which the use of the sending parcel is restricted to and may be used only for agricultural uses as permitted by the Code of Maryland Regulations Subtitle

15-l50l-03A (B.ii).

(4) A covenant that all provisions of the instrument of transfer shall run with and bind the sending parcel and may be enforced by the County Commissioners.

(5) The certificate of the Zoning Officer required by § 297-281.

(6) Intermediate transfers. If the instrument is not an instrument of original transfer, a statement shall appear that the transfer is an intermediate transfer of rights derived from a sending parcel described in an original instrument of transfer, which original instrument shall be identified by its date, the names of the original transferor and transferee and the book and page where it is recorded among the land records of Charles County.

D. Recordation of transfer. After it is properly executed, any instrument of transfer and a title search shall be delivered to the Zoning Officer, who shall deliver it to the Clerk of the Circuit Court for Charles County, together with the required fees for recording furnished by the original transferor and transferee. The Zoning Officer shall immediately notify the original transferor and transferee, in writing, of such recording.

§ 297-283. Effect of transfer.

A. After development rights have been transferred by an original instrument of transfer:

(1) The sending parcel from which development rights or options are transferred shall be used only for oil and natural gas extraction and/or agricultural uses, other than farm residences, as defined and permitted in this chapter, or as permitted by the Maryland Agricultural Land Preservation Foundation, whichever is more restrictive.

(2) The sending parcel from which development rights or options are transferred shall not be subdivided, except for agricultural purposes (per the Maryland Agricultural Land Preservation Foundation's policy regarding agricultural subdivisions found in Article l5-l501-05-P3biii, Code of Maryland Regulations). However, when an agricultural subdivision is being requested by the landowner whose development rights have been certified by the Charles County Zoning Officer, such a proposal must be reviewed by the local agricultural land preservation advisory board and recommended to the Planning Commission for approval or denial. Final approval of such a subdivision is subject to Planning Commission action.

(3) The sending parcel from which development rights are transferred shall not be used in connection with any determination of site area or site capacity of a future development.

(4) All development rights which are the subject of the transfer, and the value of such rights, shall be deemed for all other purposes, including assessment and taxation, to be appurtenant to the sending parcel, until such rights have been finally approved for use on a specific receiving parcel and transferred to the County Commissioners.

(5) Upon the transfer of the first development right, the entire sending parcel shall be encumbered.

B. Rights of transferee. Between the time of the transfer of a development right by an original transferor and the time when its use on a specific receiving parcel is final in accordance with the provisions of this section, a transferee has only the right to use the development right to the extent authorized by all applicable provisions of this chapter. No transfer shall be construed to limit or affect the power of the County Commissioners to amend, supplement or repeal any or all of the provisions of this or any other article of this chapter at any time or to entitle any transferor or transferee. to damages or compensation of any kind as the result of any such amendment, supplementation or repeal.

C. Rights of Transferor. An owner of land in a TDR sending area on which development rights have been transferred may repurchase those rights, provided:

(1) The number of transferrable development rights or options repurchased shall not exceed the number transferred from those originally assigned to the parcel prior to their sale.

(2) Such rights when repurchased are purchased from sites which are located in an eligible sending zone.

(3) Subsequent rights having been repurchased, the total number of development rights on the parcel shall not exceed the number of rights initially assigned to the property as documented by the certificate of development options issued prior to the initial transfer by the Zoning Administrator. Three (3) development options or one (1) development right shall be subtracted from the number of development rights originally assigned the parcel through the certificate of development options for each residence constructed after the date of issuance of the certificate of development options in determining compliance with this provision.

(4) Action by an owner of land in an eligible sending zone to repurchase development rights formerly transferred shall be subject to the same procedural and recordation requirements outlined in §§ 297-284 through 297-285 of this article as are applicable to all other transfers.

(5) The covenants recorded with the original instrument of transfer shall be terminated upon the owner demonstrating proof of ownership as set forth in § 297-285B. The

proof of ownership shall be for an equivalent number of options that were originally sold from the property. Upon satisfactory proof of ownership, the owner shall execute an instrument terminating the covenants on the land from which development rights were previously transferred.

§ 297-284. TDR receiving area; use of transferable development rights.

A. Creation and purpose of TDR receiving area; ability to use TDRs.

(1) There is hereby created a TDR receiving area which shall be limited to properties located in the RL, RM, RH, MX, TOD, PRD, CER, CRR, CMR, AUC and WC Zones. With the exception of the CER, CRR, CMR, AUC and WC Zones, a TDR in the above residential zones shall only be used when the development conforms to standards for cluster or planned development contained in this chapter. **[Amended 10-25-1999 by Ord. No. 99-92; 3-1-1999 by Ord. No. 99-16; 7-25-2005 by Ord. No. 05-01; 4-23-2010 by Bill No. 2010-02]**

(2) The owner of any property located in a TDR receiving area may use transferable development rights, in addition to that density allowed on the property as a matter of right, to build up to the maximum density of development allowed on the property. TDRs and any fractions thereof in the form of development options may be aggregated from different parcels and owners for use in securing additional development in a TDR receiving area.

B. Development permitted with use of TDRs. Each TDR may be used to secure approval from the County for additional development above the number of dwelling units otherwise allowed to be developed on the property, provided that the total development on the property does not exceed the limits set forth in this chapter.

§ 297-285. Approval of development using transferable development rights.

A. Development approval procedure. The request to use TDRs on a property shall be in the form of a preliminary subdivision plat, a site plan or other application submitted in accordance with the requirements of this chapter. In addition to any other information required by this chapter, the application shall be accompanied by an affidavit of intent to transfer development rights indicating the number of development rights to be transferred to the property.

B. Proof of ownership of TDR's and proof of deed restriction. No final plat shall be approved and no zoning permits shall be issued for development involving the use of TDR's until and unless the applicant has demonstrated to the County that:

(1) The applicant is the bona fide owner of all TDR's which will be used or redeemed for the construction of additional dwellings or the creation of additional lots;

(2) A deed of transfer for each TDR has been recorded in the chain of title of the parcel of land from which the development right has been transferred and that such instrument restricts the use of that parcel in accordance with this article; and

(3) The TDR's proposed for the development have not previously been used. Proof must be shown via submission of a current title search.

C. Preliminary approvals. The county may grant preliminary subdivision or site plan approval for the proposed development conditioned upon such proof being presented to the County as a prerequisite to final subdivision or site plan approval.

§ 297-286. Final approval of use. Transfer from a sending parcel to a receiving parcel is final at the time when final subdivision approval or final site plan approval for the receiving parcel, based upon use of development rights, has been given in accordance with this chapter.

§§ 297-287 through 297-296. (Reserved)

ARTICLE XVIII
Site Design

§ 297-297. Purpose.

The purpose of this article is to establish minimum design and improvement standards that will be required for approval of a site plan.

§ 297-298. General site design standards.

A. The applicant shall submit a site analysis of the characteristics of the development site, such as site context, geology and soil, topography, climate, natural features, visual features, past and present use of the site, historic features, existing vegetation, structures and road networks.

B. The Charles County Site Design and Architectural Review (SDAR) single-family dwelling and commercial and industrial guidelines and standards shall guide: **[Added 5-2-2005 by Ord. No. 05-081[61]] [Amended 11-01-2008 by Bill No. 08-13]**

(1) The approval of preliminary plans and architectural elevations for all single-family subdivisions in the RL, RM, RH, RO, RR, PRD, MX, PUD, WPC, TOD, PEP, PMH, CER, CRR, and CRM Zones that are greater than 10 lots and within sewer service areas S-l, S-3, S-5.

(2) The approval of site plans and buildings for all commercial construction in the CV, CN, CC, CB, BP, IG, IH, CER, CRR, and CRM Zones. All new construction, renovation and expansion projects shall comply with all applicable sections of the commercial and industrial guidelines and standards. Projects that do not add more than 2,000 square feet of gross floor area or alter more than 25% of the building facade or site area are exempt. The guidelines and standards shall conform to appropriate planning principles and to the purposes stated for the specific zone.

C. Subdivision and site design.

(1) Design of the development shall take into consideration all existing local and regional plans for the surrounding community.

(2) Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features.

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61 **Editor's Note: This ordinance also renumbered former Subsections B and C as C and D, respectively.**

(3) The following specific areas include but are not limited to areas that shall be preserved as undeveloped open space, to the extent consistent with the reasonable use of land and in accordance with applicable state or local regulations:

(a) Unique and/or fragile areas, including tidal and nontidal wetlands, as defined in Section 404 of the Federal Water Pollution Control Act Amendments of 1972 and as delineated on wetlands maps prepared by the United States Fish and Wildlife Service, field verified by on-site inspection.

(b) Significant trees or stands of trees, defined as the largest known individual trees of each species in the state, large trees approaching the diameter of the known largest tree or species or clumps of trees that are rare to the area or of particular horticultural or landscape value.

(c) Lands in the floodplain.

(d) Steep slopes in excess of 25% as measured over a ten-foot interval, unless appropriate engineering measures concerning slope stability, erosion and safety are taken.

(e) Habitats of endangered wildlife, as identified on federal or state lists. Particular attention shall be given to fish spawning areas, rare, threatened or endangered species habitat and other ecologically significant features.

(f) Historically significant structures and sites, as listed on federal, state or county lists of historic places.

(4) The development shall be designed to mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

D. Residential development design. When a site plan is required for a residential use, the site design shall meet the following requirements:

(1) Every lot shall have sufficient access to it for emergency vehicles, as well as for those needing access to the property in its intended use.

(2) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage and aesthetics.

(3) Buildings shall be spaced so that adequate privacy is provided for units.

(4) Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space whenever possible.

(5) Open space intended for a recreation or public use shall be easily accessible to pedestrians.

(6) Diversity and originality in layout and individual building design shall be encouraged to achieve the best possible relationships between development and the land.

(7) Individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view from the view of buildings and to lessen area devoted to motor vehicle access.

(8) Individual lots, buildings, units and parking areas shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site.

(9) Solar access and conservation of energy shall be encouraged.

§ 297-299. Landscaping and tree planting standards.

A. All developments shall conform to the requirements of Articles XXI and XXII and Appendix E[62] of this chapter.

B. Existing trees shall be preserved wherever possible. The protection of trees six inches or more in diameter (measured diameter at breast height) shall be given high priority in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and shall remain undisturbed wherever possible.

C. Where extensive natural tree cover and vegetation does not exist, landscaping shall be provided to enhance the appearance of the development, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of dwelling units.

§ 297-300. Lot coverage.

Impervious surfaces (surfaces that do not absorb rain, including all buildings, roads, sidewalks, patios, parking areas and any other areas paved in concrete or asphalt) shall not occupy more than the established impervious surface ratio (ISR) contained in the Schedule of Zone Regulations (Articles VI through VIII). Efforts to minimize impervious surfaces shall be encouraged.

62 **Editor's Note: Appendix E is included at the end of this chapter.**

§ 297-301. Road and sidewalk requirements in subdivided and unsubdivided developments. [Amended 4-23-2010 by Bill No. 2010-02 and Bill No. 2010-05]

A. Within unsubdivided developments, all private roads and accessways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic.

B. Whenever a road in an unsubdivided development connects two or more subcollector, collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated. In other cases, when roads in unsubdivided developments within the county are constructed in accordance with the specifications for subdivision streets, the county may accept an offer of dedication of such streets.

C. In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street and on-site activity centers, such as parking areas, laundry facilities and recreational areas and facilities.

D. In all commercial and industrial site plans and subdivisions, safe and convenient pedestrian circulation shall be provided within and between sites, including: **[Amended 4-23-2010 by Bill No. 2010-02]**

(1) Sidewalks and marked pedestrian ways linking the parking areas, building entrances, and sidewalks along adjacent roads; and **[Added 4-23-2010 by Bill No. 2010-02]**

(2) Driveway and pedestrian connections between adjacent commercial sites, whenever feasible. **[Added 4-23-2010 by Bill No. 2010-02]**

E. An applicant for site plan approval shall install sidewalks and related improvements along public or private roads, or reserve easements for sidewalks, as specified below. **[Added 4-23-2010 by Bill No. 2010-02; Amended 4-23-2010 by Bill No. 2010-05]**

(1) For any site within an Activity Center Zone or Core Mixed Use Zone, sidewalks, street trees and street lights shall be installed along the side of a public or private road abutting the development, or along both sides of a public or private road within the development, if the development meets the thresholds for streetscape improvements established by the Activity Center Zone requirements, §297-96.N for the Activity Center Zones. For expansion of existing uses, these improvements shall be installed if required by the Zoning Officer in the Core Mixed Use Zones. **[Added 4-23-2010 by Bill No. 2010-02; Amended 4-23-2010 by Bill No. 2010-05]**

(2) For commercial, industrial or mixed use developments in other zones, sidewalks and

street trees shall be installed along the side of public or private roads abutting the development unless the Zoning Officer determines that these improvements are not desirable for pedestrian safety and convenience, and are inconsistent with County plans for the area. A landscape strip shall be provided between the sidewalks and the roads, for pedestrian comfort and security. Where a service road is required, the sidewalks may be provided along the service roads. **[Added 4-23-2010 by Bill No. 2010-05]**

(3) In other Zones, whenever the Zoning Officer finds that pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the applicant may be required to reserve an unobstructed easement of at least 10 feet to provide such access. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 4-23-2010 by Bill No. 2010-02]**

(4) Sidewalks along public streets shall meet the standards of the Road Ordinance and adopted Design Guidelines. **[Added 4-23-2010 by Bill No. 2010-02]**

F. The sidewalks and walkways required by this section shall be: **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100; 4-23-2010 by Bill No. 2010-02]**

(1) Constructed according to the specifications set forth in Appendix C[63], except that the Zoning Administrator may permit the installation of walkways constructed with other suitable materials when it concludes that:

(a) Such walkways would serve the development as adequately as concrete sidewalks; and

(b) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

(2) At least four feet wide. Wider sidewalks or walkways may be required based upon Design Guidelines adopted by the County Commissioners for the particular zone or land use. **[Added 4-23-2010 by Bill No. 2010-02]**

G. The proposed right-of-way of public roads abutting or within the site shall be shown on site plans. Required setbacks shall be measured from the proposed right-of-way. Landscaping, parking and other required improvements shall be located outside of the proposed right-of-way. **[Added 4-23-2010 by Bill No. 2010-02]**

§ 297-302. Access standards for arterial roads.

63 Editor's Note: Appendix C is included at the end of this chapter.

A. Site access and circulation along all arterial roads shall conform to the following general standards:

(1) All proposed development or redevelopment projects in the urban core designated by the Comprehensive Plan, shall be designed to minimize left turn movements or conflicts on the site and in the street.

(2) Driveways shall be designed to achieve clear sight lines.

(3) Where reasonable access is available, the vehicular access to the site should be arranged to avoid traffic use of local residential streets situated in or bordered by residential zones.

(4) Access driveways should be designed with sufficient capacity to avoid queuing of entering vehicles on any road or street.

(5) One driveway connection from any site or lot to any street shall be preferable. Except where separate entrances and exit driveways may be necessary to safeguard against hazards and to avoid congestion. Additional driveways should also be considered for large tracts and uses of extensive scope, if traffic flow on adjacent roads will be facilitated by the additional connections.

(6) Each access driveway shall be located and designed so as to cause the least practical interference with the use of adjacent property and with the movement of pedestrian or vehicular traffic.

(7) Where a site or lot has frontage on two or more roads, the access to the site should generally be provided to the site from the lower classified road, unless there is less potential for traffic congestion and for hazards to traffic and pedestrian movement from the higher classified road.

(8) Where necessary to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, service roads, driveways and controls within the road.

B. Circulation driveways are encouraged to minimize excess curb cuts and driveways and to preserve existing capacity of arterial highways. Where topographic and other conditions offer no major impediments, provision should be made for circulation driveway connections to adjoining lots of similar existing or potential use to facilitate fire protection services and to enable the public to travel between two existing or potential uses without the need to travel upon a street.

C. The design objectives for driveway spacing on arterial roads within the Highway Corridor (HC) Zone shall be as follows:

Desirable Separation of Adjacent Driveways

Highway Speed (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	185
45	230
50	275

D. When a site is developed or redeveloped in the HC Zone in excess of the maximum standards of this chapter, driveways shall be eliminated or relocated when possible to achieve these objectives.

E. Commercial and access driveway widths shall have the following dimensions:

(1) A minimum of 17 feet for all one-way driveways. One-way driveways shall not exceed 20 feet.

(2) A minimum of 25 feet for all two-way driveways. Two-way driveways shall not exceed 35 feet.

F. Existing curb openings or driveway approaches that are no longer required due to new driveway approach construction on the same lot or due to the combined use of driveways/access points shall be removed, and new curb, gutter and sidewalk shall be installed to match the existing. Such work shall be completed along with the installation of the new driveway approaches.

G. For any undeveloped parcel within the HC Zone, sufficient easement shall be preserved for the provision of a service drive, to be constructed at a future date, which would link adjacent developments and reduce the number of access points onto the corridor. The Planning Commission reserves the right to determine those parcels to be affected by such service road easement, and the location of the easement shall be indicated on a right-of-way map recorded in the county's land records.

§ 297-303. Utility ownership and easement rights.

In any case in which an applicant installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the applicant, the applicant

shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

§ 297-304. Utilities to be consistent with internal and external development.

Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

§ 297-305. Lighting requirements.

A. All entrances and exits in buildings used for nonresidential purposes and in two-family or multifamily residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

B. Excessive illumination. Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the standard set forth in § 297-306.

§ 297-306. Lighting standards.

A. Site lighting shall be of low intensity from a concealed source, shall be of a clear white light which does not distort colors and shall not spill over into adjoining properties, buffers, roadways or in any way interfere with the vision of oncoming motorists. This section does not apply to public street lighting.

B. The following standards are required of all exterior lighting except the outdoor recreational uses specifically exempted below. The maximum light post height permitted is dependent on the amount of cutoff provided. Exterior lighting shall meet one of the following standards:

(1) Luminaire with no cutoff.

(a) When light source or luminaire has no cutoff:

Standard	Maximum Permitted Height of Luminaire (feet)
Residential parking lots	12
Nonresidential parking lots	20

(b) An illustration of this type of luminaire is shown on Figure XVIII-l below.

(2) Luminaire with total cutoff.

(a) When a luminaire has total cutoff of light at an angle less than 90° and is located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cutoff angle intersects the ground, then the maximum permitted illumination and the maximum permitted height of the lurninaire shall be:

Standard	Maximum Permitted Height of Post (feet)
Residential parking lots	20
Nonresidential parking lots	30

(b) An illustration of this type of luminaire is provided on Figure XVIII-1.

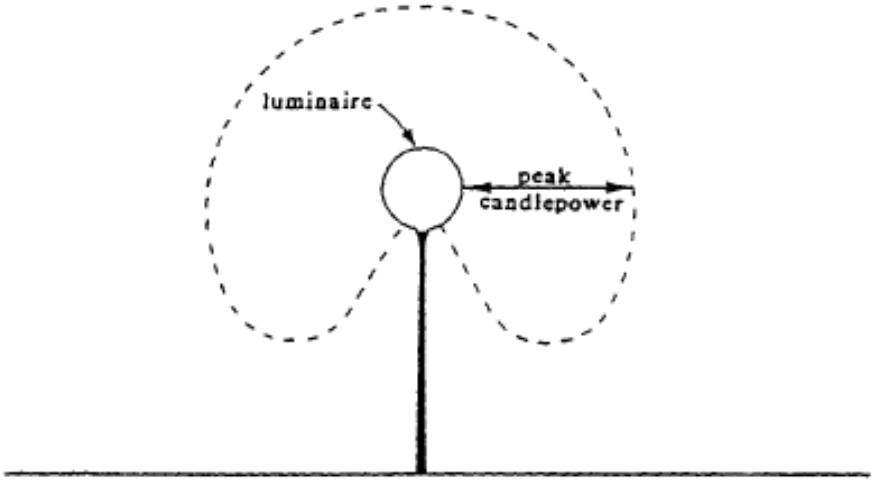
(3) Outdoor recreational uses. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts shall meet the following standards:

(a) Lighting of outdoor recreational uses shall not exceed a maximum post height of 40 feet.

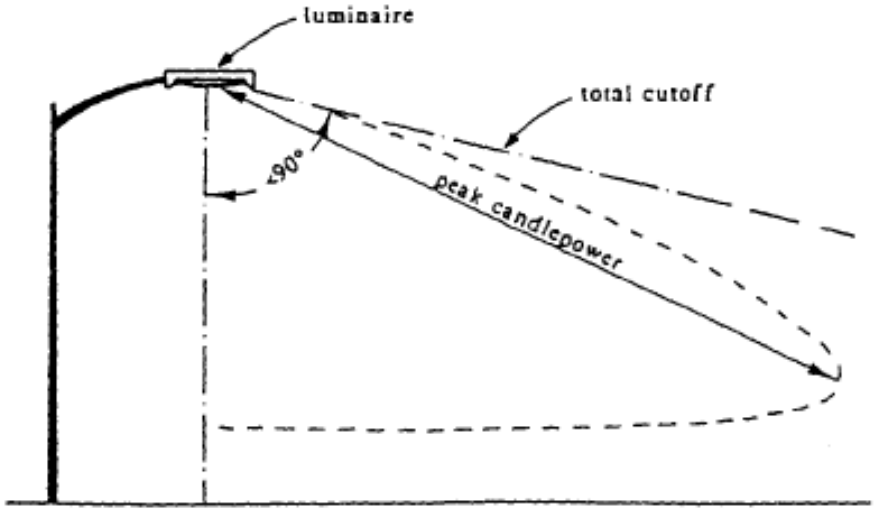
(b) Lighting of outdoor recreational uses may exceed a total cutoff angle of 90°, provided that the luminaire is shielded in either its orientation or by a landscaped bufferyard to prevent light and glare spill-over to adjacent residential property. The maximum permitted illumination at the interior bufferyard line shall not exceed two footcandles.

Figure XVIII-1
Luminaire

Luminaire With No Cutoff



Luminaire With Less Than 90 Degree Cutoff



C. Additional regulations. Notwithstanding any other provision of this section to the contrary:

(1) No flickering or flashing lights shall be permitted.

(2) Light sources or luminaires shall not be located within bufferyard areas except on pedestrian walk ways.

D. Exterior lighting plan. At the time any exterior light is installed or substantially modified and whenever a zoning permit is sought, an exterior lighting plan shall be submitted to the Zoning Officer in order to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.

§ 297-307. Sites for and screening of dumpsters.

A. Every new development constructed that is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-ways.

B. All such dumpsters shall be screened to prevent them from being visible to:

(1) Persons in any dwelling unit on residential property other than that where the dumpster is located.

(2) Occupants, customers or employees in any building on nonresidential property other than that where the dumpster is located, unless such other property is located in an IG or IH Zone.

(3) Persons travelling on any public street, sidewalk or other public way

§ 297-308. Public transit accommodations. [Added 3-14-2005 by Ord. No. 05-07]

A. This section applies to all commercial developments deemed to be a viable location for a future transit stop for public transportation which meet the following:

(1) Those commercial developments for which either a major site plan or a preliminary plan of subdivision application is required and contain or propose to contain greater than 40,000 square feet of building space or propose to contain three or more retail establishments;

(2) The commercial development constitutes a change in use in building space greater than 40,000 square feet or part of a grouping of three or more retail establishments; or

(3) The development is located in the CV Zone and constitutes either a change in use or a major site plan for a structure greater than 5,000 square feet.

B. All applicable developments shall designate an area within the development which will. upon request of the county, become a transit stop for a bus and/or van.

§§ 297-309 through 297-318. (Reserved)

ARTICLE XIX
Signs
[Adopted 7-23-2010 by Bill No. 2010-12; Amended 5-11-2012 by Bill No. 2012-07]

§ 297-319. General provisions.

A. Intent.

(1) The intent of this article is to conserve the natural, landscaped and improved scenery; encourage and protect the appropriate use of land, buildings and structures; regulate and restrict unsightly and detrimental signs tending to depreciate the values of property and hinder progressive improvements in Charles County; and lessen, eliminate and regulate signs constituting an actual or potential hazard to safe motor vehicle operation and general traffic on the highways and to encourage the effective use of signs as a means of communication in the county, to maintain and enhance the aesthetic environment and the county's ability to attract sources of economic development and growth, to encourage unified signage in shopping areas and streetscapes and to enable the fair and consistent enforcement of these sign regulations.

(2) It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property, to assure the continued attractiveness of the community and to protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this article are consistent with customary usage and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof and are an unwarranted invasion of the rights of legitimate business interests and of the public.

(3) This sign ordinance is adopted under the zoning authority of the County in furtherance of the more general purposes set forth in this Article.

B. Signs in the Planned Unit Development (PUD) Zone. Signs located in the Planned Unit Development (PUD) Zone shall be exempted from the normal requirements of this article. The number, placement, height, size, illumination and all other requirements for signs within the PUD Zone shall be approved by the Planning Commission or its designated representative.

C. Applications and permits.

(1) The application for a sign permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee, where applicable.

(2) The Zoning Officer shall review and approve the sign permit(s) which addresses the design, construction material, location and method of illumination, if any, for all proposed signs at the time of permit application and may, at its discretion, require changes in any or all of the aforementioned categories before issuance of a permit. For signs located in the Planned Unit Development (PUD), approval from the appropriate Planning Design Review Board (PDRB) must be received prior to applying for a sign permit.

(3) Any permit issued shall become invalid and void if the authorized work is not completed within six (6) months of the issue date. The Zoning Officer, upon a determination of reasonable cause, may grant an extension of a sign permit.

(4) Subject to the approval of the Zoning Officer, amendments to the sign application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued and, such amendments shall be deemed part of the original application and shall be filed therewith.

(5) A Charles County sign permit shall be issued to the person or firm erecting the sign or sign structure. The Charles County sign permit shall be kept with other pertinent documents which belong to the person or firm to whom the permit was issued. The sign permit shall be made readily available to the Zoning Officer.

(6) Upon completion of the sign, the holder of the permit shall contact the Department of Planning & Growth Management and request an inspection of the sign. Any deviation from the approved plans and permit shall be noted, and the holder of the permit shall be notified of discrepancies.

(7) Except as otherwise provided in §2 97-321, no sign may be constructed, erected, enlarged, illuminated or substantially altered except in accordance with the provisions of this Article and in accordance with a sign permit issued by the Zoning Officer. Repainting a sign shall not, in and of itself, be considered a substantial alteration.

(8) Sign permit applications and sign permits shall be governed by the same provisions of this Article applicable to zoning permits.

(9) The county shall be responsible for enforcing only the provisions of this Article and not the provisions of any private third party agreement, allocation formula, lease or other private restrictions.

D. Construction requirements.

(1) All signs shall meet the construction requirements of the Charles County Building Code[64]. Signs shall not obstruct any window, door, fire escape, stairway or any opening intended to provide air, ingress or egress for any building or structure.

(2) Upon issuance of a sign permit for a permanent pylon sign, a building permit will be obtained by the owner of the sign or the contractor prior to its construction. The sign and sign structure will then be inspected by a Charles County building inspector to ensure its compliance to the Building Code.

E. Removal of illegal signs. Failure of the owner of an illegal sign to remove the sign within ten (10) days of receipt of written notice of violation by the Zoning Officer may result in the removal of the illegal sign or legal action by the county at the owner's expense.

F. Temporary signs.

(1) A temporary sign permit may be renewed by the Zoning Officer.

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64 **Editor's Note: See Ch. 224, Building Construction.**

(2) Failure to remove a temporary sign within one week after the permit expiration date shall subject the owner of the sign to the penalties provided in this Article, and the temporary sign may be immediately removed by the county at the owner's expense.

(3) For the purpose of a special promotion or event, businesses shall be allowed the use of not more than one on-site portable sign or banner, provided that neither shall be flashing, blinking, inconstantly illuminated, animated or moving, unsafe to traffic or pedestrians or affixed to any vehicle.

(4) Display of temporary signage on a premises shall be limited to once every three months for a period not to exceed thirty (30) consecutive days.

(5) Approval for special event signage must be granted by the Zoning Officer at least seven days in advance of its public display.

(6) Special event banners and portable signs are not to exceed 32 square feet in area.

(7) This subsection does not apply to those event signs enumerated in §297-325.

G. Outdoor advertising signs, excluding those signs enumerated in §297-325.

(1) The erection or construction of new outdoor advertising signs and billboards of any size are prohibited.

(2) Any existing outdoor advertising sign shall be properly removed if damaged or destroyed in excess of 50% of the estimated expense of the reconstruction cost. The removal of outdoor advertising along rights-of-ways of the Federal-Aid Primary System of Highways in Charles County shall be regulated in accordance with the transportation article of the *Annotated Code of Maryland*, and Article 25, and the United States Annotated Code, Article 23.

H. Obsolete signs. Any sign which has become obsolete because of discontinuance of the business, service or activity which it advertises, removal from the location to which it directs, abandonment, neglect or for any other reason, shall be removed from the premises within ten (10) days of written notice to the property owner. If an obsolete sign is nonconforming see §297-327.

I. Unsafe signs. When any sign becomes insecure, in danger of falling or otherwise unsafe, the owner thereof or the person or firm maintaining the same shall, upon written notice of the Zoning Officer, immediately and, in any case, within not more than 10 days, make such sign safe in conformity with the Charles County Building Code[65] or shall remove it.

J. Adverse and unsafe illumination signs. No illumination or glare from any sign shall emit itself onto any public highway, roadway or right-of-way so as to adversely affect the safe and efficient movement of vehicles thereon.

K. Special exception uses. Any use in a residential zone which requires a special exception from the Board of Zoning Appeals may be allowed a maximum of 32 square feet of signage for the permitted use.

65 **Editor's Note: See Ch. 224, Building Construction**

§ 297-320. Signs requiring neither permit nor payment of a fee.

The following signs are exempt from regulations under this article except for construction and safety regulations and the following standards:

A. Political campaign signs. Political campaign signs are permitted in all zones. In residential zones, political campaign signs shall not exceed 32 square feet in area and shall not be illuminated. Political campaign signs shall be confined to private property and shall not be affixed to any public structure.

B. Signs identifying the name of the property and/or residents thereon. Such signs shall not exceed three (3) square feet in area.

C. Signs having an area of not more than eight square feet each, the message of which is limited to warning of any danger, prohibition or regulation of the use of property or traffic or parking thereon.

D. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and information signs, and traffic, directional, AG Tourism, or regulatory signs. **[Amended 5-11-2012 by Bill No. 2012-07]**

E. The erection or maintenance of a sign designating the location of a transit line, a railroad station or other public carrier when not more than three (3) square feet in area.

F. Temporary special decorative displays, without commercial advertising, used for holidays, public demonstrations or the promotion of civic welfare or charitable purposes.

G. A sign identifying an approved automobile inspection station, in accordance with the requirements of the State of Maryland Motor Vehicle Administration, not exceeding sixteen (16) square feet in area. Such sign shall contain no advertising of services or products at its location.

H. Signs not exceeding four (4) square feet in area, securely attached to a gasoline pump, stating the price and octane of gasoline at the service station.

I. Signs attached temporarily to the interior of a building or window or glass door. Such signs, individually or collectively, may not cover more than twenty-five percent (25%) of the surface area of the transparent portion of the window or door to which they are attached.

J. A temporary sign without illumination, on-site, and not exceeding thirty-two (32) square feet in area advertising the sale of farm livestock or farm products produced on the premises.

K. Signs within enclosed structure, and not visible from the exterior of the building.

L. Flags or insignia of any governmental or non-profit organization when properly displayed. This does not include company flags or pennant signs. Non-profit flags may only be displayed on the premises of the non-profit.

M. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no commercial message.

N. Homeowner Association Signs stating time and place of Homeowner Association meetings. **[Added 5-11-2012 by Bill No. 2012-07]**

O. AG Tourism Signs. **[Added 5-11-2012 by Bill No. 2012-07]**

(1) Any AG Tourism Farm that meets the definition contained in this ordinance is allowed up to three

(3) off-site directional signs to direct the traveling motorist to their farm.

(2) These signs will be designed, constructed and sized in accordance with Appendix K of this Ordinance.

(3) These signs will be located within the road right-of-way in accordance with Appendix K. Where it is not possible to locate these signs in the right-of-way, signs may be placed on private property with permission from the property owner.

§ 297-321. Prohibited Signs.

A. The following signs or devices are prohibited:

1. Signs which interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
2. Signs which, by their location, color, size, shape, nature, or message, may obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
3. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public. This includes, but not limited to, balloons, three-dimensional models, pennants, and propeller discs.
4. Signs or devices, including searchlights, spotlights and holograms, which contain or are illuminated by flashing, chasing, or intermittent effects. Scrolling message boards may not change the message more than once every ten (10) seconds. This provision shall not prohibit time, date, and/or temperature signs that convey information by words, letter or numbers and which are not in motion and are changed not more than once every ten (10) seconds.
5. Off premises signs other than directional signs for real estate sales and event signs to include any sign mounted on wheels.
6. Signs mounted to or painted on vehicles visible from the public right-of-way unless the vehicle is used for transport in the normal day-to-day operation of the business.
7. Signs temporarily and or not securely mounted to vehicles. This does not include magnetic business identification signs, vehicle graphics or wraps.
8. Commercial advertising signs permanently placed or erected in the bed of a truck or on the deck of a trailer or a truck.
9. Roof signs.
10. Signs that emit sound, vapor, smoke, odor, particles or gaseous matter.
11. Signs within any government right-of-way except for official government signs, signs authorized by the appropriate government authority or directional signs erected in accordance with §297-325. Illegal signs erected in the government right-of-way may be removed by the county. An administrative fine of $25 per commercial sign may be assessed by the County against the person that places or maintains a sign within the right-of-way of the State or County. **[Amended 5-11-2012 by Bill No. 2012-07]**
12. Promotional / special sale signs posted on machinery or equipment.

B. The locking, painting, posting or affixing of signs, posters or banners of any kind or description on the

walls of buildings, barns, sheds, trees, utility poles, posts, fences, rocks, walls or other structures is prohibited. The following signs shall be exempt from the provision of this subsection: signs identifying the name of property and/or residents thereof; temporary on-premises real estate signs; signs warning or any danger, prohibition or regulation of the use of the property or traffic or parking thereon; and official government signs.

§ 297-322. Signs requiring permit but no fee.

All signs in this section shall conform to the standards, provisions and regulations specified in this article. The following signs with their stated restrictions require a permit, but no fee:

A. Home occupation. A non-illuminated sign not exceeding four (4) square feet in area, attached flat to a building, to advertise home occupations.

B. Directional or information signs. The following directional or information signs of a public or quasi-public nature in any zone, not exceeding thirty-two (32) square feet in area. Such signs shall be without illumination or advertising.

(1) Signs stating the name and/or location of a private school, college, YMCA, YWCA, fairgrounds, church or other place of worship or the name or place of meeting of an official or civic body such as the Chamber of Commerce, Rotary Club or Kiwanis Club.

C. Village Center Signs. Village centers may erect sign(s) based upon the following conditions: **[Added 5-11-12 by Bill No. 2012-07]**

(1) The village center must be designated by the Charles County Comprehensive Plan,

(2) One sign may be erected at each entrance off of a principal or arterial road to the village center.

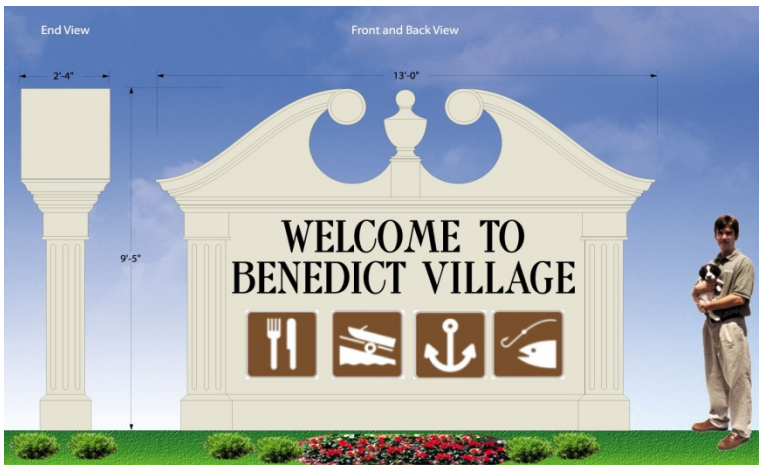
(3) The sign(s) shall

(a) Be monument signs no taller than 10 feet and shall not exceed one hundred twenty (120) square feet;
(b) Name the village;
(c) Name the business located in the village center, or show universal highway use symbol;
(d) Not be permitted to advertise products, services or specials.

(4) The sign will be designed in one of the following manners:

(a) Have no more than six (6) tenant panels with the minimum size of individual characters/graphics shall be ten (10) inches in height and all characters/graphics shall be uniform in type font and color scheme, or
(b) Have a LED board; or
(c) Have a combination of tenant panels and LED board; or
(d) Have only the universal highway use symbols.

(5) Sign(s) are to be maintained and operated by a village center association.



§297-323 Computations.

The following principles shall control the computation of sign area, sign height and total maximum signage allowed.

