

No: 98-08

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Maryland Service Funding Collaborative)

BOOK 0013 PAGE 0001

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$10,000.00 are available from the Maryland Service Funding Collaborative for the purpose of initiating a community-based service hub engaging youth in service learning activities in the out-of-school hours.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 27, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$10,000.00 (Ten Thousand Dollars) and such increase is hereby approved this 10th day of February, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Date of Adoption: 2-10-98

Effective Date: _____

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST

John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
1/26/98

RECORDING FEE 0.00
TOTAL 0.00
Res: SM83 Rost: 999999
EWA NB B1k: 979
Feb 13, 1998 02:36 PM

No: 98-09

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Community Beacon Coalitions of MD)

BOOK 0013 PAGE 0002

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$30,000.00 are available from the State of Maryland Governor's Commission on Service - Community Beacon Coalitions of Maryland for the purpose of providing additional staffing, transportation and other services for the Teen Center - After-School Program.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 27, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$30,000.00 (Thirty Thousand Dollars) and such increase is hereby approved this 10th day of February, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Date of Adoption: 2-10-98

Effective Date: _____

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Rest#0203 No#4999999
EHA NO BIK#979
Feb 13, 1998 02:37 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney

1/26/98

No.: 98-10

BOOK **0013** PAGE **0003**

Subject: FY 1998 Supplemental Appropriation
Office of Community Services
(Alcohol & Drug Abuse Administration)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of Community Services for St. Mary's County, and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$2,670.00 in State grant funds are available from the Department of Health and Mental Hygiene (Alcohol and Drug Abuse Administration) to the Office of Community Services of St. Mary's County for the purpose of expanding and enhancing prevention services at the local level.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 27, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$2,670.00 (Two Thousand Six Hundred Seventy Dollars), and such increase is hereby approved this 10th day of February, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

Date of Adoption: 2-11-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Effective Date: _____

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
John J. Wachmar Jr.
John J. Wachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#5960 Rpt#399999
EWA NB BIK#379
Feb 13, 1998 02:37 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney 1/26/98

No.: 98-11

Subject: FY 1998 Supplemental Appropriation
Marcey House
(DHMH - Alcohol and Drug Abuse
Administration)

BOOK 0013 PAGE 0004

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Marcey House of St. Mary's County, and

WHEREAS, the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$4,986.00 in State grant funds from the Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration to the Marcey House of St. Mary's County for the purpose of expanding or enhancing treatment service delivery, and is intended to provide support for services to individuals who are no longer eligible to receive Supplemental Security Income (SSI) benefits as a consequence of their addiction.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on January 27, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$4,986.00 (Four Thousand Nine Hundred Eighty-Six Dollars) and such increase is hereby approved this 10th day of February, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

Date of Adoption: 2-10-98

Effective Date: _____

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#9483 Rec#1599999
EMA NB BK#279
Feb 13, 1998 02:36 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
1/20/98

RESOLUTION NO. 98-12

BOOK 0013 PAGE 0005

SUBJECT: Rescind Prior Local Management Board Appointments, and Designation of the Local Management Board of St. Mary's County, Inc., a Non-Profit Corporation, to Serve as the Authorized Local Management Board in St. Mary's County

RECORDING FEE 0.00
TOTAL 0.00
Res#13403 Res#4999999
EPA NB BIK#1606

RESOLUTION

WHEREAS, Article 49D, §11 of the Annotated Code of Maryland requires the Board of County Commissioners to designate a Local Management Board to perform duties established by law and to serve within the boundaries of St. Mary's County;

Feb 24, 1998 12:00 PM

WHEREAS, it is the desire of the Board of County Commissioners to create a Local Management Board in conjunction with the Systems Reform Initiative of the Office of Children, Youth and Families;

WHEREAS, the Board of County Commissioners in 1995 and at later times previously appointed at least five persons to serve as a Local Management Board for St. Mary's County;

WHEREAS, the organizational nature of the Local Management Board had not been previously determined, documented or clearly stated at the time of such appointments;

WHEREAS, on November 4, 1997, the Board of County Commissioners designated a non-profit corporation yet to be formed as the Local Management Board to serve the citizens of St. Mary's County, directed the County Attorney to provide legal services to facilitate incorporation of such an entity and conditioned the Board's designation of a non-profit corporation that did not then exist upon review and approval by the Board of County Commissioners of the Articles of Incorporation, Bylaws and Organizational Minutes of the corporation;

WHEREAS, the Board of County Commissioners has reviewed the Articles of Incorporation, Minutes of Organizational Meeting, and Bylaws of the Local Management Board of St. Mary's County, Inc., and found them to be acceptable;

WHEREAS, one purpose of this Resolution is to designate the Local Management Board of St. Mary's County, Inc., a non-profit corporation organized under the laws of the State of Maryland for which the Articles of Incorporation were accepted and filed on November 20, 1997 by the Department of Assessments and Taxation, as the lawfully designated Local Management Board to serve the citizens of St. Mary's County;

WHEREAS, the non-profit corporation known as the Local Management Board of St. Mary's County, Inc., is now prepared to commence operations and to assume full responsibilities under State law as a Local Management Board;

WHEREAS, the creation of the Board of Directors for the non-profit corporation eliminates the need for any board appointed by the Board of County Commissioners;

WHEREAS, the Board of County Commissioners therefore wishes to rescind and repeal any prior appointments to the board previously known as the Local Management Board so that the corporate Board of Directors may now function in that capacity;

WHEREAS, in a grant agreement previously executed by the Board of County Commissioners and by the Office of Children, Youth and Families, the Board of County Commissioners designated the Maryland Department of Social Services, St. Mary's County office, as the fiscal agent for the Local Management Board that preceded the formal incorporation of the present non-profit corporation;

WHEREAS, there is no further need for the Department of Social Services to serve as fiscal agent because the non-profit corporation is lawfully responsible for and fully capable of providing its own fiscal services, and because it is inappropriate for a government agency to serve as fiscal agent for a private corporation;

WHEREAS, the Board of County Commissioners thus wishes to terminate the services of the Department of Social Services as fiscal agent for the Local Management Board serving on behalf of the Board of County Commissioners and further instructs its former fiscal agent to turn over all financial accounts,

records and matters to the non-profit corporation as soon as is practicable;

WHEREAS, the Board of County Commissioners hereby directs its previously designated fiscal agent, Department of Social Services, to coordinate the transition of responsibility for existing contractual relationships and all fiscal matters to the non-profit corporation including, but not limited to, assignment of the contracts which were previously entered into with the Office of Children, Youth and Families and termination of the two employment contracts in a coordinated and cooperative fashion, at the earliest mutually acceptable date; and

WHEREAS, the non-profit corporation, upon execution of this Resolution shall have full responsibility for filing the corporate personal property reports and tax returns necessary to continue as a corporation in good standing with the Maryland Department of Assessments and Taxation.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of County Commissioners of St. Mary's County, Maryland, hereby designates that Local Management Board of St. Mary's County, Inc. a Maryland non-profit corporation organized pursuant to the Corporations and Associations Article of the Annotated Code of Maryland, to serve as the authorized Local Management Board in St. Mary's County, and directs the Board's former fiscal agent, the Department of Social Services, to transfer all funds, accounts, contracts, and records to the new corporation at the earliest opportunity.

AND IT IS HEREBY FURTHER RESOLVED, that all previous appointments of the Board of County Commissioners to the Local Management Board are hereby rescinded and repealed.

Date of Adoption: 2/17/98

Effective Date: 2/17/98

Those Voting Aye: Commissioners Thompson, Brugman, Chesser, Eagan and Jarboe

Those Voting Nay: _____

Those Absent and/or Abstaining: _____

ATTEST:

[Signature]
John J. Kachmar, Jr., County Administrator

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

[Signature]
Barbara R. Thompson, President

[Signature]
D. Christian Brugman, Commissioner

[Signature]
Paul W. Chesser, Commissioner

[Signature]
Frances P. Eagan, Commissioner

[Signature]
Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

[Signature]
Douglas S. Durkin, County Attorney

RESOLUTION

WHEREAS, Article 25, Section 14A, Paragraph (a), subparagraph (1) of the Annotated Code of Maryland empowers the County Commissioners to prescribe and enforce Rules and Regulations concerning the operation and manner of use of the disposal areas or facilities; and

WHEREAS, the Board of County Commissioners adopted Rules and Regulations governing the use of the County Solid Waste Acceptance Facilities by Resolution No. 71-4, effective March 1, 1971, amended via Resolution No. 91-20, effective August 1, 1991, amended via Resolution # 96-24, effective August 12, 1996; and

WHEREAS, the Solid Waste Ordinance was adopted by the Board of St. Mary's County Commissioners on November 29, 1988 and which Ordinance, in §3, authorizes the County Commissioners to establish, by Resolution, a schedule of fees as they deem necessary in connection with the use and operation of the Solid Waste Acceptance Facilities; and

WHEREAS, the Solid Waste Ordinance, in §8, authorizes the Department of Public Works to set the hours of operation of the Solid Waste Acceptance Facilities; and

WHEREAS, on February 17, 1998, the Board of County Commissioners held a Public Hearing for the purpose of presenting alternatives regarding the closing of the municipal solid waste portion of the St. Andrews Landfill; and

WHEREAS, it is the intent of the Board of County Commissioners that all other terms and conditions in the Rules and Regulations and the Fee Schedule remain in effect.

NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners hereby amends Resolution No. 96-24 and attached Fee Schedule to prohibit the disposal of municipal solid waste at the St. Andrews Sanitary Landfill by commercial/industrial waste haulers, all in accordance with the attached Fee Schedule.

Those Voting Yea: Commissioners Thompson, Brugman, Chesser, Eagan, Jarboe
Those Voting Nay: _____
Those Abstaining: _____

ADOPTION DATE: 3/9/98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

EFFECTIVE DATE: March 9, 1998

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST
[Signature]
County Administrator

APPROVED AS TO LEGAL FORM & SUFFICIENCY
Douglas S. Durkin
Douglas S. Durkin
County Attorney
3/10/98

RECORDING FEE 0.00
TOTAL 0.00
Res#0003 Acct#999999
EWA NB BK#1191
Mar 17, 1998 11:49 am

ST. MARY'S COUNTY SOLID WASTE ACCEPTANCE FACILITIES

CLASSIFICATION	FEE	REMARKS
Residential	No Fee; Sticker Required	Transfer Station/Convenience Center Use Only
Residential Flat Fee	\$5.00 Per Pick-up Load	Landfill Disposal Only
Commercial/Industrial MSW *	Not Applicable	Prohibited
All Other Users	\$35.00 Per Ton	Landfill Rubble Disposal Only
Tire Disposal	\$158.00 Per Ton	Segregated Location Only

HOURS OF OPERATION

FACILITY	DAYS OF OPERATION	HOURS OF OPERATION
St. Andrews Landfill - Rubble Fill Only	Monday - Saturday	8:00 a.m. - 4:30 p.m.
	Sunday	Closed
Transfer Stations/Convenience Centers	Monday - Friday	9:30 a.m. - 5:00 p.m.
	Saturday - Sunday	8:00 a.m. - 5:00 p.m.

* ALL TRANSFER STATIONS/CONVENIENCE CENTERS ARE CLOSED TO COMMERCIAL HAULERS.

No: 98-17

BOOK **0013** PAGE **0009**

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Removal of Abandoned Boats & Debris)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$30,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, State Boat Act, Natural Resource Article, §8-721, of the Annotated Code of Maryland, administered through the Natural Resources Police, for the purpose of removal of abandoned boats and debris from county waterways.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 3, 1998 pursuant to Notice published on or about February 18 and 25, 1998 in the Enterprise.

NOW THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 3, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$30,000.00 (Thirty Thousand Dollars) and such increase is hereby approved this 17th day of March, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#13400 Acct#1395333
EWA NB BIK#1429
Mar 19, 1998 11:32 am

Date of Adoption: 3-17-98
Effective Date: 3-17-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney

3/6/98

No: 98-16

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Repairs at Various Public Boat Ramps)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$5,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, Natural Resource Article, §5-901, of the Annotated Code of Maryland, Waterway Improvement Fund, administered through the Program Open Space division, for the purpose of providing county-wide maintenance repairs to various public boat ramps.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 3, 1998 pursuant to Notice published on or about February 18 and 25, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 3, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$5,000.00 (Five Thousand Dollars) and such increase is hereby approved this 17th day of March, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#3403 Rec#4999999
EWA NB 011429
Mar 19 1998 11:33 am

Date of Adoption: 3-17-98
Effective Date: 3-17-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
County Administrator

Steven E. Weikos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
County Attorney

3/6/98

No: 98-15

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Bushwood Wharf)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$25,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, Natural Resource Article, §5-901, of the Annotated Code of Maryland, Waterway Improvement Fund, administered through the Program Open Space division, for the purpose of providing ramp and bulkhead repairs at Bushwood Wharf.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 3, 1998 pursuant to Notice published on or about February 18 and 25, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 3, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) and such increase is hereby approved this 17th day of March, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Res#3403 Acct#999999
EHA NO BIK#1429
Mar 19, 1998 11:33 AM

Date of Adoption: 3-17-98
Effective Date: 3-17-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
3/16/98

No: 98-14

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Bushwood Wharf)

BOOK 0013 PAGE 0012

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$6,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, Natural Resource Article, §5-901, of the Annotated Code of Maryland, Waterway Improvement Fund, administered through the Program Open Space division, for the purpose of providing ramp and bulkhead repairs at Bushwood Wharf.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 3, 1998 pursuant to Notice published on or about February 18 and 25, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on March 3, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$6,000.00 (Six Thousand Dollars) and such increase is hereby approved this 17th day of MARCH, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

RECORDING FEE 2.00
TOTAL 2.00
Res#3163 Rpt#4999999
EWA NB BIK#1429
Mar 19, 1998 11:34 am

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 3-17-98
Effective Date: 3-17-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
3/6/98

No.: 98-18

BOOK 0013 PAGE 0013

Subject: FY 1998 Supplemental Appropriation
Office of the Sheriff
(Bureau of Justice Assistance)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that a grant awarded on September 30, 1996 from the United States Department of Justice, Bureau of Justice Assistance under the Local Law Enforcement Block Grant I Program for St. Mary's County, to the Office of the Sheriff is anticipating to generate interest income funds in the amount of \$2,720.00. In accordance with grant regulations, these funds may be used to supplement approved activities of the grant program.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 3, 1998 pursuant to Notice published on or about February 18 and 25, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, March 3, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$2,720.00 (Two Thousand Seven Hundred Twenty Dollars), and such increase is hereby approved this 17th day of MARCH, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

RECORDING FEE 0.00
TOTAL 0.00
Rest#3163 Ref#999999
EWA NO 211#1429
Mar 19, 1998 11:35 am

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 3-17-98
Effective Date: 3-17-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST

John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney

3/6/98

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on August 26, 1997 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECORDING FEE 0.00
TOTAL 0.00
Res#5403 Rec#499999

RECITALS

On August 26, 1997, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1997 dated September 1, 1997 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

EWA LP 01141991
Mar 27 1998 10:00 am

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 97-33, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 97-33.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$18,000 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 360 of the Laws of Maryland of 1992, as amended, Chapter 52 of the Laws of Maryland of 1993, as amended, Chapter 439 of the Laws of Maryland of 1996, as amended, Section 46-2 of the St. Mary's County Code, as amended, and Sections 2C and 24 of Article 31 of the Annotated Code of Maryland, as amended, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on August 26, 1997 (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1997, dated September 1, 1997 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$18,000 from the proceeds of

RESOLUTION NO.: 98-19

SUBJ: **Public Facilities Bonds of 1997
Leonardtwn Pre-K Addition
Page 2 of 3**

BOOK **0013** PAGE **015**

the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

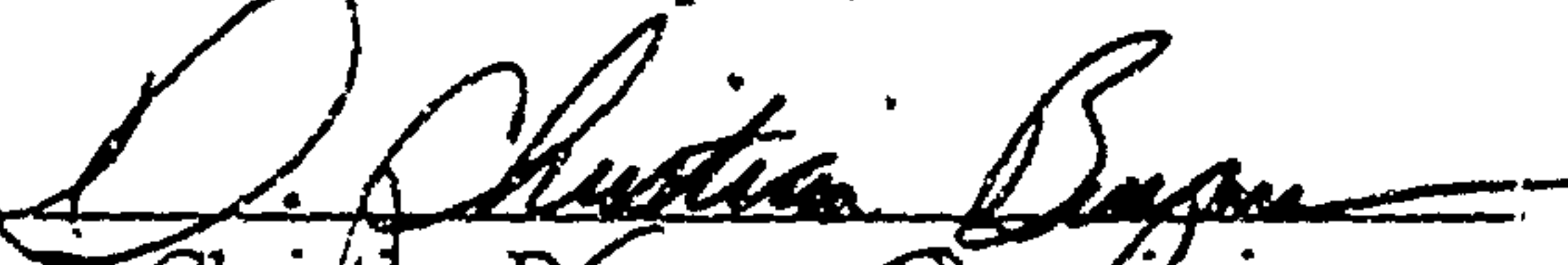
Section 3: This Supplement Resolution shall become effective immediately upon its passage.


Date of Adoption: 3-24-98

Effective Date: _____

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND


Barbara R. Thompson, President

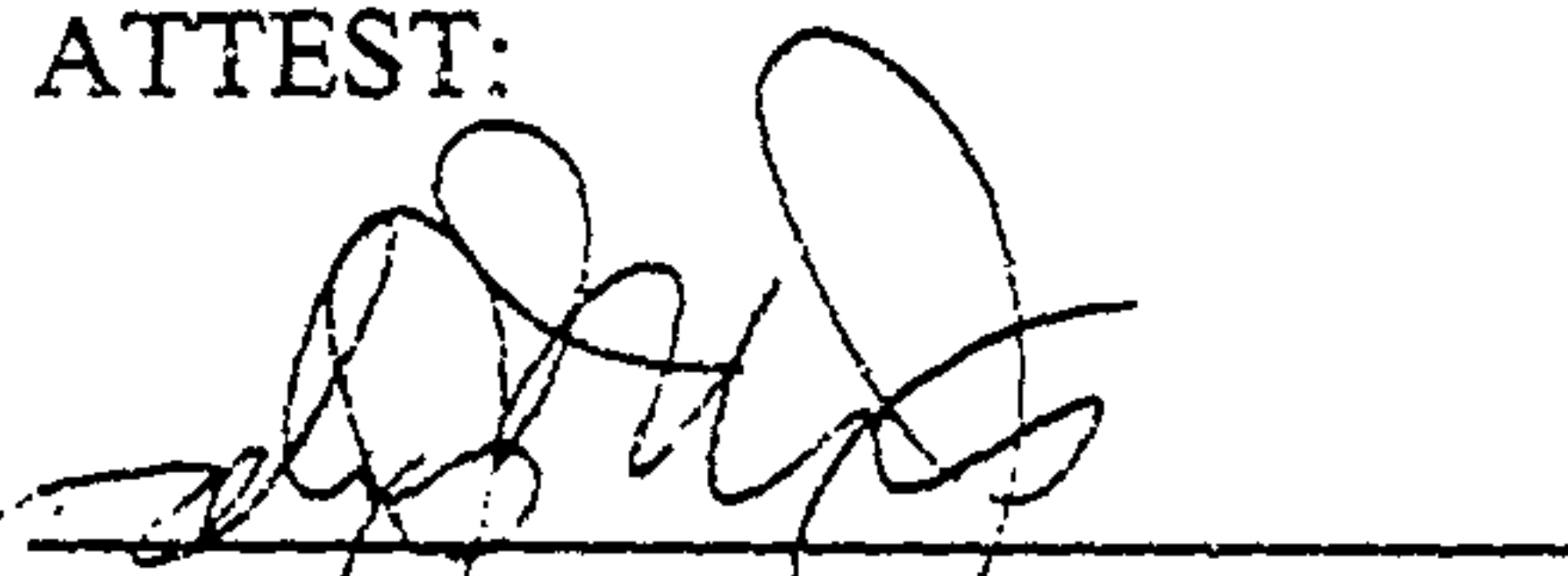

D. Christian Brugman, Commissioner



Paul W. Chesser, Commissioner


Frances P. Eagan, Commissioner

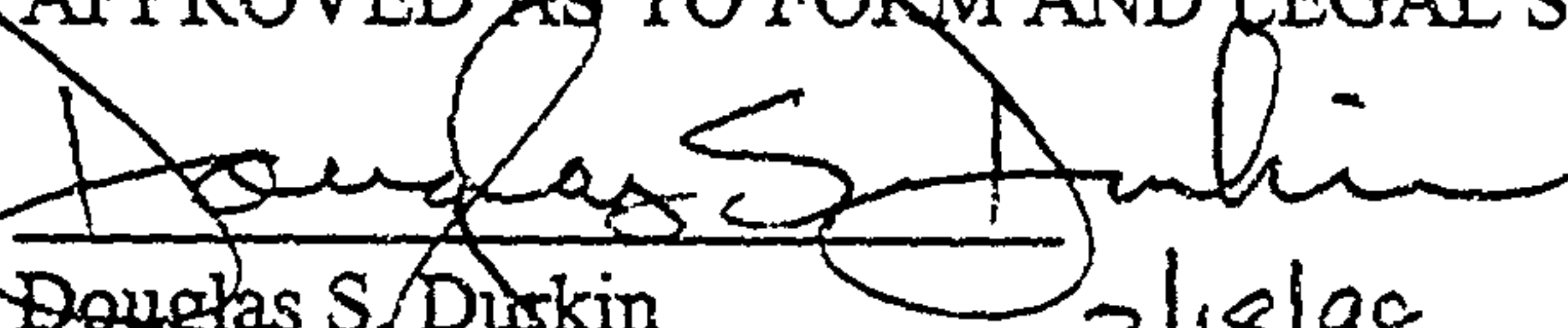

Lawrence D. Jarboe, Commissioner

ATTEST:


John J. Kachmar Jr.
County Administrator


Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Douglas S. Durkin
County Attorney

3/18/98

BOOK 0013 PAGE 0016

SCHEDULE A
to RESOLUTION NO.: 98-19
Leonardtwn Pre-K Addition
Page 3 of 3

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1997.

Leonardtwn Pre-K Addition	\$18,000
---------------------------	----------

RESOLUTION NO: 98-20

SUBJ: Waiver of Landfill Fees For
Christmas in April Projects

BOOK 0013 PAGE 0617

RESOLUTION

WHEREAS, the Eighth (8th) annual Christmas in April Program will take place locally on April 25, 1998;
and

WHEREAS, over 12,000 volunteers have performed over \$1,200,000 in repairs on over 253 homes
occupied by elderly, handicapped and low-income countians since 1991; and

WHEREAS, the Board of County Commissioners wishes to support continuation of these efforts.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that landfill fees for
trash and debris associated with Christmas in April projects be waived.

ADOPTION DATE:

3-24-98

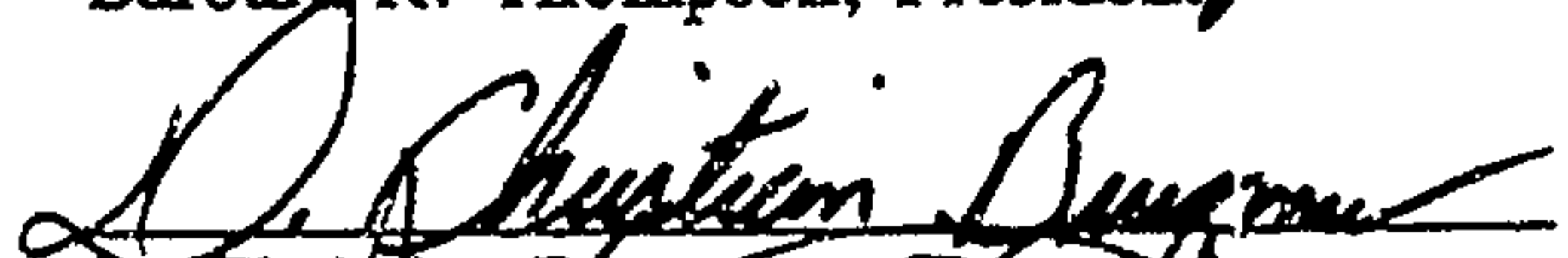
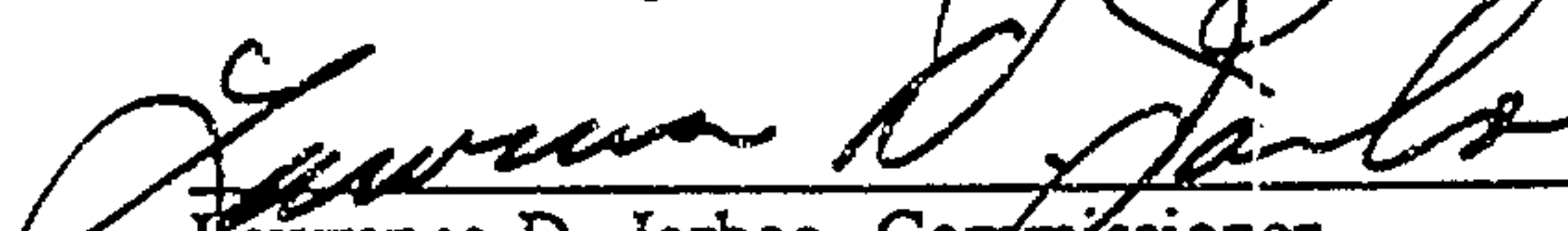
EFFECTIVE DATE:

ATTEST:



John I. Kachmar
County Administrator

BOARD OF ST. MARY'S COUNTY
COMMISSIONERS


Barbara R. Thompson, President
D. Christian Brugman, Commissioner
Paul W. Chesser, Commissioner
Frances P. Eagan, Commissioner
Lawrence D. Jarboe, Commissioner

wp/xmas.res

RECORDING FEE 0.00
TOTAL 0.00
Rec#3183 Acct#999999
EPA TLC BIK#2216
Mar 27, 1998 09:31 PM

BOOK 0013 PAGE 0018

RECORDING FEE 3.99
TOTAL 9.00

RESOLUTION

WHEREAS section 1.5 of the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) sets forth procedures for amending the plan; and

WHEREAS, pursuant to those procedures, application has been filed for an amendment that would allow construction of a sewage disposal system to serve 16 unimproved building lots within 312 acres, more or less, described as Parcels 5 and 37 of Tax Map 64 in the First Election District of St. Mary's County, and

WHEREAS the planning commission conducted a public hearing on the proposed amendment on January 13, 1997, and

WHEREAS on February 10, 1997 the planning commission voted to recommend to the board of county commissioners the *denial* of the requested amendment for lack of support in either the CWSP or the comprehensive plan for such a system as proposed, and

WHEREAS on April 29, 1997 the board of county commissioners conducted a public hearing on the proposed amendment and planning commission recommendation, and

WHEREAS on June 3, 1997 the board of county commissioners voted to amend said map IV-34 as requested pending further amendment of the CWSP, and directing the planning commission to prepare appropriate language for such further amendment, and

WHEREAS on August 25, 1997 the planning commission conducted a public hearing on amendments to the text of the CWSP as directed by the board of county commissioners, such amendments being set forth in Attachment "A" hereto, and

WHEREAS the planning commission holds that such amendments accomplish at least two objectives in keeping with the spirit of the comprehensive plan, 1) to foster clustering in rural areas which in turn fosters preservation of resources and rural character; and 2) to provide a reasonable compromise between the limitations of the soil (i.e., inadequate percolation) and prohibition of access to community sewerage outside of planned growth areas; and

WHEREAS the planning commission also holds such amendments to be compatible with section 9-506(a)(3) of the Environment Article of the Annotated Code of Maryland, and

WHEREAS on October 6, 1997 the planning commission voted to recommend to the board of county commissioners the *approval* of said amendments, and

WHEREAS on November 18, 1997 the board of county commissioners held a public hearing on said amendments and recommendation of the planning commission; and

WHEREAS on November 18, 1997 the board of county commissioners did concur with said findings by the planning commission and did vote to *approve* said amendments,

NOW THEREFORE BE IT RESOLVED that the St. Mary's County Comprehensive Water and Sewerage Plan be amended as described in ATTACHMENT A and B hereto.