A. Computation of area and individual signs.

(1) The surface area of a sign shall be computed by including the entire area within single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(2) If a sign consists of more than one section or module, all of the area, including that between sections or modules, except air space, shall be included in the computation of the sign area.

(3) With respect to two-sided, multi-sides, or three dimensional signs, the sign surface area shall be computed as described in sections (1) and (2) above by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from a vantage point.

(a) The sign surface of a double-faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.

(b) The sign surface of a double-faced sign constructed in the form of "A", shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "a" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

(4) The entire surface area of a canopy or awning shall be calculated if the canopy or awning is internally lit.

(5) Notwithstanding §297-321 and in accordance with §297-324(B)(5), a flag with company name and/or logo shall count towards total permitted free-standing signage.

B. Computation of height.

(1) The height of a sign shall be computed as the distance from the base of the sign at normal road grade to the top of the highest attached component of the sign.

(2) Freestanding or pylon signs shall not be placed on a berm or other structure so as to artificially increase the height above the standards set in this article.

C. Computation of maximum total permitted signage.

(1) The permitted sum of the total area of all individual signs for each sign holder shall be determined by road classification (See Figure XIX-1).

(2) The applicant may divide the total permitted signage among the different types of signs allowed per road classification (See Figure XIX-1).

Figure XIX-1
Maximum Sign Size and Height by Road Classification
Charles County, Maryland
Added 7-23-2010 by Bill No. 2010-12; Amended 5-11-2012 by Bill No. 2012-07

Sign Type2	Principal Arterial	Intermediate Arterial	Minor Arterial	Major Collector	Minor Collector or Local
Building Sign	1 square foot of sign per 50 square foot of gross floor area	1 square foot of sign per 50 square foot of gross floor area	1 square foot of sign per 75 square foot of gross floor area	1 square foot of sign per 75 square foot of gross floor area	1 square foot of sign per 100 square foot of gross floor area
"A" Signs	6' square foot maximum sign size, 3' maximum height	6' square foot maximum sign size, 3' maximum height	6' square foot maximum sign size; 3' maximum height	6' square foot maximum sign size; 3' maximum height	6' square foot maximum sign size; 3' maximum height
Free Standing1 (Types Below)	Size and Height	Size and Height	Size and Height	Size and Height	Size and Height
	1 square foot of sign per 100 square foot of gross floor area	1 square foot of sign per 100 square foot of gross floor area	1 square foot of sign per 125 square foot of gross floor area	1 square foot of sign per 125 square foot of gross floor area	1 square foot of sign per 150 square foot of gross floor area
pole	25' maximum height	20' maximum height	12' maximum height	12' maximum height	12' maximum height
pedestal/monument	12' maximum height	12' maximum height	12' maximum height	12' maximum height	12' maximum height

1 Freestanding sign area shall not exceed 200 square feet, per sign.
2. A minimum guaranteed freestanding sign area or building signage shall be thirty-two (32) square feet.

§ 297-324. Standards for specific types of signs

All signs in this section shall conform to the standards, provisions and regulations specified in this article. The following signs with their stated restrictions require a permit and a fee:

A. Freestanding signs.

(1) Number of signs allowed.

(a) Only one (1) freestanding sign shall be erected. A shopping center, business park or industrial park, may have one (1) freestanding sign. No freestanding sign(s) shall be permitted for individual enterprises located within or on the same lot with the shopping center, business park or industrial park.

(b) An additional freestanding sign may be erected on property with dual frontage on state and/or county highways.

(2) Design/Construction.

(a) Freestanding signs shall be designed and constructed using materials so the sign is architecturally consistent with the primary structure/building being served by the sign.

(b) Freestanding signs shall be designed and constructed to ensure the support structure is properly screened utilizing similar building materials as the primary structure/building the sign is serving.

(3) Street address designations.

(a) All freestanding signs shall include the street address designation, for example: a sign serving an address for 5000 Crain highway will have the designation of "5000".

(b) The street address designation shall be located so it is separate from the main portion of the sign. The character size shall be a minimum of six (6) inches in height and located at approximate eye level with standard passenger vehicles.

(c) The total size of the address designation shall not exceed three (3) square feet in area and will not count towards the maximum allowable sign area permitted under this ordinance.

(4) Pole signs.

(a) The maximum height of a pole sign shall be determined by road classification (See Figure XIX-1).

(b) The maximum sign area shall be determined by road classification (See Figure XIX-1).

(5) Monument / pedestal signs.

(a) The maximum height for a monument sign shall be determined by road classification. (See Figure XIX-1).

(b) The maximum sign area shall be determined by road classification. (See Figure XIX-1).

(6) Freestanding canopy signs.

(a) A freestanding canopy with a company's name and/or logo must keep signage flush with the surface with no projection off of the canopy.

(7) Tenant listing.

(a) Tenant listings on freestanding signs shall be limited for use for retail or shopping centers.

(b) The maximum number of tenants allowed on an individual exterior freestanding sign shall be limited to six (6), including registered logos.

(c) The minimum size of individual characters/graphics on a tenant listing shall be ten (10) inches in height and all characters/graphics shall be uniform type font and color scheme.

(8) Corporate / Company Flags. **[Added 5-11-2012 by Bill 2012-07]**

(a) There shall be no more than one (1) corporate / company flag on any parcel.
(b) The flag is not to exceed sixty (60) square feet in size.
(c) The flag pole is not to exceed fifty (50) feet in height.

(9) "A" Signs. **[Added 5-11-2012 by Bill 2012-07]**

(a) The maximum sign area for an "A" sign shall be six (6) square feet.
(b) The maximum height for an "A" sign shall be three (3) feet.
(c) The maximum width for an "A" sign shall be three (3) feet.
(d) Must be located on the sidewalk or directly in front of the business.

B. Signs attached to buildings.

(1) Flush façade sign.

(a) The maximum sign area shall be determined by road classification (See Figure XIX-1).

(b) Buildings with multi-tenants and/or multi-stories, one sign shall be permitted to name the building. Those tenants with their businesses located on the ground level shall be permitted one sign for each customer entrance for their business. **[Amended 5-11-2012 by Bill No. 2012-07]**

(2) Projecting signs.

(a) The maximum sign area shall be determined by road classification. (See Figure XIX-1).

(b) The minimum clearance from grade shall be eight (8) feet.

(c) The maximum projection from the building shall be determined by the current building code.

(d) Buildings with multi-tenants and/or multi-stories, one sign shall be permitted to name the building. Those tenants with their businesses located on the ground level shall be permitted one sign for each customer entrance for their business. **[Amended 5-11-2012 by Bill No. 2012-07]**

(3) Awning and canopy signs.

(a) The maximum sign area shall be determined by road classification (See Figure XIX-1).

(b) The minimum clearance from grade to the underside of the awning or canopy shall be eight (8) feet. Signs cannot extend above or below the face of the awning or canopy.

(4) Window signs.

(a) Seventy-five percent (75%) of any window must be left unobstructed.

(b) Any window greater than four (4) feet in height or width may not have lettering, graphics or signs exceeding a total of four (4) square feet in size.

(c) Illuminated "open" signs are exempt from this; however, they may not exceed four (4) square feet in size.

§297-325. Event signs.

A. Event signs related to events held in Charles County, located at public facilities, including, but not limited to, county fair grounds, parks and recreations, public schools, and county owned properties, non-profit facilities (VFD, church, civic), events that have obtained a temporary use permit for a public event, and church fundraisers. These signs do not refer to grand openings, special sales or promotional sales.

B. A permit, with no fees, for event signs must be granted by the Zoning Officer at least seven (7) days in advance of its public display.

C. Event signs may only be displayed fourteen (14) days in advance of the event.

D. Event signs shall be removed within forty-eight (48) hours after the end of the event.

E. With the exception of dIrectional signs erected in accordance with §297-324(G), no event signs shall be placed in the public rights-of-way or within the sight triangle of any intersection. Event signs made of wood shall not exceed thirty-two (32) square feet. Such signs must be placed on private property with owner's permission.

F. No paper or cardboard signs are permitted.

G. Directional signs for events signage located in county rights-of-way.

(1) The following standards apply to directional signs used to guide the motoring public to events.

(a) Spacing: signs may be located at intersections, and may include straight as well as turning movement arrows.

(b) Size: maximum of three (3) square feet.

(c) Location: three (3) feet ofF the curb or edge of paving; no more than thirty (30) inches in height; in no case closer than thirty (30) feet to the point of intersection.

(d) Duration: 12 noon Friday until 12 noon Monday or the Tuesday following a federal holiday observed on a Monday. For a weekend event, the sign can be placed forty-eight (48) hours in advance and removed twenty-four (24) hours after the event.

(e) Number: No more than one (1) directional sign at each approach to the intersection for each subdivision or development for which directions are being given.

(f) Content: Event name and directional arrow must be part of the sign. The name may include description of the type of event.

(g) Materials: Signs must be metal or plastic on a break-away support of wood, plastic or flexible wire. No paper or cardboard signs are permitted.

(2) Sign location plan required: The permit application shall be accompanied by a sign location plan drawn to scale or not less than one inch equals 2,000 feet. The plan will show the location of the event and the number and general location of the signs.

(3) Permit fees: The fees for directional signs shall be collected in the same manner as temporary sign permits. The total square footage of signage shall be calculated by adding the sum of all directional signs approved for an event.

§297-326. Maintenance of signs and permits.

A. All signs and all components thereof, including without limitation, supports, braces, and anchors, shall be kept in a state of good repair per the Charles County Building Code, as amended from time to time **[Amended 5-11-2012 by Bill No. 2012-07]**

B. If the message portion of a sign is removed, leaving only the supporting "shell" or a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign with a permit or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of §297-327, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

C. The area within ten (10) feet in all directions of any part of a freestanding sign shall be kept clear of all debris.

D. No person may, for the purposes of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

(1) Within the right-of-way of any public street, road, or bufferyard unless the work is done pursuant to the express written authorization of the county or other agency having jurisdiction over the streets.

(2) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

(3) In any area where such trees and shrubs are required to remain under a permit issued under this ordinance.

§ 297-327. Nonconforming signs.

A. Subject to the restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued until they are required to be removed under §297-326.

B. Nonconforming signs may not be enlarged or altered in such a manner as to increase the degree of nonconformity. Nor may illumination be added to any nonconforming sign.

C. A new business/use shall not move or replace a nonconforming sign except to bring the sign into complete conformity with this article.

D. If nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land.

E. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attractions, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 365 days after such abandonment.

F. If a billboard remains blank for a continuous period of 365 days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For the purposes of this section a sign is "blank" if:

(1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

(2) The advertising message it displays becomes illegible in whole or in substantial part; or

(3) The advertising copy paid by a party other than the sign owner, or promoting an interest other than the rental of the sign has been removed.

G. The Zoning Officer, with the concurrence of the county's historic sites planner, may allow a nonconforming sign to remain if such sign is determined to be one or more of the following:

(1) Fifty (50) years old or older;

(2) Embodies distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values;

(3) Is associated with events that have made a significant contribution to the history of Charles County; or

(4) Any other criteria of the National Register.

§297-328. Real estate signs.

A. Notwithstanding the other restrictions contained within this sign ordinance, the following provisions only apply to real estate signs.

B. Signs requiring neither permit nor payment of a fee.

(1) Real estate signs without illumination, containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent together with information identifying the owner or the agent. Such signs shall be removed within fourteen (14) days after sale, lease, or rental.

(a) In residential zones, such signs may not exceed six (6) square feet in area and shall be removed immediately after sale, lease, or rental. A single sign on each street frontage may be erected.

(b) In all zones other than residential, such signs may not exceed thirty-two (32) square feet in area.

(2) Off-premise signs announcing open houses for real estate sales or rentals shall be permitted provided that the owner's permission is obtained prior to the posting of such sign, they are located outside of the public right-of-way, and the sign is no larger than four (4) square feet. Such signs may be posted after 12:00 noon on Friday and must be removed by 12:00 p.m. the following Monday. No more than four (4) signs shall be permitted for any one house. **[Amended 5-11-2012 by Bill 2012-07]**

C. Signs requiring permit but no fee.

(1) Permanent identification signs.

(a) A permanent single sign not exceeding thirty-two (32) square feet in area, identifying only the name and street number of an apartment house or complex, or residential subdivision, may be erected on the premises or the building itself.

(b) To ensure that traveling motorists can see and identify the subdivision, additional signage may be permitted not to exceed two signs with total sign area of not more than sixty-four (64) square feet.

D. Signs requiring permit and payment of fee.

(1) Temporary identification sign. During development and sale of subdivision or other property, one (1) temporary sign naming the subdivision and other pertinent sales information, having an area not exceeding sixty-four (64) square feet and a height not exceeding sixteen (16) feet, shall be permitted in the subdivision or other property. If the development has multiple street frontages with a vehicular entrance, one (1) additional sign of equal size shall be allowed on the premises and situated at the additional street frontage with a vehicular entrance.

(2) Temporary directional signs, indicating the location of a real estate subdivision.

(a) Such signs, not exceeding a total of sixty-four (64) square feet in area, may be erected within eight (8) street miles of the subdivision site. **[Amended 5-11-2012 by Bill No. 2012-07]**

(b) A maximum of four (4) such signs are permitted, and each sign shall be located not less than fifteen (15) feet from the nearest edge of a public right-of-way and at least one hundred (100) feet from the nearest curb intersection of any streets or roadways.

(c) The top of the sign shall not exceed 16 feet above grade.

(d) The content of such sign shall be restricted to the name of the subdivision and other pertinent sales information.

(e) A temporary real estate sign shall be removed upon completion of the project or when sold or leased.

(3) Directional signs for developing subdivisions located in the county rights-of-way.

The following standards apply to directional signs used to guide the motoring public to developing subdivisions:

(a) Spacing: Signs may be located at intersections, and may include straight as well as, turning movement arrows.
(b) Size: Maximum of three (3) square feet.

(c) Location: Three (3) feet off the curb or edge of paving; no more than thirty (30) inches in height; in no case closer than thirty (30) feet to the point of intersection.

(d) Duration: 12 noon Friday until 12 noon Monday or the Tuesday following a federal holiday observed on a Monday. For a weekday event, the sign can be placed forty-

eight (48) hours in advance and removed twenty-four (24) hours after the event.

(e) Number: No more than one (1) directional sign at each approach to the intersection for each subdivision or development for which directions are being given.

(f) Content: Subdivision or development name and a directional arrow must be part of the sign. The name may include a description of the type of development.

(g) Materials: Signs must be metal or plastic on a break-away support of wood, plastic or flexible wire. No paper or cardboard signs are permitted.

(4) Sign location plan required: The permit application shall be accompanied by a sign location plan drawn to scale of not less than one inch equals 2,000 feet. The plan will show the location of the development and the number and general location of the signs.

(5) Permit fees: The fees for directional signs shall be collected in the same manner as temporary sign permits. The total square footage of signage shall be calculated by adding the sum of all directional signs approved for a single residential development.

§§ 297-329 through 297-334. (Reserved)

ARTICLE XX
Parking Facilities

§ 297-335. [Amended 5-17-08 by Ord. No. 2008-01] Number of parking spaces required.

A. All developments in all zones shall provide the minimum number of parking spaces indicated in the Table of Off-Street Parking Requirements (See Figure XX-I).

(1) No use shall provide more than the required number of spaces, unless all spaces in excess of the required number are constructed using an industry standard pervious pavement.**[Added 5-17-08 by Ord. No. 2008-01]**

B. All off-street parking spaces required to serve buildings or a use erected or established shall be located on the same lot as the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of a nonresidential use or where spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained as set forth in §§ 297-339, 297-340 and 297-341.

C. The County recognizes that the Table of Off-Street Parking Requirements set forth in Subsection D cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Zoning Officer is authorized to determine the parking requirements using this table as a guide.

D. Table of Off-Street Parking Requirements. (see Figure XX-I at the end of this article).

§ 297-336. [Amended 5-17-08 by Ord. No. 2008-01] Parking space dimensions.

A. The minimum widths and lengths for parking spaces shall be as prescribed in the following table:

	Standard Space		**Small Car Space**		**Handicapped Space**	
Parking Angle (degrees)	**Stall Width (feet)**	**Stall Length (feet)**	**Stall Width (feet)**	**Stall Length (feet)**	**Stall Width (feet)**	**Stall Length (feet)**
0 (parallel)	7 ½	21	6	19 ½	11	22
45 to 59	12 ½	27	N/A	N/A	17	27
60 to 75	10 ½	23 ½	N/A	N/A	14	23 ½
90 (perpendicular)	9	18	7 ½	16 ½	12	18

NOTE: N/A= Not applicable

B. If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the minimum stall width of that space shall be increased by one foot. The inner face of the column or other obstruction shall form the actual boundary of the space when measuring the width or length of the spaces.

C. Each standard-size angled parking space shall be a parallelogram having minimum dimensions in accordance with the table contained in Subsection A above. An angled parking space is one in which the acute angle formed by the intersection of the long side of the space and the curb is between 45° and 75°. The width of an angled parking space is measured parallel to the curb or travel lane along the short side of the parallelogram, and the length of the space is measured along the side of the parallelogram from the curb to the travel lane.

D. Each small-car automobile parking space shall have minimum dimensions in accordance with the table contained in Subsection A above. Small-car spaces may be provided for up to 10% of all required spaces for nonresidential uses. Small-car space shall be limited to parallel or perpendicular parking angles.

§ 297-337. [Amended 5-17-08 by Ord. No. 2008-01] Required widths of aisles and driveways.

A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Parking	**Angle**				
Type of Traffic	**0º Aisle Width (feet)**	**30º Aisle Width (feet)**	**45º Aisle Width (feet)**	**60º Aisle Width (feet)**	**90º Aisle Width (feet)**
One-way	12	11	13	18	24
Two-way	20	20	21	23	24

B. Excluding curb offset, driveways shall be not less than 10 feet nor exceed 12 feet in width for one-way traffic and not less than 18 feet nor exceed 24 feet in width for two-way traffic, except that ten-feet-wide driveways are permissible for two-way traffic when:

(1) The driveway is not longer than 50 feet;

(2) It provides access to not more than six spaces; and

(3) Sufficient turning space is provided so that vehicles need not back into a public street.

C. Driveways through Resource Protection Zone (RPZ), wetland or other conservation areas

should be designed as narrow and as close to grade as feasible, with minimal or no shoulder or curbing, and with canopy closure to allow for continuous wildlife migratory corridor. Protective bollards and signage shall be provided to alert drivers to wildlife crossing area. Stormwater run-off shall be treated prior to entering conservation area. **[Added 5-17-08 by Ord. No. 2008-01]**

§ 297-338. [Amended 5-17-08 by Ord. No. 2008-01]General design requirements.

A. No structure shall be erected, substantially altered or its use changed unless permanent off-street parking and loading spaces have been provided and maintained in accordance with the provisions of this section.

B. Parking and loading requirements based on floor area shall be determined by the total gross floor area of the use, excluding incidental storage and mechanical areas. "Incidental storage" is storage that subordinate and non-essential to the main use.

C. Parking and loading requirements per seat shall be determined by the number of individual seats, except as otherwise required. For purposes of bench-type seating, 20 inches shall be the equivalent of one seat.

D. Parking requirements may be provided in attached or detached garages, in off-street parking lots or on parking pads on the lots. No more than 75% of the total number of garage spaces provided for single-family attached or multifamily dwellings units may be counted towards the minimum requirements of Figure XV-I. On residential lots, each required parking space shall have direct and unobstructed access to a road. **[Amended 7-8-1997 by Ord. No. 97-83]**

E. Unless no other practicable alternative is available, parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways along a local street that serve one or two dwelling units.

F. Access must be provided and shall be designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

G. Every parking area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation or other obstruction.

H. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

I. Any lighting used to illuminate off- street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way.

J. A "sight triangle" shall be observed at all street intersections or intersections of driveways with streets as required in § 297-28 of Article II.

K. All parking areas shall be drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk of a public travelway.

L. Permanent stormwater retention shall be provided for all off-street parking areas as required in the County's Stormwater Management Ordinance[67]. Bioretention areas are encouraged and shall be considered to meet landscaping requirements. If a stormwater management pond is proposed, it shall be integrated into the overall development and serve as a visual amenity to the site.

M. Stormwater management facilities, such as ponds and bioretention areas, are permitted within building setbacks, provided that they are designed as attractive, landscaped amenities. Designs that rely on chain link fencing to ensure safety, rather than slope contouring and vegetation, are not permitted within setbacks.**[Added 5-7-08 by Bill No. 2008-01]**

N. The percentage of coverage of parking areas and driveways in any residential zone shall not exceed 40% of the total required front yard or side street side yard.

O. The total coverage of parking areas and driveways, in all zones except for residential use in the RC, RC(D), and AC, shall use the following mitigation options individually or in combination: **[Added 5-7-08 by Bill No. 2008-01]**

(1) Industry standard pervious pavement installed to manufacturer's specifications;

(2) Existing, on- site forest cover protected, in addition to Forest Conservation Ordinance[68] requirements, on an equal square foot basis ratio, minimum 10,000 square feet and 35 feet width, using a standard forest conservation easement document;

(3) On-site pocket park(s), integrated into commercial, industrial and institutional parking areas, on an equal square foot basis ratio (minimum 2,500 square feet each);

(4) All stormwater run-off is filtered through bioretention facilities;

(5) Structural green roof provided on an equal square foot basis subject to a standard stormwater management triennial maintenance agreement; and/or

67 **Editor's Note: See Ch. 274, Stormwater Management.**
68 **Editor's Note: See Ch. 298, Forest Conservation.**

(6) Structured parking.

P. If structured parking is entirely underground, the applicant shall be relieved from providing the required off-street parking landscaping and can locate the underground structure within any part of the setback and yard areas. **[Added 5-7-08 by Bill No. 2008-01[69]]**

Q. Off-street parking facilities shall, whenever possible, be located within the required rear and side yards of any commercial, office/residential or industrial zone.

R. Commercial, institutional, marine, recreation, services and industrial uses shall provide a minimum of three parking spaces.

S. The Board of Appeals may authorize a variance to reduce the number of parking spaces required, if the requirements of § 297-412 are satisfied. In no case shall the Board grant a variance of more than 10% of the number of required parking spaces.

T. Residential parking areas shall not serve as general circulation for more than 150 dwelling units per access to a public road.

U. Pedestrian circulation systems within parking areas shall be clearly delineated by the use of pavement markings or changes in surface materials and be constructed of pervious materials.

§ 297-339.[70] Parking area surfaces.

A. Parking areas that include lanes for drive-in windows or contain parking areas that are required to have more than 10 parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, porous asphalt, concrete, porous concrete, brick or concrete pavers or other suitable material that will provide equivalent protection against potholes, erosion and dust.

B. Parking areas that are not provided with the type of surface specified in Subsection A shall be graded and surfaced with crushed stone, gravel, structural grass pavers, concrete honeycomb pavers, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties or other similar devices. In addition, whenever such a parking area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the

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69 **Editor's Note: This bill also redesignated former Subsections N, P and Q as Subsections Q, R and S respectively. In addition, Bill No. 2008-01 repealed former Subsection O, which set forth provisions for calculating certain minimum gross areas.**

70 **Editor's Note: Former §297-339, Parking lot design requirements, was repealed 5-7-2008 by Bill No. 2008-01. Said Bill No. 2008-01 also renumbered former §§ 297-340 through 297-345 as §§ 297-339 through 297-344, respectively.**

portion of the parking area that opens onto such streets) shall be paved as provided in Subsection A for a distance of 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences that are required to have only one or two parking spaces.

C. Parking spaces in areas surfaced in accordance with Subsection A shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection B shall be demarcated whenever practicable.

D. Parking areas shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition and functioning property in the case of porous paving (free from potholes, cleaned regularly, etc.), and parking space lines or markings shall be kept clearly visible and distinct.

§ 297-340. Joint use of required parking spaces. [Amended 7-25-2005 by Ord. No. 05-01]

A. Where a parking area provides spaces collectively for several uses located on the same or different parcels, the parking spaces required shall equal the sum of the requirements for the various uses computed separately; and the required space for one use may not be credited to another use except as provided in Subsection B.

B. The required space for one use may be credited to another use.

(1) Two methods may be used to determine shared parking:

(a) Parking Occupancy Rate Table: When any land and/or buildings are contiguous to one another and are used for two or more purposes, the number of parking spaces shall be computed by multiplying the minimum required parking spaces by the appropriate percentage as shown on the following parking chart[71] for each time period shown. Then the resulting total number of spaces required for each use during each time period is totaled. The time period that generates the highest number of parking spaces becomes the parking requirement for the shared parking. **[Amended 5-7-2008 by Bill No. 2008-01]**

(b) Local parking study: A parking demand analysis, prepared by a qualified parking or traffic consultant, may be used to show the feasibility of shared parking. The analysis shall determine parking occupancy rates of morning, afternoon and evening peaks on the seven different days of the week. In the case of new construction or addition of new uses, the surveys shall observe another circumstance with similar mixed uses. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages of the various land uses of the specimen projects shall be compared to

71 **Editor's Note: Included at the end of this section.**

the proposed project to allow the ratios of uses to be rated accordingly. In the case of an enlargement or substitution of existing uses, the survey shall document the occupancy rates of the existing parking facility.

(2) The shared parking facility must be owned by the same owner or must be the subject of a shared parking agreement made between different owners of the properties involved.

(3) Handicapped parking may not be shared or included in any shared parking calculations.

Parking Occupancy Rate Table
[Amended 5-7-2008 by Bill No. 2008-01]

Time	Industrial/ Office	Retail	Hotel/Motel	Restaurants			Recreational/ Establishments theaters	Residence	All Others
				6.02.100	6.02.200	6.02.300			
Weekday									
6:00 a.m. to 6:00 p.m.	100%	60%	75%	50%	100%	50%	40%	70%	100%
6:00 a.m. to 12:00 a.m.	10%	90%	100%	100%	100%	100%	100%	100%	100%
Weekend									
6:00 a.m. to 6:00 p.m.	10%	100%	75%	100%	100%	100%	80%	90%	100%
6:00 a.m. to 12:00 a.m.	5%	70%	100%	100%	100%	100%	100%	100%	100%
Nightime									
12:00 a.m. to 6:00 a.m.	5%	5%	75%	10%	10%	10%	10%	100%	100%

§ 297-341. Satellite parking.

A. If the number of off-street parking spaces required by this chapter can not reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite parking spaces."

B. All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance. No more than 25% of the total required spaces are to be located in satellite parking spaces.

C. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence of the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The applicant must also sign an acknowledgment that the continuing validity of the permit depends upon continuing ability to provide the requisite number of parking spaces.

D. All satellite parking spaces shall be located in the same zone as the structures or uses served.

E. Satellite parking spaces shall be used solely for the parking of passenger automobiles. No commercial repair work or service of any kind shall be conducted, and no charge shall be made for parking. No sign of any kind, other than designating ownership, entrances, exits and conditions of use, shall be maintained on such satellite parking areas.

F. Each entrance and exit to and from such parking area shall be at least 20 feet distant from any adjacent lot line located in any residential zone.

G. The satellite parking areas shall be subject to all requirements of this chapter concerning surfacing, lighting, drainage, landscaping, screening and setbacks.

§ 297-342. Special provisions for lots with existing buildings.

A. Any increase in the intensity of use of any structure shall mean the addition of dwelling units, employees, gross floor area, seating capacity or any other unit of measurement used as a basis for determining required parking facilities. When the intensity of use of any structure or site is increased by less than 20%, parking facilities shall be provided for the increase, but not for any existing deficiency in such facilities. When the intensity is increased by more than 20%, including consecutive increases from the date of this chapter, parking facilities shall be provided for the entire structure or premises. **[Amended 5-7-08 by Bill No. 2008-01]**

B. When the use of any structure or premises is changed to a different use, parking facilities shall be provided for the different use.

C. Notwithstanding any other provisions of this chapter whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, a change in use that does not involve any enlargement of a structure is proposed for such lot and the parking requirements of § 297-335 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the applicant need only comply with the requirements of § 297-335 to the extent that the parking space is practicably available on the lot where the development is located and satellite parking space is reasonably available as provided in § 297-341. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the applicant obtain satellite parking when it does become available. **[Amended 5-7-08 by Bill No. 2008-01]**

§ 297-343. Loading and unloading areas.

A. Subject to Subsection E, whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, an off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

B. The following table indicates the number and size of spaces which shall be provided:

Gross Leasable Area of Building (square feet)	**Number of Spaces**[1]
1,000 to 19,999	1
20,000 to 79,999	2
80,000 to 127,999	3
128,000 to 191,999	4
192,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7

Plus one space for each additional 72,000 square feet or fraction thereof.

NOTES: Minimum dimensions of twelve by fifty-five (12 x 55) feet and overhead clearance of 14 feet from street grade required.

C. Loading and unloading areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

E. No such space shall be located closer than 50 feet to any other lot in any residential zone unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six feet in height.

§ 297-344. Parking facilities for physically handicapped.

A. General. Parking spaces for the physically handicapped shall be designed and located in accordance with ADA, (Americans with Disabilities Act), standards for accessible design and/or Maryland Accessibility Code, as applicable. These parking spaces shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the parking lots located nearest to each primary building entrance. **[Amended 5-7-08 by Bill No. 2008-01]**

B. Required number of spaces. The number of parking spaces reserved for the physically handicapped shall be in accordance with ADA standards for accessible design and/or Maryland Accessibility Code, as applicable. **[Amended 5-7-08 by Bill No. 2008-01]**

C. Identification. Parking spaces for the physically handicapped shall be identified by signs in accordance with the Maryland Accessibility Code. The international handicapped symbol shall be marked on the pavement for those spaces provided for the handicapped. **[Amended 5-7-08 by Bill No. 2008-01]**

D. Curb ramps. **[Amended 5-7-08 by Bill No. 2008-01]**

(1) Where a curb exists between a parking lot and a sidewalk, a horizontally scored curb ramp shall be provided for wheelchair access in accordance with ADA standards for accessible design and/or Maryland Accessibility Code, as applicable..

(2) Curb ramps shall be provided within 30 feet of each accessible entrance to the structure, at all pedestrian walk intersections and elsewhere to provide direct circulation within each development where a curb ramp is provided at an intersection quadrant. Curb ramps shall be provided at the opposite quadrants along the involved crosswalks.

(3) The curb ramps shall not be more than 150 feet apart.

(4) The curb ramps shall b e scored and coarse textured as per Maryland State Highway Administration (MSHA) standards.

E. Sidewalks.

(1) Sidewalks shall be scored or textured to indicate the location of doors to blind persons.

(2) Exterior sidewalks shall not be obstructed.

(3) Exterior sidewalks shall have a side slope not greater than one inch in four feet. They shall be at least four feet wide. **[Amended 5-7-08 by Bill No. 2008-01, Amended 12-9-2008 by Bill No. 2008-24]**

(4) Wherever sidewalks cross driveways, parking lots, landscaped areas or other sidewalks, they shall blend to a common level. **[Amended 5-7-08 by Bill No. 2008 - 01]**

F. Storm drains. Storm drain grates and similar devices shall not be located within the required access for the physically handicapped.

G. Grade. The grade of parking spaces for the physically handicapped shall be in accordance with ADA standards for accessible design and/or Maryland Accessibility Code, as applicable. The grade for the parking facility shall provide positive drainage.**[Amended 12-9-08 by Bill No. 2008-24]**

Figure XX-1
Table of Off-Street Parking Requirements
Charles County, Maryland
[Amended 10-31-1995 by Ord. No. 95-96; Amended 5-7-08 by Ord. No. 2008-01]

Use Description	Off-Street Parking Requirements
1.00.000 Agricultural	
1.01.000 Agricultural operations, farming	
1.01.400 Uses located greater than 200 feet from the nearest boundary line of the land of which located	
1.01.410 Grain dryers and related structures	1 space per employee
1.01.420 Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building	1 space per employee, plus 1 space per 1,000 square feet gross floor area
1.01.430 Commercial assembly and repair of all equipment normally used in agriculture	1 space per employee, plus 1 space per 500 square feet gross floor area, plus 1 space per employee at maximum shift
1.03.000 Open-air markets and horticultural sales	
1.03.200 Horticultural sales with outdoor display	1 space per 300 square feet gross floor area
1.04.000 Hunting and fishing cabins	2 spaces per cabin
1.05.000 Commercial greenhouse operation	1 space per 300 square feet gross floor area
1.06.000 Kennel, commercial	4 spaces minimum; 1 space per 400 square feet office space
2.00.000 Marine	
2.01.000 Marina, including boat sales and repair and boat rental, including sailboards and jet skis	1 space per 200 square feet gross floor area
3.00.000 Residential	
3.01.000 Single-family detached (except patio/court/atrium)	2 spaces per unit
3.01.300 Patio/court/atrium	
1 Bedroom	2 spaces per unit
2 Bedroom	2.25 spaces per unit
3.07.700 Primary residence with accessory apartment	2 spaces per unit
3.02.000 Single-family attached	
3.02.100 Duplex	2 spaces per unit
3.02.200 Townhouse	
1 Bedroom	2 spaces per unit
2 Bedroom	2.25 spaces per unit
3 Bedroom	2.5 spaces per unit
3.02.300 Multiplex	2 spaces per unit
3.03.000 Multifamily	

1 Bedroom	1.5 spaces per unit
2 Bedroom	2 spaces per unit
3 Bedroom	2.5 spaces per unit
3.04.000 Homes emphasizing special services, treatment or supervision and residential elderly care home	
3.04.100 Group homes	1 space per sleeping room
3.04.200 Day care	
3.04.210 Day-care home (having fewer than 7 care recipients)	1 space per staff, plus 2
3.04.220 Day-care center, day nursery (between 9 and 30 care recipients)	1 space per staff, plus 3
3.04.300 Halfway house	2 space per sleeping room
3.04.400 Elderly care homes	0.5 space per room
3.04.500 Retirement housing complex	1 space per unit
3.05.000 Miscellaneous rooms for rent situations	
3.05.100 Rooming houses, boardinghouses (rented by the month)	1 space per sleeping room
3.05.200 Bed and Breakfast, tourist homes	1 space per guest room, plus 2 spaces per owners unit
3.05.300 Hotels, motels, convention centers and similar businesses or institutions providing overnight accommodations	1 space per room, plus 1 space per employee on maximum shift, plus 1 space per 200 square feet commercial gross floor area
3.05.400 Country inn [1]	1 space per guest room, plus 2 spaces per owners unit
3.06.000 Shelters, permanent	1 space per sleeping room
3.07.000 Migrant workers' housing	1 space per unit
4.00.000 Institutional/utilities/recreation	
4.01.000 Educational, cultural, religious, philanthropic, social and fraternal uses	
4.01.100 Schools	
4.01.110a Private elementary (including preschool, kindergarten, associated grounds and athletic and other facilities)	2 spaces per classroom, but not less than 1 space per staff
4.01.110b Private secondary (including associated grounds and athletic and other facilities	5 spaces per classroom plus 1 space per staff
4.01.120 Trade of vocational schools	1 space per 3 students

4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	1 space per 5 students
4.01.200 Churches, synagogues and temples (including associated cemeteries, associated residential structures for religious personnel and associated buildings, religious classes, not including elementary or secondary school buildings)	1 space per 3 seats
4.01.300 Private libraries, museums, art centers and similar uses (including associated educational and instructional activities)	1 space per 250 square feet gross floor area
4.01.400 Social, fraternal clubs and lodges, union halls; meeting halls and similar uses	1 space per 100 square feet gross floor area
4.02.200 Recreation, amusement and entertainment	
4.02.100 Recreation, amusement and entertainment	
4.02.110 Indoor recreation	
Bowling alleys	4 spaces per alley
Billiards and pool halls	4 spaces per 1,000 square feet gross floor area
Skating rinks	1 space per 300 square feet gross floor area
All other uses	1 space per participant
4.02.120 Movie theatres, theatres, colesiums and stadiums	1 space per 3 seats
4.02.130 Indoor rifle and pistol range	1 space per shooting alley
4.02.200 Activity conducted primarily outside enclosed buildings or structures	
4.02.210 Privately owned outdoor recreational facilities not constructed pursuant to a permit authorizing the construction of some residential development	
Golf courses	6 spaces per hole
Swimming pool	1 space per 4 persons up to capacity
Tennis court	2 spaces per court
Racquetball court	2 space per court
4.02.220 Privately owned outdoor recreational facilities approved as part of a residential development	
Golf course	6 spaces per hole
Swimming Pool	1 space per 4 persons up to capacity

Tennis court	2 spaces per court
Racquetball court	2 space per court
4.02.230 Recreation vehicle parks	1.5 spaces per campsite, plus 4 spaces minimum at office
4.02.240 Campgrounds and camps	1.5 spaces per campsite, plus 4 spaces minimum at office
4.02.250 Automobile and motorcycle racing tracks	1 space per 6 permanent seats
4.02.260 (see breakdown below	
Drive-in movie theatres	1 space per stall up to capacity
Open air theatres	1 space per 4 permanent seats
Amphitheatres	1 space per 4 permanent seats
4.02.270 Amusement, theme parks	10 spaces per ride or activity area
4.02.280 Gofl driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses	1.25 spaces per tee, plus 1 space per staff at maximum shift
4.02.290 Rifle and pistol range, war games, archery ranges or other recreation using weapons	1 space per shooting alley
4.03.000 Institutional residence or care or confinement facilities	
4.03.100 Hospitals and other inpatient medical (including mental health treatment facilities) in excess of 10,000 square feet of floor area	1 space per bed, plus 1 space per staff
4.03.200 Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child-care institutions	0.5 space per bed, plus 1 space per staff
4.04.000 Emergency services	1 space per employee at maximum shift
4.05.000 Miscellaneous public and semipublic facilities	
4.05.100 Post office	1 space per 600 square feet gross floor area, plus 1 space per staff
4.05.200 Airport	1 space per staff, plus 2
4.05.300 Helicopter facilities	1 space per staff, plus 2
5.00.000 Service-oriented commercial	
5.01.000 All operations conducted entirely within fully enclosed building	
5.01.100 Operations designed to attract and serve customers or clients on the premises	
5.01.111 Professional offices (examples are attorneys, architects, engineers, insurance and stock brokers, travel agents, government office buildings, etc.)	1 space per 200 square feet gross floor area
5.01.112 Personal services (see definition in § 297-49)	1 space per 200 square feet gross floor area

5.01.113 Dry cleaning/laundry and laundromats	1 space per 200 square feet gross floor area
5.01.114 Banks and financial institutions	1 space per 200 square feet gross floor area
5.01.115 Business services	1 space per 200 square feet gross floor area
5.01.116 Office or clinics of physicians, dentists or chiropractors	5.5 spaces per 1,000 square feet gross floor area [Bill No. 2012-10]
5.02.000 Operations conducted within and/or outside fully enclosed building	
5.02.100 Construction services and suppliers	1 space per 200 square feet gross floor area
5.02.300 Funeral homes	1 space per 30 square feet gross floor area or 1 space per 4 seats
5.02.400 Veterinarians and veterinary hospitals	1 space per 400 square feet gross floor area; 4 spaces minimum
5.02.500 Nursery schools; day-care centers with more than 30 children	1 space per staff, plus 3
6.00.000 Commercial	
6.01.000 Commercial sales and rental of goods, merchandise and equipment	
6.01.100 Retail sale	
6.01.110 Building floor space less than 15,000 square feet per parcel	
6.01.111 Shoppers' merchandise stores (see definition in §297-49)	
Supermarkets and department stores	1 space per 175 square feet gross floor area
Furniture, home appliances and carpet stores	1 space per 500 square feet gross floor area
All other uses	1 space per 200 square feet gross floor area
6.01.112 Specialty shops (see definition in §297-49)	1 space per 200 square feet gross floor area
6.01.113 Antique shops, art galleries	1 space per 200 square feet gross floor area
6.01.120 Building floor area more than 15,000 square feet per parcel	
6.01.121 Shoppers' merchandise stores (see definition in §297-49)	
Supermarkets and department stores	1 space per 150 square feet gross floor area
All other uses	1 space per 200 square feet gross floor area
6.01.122 Specialty Shops (see definition in §297-49)	1 space per 200 square feet gross floor area
6.01.123 Antique shops, art galleries	1 space per 200 square feet gross floor area
6.01.130 General merchandise (see definition in §297-49)	1 space per 300 feet of enclosed sales area, plus 1 space per 2,000 square feet of open display area, plus 1 space per employee, plus 2 spaces per service bay

6.01.140 Convenience stores	1 space per 150 square feet gross floor area
6.01.200 Wholesale sales	1 space per 300 sq. ft. for office and display area plus 1 space per employee
6.02.000 Restaurants	
6.02.100 Restaurant, standard, fast-food, bars, nightclubs, dinner theaters	16 spaces per 1000 sq. ft. gross floor area; 10 spaces minimum
6.02.200 Restaurant, fast-food carry-out and delivery	0.5 space per staff
6.02.300 restaurant, fast-food drive-in or drive-thru	1 space per 3 seats plus 0.5 space per staff, 10 space minimum
6.03.000 Motor-vehicle-related and service operations	
6.03.100 Motor vehicle sales or rental; mobile home sales	1 space per 300 square feet of enclosed sales area, plus 1 space per 1000square feet open display area, plus 1 space per employee, plus 2 spaces per service bay
6.03.200 Sale with installation of motor vehicle parts or accessories (tires, mufflers, etc.)	1 space per 300 square feet gross floor area, plus 1 space per employee
6.03.300 Motor vehicle repair and maintenance, fuel sales, car wash (not including body work)	
Fuel Sales	1 space per fuel pump island, plus 1 space per employee
Car wash	2 spaces per bay
All other uses (including accessory convenience stores)	1 spaces per 300 square feet gross floor area, plus 1 space per employee
6.03.400 Motor vehicle painting and body work	1 space per 300 square feet gross floor area, plus 1 space per employee
6.03.500 Automotive parks	1 space per 300 square feet of enclosed sales area, plus 1 space per 2,000 square feet of open display area, plus 1 space per employee, plus 2 spaces per service bay
7.00.000 Industrial	
7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembling of goods, merchandise and equipment	
7.01.100 All operations conducted entirely within and/or outside fully enclosed building	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift
7.01.200 Operations conducted within and/or outside fully enclosed building	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift
7.02.000 Storage and Parking	
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift

7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of the lot and parking or storage occupies more than 75 percent of the developed area (contractor's yard)	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift
7.03.000 Scrap materials, salvage yards, junkyards, automobile graveyards	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift
7.05.000 Mineral extraction	1 space per 300 square feet office space and display area, plus 1 space per employee at maximum shift

§§ 297-345 through 297-354. (Reserved)

ARTICLE XXI
Landscaping of Parking Facilities

§ 297-355. Intent. [Amended 5-7-08 by Bill No. 2008-01]

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics, storm water runoff absorption, and microclimatic benefits by reducing heat and glare. Guidance for designing parking areas to achieve this intent is contained in Appendix E[69].

§ 297-356. Sites affected.

A. New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provisions of this article.

B. Existing sites. No parking areas shall be expanded, moved or removed and/or reconstructed unless the minimum landscaping required by the provisions of this article is provided for the property to the extent of its alteration or expansion, but not for the entire property.

C. Change of use. No use shall be changed to another use for which this chapter requires additional parking over and above that required for the previous use, unless vehicular use area perimeter landscaping as required by this article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing vehicular use area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire vehicular use area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.

D. Change of zone. No use of an existing building, structure or vehicular use area shall be commenced subsequent to a change in zoning unless property perimeter landscaping as required herein has been provided.

E. The owner of an existing parking lot may convert existing parking areas based on the design standards and parking requirements of this chapter, upon the Zoning Officer's approval of a site plan showing the new arrangement. The site plan shall provide landscaping as required in this section. **[Amended 5-7-08 by Bill No. 2008-01]**

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69 **Editor's Note; Appendix E is included at the end of this chapter.**

§ 297-357. General Design Requirements. [Added 5-7-08 by Bill No. 2008-01[70]]

A. For calculating the gross area for landscaping, the actual measured paved area or a minimum 400 square feet per parking space, whichever is greater, shall be used.

B. In any parking lot perimeter or interior landscaping area, there shall be a distance of at least four feet from the center of all planted trees to the edge of paving.

C. No paving may be placed within 12 ½ feet (measured from the center of the trunk) of any tree retained to comply with this section.

D. New trees planted to comply with this section are to be surrounded by at least 200 square feet of unpaved area.

E. All landscaping areas are encouraged to be designed as bioretention areas to accommodate stormwater management.

F. All landscaping areas encouraged to be flush with pavement. If not flush, all landscaping areas are to be protected by curbing or curb stops six inches in height or approved alternative. Curb cuts and curb stops are allowed to provide water flow to bioretention areas and access to pedestrian crossings.

G. Landscaping for parking areas shall be installed and continuously maintained by the owner according to the requirements contained in this chapter.

H. Landscape material type and quality shall comply with the provisions of the landscaping and bufferyard guides of this chapter (see Article XXI , XXII, XXIII and Appendix E) and the following:

(1) Ninety percent of all required perimeter and shade trees are to be native Maryland species;

(2) Non-native, invasive plant species identified by the Maryland Department of Natural Resources Wildlife and Heritage Division are prohibited for required landscaping; and

(3) A maximum of 1/3 of the trees are to be a single species.

I. All soils in interior landscape areas shall be loosened and amended to a depth of 2 ½ feet.

J. All plant materials required to meet this chapter are to be inspected for the use and

70 **Editor's Note: This bill also renumbered former §§ 297-357 and 297-358 and 297-359, respectively.**

occupancy permit and shall be labeled with the Latin name and bonded for two years. The labels may be removed from the plant material after the bond is released.

K. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or applicant shall prepare a landscape plan for approval by the Zoning Officer.

§ 297-358. Perimeter landscaping. [Amended 5-7-08 by Bill No. 2008-01]

A. Property line landscape buffers between adjacent land uses shall be provided in accordance with their quirements spelled out in the landscape and land use buffer articles of this chapter[71]. In addition, the following buffers are required:

(1) Where a parking area of 10 spaces or more abuts property with a single-family detached house that is closer than 100 feet, the parking area must be screened by Bufferyard C (see Article XXIII).

(2) Any parking area of 10,000 square feet or more that is adjacent to a road or public right-of- way shall provide a landscaping area width based upon the following right-of-way width:

(a) Sixty feet wide or less: ten-foot minimum landscape area width (Bufferyard A).

(b) More than 60 feet wide: fifteen-foot minimum landscape area width (Bufferyard C).

(3) Any parking area of 10,000 square feet or more for business, industrial or institutional uses, located less than 100 feet from any residential zone, shall require a minimum Bufferyard D(as defined in Article XXIII) adjacent to any residential zone.

B. The Zoning Officer may allow deviations from parking buffer requirements when it finds that the site in question exhibits irregular , confining or otherwise unusual characteristics. In no case shall the required landscape area width be less than eight and one half feet (8 ½).

C. Grass or native ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.

D. Landscape plantings that are planted within the sight triangle shall conform to the following standards:

(1) No trees planted shall have a main/stem/trunk greater than eight inches or have a dripline that falls below six feet six inches in height.

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71 **Editor's Note: See Articles XXI, Landscaping of Parking Facilities, Art. XXII, Screening and Trees and Art. XXIII, Bufferyard Requirements.**

(2) No shrubs or ground covers shall exceed a height of 24 inches.

E. Special notes on existing natural vegetation.

(1) In cases where significant natural vegetation exists, limits of clearing/grading areas shall be established during site plan review to protect and preserve the natural area. These protected areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems or signs. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan and measures taken to protect these areas from disturbance during construction using forest conservation techniques such as protective fencing and root pruning.

(2) In the case where buffers are created by this chapter, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems or signs will be permitted in the Bufferyard.

(3) Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.

(4) Any natural vegetation outside the limits of disturbance shown on the approved site plan that is damaged or destroyed by construction activity within one year of the issuance of the first use and occupancy permit for the property shall be replaced at a ratio of 2:1.

F. Landscaping in easements. An area located in a utility or other easement may be included in the calculation of the required landscaped area only when:

(1) The owner of such easement consents to such use of easement area; and

(2) Landscaping and planting in conformance with this chapter is to be located in the easement area used.

§ 297-359. Interior landscaping.

A. For any parking lot containing more than 6,000 square feet of area or 15 or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. **[Amended 5-7-08 by Bill No. 2008-01]**

B. Where a parking area is altered or expanded to increase the size to 6,000 or more square feet of area or 15 or more vehicular parking spaces, interior landscaping for the entire parking area shall be provided, and not merely to the extent of its alteration or expansion.

C. Landscape area. For each 100 square feet or fraction thereof of gross parking area, ten (10) square feet of landscaped area shall be provided. **[Amended 5-7-08 by Bill No. 2008-01]**

D. Interior landscaping shall be contained in islands having a minimum soil area of 153 square feet, having a minimum width of 8 ½ feet and a minimum length of 18 feet. **[Amended 5-7-08 by Bill No. 2008-01[72]]**

E. Landscape islands. **[Amended 5-7-08 by Bill No. 2008-01]**

(1) Number of landscape islands required.

(a) For less than 100 spaces, one island is required for every seven parking spaces.

(b) For 100 spaces or more, one island is required for every 10 spaces.

(2) If bioretention is provided in the landscape area, one island is required for every 15 spaces.

(3) All interior parking aisles shall end in a landscape island.

(4) A minimum of one walkway per 10 parking spaces across landscape islands shall be provided.

F. Maximum contiguous areas for interior parking lot landscaping. In order to provide that the required landscape areas be properly dispersed, no required landscape area shall be larger than the following: **[Amended 5-7-08 by Bill No. 2008-01]**

(1) One thousand five hundred square feet in parking areas under 30,000 square feet.

(2) Three thousand five hundred square feet in parking areas over 30,000 square feet.

G. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists and are protected as set forth in § 297-357E. **[Amended 5-7-08 by Bill No. 2008-01]**

H. Minimum plant materials. **[Amended 5-7-08 by Bill No. 2008-01]**

(1) Preservation of existing shade trees is preferred over planting new trees. Shade trees

72 **Editor's Note: This bill also redesignated former Subsection D through H as Subsections E through I, respectively.**

shall meet the following requirements:

(a) Shade trees shall be deciduous trees or evergreen trees.

(b) Trunks are to be a minimum 2 ½ diameter at time of planting with the potential to reach at least 12 inches in diameter when fully mature.

(2) Using the standard of each large tree shading a circular area having a radius of 15 feet with the trunk of the tree as the center, there must be sufficient trees so that 35% of the parking area will be shaded. Small trees used for perimeter landscaping requirements may be counted towards shading as described in Appendix E.[73]

(3) Conservation landscaping or preserved plant material shall be provided for a minimum of 50% of all portions of the landscape area. Grass or native groundcover shall be planted on all portions of the landscape area not occupied by other landscape material.

I. Landscaping for service structures. Service structures shall include propane tanks, dumpsters, air-conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site. All such structures shall be fully screened except when located in a single-family, agriculture or industrial zone or when located more than 35 feet above the established grade. Service structures in an industrial zone shall be fully screened when located within 100 feet of any zone other than industrial.

(1) Location of screening. A continuous planting, hedge, fence, wall or earth mound shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed eight feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.

(2) Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material.

73 **Editor's Note: Appendix E is included at the end of this chapter.**

The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container. [74]

§§ 297-360 through 297-369. (Reserved)

74 **Editor's Note: Former Subsection I, which provided for landscaping installation and maintenance, former Subsection J, which provided landscape material type and quality requirements, and former Subsection K, Plan submission and approval, all of which immediately followed this subsection, were repealed 5-7-2008 by Bill No. 2008-01.**

ARTICLE XXII
Screening and Trees

§ 297-370. Bufferyards.

A. Purpose. Bufferyards act to minimize the negative impact of any future use on neighboring uses. Bufferyards separate different zones from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings or parking areas or to provide spacing to reduce adverse impacts of noise, odor or danger from fires or explosions. Mature woodlands are considered the best buffers and should be used whenever possible.

B. Location. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

C. Determination of required Bufferyard. The following procedure shall be used:

(1) Identify whether any portion or property line of the site constitutes a zone boundary. If it does, determine the zoning on both sides of the boundary.

(2) Determine whether the land on the adjoining property is vacant or developed or whether a plat of a subdivision has been approved.

(3) Classify any street adjacent to the proposed use as a local, collector or arterial road.

(4) Determine the Bufferyard required on each boundary or segment thereof of the subject parcel by referring to the tables, Bufferyards Between Adjacent Zones, below.

(5) Determine if the proposed development is a use which has Bufferyards required to separate that use from certain uses. Then determine the Bufferyard required between such uses by referring to the tables, Bufferyards Between Adjacent Zones, below.

D. Bufferyards adjacent to residential uses. When the following uses adjoin any residential use, except a single-family detached dwelling on more than five acres, a Bufferyard of the type indicated is required.

Use	**Required Bufferyard**
Any proposed residential use of a net density 2 or more times that of the adjacent existing or approved residential use	B
Any proposed industrial use in the IG Zone located less than 100 feet from	C

any residential use **[Added 8-2-1993 by Ord. No. 93-82**	
Active recreation facilities of over 2 acres	C
Any parking lot greater than 10,000 square feet	D
Institutional use	B

NOTES:
1. A through E designate the type of buffer required as illustrated in Article XXIII.

E. Bufferyards between zones. See Figures XXII-I, XXII-2 and XXII-3.

F. Bufferyard standards. Illustrations graphically indicating the specification of each Bufferyard are contained in Article XXIII

G. Bufferyard use. A bufferyard may be used for passive recreation. It may contain pedestrian, bike or equestrian trails, provided that no required plant material is eliminated, the total width of the Bufferyard is maintained and all other regulations of this chapter are met.

H. Maintenance. All required buffer plantings shall be maintained in accordance with § 297-152 of Article X and Appendix E. **[Amended 5-17-08 by Bill No. 2008-01]**

I. All residential, commercial and industrial land uses shall comply with the setbacks and Bufferyards from major roads set forth in the Road Corridor Bufferyard and Building Setback Requirements table in and Article X[71]

J. Excess Bufferyard. Where the Bufferyard required between a land use and vacant land turns out to be greater than that Bufferyard which is required between the first use and the subsequently developed use, the following options apply:

(1) The subsequent use may provide one-half (½) of the Buffer required by this section. The existing use may expand its use into the original Buffer area, provided that the resulting total Bufferyard between the two uses meets the Bufferyard requirements of this section.

(2) The existing use may enter into agreements with abutting landowners to use its existing Buffer to provide some or all of the required Bufferyard of both land uses. The total Buffer shall equal the requirements of this section. Provided that such an agreement can be negotiated, the initial use may provide the second use some or all of its required Bufferyard and/or extra land on which it might develop. The existing use may reduce its excess Buffer by transferring part or all of the excess Buffer to the adjoining landowner to serve as its buffer. Any remaining excess Buffer area may be

71 **Editor's Note: The Road Corridor Bufferyard and Building Setback Requirements are included in Figure X-1 at the end of Art. X.**

used by the existing use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

K. Contractual reduction of Buffeyards. When a land use is proposed adjacent to vacant land and if the owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced Buffer may be provided by that first use, provided that the contract contains a statement by the owner of the vacant land of an intent to develop at no greater than a specified land use intensity class, and an agreement by that vacant landowner to assume all responsibility for additional Buffer, if needed, by the subsequent development of a less intense use than had been agreed upon, is transferred to the owner of the vacant (second in time to be developed) land.

Figure XXII-1
Bufferyards Between Adjacent Zones: Residential Zones
[Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]

Zone	AC	RC	RR	RV	RL	RM	RH	CRR	CER	CMR	WC	AUC
AC	--	B	B	C	C	C	C	--	--	--	--	--
RC	--	--	--	--	A	A	B	C	C	B	C	C
RR	--	--	--	B	--	A	B	C	C	B	C	C
RV	A	A	B	--	--	--	B	B	B	B	--	--
RL	A	A	--	--	--	--	B	C	C	B	C	C
RM	A	A	A	--	--	--	B	C	C	B	C	C
RH	A	B	B	B	B	B	--	C	C	B	C	C
RO	B	B	B	B	--	--	--	A	A	B	A	A
CN	C	C	C	C	C	C	B	--	--	--	A	A
CC	C	C	C	C	C	C	B	B	B	C	B	B
CB	C	C	C	C	C	C	B	A	A	B	A	A
CV	C	C	C	B	C	C	B	A	A	B	--	--
BP	C	C	C	C	C	C	B	A	A	B	A	A
IG	E	E	E	E	E	E	D	D	D	D	D	D
IH	E	E	E	E	E	E	E	E	E	E	E	E
PMH	D	D	D	C	C	C	A	C	C	C	C	C
PRD	C	C	C	B	B	B	A	--	--	--	--	--
PEP	--	E	E	E	E	E	D	A	A	--	A	A
MX	D	D	D	D	D	D	C	A	A	A	--	--
TOD	D	D	D	D	D	D	C	--	A	A	A	A
CRR	--	C	C	B	C	C	C	--	B	C	--	--
CER	--	C	C	B	C	C	C	B	--	B	--	--
CMR	--	B	B	B	B	B	B	C	C	--	C	C
WC	--	C	C	--	C	C	C	--	--	C	--	--
AUC	--	C	C	--	C	C	C	--	--	C	--	--

NOTES:

1. -- indicates that either Bufferyards are not required or not applicable.
2. “A” through “E” designates type of buffer required as illustrated in Part II of this article.
3. For the CV and CN Zones: If the adjacent single-family vacant residential lot is greater than five acres in size, or the closest residence is greater than 200 feet from the property line, no Bufferyard will be required.

Figure XXII-2
Bufferyards Between Adjacent Zones: Commercial and Industrial Zones
[Amended 10-25-1999 by Ord. No. 99-92; 7-25-2005 by Bill No. 2005-01; 4-23-2010 by Bill No. 2010-02]

Zone	CRR	CER	CMR	WC	AUC	CN	CC	CB	BP	CV	RO	IG	IH
AC	--	--	--	--	--	B	B	B	C	B	B	B	B
RC	C	C	B	C	C	B	C	C	C	B	B	E	E
RR	C	C	B	C	C	B	C	C	C	B	B	E	E
RV	B	B	B	--	--	B	C	C	C	A	B	E	E
RL	C	C	B	C	C	B	C	C	C	B	B	E	E
RM	C	C	B	C	C	B	C	C	C	B	B	E	E
RH	C	C	B	C	C	A	B	B	B	A	A	D	E
RO	A	A	B	A	A	--	A	A	--	--	--	B	C
CN	--	--	--	A	A	--	--	--	--	--	--	B	A
CC	B	B	C	B	B	--	--	--	--	--	--	A	A
CB	A	A	B	A	A	--	--	--	--	--	--	A	A
CV	A	A	B	--	--	--	--	--	--	--	--	B	A
BP	A	A	B	A	A	--	--	--	--	--	--	--	A
IG	D	D	D	D	D	B	--	B	--	B	B	--	--
IH	E	E	E	E	E	B	--	B	--	--	A	--	--
PMH	C	C	C	C	C	A	B	B	C	B	B	C	D
PRD	C	C	C	C	C	B	C	C	D	B	B	D	D
PEP	--	--	--	A	A	B	A	A	--	A	B	--	--
MX	A	A	--	--	--	B	B	B	D	A	A	D	D
CRR	--	B	C	--	--	A	B	A	A	A	A	D	E
CER	B	--	B	--	--	A	B	A	A	A	A	D	E
CMR	C	C	--	C	C	B	C	B	B	B	B	D	E
WC	--	--	C	--	--	A	B	A	A	--	A	D	E
AUC	--	--	C	--	--	A	B	A	A	--	A	D	E

NOTES:

1. -- indicates that either Bufferyards are not required or not applicable.
2. “A” through “E” designates type of buffer required as illustrated in Part II of this article.
3. For the CV and CN Zones: If the adjacent single-family vacant residential lot is greater than five acres in size, or the closest residence is greater than 200 feet from the property line, no Bufferyard will be required.

Figure XXII-3
Bufferyards Between Adjacent Zones: Planned Development Zones
[Amended 10-25-1999 by Ord. No. 99-92; 4-23-2010 by Bill No. 2010-02]

Zone	PMH	PRD	PEP	MX	TOD
AC	B	C	--	C	C
RC	D	C	E	D	D
RR	D	C	E	D	D
RV	C	B	E	D	D
RL	C	B	E	D	D
RM	C	B	E	D	D
RH	A	A	D	C	C
RO	B	B	B	A	A
CN	A	B	B	B	B
CC	B	C	A	B	B
CB	B	C	A	B	B
CV	B	B	A	--	--
BP	B	C	A	B	B
IG	C	D	--	D	D
IH	D	D	--	D	D
WC	C	C	A	--	--
AUC	C	C	A	--	--
PMH	--	--	C	--	--
PRD	--	--	D	--	--
PEP	C	D	--	D	D
MX	--	--	D	--	--
TOD	--	--	D	--	--

NOTES:

1. -- indicates that either the Bufferyards are not required or not applicable.
2. 'A' through 'E' designates type of buffer required as illustrated in Article XXIII.

§§ 297-371 through 297-381. (Reserved)

ARTICLE XXIII
Bufferyard Requirements

§ 297-382. Bufferyard standards.

A. The illustrations in this article graphically indicate the specifications of each Bufferyard. Bufferyard requirements are stated in terms of the width of the Bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a Bufferyard may be satisfied by any of the options thereof illustrated. The plant unit multiplier is a factor by which the basic number of plant materials required for a given Bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each Bufferyard, and each Bufferyard option, are specified in this article. Only those plant materials capable of fulfilling the intended function shall satisfy the requirements of this chapter.

B. The options within any Bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. The illustrations have mathematically rounded the number of plant units required for each option within a given Bufferyard. In actual practice, mathematical rounding would be applied to the total amount of plant material required by a Bufferyard, not to each one hundred- foot length of Bufferyard. All of the illustrations are drawn to scale and depict the Bufferyard according to the average projected diameter of plant materials at five years after planting.

C. Each illustration depicts the total Bufferyard located between two uses.

D. Whenever a wall, fence or berm is required within a Bufferyard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher-intensity use. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher-intensity use, in order to provide maximum sound absorption.

E. Whenever property is affected by these bufferyard requirements, the property owner or applicant shall prepare a landscape plan for approval by the Zoning Officer.**[Added 5-7-2008 by Bill No. 2008-01]**

§ 297-383. Plant material.

A. The following plant material substitutions shall satisfy the requirements of this article:

(1) In Bufferyards C, D and E,evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(2) In Bufferyards A and B, evergreen canopy or evergreen understory trees may be substituted as follows:

(a) In the case of deciduous canopy forest trees, up to a maximum of 50% of the total number of the deciduous canopy trees otherwise required.

(b) In the case of deciduous understory, without limitation.

(3) In all Bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

B. If the development on the adjoining use is existing, planned or deed-restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

C. Existing healthy trees and understory vegetation shall be preserved in the bufferyard areas wherever possible. Protection of retained existing vegetation during construction shall be in accordance with Appendix E-1. Additional plantings may be added within the bufferyard to meet bufferyard requirements or for enhancement. **[Amended 5-7-08 by Bill No. 2008-01]**

D. The exact placement of required plants and structures shall be the decision of each user, except that the following requirements shall be satisfied:

(1) Evergreen (or conifer) Class III and IV plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival.

(2) Berms with masonry walls (BW_1 BW_2 and BW_3) required of Bufferyard D and E options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

(a) When berms with walls are required, the masonry wall shall be closer than the berm to the higher-intensity use.

(b) Within a Bufferyard, a planting area at least five feet wide containing 15% of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher-intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

E. All Bufferyard areas shall be planted with native grass unless ground cover is already established. **[Amended 5-7-2008 by Bill No. 2008-01]**

F. All plant material required to meet bufferyard requirements shall be native Maryland species.

A maximum of 1/3 of the trees are to be a single species. **[Added 5-7-08 by Bill No. 2008-01]**

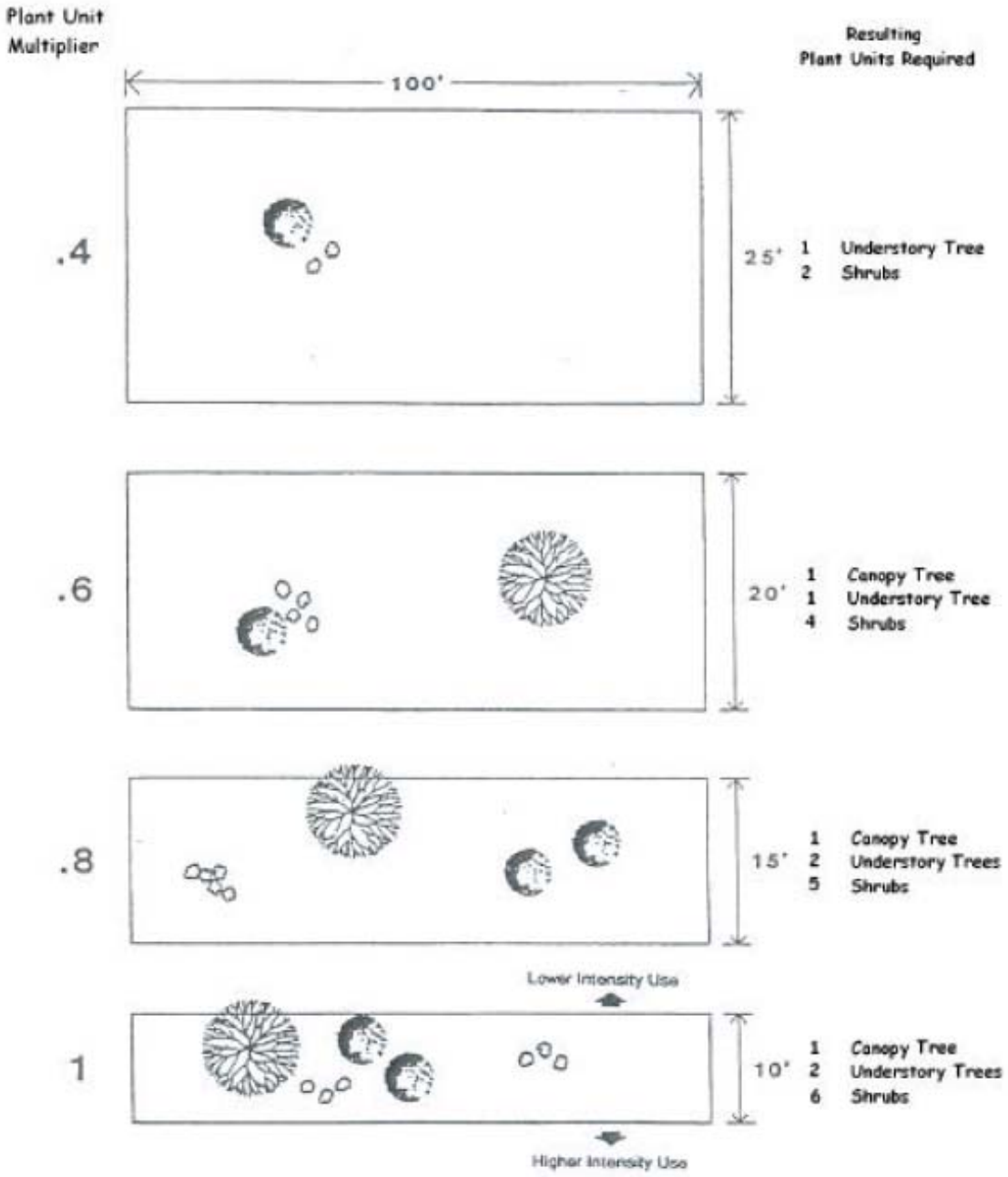
G. All plant materials required to m eet this chapter are to be inspected for the use and occupancy permit, and shall be labeled with the Latin name and bonded for two years. The labels may be removed from the plant material after the bond is released. **[Added 5-7-08 by Bill No. 2008-01]**

§ 297-384. Structures. The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the Bufferyard illustrations in this article.

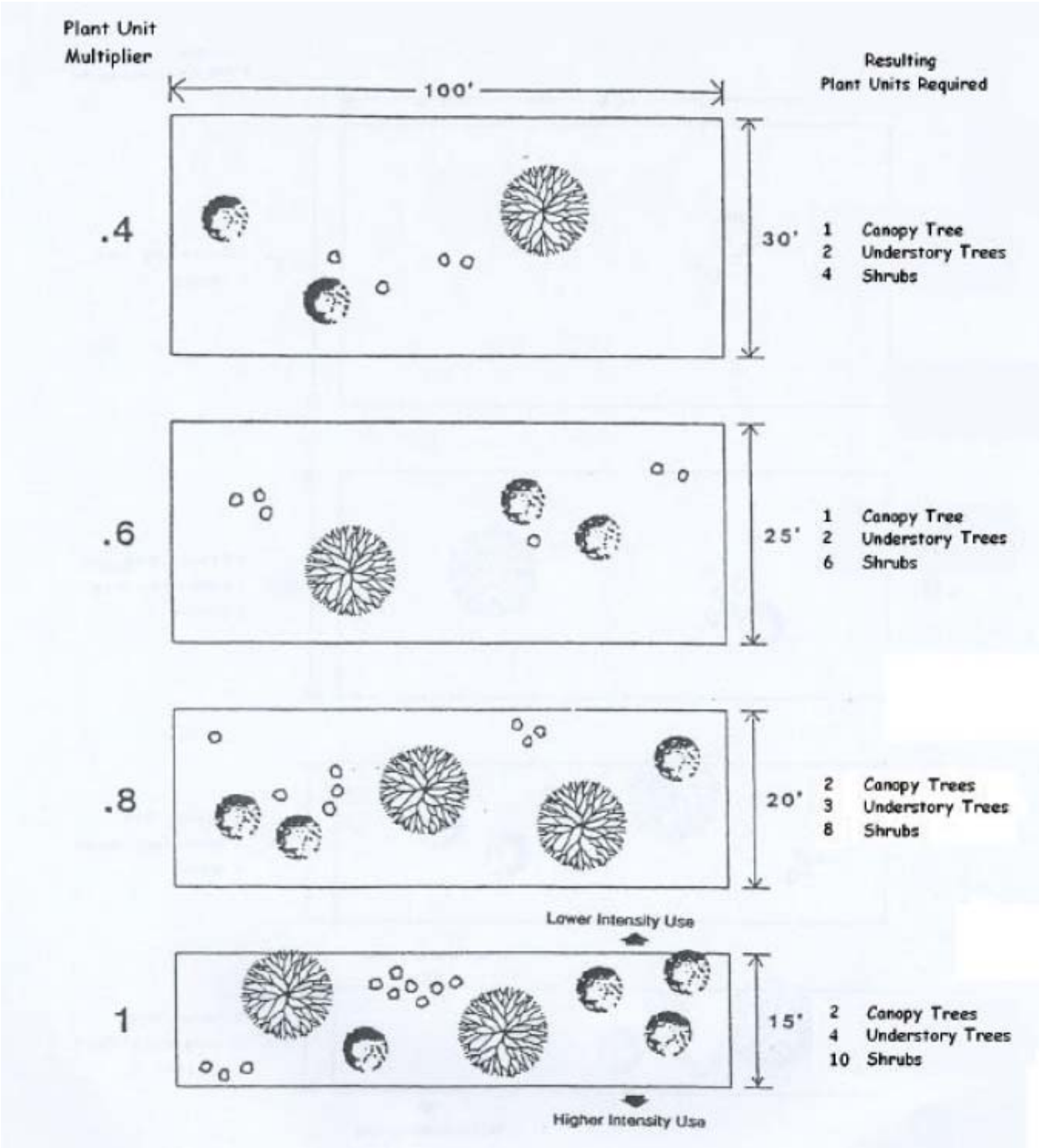
Structure	Equivalent Structure
F_3	B_1
F_4	B_2
F_5	B_3
F_6	BW_1
B_1	F_3
B_2	F_4
B_3	F_5
BW_1	F_6

§ 297-385. Illustrations of bufferyard and bufferyard structures.

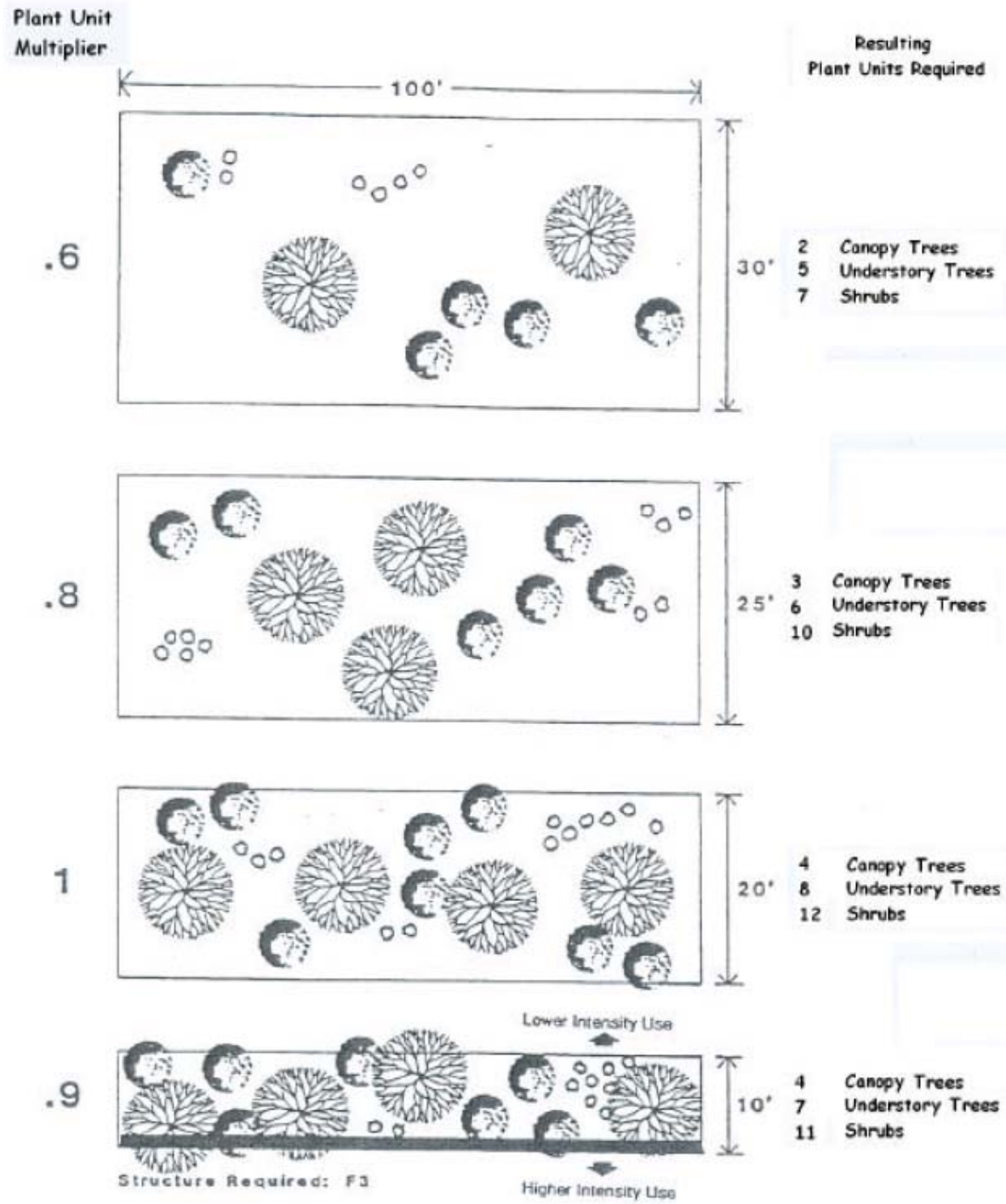
See the following pages for illustrations.