Date of adoption and effective date: 3-31-98

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

BARBARA R. THOMPSON, President

Barbara R. Thompson

D. CHRISTIAN BRUGMAN, Commissioner

D. Christian Brugman

PAUL W. CHESSEY, Commissioner

Paul W. Chessy

FRANCES P. EAGAN, Commissioner

Frances P. Eagan

LAWRENCE D. JARBOE, Commissioner

Lawrence D. Jarboe

Attest
[Signature]
County Administrator

Approved changes to the text of the CWSP.

Double underlined text is to be added. Stricken through text is to be deleted.

Chapter 1: Goals, Policies, Related Plans

...

1.2 Related Policies...

1.2.7 Shared Facilities

Maryland Department of the Environment regulations governing shared facilities (COMAR 26.04.05) define a "shared facility" as a water or sewerage system which serves more than one lot of land or more than one user on a single lot of land with water or sewerage systems located on the individual lots or on parcels owned in common by the users or the controlling authority. The controlling authority for shared facilities in St. Mary's County is the St. Mary's County Metropolitan Commission. The approving authority for shared facilities in St. Mary's County is the St. Mary's County Health Department, with the concurrence of the Maryland Department of the Environment. The Metropolitan Commission may purchase, hold, lease, build, construct, own, operate, repair, maintain and improve a shared facility or enter into contractual agreements with the federal government, the state, a municipality, person or individual to provide such services. All shared facilities should be designed, constructed and operated in accordance with COMAR 26.04.05 and should comply with all other applicable state and local laws and regulations.

Shared facilities serving six or fewer EDUs need not be formally may be administratively amended into this Comprehensive Water and Sewerage Plan pursuant to section 1.5.2 infra. The Environmental Health Division of the St. Mary's County Health Department maintains an inventory of shared systems which is available for public inspection. Concept subdivision approval or health department citation of a failing septic system hazard shall be a prerequisite for such administrative amendment.

...

B. ~~Sewer: The County Code should be amended to address shared sewer facilities. The following standards are recommended for inclusion in the County Code. The following standards apply to shared systems.~~

- (1) Only subsurface sewage disposal systems (including septic system drainfields, mound systems or infiltration systems) may be used to provide treatment as shared facilities.
- (2) ~~No more than a maximum of six EDUs, each located on separate parcels (lots) of record or one or more parcels (lots) of record, should be so served.~~
- (2) Shared sewage treatment and disposal facilities may be utilized in Rural Preservation Districts only for
 - a) on-site (i.e. served dwelling units and the facility must be located within the same parent parcel), clustered new development as defined by the St. Mary's County zoning ordinance; or
 - b) off-site correction of failed septic systems.
- ~~(3) An agreement for joint use of a subsurface sewage disposal system should be entered into among the owner(s) of the parcels or lots served by such system. The executed agreement should be on a form approved by the Health Department, the St. Mary's Metropolitan Commission and the St. Mary's Board of Health and should be recorded among the land records and also filed with the Health Department. The agreements should set forth, among other provisions, the respective responsibilities of the owners of the shared facility, the Health Department and Metropolitan Commission. [Explanation: MetCom is controlling authority, and as such will determine when agreements are necessary and how they are articulated.]~~
- (3) On at least an annual basis, the Health Department should inspect the performance of the shared facility, and if necessary may require that the accumulated sludge be removed and that repairs be effected at the cost of the property owners served as provided for in a recorded agreement between affected property owners and the controlling authority.

- (4) The interconnecting of two or more shared facilities should be prohibited unless approved by the Health Department and the Metropolitan Commission.
- (5) Each dwelling unit served by a shared facility should be served by its own sewer service line installed in accordance with the St. Mary's County Plumbing Code and the St. Mary's County Standard Specifications for Water and Sewerage Construction.
- (6) The costs associated with the installation, operation, maintenance and repair of such shared facilities should be borne jointly by the owners or users of the system.
- (7) Plans and specifications for these shared facilities should be submitted to the Health Department and, as appropriate, the Metropolitan Commission for approval and should be constructed in conformance with the current Plumbing Code for St. Mary's County or the St. Mary's County Standard Specifications for Water and Sewerage Construction as appropriate.
- ~~(9) It should be expressly prohibited for a developer or owner of a single subdivision consisting of more than six lots to create hereunder multiple, adjacent or contiguous private sewage disposal systems with each system serving up to six EDUs. Likewise, an individual(s) should not be permitted to create adjacent or contiguous subdivisions consisting of four or fewer lots for the purpose of serving the subdivisions thus created with adjacent or contiguous private sewage disposal systems as provided for herein.~~
- (8) An interagency agreement should be entered into and recorded to run with and bind upon the lands served by the shared facility. This agreement between the Health Department, and the Metropolitan Commission, and the landowner(s). Said agreement should define the respective role and responsibilities of each agency and the successors and assigns in title to the property in the administration of these private shared systems.

...

1.2.8 Community Systems

...

B. Sewerage

A community sewerage system means any system, whether publicly or privately owned, ~~seven or more EDUs~~ established for the collection, transportation, and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes, serving two or more EDUs within a growth area designated by the land use plan. Public community sewerage systems include the wastewater treatment plants at Pinehill Run, Leonardtown, St. Clements Shores and Wicomico Shores. Private community systems have been established in Charlotte Hall within the Indian Creek sanitary district. Community sewerage systems may not serve the rural preservation district except to alleviate health hazards.

1.3 Water and Sewerage Service Areas

...

1.3.5 RW, RSe, RSs - Rural Service Areas

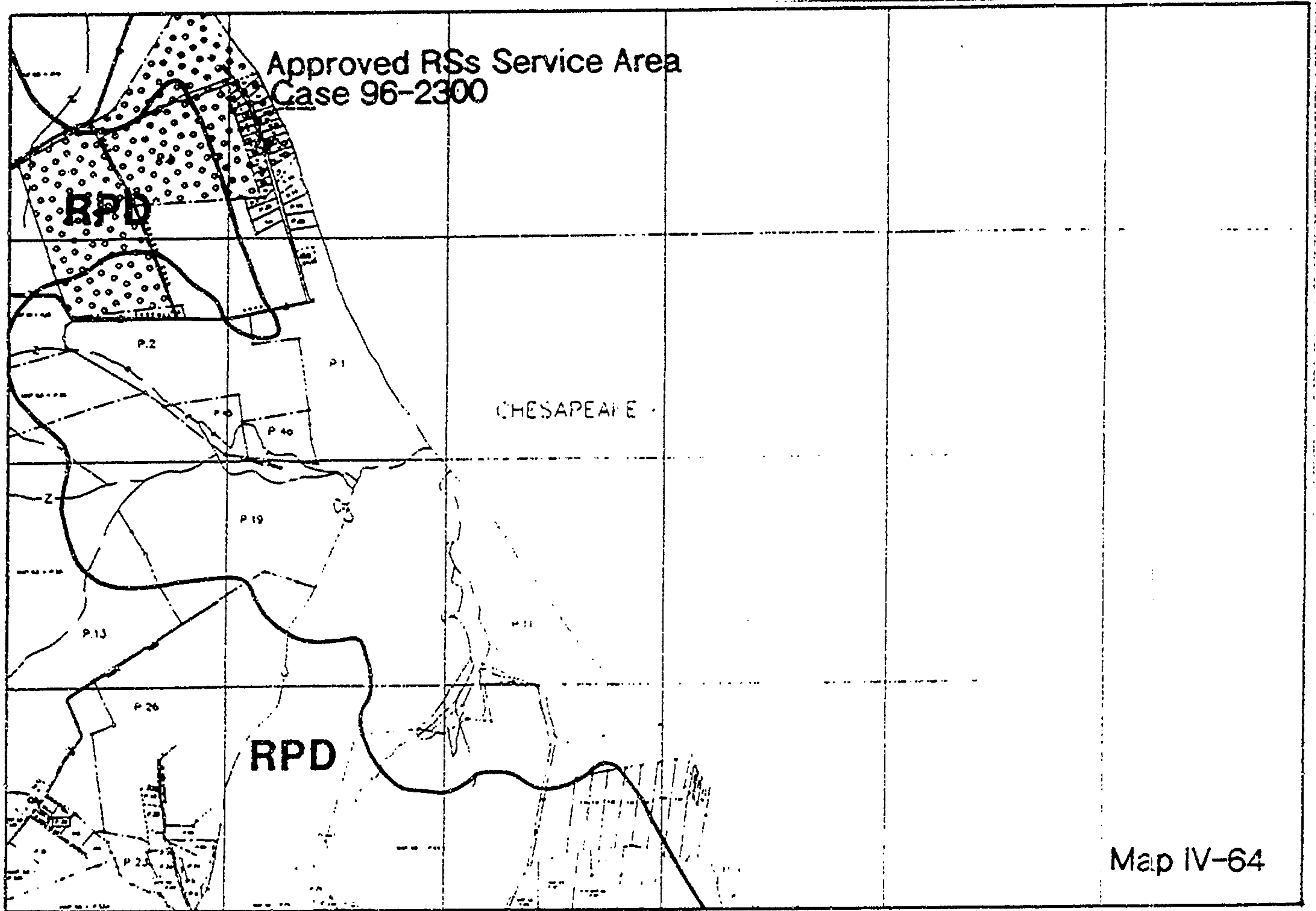
Properties designated in the land use plan as rural preservation districts may be assigned this service category. The associated population densities and land uses in a rural area are typically accommodated by private individual systems, but the RPD zoning district does allow for low density residential development at a density of one dwelling unit per three acres.

Community water systems ... *(text not reprinted)*

The land use plan allows community sewerage systems service outside of development districts, town centers or village centers only to alleviate health hazards or to serve neighborhood conservation districts. Community sewerage systems, including wastewater treatment plants, may not be considered as shared systems. Specifically, wastewater treatment plants at Pine Hill Run, Leonardtown, St. Clement's Shores and Wicomico Shores are not shared systems per this definition.

Shared septic systems per section 1.2.7.B. above may be allowed in the Rural Preservation District.

Map IV - 64 AS AMENDED TO CREATE AN RSS SERVICE AREA PER CASE 96-2300



No.: 98-21

Subject: FY 1998 Supplemental Appropriation
Office of the Sheriff
(HotSpot - Byrne)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of the Sheriff for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that a HotSpot - Byrne grant was awarded on March 3, 1998 from the Governor's Office of Crime Control and Prevention to the Office of the Sheriff in the amount of \$10,000.00. In accordance with grant regulations, these funds may be used for the purpose of paying overtime to officers performing approved law enforcement functions under the Maryland HotSpot Communities Initiative within targeted zones in Lexington Park, Maryland.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on March 31, 1998 pursuant to Notice published on or about March 18 and 25, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, March 31, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$10,000.00 (Ten Thousand Dollars), and such increase is hereby approved this 14th day of April, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Commissioners Thompson, Brugman, Chesser, Eagan, & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 4-14-98
Effective Date: _____

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Rest#5403 Rest#999999
EPA NB BIK#1831
Apr 22, 1998 09:26 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney

3/19/98

BOOK 0013 PAGE 0023

ORDINANCE

WHEREAS, from time to time, errors or omissions in the text and maps of the zoning ordinance may be discovered in its administration; and

WHEREAS, these errors or omissions may adversely affect individual property owners who request zoning approval for certain projects; and

WHEREAS, by memorandum dated February 6, 1998, the Director of Planning and Zoning transmitted to the Planning Commission, a package of proposed text and map amendments to correct certain errors or omissions in the zoning ordinance; and

WHEREAS, the Planning Commission conducted a public hearing on February 9, 1998 for the purpose of receiving testimony on the proposed amendments; and

WHEREAS, on February 23, 1998 the Planning Commission recommended approval of the text and map amendments and adoption of the "Findings for Reclassification - Zoning Map Mistakes" and evidence of the mistake in the original 1990 rezoning, both as reflected in the February 6, 1998 staff memorandum; and

WHEREAS, the Board of County Commissioners held a public hearing on March 31, 1998 for the purpose of receiving testimony on the Planning Commission's recommendation on the proposed text and map amendments; and

WHEREAS, having reviewed and deliberated on the Planning Commission's recommendation, evidence and testimony submitted during the public hearing.

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of St. Mary's County, that the text amendments to the zoning ordinance as shown in Attachment A hereto, are hereby approved; and

BE IT FURTHER ORDAINED, that the evidence (as shown in Attachment B hereto) presented in support of "mistake" in the original 1990 zoning maps forwarded as part of the Planning Commission's recommendation is hereby adopted by the Board of County Commissioners; and

BE IT FINALLY ORDAINED that these properties are hereby rezoned to the classifications shown in Attachment B hereto.

Adopted this 14th day of April 1998.

Effective Date 14 April 1998

RECORDING FEE 2.00
TOTAL 2.00
Res#3003 Acct#999999
EHA NO 014-1821
Apr 22 1998 09:27 am

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Barbara R. Thompson, President


D. Christian Brugman, Commissioner


Paul W. Chesser, Commissioner


Frances P. Eagan, Commissioner


Lawrence D. Jarboe, Commissioner

Attest:


John J. Kachmar, Jr.
County Administrator

BOOK 0013 PAGE 0024

District Designation	District Name
Agricultural Districts:	
20.2.3	Agricultural
Rural Preservation Districts:	
20.2.4	Rural Preservation District
Residential Districts:	
20.2.5	Residential, Neighborhood Conservation
20.2.6	Residential, Village Center
20.2.7	Residential, Town Center
20.2.8	Residential, Low Density
20.2.9	Residential, High Density
Commercial Districts:	
20.2.11	Commercial, Limited
20.2.12	Commercial, Village Center
20.2.13	Commercial, General
Marine Districts:	
20.2.14	CM, Commercial Marine
Industrial Districts:	
20.2.15	Industrial, General

District Designation	District Name
Reserved: Section 37	
Special Districts: Section 38	
38.1 AICUZ	
38.2 CA	Air Installations Compatible Use Zone
38.3 FP	Critical Area
38.4 HD	Flood Plain
38.5 PUD	Historic District
	Planned Unit Development

The following PUD Planned Unit Development zoning districts may be established provided they are in accordance with the requirements and provisions of ARTICLE 3 of this ORDINANCE. PUD districts which are approved by the County Commissioners and which are in accord with the provisions of SECTION 36 may be shown on the zoning maps with the appropriate PUD designation.

TABLE 2.1 - TABLE OF USES

I. RESIDENTIAL

	A	RPD	RNC ⁴	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Single-Family Detached Dwellings	P	P	P	P	P	P	P	-	-	-	-	-
Two-Family Dwellings	-	P5	CU4	P5	P5	P5	P5	-	-	-	-	-
Townhouse	-	-	CU4	-	P5	P5	P5	-	-	-	-	-
Multiple-Family Dwellings, including Garden Apartments	-	-	CU4	-	P5	P5	P5	-	-	-	-	-
ACCESSORY DWELLINGS:												
Accessory Apartments	P	P5	CU4	P5	P5	P5	-	-	-	-	-	-
Caretaker Residence	-	-	CU4	-	-	-	-	-	-	-	-	P5
Residence Incidental to Commercial ¹	-	-	CU4	-	-	-	-	P5	P5	P5	P5	-
Day or Boarding Camps	CU5	CU5	CU4	CU5	CU5	CU5	-	-	-	-	-	-
Nursing Homes	-	CU5	CU4	CU5	CU5	CU5	-	-	-	-	-	-
Conversion of Existing Structures to Country Inns, Rooming and Boarding Houses including Bed and Breakfast Establishments, or Lodging Facility ²	P5	P5 CU ³	CU4	P5	P5	P5	-	-	-	-	-	-
¹ Relocate Standards from each Commercial District to Article 5 ² Relocate Standards from each Residential District to Article 5 ³ Allowed as a Conditional Use if Standards in Article 5 cannot be met ⁴ Residential uses deemed by the Board of Appeals to be similar to existing uses in the specific RNC District												

P	=	Permitted Use
P5	=	Permitted, Subject to Meeting Article 5 Standards
CU5	=	Conditional Use Requiring Board of Appeals Approval
-	=	Not Permitted

TABLE 2.2 - TABLE OF USES
II. TRADE ⁴

	A	RPD	RNC ³	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Agricultural Implement Sales	-	-	-	-	-	-	-	-	P5	P5	-	-
Antique Shops and Secondhand Merchandise	-	-	-	-	-	-	-	P5	P5	P5	-	-
Auto Sales, Auto Parts and Accessory Sales	-	-	-	-	-	-	-	-	P5	P5	-	P5
Boat Sales, Boat Parts and Accessory Sales	-	-	-	-	-	-	-	-	P5	P5	-	-
Boat Rentals/Chartering for Excursions, Sight-Seeing, Fishing, Etc.	-	-	-	-	-	-	-	-	-	-	P5	-
Building Material Sales and Storage	-	-	-	-	-	-	-	-	-	-	-	P5
Convenience Stores and Shops	-	-	-	-	-	-	-	P5	P5	P5	-	-
Fuel, Heating Oil and Ice Sales (Provided that not more than 10,000 gallons are stored on the premises)	-	-	-	-	-	-	-	-	-	P5	-	-
Gas and Service Stations	-	-	-	-	-	-	-	P5	P5	P5	-	-
Grocery and Drug Stores	-	-	-	-	-	-	-	P5	P5	P5	-	-
Hardware and Home Center	-	-	-	-	-	-	-	P5	P5	P5	-	-
Manufactured Home (Mobile Home) and Camper Sales	-	-	-	-	-	-	-	-	CUS	P5	-	P5
Nursery and Garden Supply	-	-	-	-	-	-	-	P5	P5	P5	-	-
Petroleum Bulk Stations, Terminals and Fuel Storage Yards	-	-	-	-	-	-	-	-	-	-	-	P5
Restaurants/Taverns	-	-	-	-	-	-	-	P5	P5	P5	P5 ¹	-
Sales of Farm Products Produced On the Premises	P	P	-	P	P	P	-	-	P5	P5	-	-
Sale of Locally Grown Agricultural and Fishing Products at a Roadside Stand	P ²	P ²	-	-	-	-	-	P5	P5	P5	P5	-
Salvage/Junkyards	-	-	-	-	-	-	-	-	-	-	-	P5
Wholesale Business/Warehouse	-	-	-	-	-	-	-	-	CUS	P5	-	P5

¹ Only as Part of Marina, as Defined

² Allowed if Standards from §53.22 are met

³ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.

⁴ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion or intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

P	=	Permitted Use
P5	=	Permitted, Subject to Meeting Article 5 Standards
CUS	=	Conditional Use Requiring Board of Appeals Approval
-	=	Not Permitted ¹

TABLE 2.3 - TABLE OF USES

III. MANUFACTURING⁵

	A	RPD	RNC ⁴	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Blacksmith, Welding and Machine Shops	P ¹	P ¹	-	-	-	-	-	-	-	-	-	P5
Boat Building, Boat Storage, (Not including Boats), Repair Yards with Marine Railways	-	-	-	-	-	-	-	-	-	-	P5	P5 ²
Bottling and Distribution of Beverages	-	-	-	-	-	-	-	-	CUS	P5	-	P5
Carpentry and Woodworking	-	-	-	-	-	-	-	-	P5	P5	-	P5
Manufacture and Remanufacture of Automotive or Boat Parts, Sails, Accessories, and Equipment Not Involving Drop Forging, Stamping, Automatic Screw Machines, or a Foundry	-	-	-	-	-	-	-	-	-	-	-	P5
Manufacture of Concrete and Ceramic Products, Storage of Contractors Equipment and Materials	-	-	-	-	-	-	-	-	-	-	-	P5 ³
Manufacture, processing, fabrication, assembly, distribution of products such as scientific and precision instruments, photographic equipment, communications, computation equipment, drugs, medicines, pharmaceutical, household appliance, toys, sporting and athletic goods, diecut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy product feed and grain, baked and confectioners goods, farm machinery, fruit and vegetable processing, canning and storage, food processing, packing and storing (including frozen foods)	-	-	-	-	-	-	-	-	-	-	-	P5
Paint and Body Shop	-	-	-	-	-	-	-	-	-	-	-	P5
Printing, Publishing and Engraving	-	-	-	-	-	-	-	-	-	P5	-	P5
Sawmill	CUS	CUS	-	-	-	-	-	-	-	-	-	P5 ³
Sheet Metal Shops	-	-	-	-	-	-	-	-	P5	P5	-	P5
Sign Painting Shops	-	-	-	-	-	-	-	-	-	P5	-	P5
Slaughterhouses	-	P5	-	-	-	-	-	-	-	P5	-	P5
Research, Experimental, Testing and Development Activities	-	-	-	-	-	-	-	-	-	-	-	P5

¹ On Farms 10 Acres or Larger Provided Such Facilities are Located 200 Feet From Property Lines
² Provided that Out-Of-Water Work or Storage Shall be Located at Least 200 Feet From any Residential District
³ Provided Such Use Shall Be Located at Least 400 Feet from any Residential District Boundary
⁴ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.
⁵ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

P = Permitted Use
 P5 = Permitted, Subject to Meeting Article 5 Standards
 CUS = Conditional Use Requiring Board of Appeals Approval
 - = Not Permitted *

TABLE 2.4 - TABLE OF USES

BOOK 0013 PAGE 28

IV. TRANSPORTATION, COMMUNICATION AND UTILITIES³

	A	RPD	RNC ⁴	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Airports, Heliports, Landing Strips	CU5 ¹	CU5 ¹	-	-	-	-	-	-	-	-	-	P5
Boathouses ²	-	CU5 ²	-	CU5 ²	CU5 ²	CU5 ²	-	-	-	-	-	-
Boat Storage Facilities	-	-	-	-	-	-	-	-	-	-	P5	P5 ³
Boats	-	-	-	-	-	-	-	-	-	-	CU5	-
Commercial Communication Towers	CU5	CU5	-	CU5	CU5	CU5	CU5	-	P5	P5	-	P5
Communication Towers (not operated for profit and not exceeding 100 ft. in height)	P5	P5	-	P5	P5	P5	P5	-	P5	P5	-	P5
Electric Transmission Lines	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5	P5
Industrial Piers and Docks	-	-	-	-	-	-	-	-	-	-	-	P5
Mobile Lifts and Boat Hauling Equipment	-	-	-	-	-	-	-	-	-	-	P5	-
Motor Freight Terminals	-	-	-	-	-	-	-	-	-	-	-	P5
Publicly Owned Utilities, Buildings and Structures, Including Public Water Supply and Sewerage Systems	P	P	-	P	P	P	P	-	P5	P5	-	-
Recycling Center	-	-	-	-	-	-	-	-	-	-	-	P5
Sanitary Landfills	CU5	CU5	-	-	-	-	-	-	-	-	-	-
Telephone Transmission Lines	P	P	-	P	P	P	P	-	-	-	-	-
Waste Disposal Services	-	-	-	-	-	-	-	-	-	-	-	P5

¹ Private only
² Not allowed unless property is zoned with IDA Critical Area Overlay classification and pier was existing on 12/1/85 per Natural Resources Article (Section 8-1808.4 of Annotated Code of Maryland)
³ Provided that all Storage is Located a Minimum of 200 Feet from any Residential Zoning District
⁴ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.
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CU5 = Conditional Use Requiring Board of Appeals Approval
- = Not Permitted⁴

TABLE 2.5 - TABLE OF USES

BOOK 9013 PAGE 07 29

V. RESOURCE PRODUCTION AND EXTRACTION ⁴

12-9-97

	A	RPD	RNC ³	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Agriculture, Forestry, Fisheries ¹	P	P	-	P	P	P	P	-	P5	P5	-	P5
Animal Hospital/Veterinary Clinics, Provided Animal Confinement Areas are not Located Closer Than 200 Ft. to any Property Line	P5	CU5 ²	-	CU5	CU5	CU5	-	-	P5	P5	-	P5
Animal Shelter	-	CU5	-	CU5	CU5	CU5	-	-	-	P5	-	P5
Commercial Kennels (Only on Parcels No Less Than 20 Acres in Size When Located At Least 600 Ft. From All Property Lines)	P	CU5	-	-	-	-	-	-	-	-	-	-
Extraction of Natural Resources Involving Less Than Five (5) Acres of Land	P5	P5	-	P5	P5	P5	-	-	-	-	-	-
Extraction of Natural Resources Involving Greater Than Five (5) Acres of Land	CU5	CU5	-	CU5	CU5	CU5	-	-	-	-	-	-
Livestock Auction Market (Not Located On A Farm)	CU5	CU5	-	-	-	-	-	-	-	-	-	-
Stables and Area of Animal Confinement	P5	P5	-	-	-	-	-	-	-	-	-	-

¹ There are Standards in Article 5 for Agricultural Uses and Fisheries
² Article 5 Standards May Apply to other Districts where this Use is Listed
³ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.
⁴ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

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 CU5 = Conditional Use Requiring Board of Appeals Approval
 - = Not Permitted ³