BUFFERYARD A



BUFFERYARD B



* *Fence Option Not Applicable to the Road Buffers*

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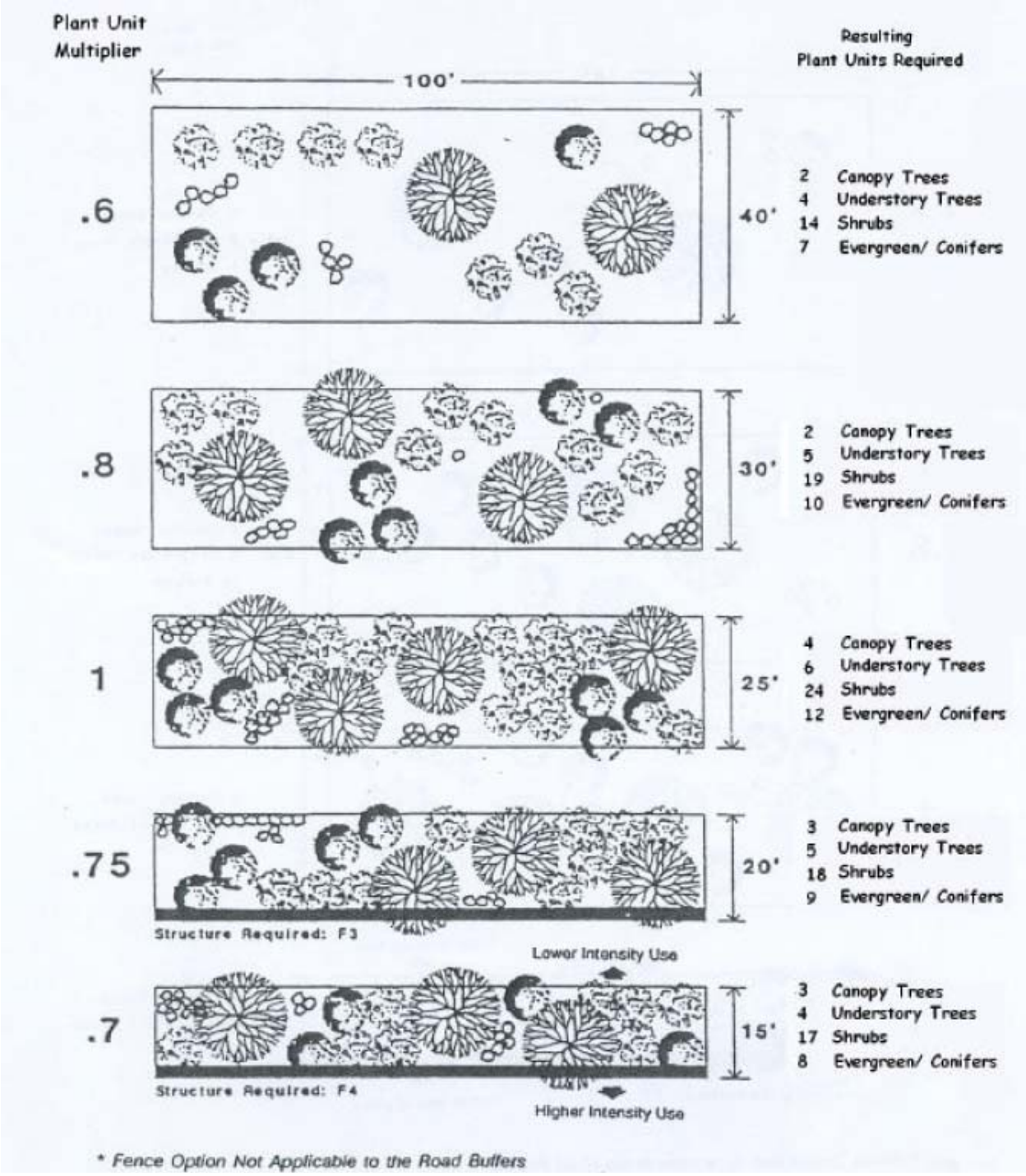

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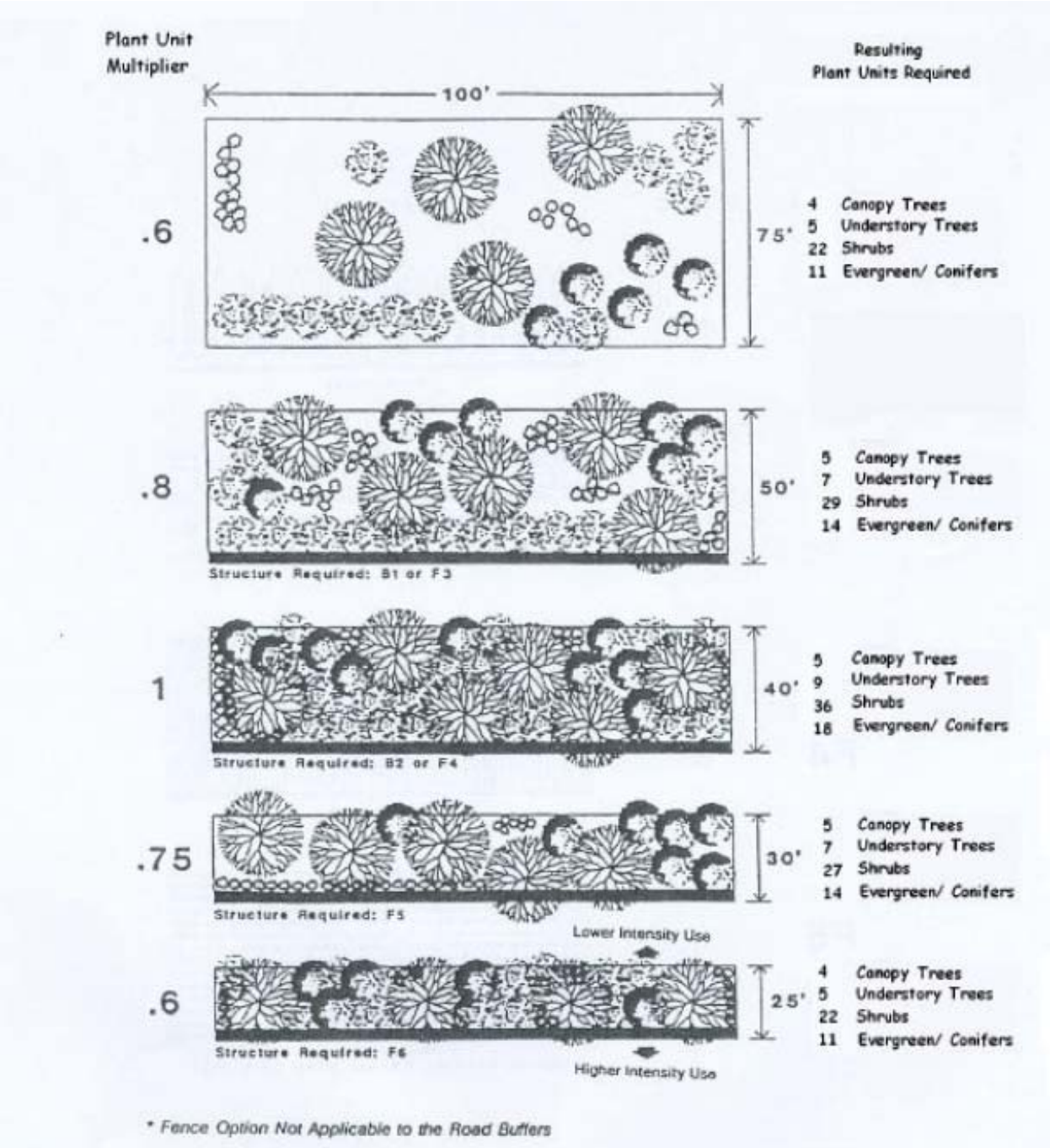

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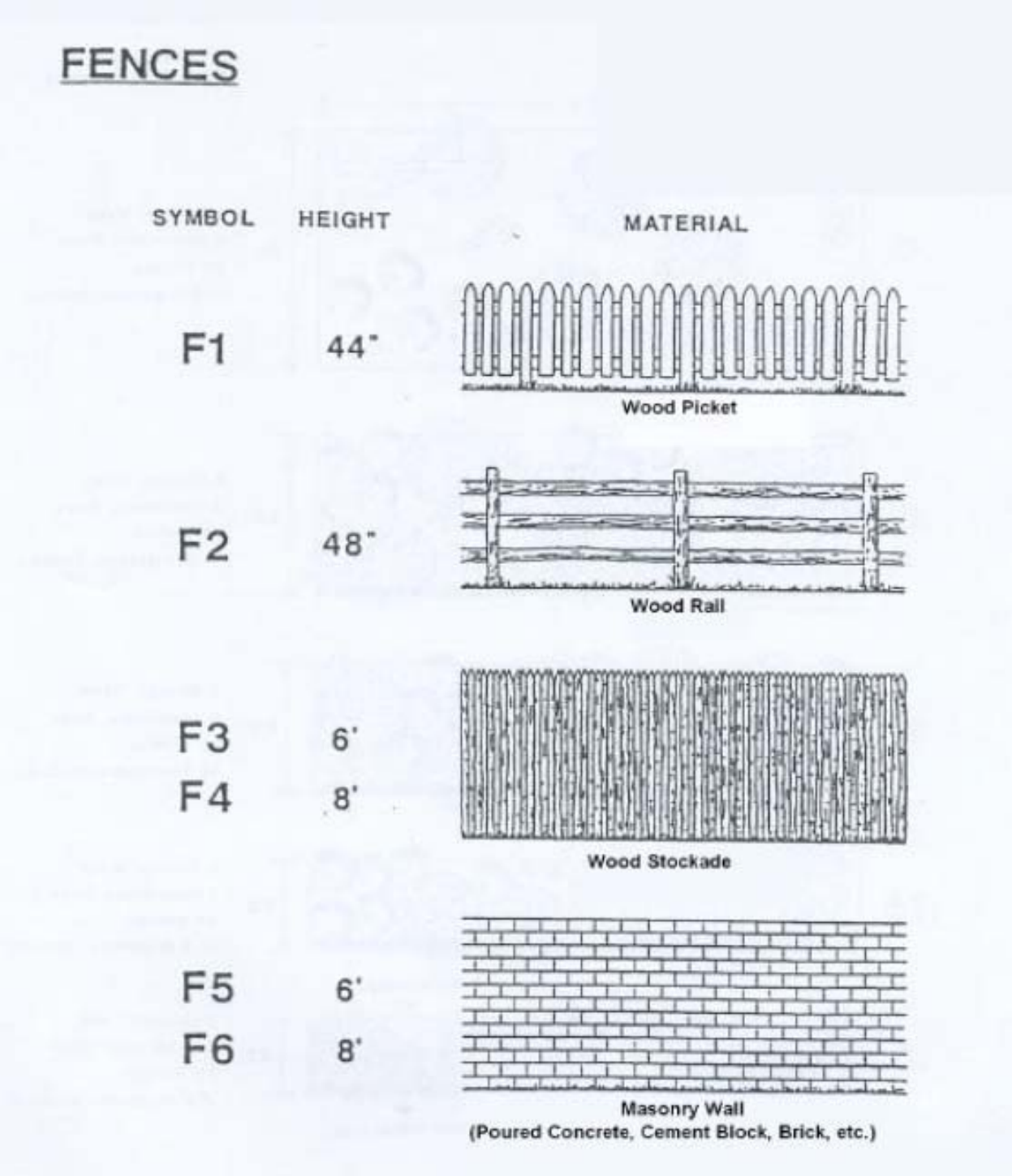
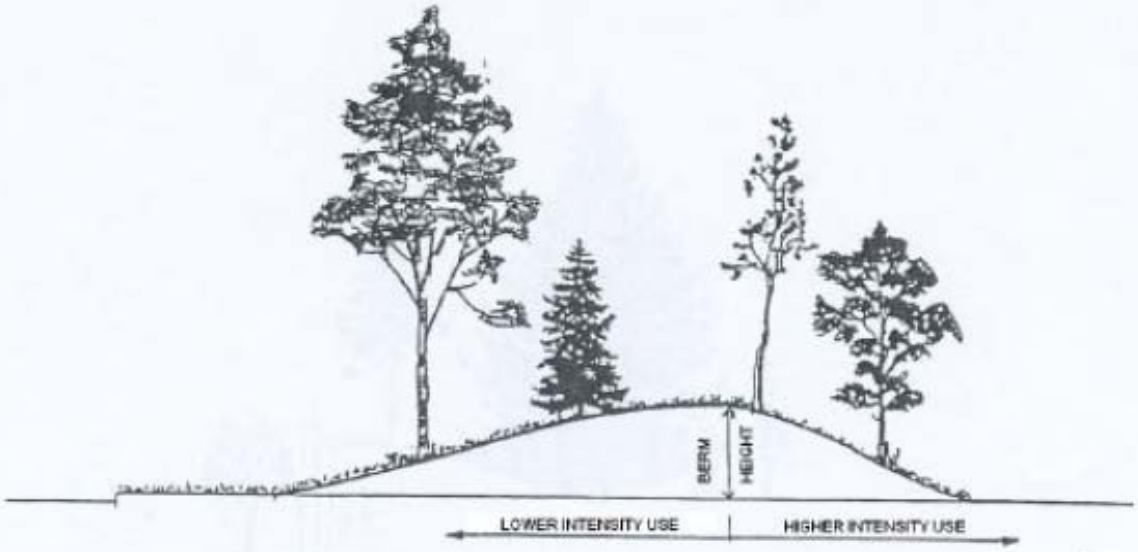


BUFFERYARD STRUCTURES

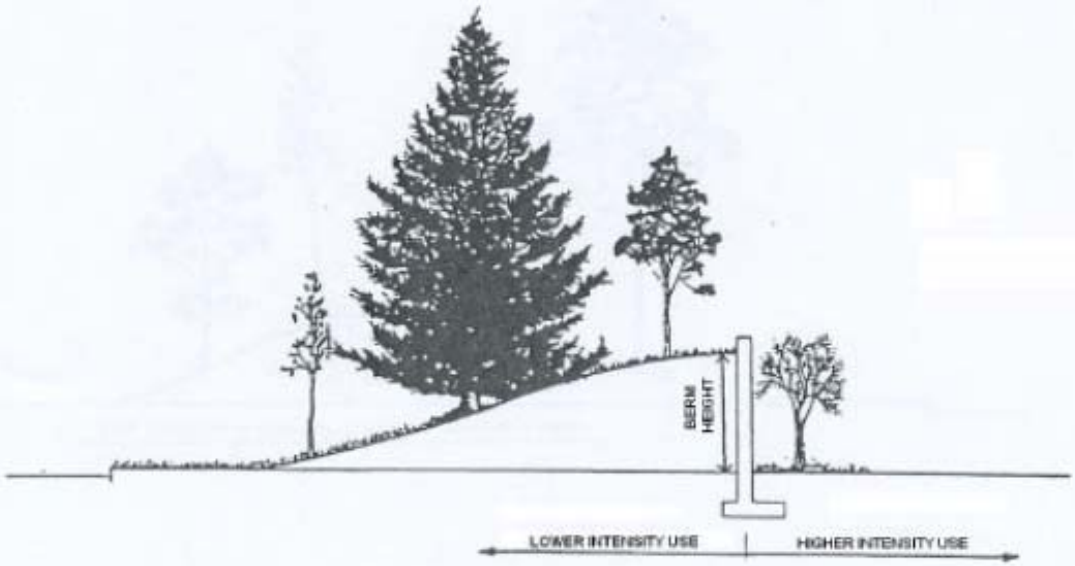
BERMS



SYMBOL	HEIGHT	MATERIAL
B1	4'	EARTH
B2	5'	EARTH
B3	6'	EARTH

BUFFERYARD STRUCTURES

BERM WALLS



SYMBOL	HEIGHT
BW1	4' BERM with 6' MASONRY WALL
BW2	5' BERM with 7' MASONRY WALL
BW3	6' BERM with 8' MASONRY WALL

BUFFERYARD STRUCTURES

§§ 297-386 through 297-396. (Reserved)

ARTICLE XXIV
Planning Commission

§ 297-397. Powers and duties.

A. The Planning Commission shall have the following powers and duties in addition to those outlined in Article 66B of the Annotated Code of Maryland:

(1) Review and approve adequate public facilities studies and mitigation measures.

(2) Approve and periodically amend the Site Design and Architectural (SDA) Guidelines.

(3) Review and provide recommendations on rezoning requests for base zones, overlay zones and floating zones.

(4) Review and make recommendations for amendments to this chapter and the Subdivision Ordinance[72].

B. The Planning Commission may adopt rules and regulations governing its procedure and operation not inconsistent with the provisions of this chapter.

§§ 297-398 through 297-408. (Reserved)

72 **Editor's Note: See Ch. 278, Subdivision Regulations.**

ARTICLE XXV
Board of Appeals

§ 297-409. Powers and duties.

A. The Board of Appeals shall hear and decide on the following:

(1) Appeals from any final order, decision, requirement or interpretation made by an administrative official in the enforcement of any matter authorized by Article 66B, Annotated Code of Maryland, as amended, as provided in § 297-417.

(2) Applications for special exception uses and enlargements, extensions, modifications or revocations of special exceptions, as provided in § 297-415.

(3) Applications for variances, as provided in § 297-416.

(4) Application for the extension or enlargement of a nonconforming situation, as provided in §297-418.

(5) Any other matter the Board is required to act upon by any other county ordinance adopted pursuant to Article 66B, Annotated Code of Maryland, as amended.

B. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

§ 297-410. Filing fees.

A. A filing fee will be charged for the Board's processing of any appeal; special exception; enlargement, extension or modification of a special exception use; variance; or extension or enlargement of any nonconforming situation, continuations, reconsiderations or any other decision of the Board.

B. The appropriate filing fee shall be established in the Schedule of Fees and Charges adopted by the County Commissioners.[73]

§ 297-411. Notice of hearing.

A. Within 60 days of receipt of an application, the Zoning Officer shall send written notice of the time and date of the hearing to the applicant.

B. Not less than 14 days prior to the hearing, the applicant or his agent shall mail a notice by certified mail, return receipt requested, to all adjoining and confronting property owners of

73 **Editor's Note: See Ch. 236, Fees, Art. IV.**

the time, date, place and nature of the public hearing. The applicant shall file, with the Zoning Officer, an affidavit of mailing of such notice as an exhibit in the public hearing prior to 4:30 p.m. of the day of the hearing. Filing the affidavit of mailing shall constitute substantial compliance with the notice requirement unless cause to the contrary is shown.

C. At least 14 days prior to a hearing, the applicant shall erect a sign(s) provided by the Zoning Officer on the subject property. Such sign(s) will be erected within 10 feet of the boundary line of such land which abuts every public road, and if the property does not abut a public road, the sign shall be posted at the nearest public road which provides access to the subject site. The sign shall be affixed to a rigid board and be maintained by the applicant until a decision is issued by the Board. It is a violation of this chapter for anyone to remove or tamper with such sign during the period it is required to be posted. The applicant shall file an affidavit, with a picture of the posted sign, certifying the posting of said sign with the Zoning Officer prior to 4:30 p.m. of the day of the hearing.

D. In the case of special exceptions, notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction or boundary, shall be published in at least one newspaper of general circulation in the jurisdiction once each week for two successive weeks, with the first such publication of notice appearing at least 15 days prior to the hearing.

§ 297-412. Public hearing required.

A. Before making a final decision on any appeal or application, the Board shall hold a hearing on the matter to be considered.

B. The hearing shall be open to the public, and all people aggrieved by the outcome of the appeal or application shall be given an opportunity to present testimony and evidence and to cross-examine persons who testify.

C. The Board may place reasonable and equitable limitations on the presentation of testimony and evidence, arguments and the cross-examination of witnesses consistent with the rules and regulations adopted under § 297-409 so that all relevant issues may be heard and decided without undue delay.

D. The Board may continue the hearing until a subsequent meeting or date and time certain and may keep the record of the hearing open to receive additional evidence or information. The record shall be closed prior to when the Board issues its written order.

E. Any interested person shall have the right to submit, in accordance with the established rules, oral or written testimony at the public hearing. A record of the case file, including a complete record of the testimony at the hearing, the votes of all members of the Board, all properly marked exhibits presented at the hearing and the application, will be kept by the Zoning

Officer.

§ 297-413. Written decision.

A. In all cases a written decision shall be issued by the Board and shall be provided to the applicant, all parties of interest who appeared or testified during the hearing and all other persons who make a request for a copy.

B. The decision of the Board approving, denying or dismissing any application shall be issued within 60 days from the close of the last public hearing, unless such time is extended by an official resolution adopted by the Board.

§ 297-414. Revisory powers.

A. Within 15 days after the Board issues its written decision, any party in interest may file a motion for reconsideration of the decision or a provision or condition contained in a decision with the Zoning Officer.

B. The party filing such a motion shall transmit copies to all parties to the proceedings and shall file an affidavit of mailing with the Zoning Officer. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

C. The matter will be placed on the Board's agenda within 30 days after the Zoning Officer has transmitted the motion to the Board.

D. The Board, on an affirmative vote of three members, may decide to reconsider any issue(s) raised in the motion for reconsideration.

E. If the Board votes to reconsider, the hearing shall be held within 30 days after such vote.

F. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure and written decision issued pursuant to § 297-413.

§ 297-415. Special exceptions.

A. The implementation and enforcement of this chapter is based upon the division of the county into zones within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular zone without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use, at the particular location proposed.

B. This section establishes procedures and minimum standards for the consideration and authorization of special exception uses.

C. The granting of a special exception does not exempt the applicant from obtaining a zoning permit or complying with all other requirements of this chapter or any applicable county, state or federal law.

D. Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zone in which the land is located.

E. An application for a special exception shall be filed with the Zoning Officer on a form prescribed by the Zoning Officer. The application shall be accompanied by such plans and/or data as necessary for the Board to make a reasoned decision and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed use will conform to the applicable standards. The application shall be forwarded from the Zoning Officer to the Board of Appeals for review and decision. The Board of Appeals shall conduct a public hearing and issue a written decision on the application which contains findings of fact and conclusions of law to support the Board's decision.

F. Zoning Officer's reports. The Zoning Officer shall provide a written report to the Board of Appeals at least 14 days prior to the scheduled public hearing. The report shall contain preliminary findings as to the extent that the application conforms to the requirements of this chapter. The failure to provide a report or to meet the time limitations herein shall not affect the authority of the Board to hold the public hearing at its scheduled date and time.

G. Public hearing. The Board shall require notice pursuant to the requirements of § 297-411 and shall conduct the public hearing and render a decision on the special exception which adheres to the provisions of this article.

H. The Board of Appeals shall grant a special exception when, from a preponderance of the evidence of record, the proposed use:

(1) Will not be detrimental to or endanger the public health, safety and general welfare.

(2) Is a permissible special exception in the zone.

(3) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood.

(4) Complies with the standards and requirements set forth in Article XIII.

(5) Will cause no objectionable impact from traffic, noise, type of physical activity,

fumes, odors, dust or glare.

(6) Will provide adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements. If a use requires an adequate public facilities review by the Planning Commission, such review shall be made a condition of the granting of the special exception by the Board.

(7) Will provide adequate ingress and egress and be so designed as to minimize traffic congestion in the public streets.

(8) Is in accordance with the objectives of the Charles County Comprehensive Plan.

(9) Conforms to the applicable regulations of the zone in which it is located and to the special requirements established for the specific use.

I. Conditions and guaranties. In addition to the specific standards contained in Article XIII, guidelines and criteria described in this chapter and other relevant considerations, the Board may impose performance guaranties and conditions, such as but not limited to the following:

(1) The number of persons living, working or visiting on the site.

(2) Traffic conditions, including facilities for pedestrians; parking facilities; the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

(3) The orderly growth of the neighborhood and community and the fiscal impact of the requested special exception on the county.

(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

(5) The need for additional on-site security, fire protection, waste disposal or such other facilities not normally provided by the county.

(6) Limitation of the hours of operation related to the impact of the requested special exception on surrounding uses, such as schools, houses of worship, theaters, hospitals and similar places of public use.

(7) The purposes set forth in this chapter, the Comprehensive Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.

(8) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.

(9) The requirements of the Critical Area Zone.

(10) The preservation of cultural and historical landmarks

J. Effect of denial of a special exception.

(1) No application for a special exception use which has been denied wholly or in part by the Board shall be accepted by the Zoning Officer for a period of one year from the date of said order of denial.

(2) Notwithstanding Subsection J(1), the Board of Appeals may, at any time, consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered, as determined by the Zoning Officer.

K. Enlargements, extensions or modifications. The Board may permit the enlargement, extension or modification of an existing special exception use pursuant to the procedural requirements of this article related to notice, conduct of the public hearing and the Board's decision. The initiation of such an action and standards for the Board's decision shall conform to the requirements of this section for the granting of an application for a special exception.

L. Renewals.

(1) The Board has the authority to grant a special exception for a specific period of time. A special exception may be renewed from time to time by the Board at the request of an applicant or a successor in interest if the special exception runs with the land, provided that all requirements of the original special exception are satisfied and:

(a) All notice requirements of this section are met;

(b) The Board holds a public hearing as required by this section; and

(c) The Board issues a written decision containing findings of fact and conclusions of law to support the decision on whether the special exception is renewed pursuant to the requirements of this section for the granting of an application for a special exception.

(2) The Board may grant a renewal for a longer or shorter period of time than was established in the original decision granting the special exception.

M. Complaints. Complaints received concerning the operation of any special exception shall be

directed to the Zoning Officer, who shall take appropriate action as provided by law. All complaints must be in writing. Anonymous complaints shall not be accepted.

N. Revocation of special exception. See Article I for enforcement provisions. In addition to any provisions contained elsewhere in this chapter, special exceptions may be revoked as follows:

(1) Failure to comply with conditions. Whenever the Board shall find, in case of any special exception heretofore or hereafter granted pursuant to the provisions of this article, that any of the terms, conditions or restrictions upon which such special exception was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to revoke the special exception. The Board is authorized to request and obtain investigations and reports as to compliance from such county or state agencies or administrative officers as may be appropriate. This action may be in addition to any action taken by the Zoning Officer under the provisions of Article XXVI.

O. Procedures for revocation.

(1) The Zoning Officer shall transmit a written report to the Board which indicates which terms or conditions of the special exception are not being complied with by the special exception holder.

(2) The Board, by an affirmative vote of at least three members, shall issue an order to the special exception holder, along with the report of the Zoning Officer, to show cause why such special exception should not be revoked.

(3) The show-cause order shall specify the date, time and place of the hearing. The date of the hearing will be a minimum of 30 days after the date of the order to allow the special exception holder reasonable time to prepare for the hearing.

(4) Copies of the order shall also be sent by certified mail, return receipt requested, to the owner of the subject property, if not the special exception holder, the Zoning Officer, persons who have submitted complaints concerning the special exception and, at the discretion of the Board, to those persons who received notice of the original application for the special exception, as well as to other interested persons, organizations or governmental agencies.

(5) The show-cause hearing shall be limited to the consideration of the issues specified in the show-cause order.

(6) Within 60 days after the close of record of the hearing, the Board shall issue a written determination containing findings of fact and conclusions of law regarding the issues presented. The Board, by an affirmative vote of at least three members, may reaffirm

or revoke the special exception or amend, add to, delete or modify the existing terms or conditions of the special exception. If necessary, the Board may adopt a resolution extending the time in which to issue its decision.

(7) A copy of the decision shall be transmitted to the special exception holder and all parties to the hearing and persons who received copies of the show-cause order.

P. Abandonment and failure to initiate. Whenever a special exception is not in use or does not operate for a period of three years, or whenever an approved special exception is not initiated and commenced within three years after the date of approval, the approved special exception shall be automatically null and void without any further action by the Board being required.

Q. Burden of proof. The applicant for a special exception shall have the burden of proof on all questions of fact which are required to be determined by the Board or are required to meet any of the provisions of this section.

§ 297-416. Variances.

A. An application for a variance shall be submitted to the Board of Appeals by filing a copy of the application with the Zoning Officer. Applications shall be handled in the same manner as applications for special exceptions in conformity with the provisions of this article.

B. The Board is authorized to grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of the regulations of this chapter would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Board of Appeals shall not grant variances that will substantially impair the intent, purpose and integrity of this chapter. This provision shall not be construed to permit the Board, under the guise of a variance, to change the permitted use of land.

C. In addition to those general findings required in Subsection B above, variance requests shall not be granted unless the following criteria are met:

(1) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this chapter would result in unwarranted hardship which is not generally shared by owners of property in the same land use classification.

(2) That strict enforcement of the provisions of this chapter would deprive the property owner of rights commonly shared by other owners of property in the

area.

(3) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

(4) That the variance request is not based upon conditions or circumstances which are self-created or self-imposed.

(5) That greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient justification for a variance.

(6) That the proposed variance is consistent with the Charles County Comprehensive Plan.

D. In granting variances, the Board may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be compatible with the surrounding properties.

E. A variance may be issued for an indefinite duration or for a specified duration.

F. The nature of the variance and any conditions attached to it shall be specified in the Board's decision. All conditions are enforceable in the same manner as any other applicable requirement of this chapter. The granting of the variance does not constitute issuance of a zoning permit.

G. The granting of a variance does not exempt the applicant from complying with all other requirements of this chapter or any applicable county, state or federal law.

H. Reapplication. Whenever the Board disapproves an application for a variance on any basis other than the failure of the applicant to submit a complete application, no reapplication will be accepted by the Zoning Officer or considered by the Board for a period of one year from the date of the Board's disapproval.

I. The Board may, at any time, consider a new application affecting the same property as an application previously denied if the new application is substantially similar to the application previously denied. A new application is one that differs in some substantial way from the one previously considered as determined by the Zoning Officer.

J. The burden of persuasion and of presenting evidence sufficient to allow the Board to reach a conclusion that the required criteria listed in Subsections B and C have been met remains with the applicant seeking the variance.

K. **[Amended 10-25-1994 by Ord. No. 94-99]** In addition to the above requirements, the following additional provisions shall apply in the Critical Area Zone:

(1) Requests for variance in the Critical Area Zones shall not be heard unless the Critical Area Commission has received a copy of the variance request at least two weeks prior to the scheduled public hearing.

(2) A variance will not be granted by the board unless findings are made which demonstrate that:

(a) Special conditions or circumstances exist that are peculiar to the land or structure which constitute or result in an unwarranted hardship as defined by this chapter;

(b) Literal interpretation of the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;

(c) The granting of a variance will not confer upon an applicant any special privilege that would be denied other lands or structures;

(d) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property; and

(e) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area Zones, and the granting of the variance will be consistent with the spirit and intent of the County's Critical Area Program and associated ordinances as well as State laws and regulations adopted under Title 8, Subtitle 18, of the Natural Resource Article of the Annotated Code of Maryland and COMAR 27.01.11..

(f) The Board shall further find that the granting of the variance will be in harmony with the general purpose and intent of this chapter, shall not result in a use not permitted in the zone in which the property subject to variance is located and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(g) The Board shall find that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, buildings or structures. In making this determination for variance requests in a Critical Area Zone,

the Board shall consider the following as tantamount to a minimum variance:

[1] That the granting of a variance to the yard and/or Buffer requirements results in new structures or lot coverage being located as far back from mean high water, tidal wetlands or tributary streams in the Critical Area as is feasible; and

[2] That the applicant takes steps to mitigate impacts, insofar as possible, including:

[a] Reforestation on the site to offset disturbed forested or developed woodlands on at least an equal area basis;

[b] Afforestation of areas of the site so that at least 15% of the gross site is forested; and

[c] Implementation of any mitigation measures which relate to habitat protection areas as delineated in the Charles County Critical Area Program and as required by state and/or county agencies.

(3) Presumption of non-conformance.

(a) In considering an application for variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of Natural Resources Article, Title 8, Subtitle 18, COMAR Title 27, and the requirements of the County's Critical Area Program.

(b) If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the County shall consider that fact. **[Added 6-20-2005 by Ord. No. 05-12]**

(c) An applicant has both the burden of production and the burden of persuasion to overcome the presumption of nonconformance established in Subsection K above. **[Added 6-20-2005 by Ord. No. 05-12]**

[1] Based on competent and substantial evidence, the Board shall make written findings as to whether the applicant has overcome the presumption of nonconformance established above. **[Added 6-20-**

2005 by Ord. No. 05-12]

[2] With due regard for the person's experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by: **[Added 6-20-2005 by Ord. No. 05-12]**.

[a] The applicant;

[b] The County or any other government agency; or

[c] Any other person deemed appropriate by the County.

(4) In granting the variance, the Board may prescribe such conditions and safeguards as it deems appropriate which comply with the intent of this chapter and the Charles County Critical Area Program. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this chapter and enforceable under Article I.

(5) Planning staff shall provide a copy of the written decision to the Critical Area Commission staff within 10 working days after the written decision regarding a variance application is issued.

(6) No permits shall be issued for a development activity subject to a variance until the applicable 30-day appeal period has elapsed.

§ 297-417. Appeals.

A. An appeal from any final order or decision of an administrative official may be taken to the Board by an aggrieved applicant. An appeal is taken by filing a written notice of appeal with the Zoning Officer and the Board specifying the grounds therefor. The date and time of filing shall be entered on the notice by the Zoning Officer.

B. An appeal must be filed within 30 days after the date of the decision or order appealed from.

C. Whenever an appeal is filed, the Zoning Officer shan transmit to the Board the entire record relating to the action appealed from. All Board hearings or appeals are de novo proceedings.

D. An appeal stays all cons truction or activities that are the subject of a duly issued stop-work order. An appeal stays any other actions by the Zoning Of ficer seeking enforcem ent or compliance with the order or decision appealed from, unless the Zoning Officer certifies to the Board that a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board or a court, issued on application of the party

seeking the stay, for due cause shown.

E. The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from and may make any order, requirement, decision or determination that, in its opinion, ought to be made in the case before it. To this end, the Board shall have all the powers of the administrative official from whom the appeal was taken.

F. When an appeal is taken to the Board in accordance with this section, the Zoning Officer shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall have the burden of persuasion on all questions of fact which are to be determined by the Board.

§ 297-418. Expansion or extension of nonconforming uses.

A. The Board is authorized to consider and approve the expansion or extension of an existing nonconforming situation in accordance with the provisions and requirements of this Article XXV.

B. A decision of the Board granting an extension or expansion of an existing nonconforming situation shall adhere to the standards provided in this Article XXV.

§ 297-419. Appeals to County Commissioners. [Added 10-23-1998 by Ord. No. 98-85]

A. An appeal from a final order or decision of the Board of Appeals for a special exception for surface mining, an asphalt plant, concrete plant or sand and gravel washing, crushing or screening may be taken to the County Commissioners by an aggrieved party as described in Article 66B, § 4.08(a) of the Annotated Code of Maryland. An appeal is taken by filing a written notice of appeal with the County Commissioners specifying the grounds therefor. The date and time of filing shall be entered on the notice by the County Clerk.

B. An appeal must be filed within 30 days after the date of the decision or order appealed from. The term shall be calculated from the date the order is executed by signature of all participating members and the Clerk to the Board of Appeals.

C. Whenever an appeal is filed, the Clerk to the Board shall transmit to the County Commissioners the entire record relating to the action appealed from. All Commissioner hearings on appeals are "on the record" proceedings; however, relevant evidence and testimony may be allowed in cases where, in the judgment of the Commissioners, it represents information that could not have been available to the Board at the time of the Board's public hearing and the testimony is necessary for the proper disposition of the matter.

D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Commissioners that a stay would cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Commissioners or a court, issued on application of the party seeking the stay, for due cause shown.