TABLE 2.6 - TABLE OF USES

VI. SERVICES¹

	A	RPD	RNC ²	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Auto and Mobile Home, Manufactured Home and Camper Repair/Service	-	-	-	-	-	-	-	-	P5	P5	-	P5
Banks and Financial Institutions	-	-	-	-	-	-	-	-	P5	P5	-	-
Boat Repair	-	-	-	-	-	-	-	-	-	-	P5	P5
Cemeteries	CUS	CUS	-	CUS	CUS	CUS	-	-	-	-	-	-
Child Care Centers (Day Care Centers) Serving Nine (9) or More Children	P	P5	-	P5	P5	P5	-	P5	P5	P5	-	-
Churches, Temples, Synagogues and Other Similar Institutions	P5	P5	-	P5	P5	P5	-	P5	P5	P5	-	-
Equipment and Appliance Repair	-	-	-	-	-	-	-	P5	P5	P5	-	-
Fire and Rescue Squads	CUS	CUS	-	CUS	CUS	CUS	-	P5	P5	P5	-	-
Funeral Home	-	-	-	-	-	-	-	-	P5	P5	-	-
Government Uses and Buildings	CUS	CUS	CUS	CUS	CUS	CUS	-	CUS	CUS	CUS	CUS	CUS
Hospitals, Sanatoriums, Nursing Homes or Similar Institutions for Human Care, Not Including Correctional Institutions	-	CUS	-	CUS	CUS	CUS	-	-	-	-	-	-
Hotel/Motel	-	-	-	-	-	-	-	-	-	P5	P5 ¹	-
Medical and Dental Offices, Provided There Are No Overnight Facilities for Patients	-	CUS	-	-	-	-	-	-	-	-	-	-
Offices, Business and Professional, Such as Those Associated with the Financial Insurance, Real Estate, Medical, Dental and Legal Professions.	-	-	-	CUS	CUS	CUS	-	P5	P5	P5	-	-
Office Buildings	-	-	-	-	-	-	-	P5	P5	P5	-	P5
Paint or Body Shop	-	-	-	-	-	-	-	-	-	P5	-	P5
Personal Services Such As: Laundering, Dry Cleaning, and Dyeing Services, Photographic Services, Beauty/Barber Services, Apparel Repair, Alteration and Cleaning Pickup Services, Shoe Repair Services	-	-	-	-	-	-	-	P5	P5	P5	-	-
Private Educational and Training Facilities	-	CUS	-	CUS	CUS	CUS	-	-	-	-	-	P5 ²
Public or Private Schools	-	CUS	-	P5	P5	P5	-	-	-	-	-	-
Service Establishments, When Related to a Wholesale Business/Warehouse	-	-	-	-	-	-	-	-	CUS	P5	-	P5

¹ Only as part of marina, as defined
² Includes montessori schools and learning centers with day care facilities
³ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.
⁴ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

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 P5 = Permitted, Subject to Meeting Article 5 Standards
 CUS = Conditional Use Requiring Board of Appeals Approval
 - = Not Permitted³

VII. CULTURAL RECREATIONAL AND ENTERTAINMENT³

	A	RPD	RNC ²	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Bowling Alleys	-	-	-	-	-	-	-	-	P5	P5	-	-
Camper Park	-	CUS	-	-	-	-	-	-	-	-	CUS	-
Clubs, Lodges	CUS	CUS	-	CUS	CUS	CUS	-	-	P5	P5	-	-
Commercial Recreational Facilities	-	-	-	-	-	-	-	-	-	P5	-	-
Community Centers	CUS	CUS	-	CUS	CUS	CUS	-	-	-	-	-	-
Community Facilities Designed and Intended for Use of Residents and Not Operated for Profit	-	-	-	P5	P5	P5	P5	-	-	-	-	-
Golf Courses, Public and Private, as Part of an Overall Subdivision or Site Development Plan	-	P5	-	-	-	P5	-	-	-	-	-	-
Golf Courses, Public and Private, as an Independent Land Use, Subject to Article V and Section 66.03	-	CUS	-	-	-	CUS	-	-	-	-	-	-
Institutions and Philanthropic Buildings (Not Including Correctional Institutions)	CUS	CUS	-	CUS	CUS	CUS	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	P5	-
Public Parks, Playgrounds, Forests, Wildlife Preserves and Conservation Areas	P	P5	-	P5	P5	P5	P5	-	-	-	-	-
Commercial Stables (Provided they are Limited to One Horse Per Acre of Land. 3 Acres Minimum Required) ¹	P5	P5	-	-	-	-	-	-	-	-	-	-
Theaters	-	-	-	-	-	-	-	-	P5	P5	-	-
Theaters/Drive-In	-	-	-	-	-	-	-	-	-	P5	-	-

¹ Not including private stables which may be allowed as agricultural accessory buildings
² Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.
³ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

P	=	Permitted Use
P5	=	Permitted, Subject to Meeting Article 5 Standards
CUS	=	Conditional Use Requiring Board of Appeals Approval
-	=	Not Permitted ²

TABLE 2.8
TABLE OF ACCESSORY USES BOOK 0013 PAGE 0732

	A	RPD	RNC ⁵	RVC	RTC	RL	RH	CL	CVC	C	CM	I
Accessory petroleum storage necessary for farm operation	X	X	-	-	-	-	-	-	-	-	-	-
Private stables, provided that such is located on a lot of a minimum of three (3) acres in size	X	-	-	-	-	-	-	-	-	-	-	-
Roadside stands, provided they are for the display and sale of locally grown products.	X ²	X ¹	-	-	-	-	-	-	-	-	-	-
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.	X	X	X ³	X	X	X	X	X	X	X	X	-
Accessory Apartments, per Sec. 53.1	X	X	X ²	X	X	X	X	-	-	-	-	-
Home Occupations	X ⁴	X ³	-	X ³	X ³	X ³	-	-	-	-	-	-
Off-street parking and loading facilities for use of residents and guests subject to the provisions of SECTION 56 of this ORDINANCE.	-	-	-	-	-	-	X	-	-	-	-	-
Swimming pools, tennis courts, community centers and similar recreational uses which are intended for the use of residents residing within the principal structures and which are not operated as a commercial enterprise.	-	-	-	-	-	-	X	-	-	-	-	-
Accessory residential uses may be located within a principal commercial use building subject to site plan approval and conditions as found in ¹ below.	-	-	-	-	-	-	-	X ⁴	X ⁴	X ⁴	X ⁴	-
Boat ramps, commercial swimming accommodations, commercial wharfs, docks, or fishing piers, land storage of boats on trailers, loading, unloading, buying and selling of seafood, wholesale or retail.	-	-	-	-	-	-	-	-	-	-	X	-
Uses and structures, including eating and drinking facilities, which are customarily accessory and incidental to any permitted use shall be permitted in the district provided they are clearly subordinate to the principal use.	-	-	-	-	-	-	-	-	-	-	-	X
Residential quarters for caretaker or security personnel only when incidental to a principal permitted use.	-	-	-	-	-	-	-	-	-	-	-	X

X - Accessory Use is permitted.

¹ A permanent structure permitted for the display and sale of locally produced agricultural and fishery products, provided that: The structure shall be no larger than 2,000 sq. ft. in area. The building shall be at least fifteen (15) feet from the rear property line, and maintain a 25 ft. front yard setback. Exits and entrances shall be provided which shall be so located as to provide safe ingress and egress. Adequate off-street parking spaces shall be provided. A sign, not to exceed thirty-two (32) sq. ft. on a side, may be permitted.

² Uses and structures which are customarily accessory to single family dwellings, provided that the scope and design of the structure is consistent with the character of the affected neighborhood as determined by the Planning Director.

³ See §53.15 for required standards.

⁴ Residential units shall be clearly subordinate to the principal use of the building in which they are located. No more than 49% of the gross floor area of the affected principal structure may be utilized for apartments; minimum floor area per apartment unit shall be 300 square feet; number of bedrooms per apartment unit may not exceed two (2); residential density limits shall be the same as for the PUDR per Appendix 2; adequate off street parking shall be provided per Section 56.00 in addition to the parking required for the commercial use of the principal structure; sprinklers in accordance with NFPA 13 for commercial uses and NFPA 13D (for one or two units) or 13R (for three or more units) for residential uses unless the current adopted BOCA Code requires a greater standard.

⁵ Conversion of a residential structure to a nonresidential use, or the construction of a new structure for a nonresidential purpose may be permitted by the Board of Zoning Appeals upon finding that 1) similar nonresidential uses are present in the affected neighborhood and 2) the proposed nonresidential activity will not adversely impact nor alter the character of the neighborhood.

⁶ Any nonconforming use legally established prior to the effective date of this ORDINANCE shall not be deemed a nonconforming use, but, without further action, shall be considered a conforming conditional use. The expansion of intensification of any such use shall be subject to approval by the Board of Appeals following a public hearing and subject to the standards under 66.03.11.b.

TABLE 2.9
 SCHEDULE OF LOT DIMENSIONS, YARD REQUIREMENTS
 COVERAGE AND DENSITY

BOOK 0013 PAGE 033

DISTRICTS	MIN. TRACT LIMIT	(Single Family Detached) MINIMUM LOT AREA AND DIMENSIONS***				(Single Family Detached) MINIMUM YARD REQUIREMENTS***			MAXIMUM DENSITY / INTENSITY	MIN OSR	MIN LSR
		AREA	WIDTH	DEPTH	FRONTAGE*4	FRONT	SIDE	REAR			
Agricultural	20 ac.	--	150	200	100 *4	75	30	50	0.05 DU/AC	--	--
RPD Rural Preservation	--	--	100	160	75 *4	75	30	50	0.33 DU/AC	--	--
RNC Neighborhood Conservation	--	Varies per Section 20.2.5	80	100	50 *4	25	10	20	Varies per Sec. 20.2.5	--	--
RVC Village Center Residential	--	None	80	100	50 *4	25	15	25	1.0 DU/AC FAR .1*	--	--
RVC w/TDR and/or Sewer	--	None	80	100	50 *4	25	15	25	2.0 DU/AC FAR .1*	--	--
RTC Town Center Residential	--	None	80	100	50 *4	25	15	25	1.0 DU/AC FAR .2*	--	--
RTC w/TDR or Sewer	--	None	80	100	50 *4	25	15	25	2.0 DU/AC FAR .2*	--	--
RTC w/TDR and Sewer	--	None	80	100	50 *4	25	15	25	4.0 DU/AC FAR .2*	--	--
RL Low Density Residential	--	None	80	120	50 *4	25	15	25	1.0 DU/AC FAR .1*	--	--
RL w/TDR or Sewer	--	None	80	120	50 *4	25	15	25	2.0 DU/AC FAR .1*	--	--
RL w/TDR and Sewer	--	None	80	120	50 *4	25	15	25	3.0 DU/AC FAR .1*	--	--
RH High Density Residential	--	2,000 sq. ft.	35	60	35 *4	25	15	20	10 DU/AC FAR .3*	--	0.15
RH High Density Residential w/TDR	--	2,000 sq. ft.	35	60	35 *4	25	15	20	15 DU/AC FAR .3*	--	0.15
CL Limited Commercial	1 ac.	--	--	--	--	30	15	25	FAR 0.25	--	0.15
C General Commercial	2 ac.	--	175	300	175 *4	40	20	30	FAR 0.50	--	0.2
CVC Village Commercial	--	--	150	300	100 *4	30	15	25	FAR 0.35	--	0.1
CM Commercial Marine	--	--	--	--	--	50	25	25	.15 imper.	--	0.1
I-1 General Industrial	2 ac.	--	200	200	250 *4	75	35	50	FAR 0.40	--	0.20

- * Floor Area Ratios stipulated for R zoning districts are for nonresidential uses only.
- ** Additional density may be available for affordable housing per SECTION 43
- *** For Single Family attached, townhouse, and multifamily design standards, see Article 5.
- *4 Frontage requirements on a 50' radius cul-de-sac may be 35' minimum or 30' minimum on a 45' radius cul-de-sac in all zones. "Flag lots" may have 20' minimum but access shall be restricted in accordance with § 40.10.4 and the subdivision regulations.

TABLE 2.10
 SCHEDULE OF LOT DIMENSIONS, YARD REQUIREMENTS,
 COVERAGE AND DENISTY FOR PLANNED UNIT DEVELOPMENTS

DISTRICTS	MINIMUM TRACT LIMIT	MINIMUM LOT AREA AND DIMENSIONS			FRONTAGE	MINIMUM YARD REQUIREMENTS			DEVELOPMENT DISTRICT MAXIMUM (*1) DENSITY/INTENSITY	MIN OS R	MIN LSR
		AREA	WIDTH	DEPTH		FRONT	SIDE	REAR			
PUD-MHP Mobile Homes	10 ac.	4,000 sq. ft.	--	--	60	120	--	--	5 DU/AC	0.3	0.15
PUDR Plan Dev. Residential	10 ac.	Per H.D.	--	--	--	25	--	--	1.0 DU/AC	0.4	0.15
PUDR W/TDR	10 ac.	Per H.D.	--	--	--	25	--	--	2.0 DU/AC	0.4	0.15
PUDR W/Water and Sewer	10 ac.	2,000 sq. ft.	--	--	--	25	--	--	5.0 DU/AC	0.4	0.15
PUDR W/Water and Sewer and TDR	10 ac.	2,000 sq. ft.	--	--	--	25	--	--	10.0 DU/AC	0.4	0.15
PUD-CP Village	2 ac.	--	--	--	--	30	--	--	FAR 0.50	--	0.2
PUD-CP Town Center	5 ac.	--	--	--	--	50	--	--	FAR 0.50	--	0.2
PUD-CP Regional	10 ac.	--	--	--	--	60	--	--	FAR 0.50	--	0.2
PUD-IP Industrial	20 ac.	1 acre	--	--	--	100	--	--	FAR 0.60	--	0.2
PUD-CM	2 ac.	2 acres	--	--	--	50	--	--	--	--	0.2
PUD-X	20 ac.	20 acres	--	--	--	100	--	--	--	--	0.2

design-related considerations that will be permitted, encouraged, limited, or excluded from historic sites or historic districts. Such guidelines shall be subject to review and approval by the County Commissioners prior to their becoming effective.

6. POWERS AND DUTIES OF THE COMMISSION

The Commission shall have the following powers and duties:

- a. To research historic resources and to recommend to the Planning Commission and County Commissioners, using the criteria of SECTION 38.4.4, which ones should be classified as historic sites or historic districts in the historic preservation element of the COMPREHENSIVE PLAN.
 - (1) If a proposed historic district lies within the corporate limits of a municipality, the commission shall ask for municipal comments on boundaries and other aspects of the district.
 - (2) In the event that a municipality objects to the designation of a proposed historic district boundary for property within the municipality, a two-thirds (2/3) majority vote of the full commission shall be required to override a municipal recommendation on designation of boundaries.
- b. To maintain and update an inventory of historic resources;
- c. To act upon applications for Historic Area Work Permits and other matters referred to it for action pursuant to the provisions of this SECTION;
- d. To appoint members to local advisory committees to assist and advise the commission in the performance of its functions;
- e. To recommend programs and legislation to the county commissioners and the Planning Commission to promote historic preservation;
- f. To review any legislation, applications for zoning map amendment, special exception, site plan, and subdivision approval, and other proposals affecting historic preservation, including preparation and amendment of master plans, and to make recommendations thereon to the appropriate authorities;
- g. To serve as a clearinghouse for information on historic preservation for county government, individuals, citizens associations, historical societies, and local advisory committees; to provide information and educational materials for the public; and to undertake activities to advance the goals of historic preservation in the County.
- h. To employ or hire consultants or other temporary personnel, as necessary

fiscal resources; efficiently utilize public facilities and courses; and provide a broad range of housing and economic opportunities to present and future residents of the County.

2. CONDITIONS

Rezoning to PLANNED UNIT DEVELOPMENT will be permitted only in accordance with a development plan which is recommended *and* reviewed by the Planning Commission and approved by the Board of County Commissioners in accordance with the procedures and standards contained within this SECTION and ARTICLE 5.

3. APPLICATION PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

Preapplication Conference

Prior to filing a formal application for approval of a planned development, the developer shall request a preapplication conference with the Planning Director or designee and the Planning Commission. The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to the following:

- a. Written "letter of intent" from the developer establishing his intentions as to development of the land.
- b. Topographic survey and location map.
- c. Sketch plans and ideas regarding land use, dwelling type and density, street and lot arrangement, and tentative lot sizes.
- d. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.

The Planning Director or designee and the Planning Commission shall advise the developer of the zoning requirements and the county's plans which might affect the proposed development, as well as the procedural steps for approval.

4. REVIEW AND APPROVAL OF DEVELOPMENT PLAN

Following the pre-application conference, a development plan conforming with SECTION 38.5 of this ORDINANCE, and application shall be submitted to the County departments and agencies, the Planning Commission, and the County Commissioners. The County Commissioners shall approve, approve with modifications, or disapprove the development plan and application. In approving an application for a planned development, the County Commissioners may establish such conditions and require such modifications as necessary to assure compliance with said standards and regulations, to maintain the purposes and provisions of the COMPREHENSIVE PLAN, and to protect public facilities and utilities.

and Rural Fire-fighting for areas not required to be served by a central water system by MetCom regulations, when

- (a) buildings are grouped (NFPA 1231 defines groups as two or more buildings within 50 feet of each other), or
- (b) groups of subdivisions of single family homes and other principal structures within a one mile radius when the number of houses or principal structures in such a group, including those contemplated by the proposed development, exceeds 300 (i.e., fire protection is not adequate when 300 or more houses or other principal structures are generally grouped together and are located more than a mile from a source of water which meets NFPA 1231 standards; when a new development is proposed and is not required by the Metropolitan Commission to provide central or community water service, but where the additional structures contemplated by the new development would increase to 300 or greater the number of structures located more than a mile from such a water source, there may be no finding of adequacy of fire protection), or

(5) Water for fire suppression for all single buildings under 12,000 sq. ft. area is available in accordance with NFPA 1231 Standard on Water Supplies for Suburban and Rural Fire Fighting for areas not required to be served by central water systems. The water provided shall be provided unless specific exemption is given by the fire department in whose area the premises lie or the amount of water carried on fire apparatus responding on the first alarm is greater than required by the standard. When a static water source is approved a dry hydrant shall be provided to facilitate the fire department taking draft from the source.

- c. Nonfire-retardant wood shingle or wood shake roofs shall be prohibited.
- d. Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141 Standard for Fire Protection in Planned Building Groups.
- e. Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.
- f. Prohibit nonfire-retardant wood shingle or wood shake roofs.

11-30-92

11-30-92 4.

ROADS

- a. Service drives, acceleration, deceleration, passing or turning lanes, and shared

access with adjacent sites may be required by the Planning Commission or by the public works director at principal vehicular access points, with length and width as appropriate to the anticipated flow of traffic in accordance with the St. Mary's County Road Ordinance. Pedestrian access shall be separated to the maximum degree possible from vehicular access points to reduce congestion, friction, and hazard.

The publicly owned road to serve the proposed development shall be designed and constructed in accordance with the standards of the St. Mary's County Road Ordinance a minimum of 18 feet in width and shall be adequate to accommodate the vehicular traffic projected to be generated by the development.

b. Access roads shall be considered adequate to accommodate the traffic projected to be generated by the proposed development if existing County or state roads from the point of first egress from and ingress to the proposed development to and including the intersection with the first county arterial road or state road in all directions from the development are:

- (1) The minimum service level shall be as defined by the then current edition of the Highway Capacity Manual (Special Report #209) published by the Transportation Research Board; or
- (2) the county has programmed for construction in the current six (6) year CIP the construction of additional roads, or road improvements, necessary in combination with existing roads and intersections to comply with the standards specified in item (1) of this subsection; or
- (3) the applicant agrees to undertake the construction of the roads or road improvements to comply with the standards specified in item (1) of this subsection; or
- (4) the applicant agrees to contribute to the financing of specific improvements in accordance with the CIP which will meet test 2 above.

c. The established minimum level of service (LOS, as computed per the critical lane analysis method) for intersection capacity for developments in each planning district are as follows:

	Peak Hour LOS
Development Districts	D
Town Centers and Village Centers	D
Rural Preservation Areas and Others	C

1. Residential structures shall be located and arranged to promote privacy for residents within the development and to maintain privacy for residents adjacent to the development.
2. Residential and other structures shall be set back by a distance sufficient to protect the privacy of adjacent existing uses consistent with bufferyard requirements outlined in SECTION 55.00.
3. Residential and other structures shall be located and arranged in a manner to preserve productive farmland or to avoid areas which have significant development limitations (e.g. wet soils, steep slopes, flood hazard areas, etc.).
4. The natural features analysis of the site shall be a major factor in determining the location of residential structures, location of proposed roads and other site improvements. Particular attention shall be given to protection of tidal and nontidal wetlands, fish spawning areas, rare, threatened or endangered species habitat, and other ecologically significant features.
5. Residential structures shall be located and sited to facilitate pedestrian and visual access to common open space whenever possible.
6. Setbacks shall be established by the cluster development plan as part of the approval process.
7. All structures shall be erected in such configurations so as to permit ready access by emergency vehicles. (Refer to §40.4.4)
8. Signs shall be permitted, pursuant to SECTION 58.
9. The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.
10. Cluster open space shall include irreplaceable natural features located in the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and water access).
11. Cluster open space intended for a recreation or public use shall be easily accessible to pedestrians.
12. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationships between development and the land.
13. 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.

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- (2) Public facilities requirements per Sec. 40.10.
- (3) Resource protection standards Sec. 49.
- (4) Site access criteria per Sec. 52.4.6.
- (5) Parking requirements per Sec. 56. At a minimum one (1) parking space per employee shall be provided.
- (6) Off-street loading requirements per Sec. 57.12.
- (7) Signage restrictions per Sec. 58.8.1.
- (8) Bufferyards/screening: "D" per Appendix 3.
- (9) Standards General per § 66.3.6;

d. If these standards are not met, the Board of Appeals shall fix a period of time, not to exceed five (5) years, during which such uses shall be eliminated.

e. Exceptions: Uses which are (1) the subject of a private enforcement action or official County enforcement action to enforce the Zoning Ordinance which is pending at the time of adoption of this statute, or (2) uses for which notification of a violation has been issued by the Planning Director or designee at the time of adoption of this statute shall not be approvable under this section.

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48.6. NONCONFORMING RESIDENTIAL SUBDIVISION LOTS OF RECORD

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The following regulations apply to all residential subdivision lots which were of record prior to the effective date of this ORDINANCE.

- 1. A permitted principal structure may be erected on a subdivision lot which was recorded prior to the effective date of this ORDINANCE, regardless of the minimum lot area, lot width, or lot depth, provided the following minimum yard requirements, necessary health permits are obtained, and other provisions of this ORDINANCE are met.

**Table 48.6.1
Minimum Yard Requirements**

Front	25 Feet
Side	15 Feet
Rear	20 Feet

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- 2. On a non-subdivided parcel of record, the Planning Director may only permit the erection of a permitted use provided the minimum yard requirements conform to the standards established in this ORDINANCE for the zoning district in which the property is located.

ARTICLE V

50.00 SITE DEVELOPMENT STANDARDS**1. PURPOSE**

The purpose of these SITE DEVELOPMENT STANDARDS is to assure detailed compliance with the applicable requirements of this ORDINANCE and/or County subdivision regulations, and to prescribe the standards for the preparation and submission of site plan drawings and for the design and construction of required improvements.

51.00 APPLICABILITY OF SITE PLAN REGULATIONS**51.1. DEVELOPMENT OR LAND USE REQUIRING A SITE PLAN**

A site plan is required and shall be submitted for any development or land use where the applicable district regulations require such a plan and for any development or land use involving:

- 11-30-92 1. A planned unit development (excluding single family dwellings).
- 11-30-92 2. Any residential development, excluding single-family detached dwellings and one (1) individual duplex unit.
- 11-30-92 3. Commercial and industrial structures or changes of uses therein.
- 4. Churches, temples, synagogues, and similar institutions.
- 5. Conditional uses.
- 11-30-92 6. Water dependent facilities (as defined by § 38.2).

51.2. REQUIRED INFORMATION**1. STANDARD SITE PLAN**

06-24-91 Every site plan (except simplified site plans) that is submitted in accordance with this ARTICLE shall contain the following information:

- a. Location of tract by an insert map such that the reviewer can easily identify

- d. No home occupation shall be conducted in any accessory building.
- e. There shall be no sales other than products produced by the approved home occupation on the premises in connection with the occupation.
- f. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit. The Board of Appeals may approve a home occupation in any district as a conditional use which does not meet the standards stated above provided the conditions set forth in Subsection 3 below are met.

2. Home occupations are permitted in the A agricultural district and may exceed the above stated standards provided the use is consistent with SECTION 20.2.3 of this ORDINANCE.

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3. In the RPD district home occupations are permitted by right provided the use is consistent with SECTION 20.2.4 of this ORDINANCE and the conditions stated below are met.

- a. Home occupations are permitted in the principal structure, or an accessory structure provided said occupation does not utilize more than 500 sq. ft. thereof. No more than three (3) full-time employees who are not members of the immediate family shall be employed in conjunction with the permitted occupation.
- b. The outside appearance of the building(s) or premises shall not be inconsistent or incompatible with the general character of adjacent properties.
- c. Parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Limits on the type of vehicle used and the amount of customer traffic to be permitted may be imposed consistent with § 20.2.4.
- d. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable by the normal senses beyond the boundaries of the lot.
- e. On-premises advertising shall be limited to a sign not to exceed twelve (12) square feet in size. Such signs shall not be electrified. Inventory of materials for on-premises sales shall be limited to that which can be stored within the permissible size of the Home Occupation. Sales may be made of products not produced on the premises.
- f. Funeral homes, veterinary animal hospitals, and grocery stores shall not be permitted as home occupations.

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4. The Board of Appeals may approve a home occupation in any district as a conditional use which does not meet the standards stated in (2) above provided the conditions of (3) above are met, and the conditional use standards general are also met.

53.16. LIVESTOCK AUCTION MARKET

Livestock auction market, where permitted in this ORDINANCE, shall be subject to the following requirements and site plan approval:

1. A minimum lot area of ten (10) acres.
2. Stock pens and main buildings located at least three hundred (300) feet from any street or highway and at least eight hundred (800) feet from any residence existing at the time of application.
3. Adequate off-street parking and off-street loading space for customers and employees.

53.17. MARINA OR YACHT CLUB

Marina or yacht clubs, where permitted in this ORDINANCE, shall be subject to the following requirements and site plan approval:

1. The marina or yacht club complies with all other codes, regulations, laws, and ordinances, including the establishment of bulkhead lines.
2. The proposed design is satisfactory as regards such safety features as location of fueling points, fuel storage, effect on navigation, and potential for water pollution.
3. The marina or yacht club is properly located with respect to access roads, and existing and future developed areas.
4. Necessary approval is obtained from the United States Army Corps of Engineers.
5. Any new slip shall be provided with a system to remove sewage effluent from boats for legal disposal into an approved disposal system.

53.18. MOBILE HOME AND MOBILE HOME PARKS

1. MOBILE HOME

a. Non-residential Use

A mobile home, as defined in ARTICLE 8, may be used as a temporary office

or shelter incidental to construction or development of the premises on which the mobile home is located, but only during the time construction or development is actively underway, or two (2) years, whichever is shorter. A mobile home used as a permanent nonresidential structure may be permitted, provided that such structure shall be subject to all other provisions of this ORDINANCE which apply to principal structures.

b. Temporary Use

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The Planning Director or designee may approve a permit in any district for one (1) mobile home to be used as a temporary residence during construction. However, if such temporary use exceeds one (1) year, the Planning Director may consider an application for a period not to exceed six (6) months additional time. In addition, the permit for construction of the additional residence shall require a certificate of occupancy and permanent electrical connection shall not occur prior to the disconnection of the temporary residence. The certificate of occupancy shall not be issued until the mobile home is removed from the premises.

c. Caretaker Use

A mobile home may be permitted as the residence for a caretaker in any district where a residence is permitted as an accessory use.

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d. Abandonment

Abandoned mobile homes and trailers shall be ordered removed after such abandonment has continued for thirty (30) days. The Planning Director or designee shall serve written notice that the mobile home or trailer is declared abandoned, and, within thirty (30) days from such notice, the abandoned trailer or mobile home shall be removed by the owner or by the county at the owner's expense.

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2. MOBILE HOMES ON INDIVIDUAL LOTS

Mobile homes may be permitted on individual lots provided that:

- a. The unit appears to have a permanent and continuous foundation of either block construction or meeting the requirements of SECTION 53.18.
- b. The unit has a pitched roof.
- c. The unit is constructed under the latest HUD standards and Maryland Industrial Buildings and Mobile Home Code.

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d. Certificates

Prior to occupancy of a mobile home and the issuance of a building permit or certificate of occupancy, a representative of the Planning Director shall inspect the mobile home to insure that the proper foundation skirting and anchors have been installed.

e. Foundation Tie-Downs and Skirting Regulations

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(1) Mobile homes shall only be placed in the county in accordance with the manufacturer's installation instruction for hurricane sensitive areas. If the manufacturer's instructions are not available, the National Conference of States on Building Codes and Standards NCS BCS A 225.1 - Manufactured Home Installations 1987 - shall apply.

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(2) During emplacement of the mobile home, a representative of the county inspection 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 planning director or authorized designee.

(3) No mobile home manufactured after August 1, 1973, shall be placed in the county except those which have been approved under the Maryland Industrial Buildings and Mobile Home Code - 1973.

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3. RECREATIONAL VEHICLES

a. Storage of Camping, Recreational Trailer or Recreational Vehicles

Only one unoccupied camping or recreational trailer may be parked or stored on a lot in any zoning district, subject to the following conditions:

- (1) The unoccupied camping or recreational trailer must be parked or stored in a garage or enclosed accessory building; or
- (2) There must be a permanent dwelling on the lot which is occupied by the owner or tenant and the unoccupied recreational vehicle must be stored in the rear yard of the lot.

b. Use of Camping, Recreational Trailer or Recreational Vehicles

The owner of a lot, and his or her family and social invitees may make use of one (1) camping or recreational trailer on the owner's lot subject to the following conditions:

- (1) The aforesaid uses shall only be permitted on a Farmstead Lot; however,

such a use may be permitted on smaller lots provided that the Planning Director finds that all other conditions of this Section have been fully complied with and the Director finds that such use would not adversely impact neighboring landowners; and

- (2) The aforesaid use shall only be permitted in the Rural Preservation Zoning District and the Agricultural Zoning District; and
- (3) The camping or recreational trailer may only be used on an intermittent basis by the aforesaid individuals for private recreational use and enjoyment of the owner's property, such as for camping or hunting, and no commercial use or permanent occupancy of the recreational trailer shall be permitted; and
- (4) No person shall be entitled to reside in the camping or recreational trailer for more than seven (7) consecutive nights; and
- (5) The camping or recreational trailer must be completely screened from the view of dwellings located on adjacent lots by a fence or evergreen buffer; and
- (6) The camping or recreational trailer shall not be used as a dwelling or residence, and instead the use of the camping or recreational trailer shall be ancillary to the recreational use of the lot; and
- (7) Each camping or recreational trailer shall be equipped with an authorized sewerage holding tank; and
- (8) The uses shall otherwise comply with all other provisions of the Zoning Ordinance.

4. MOBILE HOME PARKS

a. Required Setbacks, Bufferyards and Screening

All mobile home parks shall provide a bufferyard between the park and any land not zoned or utilized for a mobile home park. The bufferyard shall be as set forth in SECTION 55.00.

In cases where the bufferyard is already wooded, adjustments in the required plantings may be made by the planning commission, provided the woods are not removed. In both options, species planted must be approved by the Maryland Forest Service.

All mobile homes shall be located at least 10 ft. from any bufferyard, at least 10

ft. from any lot line, and at least 20 ft. from any other mobile home, building, or interior road right-of-way.

b. **Underground Service Systems Required**

All utilities service systems shall be permanently installed underground. All mobile home community utility service systems such as, but not limited to, electrical distribution, gas, fuel, oil, telephone, water, TV antenna, sewer, and fire alarm systems shall be permanently installed underground.

c. **Maintenance**

The owner, condominium association, homeowner's association, or similar entity of ownership of a mobile home park shall be required to maintain all in-park facilities and utilities including roads, curbs, sidewalks, water, sewer, and stormwater management hydrants. The County may revoke all business licenses should such maintenance be proven to be inadequate, in addition to other penalties contained herein.

53.19. MULTI-LEVEL WATERCRAFT STORAGE RACK BUILDING (BOATEL)

1. Adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances shall be minimized.
2. Development of a multi-level watercraft storage rack building shall not encroach into the 100-foot buffer. Any disturbance of the buffer shall be revegetated with appropriate stock of sufficient quantity and quality (for overstory and understory as applicable) to immediately restore the site to as near an original condition as possible. The mix shall be specified by the Bay Forester, and shall include significant overstory replacement.
3. The buffer shall be protected from encroachment and damage by patrons of the multi-level watercraft storage rack building by the installing of dense plantings to eliminate uncontrolled access. Controlled access shall include a pervious path way to any piers which may be present, and to work areas for the loading and unloading boats into or out of the water.
4. Maximum floor to area ratio shall be .30.
5. At least a D buffer per APPENDIX 3 shall be established between the new building and adjoining residential properties.
6. The applicant shall ensure the provision of Either permanent pumpout facilities on each approved dock, or a mobile unit which can easily be moved from pier to pier.
7. All parking areas shall be developed in a manner which allows infiltration of stormwater and pollutants.

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- f. There must be provided adequate off-street parking and loading and unloading facilities for customers and employees.
- g. The site must have direct access to a major public road.
- h. The site plan must be approved by the Planning Commission.
- i. Holding of live animals is not to exceed twenty-four (24) hours in C and I-1, except as may be required by the Department of Agriculture or health regulations.
- j. There will be no construction in a floodplain, even with floodproofing.
- k. Construction and earthmoving will not be done within twenty-five (25) feet of tidal or non-tidal wetlands which cover at least 1/4 acre.
- l. Construction and earthmoving will not be done within twenty-five (25) feet of slopes over twenty percent (20%).
- m. Sediment control shall be required in accordance with ARTICLE 40.03 of this ORDINANCE
- n. When required, stormwater management will be provided according to the standards and specifications set down in ARTICLE 52.3 of this ORDINANCE.
- o. Screening will be required in accordance with ARTICLE 5 of this ORDINANCE.

53.25. STABLES

- 1. Stables shall be provided with a lot area of three or more acres.
- 2. Any buildings for keeping of animals shall be located at least one hundred feet from any side or rear lot lines, and there shall be housed on the premises no more than (1) hooved animal over six hundred (600) pounds for each acre of land.

53.26. VETERINARY CLINIC

Veterinary clinics, animal hospitals (including exercise runways) shall be permitted provided such use shall be located at least two hundred (200) feet from any lot line and shall provide satisfactory evidence that the operation will not interfere with surrounding residents.

12-9-97 **53.27. ANIMAL SHELTERS**

- 1. Animal Shelters shall be located on a minimum tract size of six (6) acres in the RPD, RTC, RVC and RL zoning districts and a minimum of two acres in the C and I-1 zoning districts.
- 2. A "D" bufferyard shall be required along the side and rear property lines for shelter proposed within the RPD, RTC, RVC and RL zoning districts, or where a C or an I-1 zoned property abuts one of the above districts.
- 3. No Animal Shelter structure shall be located closer than 200 feet to any residential lot line or residential zoning boundary.

4. Outdoor animal runs or kennels within the RPD, RTC, RVC and RL zoning districts shall be located at least 200 feet from property lines and shall be effectively screened from adjoining properties when located in the C or I-1 zoning district. All runoff from cleaning outdoor animal confinement areas must be contained on site and in accordance with Health Department regulations.
5. All waste disposal facilities (i.e. dumpsters, waste traps) shall be screened from view and located a minimum of 200 feet from residential zone boundaries or residential property lines.
6. Refrigeration facilities for the purposes of storing dead animals must be self contained within the principal shelter structure.
7. Any Animal Shelter must be adequately soundproof and constructed so that there will be no emission of odor, chemicals or noise detrimental to any neighboring property. (See design guidelines provided by the Humane Society of the United States regarding parking needs, noise and odor controls.)
8. All Animal Shelter operations shall comply with the Animal Control regulations of the St. Mary's County Code. Where this ORDINANCE conflicts with other codes, the most restrictive regulation shall apply.

53.28. BED & BREAKFAST ESTABLISHMENTS

1. Conversion of existing structures to bed and breakfast establishment, boarding or lodging facilities are permitted in the RPD and Residential zones provided:
 - a. Such structures have existed prior to the effective date of this ORDINANCE.
 - b. The number of rooming units provided on the site is limited to ten (10) excluding resident management quarters.
 - c. The boarding or dining facilities be permitted only when attendant to rooming units.
 - d. The proposed use is subject to site plan review and approval.
 - e. The facility demonstrates compliance with applicable requirements for such facilities as provided by the health department. Every effort shall be made in compliance with the aforementioned codes to minimize exterior changes to site structures. Extension or enlargement of the principal and accessory structures may not exceed 50 percent of the gross floor areas of each individual building above that which existed at the time of the adoption of these regulations.
 - f. Adequate landscaping shall be provided to screen all parking areas from adjoining residential properties.
 - g. Any Bed and Breakfast that does not meet standards "a" through "f" listed above shall be a considered a conditional use requiring Board of Appeals approval.

54.00 PERFORMANCE STANDARDS FOR OFF-SITE IMPACTS

1. Any use established after the effective date of this ORDINANCE shall be so operated as to meet the performance standards established hereinafter. Any use already established on the effective date of this ORDINANCE shall be permitted to continue provided that no alteration, expansion, enlargement, or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement, or modification. However, any use currently exceeding these standards shall have one (1) year to comply.

of figures that the additional planned and proposed industrial use will not cause the violation of either ambient or source standards outlined by the laws and regulations of the federal, state, and county governments. Any use already established on the effective date of this ORDINANCE shall also be required to conform to the adopted federal and state laws and regulations mentioned above as well as the standards outlined in this ORDINANCE for industrial uses. Any industrial use that does not conform to the adopted federal, State, and county laws and regulations shall be considered a non-conforming use. Abatement action to bring such uses into conformance with adopted federal, state, and county laws and regulations shall commence immediately. If abatement actions have not been sufficient to meet these laws and regulations within twelve (12) months, the industrial use will be required to cease operations to that extent necessary to reduce the pollution and other violations to the levels required by law and regulation. Once a violation of the standards of this ORDINANCE or state or federal laws and regulations have been documented, the operator of the industrial use involved in the violation shall bear the cost of the monitoring program necessary to bring the use into compliance with this ORDINANCE.

55.00 BUFFERYARDS

1. PURPOSE

One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Bufferyards act to minimize the negative impact of any future use on neighboring uses.

The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this ORDINANCE are specified and are designed to ameliorate nuisances between adjacent zoning districts to insure a desired character along public streets and roads. The planting units required of bufferyards have been calculated to insure that they do, in fact, function as "buffers."

Bufferyards shall be required to separate different zoning districts 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.

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2. APPLICABILITY

- a. All vacant sites proposed for development must apply § 55.00 in its entirety, except as in (f) below.

1. Application

A person may apply to the Planning Director for a variance from the dimensional requirements specified in this Ordinance. The application shall be made on a form and in a manner prescribed by the Department of Planning and Zoning.

2. Procedure

The Planning Director or the Director's designee shall conduct an informal conference on the application for the variance. Persons who would have standing to appeal pursuant to Article 66B, Section 4.08 may be present and the Planning Director shall allow all parties who are present an opportunity to be heard concerning the application. Prior to the informal conference, the Planning Director shall cause the property to be posted, with notice at least ten (10) days in advance of the pendency of the application and the applicant shall notify adjoining property owners of the application by certified mail and the date, time and place of the conference, at least ten (10) days in advance of the hearing.

3. Decision

Within fifteen (15) days of the conference the Planning Director shall decide the issue raised by the application. The decision shall be in writing and provide a brief explanation of the law and facts which support it. In making the decision, the Planning Director may grant the variance only in cases where the strict compliance with the terms of the ordinance would result in practical difficulty or unreasonable hardship which have not been caused by the act of the applicant or the applicant's predecessors in title, i.e. no "after-the-fact" application will be processed for administrative variance. The Planning Director shall not grant a variance if to do so would violate the spirit and intent of the regulations, or cause or be likely to cause substantial injury to the public health, safety and general welfare. The Planning Director shall be guided in making this decision by the considerations set forth in Section 66.2.3.

4. Board of Appeals

- a. Appeals of decisions made pursuant to this section may be made to the Board within thirty (30) days of the date of the Planning Director's decision in accord with Section 66.2.
- b. An applicant seeking a variance may apply directly to the Board, upon appeal, pursuant to Section 66.2 without first applying to the Planning Director.
- c. A decision of the Planning Director made pursuant to this Section

- b. Due notice by certified mail shall be given to all contiguous property owners which includes properties directly across road right-of-ways by the applicant at least ten (10) days prior to hearing.

66.1. APPEALS

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1. SCOPE OF APPEALS

An appeal may be taken to the Board of Appeals by any person, firm, or corporation aggrieved by a decision of the Planning Director or designee or by any officer, department, board or bureau affected by a decision of the Planning Director or designee. Such appeal shall be taken within 30 days of the date of the decision by the Planning Director by filing with the board a notice of appeal specifying the grounds thereof. The Planning Director or designee shall forthwith transmit to the board all of the papers constituting a record upon which the action appealed from was taken.

2. STAY OF PROCEEDINGS ON APPEAL

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Planning Director or designee certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed unless the board or court of record grants a restraining order for due cause shown, upon application and with notice to the Planning Director or designee.

3. NOTIFICATION - ACTION REQUIRED

Notification is required as provided in SECTION 66.00.8

4. POSTPONEMENT

Requests for postponement of a scheduled hearing shall be filed in writing with the secretary of the Board of Appeals not less than 10 days prior to the date of hearing, and shall be accompanied by a sum of money sufficient to pay the cost of advertising the postponement and the rescheduled hearing. The granting of such requests shall be at the discretion of the Chairman of the Board of Appeals. The board may, upon its own initiative, postpone a scheduled hearing at any time.

5. CONTINUANCE

The Board of Appeals may continue a hearing at another time and/or date once such hearing has been started. However, the board shall announce the date and hour of continuance of such hearing while in session.

6. ADDITIONAL REQUIREMENTS

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In the approval of any appeal which they are required to decide, the Board of Appeals may impose such conditions as it may deem necessary to assure conformity with the intent and purpose of this ORDINANCE.

7. APPEALS

The Board of Appeals shall render a decision within a reasonable time, but in no instance more than 60 days following the hearing. Any person or party jointly or severally aggrieved by a decision of the board may appeal to the circuit court in a manner set forth in Chapter 1100, Subtitle B, of the Maryland rules.

66.2. VARIANCES

1. PURPOSE

After a public hearing, the Board of Appeals may determine and vary the regulations of this ORDINANCE in harmony with the general purpose and intent and in accord with the procedures set forth in this ORDINANCE. The board may do so in accordance with the specific instances hereinafter set forth, where findings of fact are made in accordance with the standards hereinafter prescribed, and where there are unnecessary hardships in the way of carrying out the strict letter of the regulations of this ORDINANCE.

2. APPLICATION FOR VARIANCE AND NOTICE OF HEARING

An application for a variance shall be filed in writing with the Planning Director or designee. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be in accordance with the procedure set forth in SECTION 66..8.

3. STANDARDS FOR VARIANCES

The Board of Appeals shall not vary the regulations of this ORDINANCE unless it shall make findings based upon the evidence presented to it in each specific case that:

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- a. Because of the particular physical surroundings such as exceptional narrowness, shallowness, size, shape, or topographical conditions of the specific property involved, unnecessary hardship or practical difficulty to the owner would result (as distinguished from a mere inconvenience) if the strict letter of the regulations were to be carried out.

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- b. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to

designee. The board shall, within 60 days of receipt of application from the Planning Director or designee, render a decision on the conditional use application.

4. HEARING ON APPLICATION

- a. The Board of Appeals shall hold a public hearing on each application for a conditional use at such time and place as shall be established by the board. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the board shall, by rule, prescribe from time to time.
- b. Notice is required as provided in Sec. 66.00.8.

5. AUTHORIZATION

For each application for a conditional use, the Board of Appeals shall normally, within sixty (60) days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

6. STANDARDS - GENERAL

No conditional use shall be approved by the Board of Appeals unless such board shall find:

- a. That the establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.
- b. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- c. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- f. That the proposed conditional use is not contrary to the objectives of the

available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth or counter inside the establishment.

4. Restaurant, fast food carry-out - any 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.
5. Restaurant, drive-in or drive-thru - 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 be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

REST HOME, NURSING HOME OR CONVALESCENT HOME is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care for the treatment of disease or injury.

ROADS, MODIFIED R-1 STANDARD - A private road serving a minor subdivision. The road must be designed and constructed to the R-1 road standard except that six (6) inches of gravel may be used instead of the gravel and asphalt standards required for the R-1 road standard. Road plans must be approved by the Department of Public Works.

ROADSIDE STAND is a permanent structure not to exceed 2,000 square feet used for the display and sale of locally produced agricultural and fishery products.

SHARED FACILITIES means a water or sewerage system which serves more than one lot of land or more than one user on a single lot of land with water or sewerage systems located on the individual lots or on parcels owned in common by the users.

SHARED FACILITIES AREA - The territory served by a shared facility.

11-28-94 **SHOPPING CENTER** - A grouping of retail business and service uses on a single site with common parking facilities.

SHORELINE EROSION HAZARD AREA - Any shoreline that has a historical shoreline erosion of 4 to 8 feet or greater according to the Atlas of Historic Erosion Rates in Maryland, (1965, Coastal Resources Division, Tidewater Administration).

SIGN is 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, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction, or designation of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or

Zoning Map amendments to correct mapping mistakes made during the 1990 Comprehensive Rezoning:

- Sophie Clayton - Correct zoning from PUD to RPD, Tax Map 52 Parcel 192 AKA Tax Map 59 P/O Parcel 145 - based on an erroneous boundary survey.
- Cecil's Store - Correct zoning from RPD/RL to CL Tax Map 50 Parcels 241 and 342 - based on an erroneous inventory of commercial uses and incomplete tax records.
- Clarke's Landing Restaurant - Correct zoning from RPD to CL Tax Map 27 Parcel 641 - based on an erroneous inventory of commercial uses and incomplete tax records.
- Clarke's Landing Bulk Plant - Correct zoning from RPD to CM Tax Map 27 Parcel 159, Lot 1 - based on erroneous tax maps and incomplete tax records.
- Carl Schmitz - Correct zoning from CM to RPD Tax Map 27 Parcel 838 - based on erroneous tax maps and incomplete tax records.
- Gertrude Cusic - Correct zoning from RPD to CL Tax Map 26 Parcel 52 - based on an erroneous inventory of commercial uses and incomplete tax records.
- Kessler Body and Equipment - Correct zoning from RPD to CL Tax Map 63 Parcel 132 - based on an erroneous inventory of commercial uses and incomplete tax records.

FINDINGS FOR RECLASSIFICATION - ZONING MAP MISTAKES

POPULATION:

1990	2000	19% Change
75,974	90,709	14,735 Increase

BOOK 9073 PAGE 57

34% Population in the 8th District

HOUSING:

- Number of units increased 15% to 1995
- 4th & 5th districts have highest percent increase.
- Housing units increased at a greater rate than population - result of decreasing household size.

EMPLOYMENT:

- In-county workforce is one of highest in the state
- Lexington Park is an employment destination
- Tourism is increasing component of economy
- Average per capita income was \$14,270 in 1995

COMMUNITY FACILITIES:

Parks & Recreation

- Not impacted by commercial rezoning. Four (4) state parks, 10 community parks, 15 neighborhood parks, 15 boat ramps & piers - 941 acres county parkland, 6429 acres state parkland exist to serve new residential development.

Schools

- Not impacted by community rezoning and only two (2) single - family dwellings might result from Clayton & Schmitz down zoning.

Water & Sewer

- Each community property is served by existing water and sewer facilities. Any new development will be contingent upon ability to upgrade these facilities as required by regulation.

Transportation

- All properties are served by existing roads with adequate Level of Service (LOS) for each planning district. In the RPD zone LOS C exists at each property. In the RL zone LOS D exists at Indian Bridge Road. No traffic impacts will result from rezoning of exiting commercial uses.

COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT

- Both the 1988 Comprehensive Plan and the Planning Commission's draft Plan revisions support the continuation of and zoning for existing scattered rural commercial enterprises.

FISCAL IMPACT ON THE COUNTY

- The elimination of nonconforming use status for these commercial properties will have a positive tax revenue impact on the County by allowing for diversification or expansion of the commercial tax base. No measurable impact will be generated by the potential for two dwelling units at the Clayton or Schmitz properties.

SUITABILITY OF THE PROPERTY FOR USES PERMITTED

- Each commercially used property will receive a zoning classification that recognizes, in accordance with the Comprehensive Plan, the historic use of the property. The Schmitz and Clayton properties are well suited for individual dwellings provided proper water and sewerage facilities are provided.

SUBJ: Public Facilities Bonds of 1997
Leonardtwn Elementary School
HVAC Project
Page 1 of 3

BOOK 0013 PAGE 0059

RESOLUTION

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY for the purpose of supplementing the Resolution of the County adopted on August 26, 1997 authorizing the issuance of general obligation bonds of the County by designating certain new projects as additional projects authorized to be financed with the proceeds from the sale of such bonds.

RECORDING FEE 0.00
TOTAL 0.00
Res#SM83 Rcpt#999999
ENA LP Bk#2095
Apr 24, 1998 10:07

RECITALS

On August 26, 1997, the County Commissioners of St. Mary's County (the "County") adopted its Resolution (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 County Commissioners of St. Mary's County Public Facilities Bonds of 1997 dated September 1, 1997 (the "Bonds"), a portion of the proceeds of which were to be used to finance the construction, improvement or development of certain capital projects described in such Authorizing Resolution (the "Original Projects").

Section 1 of the Authorizing Resolution provides that the proceeds of the Bonds shall be applied to the payment of the cost of the projects described in Resolution No. 97-33, unless the County by resolution authorizes the application of the proceeds of the Bonds to other capital projects of the County, and any unexpended proceeds of the Bonds shall otherwise be applied as provided in Resolution No. 97-33.

The County has determined that a portion of the proceeds of the sale of the Bonds originally designated to be used to finance the costs of the Original Projects is no longer required for such purpose.

The County has determined that it is in its best interest to use \$26,000 of the proceeds of the Bonds to finance all or a portion of the costs of certain projects listed on Schedule A attached hereto.

The County has further determined that the projects being financed by the proceeds of the Bonds and listed on Schedule A attached hereto have been authorized by Chapter 360 of the Laws of Maryland of 1992, as amended, Chapter 52 of the Laws of Maryland of 1993, as amended, Chapter 439 of the Laws of Maryland of 1996, as amended, Section 46-2 of the St. Mary's County Code, as amended, and Sections 2C and 24 of Article 31 of the Annotated Code of Maryland, as amended, and have been approved by St. Mary's County Board of County Commissioners Approved Budget.

BE IT RESOLVED BY COUNTY COMMISSIONERS OF ST. MARY'S COUNTY:

Section 1: The authorizing resolution adopted by the County Commissioners of St. Mary's County on August 26, 1997 (the "Authorizing Resolution") authorizing the issuance and sale of \$26,555,000 aggregate principal amount of County Commissioners of St. Mary's County Public Facilities Bonds of 1997, dated September 1, 1997 (the "Bonds") is hereby supplemented for the sole purpose of designating the projects described in Section 2 below as additional projects the costs of which are authorized to be financed with the proceeds of the sale of the Bonds.

Section 2: The County hereby finds and determines that a portion of the proceeds from the sale of the Bonds designated to finance the construction, improvement or development of certain capital projects approved by the Authorizing Resolution is no longer required for such purpose. The County hereby designates \$26,000 from the proceeds of

RESOLUTION NO.: 98-22

SUBJ: **Public Facilities Bonds of 1997
Leonardtown Elementary School
HVAC Project
Page 2 of 3**

BOOK **0013** PAGE **060**


the sale of the Bonds to be used to finance the construction, improvement or development of the projects in the County set forth in Schedule A attached to and made a part of this Resolution. The designation of such additional projects authorized to be financed from the proceeds of the sale of the Bonds shall in no way limit the County from designating such further additional projects as permitted under the Authorizing Resolution and shall in no way modify, amend or rescind any other provisions of the Authorizing Resolution.

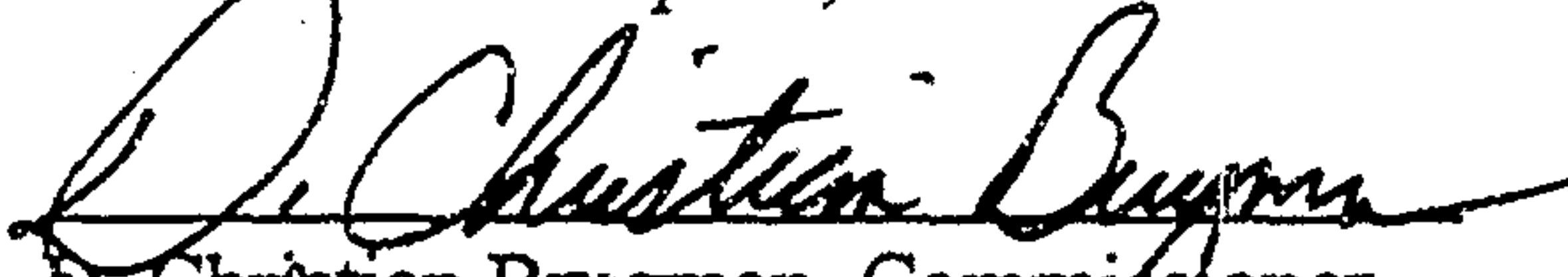
Section 3: This Supplement Resolution shall become effective immediately upon its passage.