E. The Commissioners may reverse or affirm, in whole or in part, may modify or remand, the order, requirement, decision or determination appealed from and may make any order, requirement, decision or determination that, in its opinion, ought to be made in the case before it. To this end, the Commissioners shall have all the powers of the Board of Appeals.

F. The County Commissioners will notify all parties to the proceeding before the Board of Appeals that an appeal has been filed by mailing notice that an appeal has been filed within three days of receiving the notice of appeal. Any party before the Board may participate as a party in an appeal by filing a written notice of intent to participate in the appeal with the County Commissioners within 15 days from the date of the notice that an appeal has been filed. Other aggrieved parties may file motions as intervenor in the case and present argument. The burden of presenting evidence is borne by the appellant, who shall have the burden of persuasion on all questions which are to be determined by the Commissioners.

G. The Commissioners shall adopt rules and procedures for considering an appeal of a special exception under this section, including the time for filing legal memoranda, presenting oral argument and issuing a written decision and order deciding the appeal.

H. The decision and order of the County Commissioners may be appealed to the Circuit Court in accordance with the provisions of Article 66B, § 4.08.

§§ 297-420 through 297-428. (Reserved) .

ARTICLE XXVI
Zoning Officer

§ 297-429. Authority; powers and duties.

A. The Deputy County Administrator of Planning and Growth Management, the Deputy County Administrator's successor or a person duly authorized by the County Administrator shall be the Zoning Officer.

B. The Zoning Officer, or a duly authorized designee, shall have primary responsibility for the administration and enforcement of this chapter.

C. The Zoning Officer shall have the authority to:

(1) Receive, review, analyze and make recommendations on all applications filed under the provisions of this chapter for transmittal to the Planning Commission or Board of Appeals.

(2) Approve site plans required to be submitted pursuant to this chapter.

(3) Issue permits pursuant to the provisions of this chapter, issue stop-work orders or revoke any permit upon violation of any of the provisions of this chapter or any approvals granted based on the requirements of this chapter.

(4) Conduct inspections and surveys to determine whether a violation of this chapter exists.

(5) Seek criminal or civil enforcement for any provision of this chapter and take any action on behalf of the county, either at law or in equity, to prevent or abate any violation or potential violation of this chapter.

(6) Render interpretations, upon written request of an interested person whose property may be affected, as to the applicability of the chapter to particular uses and its application to the factual circumstances presented.

(7) Design and distribute applications, forms and notices required by this chapter, requesting information which is pertinent to the requested approval.

(8) Perform such duties as are necessary for the proper enforcement and administration of this chapter.

§ 297-430. Permits required.

The Zoning Officer has the power to issue the following permits:

A. Zoning permits. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged or structurally altered and no excavation for any building or other structure shall begin until a zoning permit certifying compliance with these regulations has been issued.

B. Use and occupancy permits. No building, other structure or land shall be used, nor shall any building, structure or land be converted, wholly or in part, to any other use, except for agricultural uses permitted by right under the provisions of this chapter, until a use occupancy permit, certifying compliance with these regulations, has been issued.

C. Sign permits. No permanent, freestanding or building signs may be erected without first obtaining a sign permit in accordance with Article XIX.

D. Demolition permits. No building or other structures shall be razed, demolished or removed, either entirely or in part, nor shall any of said activities be commenced, without a demolition permit.

E. Approval by the Board of Appeals shall not constitute approval of a permit as required in Subsections A, B and C.

F. Other permits. Additional permits may be required to enforce the provisions of this chapter.

§ 297-431. Applications for permits.

A. The Zoning Officer will accept applications for any of the permits listed above only from the owner of the subject property, an authorized representative of the owner or a contract purchaser.

B. The Zoning Officer may require an applicant to submit proof of ownership, authority from the owner or contractual relationship with the owner.

C. When required under the provisions or requirements of this chapter, a major or minor site plan, in compliance with Appendix A[74], shall be submitted to the Zoning Officer along with the application for a zoning permit.

§ 297-432. Applications to be complete.

A. The Zoning Officer will only consider fully completed applications for the permits listed in

74 **Editor's Note: Appendix A is included at the end of this chapter.**

§ 297-430.

B. The Zoning Officer will deem an application to be complete when it contains all of the information that is necessary to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter.

C. All applications to be approved by the Zoning Officer shall include the information set forth in Appendix A[75] of this chapter for the particular type of approval requested.

D. The Zoning Officer shall develop application forms, instructional sheets, manuals, checklists or other techniques or devices to assist applicants in understanding the application requirements and the form(s) and type of information that must be submitted.

§ 297-433. Permit issuance.

A. The Zoning Officer will issue any permit authorized by this chapter only when a review of the application submitted, including a site plan and any other plan required, indicates that the development will comply with the provisions of this chapter and any approval granted by the Board of Appeals, Planning Commission and/or County Commissioners. Any plans and applications finally approved are incorporated into any permit issued, and all development shall occur strictly in accordance with such approved plans and applications.

B. A permit is issued when a copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand-delivered or mailed to the permit applicant.

§ 297-434. Permit violations.

All permits issued by the Zoning Officer, based on plans or applications approved by the County Commissioners, Planning Commissioner and/or Board of Appeals, are deemed to authorize any such approved uses, arrangements, construction or other matter allowed by this chapter. Any use, arrangement, construction or other matter which deviates from that authorized by the permit is a violation of this chapter.

§ 297-435. Inspection, supervision during installation.

A. The construction standards for all off-site and on-site improvements required by this chapter shall conform to all applicable county design and construction standards. Appropriate county agencies will approve the plans and specifications for all required improvements and shall inspect the construction of such improvements to ensure conformity.

B. Inspection during the installation of the on- and off-site improvements shall be made by the Zoning Officer in order to certify compliance with the approved site plan and. applicable

75 **Editor's Note: Appendix A is located at the end of this chapter.**

standards.

C. Upon satisfactory completion of the required improvements, and after having received verification by the appropriate c ounty agencies, the Zoning Officer shall recommend to the County Commissioners the release of any bond which may have been furnished for the guaranty of satisfactory installation of such improvements or parts thereof. This release shall provide for 10% of the total bond to be retained for a period of 12 months after completion of all work. Said retainer shall be for the protection of the county to remedy failures, discrepancies or other defects in the previously approved improvements.

D. The installation of such improvements shall in no case serve to bind or obligate the county to accept responsibility for the m aintenance, repair or operation of such improvement in any way unless the county determines that such on-site or off-site improvement, after completion, will be dedicated to the county . In such case, a maintenance agreement may be required by the county.

§§ 297-436 through 297-446. (Reserved)

ARTICLE XXVII
Amendments

§ 297-447. Text Amendments.

A. An application for a text amendment may be initiated by the County Commissioners, the Planning Commission, an agency of the county government or any person.

B. An application for a text amendment may be filed with the Zoning Officer at any time, upon payment of the specified filing fee.

C. An application for a text amendment shall set forth the following required information:

(1) The new text to be added and the existing text, if any, to be deleted or amended.

(2) The specific reasons why such a text amendment is necessary and should be approved by the County Commissioners.

D. All application files will be in the custody of the Zoning Officer and will be open to public inspection during regular office hours. Any persons may, at their expense, obtain copies of any or all portions of an application file.

E. The Planning Commission, within 45 days after the filing of an application, will issue written notification to the applicant of the date when it will consider the requested text amendment.

F. The Zoning Officer will transmit to the Planning Commission a report and recommendation on the proposed text amendment at least 15 days prior to the date when the proposed text amendment will be considered.

G. The Planning Commission, within 60 days after considering the proposed text amendment, shall transmit a report and recommendation, along with those of the Zoning Officer, to the County Commissioners.

H. The County Commissioners, within 45 days after receiving the report and recommendations of the Planning Commission and Zoning Officer, will issue written notification to the applicant of the scheduled date of the public hearing on the proposed text amendment.

I. The Zoning Officer shall provide newspaper notice of the date, time and place of the County Commissioners' public hearing on the proposed text amendment, together with a summary of the proposed text amendments, which shall be published in at least one newspaper of general circulation in Charles County, once each week for two successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing, pursuant to Article 66B of the Annotated Code of Maryland.

J. The County Commissioners, during the public hearing, may establish time limitations for the testimony by persons and associations.

K. The County Commissioners, at their discretion, may hold the record open for a time certain subsequent to the termination of the public hearing for the submission of additional information or analysis by the Planning Commission, Zoning Officer or any person who testified during the hearing.

L. The County Commissioners, at their discretion, may continue a public hearing to a specific date and time without having to publish notice of such a continued hearing.

M. The County Commissioners, no later than 60 days after the termination of the public hearing or after the record is closed, shall issue a written resolution which considers the merits of the text amendment and provides reasons for its adoption or denial.

N. The County Commissioners shall have the right to extend any of the time deadlines in this section.

O. An applicant may withdraw, in writing, an application for an amendment of the text of this chapter any time prior to the County Commissioners' public hearing. In such case, either the Planning Commission or Zoning Officer may become the sponsor or new applicant for the text amendment.

§ 297-448. Local map amendments.

A. The County Commissioners, at their discretion during the first year after the adoption of this chapter, may allow applications for local map amendments to be filed at designated times which may not necessarily conform to the filing periods set out in Subsections B and C below.

B. Applications for local map amendments requesting rezoning of land to a different base zone will be accepted only in the months of January, April, July and October, upon payment of the specified filing fee. **[Amended 10-25-1999 by Ord. No. 99-92]**

C. Applications for local map amendments requesting rezoning of land to a planned development zone will be accepted only in the months of February, May, August and November, upon payment of the specified filing fee. **[Amended 10-25-1999 by Ord. No. 99-92]**

D. Applications for all local map amendments shall contain the information required in the forms provided by the Zoning Officer.

E. The Zoning Officer shall have custody of all zoning files and shall maintain the record in each such case.

F. Within 45 days after the filing of a complete application, the Planning Commission will establish a date for the public meeting to consider the application. **[Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]**

G. The Zoning Officer, 15 days prior to the Planning Commission's public meeting on the application, shall submit a written report and recommendation analyzing whether the application satisfies the requirements of this chapter and the provisions of Article 66B of the Annotated Code of Maryland and other appropriate laws, regulations, standards and court decisions and is in accordance with the recommendations of the Comprehensive Plan for the subject property.

H. The Planning Commission's public meeting on the application will be in accordance with its duly adopted Rules of Practice and Procedure.

I. The Planning Commission may continue a public meeting or may hold the record open for the submission of additional information.

J. Within 60 days after the termination of the public meeting or the closing of the record, the Planning Commission will transmit its report and recommendation on the application to the County Commissioners, along with the report and recommendation of the Zoning Officer.

K. Within 60 days after the receipt of the Planning Commission's and Zoning Officer's reports and recommendations, the County Commissioners shall establish and notify the applicant of the date, time and place for the public hearing on the application.

L. At least 14 days prior to the public hearing, the applicant shall post the subject property, pursuant to the County Commissioners' Rules of Practice and Procedure, with signs that are provided by the Zoning Officer.

M. The required location for the posting of the zoning sign will be given to the applicant by the Zoning Officer in accordance with the County Commissioners' Rules of Practice and Procedure.

N. During the public hearing, the applicant shall submit an affidavit of posting to the County Commissioners.

O. At least 14 days prior to the public hearing, the applicant shall mail a letter of notification, on the applicable form provided by the Zoning Officer, to each property owner whose land either abuts or confronts the property that is the subject of the rezoning request.

P. During the public hearing, the applicant shall submit an affidavit of mailing to the County Commissioners.

Q. The Zoning Officer shall cause publication of notice, cost to be paid by the applicant, of the date, time and place of the public hearing, together with a summary of the requested rezoning, in at least one newspaper of general circulation in the county once each week for two successive weeks, with the first publication of notice at least 14 days prior to the public hearing.

R. The public hearing will be conducted pursuant to the Rules of Practice and Procedure adopted by the County Commissioners which, among other things, but in no way limited thereto, shall control the duration of testimony, cross-examination of witnesses and all other matters related to the conduct of the hearing.

S. The County Commissioners may continue a public hearing to a time certain without having to advertise or give notice of each additional session of the hearing.

T. The County Commissioners may close the record at the termination of the hearing or may request any party at the hearing to submit additional information and may hold the record open after the termination of the hearing to receive such information, the views of the opposing party or an analysis of such information in a supplemental written report from the Planning Commission or Zoning Officer.

U. The County Commissioners may request a supplemental report from the Planning Commission or Zoning Officer to analyze any information, testimony, exhibits or issues related to the hearing; and may cause the record to remain open for a specified period of time in order to receive such supplemental report.

V. Within 60 days after the record is closed, the County Commissioners shall issue a written decision, either granting or denying the application, which contains findings of fact and conclusions of law to support such decision.

W. The County Commissioners may extend or continue the time for the issuance of their decision on an application.

X. An applicant may withdraw, in writing, an application for a local map amendment any time prior to the County Commissioners' public hearing. Any new application for the rezoning of the same property shall be subject to all procedures and fees required for an original application for a local map amendment.

Y. Continuances at applicant's request. At least 10 days prior to the Planning Commission's public meeting or the County Commissioners' public hearing, an applicant, in writing and for good cause shown, may make one request that such meeting or hearing be continued to a date

certain.

(1) Continuances may be for no less than 45 days and no more than 90 days.

(2) The applicant shall pay the cost of the republication notice.

§ 297-449. Procedure for amending provisions or conditions established in granting local map amendment.

A. The County Commissioners' procedures for considering a request to revise, amend or change any of the provisions, conditions or requirements imposed on the granting of a zoning reclassification shall adhere to all of the procedures and requirements established for the processing and consideration of a local map amendment contained in § 297-448.

B. A request to revise, amend or change any of the provisions, conditions or requirements imposed on the granting of a zoning reclassification shall satisfy all of the standards and requirements of the zone which was mapped on the subject property when the County Commissioners granted the most recent zoning reclassification.

§§ 297-450 through 297-460. (Reserved)

ARTICLE XXVIII
Nonconforming Uses

§ 297-461. Introduction.

If there existed, prior to the adoption of this chapter or subsequent amendments of this chapter, lawful lots, buildings, structures or uses which now, by virtue of the adoption of this chapter, do not conform to the regulations or requirements of this chapter, such nonconforming situations may continue to exist, subject to the regulations contained in this article.

§ 297-462. Determination of nonconforming situations.

A. The Zoning Officer shall have the authority to determine and confirm the existence of a nonconforming situation and the date of the creation of the nonconforming situation upon a review of an application filed by the property owner along with payment of the filing fee, which must contain the following information:

   (1) A full description of the specific nonconforming situation that exists on the subject property and its magnitude and extent.

   (2) The date the situation came into existence, as a legal situation, or a date prior to the adoption of this chapter or its amendments when the situation first existed.

   (3) The specific zoning regulation which caused the prior legal situation to become nonconforming.

   (4) A statement, supported by appropriate documentation, that clearly demonstrates that the nonconforming situation has continuously existed without interruption from the date when it became a nonconforming situation until the date when the application for determination was filed with the Zoning Officer.

   (5) Documentation from any county or state government agency of certified records or permits substantiating the date when the situation came into existence or of its continued, uninterrupted existence since its origination.

B. The casual, temporary or illegal use of land is not a basis to support the .existence of a nonconforming situation.

C. The burden of proof necessary to support an application for the determination of a nonconforming situation is on the applicant.

D. The Zoning Officer shall issue the determination within 60 days after the application is found

to be complete.

E. If the Zoning Officer does not issue the determination within 60 days, the applicant has the ability to appeal the matter to the Board of Appeals.

F. After the receipt of notice that the Zoning Officer has not made a determination, the applicant will have 30 days to file an appeal with the Board.

G. Thereafter, all of the general provisions and the specific requirements and procedures related to appeals contained in Article XXV will be applied by the Board in its determination of whether a nonconforming situation does or does not exist.

§ 297-463. Developed nonconforming lots.

Any developed lot reduced in area or setback to a nonconforming lot by reason of a realignment or dedication of any existing federal, state or county road or by reason of a condemnation proceeding is a nonconforming lot of record. Any lawful structure on such lot before reduction in lot size is a nonconforming structure and may continue. A change in use of a developed nonconforming lot may be accomplished in accordance with

§ 297-464. Undeveloped nonconforming lots.

A. A lot is undeveloped if it has no principal building on it or if there is a principal building on it which is structurally unsound, unsafe or unlawful due to lack of repairs and maintenance and is declared to be unsound, unsafe or unlawful by reason of physical condition.

B. When a nonconfonning lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums contained in .Article VI, then the lot may be used as proposed just as if it were conforming.

C. When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements contained in Article VI cannot reasonably be complied with, then a variance approved by the Board of Appeals is required.

D. If, on the date this chapter becomes effective, an undeveloped non-conforming lot adjoins and is contiguous with one or more other undeveloped lots under the same ownership, then neither the owner of the non-conforming lot nor his successors-in-interest may take advantage of the provisions of this section. This subsection shall not apply to a non-conforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also non-conforming. The intent of this subsection is to require non-conforming lots to be combined with other undeveloped lots to create conforming lots, but not to require such combination when that would be inconsistent with the way the neighborhood has previously been developed.

E. A single lot or parcel of land rendered non-conforming by the provisions of the Critical Area Zone shall conform to all applicable requirements of Article IX.

F. If a lot lacks street frontage, it must have an unrestricted right of access.

§ 297-465. Extension or enlargement of nonconforming situations.

A. Except as specifically approved by the Board of Appeals as provided in Subsection G, no person may engage in any activity that causes an increase in the extent of non-conformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful, unless approved by the Board, if such activity results in:

(1) An increase in the total amount of space devoted to a non-conforming use; or

(2) Greater non-conformity with respect to dimensional restrictions, such as setback requirements, height limitations or density requirements, or other requirements such as parking.

B. Subject to Subsection D, a non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building unless approved by the Board under the provisions of Subsection G.

C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became non-conforming, except as approved by the Board under the provisions of Subsection G.

D. The volume, intensity or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity, rather than changes in kind, and no violations of other provisions of this section occur.

E. Notwithstanding Subsection A, any structure used for single-family residential purposes and maintained as a non-conforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities with respect to such matters as setback and parking requirements. This subsection is subject to the limitations stated in § 297-468, Abandonment and discontinuance of non-conforming situations.

F. A non-conforming structure may be altered to decrease its non-conformity.

G. The Board of Appeals shall consider and may grant approval, with or without conditions, for the expansion or extension of existing non-conforming situations based on the following standards:

(1) Such an application shall be subject to the provisions of this chapter applicable to special exception uses.

(2) No approval shall be granted for an extension or expansion which exceeds 50% of the land area or gross floor area in use at the time of the creation of the non-conforming situation.

(3) The extension or expansion shall not occur on any adjoining property under the same ownership at the time of the creation of the non-conforming situation.

(4) The extension or expansion shall involve vontinuance of the activities which were permitted and being conducted on the site at the time of the creation of the non-conforming situation.

§ 297-466. Repair; maintenance; reconstruction.

A. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 25% of the appraised valuation of the structure to be renovated, may be done only in accordance with the provisions of this section.

B. If a structure located on a lot where a non-conforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25% of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with the provisions of this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed just as they may be enlarged or replaced as provided in § 297-465E.

C. For purposes of Subsections A and B:

(1) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.

(2) The "cost" of renovation or repair or replacement shall include the total value of all such intended or necessary work, and no person may seek to avoid the intent of Subsections A or B by doing such work incrementally.

(3) The "appraised valuation" shall mean either the appraised valuation for property tax

purposes or the valuation determined by a professionally recognized property appraiser, whichever is higher.

D. The Zoning Officer shall issue a permit for work authorized by this section upon finding that, in completing the renovation, repair or replacement work:

(1) No violation of § 297-465 will occur; and

(2) The permitted will comply to the extent reasonably possible with all provisions and requirements applicable to the existing use, except that the permitted shall not lose his right to continue a nonconforming use.

E. Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation exists or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting requirements such as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

§ 297-467. Change in use of property where nonconforming situation exists.

A. A change in use of property where a non-conforming situation exists may not be made except in accordance with this section. These requirements shall not apply if only a sign permit is needed.

B. If the intended change in use is to a principal use that is permitted by right in the zone where the property is located and all of the other requirements of this chapter applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its nonconforming status.

C. If the intended change in use is to a principal use that is permitted by right in the zone where the property is located, but all of the requirements of this chapter applicable to that use cannot reasonably be complied with, then the change is permissible if the Zoning Officer finds that, in addition to any other findings that may be required by this chapter, the intended change will not result in a violation of § 297-465.

D. If the intended change in use is to another principal use that is also nonconforming, then the Board of Appeals may authorize the change in use if, in addition to the other required findings, it is found that:

(1) The use requested is one that is permitted by right in some zone;

(2) All of the conditions applicable to the permit authorized in Subsection C above are

satisfied; and

(3) The proposed development will be more compatible with the surrounding neighborhood than the existing use in operation.

§ 297-468. Abandonment and discontinuance of nonconforming situations.

A. In the event that a non-conforming use ceases for a period of one year or more, then the non-conforming use shall be deemed abandoned, and compliance with this chapter shall be required.

B. When an existing lawful structure or operation made non-conforming by the adoption or amendment of this chapter is vacant or discontinued at the effective date of this chapter or the amendment that created the non-conforming situation, the one-year period, for purposes of this section, begins to run on the effective date of this chapter or amendment, whichever is applicable.

§§ 297-469 through 297-479. (Reserved)

ARTICLE XXIX
Transition Provisions

§ 297-480. Approved or pending zoning permits, site plans or building permits.

A. The requirements of this chapter shall not apply to any building, structure or use established pursuant to a valid zoning permit or building permit approved prior to the effective date of this chapter, provided that some manifest commencement of work is undertaken and evidenced within 12 months after the effective date of this chapter.

B. The requirements of this chapter shall not apply to any building, structure or use proposed to be established pursuant to a valid zoning permit, site plan or building permit application pending on the effective date of this chapter, provided that the requirements of the old ordinance (No. 74-50),[76] as amended, shall apply if a zoning permit is approved within 60 days after the effective date of this chapter; and that some manifest commencement of work is undertaken and evidenced within 12 months of the date of the approved zoning permit.

§ 297-481. Approved or pending preliminary plats.

A. The requirements of this chapter shall not apply to lots shown on a preliminary subdivision plat approved before the effective date of this chapter, provided that the final plat shall have been recorded in the county land records before the effective date of this chapter or shall be recorded within two years after such effective date.

B. The requirements of this chapter shall not apply to lots shown on a final minor or any preliminary subdivision plat pending approval on the effective date of this chapter, provided that the requirements of the old ordinance (No. 74-50),[77] as amended, shall apply; the plat shall be approved by the Planning Commission within 60 days after the effective date of this chapter; and the final plat shall be recorded in the county land records within two years after the date of approval of the preliminary plat.

C. The requirements of this chapter shall not apply to the lots shown in a project on the sewer capacity waiting list 60 days after the effective date of this chapter, provided that a final plat shall be recorded in the county land records within two years after the date they are put on the list.

§ 297-482. Board of Appeals approvals.

A. The requirements of this chapter shall not alter the approval and conditions of any variance or special exception use approved by the Board of Appeals pursuant to the old ordinance (No.

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76 **Editor's Note: Ordinance No. 74-50, adopted 12-31-1974, as amended, comprised former Ch. 295, Zoning.**
77 **Editor's Note: Ordinance No. 74-50, adopted 12-31-1974, as amended, comprised former Ch. 295, Zoning.**

74-50),[78] as amended.

B. The requirements of this chapter shall not apply to any case pending before the Board or courts of this state if, following a valid Board approval pursuant to the old Ordinance (No. 74-50), as amended, some manifest commencement of work is undertaken and evidenced pursuant to the final Board approval within 12 months after the effective date of this chapter.

§ 297-483.[79] Zoning in effect prior to effective date of this chapter.

All zoning classifications and maps, special exceptions, variances, conditional uses and all applications for such approvals, including the particular zoning category or categories applicable to a parcel of land, established under the old ordinance (No. 74-50),[80] as amended, shall, as of the effective date of this chapter, be of no further effect or validity, except to the extent that specific continuing rights are granted by the terms of this chapter.

§§ 297-484 through 297-496. (Reserved)

78 **Editor's Note: Ordinance No. 74-50, adopted 12-31-1974, as amended, comprised former Ch. 295, Zoning.**

79 **Editor's Note: Former § 297-483, Provisional zoning; retention of certain commercial and industrial zones, along with § 297-484, Continuation of provisional zoning, was repealed 12-11-2000 by Ord. No. 00-93.**

80 **Editor's Note: Ordinance No. 74-50, adopted 12-31-1974, as amended, comprised former Ch. 295, Zoning.**

ARTICLE XXX
Development Rights and Responsibilities Agreements
[Added 10-4-2004 by Ord. No. 04-04]

§ 297-497. Purpose.

The purpose of this article is to provide an additional technique for land development consistent with the Comprehensive Plan as authorized by the Annotated Code of Maryland. It is the purpose of this article to enhance development flexibility, innovation and quality while ensuring protection of the public interest, health, safety and welfare.

§ 297-498. Authority.

The County Commissioners' desire to exercise the authority granted by Section 13.01 of Article 66B, Annotated Code of Maryland, to authorize development rights and responsibilities agreements generally.

§ 297-499. Applicability.

Any person having a legal or equitable interest in real property in Charles County may petition the County Commissioners to enter into an agreement.

§ 297-500. Contents of development rights and responsibilities agreement.

A. At a minimum, a development rights and responsibilities agreement shall contain the following:

(1) A lawyer's certification that the petitioner has either a legal or equitable interest in the property;

(2) A legal description of the property subject to the agreement;

(3) The names of all parties having an equitable or legal interest in the property, including lienholders;

(4) The duration of the agreement, including any proposed phasing plans for the development;

(5) The permissible uses of the real property;

(6) The density or intensity of use of the real property;

(7) The maximum height and size of structures to be located on the real property;

(8) Architectural elevation sketches;

(9) A description of the plan approvals and permits required or already approved for the development of the property;

(10) A statement that the proposed development is consistent with applicable development regulations and the Comprehensive Plan;

(11) A description of the conditions, terms, restrictions or other requirements determined by the County Commissioners or their designees to be necessary to ensure the public health, safety, or welfare;

(12) To the extent applicable, provisions for:

(a) Dedication or reservation of a portion of the real property for public or private uses;

(b) Protection of sensitive areas;

(c) Preservation and restoration of historic structures; and

(d) Construction or financing of public facilities.

(13) Provisions to the effect that the petitioner shall be responsible for attorney's fees, costs, and expenses incurred by the County Commissioners in the event an agreement is abandoned or breached by the petitioner.

B. An agreement may fix the period in and terms by which development and construction may commence and be completed, as well as provide for other matters consistent with this title, including but not limited to phasing schedules and grandfather provisions.

§ 297-501. Referral to Planning Commission.

Upon receipt of a petition, the County Commissioners shall refer the petition to the Planning Commission, which may conduct a public hearing, for a determination on whether the proposed agreement is consistent with the comprehensive plan. The County Commissioners may not enter into an agreement until the Planning Commission determines whether the proposed agreement is consistent with the Comprehensive Plan. The Commissioners may, however, choose not to accept the Planning Commission recommendation.

§ 297-502. Public hearing by County Commissioners.

Before an agreement may be executed by the County Commissioners, the Commissioners shall

hold a public hearing on the agreement. Notice of the hearing shall be as provided in Article 66B, Section 4.04 of the Annotated Code of Maryland.

§ 297-503. Amendment of agreements.

A. Subject to Subsection B of this section and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

B. The parties may not amend an agreement unless the Planning Commission determines the proposed amendment is consistent with the Comprehensive Plan.

§ 297-504. Termination of agreements; suspension.

A. The parties to an agreement may terminate the agreement by mutual consent.

B. After a public hearing, the County Commissioners may suspend or terminate an agreement if the Commissioners determine that suspension or termination is essential to ensure the public health, safety, or welfare.

§ 297-505. Applicable laws, regulations and policies.

A. Except as provided in Subsection B of this section, the laws, rules, regulations, and policies governing the, use, density, or intensity of the real property subject to the agreement shall be the laws, rules, regulations, and policies in force at the time the parties execute the agreement.

B. If the County Commissioners determine that compliance with laws, rules, regulations, and policies enacted or adopted after the effective date of the agreement is essential to ensure the health, safety, or welfare of residents of all or part of the County, an agreement shall not prevent the Commissioners from requiring a person to comply with those laws, rules, regulations, and policies, after 30 days' notice to the landowner and a public hearing.

§§ 297-506 through 297-507. (Reserved)

ARTICLE XXXI
Historic Preservation Commission
[Added 4-13-2009 by Ord. No. 08-14]

§ 297-508. Purpose.

A. The preservation of sites, structures, and districts of historical, archeological or architectural significance together with their appurtenances and environmental settings is a public purpose in Charles County.

B. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Charles County by preserving sites, structures, or districts which reflect elements of cultural, social, econom ic, political, archeological, or architectural history; to stabilize and im prove property values of such sites, structures, or districts; to strengthen the local econom y; to foster civic beauty; and to promote the preservation and appreciation of such sites, structures, and districts for the education and welfare of the residents of Charles County.

§ 297-509. Statutory authority.

This Chapter is adopted pursuant to the provisions of Sections 8.01-8.17 of Article 66B of the Annotated Code of Maryland, as amended.

§ 297-510. Definitions of terms applicable to historic area zoning.

For the purpose of the historic area zoning, the following words and phrases shall have the meanings respectively ascribed to them:

ALTERATION - any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way, including, but not limited to, construction, reconstruction, moving, or demolition.

APPURTENANCES AND ENVIRONMENTAL SETTINGS - all the area of the grounds and structures thereon which surrounds a historic site or structure and to which it relates physically or visually. Appurtenances and environmental settings may include, but not be limited to, walkways and driveways (whether paved or not), trees, landscaping, pastures and crop lands.

CERTIFICATE OF APPROVAL - a certificate is sued by the Historic Preservation C ommission indicating its approval of plans for construction, alteration, reconstruction, moving, or demolition of an individually designated historic site or structure or of a site or structure within a designated historic preservation district.

EXTERIOR FEATURES - the architectural style, design, and general arrangement of the exterior of any historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs, or similar items found on or related to the exterior of an historic structure.

HISTORIC AREA WORK PERMIT - a permit issued by the Department of Planning and Growth Management upon receiving a certificate of approval from the Commission for all projects that the County conducts, assists, licenses, or permits that affect properties within a designated historic preservation district or individually designated historic sites or structures.

HISTORIC DISTRICT - an area which contains historic of sites, structures, which are significant as a cohesive unit and contribute to the historical, architectural, archeological, or cultural or aesthetical values within Charles County. A historic district shall include all property within its boundaries as defined and designated by the County Commissioners.

MINIMUM MAINTENANCE - any willful neglect in the maintenance and repair of an individually designated historic site, or structure, or a site or structure within a designated historic preservation district, not including any appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such historic site, or structure, and which results in the deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist.

RECONSTRUCTION - the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, on or near the original site as it appeared at a specific period of time.

RESTORATION - the process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

ROUTINE MAINTENANCE - means work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archaeological, or architectural significance of the site or structure.

SITE - an area which possesses historic, architectural, archeological, or cultural significance to Charles County, the state, or nation.

STRUCTURE - a combination of material to form a construction that is stable, including but not limited to buildings, stadiums, reviewing stands, platforms, stages, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words, "or part thereof."

§ 297-511. Historic Preservation Commission.

A. Historic Preservation Commission. The County hereby creates a Commission to be called the Charles County Historic Preservation Commission.

B. Membership. The Historic Preservation Commission shall consist of seven members appointed by the County Commissioners:

(1) Members shall be residents of or work in Charles County;

(2) Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines;

(a) the special interest requirement can be satisfied by either formal training in one or more of the fields or active membership in a preservation related organization;

(b) the specific knowledge requirement may be satisfied by formal post secondary education, employment or practical experience in one or more of the above listed fields;

(c) the professional or academic training requirement may be satisfied by, at a minimum, two years experience as a professional or a bachelor's degree in one or more of the above listed fields;

(3) At least two (2) members of the commission shall possess professional or academic training in one or more of the above listed fields in accordance with the minimum professional requirements of the united states department of the interior for certifying local governments under 36 CFR Part 61.

(4) To satisfy the above membership requirements, two (2) members may be appointed from the Charles County Historical Trust, and one (1) member may be appointed from the building industry, the Charles County Chamber of Commerce, the agricultural industry, historic property renovation, or the citizenry at large. However, if this composition of membership is not possible for any reason, only requirements (1) through (3) above will apply to membership on the Commission.

C. Terms. Commission members shall be appointed for terms of three (3) years, except that the terms of the initial appointments shall be staggered so that three (3) members shall serve terms of three (3) years, two (2) members shall serve terms of two (2) years so that no more than three (3) appointments shall expire in a given year. Commission members may be re-appointed.

D. Commission officers. The Commission shall elect, from its membership, a chairperson and vice chairperson. The chairperson and vice chairperson shall serve for one (1) year terms and shall be eligible for re-election.

E. Vacancy. Any vacancy in the membership of the commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment of the initial members of the Commission.

(1) Any vacancy on the Commission shall be filled by the Charles County Commissioners within sixty (60) days.

(2) In the case of expiration of term, a member may continue to serve until the member's successor is appointed.

(3) Unexcused absence at three (3) consecutive meetings shall constitute resignation by the member and shall create a vacancy.

F. Removal for cause. A member may be removed from the Commission for cause, upon written charges, by the Charles County Commissioners.

G. Compensation. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Department of Planning and Growth Management.

H. Meetings. The Commission shall hold such regular meetings and hearings as necessary to discharge its duties. Any interested person or representative of an interested person may appear and be heard at any public meeting conducted by the Historic Preservation Commission.

I. Staff. Consistent with the County's policies and procedures, employees may be assigned to the Commission, and such services and facilities shall be made available as the County deems necessary or appropriate for the proper performance of its duties.

§ 297-512. Powers and duties.

The Historic Preservation Commission shall have the following powers and duties:

A. Direct studies, reports, and surveys to identify historical, archeological, or architecturally significant sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the county, state, or nations;

B. Accept and use gifts for the exercise of its functions, consistent with the county's charter, ordinances, resolutions, local public law, policies and procedures regarding the acceptance and use of gifts by public officials;

C. Prescribe appropriate rules and regulations for transaction of its business;

D. Accept and review applications for designation of local historic sites and districts, and forward recommendations to the planning commission for its review and recommendation to the County Commissioners;

E. Review and process applications for certificates of approval;

F. Recommend for adoption by the County Commissioners rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving, and demolition of designated historic sites, structures, and districts which are consistent with the secretary of the interior's standards for the treatment of historic properties (36 CFR Part 68). Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature, do not affect historic, archeological, or architectural significance, do not require review by the Commission. These guidelines shall be used in the Commission's review of applications;

G. Purchase or accept historic preservation easements on designated historic structures or sites and, when deemed appropriate by the commission, sites or structures located in, or adjacent to, a designated historic district, consistent with the County's charter, ordinances, resolutions local public law, policies and procedures governing the acquisition of easements;

H. Make recommendations to the Department of Planning and Growth Management and to the Planning Commission, as appropriate, on the course of action in the event of demolition, preliminary subdivision plan review or site development of land containing a local historic site, structure, or district as it relates to its preservation or commemoration;

I. Adopt rules to implement and administer a local historic tax credit program . The Commission shall adopt rules to implement the historic tax credit program under Chapter 281 and 297 of the County Code;

J. Approve historic tax credits. As specified in Chapter 297 and 281 of the County Code, the Commission may determine whether a historic structure is eligible for a historic tax credit and approve an application for a historic tax credit; and,

K. Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this article.

L. The Historic Preservation Commission may request that the enforcing authority institute any of the remedies and penalties provided by law for any violation of an ordinance or resolution adopted under this subtitle.

§ 297-513. Designation.

The County Commissioners of Charles County may designate boundaries for sites, structures, or districts of historic, archeological, or architectural significance consistent with adopted criteria for such designation according to the procedures outlined in this act.

A. Designation procedure. Upon application, the Historic Preservation Commission after making a full and proper study, recommends any area within the limits of the County for designation as a site, structure, or district of historic, archeological, or architectural significance. The Commission may also recommend boundaries for such sites, structures or districts. The recommendations shall be submitted to the Paanning Commission for their review and forwarded to the County Commissioners for approval or disapproval.

B. Criteria for designation. The following criteria are to be considered when making a determination to designate as historic a site, structure, or district. Any application that is deemed by the Historic Preservation Commission not to meet the criteria for designation does not need to be forwarded to the Planning Commission for further consideration.

(1) National Register of Historic Places. The site structure or district under consideration should generally meet the criteria necessary to be placed on the National Register of Historic Places; and

(2) Historical and cultural significance. The historic site, structure or district under consideration:

(a) has character, interest, or value as part of the development, heritage, or culture of the county, state or nation, or;

(b) is associated with events important to the past, or;

(c) is associated with persons important in the past, or;

(d) has the potential to provide important information about history or prehistory.

(3) Architectural and design significance. The historic site, structure or district under consideration:

(a) embodies the distinctive characte ristics of a type, period, or method of construction, or;

(b) represents the work of a master, or;

(c) possesses high artistic values, or;

(d) represents a significant and distinguishable entity whose components may lack individual distinction.