Date of Adoption: 4-21-98

Effective Date: 4-21-98

BOARD OF COUNTY COMMISSIONERS OF
ST. MARY'S COUNTY, MARYLAND


Barbara R. Thompson, President

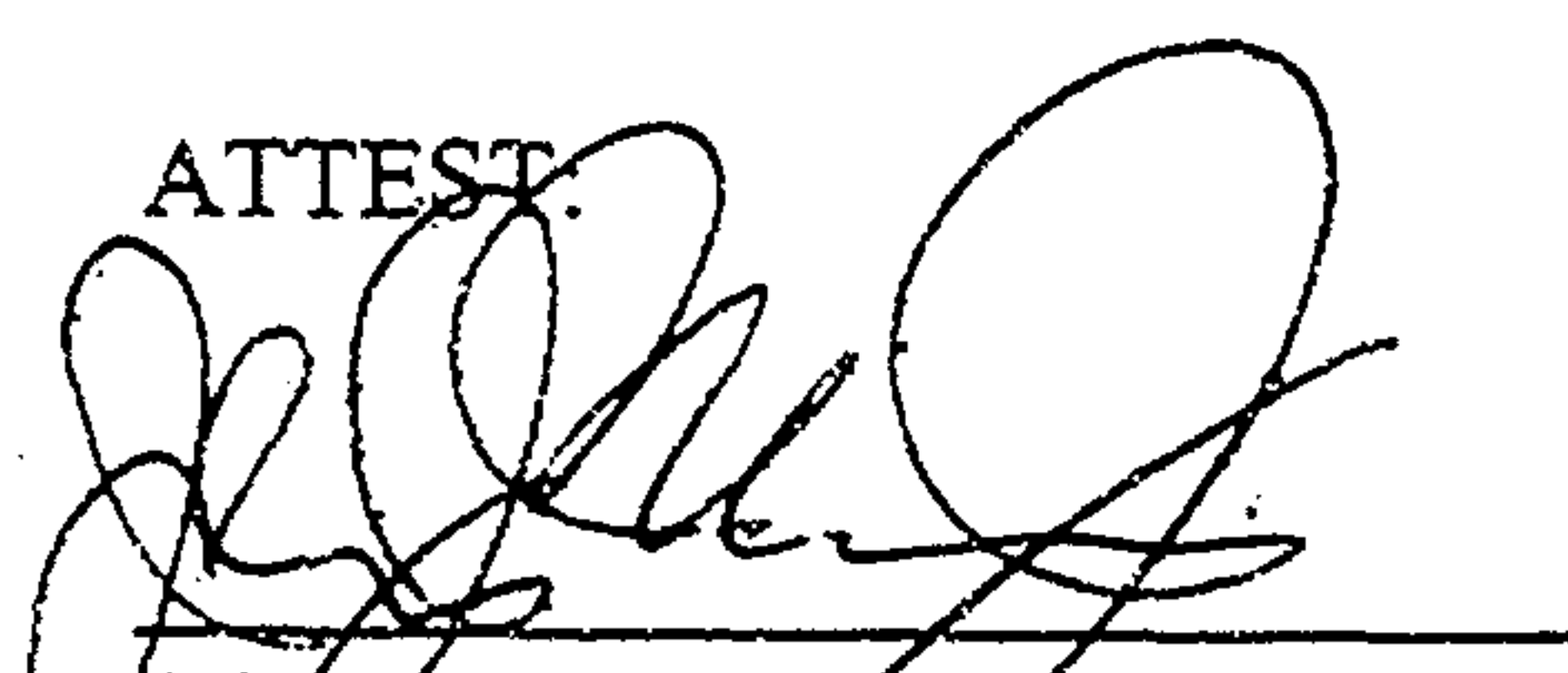

D. Christian Brugman, Commissioner

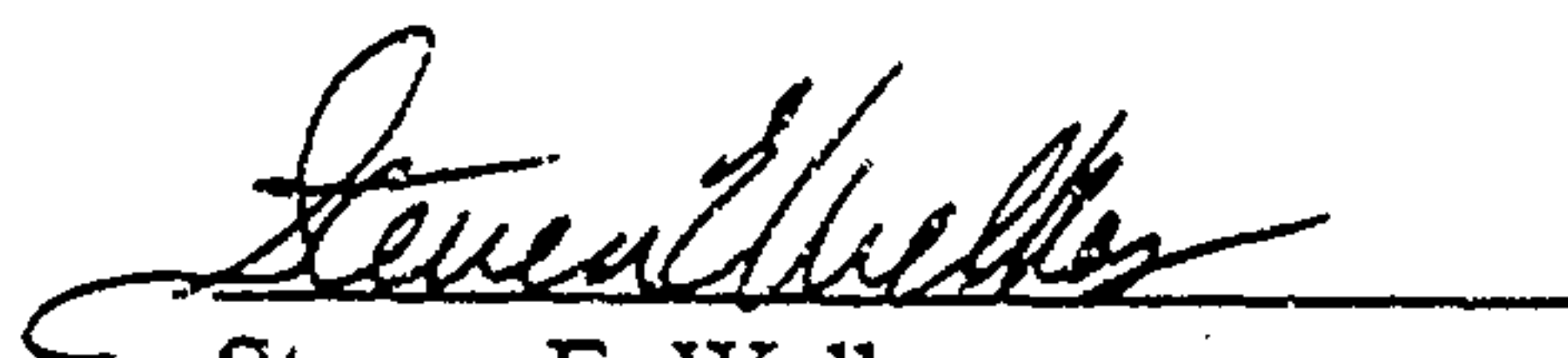

Paul W. Chesser, Commissioner


Frances P. Eagan, Commissioner



Lawrence D. Jarboe, Commissioner

ATTEST:


John J. Kachmar Jr.
County Administrator


Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Douglas S. Darkin
County Attorney

4-20-98

BOOK 0013 PAGE 61

Description of Additional Projects Authorized to be Financed with
the Proceeds of the County Commissioners of St. Mary's County
Public Facilities Bonds of 1997.

Leonardtwn Elementary School HVAC Project	\$26,000
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SUBJECT: FY 1998 Supplemental Appropriation
Office of Community Services
(Alcohol and Drug Abuse Administration)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of Children and Youth for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that State grant funds in the amount of \$11,700.00 were awarded on March 19, 1998 from the Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration (Prevention Program) to the Office of Community Services of St. Mary's County for the purpose of providing funds for the following youth programs: "Hooked on Fishing not Drugs", "Kids on the Block", "Summer of Safety Arts and Reading Camps", and for adult registration fee scholarships for the Annual Prevention Conference.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on April 14, 1998 pursuant to Notice published on or about April 1 and 8, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, April 14, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$11,700.00 (Eleven Thousand Seven Hundred Dollars), and such increase is hereby approved this 28th day of April, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 4-28-98
Effective Date: 4-28-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator
Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#SM03 Rort#999999
EHA LP BIK#168
May 04, 1998 11:48 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
4-21-98

SUBJECT: FY 1998 Supplemental Appropriation
Marcey House
(Alcohol and Drug Abuse Administration)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Marcey House of St. Mary 's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary 's County Director of Finance has certified in writing that State grant funds in the amount of \$23,792.00 were awarded on March 19, 1998 from the Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration (Prevention Program) to the Marcey House of St. Mary's County for the purpose of purchasing new equipment and supplies, supplemental salaries, and day-to-day operations.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on April 14, 1998 pursuant to Notice published on or about April 1 and 8, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, April 14, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$23,792.00 (Twenty-Three Thousand Seven Hundred Ninety-Two Dollars) and such increase is hereby approved this 28th day of April, 1998 by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chessner, Eagan & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 4-28-98
Effective Date: 4-28-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President
D. Christian Brugman
D. Christian Brugman, Commissioner
Paul W. Chessner
Paul W. Chessner, Commissioner
Frances P. Eagan
Frances P. Eagan, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator
Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#5903 Rcpt#999999
EHA LP Rik#168
Mar 04, 1998 11:40 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Douglas S. Durkin
Douglas S. Durkin
County Attorney
4-6-98

BOOK 0013 PAGE 0064

No: 98-25

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Chaptico Wharf)

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$25,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, Natural Resource Article, §5-901, of the Annotated Code of Maryland, Waterway Improvement Fund, administered through the Program Open Space division, for the purpose of providing ramp and bulkhead repairs at Chaptico Wharf.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on April 14, 1998 pursuant to Notice published on or about April 1 and 8, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on April 14, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) and such increase is hereby approved this 28th day of April, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 4-28-98
Effective Date: 4-28-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#SH03 Rcr#4999999
EWA LP Bk#168
May 04, 1998 11:41 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
4-6-98

No: 98-26

Subject: FY 1998 Supplemental Appropriation
Department of Recreation and Parks
(Bushwood Wharf)

BOOK 0013 PAGE 0065

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Improvement Budget to increase the appropriation for the Department of Recreation and Parks for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$25,000.00 are available in the form of State grant funds by the Maryland Department of Natural Resources, Natural Resource Article, §5-901, of the Annotated Code of Maryland, Waterway Improvement Fund, administered through the Program Open Space division, for the purpose of providing ramp and bulkhead repairs at Bushwood Wharf.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on April 14, 1998 pursuant to Notice published on or about April 1 and 8, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on April 14, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$25,000.00 (Twenty-Five Thousand Dollars) and such increase is hereby approved this _____ day of _____, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thomason, Brugman, Chesser, Eagan, & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: _____
Effective Date: _____

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kaehmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res 15423 Rct #333999
EHA LP Bk #168
May 04, 1998 11:41 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney

4-6-98

BOOK 0013 PAGE 0066

No.: 98-27
Subj.: Maryland Small Cities Community
Development Block Grant - Receipt
of Program Income Generated from
Sale of Skipjack Property Acquired
with CDBG Funds

RESOLUTION

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland recognizes that there is a significant need to continue economic and community revitalization in the Lexington Park, Great Mills and California neighborhoods of the County; and,

RECORDING FEE 0.00

WHEREAS, the Board of County Commissioners has entered into an Agreement for the Sale of the property located in Lexington Park - Tulagi Town Center, known as the "Skipjack Site" which was acquired March 28, 1995 with federal Community Development Block Grant (CDBG) funds; and,

TOTAL 0.00

WHEREAS, the Board of County Commissioners recognizes that CDBG proceeds will be generated as a direct result of the sale of said property; and,

Res: 982 Rcpt: 999999

WHEREAS, the Board of County Commissioners acknowledges its submittal of a Program Income Plan as part of its FY94 CDBG application to retain locally any future income derived from approved activities; and,

EMA PL Blk#331

WHEREAS, 24 CFR 570.489(e) and the *Guidebook for the Maryland CDBG Program* require the legislative body of the jurisdiction pass a Resolution to accompany the County's required submittal of a ReUse Plan to the Maryland Department of Economic and Business Development (DBED) requesting authorization to retain locally any and all Program Income resulting from said sale; and,

May 19, 1998 01:23 PM

WHEREAS, contingent upon the execution of a subrecipient agreement between the Board of County Commissioners and St. Mary's County Community Development Corporation, CDBG Program income/proceeds shall be transferred to the St. Mary's County Community Development Corporation, a subrecipient non-profit corporation within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1986, to continue revitalization efforts, to strengthen neighborhoods and establish a strong and resilient county economy, to expand economic opportunities for low and moderate income residents, and to support entrepreneurs and small business development within St. Mary's County.

SECTION 1. NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Mary's County, Maryland hereby authorizes the submission of a CDBG ReUse Plan and Resolution to DBED to obtain approval and hereby pledges its general funds to reimburse the State for any financial liability related to negative findings by HUD with regard to the re-use of income.

SECTION 2. SEVERABILITY: In the event any portion of this resolution is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the resolution shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the resolution, or unless deletion of the invalid portion would produce a result which is inconsistent with the purpose and intent of the Board of County Commissioners in enacting this resolution.

SECTION 3. AND BE IT FURTHER ENACTED, that this Resolution shall take effect

12 MAY, 1998

DATE OF ADOPTION: 5-12-98

EFFECTIVE DATE: 5-12-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


BARBARA R. THOMPSON, President

BOOK 0013 PAGE 0067

D. Christian Bruggen
D. CHRISTIAN BRUGMAN, Commissioner

Paul W. Chesser
PAUL W. CHESSER, Commissioner

Frances P. Eagan (Director of one of the boats)
FRANCES P. EAGAN, Commissioner

Lawrence D. Jarboe
LAWRENCE D. JARBOE, Commissioner

ATTEST:

John J. Kuchmar, Jr.
JOHN J. KUCHMAR, JR.
County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
DOUGLAS S. DURKIN 5-13-98
County Attorney

SUBJ: Hollywood Shores
Shore Erosion Control District:
Fixing and Levy of Benefit Charge

ORDINANCE

FOR THE PURPOSE of levying an amount against the landowners within the Hollywood Shores Shore Erosion Control District whereby the annual assessment shall repay to the Board of County Commissioners, acting as District Council, the cost of constructing a seawall and bulkhead, annual inspections, and any maintenance that may be required for an indefinite period of time as may be set by the District Council.

RECORDING FEE 8.00
TOTAL 8.00
Res#582 Rcp#433333

RECITALS

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland are empowered, by virtue of Article 25, Sections 167A through 167E of the Annotated Code of Maryland, which incorporates by reference the additional authority set forth in Article 25, Sections 163(b) and (c), 164, 165, 166 and 167 of the Annotated Code of Maryland, to establish, create, repair, and maintain shore erosion control special taxing districts;

EMA PL BIK4931

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, may act as District Council pursuant to authority granted in Article 25, Section 167D of the Annotated Code of Maryland for the Hollywood Shores Shore Erosion Control District;

May 19, 1998 01:24 PM

WHEREAS, the Board of County Commissioners acting as District Council via Resolution No. 91-28 did, on August 27, 1991, create the Hollywood Shores Shore Erosion Control District pursuant to citizen petition and the authority granted by the Annotated Code of Maryland, Article 25, Sections 167A through 167E;

WHEREAS, the Board of County Commissioners on May 9, 1995, acting as District Council, via Resolution No. 95-34 did reestablish the previously created shore erosion control district pursuant to the authority granted by the Annotated Code of Maryland, Article 25, Sections 167A through 167E;

WHEREAS, the district boundaries encompass the entirety of the Hollywood Shores subdivision located in the Sixth Election District as recorded in Land Records of St. Mary's County, Maryland as Plat I, dated August 3, 1955; Plat II, dated March 2, 1954 and March 18, 1954 in Liber 002, Pages 50-A and 50-B, including those lots created in 1954 and located within the subdivision but which were omitted from the 1954 plats; the boundaries of the special district, are depicted on the tax map attached hereto and incorporated herein as Exhibit "A";

WHEREAS, construction of the improvements consisting of a new seawall and bulkhead was completed in July 1996, with warranty work completed in April 1998;

WHEREAS, given the likelihood of decay due to the environment and marine borer attack, the District Council acknowledges that the improvements constructed pursuant to this ordinance and Resolution 91-28 and 95-34 have a design life of approximately twenty-five (25) years, absent catastrophic failure due to storms, impact, ice damage, or other unusual accidents or acts of nature;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council for the Hollywood Shores subdivision and Shore Erosion Control District has concluded that all properties within the Hollywood Shores Shore Erosion Control Special District have specially and equally benefitted from the construction of the new seawall and bulkhead so that the community may remain as a waterfront and water access community;

SUBJ: Hollywood Shores
Shore Erosion Control District:
Fixing and Levy of Benefit Charge

WHEREAS, it is the desire of the Board of County Commissioners, acting as the District Council, to utilize an assessment method whereby each "property", as defined herein, is assessed a uniform assessment for purposes of debt service on the capital construction cost, and that our prior references in Resolution No. 91-28 and Resolution No. 95-34 to an assessment "based upon each owner of property within the District paying an equal share rather than a per lot charge" was and is intended to refer to an assessment method whereby each "property" is assessed a uniform assessment for purposes of capital construction cost debt service;

WHEREAS, it is the intent of the Board of County Commissioners, acting as the District Council, to enter assessments against all benefitted properties which includes all portions of the subdivision shown on the tax map attached hereto as Exhibit "A" and all property listed on the list of lots attached hereto as Exhibit "B" and all tax accounts listed on the list attached hereto as Exhibit "C", including parcels and property owned by the Hollywood Shores Civic Association, and any other property that may be otherwise exempt from real property taxes, as may be permitted by law;

WHEREAS, the District Council desires this special taxing district to last in perpetuity, until otherwise dissolved; should a special taxing district be dissolved by the District Council, it is the intent that one of the following options be utilized, unless maintenance of the project is no longer reasonable or practical:

1. Residents of the district provide for continuing maintenance and upkeep of district improvements through private funding sources; or
2. Residents of the district utilize a homeowners association to maintain and upkeep the district improvements through some type of community assessment.

WHEREAS, it is the intent of the District Council that should maintenance of the project be no longer reasonable or practical at the end of the design life of the improvements, or at any other time, that the District Council may then dissolve the district, make further assessments as provided for herein to replace the improvements completed in 1996, dissolve this district and consider a petition for creation of a substitute district, or take whatever other lawful action as the District Council may then deem appropriate;

WHEREAS, in accordance with Article 25, Section 165 of the Annotated Code of Maryland, a public hearing to fix and levy a benefit charge upon real property benefitted by the erosion prevention work for the district of Hollywood Shores subdivision was held on May 6, 1997 pursuant to Notice published in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on April 23, 1997 and April 30, 1997;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, acting as District Council, wish to approve this Ordinance to fix and levy a benefit assessment charge in accordance with the provisions and conditions herein set forth;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council by virtue of Article 25, Section 167B and Section 165 of the Annotated Code of Maryland, is charged with the duty of levying against all assessable property in each erosion district a sufficient sum to pay the entire cost of all necessary expenses and all necessary maintenance and repairs to the erosion prevention work constructed in each district;

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that the Hollywood Shores Shore Erosion Control District Ordinance is hereby adopted as hereinafter set forth below:

HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT ORDINANCE

Section 1. Definitions. For the purpose of this Ordinance only, the following terms and definitions shall apply to this Ordinance and to the Hollywood Shores Shore Erosion Control District:

- A. "property" means any tract, parcel, lot, or other quantity of land, including any and all improvements, if any, that have been erected or constructed upon such land; and in the event of multiple adjoining lots under common ownership the several adjacent lots shall be considered as one provided all such lots contain only one dwelling unit and are utilized as one lot and provided any adjoining vacant lots are alone or as a group insufficient in size or otherwise insufficient to accommodate another dwelling or independent development in accordance with current zoning and subdivision requirements without a variance; and in the event any adjoining vacant lot or lots under common ownership is/are of sufficient size to accommodate additional dwelling units or development, such lots shall be considered as separate from the adjoining lot or lots in common ownership; and in the event there exists within the district boundaries, lots under common ownership which are not adjoining, each separate lot or group of separate lots shall be considered as separate properties subject to the definition of multiple adjoining lots under common ownership as set forth hereinabove.
- B. "property owner" means any and all persons or entities of record holding the primary ownership interest in a "property," as described hereinabove, located within the boundaries of the proposed taxing district on the date of execution of the petition to establish, including without limitation fee simple ownership interests and conditional or limited ownership interests (such as interests subject to reversionary clauses, defeasible interests and fee-tails), but excluding those persons and entities holding a junior, subservient or equitable interest (such as mortgagees, deed of trust beneficiaries and trustees, installment contract purchasers where the contract is not recorded, mechanic lien claimants, and holders of judgment liens); in the event there is more than one person or entity meeting this definition of "property owner" for any one "property", all such persons or entities shall collectively be considered the "property owner" of that particular "property", regardless of whether such ownership is joint, in common, or by the entirety.
- C. "property owners" refers collectively to each and every "property owner", as defined above, who own "property" within the proposed district.
- D. "majority" means the "property owners" of 75% of any and all "property" located within the district boundaries for purposes of evaluating the written petitions for the creation and establishment of this shore erosion control taxing district.

- E. "district maintenance" means that once a project is completed, it will be the responsibility of the Department of Public Works acting on behalf of the District Council to inspect, review, upkeep, repair and maintain such district throughout the life of the capital construction loan, as well as beyond in perpetuity, until the special district is terminated by subsequent action of the District Council.

Section 2. District Boundaries. The properties affected by this Ordinance are all lots within the Hollywood Shores subdivision as itemized in the list attached as Exhibit "B" which lists 292 lots as currently configured, and which properties are shown on Tax Map 21 of the Hollywood Shores Subdivision, a copy of which is attached as Exhibit "A", located in the Sixth Election District and which currently includes 212 properties and tax accounts, a list of which is attached hereto as Exhibit "C".

Section 3. Capital Improvement Debt Service Levy.

- A. The Board of County Commissioners for St. Mary's County, Maryland acting as District Council hereby levies the following special taxes:

A uniform benefit assessment of \$39.47 upon each "property" within the boundaries of the Hollywood Shores Shore Erosion Control District, as shown on the map attached as Exhibit "A" and as listed on attached Exhibits "B" and "C," for the 1997-1998 tax year, for purposes of payment of debt service costs and expenses associated with construction of the capital improvements for which this district was created.

- B. Thereafter, the Board of County Commissioners, acting as District Council, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland on or before May 1 of each year hereafter for debt service on the capital construction costs, utilizing a uniform assessment method whereby each property within the District, as defined above, shall pay an equal share.

Section 4. District Maintenance and Levy.

- A. The St. Mary's County Department of Public Works shall conduct annual inspections of the District's improvements and to annually submit a budget for "district maintenance," including inspection, maintenance, repairs, and incidental and overhead expenses, for purposes of maintaining and repairing the District's improvements. Unless an increase is subsequently authorized by law, the annual inspection fee shall not exceed \$200 per year. This inspection, maintenance, and repair obligation shall continue in perpetuity unless the District is first dissolved.

- B. The Board of County Commissioners for St. Mary's County, Maryland, acting as the District Council, hereby levies, on each "property" within the boundaries of the Hollywood Shores Shore Erosion Control District, as shown on the map attached as Exhibit "A" and as listed on attached Exhibits "B" and "C," the first annual assessment of 0.4298 cents per \$100.00 of assessed value for purposes of inspection, maintenance, repairs, district overhead, and incidental expenses. This inspection, maintenance, repairs, and incidental and overhead expenses levy shall be entered each year, unless subsequently modified by the Board of County Commissioners for St. Mary's County, Maryland, acting as the District Council, during the annual process of establishing

a County budget, when said levy may be adjusted as a result of the necessary inspection, maintenance, repairs, district overhead, and incidental expenses.

C. No more than Two Hundred Dollars (\$200.00) of the annual inspection, maintenance, repair and incidental and overhead expense benefit assessment may be utilized, per fiscal year, by the St. Mary's County Department of Finance and Department of Public Works for inspection of the improvements and administration of the district.

D. The balance of the annual inspection, maintenance, repair and incidental and overhead expense benefit assessment, after deduction of the Two Hundred Dollars (\$200.00) maximum amount permitted for inspection and administration, shall be placed in an interest bearing account for use in making repairs and maintenance as may be required from time to time.

Section 5. Duties of County Treasurer. The Treasurer of St. Mary's County, Maryland, shall each year hereafter enter two (2) annual benefit assessments, one for capital construction debt service as provided for in Section 3 and one for inspection, maintenance, repairs, and incidental and overhead expenses as provided for in Section 4, on the State and County real estate tax bills for said property for the next fifteen (15) succeeding fiscal years; and thereafter, there shall be one annual benefit assessment for purposes of inspection, maintenance, repairs and incidental and overhead expenses.

Section 6. First Lien. The two benefit assessments levied by this Ordinance shall constitute a first lien on the properties against which they are assessed, until paid, subject only to State and County taxes.

Section 7. Prepayment Prohibited. The two benefit assessments levied by this Ordinance shall not be prepaid without prior written consent of the Board of County Commissioners.

Section 8. Alteration of Assessment by Action of Taxpayer Prohibited. The subsequent re-subdivision, vacation of subdivision plats, or vacation or rearrangement of lot lines, which result in the creation of fewer benefitted properties and fewer properties subject to the special tax, shall not be recognized for purposes of calculation of the annual benefit assessments necessary to pay the principal, interest, and all other lawful expenses of this special district"; in such case, assessments shall be calculated as if the subsequent resubdivision, vacation of plat, or lot line vacation or adjustment had not occurred.

Section 9. Payment Before Transfer. No deed or conveyance of real estate subject to said lien shall be transferred by the Supervisor of the Maryland Department of Assessments and Taxation for St. Mary's County until proof of payment of all benefit assessments then due has been exhibited.

SECTION 2. SEVERABILITY: IT IS FURTHER ORDAINED that in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

SECTION 3. EFFECTIVE DATE: This Ordinance shall become effective as of 12 MAY, 1998, 1998, and shall apply retroactively to the day on which this district was first created August 27, 1991. The assessments previously entered by the St. Mary's County Treasurer for the tax year which begins July 1, 1997, are hereby ratified and shall be effective for

SUBJ: Hollywood Shores
Shore Erosion Control District:
Fixing and Levy of Benefit Charge

that tax year as of the date of their prior entry by the Treasurer.

Those voting aye: Thompson, Brugman, Chesser and Jarboe

Those voting nay: Eagan

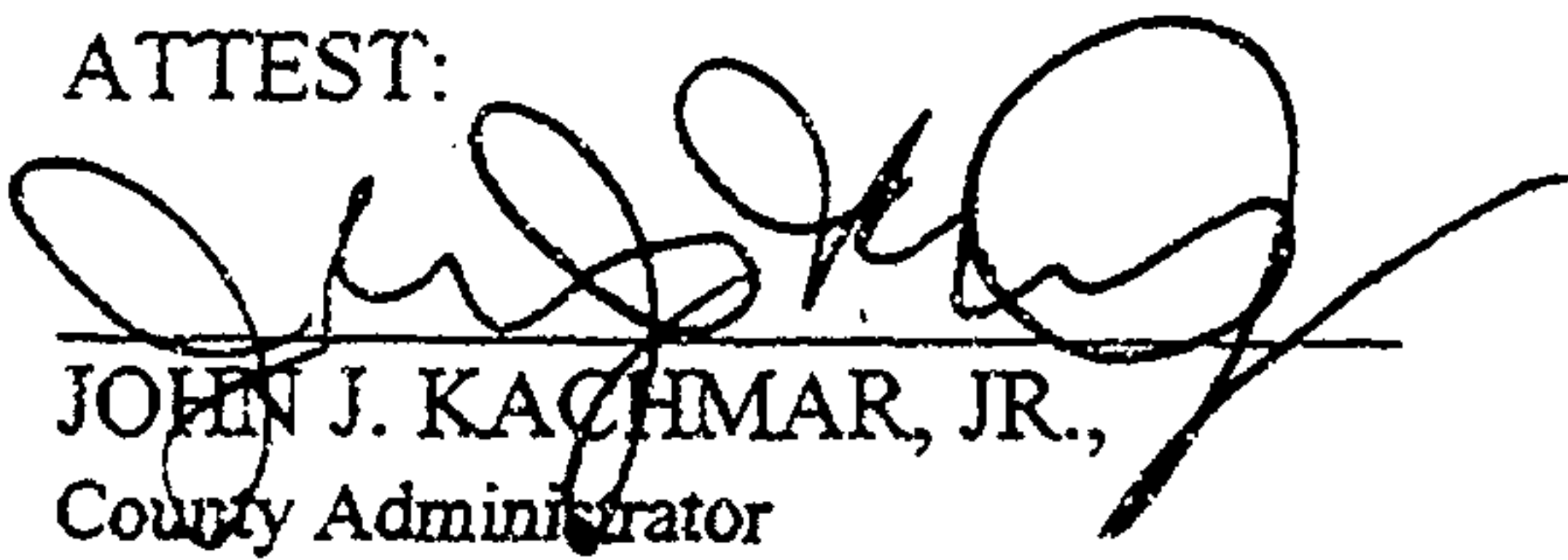
Those abstaining or absent: _____

Approval Date: 12 MAY, 1998


Effective Date: August 27, 1991

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND

ATTEST:


JOHN J. KACHMAR, JR.,
County Administrator


BARBARA R. THOMPSON, President


D. CHRISTIAN BRUGMAN, Commissioner


PAUL W. CHESSER, Commissioner


Voted Nay
FRANCES P. EAGAN, Commissioner


LAWRENCE D. JARBOE, Commissioner

APPROVED:


STEVEN E. WELKOS
Finance Director

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


DOUGLAS S. DURKIN 5-1-98
County Attorney

Hollywood Shores Shore Erosion Control District
Tax Map 20B, Subdivision 17

	Block	Lot	Tax Account No.
Moore, M&M	I	16,17	06 000517*
Alvey, George	E	7	06 035884
Alvey, James H	I	12,13	06 005896
Alvey, Kenneth W	I	1	06 013805
Anderson, Harold A	D	26,27	06 033830
Anderson, Wm.	M	1	06 020879
Andrews, Wm	K	12	06 014593
Armstrong, Jos.	F	41	06 035027
Austin, Howard	D	6,7	06 028055
Ball, James	H	10	06 035809
Barnett, Helen	M	10	06 048285
Benkovic, George	A	15,16,17	06 002587
Bennett, Kenneth	F	4	06 026540
Bird, Leo & marian	L	20	06 067201
Bissett, Joann	G	1	06 009166
Bonnell, Valerie	F	2	06 005543
Bostwick, James	I	21	06 034020
Bowman, Mary	A	29	06 010644
Brosh, Chas.	G	10	06 003737
Brukardt, Harold	G	4	06 020232
Burch, Eliz.	D	8	06 022790
Barrows, Rickey	H	4	06 019374
Byrd, Jody	M	7	06 023053
Cage, Francis	E	11	06 025293
Caldwell, Blaine	L	6	06 010261
Callahan, Wm. Sr.	F	14	06 027830
Campbell, R, Jr.	L	9, 16,17, 18,19	06 005365
Cedarville Park, Inc.	A	33,34	06 005772
Cheseldine, Jos.	H	2	06 025951
Coleman, Bessie	G	13	06 006582
Connor Rich, Jr.	F	15	06 028772
Coombs, Glenwood	C	7	06 006817
Cooper, J.F.	G	14	06 034187
Courtney, Law.	F	26,27,28	
	H	13	06 002595
Cousineau Fm Ptn	B	9	06 034470
Cousino, Gerald	A	35	06 007155
Cox, John E	M	12	06 013295
Crippen	F	20, 21,22	06 007252
Curley, E. III	K	1A	06 008844
Daniels	C	22,23	06 034861
Darnell, Jos.	B	4	06 027946
Davis, Raymond	A	11	06 007996
Dean	E	1/2 18,19	06 010954
Dehnel	K	1/2 8,9,10	06 008534
Delaney	C	14,15	06 006728
Connell, M	A	32	06 013163*

Dillon	K	3	06 008836
Dollarton, J	J	1,2,3,4 19,20	06 009336
Domonousky, F.	H	6	06 009212
Douglas, B.	B	7	06 033563
DuBois	I	23	06 020046
Dunnihoo,	F	13	06 021948
Dustin, Allen	J	14,15	06 005527
Edgecomb	G	6,7	06 022278
Elwell	D	18	06 025269
Erwin	M	16	06 013643
Forbes	M	11	06 007376
Forinash	F	8	06 021999
Frederickson	F	24,25	06 032435
Gatton	F	9	06 021980
Geiger	B	18,19	06 011101
Gharib	D	13,14	06 025722
Gilbert	L	8	06 011683
Wood Bruce	F	3	06 030106*
Glaubitz,	A	14	06 012000
Graves	B	6	06 012035
Greenwell	D	16	06 022782
Greenwell, K	A	9	06 034586
Grogan	C	24	06 029574
Guy	I	7	06 033318
Haley, J	B	13,14	06 013031
Haley, S.	B	16	06 007058
Haley, S. Sr.	G	5	06 037089
Haley, H.	B	15	06 013058
Ham	B	8	06 019994
Hall, B.	L	1	06 029779
Hanson	K	1	06 028012
Hardesty	G	3	06 025927
Hardesty, M	B	17	06 010792
Harwood	I&L	29,7	06 011292
Hauser	I	10	06 019188
Hendrix	L	5	06 029485
Herring	B	5	06 012604*
Hewitt	A	8	06 014526
Higgs	K	2	06 014607
Hodges	I	24	06 017606
Hlywood Shores	L	10	06 014976
Holmes	D	28	06 014992
Hoopes	E	14	06 029736
Howd	D	32	
		1/2 29,31	06 023959
Hudson	H	14	06 015352
Isemann	E	10	06 015220
Jacobsen	L	22	06 016669
Jones	K	4	06 033261
Jordan	D	1,2	06 003486
Keeland	L	21	06 019064
Kelly	M	2,3	06 028489
Kelly, E	D	23,24,25	06 017363

Konecny	H	11	06 022170
Krueger	C	11	06 021549
Lahoff	F	23	06 012515
Lansberg	E	3	06 025218
Larson	A	30	06 009948
Lewis	G	11,12	06 021131
Lewis, S	G	15,16	06 007686
Long	I	3	06 017274
Long, J.	F	31,32	06 033644
Lowmiller	F	12	06 026192
Luber	F	29	06 001580
Lynch	M	8	06 008887
Mandy	J	5	06 027849
Manson	J	17	06 024807
Matthews	M	19	06 025870
Joy	C	1	06 011322*
McCreery	I	8	06 025536
McInturff	H	15	06 022189
McLendon	L	2	06 027709
Medved	E	1	06 005993
Miller	I	25	06 035299
Mokry	I	5	06 010733
Montour	I	6	06 024823
Morrisette	J	8,9,10	06 023509
Murphy	E	15	06 030580
Myrick	F	6	06 023851
Nanney	C	13	06 021964
Nelson	F	33,34	06 023983
Newlin	K	5,6	06 024114
Nicholson	C	3,4,5,6	06 024181
Nicol	I	30	06 025196
Norris	A	25	06 024157
Oliver	D	5	06 024726
O'Malley	M	13	06 025277
O'Shea	M	9	06 028780
Owens	E	5,6	06 007392
Parks	H	7	06 024874
Paxton	A	18, 1/2 19	06 025323
Piatt	A	26	06 007767
Pinkham	H	1	06 006590
Popciarcheck	I	26	06 009182
Posner	K	16	
	F	19	
	J	16	06 012949
Proctor	D	20	06 013368
Proffer	I	28	06 009999
Pulliam	D	10,11,12	06 022995
Pumphrey	A	3	06 034926
Reading	H	12	06 032451
Reynolds	D	22	06 022731
Ridgell	E	16	06 030572
Rodine	A	4,5	06 012973
Rogers	M	17	06 025250

Rogers, K	I	31	06 035450
Rollins	J	11,12	06 016928
Rottman	M	14	06 007937
Rumaker	F	16	06 020011
Sappington	D	21	06 007821
Savoy	G	8,9	06 001300
Schlusemeyer	F	5	06 028683
Schneider	E	8	06 009670
Schruefer	F	35,36,37	06 058736
Seward	K	7, 1/2 8	06 005985
Shafer	D	19	06 018920
Sharp	A	1/2 19, 20	06 029442
Shaw	I	14,15	06 028756
Shelor	M	6	06 029507
Sheppard	J	18	06 012442
Shimek	A	2	06 003877
Shultzaberger	M	4	06 022456
Skalby	D	17	06 024882
Smiroldo	C	17	06 009549
Smith	H	3	06 019366
Smith, S.	D	30, 1/2 29&31	06 030041
Sotelo	I	32,33	06 010962
Speakman	C	14	06 025331
Spranger	H	5	06 022715
Stamm	F	11	06 024610
Stanish	F	1	06 030661
Stevens	C	25	06 005780
Stone	J	7	06 000576
Stolemyer	F	39,40	06 010660
Stuller	A	21	06 034101
Suthard	J	13	06 031366
Swarey	I	2	06 025242
Talbert	I	25	06 019668*
Taylor	E	4	06 028640
Thomas	I	18,19,20 11	06 031935
Vallario	A	24	06 019358
Vallario	A	28	06 022758
Valley	F	10	06 024602
Vatter	C	19	06 000428
Veihmeyer	L	3	06 009719
Venneman	C	8	06 006825
Ventrano	J	6	06 005039
Wald	I	34	06 005853
Warnke	D	4	06 007147
Wathen	I	22	06 022766
Webb	K	14,15	06 026206
Westbrook	A	1,6,7	
	B	1,2,3	06 034071
Western	K	11	06 030602
Whalen	I	9	06 021468
White	E	12,13	06 002757
Williamson	M	15	06 007945

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Williams	E	20	06 021018
Wilson	F	42,43,44	06 007287
Wirt	E	17, 1/2 18	06 005888
Wolfe	I	27	06 001467
Wood Constr.	C	9,10	06 014836
Woodburn	C	18	06 024920
Yoder	M	18.	06 035663
Young	C	26	06 011926
Young, D	A	31	06 035671
Young, H	B	20,21,22	06 011098
Younkins	H	9	06 008569
Zambon	D	3	<u>06 035868</u>

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212 Assessments

* denotes change in "property owner".

tx-hlywood

Hollywood Shores Shore Erosion Control District
Tax Map 20B, Subdivision 17

Block	Lot	Tax Account No.	Block	Lot	Tax Account No.
A	15,16,17	06 002587	D	20	06 013368
A	29	06 010644	D	10,11,12	06 022995
A	33,34	06 005772	D	22	06 022731
A	35	06 007155	D	21	06 007821
A	11	06 007996	D	19	06 018920
A	32	06 013163*	D	17	06 024882
A	14	06 012000	D	30	06 030041
A	9	06 034586	D	1/2-29&31	06 030041
A	8	06 014526	D	4	06 007147
A	30	06 009948	D	3	06 035868
A	25	06 024152	E	7	06 035884
A	18	06 025323	E	11	06 025293
A	1/2-19	06 025323	E	1/2-18,19	06 010954
A	26	06 007767	E	14	06 029736
A	3	06 034926	E	10	06 015220
A	4,5	06 012973	E	3	06 025218
A	1/2-19, 20	06 029442	E	1	06 005993
A	2	06 003877	E	15	06 030580
A	21	06 034101	E	5,6	06 007392
F	10	06 024602	E	16	06 030572
A	24	06 022758	E	8	06 009670
A	24	06 019358	E	4	06 028640
A	1,6,7	06 034071	E	12,13	06 002757
A	31	06 035671	E	20	06 021018
B	9	06 034470	E	17, 1/2-18	06 005888
B	4	06 027946	F	41	06 035027
B	7	06 033563	F	4	06 026540
B	18,19	06 011101	F	2	06 005543
B	6	06 012035	F	14	06 027930
B	13,14	06 013031	F	15	06 028772
B	16	06 007058	F	26,27,28	06 002595
B	15	06 013058	F	20, 21,22	06 007252
B	8	06 019994	F	13	06 021948
B	17	06 010792	F	8	06 021999
B	5	06 012604*	F	24,25	06 032435
B	1,2,3	06 034071	F	9	06 021980
B	20,21,22	06 011098	F	3	06 030106
C	7	06 006817	F	23	06 012515
C	22,23	06 034861	F	31,32	06 033644
C	14,15	06 006728	F	12	06 026192
C		06 006728	F	29	06 001580
C	24	06 029574	F	6	06 023851
C	11	06 021549	F	33,34	06 023983
C	1	06 011322*	F	16	06 020011
C	13	06 021964	F	5	06 028683
C	3,4,5,6	06 024181	F	35,36,37	06 058736
C	17	06 009549	F	11	06 024610
C	14	06 025331	F	1	06 030661
C	25	06 005780	F	39,40	06 010660
C	19	06 000428	F	42,43,44	06 007287
C	8	06 006825	F	19	06 012949
C	9,10	06 014836	G	1	06 009166
C	18	06 024920	G	10	06 003737
C	26	06 011926	G	4	06 020232
D	26,27	06 033830	G	13	06 006582
D	6,7	06 028055	G	14	06 034187
D	8	06 022790	G	6,7	06 022278
D	18	06 025269	G	5	06 037089
D	13,14	06 025722	G	3	06 025927
D	16	06 022782	G	11,12	06 021131
D	28	06 014992	G	15,16	06 007686
D	32	06 023959	G	8,9	06 001300
D	1/2-29,31	06 023959	H	10	06 035809
D	1,2	06 003486	H	4	06 019374
D	23,24,25	06 017363	H	2	06 025951
D	5	06 024726	H	13	06 002595

Block	Lot	Tax Account No.	Block	Lot	Tax Account No.
H	6	06 009212	L	9, 16, 17,	06 005365
H	14	06 015352	L	18, 19	06 005365
H	11	06 022170	L	8	06 011683
H	15	06 022189	L	1	06 029779
H	7	06 024874	L	5	06 029485
H	1	06 006590	L	10	06 014976
H	12	06 032451	L	22	06 016669
H	3	06 019366	L	21	06 019064
H	5	06 022715	L	2	06 027709
H	9	06 008569	L	1	06 029779*
I	16, 17	06 000517*	L	3	06 009719
I	12, 13	06 005896	M	1	06 020879
I	1	06 013805	M	10	06 048285
I	21	06 034020	M	7	06 023053
I	23	06 020046	M	12	06 013295
I	7	06 033318	M	16	06 013643
I	10	06 019188	M	11	06 007376
I	24	06 017606	M	2, 3	06 028489
I	3	06 017274	M	8	06 008887
I	8	06 025536	M	19	06 025870
I	25	06 035299	M	13	06 025277
I	5	06 010733	M	9	06 028780
I	6	06 024823	M	17	06 025250
I	30	06 025196	M	14	06 007937
I	26	06 009182	M	6	06 029507
I	28	06 009999	M	4	06 022456
I	31	06 035450	M	15	06 007945
I	14, 15	06 028756	M	18	06 035663
I	32, 33	06 010962			
I	2	06 025242			*denotes change in property owner
I	25	06 019668*			
I	18, 19, 20	06 031935			
I	11	06 031935			
I	34	06 005853			
I	22	06 022766			
I	9	06 021468			
I	27	06 001467			
I&L	29, 7	06 011292			
J	1, 2, 3, 4	06 009336			
J	19, 20	06 009336			
J	14, 15	06 005527			
J	5	06 027849			
J	17	06 024807			
J	8, 9, 10	06 023509			
J	16	06 012549			
J	11, 12	06 016928			
J	18	06 012442			
J	7	06 000576			
J	13	06 031366			
J	6	06 005039			
K	12	06 014593			
K	1A	06 008844			
K	1/2-8, 9, 10	06 008534			
K	3	06 008836			
K	1	06 028012			
K	2	06 014607			
K	4	06 033261			
K	5, 6	06 024114			
K	16	06 012949			
K	7, 1/2-8	06 005985			
K	14, 15	06 026206			
K	11	06 030602			
L	20	06 007201			
L	6	06 010261			

No: 98-29

Subject: FY 1998 Supplemental Appropriation
Department of Economic & Community
Development

BOOK **0013** PAGE **0-82**

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Department of Economic and Community Development for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$25,000.00 are available in the form of State grant funds administered by the Maryland Department of Business & Economic Development, Division of Regional Development, for the purpose of developing a regional exhibit in conjunction with the Patuxent Partnership on behalf of the Southern Maryland region. The exhibit will promote economic development, technology, and regional business development services for the tri-county area including St. Mary's, Calvert, and Charles Counties.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on May 5, 1998 pursuant to Notice published on or about April 24 and May 1, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on May 5, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$25,000.00 (Twenty-Five Thousand Dollars), and such increase is hereby approved this 19th day of May, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan & Jarboe
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 5/19/98

Effective Date: 5/19/98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Rec#13182 Rcpt#999999
EMA NB BIK#1420
May 27, 1998 04:39 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Douglas S. Durkin
Douglas S. Durkin 5-14-98
County Attorney

SUBJ: Designation of the Mental Health
Authority of St. Mary's, Inc. as the
Core Service Agency for St. Mary's County

RESOLUTION

A Resolution to rescind Resolution No. 95-17 entitled Privatization of Core Service Agency (Mental Health Authority of St. Mary's, Inc.) and to designate the Mental Health Authority for St. Mary's, Inc. as the Core Service Agency for St. Mary's County.

RECITALS

RECORDING FEE	0.00
TOTAL	0.00

WHEREAS, in 1991 there was established a governmental citizen advisory board known as the Mental Health Authority of St. Mary's to serve as a the Core Service Agency governed by a citizen board who were appointed by the Board of County Commissioners; and,

WHEREAS, since 1991 the Mental Health Authority of St. Mary's has been responsible for the County's mental health planning; coordinating and implementing comprehensive services; financial management and distribution of mental health funds to service providers; quality assurance and utilization review; tracking of patients and services; and,

WHEREAS, in 1995 the Board of County Commissioners and the citizen board for the Mental Health Authority of St. Mary's concluded that the privatization of the Mental Health Authority of St. Mary's was in the County's best interest in that more flexibility would be available to the Authority in the management and coordination of mental health services, and by making the services available in a more expedited and cost effective manner; and,

WHEREAS, the Board of County Commissioners acknowledged the establishment of a not-for-profit corporation, the Mental Health Authority of St. Mary's, Inc., to replace the Mental Health Authority and to carry out its duties and responsibilities, as so outlined in Resolution 95-17; and,

WHEREAS, the Board of County Commissioners set forth a statement of conditions by which the Mental Health Authority of St. Mary's, Inc. would operate, as so outlined in Resolution No. 95-17; and,

WHEREAS, on May 12, 1998, the Board of County Commissioners decided to rescind items numbered 1 and 2 of Resolution No. 95-17 to eliminate the requirement for the bylaws of the Mental Health Authority of St. Mary's, Inc. to be approved by the Board of County Commissioners and to eliminate the requirement for the directors of the Mental Health Authority of St. Mary's, Inc. to be appointed by the Board of County Commissioners, and to further define the relationship and obligations by and between the Mental Health Authority of St. Mary's, Inc. and the Board of County Commissioners.

WHEREAS, pursuant to the authority granted by the Annotated Code of Maryland, Health-General Article, Section 10-1202(d)(5), the Board of County Commissioners is obligated to designate a Core Service Agency which, pursuant to said statute, serves as an agent of the County government;

SECTION 1. NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that items numbered 1 and 2 of Resolution No. 95-17 are hereby rescinded; the approval by the Board of County Commissioners is no longer required for amendment or adoption of the bylaws of the Mental Health Authority of St. Mary's, Inc. and the Board of County Commissioners will no longer make appointments for the directors of the Mental Health Authority of St. Mary's, Inc. The remainder of Resolution No. 95-17 is retained and shall remain in full force and effect.

SECTION 2. SEVERABILITY: In the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result which is inconsistent with the purpose and intent of the Board of County Commissioners in enacting this ordinance.

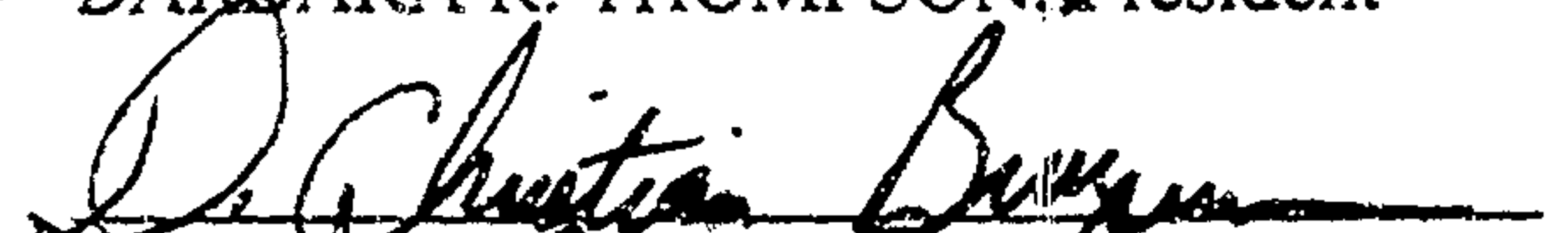
SECTION 3. AND BE IT FURTHER ENACTED, That this Resolution shall take effect 5/26/98.


DATE OF ADOPTION: 5/26/98

EFFECTIVE DATE: 5/26/98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


BARBARA R. THOMPSON, President


D. CHRISTIAN BRIGHMAN, Commissioner


PAUL W. CHESSER, Commissioner



FRANCES P. EAGAN, Commissioner


LAWRENCE D. JARBOE, Commissioner

ATTEST


JOHN J. KACHMAR, JR.
County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


DOUGLAS S. DURKIN
County Attorney

5/19/98

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES:
INCOME TAX RATE,
FIRE TAX RATES,
PROPERTY TAX RATE,
ENERGY AND FUEL TAX RATES AND
SPECIAL DISTRICT TAX RATES

BOOK 0013 PAGE 0085

REVENUE TAX ORDINANCE

Budget Authority

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 48, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11 authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by July 1 of each year;

Compliance with Budget Procedures

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 31, 1998, public hearings were held on April 14 and 21, 1998, pursuant to Notice published on April 1 and 3, 1998 in The Enterprise, a newspaper of general circulation published in the county;

Fire Property Tax Imposition and Authority

WHEREAS, the 1957 Laws of Maryland, Chapter 759, which has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 49-1, authorizes and directs the Board of County Commissioners of St. Mary's County, Maryland to levy a fire tax of not more than fourteen cents (\$0.14) on every \$100.00 of assessed valuation of all real and personal property in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters;

WHEREAS, In Election Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9, the Fire Tax has been voted upon and approved by the legally qualified voters;

Property Tax Imposition and Authority

WHEREAS, Tax-Property Article, Sections 6-202, 6-204, 6-302, 6-306 and 6-308 of the Annotated Code of Maryland and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-7(C), authorizes and empowers the Board of County Commissioners to levy a property tax rate for each fiscal year;

Income Tax Imposition and Authority

WHEREAS, the 1992 General Assembly, 1st Special Session, amended Section 10-106(a) of the Tax-General Article of the Maryland Annotated Code authorizing each County to set, by ordinance or resolution, a County Income Tax equal to at least 20% but not more than 60%, to be applied to the State Income Tax for an individual,

WHEREAS, Tax-General Article, §10-106(2) of the Maryland Annotated Code authorizes a county income tax to continue until the county changes the rate by ordinance or resolution;

WHEREAS, the Board of county Commissioners of St. Mary's County believes it to be in the best interest of County citizens to retain without alteration the 58% County Income Tax rate established via Resolution No. 97-25 on May 27, 1997 to be applied to the State Income Tax of the individual and has incorporated this rate in the final approved budget for the fiscal year ending June 30, 1999.

RECORDING FEE 3.00
TOTAL 8.00
Res 98-31 3/31/98
EPA PL 314728
Jun 85 1998 3E104 PM

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES:
INCOME TAX RATE,
FIRE TAX RATE,
PROPERTY TAX RATE,
ENERGY AND FUEL TAX RATES AND
SPECIAL DISTRICT TAX RATES

Energy and Fuel Tax Imposition and Authority

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland authorizes and empowers the Board of County Commissioners of St. Mary's County to impose, by ordinance, and collect a sales and use tax on any form of energy or fuel used or consumed in St. Mary's County;

WHEREAS, the Board of County Commissioners imposed such a sales and use tax on energy or fuel by Ordinance No. 89-13 adopted on May 16, 1989, and repealed and re-enacted by Ordinance No. 90-19 adopted on October 16, 1990, which ordinance has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 267-23 through 267-28;

Compliance with Energy and Fuel Tax Rate Levy Procedures

WHEREAS, Article 24, Section 9-604 of the Annotated Code of Maryland provides that the sales and use tax on energy or fuel may not exceed five percent (5%) of the sum of the total amounts billed in the County by all vendors for energy and fuel subject to the tax within classifications separated by energy or fuel during the calendar year that ends before the beginning of each fiscal year divided by the total number of units of energy or fuel subject to the tax within the classifications used or consumed in St. Mary's County during the calendar year that ends before the beginning of each fiscal year; and

WHEREAS, the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-24 (F) provides that the Board of County Commissioners shall levy the Energy and Fuel tax rates for each fiscal year ensuing after the fiscal year beginning after June 30, 1990, in accordance with the procedures set forth in that sub-section of the ordinance.

Levy of Fire Property Tax Rate

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County, the Fire Tax is hereby assessed on every \$100.00 of assessed valuation of all real and personal property, effective July 1, 1998, as follows:

Fire Tax Rates:	Election District 1	\$.09
	Election District 2	\$.09
	Election District 3	\$.06
	Election District 4	\$.11
	Election District 5	\$.11
	Election District 6	\$.11
	Election District 7	\$.11
	Election District 8	\$.11
	Election District 9	\$.09;

Levy of Property Tax Rate

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland that the following property tax rate is enacted for St. Mary's County for fiscal year 1999:

\$2.08 per \$100 of assessed valuation; and the service charge for the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property is hereby established at 1.8% of the amount of tax due at the second installment;

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES:
INCOME TAX RATE,
FIRE TAX RATE,
PROPERTY TAX RATE,
ENERGY AND FUEL TAX RATES AND
SPECIAL DISTRICT TAX RATES

Levy of Energy and Fuel Tax Rate

NOW, THEREFORE BE IT ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland that the following energy and fuel tax rates are enacted for St. Mary's County for fiscal year 1999:

Energy Tax Rates: Electricity - \$.00397 per kilowatt-hour.
Liquefied Petroleum Gas - \$.05621 per gallon.
Fuel Oil - \$.05558 per gallon.

Levy of Special District Tax Rate

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland are empowered by virtue of Article 25, Sections 167A through 167E of the Annotated Code of Maryland, to establish, create, repair, and maintain shore erosion control districts;

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, may act as District Council pursuant to authority granted in Article 25, Sections 161-167; in Article 25, Section 167 A-E; and Natural Resources Article Section 8-705 of the Annotated Code of Maryland for the Special Districts created as Shore Erosion, Erosion Control Districts and/or Waterway Improvement Districts;

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland are empowered under the provisions of the Code of Public Local Laws of Maryland, Article 19 (St. Mary's County) Section 109-2(C) and (D) for St. Mary's County to construct and improve private roads after the approval of a petition of a majority of the property owners whose property benefits from said improvements; and

WHEREAS, the Board of County Commissioners, acting as District Council, shall certify the amount of each assessment to the Treasurer of St. Mary's County, Maryland on or before May 1 of each year hereafter for debt service on the capital construction costs, utilizing a uniform assessment method whereby each property within the District, as defined above, shall pay an equal share;

Tanner Creek Erosion	\$1.64 per \$100 of assessment Tanner Creek waterfront property; \$.94 per \$100 of assessment surrounding owners property.
Breton Bay Shore Erosion	Group A -- \$413.97 per year.; Group B -- \$137.49 per year.
Jefferson Island Erosion	Varying amounts each year, per DNR agreements
Golden Beach #3 Road & Drainage	\$73.67 per lot.
Tall Timbers Erosion #2	\$8.85 per front foot.
Tall Timbers Erosion #3	\$115.33 per front lot; \$57.28 per back lot.
Duke Drive	\$67.29 per lot.
Southampton Lighting	\$19.76 per lot.
Kline Drive	\$100.48 per lot.
Scott Circle	\$130.76 per lot.
Roof Top Circle	\$237.80 per lot.
Miles Drive	\$270.24 per lot.
Rosebank Village	\$342.65 per lot.
Cloverdale Acres	\$512.75 per lot.
Wicomico Shores	\$228.73 per lot.
Hollywood Shores	\$39.47 per owner.