C. Designation of a historic site or structure shall not result in the loss of otherwise buildable lots at the time of preliminary subdivision.

(1) To ensure that the otherwise permissible density may be achieved the Planning Commission may:

(a) approve an adjustment to the minimum lot size,

(b) grant one transferable development right for each otherwise buildable lot,

(c) approve the use of open space within the boundaries of the historic site, structure, or district, or

(d) recommend the purchase or acceptance of a conservation easement on portions of the property or on otherwise buildable lots.

(2) This provision shall not be interpreted or used as a means to recover base density that may be lost due to the application of other requirements during the normal subdivision review process.

D. Application form for historic designation.

(1) The Maryland Inventory of Historic Properties form or the National Register of Historic Places nomination forms shall serve as the application form for evaluation of historic, archaeological, and architectural significance.

(2) Applications should document how the site, structure, or district meets the criteria for evaluation and should include slides, photographs, orientation map, site plan and, if relevant, drawings.

(3) Applications for creation of a historic district or a historic site shall include a map showing proposed boundaries, an accurate description of those boundaries, and a statement of justification for the proposed boundaries.

(4) It is the responsibility of the applicant to present completed materials for a district and evidence of support by the owners of a majority of the properties in the proposed district, unless review is initiated by Historic Preservation Commission action.

(5) For individual sites or structure, it is the responsibility of the applicant to present evidence that the owner of the site or structure consents to the historic designation, if the applicant is not the owner of record of the site or structure.

E. Public meeting. Applications for designation shall be evaluated at regular public meetings of the Historic Preservation Commission, upon proper notification of the owner, applicant and interested parties. The public meeting shall be held within 45 days of application submission. Any public meetings may be adjourned to a specified time and place that is announced or posted at the public meeting. Any interested person or representative of an interested person may appear and be heard at any public meeting conducted by the Historic Preservation Commission. Subsequent public hearings will be held within 45 days of the close of the open public record.

F. Notice. At least two (2) weeks prior to the scheduled public meeting, the Historic Preservation Commission shall send written notice of the date, time,

and place of the meeting to the owner(s) of the historic site, structure or structure within a district and to those agencies, organizations, and citizens that the Commission feels may have an interest in the proceedings.

G. Designation removal. Should a historic site, structure or district no longer meet the above criteria, the designation may be removed by legislative action of the County Commissioners after receipt of a recommendation from the Historic Preservation Commission. Should a local historic site, structure or site or structure within a local historic district have received County authorized or administered preservation grants, loans or special property tax incentives, the County Commissioners may require that those funds received through grants, loans or tax incentives be reimbursed in full to the County prior to the site being removed from local historic designation.

§ 297-514. Application for certificate of approval and commission review.

A. Application for certificates of approval.

(1) Prior to the construction, alteration, reconstruction, moving or demolition affecting the exterior of a designated site or structure or a site or structure within a designated district, the person, individual, firm, or corporation proposing to make the change shall file an application for a certificate of approval for permission to construct, alter, reconstruct, move, or demolish the site, or structure.

(2) The scope of this subsection is limited to such a proposed construction, alteration, reconstruction, moving or demolition:

(a) where the proposed exterior change affect the historic, archaeological or architectural significance of the designated site or structure or the site or structure within a designated district, and

(b) where any portion of the proposed change is visible or is intended to be visible from a public way.

(3) Every application shall be referred to and considered by the Commission at a public meeting for acceptance or rejection.

(4) An application which is identical to a rejected application may not be resubmitted within a period of one year after the rejection.

(5) No certificate of approval shall be granted until the Commission has acted thereon as hereinafter provided.

B. Application review.

(1) In reviewing applications, the Historic Preservation Commission shall give consideration to:

(a) the historic, archeological, or architectural significance of the historic site, or structure and the relationship of the exterior architectural features of a site or structure to the remainder of the site or structure and to the surrounding area;

(b) the general compatibility of the proposed exterior design, scale, proportion, arrangement, texture, and materials to the site, structure or designated district, if applicable, and to the surrounding area; and

(c) any other factors which the Commission deems to be pertinent.

(2) The Commission shall consider only exterior features of a site or structure and shall not consider any interior arrangements or features.

(3) The Commission shall not disapprove an application except with respect to the several factors specified in paragraph (1) above.

(4) The Historic Preservation Commission shall strictly judge plans for sites or structures determined by research to be of historic, archeological, or architectural significance. Unless the plans would seriously impair the historic, archeological, or architectural significance of the surrounding site or structure, the Historic Preservation Commission may not strictly judge plans for a site or structure of little historic, archeological, or architectural significance; or involving new construction. The Historic Preservation Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.

(a) if an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to Charles County or of unusual importance to the state or nation, the commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the site or structure. Unless

the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the historic, archeological, or architectural significance of the site or structure, the commission shall reject the application, filing a copy of its rejection with the Department of Planning and Growth Management.

(b) if an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety (90) days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure. In the case of a site or structure considered to be valuable for its historic, archeological, or architectural significance, the commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of this section if:

(i) the site or structuee is a deterrent to a major improvement program which will be of substantial benefit to Charles County;

(ii) retention of the site or structure would cause undue financial hardship to the owner; or,

(iii) retention of the site or structure would not be in the best interests of a majority of persons in Charles County.

(c) Commission decision. The Commission shall file with the Department of Planning and Growth Management a certificate of approval certifying its approval, modification, or rejection of each application and plans submitted to it for review. Work shall not be commenced on any project until such a certificate of approval has been filed and the Department of Planning and Growth Management shall not issue historic area work permit or building permit for such change or construction unless it has received such a certificate of approval. The failure of the Commission to act upon a completed application within forty-five (45) days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an

extension of this forty-five (45) day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.

(5) Upon failure, neglect, or refusal of the property owner or other responsible party to obtain a certificate of approval, the Commission may request that the Department of Planning and Growth Management institute any of the remedies and penalties provided by law for such violations as outlined in Article 26 of the Charles County Zoning Ordinance.

§ 297-515. Delegation of certificate of approval to staff.

A. Alterations to sites, structures and environmental settings. Staff shall be authorized to issue certificates of approval for alterations to sites, structures and environmental setting that will not significantly change the exterior features of a historic site or contributing structure within an historic district or its environmental setting and that will have no significant effect on its historical, architectural, cultural, or archeological value. Certificates of approval decisions will comply with the secretary of the interior's standards for rehabilitation, where applicable. The above category shall be determined by the Historic Preservation Commission and outlined in the adopted rules of procedures.

B. General policies. The Commission may, if it so chooses, review all certificates of approvals administered by Staff at the next meeting. Property owners shall retain a right of appeal to the Commission from Staff sign-off, as will property owners within the area of notification. Staff shall refer an application to the commission if any uncertainty exists as to whether the application meets the criteria for issuing a certificate of approval.

§ 297-516. Routine maintenance.

Nothing in this article shall be taken or construed to prevent:

(A) Maintenance that does not alter the exterior fabric or features of a designated historic site, structure or a site or structure within a historic district,

(B) Customary farming operations, or

(C) Landscaping which will have no material effect on the historic, archeological, or architectural significance of a designated historic site, structure, or a site or structure within a historic district.

§ 297-517. Minimum maintenance.

Protective maintenance of historic sites, structures or sites and structures within districts shall be maintained to meet the minimum requirements of the Charles County Building Codes.

§ 297-518. Maryland Historical Trust.

The Commission may designate the Maryland Historical Trust to make an analysis of and report recommending the preservation of sites, structures, or districts of historic, archeological, architectural, or cultural significance within Charles County. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

§ 297-519. Appeals.

In the event that any party is aggrieved by a decision of the Commission, the party has the right of appeal to the Board of Appeals. Appeals must be filed within the time provided in the rules of the Board.

§ 297-520. Severability.

The provisions of this subtitle are severable. If any provision of this subtitle is held unconstitutional by a court of competent jurisdiction, the decision of the court does not affect or impair any of the remaining provisions.

§ 297-521. Transition provisions.

This act shall not apply to any applications for zoning map amendment, special exception, preliminary subdivision plan, final subdivision plat or site plan approval that are initially filed before the effective date.

APPENDIX A
ZONING REGULATIONS
Information Required with Applications for Master Plans and Site Plans
[Amended 4-23-2010 by Bill No. 2010-06]

Item No. Description	DEVELOPMENT STAGE		
	Master Plan	Minor Site Plan	Major Site Plan
I. PROJECT—PLAT INFORMATION			
1. Name, address of owner, applicant	X	X	X
2. Name, signature, license number, seal and address of engineer, land surveyor, architect, planner and/or landscape architect, as applicable, involved in document preparation	X	X	X
3. Title block denoting name and type of application, tax map sheet, election district, block and lot, parcel and street location	X	X	X
4. A key map at a specified scale showing location of tract with reference to surrounding properties, streets, landmarks, streams, etc.	X		X
5. Existing and proposed zoning of tract and adjacent property.	X		X
6. North arrow and scale	X	X	X
7. Proof that taxes are current			X
8. Appropriate certification blocks			
9. One (1) of four (4) standardized sheets: 30 inches X 42 inches 24 inches X 36 inches 18 inches X 24 inches 8.5 inches X 11 inches		X	X
10. Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all center lines and rights-of-way, and center-line curves on streets		X	X
11. Acreage of tract	X	X	X
12. Date of original and all revisions	X		X
13. Size and location of any existing or proposed structures with all setbacks dimensioned		X	X

Item No. Description	DEVELOPMENT STAGE		
	Master Plan	Minor Site Plan	Major Site Plan
I. PROJECT—PLAT INFORMATION			
14. The boundaries and acreage for each use area. For areas with mixed-use employment, commercial, residential, and open space uses, the approximate proportions of uses	X		
15. Location and dimensions of any existing or proposed roads or streets	X (Approximate)	X	X
16. All proposed lot lines and area of lots in square feet or lot dimensions		X	X
17. Copy and/or delineation of any existing or proposed deed restrictions or covenants	X (existing only)		X
18. Any existing or proposed easement or land reserved for or dedicated to public use.	X	X	X
19. Generalized development stages or staging plans, if applicable	X		X
20. List of required regulatory approvals or permits		X	X
21. List of variances required or requested		X	X
22. Requested or obtained design waivers or exceptions	X		X
23. Payment of application fees	X	X	X
24. All information required to be submitted in §297-103.	X		
II. SETTING-- ENVIRONMENTAL INFORMATION			
25. Adjacent property owners		X	X
26. The major existing built and environmental features on and adjacent to the site	X		
27. All existing streets, watercourses, floodplains, wetlands or other environmentally sensitive areas on and within 200 feet of site	X		X
28. Existing rights-of-way and/or easements on and within 100 feet of tract	X		X
29. Topographical features of subject property	X		X

ZONING REGULATIONS

Item No. Description	DEVELOPMENT STAGE		
	Master Plan	Minor Site Plan	Major Site Plan
II. SETTING - ENVIRONMENTAL CONT.			
30. Existing and proposed contour intervals based on USC & GS data. Contours to extend at least 100 feet beyond subject property as follows: Up to 3% grade: 2 feet. Over 3% grade: 5 feet.			X
31. Slope analysis areas more than 15 and 25% shall be shaded and identified as steep slopes	X		X
32. Boundary, limits, nature and extent of wooded areas, specimen trees and other significant physical features (details may vary)	X (Approximate)		X
33. Existing system of drainage of subject site and of any larger tract or basin of which it is a part			X
34. Drainage area map			X
35. Drainage calculations			X
36. Perc tests		X	X
37. A one-year floodplain based on FEMA maps	X	X	X
38. Nontidal wetlands delineation based on NWI maps	X	X	X
39. Nontidal wetlands identification based on field analysis		Disturbed area only	X
The following items are required in the areas designated in the comprehensive plan as the resource protection district (see Article IX for special requirements in the CBCA):			
40. Slope analysis areas more than 15% slope shall be shaded and identified as steep slopes	X	X	X
41. Location of areas to be disturbed by construction and location of trees measuring greater than 12 inches in diameter at 4.5 feet		X	X
42. The known locations of the habitat of any threatened or endangered species or species in need of conservation on or adjacent to the site, or within ¼ mile of the site in the case of bald eagle habitats	X	X	X

ZONING REGULATIONS

Item No. Description	DEVELOPMENT STAGE		
	Master Plan	Minor Site Plan	Major Site Plan
II. SETTING - ENVIRONMENTAL CONT.			
43. The location of anadromous fish spawning streams(s) on or adjacent to the site and a delineation of the watershed area of the stream on the site.		X	X
44. Highly erodible and hydric soils		X	X
III. IMPROVEMENTS AND CONSTRUCTION INFORMATION			
45. Proposed utility infrastructure plans, including sanitary sewer, water, stormwater management, telephone, electric and cable television	X (general availability)		X
46. Soil erosion and sediment control plan		If disturbed area more than 5,000 square feet	X
47. Stormwater management plan	X (conceptual)		X
48. Spot and finished elevations at all property corners, corners of all structures or dwellings, existing or proposed first floor elevations		X	X
49. Construction details as required by ordinance			X
50. Average grade on street road			X
51. Road and paving cross-sections and profiles			X
52. Proposed street names	X (if available)		X
53. New block and lot numbers		X	
54. Lighting plan and details			X
55. Landscape plan and details			X
56. Solid waste management plan			X
57. Location, size and type of all signs (site identification signs, traffic control signs and directional signs)			X
58. Sight triangles			X
59. Vehicular and pedestrian circulation patterns	X		X

ZONING REGULATIONS

Item No. Description	DEVELOPMENT STAGE		
	Master Plan	Minor Site Plan	Major Site Plan
III. IMPROVEMENTS AND CONSTRUCTION			
60. Parking plan showing spaces, size, and type, aisle width, curb cuts, drives, driveways and all ingress and egress areas and dimensions		X	X
61. Preliminary architectural plan and elevations			X (HC only)
62. The location and use of designated open space and/or planned recreational facilities	X		X

NOTES:

X: Item required at indicated development stage.

APPENDIX B

SPECIFICATIONS ON DRIVEWAY ENTRANCES

The county incorporates by reference the driveway specifications set forth in the County Road Ordinance[1].

1 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks.**

APPENDIX C

SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

The county incorporates by reference the specifications for street design and construction set forth in the County Road Ordinance[2].

2 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks.**

APPENDIX D

SPECIFICATIONS FOR PARKING AREA SURFACES

The county incorporates by reference the specifications for parking area surfaces set forth in the County Road Ordinance[3].

3 **Editor's Note: See Ch. 276, Streets, Roads and Sidewalks.**

APPENDIX E
GUIDE FOR LANDSCAPING
[Amended 5-7-08 by Bill No. 2008-01]

E-l: Guide for Protecting Existing Trees.

Articles XXI, XXII and XXIII provide for the retention and protection of large trees when land is developed. Retention and protection of existing trees are the priority and preferred options when developing new sites. To better ensure the survival of existing trees, the developer should heed the following guidelines:

(1) Protect existing trees with fencing and armoring during the entire construction period. The fence should enclose an area ten (10) feet radial distance or equal to the crown radius, whichever is greater, with the tree at the center.

(2) Avoid compaction of the soil around existing trees due to heavy equipment. Do not pile dirt or other materials beneath the crown of the tree.

(3) Keep fires or other sources of extreme heat well clear of existing trees.

(4) Repair damaged roots and branches immediately. Exposed roots should be covered with topsoil. Wherever roots are destroyed, a proportional amount of branches must be pruned so the tree doesn't transpire more water than it takes in. Injured trees must be thoroughly watered during the ensuing growing year.

E-2: Standards for Street and Parking Lot Trees.

Trees planted in compliance with the requirements of Articles XXI, XXII and XXIII shall have most or all of the following qualities.

(1) Hardiness.

(a) Resistance to extreme temperatures.

(b) Resistance to drought.

(c) Resistance to storm damage.

(d) Resistance to air pollution.

(e) Ability to survive physical damage from human activity.

(2) Life cycle.

(a) Moderate to rapid rate of growth.

(b) Long life.

(3) Foliage and branching.

(a) Tendency to branch high above the ground.

(b) Wide spreading habit.

(c) Relatively dense foliage for maximum shading.

(4) Maintenance.

(a) Resistance to pests.

(b) Resistance to plant diseases.

(c) Little or no pruning requirements.

(d) No significant litter problems.

E-3: Formula for Calculating Thirty-Five-Percent Shading of Parking Areas.

The following is a formula for determining the number of shade trees required in and around paved parking lots in order to presumptively satisfy the shading requirements of Article XXI.

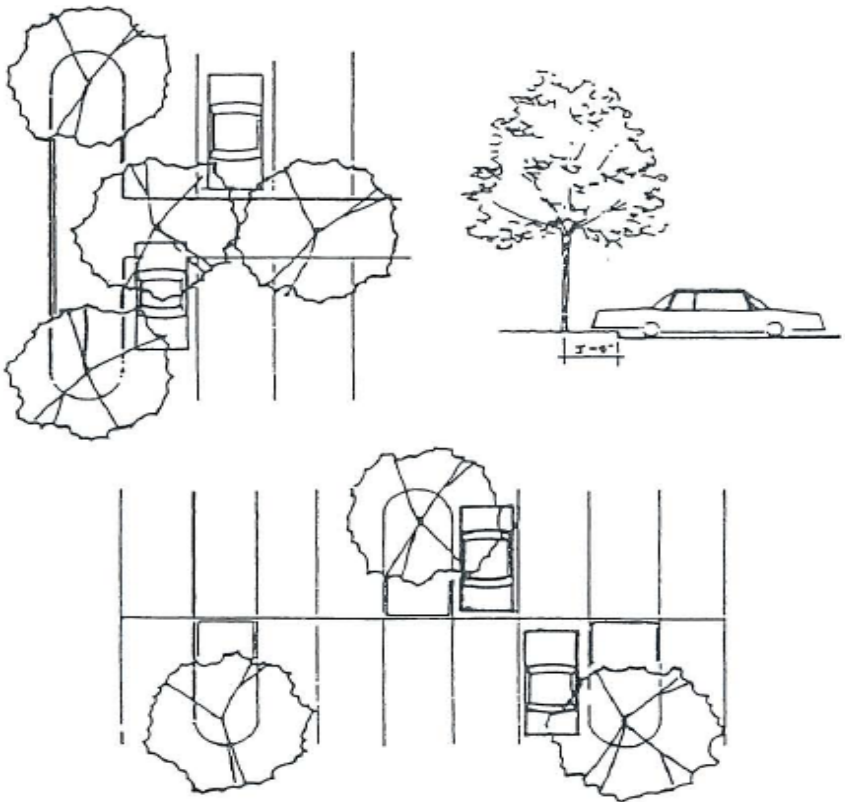
(1) Including parking spaces, driveways, loading areas, sidewalks and other circulation areas and not including building area or any area which will remain completely undeveloped, calculate square footage of the vehicle accommodation area:	sq. ft.
(2) Multiply	X .35
(3) Area to be shaded =	sq. ft.
(4) Area shaded by existing trees to be retained in and around the vehicle accommodation area:[1]	sq. ft.
(5) Area shaded by required screening trees, if any:[1]	sq. ft.
(6) Area shaded by required street trees, if any:[1]	sq. ft.
(7) Subtotal- [If line (7) is greater than line (3), then the shading requirement has been met. If not, go to line (8).]	sq. ft.
(8) Enter the difference between line (7) and line (3):	sq. ft.
(9) Divide line (8):	÷ 707
(10) Total number of shade trees required within the vehicle accommodation area=	trees

NOTES: [1] Existing trees retained in compliance with Article XXI, XXII and XXIII will be credited according to their actual crown radius. Shaded area may be calculated as follows:

3.14 x (crown radius)2 = shaded area

Trees planted within the vehicle accommodation area are credited with shading seven hundred seven (707) square feet [based on a crown radius of fifteen (15) feet]. New or existing trees on the perimeter, within 15 feet of the parking lot, are credited for having only half a crown over the vehicle accommodation area [e.g., new perimeter trees will be credited for shading three hundred fifty-four (354) square feet]. Generally, all trees planted in compliance with the screening requirements of Articles XXII and XXIII and the street tree requirements of § 297-357 [1] will be considered perimeter trees. When smaller trees such as dogwoods are planted, the credited shading area will be adjusted downward to three hundred fourteen (314) square feet for interior trees and one hundred fifty-seven (157) square feet for perimeter trees. [based on a crown radius of ten 10 feet].

E-4: Typical Parking Lot Planting Islands.



E-5: Guide for Planting Trees.

The trees recommended in Section E-l0 are native to the coastal plain physiographic region and adapted to local conditions. All trees must receive a certain degree of care, especially during and immediately after planting. To protect an investment in new trees, the developer should ensure that the following guidelines are followed when planting:

1 **Editor's Note: See now § 297-358.**

(1) The best times for planting are early spring and early fall. Trees planted in the summer run the risk of dehydration.

(2) Plant all trees at four (4) feet from the end of head-in parking spaces to prevent damage from car overhangs.

(3) Dig the tree pit at least one (1) foot wider than the root ball and equal to the ball's vertical dimension, so the top of the root ball will be flush with the ground level.

(4) Especially in areas where construction activity has compacted the soil, the bottom of the pit should be scarified or loosened with a pickax or shovel.

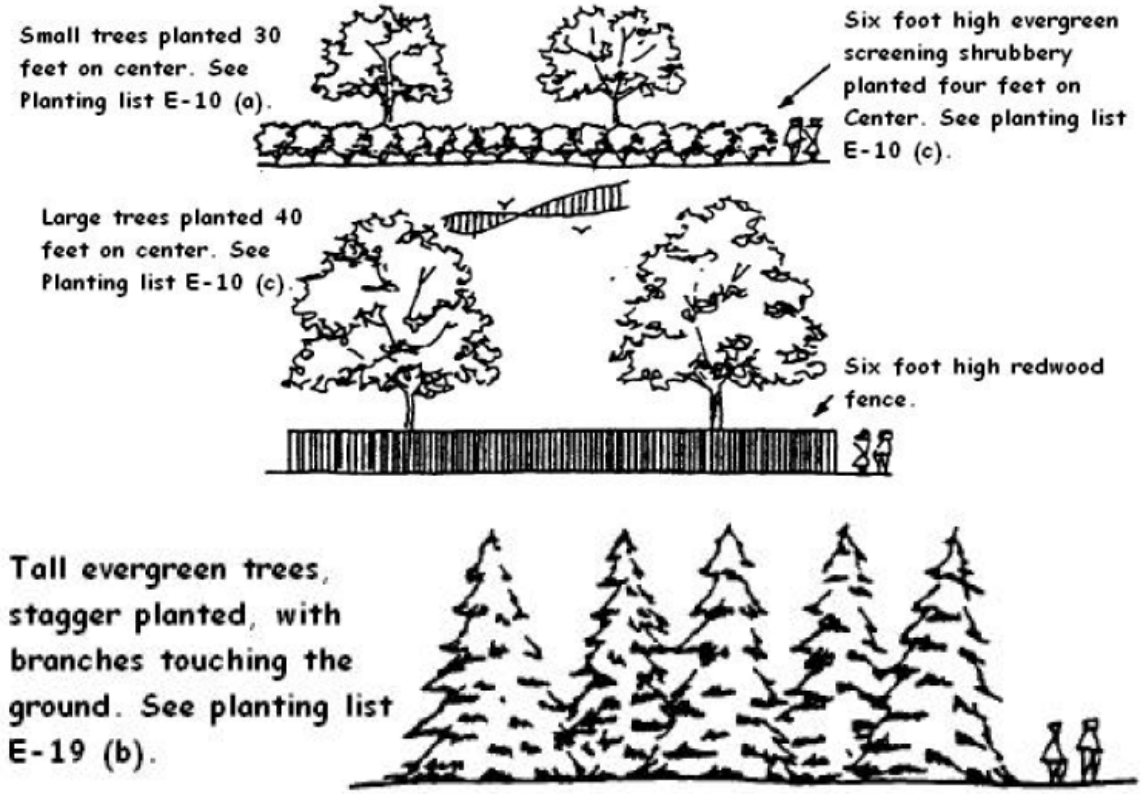
(5) Backfill for entire parking peninsulas and planting areas should be with the site's existing soil. However, if soil is hard, compacted fill dirt, the soil in the entire parking peninsulas and planting areas should be improved with organic matter and the ground worked so that it can be more easily planted. All roots must be completely covered. Plant material should be thoroughly watered after installation.

(6) Immediately after it is planted, the tree should be supported with stakes and guy wires to hold it firmly in place as its root system begins to develop. Staked trees will become stronger more quickly. Remove stakes and ties after one (1) year.

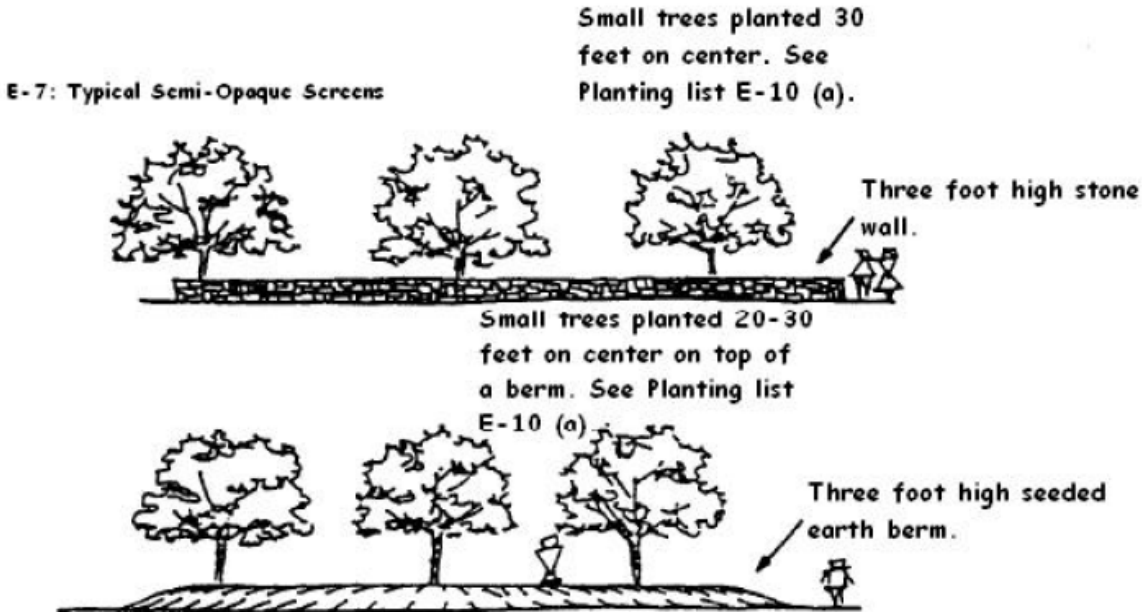
Spread mulch a maximum of one (1) inch over the entire excavation in order to retain moisture and keep down weeds. An additional three-to-four-inch saucer of mulch should be provided to form a basin around the trunk of the tree with a two-foot (2) radius. This saucer helps catch and retain moisture.

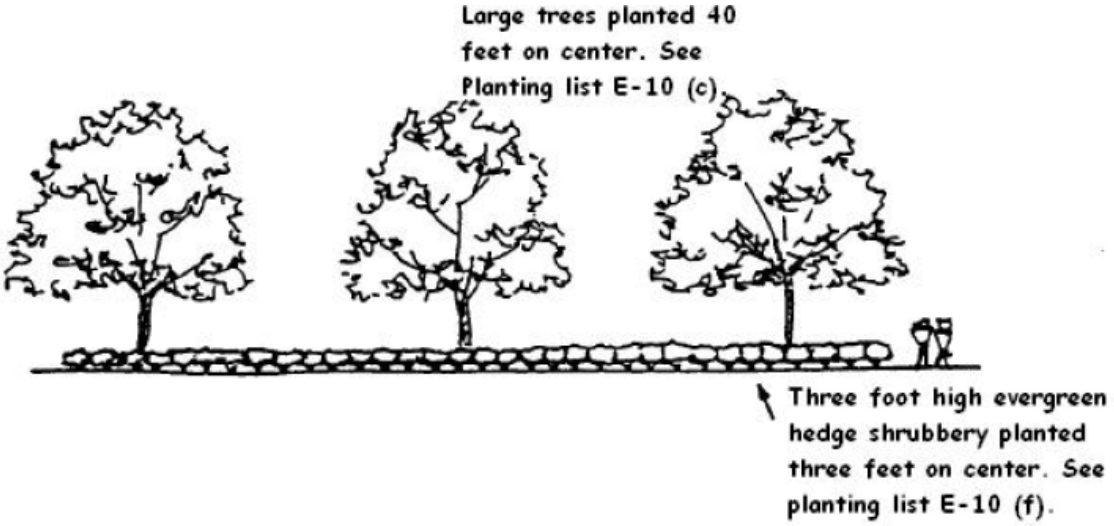
(7) To ensure survival and to meet the intended use, all shade, canopy and street trees referenced in this chapter shall be a minimum of two (2) inches in diameter at breast height at planting. All understory trees shall be a minimum of one and one-half (1 ½) inches in diameter at breast height at planting.

E-6: Typical Opaque Screens.

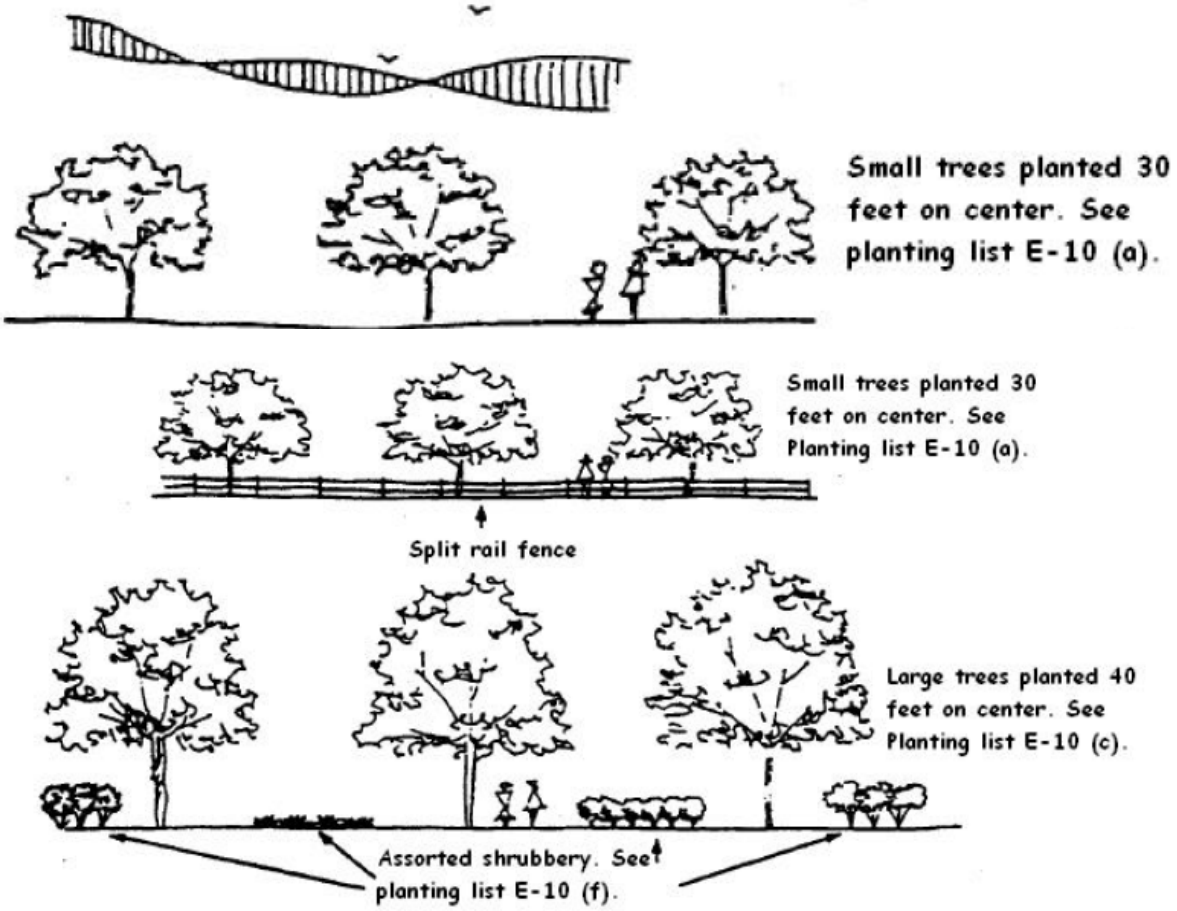


E-7: Typical Semi-Opaque Screens.





E-8:Typical Broken Screens.



E-9: Guide for Planting Shrubs.

Shrubs planted for screening purposes should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in Section E-5 also apply to shrubs. However, because specific requirements vary considerably between shrub types, this appendix does not attempt to generalize the needs of all shrubs. For detailed planting information on individual species, refer to the Manual of Woody Landscape Plants by Michael Dirr.

E-10: Lists of Recommended Trees and Shrubs. [Amended 5-17-08 by Ord. No. 2008-01]

The following lists indicate plantings which will meet the screening and shading requirements of Articles XXI, XXII and XXIII of this chapter. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to four (4) principal criteria: general suitability for the climate and soil conditions of this area, ease of maintenance, wildlife value, and availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the types of plants which are thriving on or near that site.

(a) Small trees for partial screening.

(1) Serviceberry	Amelanchier canadensis	(10) American Holly	Ilex opaca
(2) Paw-Paw	Asimina triloba	(11) Sweetbay Magnolia	Magnolia virginiana
(3) River Birch	Betula nigra	(12) American Crabapple	Malus coronaria
(4) Chinquapin	Castanea pumila	(13) Ironwood	Ostrya virginiana
(5) Eastern Rosebud	Cercis canadensis	(14) Choke Cherry	Prunus virginiana
(6) White Fringe Tree	Chinonathus virginicus	(15) Black Willow	Salix nigra
(7) Flowering Dogwood	Cornus florida	(16)Sassafras	Sassafras albidum
(8) Cockspur Hawthorn	Crataegus crus-galli		
(9) Green Hawthorn	Crataegus viridis		

(b) Large Trees for evergreen screening

(1) Atlantic White Cedar	Chamaecyparis thyoides	(5) Pond Pine	Pinus serotina
(2) Eastern Red Cedar	Juniperus virginiana	(6) Loblolly Pine	Pinus taeda
(3) Southern Yellow Pine	Pinus echinata	(7) Virginia Pine	Pinus virginiana
(4) Pitch Pine	Pinus rigida	(8) Bald Cypress	Taxodium Distichum

(c) Large trees for shading

(1) Box Elder	Acer negundo	(17) American Sycamore	Platanus occidentalis
(2) Red Maple	Acer rubrum	(18) Black Cherry	Prunus serotina
(3) Mockernut Hickory	Carya alba	(19) White Oak	Quercus alba
(4) Swamp Hickory	Carya cordiformis	(20) Swamp Oak	Quercus bicolor
(5) Smooth Bark Hickory	Carya glabra	(21) Scarlet Oak	Quercus coccinea
(6) Shagbark Hickory	Carya ovata	(22) Southern Oak	Quercus falcata
(7) Sugarberry	Celtis occidentalis	(23) Blackjack Oak	Quercus marilandica
(8) Persimmon	Diospyros virginiana	(24) Swamp Chestnut Oak	Quercus michauxii
(9) American Beech	Fagus grandifolia	(25) Chestnut Oak	Quercus muehlenbergii
(10) White Ash	Fraxinus americana	(26) Water Oak	Quercus nigra
(11) Green Ash	Fraxinus pennsylvanica	(27) Pin Oak	Quercus palustris
(12) Black Walnut	Junglans nigra	(28) Willow Oak	Quercus phellos
(13) Sweet Gum	Liquidambar styraciflua	(30) Northern Red oak	Quercus rubra
(14) Tulip Poplar	Liriodendron tulipifera	(31) Post Oak	Quercus stellata
(15) Red Mulberry	Morus rubra	(32) Black Oak	Quercus velutina
(16) Black Gum	Nyssa sylvatica	(33) American Elm	Ulmus americana

(d) Small shrubs for evergreen screening

(1) Inkberry	Ilex glabra	(2) Sheep Laurel	Kalmia angustifolia

(e) Large shrubs for evergreen screening

(1) Mountain Laurel	Kalmia latifolia	(2) Southern Bayberry	Myrica cerifera

(f) Assorted shrubs for broken screens.