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland by virtue of Article 25, Section 166(a) of the Annotated Code of Maryland shall appoint the Department of Public Works to conduct annual inspections of the District's improvements and to annually submit a budget for "district maintenance," including inspection, maintenance, repairs, and incidental and overhead expenses, for purposes of maintaining

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES: INCOME TAX RATE, FIRE TAX RATE, PROPERTY TAX RATE, ENERGY AND FUEL TAX RATES AND SPECIAL DISTRICT TAX RATES

and repairing the District's improvements; unless an increase is subsequently authorized by law, the annual inspection fee shall not exceed \$200 per year; and this inspection, maintenance, and repair obligation shall continue in perpetuity unless the District is first dissolved;

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council by virtue of Article 25, Section 166(b) hereby levies, on each "property" within the boundaries of the Special Districts, the first annual assessment of \$0.4298 cents per \$100 of value for inspection, maintenance, repairs, district overhead, and incidental expenses, as to the Hollywood Shores Shore Erosion Control District.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: _____
Those Absent: _____

Adoption Date: May 26, 1998
Effective Date of Ordinance: July 1, 1998
Effective Date of Income Tax Rate: January 1, 1998
Effective Date of Fire Tax Rates: July 1, 1998
Effective Date of Property Tax Rate: July 1, 1998
Effective Date of Energy and Fuel Tax Rate: July 1, 1998
Effective Date of Special District Tax Rate: July 1, 1998

BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar, Jr.
John J. Kachmar, Jr., County Administrator

Steven E. Welkos
Steven E. Welkos, Director of Finance

APPROVED AS TO FORM AND SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin, County Attorney
lms/contract/cty-tax.ord

5-26-98

SUBJECT: FY 1999 ST. MARY'S COUNTY BUDGET

APPROPRIATION ORDINANCE

RECORDING FEE 0.00
 TOTAL 0.00
 RES 15483 Rpt 1999999

WHEREAS, the 1979 Laws of Maryland, Chapter 670, the 1982 Laws of Maryland, Chapter 75, and the 1986 Laws of Maryland, Chapter 48, codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 27-1 through 27-11 authorizes and empowers the Board of County Commissioners to adopt the Annual Budget and Appropriation Act by June 1 of each year;

ERA PL 31K#729

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 31, 1998, public hearings were held on April 14 and 21, 1998, pursuant to Notice published on April 1 and 8, 1998 in The Enterprise, a newspaper of general circulation published in the county;

Jun 05, 1998 02:10:00

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland, that the operating budget for fiscal year 1999 (FY 1999) is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 1999, a copy of which is incorporated herein by reference. In accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-8, transfer of appropriations between general classification of expenditures as outlined in this Ordinance must be authorized by the Board of County Commissioners of St. Mary's County, Maryland;

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Board of County Commissioners of St. Mary's County, Maryland that the following appropriations and capital improvement program are enacted for St. Mary's County for the fiscal year beginning July 1, 1998 (FY 1999) as follows:

SECTION 1. OPERATING APPROPRIATIONS

County Departments

County Commissioners/County Administrator	\$ 1,217,108
Office on Aging	\$ 1,227,955
Office of Central Services	\$ 5,826,677
Office of Community Services	\$ 849,143
County Attorney	\$ 296,586
Department of Economic & Community Development	\$ 577,796
Emergency Management Agency	\$ 1,186,483
Department of Finance	\$ 774,082
Marcey Halfway House	\$ 251,754
Management Information Systems Office	\$ 1,733,800
Department of Human Resources	\$ 285,486
Office of Capital Projects	\$ 294,441
Department of Planning and Zoning	\$ 1,664,585
Department of Public Works	\$ 5,427,947
Department of Recreation and Parks	\$ 1,693,864

Elected Officials

Circuit Court	\$ 940,233
Orphan's Court	\$ 24,945
Office of the Sheriff	\$12,216,815
Office of the State's Attorney	\$ 1,498,946
County Treasurer	\$ 245,550

State Agencies and Independent Government Boards

Department of Health	\$ 777,688
Department of Social Services	\$ 307,289
Alcoholic Beverages Board	\$ 121,189
Supervisors of Elections	\$ 276,720
Cooperative Extension Service	\$ 117,840
Ethics Commission	\$ 10,885

SUBJECT: FY 1999 ST. MARY'S COUNTY BUDGET

Soil Conservation District	\$ 28,240	
Board of Education	\$42,423,000	
Community College at St. Mary's	\$ 1,490,290	
Board of Library Trustees	\$ 1,058,885	
Southern Maryland Higher Education Center	\$ 50,000	
Tri-County Council	\$ 94,157	
<u>Non-Profit Private Entity Contributions</u>		
Association for Retarded Citizens	\$ 121,000	
Catholic Charities	\$ 5,000	
Chamber of Commerce	\$ 10,000	
Developmental Center	\$ 147,547	
Farmers Markets	\$ 1,000	
Historical Society of St. Mary's	\$ 10,000	
Hospice of St. Mary's	\$ 10,000	
Maryland Historical Society	\$ 1,000	
Naval Air Test and Evaluation Museum	\$ 20,000	
Navy Alliance ¹	\$ 20,000	
Sotterley Mansion Foundation	\$ 35,000	
So. Md. Resource Conservation/Development	\$ 8,112	
Three Oaks Center	\$ 2,500	
Tri-County Alternatives for Youth	\$ 30,000	
Tri-County Community Action	\$ 17,151	
Tri-County Youth Services Bureau	\$ 107,482	
Walden/Sierra	\$ 182,453	
Waterman's Association	\$ 3,000	
Women's Center	\$ 74,735	
<u>Private Entity Agents of County Government</u>		
Mental Health Authority of St. Mary's	\$ 52,345	
<u>Private Entity Emergency Service Providers</u>		
Fire Departments and Rescue Squads	\$ 935,996	
<u>Other Government Budget Costs</u>		
Environmental Education Program	\$ 23,500	
Noxious Weed Control Program	\$ 12,776	
Leonardtwn - Tax Rebate Grant	\$ 34,252	
Substance Abuse Screening Program	\$ 52,608	
So. Md. Independent Life Environment	\$ 21,315	
Employer Contributions	\$ 670,000	
Debt Service	\$ 7,753,033	
Capital Projects - General Fund Transfer	\$ 1,822,611	
Budgeted Reserve Account - Designated	\$ 2,774,098	
Budgeted Reserve Account - Undesignated	\$ 250,000	
TOTAL GENERAL FUND		\$100,198,893

¹ No federal funds are included in this appropriation.

SUBJECT: FY 1999 ST. MARY'S COUNTY BUDGET

Nursing Center Enterprise Fund	\$ 9,374,387
Recreation and Parks Activities Fund	\$ 1,845,034
Wicomico Shores Municipal Golf Enterprise Fund	\$ 1,096,858
Medical Adult Day Care Special Revenue Fund	\$ 852,993
Special Assessments Fund	\$ 75,725
Miscellaneous Revolving Fund	\$ 86,260

SECTION 2. CAPITAL IMPROVEMENTS FUND APPROPRIATIONS

Public Facilities

Courthouse Addition/Renovation	\$ 2,500,000
Building #4 Demolition	\$ 54,000
Health Department Renovations	\$ 775,500
Community College, Phase II	\$ 7,440,000
St. Mary's County Airport	\$ 1,050,000
Airport Improvements	\$ 538,500
ALS Expansion	\$ 10,500
Second District Court	\$ 4,600
Lexington Park Library	\$ 1,302,000
St. Andrews Maintenance Facility	\$ 1,147,900
Building Maintenance and Repairs	\$ 141,000
Space Needs & Utilization Study	\$ 65,000
Fire and Rescue Revolving Loan Fund	\$ 1,000,000
Leonardtown Library/Archives	\$ 40,000
Roof Replacements - County Facilities	\$ 60,000
Family Center of St. Mary's	\$ 860,000

Agricultural Preservation

Agricultural Preservation Program	\$ 762,500
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Marine

Patuxent Beach Road Revetment	\$ 30,000
St. Jerome's Creek Southern Prong	\$ 25,000

Highways

Asphalt Overlay	\$ 300,000
Surface Treatment	\$ 65,000
Slurry Seal	\$ 41,449
Guardrails	\$ 58,000
Removal of Roadside Obstacles	\$ 120,000
Bridge/Culvert Replacement	\$ 50,000
Retrofit Sidewalk Program	\$ 80,000
FDR Boulevard Extended	\$ 1,080,000
Sandy Bottom & Lawrence Hayden Road	\$ 95,000
Transportation Plan Update	\$ 100,000
Flat Iron Road Intersection Improvements	\$ 137,500
Old Horse Landing Road	\$ 20,000
Golden Beach Road	\$ 94,000
Tall Timbers Draining Improvements	\$ 15,000

Solid Waste

St. Andrews Landfill Closure	\$ 3,075,453
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NO.: 98-32

SUBJECT: FY 1999 ST. MARY'S COUNTY BUDGET

Parks/Facility Development

Chancellor's Run (Outdoor Pool)	\$ 687,000
Fifth District Park	\$ 335,000
Park Improvements	\$ 50,000
Willows Road Park	\$ 75,000
Gymnastics Center	\$ 45,000
Myrtie Point Park	\$ 250,000

Property Acquisition

St. Clement's Island Museum Tour Boat	\$ 50,000
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Piers/Boat Ramps

Piney Point Boating Facility	\$ 245,000
Forest Landing	\$ 35,000
Wicomico Shores Public Landing	\$ 50,000
County-wide Maintenance	\$ 5,000
Derelict Boat Removal Program	\$ 25,000
Bushwood Wharf	\$ 75,000
Chaptico Wharf	\$ 135,000

Public Schools

Chopticon High Addition/Renovation	\$ 1,516,000
Esperanza Middle Addition/Renovation	\$12,980,000
Esperanza Middle Relocatables	\$ 281,000
Leonardtown High Addition/Modernization	\$ 1,000,000
Lexington Park Elementary Addition/Renovation	\$ 206,000
Banneker Elementary Addition/Renovation	\$ 950,000
Leonardtown Elementary Pre-K	\$ 203,000
Technology in Maryland (3) Schools	\$ 31,161
Great Mills High Athletic Fields	\$ 490,000
ADA Transition Plan	\$ 373,000
Relocatable Classrooms - Various Locations	\$ 289,000
Asphalt Resurfacing	\$ 65,000
Green Holly Wall Removal	\$ 95,000
Middle School POD Modifications	\$ 1,491,000
Locker Room Exits - Middle Schools	\$ 25,000
P.A. System Upgrades	\$ 60,000
Playground Fencing	\$ 45,000
Technical Center Exhaust System	\$ 101,000
Great Mills Annex Building Modifications	\$ 45,000
Loveville School Canopy Extension	\$ 76,000
White Marsh Elementary Electrical Upgrade	\$ 18,000
Leonardtown & Spring Ridge Middle Science Lab	\$ 180,000
Leonardtown Middle Family Center Mods.	\$ 21,000
Leonardtown & Spring Ridge Middle Lockers	\$ 85,000
White Marsh Media Expansion	\$ 175,000

TOTAL CAPITAL IMPROVEMENTS FUND

\$46,001,063

SUBJECT: FY 1999 ST. MARY'S COUNTY BUDGET

AND BE IT FURTHER ORDAINED, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-3, that the Capital Program for the fiscal years ending June 30, 2000; June 30, 2001; June 30, 2002; June 30, 2003 and June 30, 2004; is hereby adopted as set forth in the St. Mary's County Approved Budget for Fiscal Year 1999, a copy of which is incorporated herein by reference, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe

Those voting Nay: _____

Those Absent: _____

Adoption Date: May 26, 1998
Effective Date: July 1, 1998

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:

John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney
lms/99budget/approp.ord
5-26-98

RESOLUTION NO. 98-33

SUBJECT: Confirmation of Organizational Nature and Authority for the St. Mary's Nursing Center as a Department or Agency of County Government

RESOLUTION

RECORDING FEE 0.00
TOTAL 0.00
Res#SN83 Rcst#999999
EWA TLC BLK#1456
Jun 15, 1998 01:19 PM

PURPOSE OF RESOLUTION

WHEREAS, the organizational nature of and the authority for the creation of the St. Mary's Nursing Center (the "Nursing Center"), formerly known as the St. Mary's Nursing Home, has never before been documented or clearly stated;

WHEREAS, the Board of County Commissioners of St. Mary's County, Maryland (the "Board") has received the legal audit of the Nursing Center conducted by Smith, Somerville & Case, LLC, which concluded, inter alia, that the Nursing Center is and always has been a department or agency of the Board of County Commissioners of St. Mary's County, Maryland (the "County");

WHEREAS, the purpose of this Resolution is to confirm and document the organizational nature of the Nursing Center and to set forth the lawful authority under which the Nursing Center has been, and shall continue to be, owned and operated;

WHEREAS, the further purpose of this Resolution is to confirm that the Nursing Center will continue to be operated by the Board as a department or agency of the County government;

STATEMENT OF FACTS

WHEREAS, the genesis of the Nursing Center is found in Chapter 86 of the Laws of Maryland of 1963, which authorizes the County to borrow money or issue bonds in an amount not exceeding \$100,000 for the purposes of acquiring land for, constructing and equipping a nursing home, and in Resolution No. 63-7 adopted by the Board, which expressed an intent to utilize the authority granted by such legislation;

WHEREAS, Board Resolution Nos. 63-12 and 64-8, together with the minutes of the Board meetings of December 29, 1964, July 13, 1965, July 27, 1965, October 5, 1965, December 14, 1965, January 11, 1966 and December 20, 1966 demonstrate that the financing, construction and operation of the original Nursing Center facility was undertaken by the County and the Nursing Center Board of Directors;

WHEREAS, there was an attempt during 1984-1986 to reorganize and privatize the Nursing Center through the creation of a non-profit private corporation, with the intent that such corporation would finance and construct a new Nursing Center facility (the "Project");

WHEREAS, a non-profit corporation known as St. Mary's Nursing Home, Inc. (the "Corporation"), was incorporated in 1984 for the purposes of assuming responsibility for the ownership, construction, management, maintenance, and operation of the Nursing Center;

WHEREAS, the Corporation determined that it could not finance the Project, and, by Resolution adopted on March 11, 1986, the Board accepted responsibility for the Project, assigned the Project to the St. Mary's County Building Authority Commission (the "Building Authority Commission"), reestablished the Nursing Home Board of Directors and appointed its members;

WHEREAS, the Corporation's charter was forfeited on October 13, 1988 by the State Department of Assessments and Taxation due to its failure to file the necessary corporate personal property reports;

WHEREAS, in 1986 the Building Authority Commission issued \$5,360,000 in tax-exempt municipal bonds (the "1986 Bonds") to finance the Project;

WHEREAS, in 1992 the Building Authority Commission issued \$8,910,000 in tax-exempt municipal refunding bonds to refinance the 1986 Bonds and expand the Nursing Center;

WHEREAS, the land upon which the Nursing Center is constructed is titled in the name of the County and leased to the Building Authority Commission and the Nursing Center building and other improvements are owned by the Building Authority Commission;

WHEREAS, the Building Authority Commission and the County entered into a Lease Agreement dated September 15, 1992, wherein the Building Authority Commission leased the land and Nursing Center facility to the County, but agreed to operate the Nursing Center for and on behalf of the County until otherwise notified in writing by the County;

WHEREAS, from July 15, 1986 until July 15, 1996, the Nursing Center was operated pursuant to an Operation Agreement entered into between the Building Authority Commission and the Nursing Center Board of Directors appointed by the Board;

WHEREAS, said Operation Agreement expired of its own terms on July 15, 1996, but the Nursing Center Board of Directors continued to operate the Nursing Center until October 3, 1996;

WHEREAS, by letter dated September 25, 1996, the members of the Nursing Center Board of Directors resigned, effective October 3, 1996;

WHEREAS, by Resolution No. 96-20 adopted on October 1, 1996, the Board accepted the resignation of the Nursing Center Board of Directors, accepted full management responsibilities for and operational control of the Nursing Center; and reappointed the members of the Nursing Center Board of Directors as an advisory board to the Board, effective October 3, 1996;

WHEREAS, the Code of General Laws of Maryland, Article 25, Section 3(z) of the Annotated Code of Maryland provides that the Board has the power... "[T]o create, change, or abolish offices and departments and to assign additional functions to offices and departments, but not including the power to create, change abolish, or discontinue any office or department or to transfer any function of an office or department established by the Constitution, public general law or public local law of the county."

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the St. Mary's Nursing Center shall continue to be operated by the Board as a County department or agency pursuant to the authority granted by Article 25, §3(z) of the Annotated Code of Maryland;

AND FURTHER, BE IT RESOLVED, that county employees, including a qualified and licensed Nursing Home Administrator, shall operate the St. Mary's Nursing Center, all of whom shall be under the supervision and direction of the County Administrator;

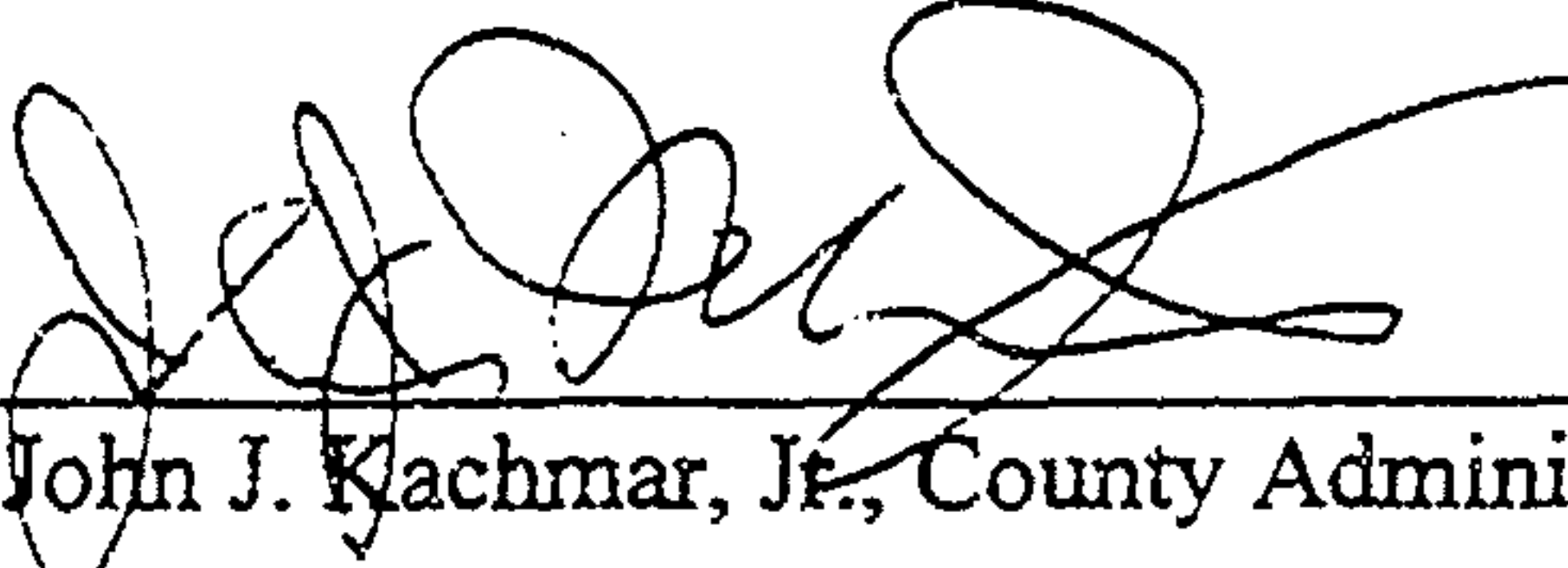
AND FURTHER, BE IT RESOLVED, that the existing volunteer citizen advisory board shall continue to serve solely in an advisory capacity to the Board;

AND FURTHER, BE IT RESOLVED, that this Resolution shall under no circumstances be construed as an alteration of any obligation of the Building Authority Commission, the County or the Board with regard to the limited obligation bonds previously issued by the Building Authority Commission.

Date of Adoption: ~~May 26, 1998~~ JUNE 9, 1998

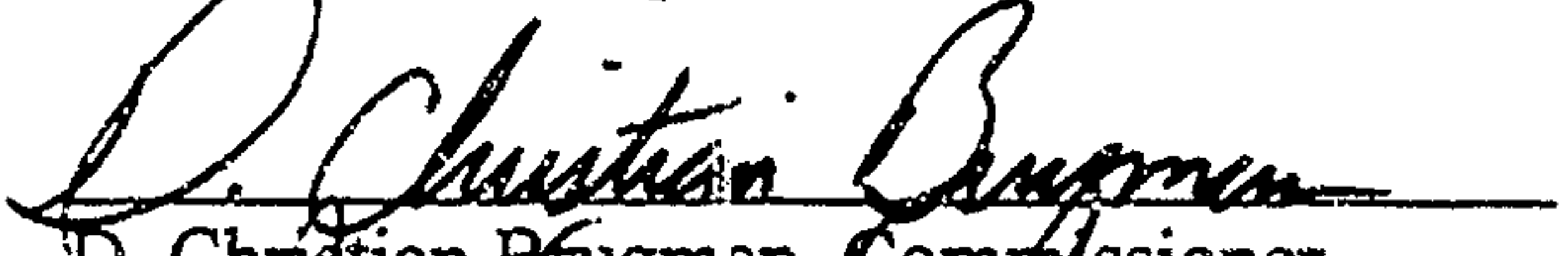
Effective Date: ~~May 26, 1998~~ JUNE 9, 1998

ATTEST:


John J. Kachmar, Jr., County Administrator


BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND


Barbara R. Thompson, President

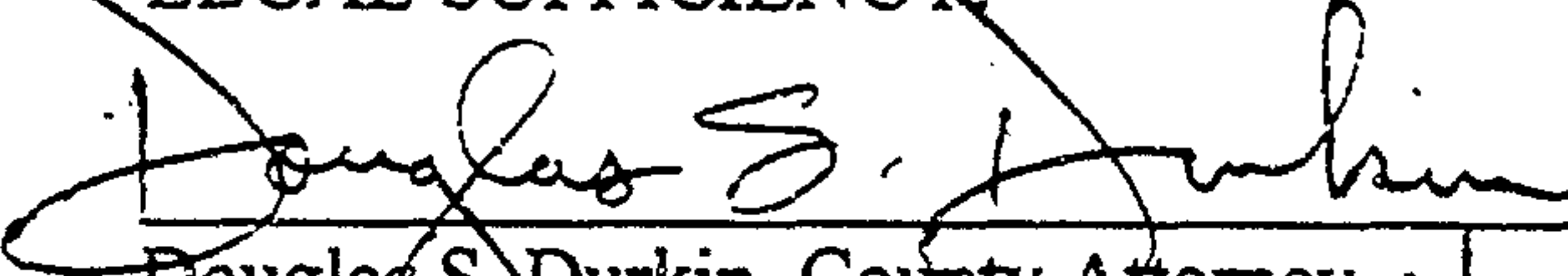

D. Christian Brugman, Commissioner


Paul W. Chesser, Commissioner


Frances P. Eagan, Commissioner


Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Douglas S. Durkin, County Attorney 5/26/98

ORDINANCE

FOR THE PURPOSE OF APPROVING THE APPLICATION FOR THE FIRST COLONY PLANNED UNIT DEVELOPMENT FOR MIXED USES (PUD-X); MAKING SPECIFIC FINDINGS AS REQUIRED BY §38.5 OF THE ST. MARY'S COUNTY ZONING ORDINANCE; PLACING CERTAIN TERMS AND CONDITIONS ON THE DEVELOPMENT OF THE FIRST COLONY PLANNED UNIT DEVELOPMENT; ENCOURAGING AND REWARDING INNOVATIVE, CREATIVE AND INTEGRATED DESIGN OF MIXED USES INCLUDING RESIDENTIAL, COMMERCIAL OFFICE AND RETAIL, AND RESEARCH AND DEVELOPMENT ACTIVITIES; UTILIZING INTEGRATED ARCHITECTURAL THEMES AND DESIGN TO IMPROVE UPON THE BUILT ENVIRONMENT; IMPLEMENTING THE LAND USE AND DESIGN CONCEPTS OF THE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR CONCENTRATED GROWTH WITHIN THE DESIGNATED LEXINGTON PARK DEVELOPMENT DISTRICT; PROVIDING A BROAD RANGE OF HOUSING, ECONOMIC AND EMPLOYMENT OPPORTUNITIES FOR COUNTY CITIZENS; CONSERVING THE PUBLIC'S FISCAL RESOURCES; EFFECTIVELY AND EFFICIENTLY UTILIZING EXISTING AND PLANNED COUNTY INFRASTRUCTURE AND RECEIVING IMPROVEMENTS TO THE EXISTING INFRASTRUCTURE BY THE DEVELOPER WHICH BENEFITS THE PUBLIC AT LARGE.

RECORDING FEE 8.88
 TOTAL 8.88
 Res#3803 Rcp#4999999
 EHA TLC BIK#1456
 Jun 15, 1998 01:19 PM

RECITALS

WHEREAS, the Applicant, PORTO BELLO DEVELOPMENT, INC. has made application for the designation of certain property as a mixed use planned unit development (PUD-X) pursuant to Section 38.5 of the St. Mary's County Zoning Ordinance ("Zoning Ordinance"), known as First Colony, ZPUD 96-1607; and

WHEREAS, the Applicant has submitted a development plan, with accompanying maps and exhibits, dated November, 1996, entitled "First Colony, A Planned Unit Development," supplemented with: a "Market Analysis, Faison Retail First Colony PUD" dated June 4, 1997 (the "Market Study"); a letter dated July 3, 1997 from the Maryland Department of Transportation, State Highway Administration (the "SHA Letter"); which are hereby deemed incorporated into and made part of the aforesaid development plan (hereinafter referred to the "Development Plan") and which together with the testimony and other evidence entered into the record meets the submission requirements for a planned unit development; and

WHEREAS, the proposed development is located within the Lexington Park Development District and it is the intent of the St. Mary's County Comprehensive Plan (the "Comprehensive Plan") to encourage commercial and residential growth in the Development District so as to allow for the efficient use of existing infrastructure facilities and to lessen development pressures on the more rural areas of St. Mary's County; and

WHEREAS, the property comprising the proposed development is zoned RL, which zoning designation is intended as a holding zone for planned unit developments; and

WHEREAS, the Board of County Commissioners has determined that the Market Analysis and buildout schedule, as revised, are consistent with the housing demand, and with commercial retail and commercial office demands of the County for the project development period; and

WHEREAS, the Planning Commission conducted a public hearing on this application on April 14, 1997 and continued the public hearing to a series of hearings and work sessions from April 30, 1997 to September 22, 1997, at which time the public hearing was closed; and

WHEREAS, on October 27, 1997, the Planning Commission recommended to the Board of County Commissioners that the application be approved, subject to the terms and conditions as set forth in the Planning Commission's Resolution dated October 27, 1997; and

WHEREAS, the Board of County Commissioners conducted a public hearing on November 25, 1997, which hearing was continued to December 9, 1997, January 13, 1998 and February 10, 1998; and

WHEREAS, the Board of County Commissioners closed the public hearing on February 10, 1998 and closed the public record on February 20, 1998; and

WHEREAS, the Market Study indicates that the development will result in positive economic benefit to the County;

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that findings in support of the Application and Development Plan for the First Colony Planned Unit Development, Case No. ZPUD #96-1607, are hereby made and set forth as required by §38.5.4(b)(2)(a)-(e) of the St. Mary's County Zoning Ordinance:

FINDINGS

The Board of County Commissioners for St. Mary's County makes the following findings as required by §§38.5.4(b)(2)(a)-(e) of the St. Mary's County Zoning Ordinance:

1. That the proposed development complies with the purposes of the PUD district as set forth in §38.5 of the St. Mary's County Zoning Ordinance, and provides for the safety, convenience and amenity of the residents of the development and the neighboring area.