(1) Smooth Alder	Alnus serrulata	(21) Black Chokeberry	Photinia melanocarpa
(2) Groundsel Tree	Baccharis halimifolia	(22) Red chokeberry	Photinia pyrifolia
(3) American beautyberry	Callicarpa americana	(23) Beach Plum	Prunus maritima
(4) New Jersey Tea	Ceanothus americanus	(24) Dwarf Azalea	Rhododendron atlanticum
(5) Buttonbush	Ceanothus occidentalis	(25) Sweet Azalea	Rhododendron calendulaceum
(6) Sweet Pepperbush	Clethra alnifolia	(26) Pink Azalea	Rhododendron Periclymenoides
(7) Sweetfern	Comptonia peregrina	(27) Swamp Azalea	Rhododendron viscosum

(8) Silky Dogwood	Cornus amomum	(28) Pasture Rose	Rosa carolina
(9) Black Huckleberry	Gaylussacia baccata	(29) Swamp Rose	Rosa palustris
(10) Dangleberry	Gaylussacia frondosa	(30) Prairie Willow	Salix humilis
(11) Witch Hazel	Hamamelis virginiana	(31) Steeplebush	Spirea tomentosa
(12) St. John's Wort	Hypericum densiflorum	(32) Highbush Blueberry	Vaccinium angustifolium
(13) Smooth Winterberry	Ilex laevigata	(33) Lowbush Blueberry	Vaccinium pallidum
(14) Winterberry	Ilex verticillata	(34) Deerberry	Vaccinium stamineum
(15) Virginia Sweetspire	Itea virginica	(35) Arrowwood	Viburnum aceriflium
(16) Marsh Elder	Iva frutescens	(36) Southern Arrowwood	Viburnum dentatum
(17) Sweetbells	Leucothoe racemosa	(37) Witherod	Viburnum nudum v. cassinoides
(18) Spicebush	Lindera benzoin	(38) Possum-haw	Viburnum nudum
(19) Stagger-bush	Lyonia mariana	(39) Black Haw	Viburnum prunifolium
(20) Northern Bayberry	Myrica pensylvanica		

E-11: Conservation Landscaping.

Conservation landscaping has the specific goals to reduce pollution and benefit the environment. Elements of conservation landscaping: reduce disturbance, reduce lawn or high maintenance areas, use native plants, avoid invasive species, improve water quality, enhance and create wildlife habitat, can be naturalistic planting, or habitat restoration.

Benefits of conservation landscaping: Reduce time and expense of mowing, watering, fertilizing and treating lawn and garden areas, and offers greater visual interest than lawn. Conservation landscaping can also be used to address areas with problems such as erosion, poor soils, steep slopes, or poor drainage.

Native Plants for Wildlife Habitat and Conservation Landscaping Chesapeake Bay Watershed, U.S. Fish and Wildlife Service, 2003, is recommended as a guide for choosing plants to use in conservation landscaping.

(1) Select plants suited to site conditions:

(a) Sun exposure (full sun, partial shade or shade);

(b) Soil moisture (dry, moist, wet);

(c) Soil PH (acidic, neutral, base); and

(d) Soil type (organic, clay, loamy, sandy). For best results, select plants suited to existing soil conditions rather than amending soil. However, if soil is hard, compacted fill dirt, improve it by adding organic matter and work the ground so that it can more easily be planted, then choose plants suited to the new conditions.

(2) Select plants that are native to the coastal plain physiographic region.

(3) Select plants to emulate a specific habitat:

(a) Woods;

(b) Wetland; or

(c) Meadow.

APPENDIX F

ENDORSEMENTS AND CERTIFICATIONS FOR MAJOR SUBDIVISION PLATS

See the Charles County Subdivision Ordinance[1] for model endorsements and certifications for major subdivision plats.

1 **Editor's Note: See Ch. 278, Subdivision Regulations.**

APPENDIX G

MODEL CERTIFICAITONS AND FORMS

The following are model documents for dedication, engineer's certificate, agreement forms and bond form. These documents are sample forms only and are subject to modification and adaptation on an individual case-by-case basis for all projects undertaken in the county. They may be amended at any time by the county.

G-1: Dedication for Individuals.

We, _____ and _____, his wife, owners, and _____, Mortgagee, and _____, Trustee, hereby adopt this plan of subdivision; establish the minimum building restriction lines; and dedicate the streets, alleys, walks and parks to public use.

There are no suites, actions at law, leases, liens, mortgages, trusts easements or rights-of-way affecting the property included in this plan of subdivision except the following:

_____

_____

and all parties in interest thereto have hereunto affixed their signatures indicating their assent to this plan of subdivision.

Witnessed: Date: _____, 19___

_____ Signature _____ (SEAL)

(Printed Name)

Witnessed: Date: _____, 19___

_____ Signature _____ (SEAL)

(Printed Name)

G-2: Dedication for Corporations.

(Same as foregoing form for individual except as indicated below)

(insert name of corporation) _____, a (name of state) _____ corporation, by (insert name) _____, President, (insert name) _____, Secretary, owners of the property, etc., etc.

Date: _____, 19 _____

Attest: _____ _____

(Corporate Seal) By: _____

President

G-3: Engineer's Certificate.

I hereby certify that the plan shown hereon is correct; that it is a subdivision of (part of or all of) the lands conveyed by (insert name of former owner) to (insert name of present owner) deed dated _____, and recorded in the land records of _____, in Liber _____ at Folio _____; and that the stones, marked thus: _____ and iron pipe, marked thus: O, having been placed as indicated to the approved finish grade; and that the requirements of the Charles County Subdivision Regulations and the Annotated Code of Maryland have been complied with.

Date: _____ ,19 _____ Signature _____

G-4: Agreement.

This agreement, made this _____ day of _____, 19 _____, by and between _____ Hereinafter referred to as DEVELOPER and the County Commissioners of Charles County, Maryland, a body corporate, hereinafter referred to as the COUNTY.

WHEREAS, DEVELOPER has presented to the Charles County Planning Commission a final plat of a subdivision known as _____ in the _____ Election District of Charles County, Maryland, and

WHEREAS, the DEVELOPER has likewise presented to the Charles County Planning Commission plans and specifications for all required improvements in the subdivision as required by any applicable county law or ordinance or any other law, a copy of which said plans and specifications are on file in the county Engineer's Office, and

WHEREAS, as a condition precedent to the approval of said final plat, the DEVELOPER is required to agree to construct said improvements within two (2) years of the date hereof.

NOW, THEREFORE, this Agreement witnesseth that for and in consideration of the sum of ten dollars ($10.), receipt of which is hereby acknowledged, the mutual covenants and promises herein contained, the approval of said final subdivision plat by the Charles County Planning Commission and other good and valuable considerations, the DEVELOPER hereby agrees to construct all required improvements as described in the attached plan and specifications and in accordance with all applicable laws and regulations, within two (2) years from date hereof.

Witness the hands and seals of the DEVELOPER:

WITNESS: _____ (SEAL)

_____ (SEAL)

STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

I hereby certify that on the _____ day of _____, 19 _____, before me, the subscriber, a notary public of the State and County aforesaid, personally appeared _____ and made oath in due form of law that aforegoing Agreement is his act.

As witness, my hands and notarial seal.

_____

Notary Public

G-5: Bond.

KNOWN ALL MEN BY THESE PRESENTS, THAT _____, as Principal, and _____, as Surety, are held and firmly bound unto the County Commissioners of Charles County, Maryland, a body corporate, in the sum of _____, lawful money of The United States of America, for which payment well and truly to be made, we bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bound _____ has presented to the Charles County Planning Commission a final plat of subdivision located in the _____ Election District of Charles County, Maryland known as _____, and is the owner of the property, and

WHEREAS, under the provisions of the Charles County Subdivision Regulations and Road Ordinance, the Charles County Soil and Sediment Control Regulations and other applicable laws and ordinance, the above bound _____ is required to complete certain improvements to said subdivision prior to the final approval thereof or to furnish to County Commissioners of Charles County, Maryland, an acceptable bond to guarantee construction of said improvements, and

WHEREAS, by Agreement dated the _____ day of _____, 19 _____ the

above bound _____, has agreed to construct said improvements within two (2) years from the date hereof, a copy of said Agreement, and the attachments thereto, being hereby specifically incorporated, by reference, into the terms hereof, and

WHEREAS, the parties hereto have agreed to execute this bond for the purpose of guaranteeing the construction of said improvements in accordance with the aforesaid Agreement and all applicable laws and regulations.

NOW, THEREFORE, the condition of this obligation is such that if the above bound _____ shall construct said improvements as specified in the aforesaid Agreement in accordance with the above referenced plans and specification and the applicable Ordinances and Regulations of Charles County, Maryland within two (2) years from the date hereof and upon inspection and approval of said improvements by the county, this obligation shall be null and void; otherwise this obligation to remain in full force and effect.

WITNESS the hands and seals of said Principal and Surety this _____ day of _____, 19 ____.

ATTEST: _____ _____ (SEAL)
Principal

ATTEST: _____ _____ (SEAL)
Surety

G-6: Bonding Procedure – Note: The following description is provided for convenience only and is not binding upon the county. This procedure may be amended by the county at any time to conform to its then-applicable subdivision and land development rules and regulations.

A. Anyone required to submit a bond to the County Commissioners relative to any subdivision matter shall file a written request with the Zoning Officer of Charles County for the Determination of the amount of bonding required.

B. Upon the determination of the necessary amount of bonding, the bond must be posted in a form satisfactory to the County Commissioners.

C. If the bond is secured through a bonding company, is in the proper form, is accompanied by the required power of attorney and a certificate from the Insurance Commissioner that the surety is licensed to do business in Maryland as an insurer, the bond may be approved by the County Commissioners.

D. If any other type of bonding arrangements are desired, a written request must be made to the

County Commissioners. The written request should be accompanied by a financial statement and any other information which might be helpful to the County Commissioners in determining whether or not to accept the bonding arrangement.

E. After consideration of the request for bonding, the applicant will be notified of the County Commissioners' decision. If the County Commissioners approve the bonding agreement, the County Attorney's Office will prepare the necessary documents which will be submitted to the applicant by the Zoning Officer for execution.

F. Upon receipt of the executed document they will be referred to the County Commissioners for their review and final approval. If the bond is approved by the County Commissioners, the bond will be returned to the Zoning Officer, and the Planning Commission's records relative to bonding requirements will then show that the bond has been accepted.

G. Any inquiries relative to bonding procedure or the status of particular bonds should be directed to the Zoning Officer.

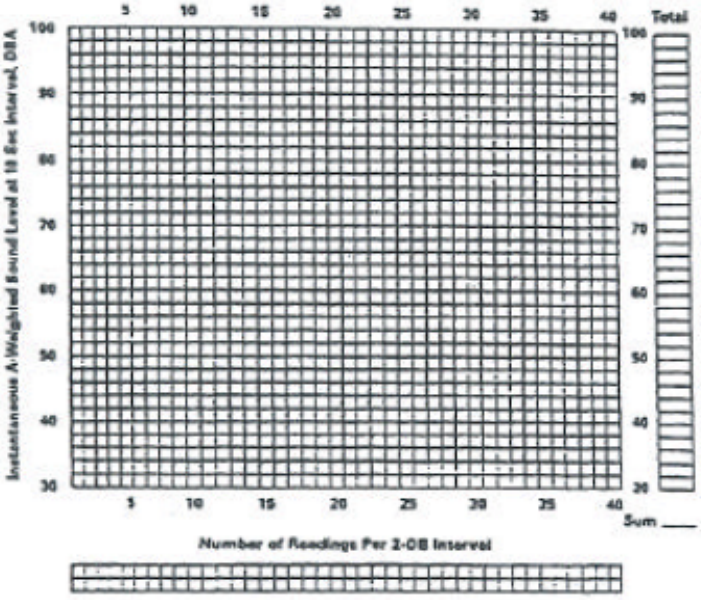
APPENDIX H

Guide for Noise Levels

Location _____
Operators _____
Date _____ Day: M Tu W Th F Sat Sun
Time _____ am/pm to _____ am/pm
Wind Speed _____ km/h (_____ mph)
Air Temperature _____ °C (_____ °F)

Community Noise Measurement Data Sheet

Site No. _____ Packet No. _____ Cluster _____ Area _____



Master Check ( )
Battery: OK _____ Replaced _____
Settings: A _____ Slow _____
Calibrations: Set to _____, End _____

Miscellaneous (after data coll.)
Background Noise Sources: _____
Unusual Situations or Interferences: _____
Comments: _____

Description	Evaluation
_____ V. Quiet	_____ V. Accept.
_____ Quiet	_____ Acceptable
_____ M. Quiet	_____ M. Acceptable
_____ Noisey	_____ Unacceptable
_____ V. Noisey	_____ V. Unaccept.

Code for identifiable simple noise sources

Transportation	Machinery
E – Emer. Veh.	C – Construction
G – Gen. Avia.	Y – Yard Maint.
J – Jet	F – Factory
H – Helicopter	Q – Household
R – Railroad	Other
T – Truck	D – Door
A – Auto	P – People Noise
B – Bus	X – Unidentifiable
M – Motorcycle	
S – Service Veh.	
V – Off-Rd. Veh.	

Further Comments: _____

Computational Work Sheet to Hand-Calculate L_{eq} from Sound Level Meter Measurements Recorded on Data Log

A	B		C		D
Noise Level Band, dB	Count		Relative Noise Energy		Relative Total Noise Energy
100		×		=	
98		×	79,400	=	
96		×	50,100	=	
94		×	31,600	=	
92		×	20,000	=	
90		×	12,600	=	
88		×	7,910	=	
86		×	5,010	=	
84		×	3,160	=	
82		×	2,000	=	
80		×	1,260	=	
78		×	794	=	
76		×	501	=	
74		×	316	=	
72		×	200	=	
70		×	126	=	
68		×	79.4	=	
66		×	50.1	=	
64		×	31.6	=	
62		×	20.0	=	
60		×	12.6	=	
58		×	7.94	=	
56		×	5.01	=	
54		×	3.16	=	
52		×	2.00	=	
50		×	1.26	=	
48		×	.79	=	
46		×	.501	=	
44		×	.316	=	
42		×	.200	=	
40		×	.26	=	
38		×	.0294	=	
36		×	.0501	=	
34		×	.0316	=	
32		×	.0200	=	
30		×	.0126	=	

SUM B = _____ SUM D = _____

SUM D/SUM B = _____ L_{eq} = _____

Data Requirements:

- Each noise reading must be taken at a standard time interval between measurements.
- Each noise level recorded is the instantaneous level.

Step - Procedure

1. Enter number of counts per noise level in Column B.
2. Multiply the counts in Column B by the number in Column C and enter the result in Column D.
3. Add all values in Column B to determine Sum B, add all values in Column D to determine Sum D, and divide Sum D by Sum B.
4. Locate the value in Column C that is approximately equal Sum D/ Sum B. The corresponding value in Column A is equal to L_{eq}. Interpolate to the nearest 0.5 dB.

Example

Given the following count data, find L_{eq}

Noise Level	Number of Occurrences
81	
82	2
80	—
78	5
76	11
74	4
72	—

Using Steps 1—4 given:

A	B		C		D
81					
82	2	×	2,000	=	4,000
80	0	×	1,260	=	0
78	5	×	794	=	3,970
76	11	×	501	=	5,511
74	4	×	316	=	1,264
72	0	×	200	=	0

Sum B = 22; Sum D = 14,745

Sum D/Sum B = 670

L_{eq} = 70 dB

- by linear interpolation in Column C and Column A

APPENDIX I
SUPERIOR DESIGN CRITERIA FOR CLUSTER DEVELOPMENTS AND PLANNED DEVELOPMENT ZONES
[Added 4-23-2010 by Bill No. 2010-06]

Superior Design.

When creating or evaluating a project for Superior Design, the following criteria shall be used and applied to the project whenever possible, or as applicable:

A. Rural Development Project Criteria: A rural development project that is superior in design demonstrates optimal land use planning and contains a combination of the following elements which exceed the requirements for a conventional subdivision:

1) The Proposed Open Space:

a) Exceeds the amount required by this Chapter and includes areas not already protected by this Chapter;

b) Connects to other adjacent open space areas which are at least 10,000 square feet in size, and can serve as wildlife corridors in accordance with Maryland's Green Infrastructure Guidelines; or

c) Includes landscaped areas and clearly defines maintenance responsibilities.

2) The Forest Conservation design exceeds the County's and the Chesapeake Bay Critical Area Program requirements, including planting and mitigation standards;

3) The proposed agricultural use lots, if any, contain one or more of the following elements:

a) Lots which are greater than 25 acres and contain more than 50% Class I-IV soils as classified by the United States Department of Agriculture Natural Resources Conservation Service;

b) Lots which maximize the use of existing agricultural infrastructure (such as barns, silos, equipment storage areas) and cleared or existing crop-land; or

c) Lots where the primary use of an agricultural use lot is forestry, the lot contains productive soils for silviculture and is of sufficient size and design that is viable for forest harvest operations as determined by a qualified state licensed forester.

4) The proposed development includes shared pedestrian and bicycle facilities and bike racks where desired or applicable;

5) The proposed development includes a trail system within and connecting open space or roads to adjacent properties, or alternatives such as mowed grass or pervious concrete, and signage provided at trail heads and along trails;

6) The proposed development relies in the limited use of flag-shaped lots, while maintaining individual yard privacy and limiting clearing of individual building sites;

7) The homes in the proposed development will have views of open space, not backs or sides of other homes;

8) The development demonstrates its commitment to environmental stewardship through the use of one or more of the following elements:

   a) Conservation landscaping;
   b) Water re-use;
   c) Use of renewable energy, or other energy efficiency measures detailed in HOA covenants for private lots and/or community facilities;
   d) Limited or no stream crossings; or
   e) Disturbance of steep slopes or other environmental features on lots are minimized.

9) The proposed design ensures that pre-development views from existing roads and other scenic views are preserved;

10) The development minimizes impacts to or protects historic viewshed features, such as farm houses and farm roads, barns, fence lines, meadows, forests or farm land views from existing roads;

11) The proposed street tree caliper is larger than required;

12) The proposed development includes vehicle or pedestrian inter-parcel connections to adjacent neighborhoods or connecting to existing vehicle or pedestrian facilities;

13) Loop roads are provided within the proposed development; and

14) The proposed development minimizes the use of cul-de-sacs and any islands within proposed cul-de-sacs are landscaped.

B. Development District Project Criteria: A development project that is superior in design demonstrates optimal land use planning and contains a combination of the following elements, which exceed the requirements under the Base Zone Regulations (Article VI):

1) Open space that is integrated into the neighborhood as urban parks or pocket parks and open space maintenance responsibilities are clearly defined;

2) The Forest Conservation design exceeds the County's and the Chesapeake Bay Critical Area Program requirements, including planting and mitigation standards;

3) A mix of housing types;

4) Diverse architectural design types that include such features as:

    a) Garages that are not the most predominant design feature and are setback further from the street than the house frontage;

    b) Side loaded, or rear loaded garages; and

    c) Front porches which provide an opportunity for residents to interact within the neighborhood.

5) Community gathering facilities, such as a covered pavilion, community bulletin boards, community art or community centers, gardens or other similar amenities;

6) Shared pedestrian and bicycle facilities and bike racks where feasible;

7) Covered bus stops;

8) A trail system within and connecting open space or roads to adjacent properties; or alternatives such as mowed grass or pervious concrete, with improvements such as lighting, street furniture and landscaping, and signage provided at trail heads and along trails;

9) The development demonstrates its commitment to environmental stewardship through the use of one or more of the following elements:

    a) Conservation landscaping;
    b) Water re-use;
    c) Renewable energy, or other energy efficiency measures detailed in HOA covenants for private lots and/or community facilities;
    d) Limited or no stream crossings; or
    e) Disturbance of steep slopes or other environmental features on lots are minimized;

10) A plan to relocate existing trees to meet some of the landscaping/street tree requirements or street tree caliper provided that is larger than required;

11) Sidewalks on both sides of the street, which shall be at least five (5) feet in width, where feasible, as determined by the Planning Director;

12) Vehicle or pedestrian inter-parcel connections to adjacent neighborhoods or tying into existing vehicle or pedestrian facilities;

13) A grid of interconnected street network with parks or civic uses in or near the center of neighborhoods; and

14) Designated additional guest parking of at least 10% above the number of parking spaces required in Article XX of this Chapter and spread throughout the project. This element applies solely to projects that have townhouses or multi-family housing units.

APPENDIX J: HISTORIC / SCENIC ROAD INVENTORY FORM

NAME _____ INVENTORY NUMBER

LOCATION

FUNCTIONAL CLASSIFICATION

HISTORIC MAP REFERENCE:

DEFINITION CRITERIA (CIRCLE ALL THAT APPLY)

(A) NATURAL ENVIROMENTAL FEATURES – FORESTS, STEEP TOPOGRAPHY, AND STREAM OR RIVER VALLEYS;
Other:

(B) RURAL, AGRICULTURAL LANDSCAPES – PANORAMIC OR DISTANT VIEWS, CROPLAND, PASTURES, FIELDS, STREAMS, PONDS, HEDGEROWS, WOODEN FENCES, FARM BUILDINGS AND FARMSTEADS.
Other:

(C) FOLLOW HISTORIC ROAD ALIGNMENTS AND PROVIDE VIEWS OF HISTORIC RESOURCES;
Comments:

(D) FRONTAGE IN A HISTORIC DISTRICT OR SUBJECT TO PERPETUAL OR LONG-TERM AGRICULTURAL USE.
Comments:

<u>FEATURES OF SCENIC ROADS AND/OR HISTORIC ROAD RIGHTS-OF-WAYS</u>

(A) NARROW PAVEMENT WIDTH
(B) EMBANKMENTS
(C) ROAD ALIGNMENTS WHICH CONFORM CLOSELY TO NATURAL TOPOGRAPHY
(D) HEDGEROWS
(E) MATURE TREES OR FOREST ALONG THE EDGES OF THE ROADWAY
(F) OTHER FEATURES:

Evaluation Criteria	Scenic-Natural	Scenic-Rural Agricultural	Historic-Roadway & Views	Frontage on Easement Properties
Outstanding	4	4	4	4
Considerable	3	3	3	3
Moderate	2	2	2	2
Minor	1	1	1	1

Total:

(To recommend for designation, a scoring of 11 or greater is required)

Inventory of Scenic and Historic Roads
November 2010

Name	Score	Criteria	ROW Features	Functional Class	Historic Map Reference	Comments
Chapel Point Road	15	ABCD	ABCE	Min Col	1794; 1853	Water views and access. Historic sites: St. Thomas Manor/St. Ignatius Church, Port Tobacco Historic District, Parkland: Chapel Point State Park. Protected lands
Durham Church Road	14	ABCD	ABCE	Min Col	1794; 1853	Road to "Nanjemoy Church". Historic sites: Durham Church. Protected lands
Hancock Run Road	14	ACD	ABCE	Local	1886	Part of road from Nanjemoy P.O. to Smith Point Landing. Protected Lands (Nature Conservancy). Narrow pavement width.
Popes Creek Road	14	ABCD	ABCE	Min Col	1853	Agricultural views. Water views and access. Seafood hub. Protected lands. To Popes Creek Landing and Steamboat Wharf.
Rose Hill Road	14	ABCD		Min Col	1794	Historic road from Port Tobacco to Piscataway. Historic sites: Rose Hill, Habre de Venture Parkland: TSNHS
Springhill-Newtown Road	14	ABCD	ABCE	Ma C	1853	Connects Port Tobacco Landing to New Towne. Historic Sites: The Exchange, First County Courthouse. Agricultural views.
Benny Gray Point Road	13	ACD	ABCE	Local	1794	Historic road to tobacco inspection station at mouth of Nanjemoy Creek. Protected lands.
Blossom Point Road	13	ABCD	ACE	Min Col	1794	Historic road to Upper Cedar Point. Agricultural views. Protected lands.
Edelen Road	13	ABCD	ABCE	Local	1892 USGS	Protected lands. (Rural Legacy Area)
Friendship Landing Road	13	ABCD	ACE	Local	1853	Water views and access. Protected lands. Parkland: Friendship Landing.
West Hatton Road	13	BC	ABCE	Local	1886	Road to Stoddert Point. Historic Sites: Yatten, Hard Bargain, West Hatton.
Allens Fresh Road	12	ABCD	ACE	Local	1794	Portion of 17th c. road from Allens Fresh to St. Mary's City-one of Md's earliest roads. Agricultural views. Protected lands.
Bluff Point Road	12	ABCD	AE	Local	1853	Protected Lands.
Bumpy Oak Road	12	ABC	ACE	Ma C	1794	Historic road from Port Tobacco to Piscataway.
MD 224	12	AD	E	M Col	20th c.	Parkland Corridor.
Mill Run Road	12	ABCD	ABCE	Local		Preserved road corridor.
Mill Swamp Road	12	AC	ABCE	Min Col	1794	Preserved road corridor.
Mitchell Road	12	ABC	ABCE	Ma C	1853	Historic sites: Mt. Carmel Monstery, Friendship, Thainston
Mt. Victoria Road	12	BCD	ABCE	Min Col	1853	Agricultural views. Historic sites: Mt. Victoria, Black Frians, Wakefield
Old Sycamore Road	12	ABCD	BCE	Min Col	1794; 1853	Historic road from Newport to Newport Church, today's Trinity Church
Trotter Road	12	BCD	CE	Local	1794; 1853	Bryantown Historic District. Protected lands.
Dr. Samuel Mudd Road	12	BC	C	Ma C	1853	Agricultural views. Historic sites: Dr. Mudd House
Adams Willet Road	11	ABC	BCE	Local		RPZ, Nature Conservancy
Bowling Drive	11	ABCD	CE	Min Col	1853	Historic road from Newport to Road Dentsville. Agicultural views.
Brentland Road	11	ABC	ABCE	Local	1853; 1886	Historic road to Pear Tree Point, later Brentland PO

Inventory of Scenic and Historic Roads
November 2010

Burnt Store Road	11	BCD	C	Ma C	1853	Historic road from Burnt Store to Hughesville
Cooksey Road	11	ABC	ABCE	Local		Historic Road from ridge on Penns Hill to Zekiah floodplain to MD6
Firetower Road	11	ABCD	ABCE	Min Col		Historic Site: Rosemary Lawn
Henson Landing Road	11	ABC	ABCE	Local	1853; 1886	Historic Site: The Napping. Road to Pear Tree Point, later Brentland PO
Keech Road	11	AC	CE	Min Col	1853; 1886	Forest views. Protected lands.
MD 257	11	ABCD	NA	Maj Col	1853	
MD 6 from Riverside to MD 425	11			Maj Col	1794;1853	Historic Road from Inspection station at Grays Point to Nanjemoy Church/Md Point Road; 1853 -Riverside is reffered to as Nanjemoy Landing. Water view.
North Ryceville Road	11	ABC	CE	Min Col	USGS	Agricultural views. Cultural Landscapes: Amish
Olde Mill Road	11	ABCD	ACE	Local	1794; 1853	Portion of road from LeonaRoadtown to Allens Fresh. Last roller mill and millers house
Scout Camp Road	11	ABC	ABCE	Min Col	1892 USGS	Historic road that connected Hughesville to Benedict
Shiloh Church Road	11	AC	ABCE	Min Col	1914 USGS	Historic Road through village of Shiloh
Smallwood Church Road	11	ABC	ABCE	Min Col	1853	Historic road to Sweetman's Landing
Tayloes Neck Road	11	ABCD		Min Col	1853	
Kentucky Avenue	10	AC	CE	Min Col		

APPENDIX K

Pilot Ag Tourism Sign Program

[Added 5-11-2012 by Bill No. 2012-07]

Forward

The County Commissioners approved a "Pilot Ag Tourism Sign Program" for Charles County to allow a period of time to develop a prototype sign, a proposed process and procedures for an Ag tourism sign program, install immediately several signs to evaluate the placement and effectiveness of the proposed signs and seek approval from the State Highway Commission to install these signs in their right of way. The pilot program will also allow Charles County to work with the Southern Maryland Agriculture Development Commission (SMADC) to pursue a standardized Ag tourism sign program for all of Southern Maryland. Eventually, it is hoped that an Ag tourism marketing program can be implemented using these signs to provide directions to the traveling motorists.

Charles County Department of Public Works
Standard Operating Policy and Procedure

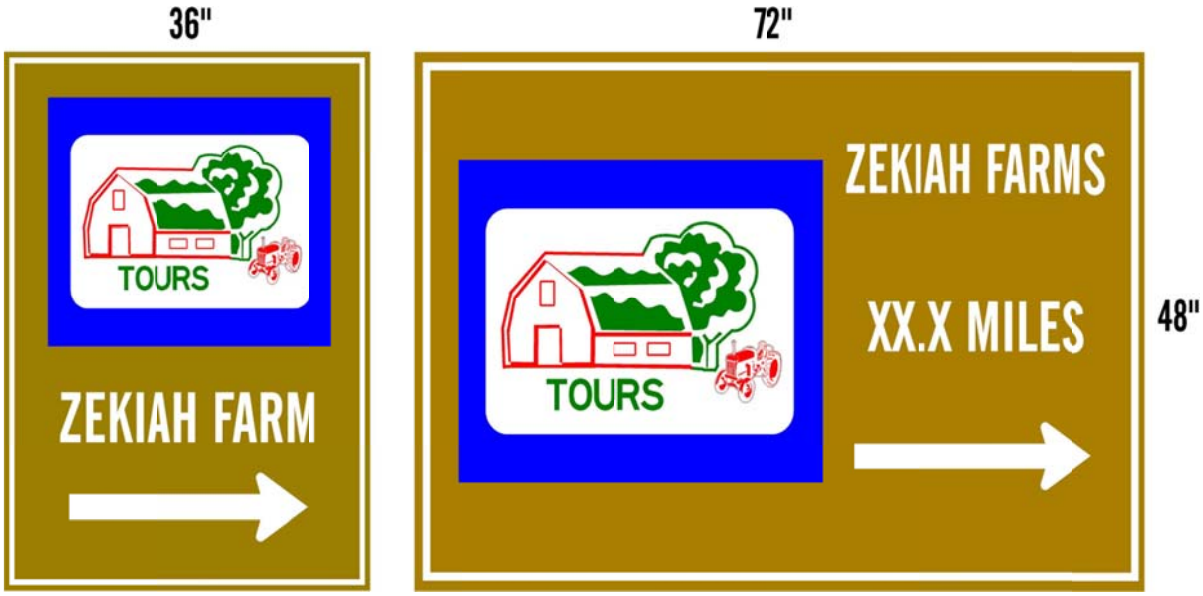
Title:	Ag Tourism Sign Program	**SOP #**: DPW.
Division:	Roads	**Effective Date**:
		Revision Date:
		Page 1 of 3
Purpose:	To allow installation of agricultural tourism directional signs to qualifying agricultural businesses providing the facility meets all criteria set forth in Zoning Regulations and the criteria herein. The Agricultural Tourism Signage Program is a joint venture between Charles County Government and the Southern Maryland Agricultural Development Commission (SMADC). Signs shall be located and erected according to the standards of the *Manual on Uniform Traffic Control Devices* (MUTCD), the Charles County Road Ordinance and in compliance with federal and state laws and policies.	
References:	* Charles County Zoning Ordinance * Charles County Road Ordinance * Manual of Uniform Traffic Control Devices (MUTCD)	
Policy:	An ag tourism facility is an agricultural business located on a farm that is open for customers and tourists for at least six (6) months of the year, for at least four (4) days a week, and which provides tours and on-site sales or samples of primarily Charles County and/or Maryland grown agricultural products. Sales must come from primarily farm products generated on the farm.	

Procedure:	**<u>CRITERIA</u>** 1. Any Ag Tourism farm that meets the definition contained in the Zoning Regulations is allowed up to three (3) off-site directional signs to direct the traveling motorist to their farm. 2. These signs will be designed, constructed and sized in accordance with Manual of Uniform Traffic Control Devices (MUTCD). 3. These signs will be generally located within the road right-of-way. Where it is not possible to locate these signs in the road right-of-way, signs may be placed on private property with permission of the property owner. 4. The owner of the business whose name appears on an agricultural tourism sign shall certify in writing that the business is in full compliance with all applicable Federal, State and local laws, rules and ordinances, including all applicable license and permit requirements. 5. All safety, sign spacing, and application criteria shall be satisfied. 6. Signs must be located at intersections. 7. The agricultural tourism facility shall be open for customers and tourists six (6) full months per year, and at least four days per week. 8. The agricultural tourism facility shall offer a tour to the public. The term tour is defined as an activity that is: (a) Directed by a knowledgeable representative of the business. (b) Educational, informative, and entertaining in nature. (c) Of sufficient length to clearly describe the materials, equipment, and processes used in the production of agricultural products by the facility. 9. The agricultural tourism facility shall have a permanent sign posted in a prominent and visible location that states the name of the business with the days and hours of operation. The agriculture facility shall also have a permanent sign posted on the premises stating the times that tours are offered, or stating that tours are available upon request. The sign shall be posted in a conspicuous location that is visible to customers entering the facility.

	10. The agricultural tourism facility shall provide on-site public restroom facilities and drinking water suitable for public consumption. 11. The agricultural tourism facility shall offer samples and/or sales of Charles County agricultural products. 12. The agricultural tourism facility shall be able to accommodate customers in a permanent, all weather structure, and have adequate on-site parking. 13. The agricultural tourism facility shall maintain a web site with the hours of operation and directions to the facility, preferably including a map, posted. The hours of operation specified on the web site must meet minimum requirement. 14. If the Department of Public Works determines that a sign replacement or modification is required, a new application may be required. At that time, the Facility will be required to meet all current program criteria and requirements. 15. All manufacture and installation costs associated with the requested agricultural tourism signs will be at the expense of the requestor. The Department of Public Works will provide an estimated cost for the initial installation after approval of the application. 16. A participating agricultural tourism facility that changes ownership shall provide written notice to the Department of Public Works within 30 days of the transfer of ownership. To retain signs, the new owner is required to submit a new application to the Department of Public Works. The facility is required to meet all current program criteria and requirements. 17. Should a participating agricultural tourism facility cease to be in compliance with this policy and/or the criteria herein, the DPW shall notify the business applicant that it will be given 30 days to bring the facility into compliance or its agricultural tourism signs shall be removed. If the signs are removed and the facility later applies for reinstatement, the request will be handled in the same manner as a request by a new applicant. If it is determined that a facility is not in compliance twice within a two year period, its agricultural tourism signs shall be permanently removed. 18. In the event that a facility is removed from the program, the DPW shall not be required to refund any program costs paid by the facility.

	19. The DPW reserves the right to cover, relocate, or remove any agricultural tourism signs for maintenance or construction operations, or when deemed to be in the best interest of the DPW or the traveling public, without advance notice. 20. The DPW reserves the right to remove signs when roadway improvements or changes in the roadway cross section or configuration will no longer accommodate the existing signs. If existing signs no longer meet the DPW's size and design requirements for an upgraded roadway and existing signs are removed, the facility may request to upgrade their signs, provided that minimum spacing is available on the upgraded roadway and the facility meets all current program criteria and requirements. All upgrade costs shall be paid for by the facility. A new application will be required. 21. The DPW has the responsibility and authority to relocate or remove agricultural tourism signs if a need for a higher priority regulatory, warning, or guide sign is identified. 22. The DPW reserves the right to terminate this program or any Agreement for agricultural tourism signs, or any portion thereof, by furnishing the business written notice of such intent not less than 30 calendar days prior thereto. **APPLICATION AND IMPLEMENTATION PROCEDURES** 1. An agricultural facility seeking agricultural tourism signs or revisions to existing signs must complete an application form available from the DPW (Attachment A). The application form must be completed in its entirety. 2. The applicant shall include a map clearly depicting the requested sign location(s), the location of the agricultural facility, and the distance from each sign location to the facility. The distances can be handwritten on the map. 3. The agricultural facility must submit the application form with appropriate documentation to the Department of Public Works, 1001 Radio Station Road, La Plata, Maryland 20646. 4. The DPW will review the application, visit and inspect the agricultural facility, verifying facility accommodations, days and hours of operation, appropriate tours are offered, and that all other criteria are met. DPW will make a decision based on fulfillment of the program requirements.

	5. If the agricultural facility is recommended for the Agricultural Tourism Signage Program, DPW will conduct a field investigation to verify that adequate spacing, right-of-way, and sight distance are available to safely install the signs. The DPW will prepare the cost estimate and agreement. 6. The DPW will administer the agreement, and after receiving payment, will manufacture and install the sign(s). 7. Any appeals to decisions shall be made in writing to the Director of Public Works. **<u>EXCEPTIONS</u>** Any and all exceptions to this policy/procedure must be approved in advance by the County Administrator.



Agricultural Tourism Signs

Application

Date: _____

Name of
Business_____

Contact
Person_____

Address_____
_____
_____

Telephone_____
Fax_____
E-Mail
Address_____
Internet
Site_____

Requested Location of Sign(s)

_____
_____
_____
_____

1. Location of agricultural marketing facility

_____
_____
_____

2. What are the months, days, and hours you are open for sales to the public?

_____

_____

_____

3. What percent of your total annual sales comes from Charles County-grown agricultural products? _____%

4. List the agricultural products sold to the public at this facility_____

_____

_____

5. List non-agricultural products sold at this facility_____

_____

_____

6. Do you provide tours for the public at this facility? ____ Yes _____No

Note: ***To qualify for this program, the agricultural facility is required to conduct tours*** **of the growing area, as well as any production area located on the farm or vineyard**.

If your answer is **No***, you are not eligible for the Agricultural Tourism Signs program*.

If yes, describe the type of tours, who directs the tours, and when the tours are provided.

_____

_____

_____

7. Do you provide samples of your products? _____Yes _____No

List the types of samples:

_____

_____

8. Do you have a permanent sign near the roadway entrance to the premises with the name of your business and the days and hours of operation? ____Yes _____No

9. Do you have a permanent sign near the front door of your facility that states the times of scheduled tours, **or** that tours are available upon request (within thirty [30] minutes of request)? Per program requirements, this sign shall be posted in a conspicuous location that is visible to customers. ____ Yes ____ No

10. Is this market operated in a permanent structure? ____Yes ____No

11. Do you have restrooms available to the public? ____Yes ____No

12. Do you have an on-site telephone available for emergency public use? ___Yes ____No

13. Do you have drinking water available for public consumption? ____Yes ____No

14. List any local or state business licenses you are required to have to operate this business.

_____

_____

15. What is the distance from this agricultural facility to the closest major highway interchange? _____ miles

16. Attach a map clearly depicting the requested sign locations(s) and the location of the facility. The Department of Public Works will determine the acceptability of requested sites

Attachment A

APPENDIX L
SWAN POINT ALTERNATIVE FOR BUFFER MODIFICATION AREAS

The following information applies to sections of Swan Point with waterfront lots which were created prior to 1985. The conditions apply to the clearing and development of lots directly on the water. Waterfront lots and other lots platted after 1985 are subject to the zoning indenture recorded for this property in November, 1986, and the provisions of the applicable Zoning Ordinance under which they were recorded.

L-1: Background - Purpose of Buffer Modification Areas

Chesapeake Bay Critical Area regulations require the establishment of a 100-foot Buffer landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands. These regulations also provide that counties may exempt certain portions of the Critical Area from the Buffer requirements where it can be sufficiently demonstrated that the existing pattern of residential, industrial, commercial, or recreational development prevents the Buffer from fulfilling its function. These are called Buffer Modification Areas (BMA'S). BMA'S allow reasonable expansion of existing structures or new development to occur within the Buffer without the property owner having to obtain a variance. Swan Point (in the grandfathered section only) is designated as a BMA due to the number, density and size of platted, grandfathered, waterfront lots within the Critical Area.

L-2: Requirements for Buffer Modification Areas

In BMA'S, the Charles County Critical Area Program requires that while reasonable development may occur within the Buffer, the applicant must demonstrate that the distance between the new development and the mean high water line has been maximized. Additionally, within BMA'S, expansion or redevelopment of existing structures may not occur any closer to the water than the rear yard setback established in section L-3 of this appendix. Accessory structures (pools, sheds, gazebos, etc.) May not be located waterward of the primary structure. Attached decks and porches are considered to be part of the principle structure. New development in BMA'S must minimize the extent to which lot coverage extends toward open water or wetlands taking into consideration existing County yard setback requirements of the underlying zones and other such factors. BMA'S are also subject to lot coverage limitations as described the Charles County Critical Area Program.

Impacts to the Buffer within BMA'S are offset through mitigation requirements including 1) the extent of the lot or parcel shoreward of the new development or redevelopment must remain, or shall be established and maintained, in native vegetation; and 2) native vegetation of an area twice the extent of the lot coverage created in the bma shall be planted on the site or on a Buffer Modification offset location as may be approved by the County.

L-3: Setback Alternatives for BMA Portion of Swan Point

To clarify the regulations and to provide consistency to property owners in the existing, platted, BMA portion of Swan Point, new waterfront development shall be subject to the following setback requirements based upon the depth of each individual lot. Front yard set backs are 30 feet from the edge of the property line, as recorded on the subdivision plats. Rear yard set backs from the water are determined by average depth of the lot. Where depth on one side of the property differs from the depth on the other side, an average of the two distances will determine rear yard set backs (from mean high water or the edge of the bulkhead if one exists). Rear yard setbacks shall be set according to lot depth below:

A. Lots with an average depth of up to 150 feet will have a strict disturbance setback of 50 feet.

B. Lots with an average depth of 150 to 180 feet will have a strict disturbance setback of 60 feet.

C. Lots with an average depth of 180 to 210 feet will have a strict disturbance setback of 70 feet.

D. Lots with an average depth over 210 feet are subject to the usual 100 foot Buffer.

L-4: Mitigation

Swan Point property owners must comply with a two-phased mitigation requirement for any development within the BMA. First, the extent of the lot shoreward of the new development shall be required to remain, or to be established and maintained, in woody vegetation. Second, native vegetation of an area twice the lot coverage created in the 100-foot Buffer shall be planted on the site. there are three recommended preapproved planting schemes (see attached illustrations) or the property owner may submit their own plan based upon "landscaping requirements in the Critical Area – "Helpful hints for meeting Charles County's requirements." Plantings for Buffer establishment and 2:1 planting for lot coverage encroachment into the 100 foot Buffer may both be located within the required Buffer establishment area. 2:1 lot coverage planting may count towards total required Buffer establishment area if planted within the required Buffer establishment area between the house and the water. when 2:1 planting requirements are greater than the Buffer establishment area, the remainder of the plantings may be done beside the house if still within the 100-foot Buffer or used to further enhance the Buffer establishment area.

EXAMPLES:

LOT TYPE "A" (50 foot BMA setback/ strict limit of disturbance) on a 100-foot wide lot

Buffer establishment -

50 feet (required Buffer) X 100 feet (width of lot) = 5000 sq. ft. of woody

vegetation (to be planted between the structure and the water)

8 large trees @ 400 sq. ft. credit	=	3200 sq ft
10 small trees @ 100 sq. ft. credit	=	1000 sq ft
10 large shrubs @ 36 sq. ft. credit	=	360 sq ft
20 small shrubs @ 16 sq. ft. credit	=	320 sq ft
120 ground cover @ 1 sq. ft. credit	=	120 sq ft
total		5000 sq ft

Lot coverage 2:1 mitigation -

2700 sq. ft. of lot coverage within the 100 foot Buffer X 2 = 5400 sq. Ft. of woody vegetation to be established on the site. (*please refer to the attached illustrations*)

LOT TYPE "B" (60 foot BMA setback/ strict limit of disturbance) on a 100-foot wide lot

Buffer establishment -

60 feet (required Buffer) X 100 feet (width of lot) - 6000 sq. ft. of woody vegetation (to be planted between the structure and the water).

10 large trees @ 400 sq. ft. credit	=	4000 sq ft
12 small trees @ 100 sq. ft. credit	=	1200 sq ft
12 large shrubs @ 36 sq. ft. credit	=	432 sq ft
20 small shrubs @ 16 sq. ft. credit	=	320 sq ft
48 ground cover @ 1 sq. ft. credit	=	48 sq ft
total		6000 sq ft

Lot coverage 2:1 mitigation -

1500 sq. ft. of lot coverage within the 100 foot Buffer X 2 = 3000 sq. ft. of woody vegetation to be established on the site. (*please refer to the attached illustrations*)

LOT TYPE "C" (70 foot BMA setback/ strict limit of disturbance) on a 100-foot wide lot

Buffer establishment -

70 feet (required Buffer) X 100 feet (width of lot) = 7000 sq. ft. of woody vegetation (to be planted between the structure and the water).

12 large trees @ 400 sq. ft. credit	=	4800 sq ft
14 small trees @ 100 sq. ft. credit	=	1400 sq ft
12 large shrubs @ 36 sq. ft. credit	=	432 sq ft
20 small shrubs @ 16 sq. ft. credit	=	320 sq ft
48 ground cover @ 1 sq. ft. credit	=	48 sq ft
total		7000 sq ft

Lot coverage 2:1 mitigation -

1600 sq. ft. of lot coverage within the 100 foot Buffer x 2 = 3200 sq. ft. of woody vegetation to be established on the site. (*please refer to the attached illustrations*)

L-5: Financial Guarantees

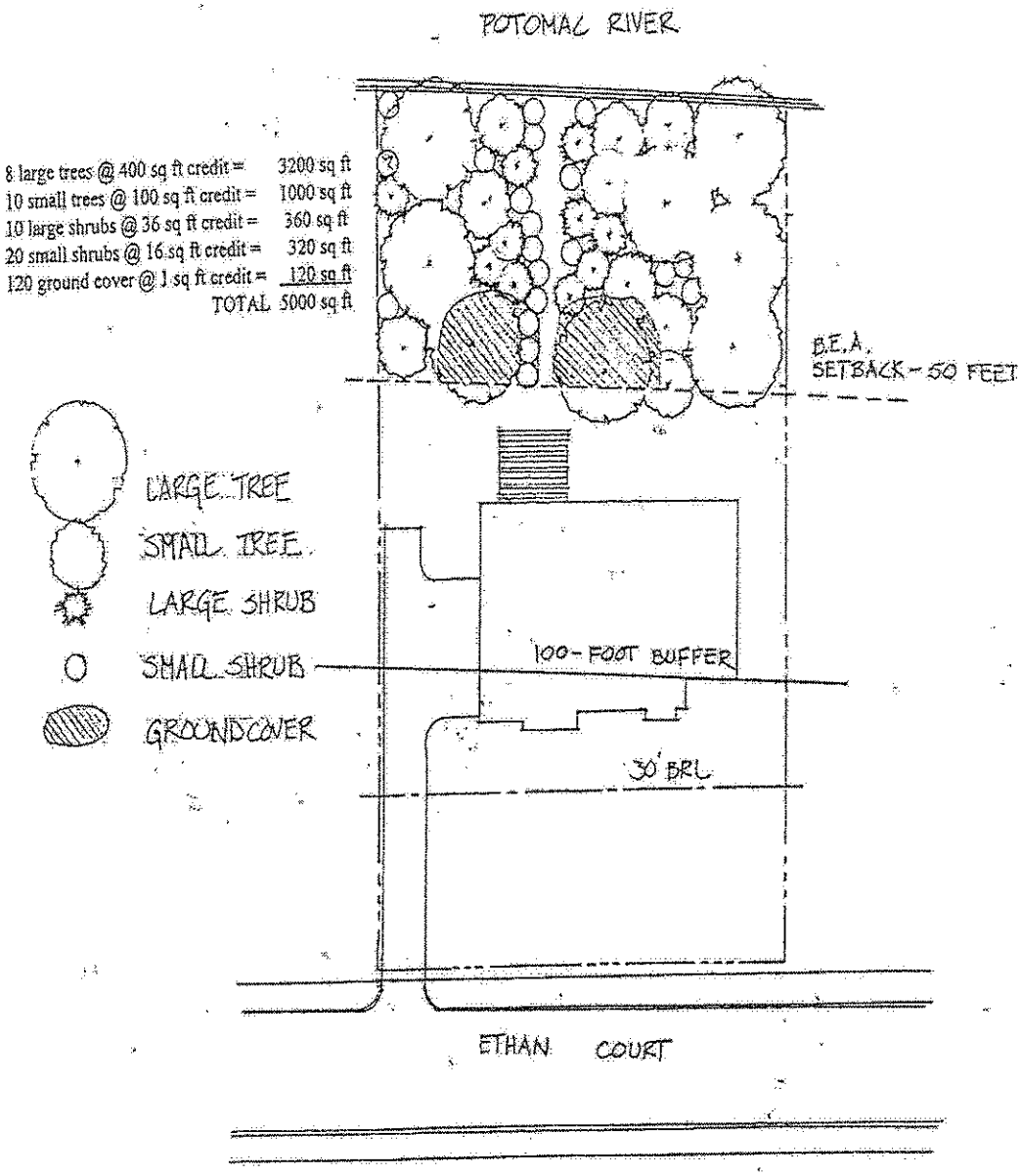
As per the *Charles County Zoning Ordinance*, the owner must provide a bond or other financial guarantee that all plants will be installed and cared for appropriately for two full growing seasons. plants will be inspected at the time of planting, at a one year interval (a courtesy inspection to identify any potential problems), and at the end of two years. dead or diseased plants are to be replaced, and must survive for two growing seasons before the County can release bonds, in accordance with county-wide planting and reforestation policies.

L-6: Lot Coverage Limits

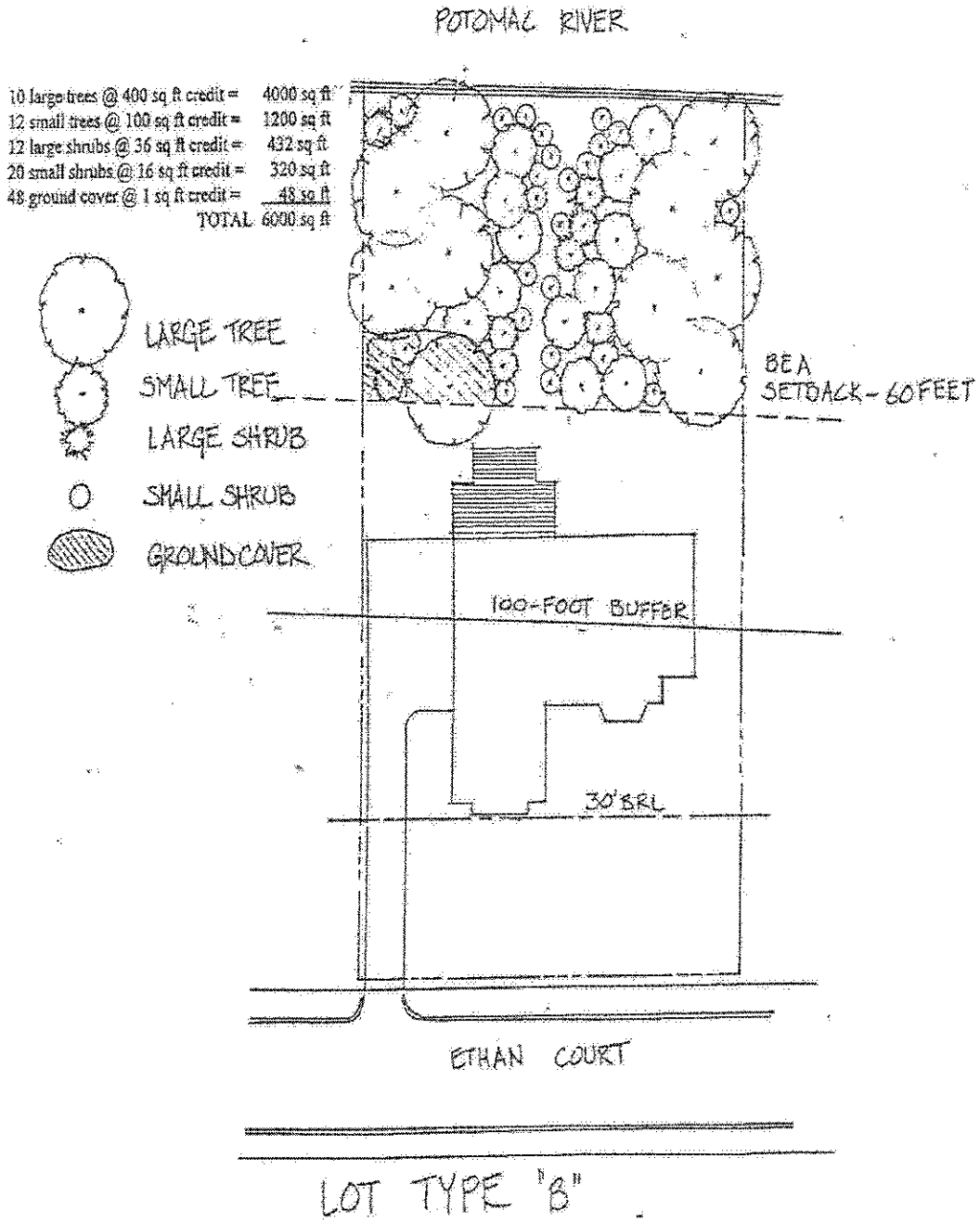
All properties in the Critical Area are subject to current restrictions on lot coverage on any given property. For all lots less than 1/2 acre in size in Buffer Modification Areas, lot coverage shall not exceed 25%; for all other lots, lot coverage shall not exceed 15% lot coverage. It is recommended that all applicants show the dimensions of all man-made lot coverage on a lot, and that all calculations also be shown. This will help speed the County's review process, particularly if the amount of lot coverage is nearing the legal limits.

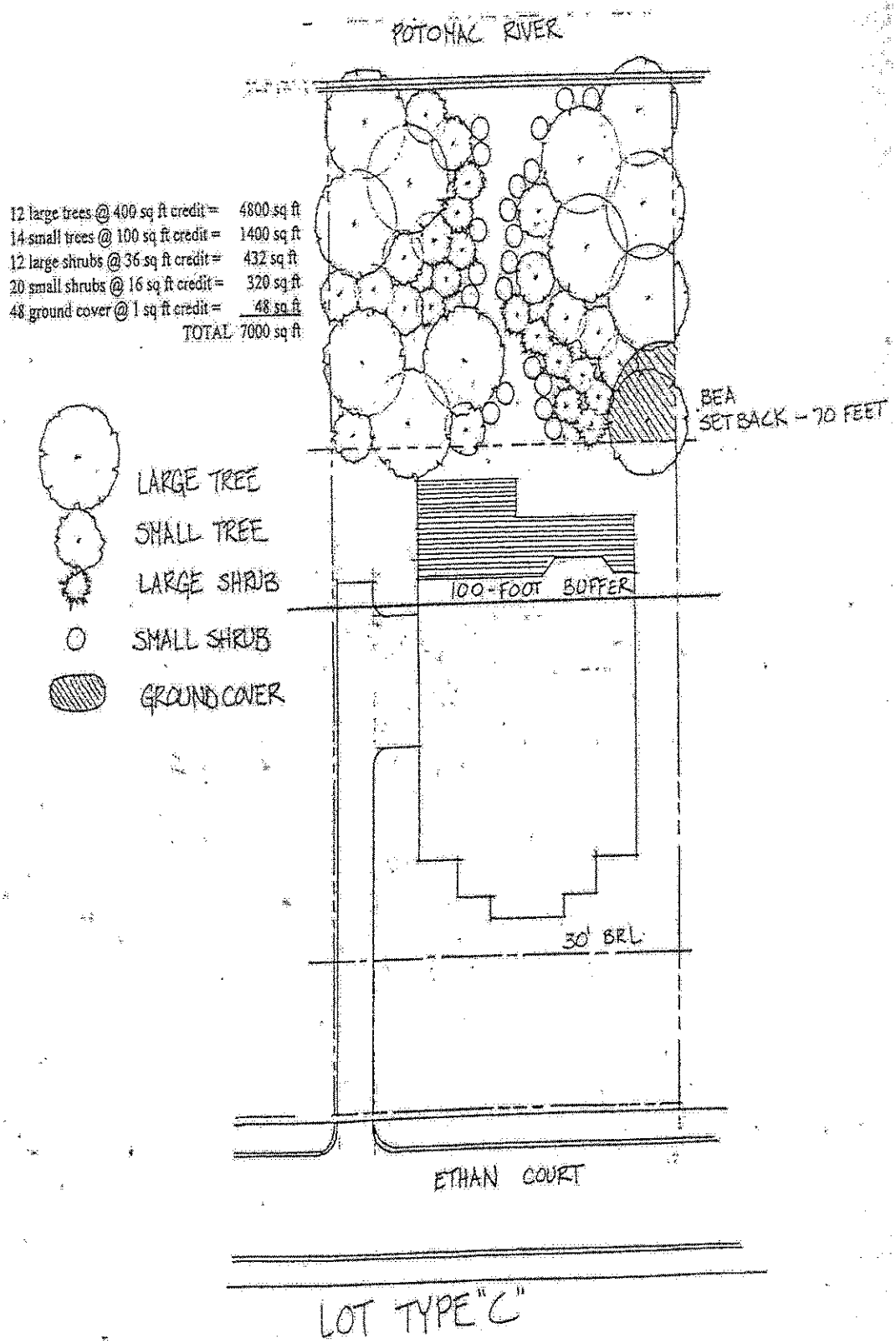
L-7: Variances

These requirements are meant to clarify the regulations and to provide consistency to property owners in the existing, platted, BMA portion of Swan Point. If a property owner wishes to develop outside of these conditions (i.e., closer to the water than the BMA setback allowed), he or she may seek a variance from County regulations under Article Xix, Section 416 of the *Charles County Zoning Ordinance*.


POTOMAC RIVER
8 large trees @ 400 sq ft credit = 3200 sq ft
10 small trees @ 100 sq ft credit = 1000 sq ft
10 large shrubs @ 36 sq ft credit = 360 sq ft
20 small shrubs @ 16 sq ft credit = 320 sq ft
120 ground cover @ 1 sq ft credit = 120 sq ft
TOTAL 5000 sq ft
B.E.A.
SETBACK - 50 FEET
LARGE TREE
SMALL TREE
LARGE SHRUB
SMALL SHRUB
GROUNDCOVER
100-FOOT BUFFER
30' BRL
ETHAN COURT

LOT TYPE "A"


POTOMAC RIVER
10 large trees @ 400 sq ft credit = 4000 sq ft
12 small trees @ 100 sq ft credit = 1200 sq ft
12 large shrubs @ 36 sq ft credit = 432 sq ft
20 small shrubs @ 16 sq ft credit = 320 sq ft
48 ground cover @ 1 sq ft credit = 48 sq ft
TOTAL 6000 sq ft
LARGE TREE
SMALL TREE
LARGE SHRUB
SMALL SHRUB
GROUNDCOVER
BEA SETBACK - 60 FEET
100-FOOT BUFFER
30' BRL
ETHAN COURT
LOT TYPE "B"


POTOMAC RIVER
12 large trees @ 400 sq ft credit = 4800 sq ft
14 small trees @ 100 sq ft credit = 1400 sq ft
12 large shrubs @ 36 sq ft credit = 432 sq ft
20 small shrubs @ 16 sq ft credit = 320 sq ft
48 ground cover @ 1 sq ft credit = 48 sq ft
TOTAL 7000 sq ft
BEA SETBACK – 70 FEET
LARGE TREE
SMALL TREE
LARGE SHRUB
SMALL SHRUB
GROUND COVER
100-FOOT BUFFER
30' BRL
ETHAN COURT
LOT TYPE "C"

APPENDIX M
CHESAPEAKE BAY CRITICAL AREA
SHORE EROSION PROTECTION MEASURES
ADDITIONAL CRITERIA FOR COUNTY APPLICATIONS

M:1 Each application to the County shall contain the following information:

1. Photographic evidence of an existing erosion problem;

2. The specific location of the site on a USGS 7.5 topographic map;

3. The location of the Buffer based upon field analysis and verification;

4. The location of any stockpile areas. Stockpile areas shall not be located within the Buffer, to the extent feasible. Stockpile areas permitted within the Buffer shall not require any clearing of native vegetation, and shall be approved by the Planning Division prior to the approval of the project;

5. Information regarding whether or not the structure will be constructed from the water or from the land. Construction shall be from the water unless it can be demonstrated that it is not feasible. For construction from the land, a fifteen foot wide construction path may be utilized within the Buffer, unless it is demonstrated that construction is not feasible without a wider path, provided no clearing is associated with this access. The path shall be the most direct route available and determined by the Planning Division to be least intrusive to the Buffer. Mitigation will be required for the disturbance to the buffer for the access path pursuant to the provisions of this chapter;

6. A copy of the appropriate authorizations from the Maryland Department of the Environment and/or the U.S. Army Corps of Engineers; and,

7. A Buffer Management Plan to provide mitigation based upon the amount of clearing and disturbance to the Buffer.

APPENDIX N
CHESAPEAKE BAY CRITICAL AREA
EROSION PROTECTION MEASURES ABOVE MEAN HIGH WATER
ADDITIONAL CRITERIA FOR COUNTY APPLICATIONS

N-1: Construction Standards.

The County will apply the following standards for approving erosion control measures located above mean high water under a Buffer Management Plan:

1. Measures shall not have a cross section width which is greater than 10 feet or two times the height of the bank whichever is less.

2. Measures shall not have a cross section height which is greater than 5 feet or one half the cross section width whichever is less.

3. Wooden bulkhead structures shall not be used.

4. Revetment-like structures shall be constructed using filter cloth and fill in accordance with MDE guidelines used for shore erosion control measures that are placed at or below mean high water.

5. There shall be no grading of the existing bank other than that needed to cut a maximum 15 foot wide path to the beach for access unless it is demonstrated that construction is not feasible without a wider path. No other cutting or removal of existing vegetation along the bank shall be allowed.

6. Work shall be performed from the beach side or, when open lawn already exists landward of the bank, from open work areas that are a maximum 15 foot wide, unless it is demonstrated that construction is not feasible without a wider path.

7. Minor fill of eroded gullies, depressions remaining from the root wads of wind-thrown or under-cut fallen trees or to protect on-site disposal systems and well infrastructure may be approved by the Planning Director.

8. Mitigation for the disturbance to the Buffer to install the erosion control measure shall be at a ratio of 2:1 based upon the area disturbed.

9. All mitigation plantings shall be native to Maryland and placed within the Critical Area Buffer.

10. A grading permit and/or Soil Conservation District review and approval may be required based upon the amount of disturbance.

N-2: Application Criteria

Each application to the County shall contain the following information included in a Buffer Management Plan:

1. Photographic evidence of an existing erosion problem;

2. The specific location of the site on a USGS 7.5 topographic map;

3. The location of the Buffer based upon field analysis and verification;

4. The location of any stockpile areas. Stockpile areas shall not be located within the Buffer, to the extent feasible. Stockpile areas permitted within the Buffer shall not require any clearing of native vegetation, and shall be approved by the Planning Division prior to the approval of the project;

5. Information regarding whether or not the structure will be constructed from the water or from the land. Construction shall be from the water unless it can be demonstrated that it is not feasible. For construction from the land, a fifteen foot wide construction path may be utilized within the Buffer, unless it is demonstrated that construction is not feasible without a wider path, provided no clearing is associated with this access. The path shall be the most direct route available and determined by the Planning Division to be least intrusive to the Buffer. Mitigation will be required for the disturbance to the Buffer for the access path pursuant to the provisions of this chapter; and,

6. A Buffer Management Plan to provide mitigation based upon the amount of clearing and disturbance to the Buffer.

N-3: Variance Required.

Any application which deviates from these standards will require Board of Appeals approval of a variance for disturbance in the Critical Area Buffer. Applicants for variance must demonstrate why they cannot apply these standards for installation of the erosion protection measures.

APPENDIX O
CHESAPEAKE BAY CRITICAL AREA
HABITAT PROTECTION AREAS
MANAGEMENT GUIDELINES

O:1 The following management guidelines for identified Habitat Protection Areas are to be utilized when preparing a habitat protection plan:

1. Chesapeake Bay Critical Area Buffer.

   (a) Protected pursuant to §297-131.

2. Threatened and endangered species and species in need of conservation.

   (a) A protection area around each identified site of threatened or endangered species will be designated where disturbances from human activity should be prohibited, unless it can be demonstrated that the disturbances would not cause adverse impacts on the habitats or species being protected.

   (b) Protection zones are established around each site identified by the Maryland Department of Natural Resources (DNR)

3. Bald eagle habitat protection as a habitat of local significance.

   (a) County wide protection plan. The following countywide protection plan applies until such time an activity is proposed. Once the new activity is proposed, a habitat protection plan will be prepared and approved pursuant to section §297-137.

      [1] A quarter mile protection area is established around the bald eagle nest site. Within the one-quarter (1/4) mile protection area, three protection zones, as described below, are established. The following management guidelines are established for each zone:

         [a] Protection Zone 1 extends 330 feet from the nest site. The area immediately surrounding the nest site is the most sensitive to development activities and disturbances:

            [i] Year round. These major habitat changes are prohibited:

               a. Timber harvesting
               b. Land clearing; and,
               c. Building, road, or trail construction.

            [ii] December 15 to June 15:

a. People are restricted from within this zone.

[iii] June 16 to December 14:

a. Activities are kept to a minimum, but these activities are permitted:

1. Hiking;
2. Fishing; and,
3. Agriculture (plowing, planting, harvesting).

b. These activities are prohibited:

1. Hunting; and,
2. Use of off-road vehicles.

[b] Protection Zone 2 extends from 330 to 660 feet from the bald eagle nest site. During the nesting season (December 15 to June 15) eagles are still very sensitive to disturbances from activities in this zone.

[I] Year round. These major habitat changes are prohibited:

a. Timber harvesting;
b. Land clearing; and
c. Building, road or trail construction.

[ii] December 15 to June 15:

a. People are restricted from within this zone.

[iii] June 16 to December 14:

a. These activities are permitted:

1. Hiking;
2. Fishing;
3. Agriculture (plowing, planting, harvesting); and,
4. Hunting.

[iv] August 16 to November 14

a. These activities are permitted:

1. Selective thinning of timber stands;
2. Maintenance of timber stands; and
3. Maintenance of existing buildings and roads.

[c] Protection Zone 3 extends from 660 feet to a quarter mile from the nest site.

[i] December 15 to June 15

a. These activities are prohibited:

1. Timber harvesting;
2. Land clearing; and,
3. Building, road or trail construction.

[d] Generally, land uses existing at the time of the nest establishment may continue as long as these uses do not modify additional nesting habitat within the one-quarter (1/4) mile protection area nor disturb nesting bald eagles. A bald eagle habitat protection plan may be required if expansions or redevelopment are desired.

(b) Bald eagle habitat protection plan. Once a development activity is proposed within the one-quarter (1/4) mile protection area, a habitat protection plan is required if the landowner wishes to alter the management measures of the countywide bald eagle habitat plan. The individual habitat protection plan will ensure that the proposed activities will be compatible with the bald eagle nest site.

(c) In cases where the nest site is outside of the Critical Area, but a portion of the one-quarter (1/4) mile protection area is within the Critical Area, full protection measures are given to the site. However, each site will be evaluated individually.

4. Non-tidal wetlands.

(a) In addition to the protection measures required elsewhere in this chapter, disturbance to non-tidal wetlands and their associated buffers must be permitted by the Maryland Department of the Environment and/or the U.S. Army Corps of Engineers.

5. Natural Heritage Areas.

(a) A protection zone shall be set by the boundary of the Natural Heritage Area.

(b) A habitat protection plan shall be developed in conjunction with the Maryland Department of Natural Resources. The protection plan shall be incorporated into the development proposal.

6. Colonial water bird nesting sites.

(a) Management of these sites should include:

[1] Preservation of the nesting site; and,

[2] A buffer and specific measures to avoid disturbances during the nesting season, which extends from February 15 through July 31.

(b) The following guidelines are applicable at all times of the year, except as stated:

[1] A one-quarter (1/4) mile protection zone, measured from the outside boundaries of the colony, is established around the colony site;

[2] Within the protection zone, no building construction, clearing, grading or road construction should occur any closer than 660 feet from the outermost nest trees in the colony;

[3] Timber harvest should not occur within 330 feet of the outermost nest trees in the colony. Selective timber harvest may take place in the zone between 330 and 660 feet from the outermost trees, but should be limited to the non-nesting season;

[4] Access to the nest and within 330 feet of the outermost nest trees in the colony should be prohibited during nest building and incubation periods, which extend from February 15 through July 31.

(c) Generally, land uses existing at the time of nest establishment may continue as long as they do not modify additional nesting habitat within the one-quarter (1/4) mile protection area nor disturb nesting colonial water birds. A habitat protection plan should be required if expansions or redevelopment are desired.

(d) Once a development activity is proposed within the one-quarter (1/4) mile protection area, a habitat protection plan will be required if the landowner wishes to alter the management measures provided above. The plan should

ensure that the proposed activities will be compatible with the colonial water bird nest site.

(e) In cases where the nest site is outside of the Critical Area, but a portion of the one-quarter (1/4) mile protection area is within the Critical Area, full protection measures should be given to the site. However, each site will be evaluated individually.

7. Historic waterfowl staging and concentration areas.

(a) In addition to the requirements of the Buffer regulations in this chapter, the Maryland Department of the Environment non-tidal wetlands regulations, and the tidal wetland regulations, the following restrictions should apply to water-dependent facilities:

[1] Diving ducks: no disturbances from November 15 through March 3.

[2] Dabbling ducks and Canada geese: no disturbance from October 1 through March 31.

8. Forests containing forest interior dwelling bird species.

(a) Forest interior dwelling (FID) habitat in the Critical Area includes:

[1] Forest tracts of 50 acres or more which have at least ten (10) acres of "interior" habitat (forest > 300 feet from the nearest forest edge);

[2] Are riparian forest areas of at least 300 feet in depth;

[3] Are forested corridors connecting large tracts of forest areas; or

[4] Areas identified as possible fid habitat by the Department of Natural Resources.

(b) To determine the existence of FIDs habitat, a FID survey must be conducted by a qualified professional for those areas identified as potential FID habitat.

[1] Surveys are performed according to the methods contained in *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.

(c) The following guidelines apply to forest interior dwelling bird species habitat areas:

[1] Minimize forest alternations during the breeding seasons, such as off-road vehicles, extensive public use or logging;

[2] Minimize forest fragmentation and isolation by focusing development or other disturbances to the periphery of the area (i.e., roads, utility line corridors, and structures);

[3] If forest interior breeding birds considered sensitive to fragmentation (e.g. barred owl, worm-eating warbler) are present, manage forest conditions appropriately for those species;

[4] The forest canopy should not be removed in excess of 70% crown closure with selective cutting of tsi practices;

[5] Retain standing dead trees that serve as bird nesting and feeding habitat;

[6] Clearcuts may be planned in a pattern that minimizes edge. Circular or square cuts have the least amount of edge produced;

[7] Discourage the creation of small clearings and the disproportionate expansion of forest edge habitat;

[8] Provide that if a forest area is temporarily cleared, it be permitted or encouraged to return to native forest vegetation. The replacement or conversion of hardwood or mixed forests to pines should be discouraged;

[9] Adopt timber harvesting techniques that maintain or improve habitat for forest interior dwelling species;

[10] Maintain, to the degree possible, all forested corridors between riparian areas and upland forests so that these areas can continue to serve as passageways between habitat areas;

[11] Selective harvesting in highly diverse forest or riparian woodlands should be encouraged in lieu of clearcutting. Small patch cutting, less than 5 acres, may be practiced in moderation;

[12] Retain or encourage snags 10 inches d.b.h. or greater. Cluster snags where possible. Snags which protrude above a closed forest canopy should be removed;

[13] Clearcutting operations should leave several uncut hardwood trees 3 inches (7 cm) d.b.h. or greater per acre. Cluster these small trees

where possible;

[14] Minimize right-of-way corridors and road through forest areas to reduce edge creations;

[15] Daylighting of logging roads in forest interiors should be discouraged;

[16] Rotation length of even-aged stands should be increased to 100 years or more; and

[17] Retain dead and downed woody debris on the forest floor.

(d) Projects should be designed to minimize fragmented forest areas and provide management measures that will conserve habitat value in accordance with *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, adopted by the Chesapeake Bay Critical Area Commission in June 2000.

9. Anadromous fish propagation waters.

(a) Identification of anadromous fish spawning streams in Charles County has been made through field surveys conducted by the Maryland Department of Natural Resources. All tributary streams have been surveyed, and designated spawning streams have been inventoried. These areas are shown on the natural resources map that is part of the Charles County Critical Area Program.

(b) To avoid adverse impacts of any activities occurring within the watershed of anadromous fish propagation streams, the following management guidelines apply:

[1] Land disturbing activities, such as development activities and other non-agricultural activities, should be minimized. The proposed activity may be prohibited or restricted in order to minimize or avoid negative impacts.

[2] Any new development activity in these watersheds must obtain and implement either an approved sediment and erosion control plan or a soil conservation and water quality plan, whichever is appropriate for the activity.

[3] To protect and maintain water quality, adequate buffers should be maintained or installed around the proposed activity.

[4] Proposed development activities, excluding agricultural activities,

in anadromous fish spawning watersheds should ensure the maintenance and improvement, if possible, of the streams' water quality. During the implementation of an activity, the applicant may be required to monitor water quality. Water quality testing will be conducted by a qualified consultant. If water quality or stream habitats deteriorate due to adverse impacts of the activity, the applicant may be required to rectify the cause of the impacts.

(c) To protect streams and streambank areas, the following measures are applicable to any development activity proposed within an anadromous fish propagation area:

[1] The installation or introduction of concrete riprap or other artificial surfaces onto the bottom of natural streams should be prohibited, unless it can be demonstrated that water quality and fisheries habitat can be improved by such structures. This requirement maintains the natural condition for fish passage to and from spawning areas, but does not prevent the installation of measures to control streambank erosion.

[2] Channelization or other physical alterations which may change the course or circulation of a stream and interfere with the movement of fish should be prohibited.

[3] The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning or juvenile fish should be prohibited. If practicable, existing barriers should be removed.

[4] Construction, repair or maintenance activities should not occur within streams or the stream buffer between March 1 and June 15. This restriction protects the spawning period of the various anadromous species that may be found in these waters. This restriction may be modified upon advice of the Maryland Department of Natural Resources and documentation submitted by the applicant that changing the time period will not adversely affect the stream or stream buffer.

[5] If a vegetative buffer does not exist along the stream banks, a vegetative buffer should be established.

[6] Minimize any disturbance to the forest canopy along the stream banks. The forest canopy helps to maintain lower water temperature and provides food for juvenile fish.

10. Additional important plant and wildlife habitat areas.

(a) If additional plant and wildlife habitat areas are designated in the future, local public hearings, as appropriate, shall be held to consider comments on the areas and protection measures proposed. Protection measures for threatened, endangered species and species in need of conservation will be adopted within 12 months of the Maryland Department of Natural Resources Secretary's designation. As with other areas designated as habitat protection areas by the county, state and federal agencies, any proposed activity within these areas may be required to provide a management plan.