The Development Plan meets the purposes of the PUD-X district in that it provides for a mix of residential and non-residential elements through the use of certain design features including, but not limited to: centralized and uniform architectural controls; integrated pedestrian paths; centralized community facilities; uniform signage standards and that it creates a sense of community and neighborhood within the development district. Additionally, the Development Plan provides for the safety, convenience and amenity of the future residents of the development and for the current and future residents of the neighboring area through the use of features including, but not limited to, the following: integrated commercial retail, commercial office, residential uses and recreational areas; integrated and uniform architectural standards and controls throughout the development; specific design requirements and standards applicable to signage throughout the development; an integrated and lighted pedestrian system throughout the development; specific design standards and restrictions concerning lighting so as to minimize light spillage from the development; community facilities such as a swimming pool, practice fields, tennis courts, tot lots, and community center; the construction of an extensive road network including, but not limited to, the dedication and construction of a portion of what could become FDR Boulevard; the construction of regional stormwater management facilities; and the dedication of an office and meeting space for the use of the St. Mary's County Sheriff's Office.

2. That the proposed development complies with standards set forth in §38.5 of the Zoning Ordinance and will otherwise be compatible with the surrounding neighborhood.

The proposed development complies with the standards of §38.5 and is otherwise compatible with the surrounding neighborhood. The location of the PUD-X is within the parent zoning district RL. It meets the minimum size requirements of twenty (20) acres. It conforms to the maximum density requirements for residential units and floor area requirements for commercial and office

uses. The requirements for permissible and accessory uses conform to the provisions of the Zoning Ordinance. Provision of minimum off-street parking and loading spaces is accommodated. Utilities and other infrastructure required will be provided at the developers cost and constructed to the standards and specifications of the controlling authorities. Sign regulations and design standards have been provided in return for assurances of overall architectural integration and a development of quality and exceptional benefit to the community. Adjustments relating to the actual scale and massing of the project have been made by the developer. All proposed structures meet the maximum height limitations. Additionally, the compatibility with the surrounding neighborhood is assured through the dedication of an integrated transportation network including what could become FDR Boulevard. Regional storm water management facilities will be constructed by the developer. Extensive vegetative buffers surrounding the project will be provided. Limitations on light and glare emitted from the project will be adhered to. Access to the project through Settlers Lane a private right-of-way is prohibited. Sufficient space to accommodate a satellite office, conference room, and community facility will be provided for use by the St. Mary's County Sheriff's Department, at no cost to the County.

3. That the proposed vehicular and pedestrian transportation systems are adequate and efficient.

The proposed vehicular and pedestrian transportation systems are adequate and efficient. The construction of First Colony and FDR Boulevards, financial contribution, construction of turning lanes and acceleration/deceleration lanes along Maryland Routes 4 and 235, provision of sidewalks and trail systems throughout the development, coordination of highway improvements with the Maryland Route 235 road widening project, and physical road, intersection and sidewalk improvements provided by the developer will ensure adequate, efficient and safe pedestrian, vehicular, and other circulation/transportation systems to serve the proposed development.

4. That any proposals, including restrictions, covenants, agreements, or other documents, which show ownership and method of assuring perpetual maintenance of those areas intended to be used for recreational or other common or quasi-public purpose, are adequate and sufficient.

The Homeowner's Association covenants and restrictions, which require financial contributions guaranteeing the perpetual maintenance of shared open space and community facilities, are adequate and sufficient for the purpose of assuring perpetual maintenance of these areas.

5. That essential community facilities and services for the development, such as schools, recreation areas, and police and fire protection shall be reasonably accessible to the community, or provisions shall be made to ensure such facilities and services will be provided.

The essential community facilities and services for the proposed development shall be reasonably accessible to the future residents of the development. The developer has modified the phasing schedule of the project so as to conform the proposed development to the current and proposed infrastructure and County services. The proffered facilities and services accessible to the development include a swimming pool, practice fields, tennis courts, tot lots, community center, pedestrian circulation trails, Sheriff's Office substation, and a public road network.

SECTION 2. BE IT FURTHER ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that the Application and Development Plan for the First Colony Planned Unit Development, Case No. ZPUD #96-1607, is hereby **APPROVED** subject to the terms and conditions set forth below:

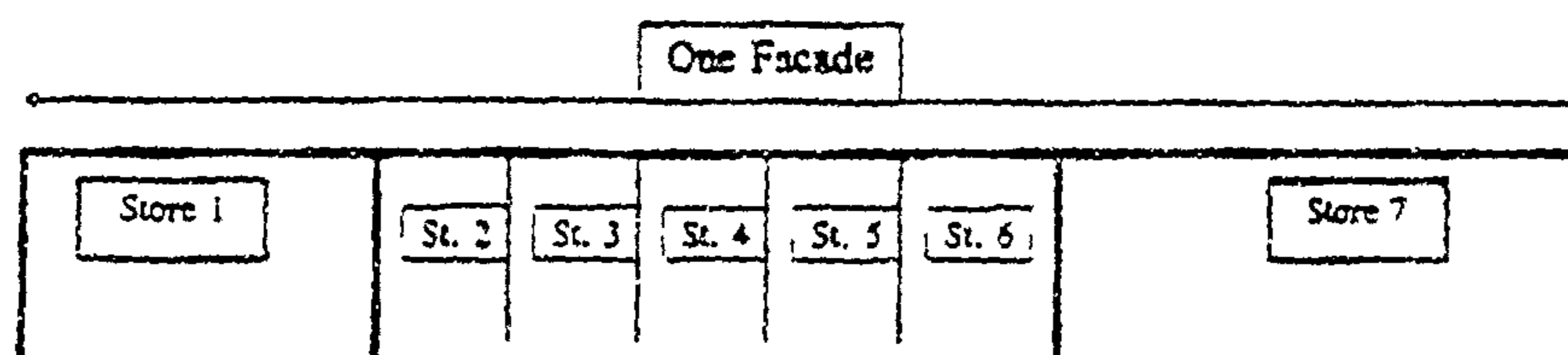
TERMS AND CONDITIONS

1. That the Planning Commission shall be updated as to the progress of development within First Colony as set forth on Page 13, Section I.E.4 of the Development Plan, at the following intervals, whichever occurs sooner: annually; or upon the issuance of certificates of occupancy for every fifty

(50) residential units (including single family residences or condominium units); or upon the issuance of certificates of occupancy for every two hundred thousand (200,000) square feet of commercial space;

2. The development of First Colony shall be subject to phasing approvals contingent upon meeting the then current provisions of the zoning ordinance regarding "adequate facilities" for roads, schools, water supply, sewage disposal, stormwater management and fire suppression, at the time of site plan or subdivision plan application;
3. That the common open space for use of all of the residents, as described on Page 35, Section III.C.3., paragraph 3 of the Development Plan, shall be in the general location of community recreation shown on the First Colony Master Plan (Supplement I) dated April 14, 1997, and said common open space shall be a minimum of five (5) acres in size;
4. Sidewalks along the proposed FDR Boulevard (Inap 4.c.4 page 92) shall be constructed on the residential (west) side of FDR Boulevard;
5. That the Revised Buildout Schedule, dated February 10, 1998, Table 3.d.1 (page 38), for the development shall be as set forth on **Exhibit A** attached hereto;
6. That the Revised Construction Schedule for Recreation Facilities, Table 3.d.2 (page 39), for the development, shall be as set forth on **Exhibit B** attached hereto;
7. That on page 42 of the Development Plan, the fourth bullet shall be amended to read as follows: "Building Materials may include brick, decorative masonry or stucco. However, brick must be a minimum of 25% of each building facade. The "facade" of the building shall be deemed to mean the entire contiguous face of the structure, and individual stores shall not be deemed to each have a separate facade for purposes of this calculation (See diagram below). Facades of all buildings shall be consistent in architectural quality, complimentary in design, and adhere to the Georgian style. An exception to the uniform facade treatment may be the rear of a building, if a vegetated buffer is approved by the Planning Commission at site plan review.

Diagram of "Facade":



8. The standards for exterior tract buffers and building restriction lines shall be as set forth on Page 52 of the Development Plan subject to the following modifications:
 - A. Section IV.C.1.b. (second paragraph): Along the boundary with the Board of County Commissioners 66 foot right-of-way there shall be a fifteen foot (15') wide buffer and a minimum twenty-five foot (25") building restriction line from the inside edge of the buffer;
 - B. The buffer/building restriction line along St. Andrews Church Road (Maryland State Route 4) shall be seventy-five feet (75') from the existing edge of the right-of-way as shown on **Exhibit C**;
 - C. Where the First Colony commercial uses meet residential uses at the Gerred property, the buffering and building restriction line requirements, as set forth in the September 10, 1997 letter from Mudd Engineering, Inc. to Kenneth and Shirley Gerred attached as **Exhibit D**, shall apply;

- D. Where the First Colony residential-uses meet neighboring residential uses at the development boundaries with Settler's Lane, there shall be a fifty foot (50') wide buffer with a thirty foot (30') building restriction line from the inside edge of the buffer;
9. The internal buffers and building restriction lines shall be as set forth on Pages 52-53, Section IV.C.1.c. of the Development Plan, subject to the following conditions:
- A. Where a commercial use abuts the proposed FDR Boulevard, there shall be a fifteen foot (15') buffer from the edge of the right-of-way and a thirty foot (30') building restriction line from the inside edge of the buffer;
- B. Where a residential use abuts the proposed FDR Boulevard there, shall be a twenty foot (20') buffer from the edge of the right-of-way, with a sidewalk and a building restriction line located a minimum of twenty-five (25') from the inside edge of the buffer;
- C. Between Residential Area # 1 and Commercial Area #5, as shown on the First Colony Master Plan Supplement I dated April 14, 1997, there shall be a fifty foot (50') wide buffer generally oriented on said boundary line and an additional 25' building restriction line from the edge of the buffer on each side of the boundary line.
- D. First Colony Boulevard shall have a ninety foot (90') right-of-way with two travel lanes in each direction and a landscaped median, and an eleven foot (11') vegetated area along the perimeter of the road; the sidewalk and biking trail shall be located within the (90') right-of-way. Applicant proposes a ten foot (10') buffer outside of the right-of-way and before parking areas in the retail commercial (21 foot total); and a 20 foot buffer outside of the right-of-way and parking areas in mixed commercial areas (31 foot total). The building restriction line shall be located no less than forty feet (40') from edge of right-of-way.
10. No access shall be allowed to the First Colony project via the private road known as Settler's Lane, adjoining the site to the east.
11. Section IV.C.2.a. (page 53). The developer agrees to provide the minimum number of parking spaces required by applicable zoning regulations, and no extra parking area shall be permitted unless approved by the Planning Commission as a two story parking facility;
12. The lighting standards set forth in the Development Plan, beginning on page 55 (IV. C. 3. b., 7th bullet) are hereby amended as follows;
- A. Lighting fixtures (excluding signs) mounted on buildings shall be restricted to a maximum height of twenty feet (20'), provided that such fixtures at such height shall be for safety and security purposes only;
- B. The maximum height for free standing lighting shall be thirty-five feet (35');
- Detectable light spillage at exterior property lines will be 0.50 foot-candles or less.
13. In addition to the standards set forth on page 60 (Section IV.C.6.c) of the Development Plan pertaining to building mounted signs, there shall be no neon exterior decoration allowed on the building unless a part of the tenant name or logo; and
- A. Tenant identification signs shall be a maximum of 250 square feet for stores over 30,000 square feet; and

- B. Accessory Signs. 60-200 square foot of accessory signage shall be allowed for stores of more than 30,000 square foot.
- C. For internally illuminated individually-mounted "pin" letter signs, a 50% credit for blank space between letters shall be allowed; (i.e., a 250 square foot channel letter sign could be extended to 375 square feet. A 500 square foot maximum is proposed);
14. With respect to the freestanding signs standards set forth on page 62, (Section IV.C.6.d) of the Development Plan, the following additional requirements shall be imposed:
- A. The First Colony development shall be restricted to one Regional Shopping Center sign each on Maryland State Route 235 and Maryland State Route 4. Any such Regional Shopping Center sign shall not exceed thirty feet (30') in height, with the tenant and shopping center identification areas of the sign not to exceed twenty-four feet (24') in height. The additional six feet (6') shall be reserved for architectural embellishments in keeping with the Georgian vernacular. No additional free-standing major tenant signs shall be permitted on Maryland State Route 4 or Maryland State Route 235, with the exception that free-standing tenant identification signs shall be permitted for the proposed hotel and movie theater uses. Notwithstanding the above, no advertising of any specific movies shall be allowed on any of the aforesaid freestanding tenant identification signs. Any such advertising of specific movies shall be via signage attached to the facade of the movie theater;
- B. Free-standing signs on the proposed FDR Boulevard and First Colony Boulevard shall not exceed twelve (12) feet in height;
15. For the purposes of page 63, (Section IV.C.6.e) of the Development Plan, the term "Banner Sign" shall be defined as Temporary promotional sign(s) made of fabric or other non-rigid material, with no enclosing framework. Banner signs may be erected only as a private sign for the purpose of advertising grand openings of the new commercial, retail and/or residential uses and said banner signs may be erected on a temporary basis upon approval of Porto Bello Development, Inc. Banner signs may be erected no more than two weeks in advance of the aforesaid event being advertised and shall be removed no later than one week following the event or function, or a maximum of thirty days from erection.
16. In addition to the signs prohibited on page 63, (Section IV.C.6.f.) of the Development Plan, the following restrictions shall apply: "With the exception of banner signs and signs located inside of the windows of a building, no temporary signs shall be attached to any facade or window of a building. All permanent signs, other than official traffic signs, directional signs, street address numbers, temporary real estate signs and advertising signs of five square feet or less, shall require a sign permit. Notwithstanding the above, permanent sign structures and display cases which temporarily advertise motion pictures shall be permitted only on the facade of the movie theater. The total square foot area of such signs and display cases shall not exceed the total square foot area permitted for accessory signs on page 61 of the development plan. The total number of such signs shall not exceed eight (8).
17. In addition to the restrictions set forth on page 64, (Section IV.C.6.h.) of the Development Plan regarding lighting, any illumination of the Regional Shopping Sign advertising the commercial retail shopping areas shall be turned off no later than one hour after the close of the commercial retail center, or midnight, whichever is earlier.
18. In order to ensure that conservation areas are not counted twice by mistake, for both commercial and residential sides, the following requirements shall be added to page 93, (Section IV.F.2.) of the Development Plan: "A Preliminary Forest Conservation Plan has been included in the Development Plan as Supplement G. Forest Conservation Easements shall be established at time of record plat for each parcel. A composite plan shall be prepared and updated with each record plat, as part of the submission process, to ensure that adequate conservation areas are being established for the project. The composite plan shall maintain a running total of easement areas established to that date, areas being proposed with

the current submission, and the amount of area still necessary to comply with the easement requirement."

19. The developer shall offer to, the St. Mary's County Sheriff's Department at no cost to the county, a ground level office, conference room and community facility, with a minimum of two designated parking spaces, in accordance with the letter from Colony Builders, Inc. to Richard Voorhaar, Office of the Sheriff, dated August 28, 1997, a copy of which is attached as Exhibit E. This Sheriff's substation shall be provided to assist law enforcement and assure the security and well being of the community.
20. As a component of concept plan review, the commercial project developer shall attempt to provide for "interruptions to the linearity of the proposed facades" of the retail commercial development, through the use of angled building orientation, breaks between buildings, and/or staggered building facades.

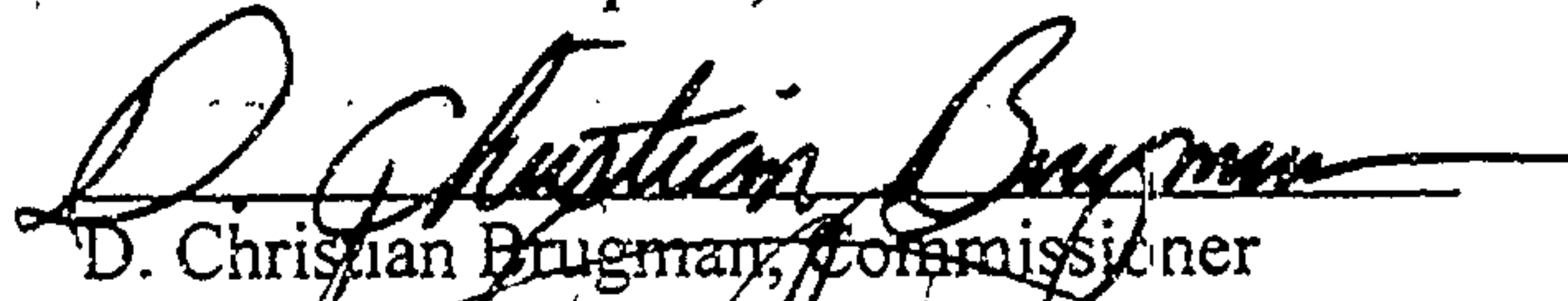
SECTION 3. SEVERABILITY: In the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this ordinance.

SECTION 4. AND BE IT FURTHER ENACTED, That this Ordinance shall take effect JUNE 9, 1998.

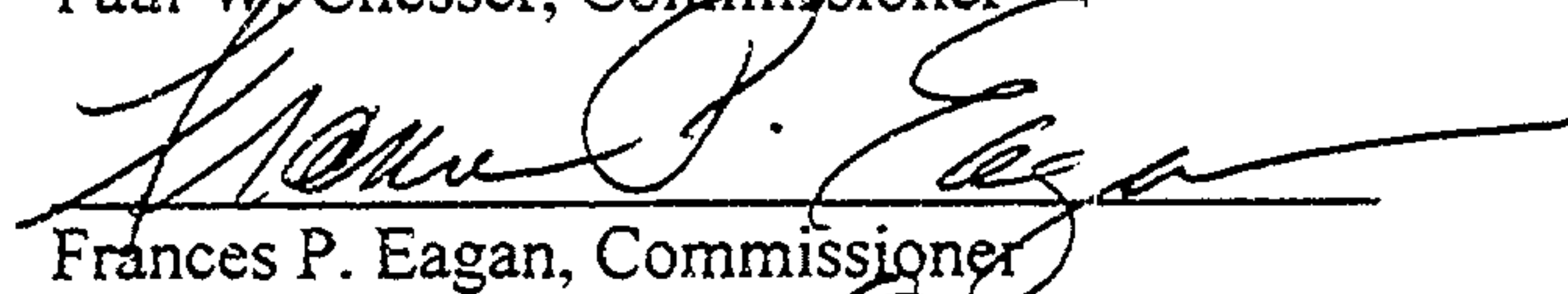
DATE OF ADOPTION: 6-8-98

BOARD OF COUNTY COMMISSIONERS
 OF ST. MARY'S COUNTY, MARYLAND

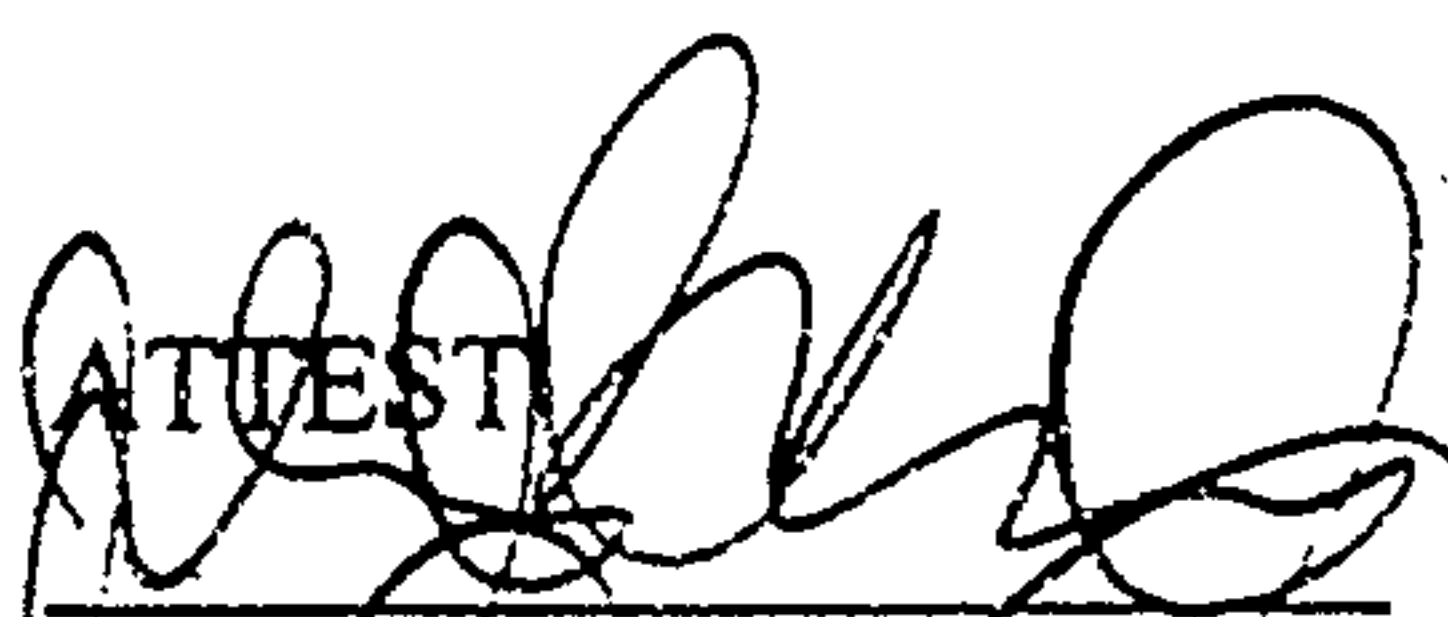

 Barbara R. Thompson, President


 D. Christian Brugman, Commissioner

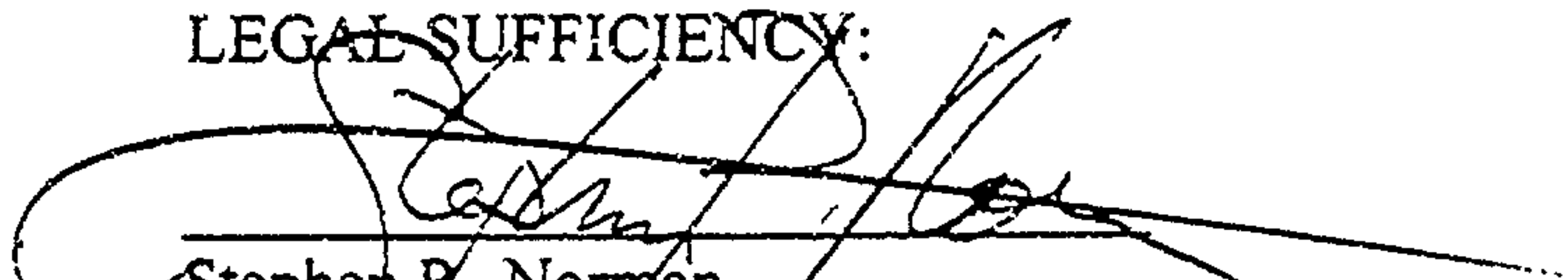

 Paul W. Chesser, Commissioner


 Frances P. Egan, Commissioner

 - [WAZ]
 Lawrence D. Jarboe, Commissioner


 ATTEST
 John F. Kachmar, Jr.
 County Administrator

APPROVED AS TO FORM AND
 LEGAL SUFFICIENCY:

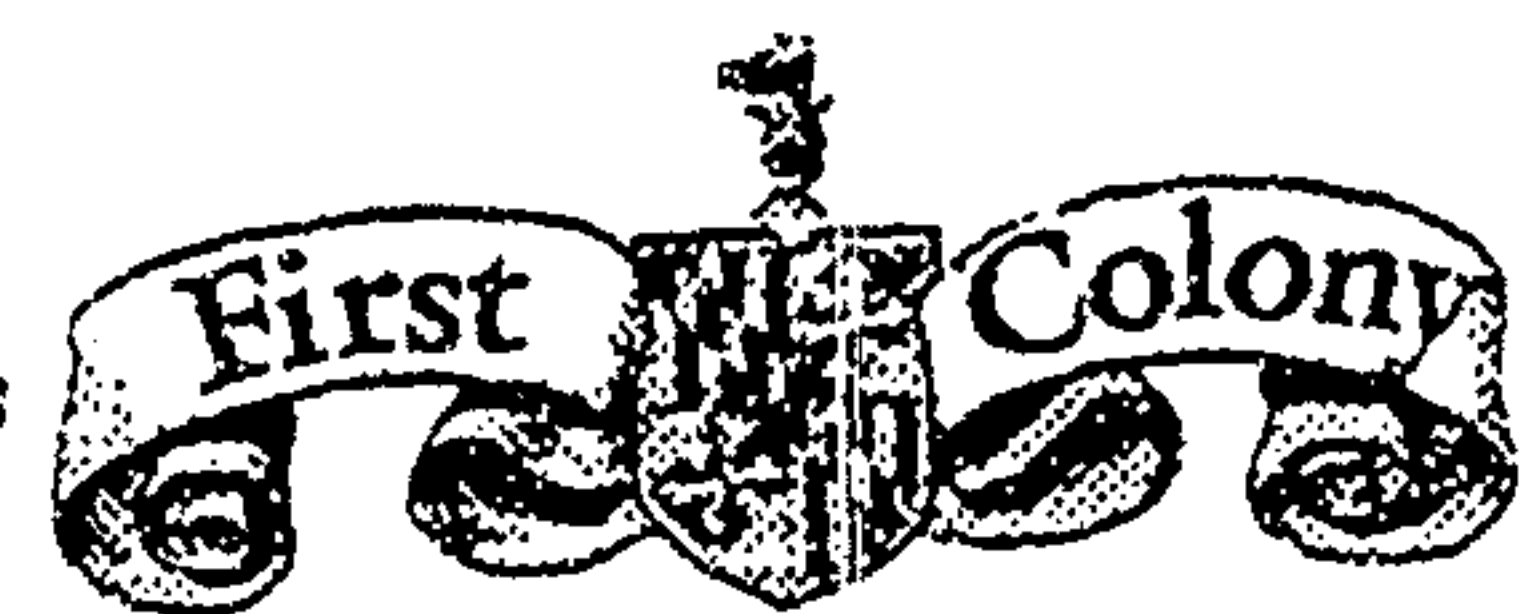
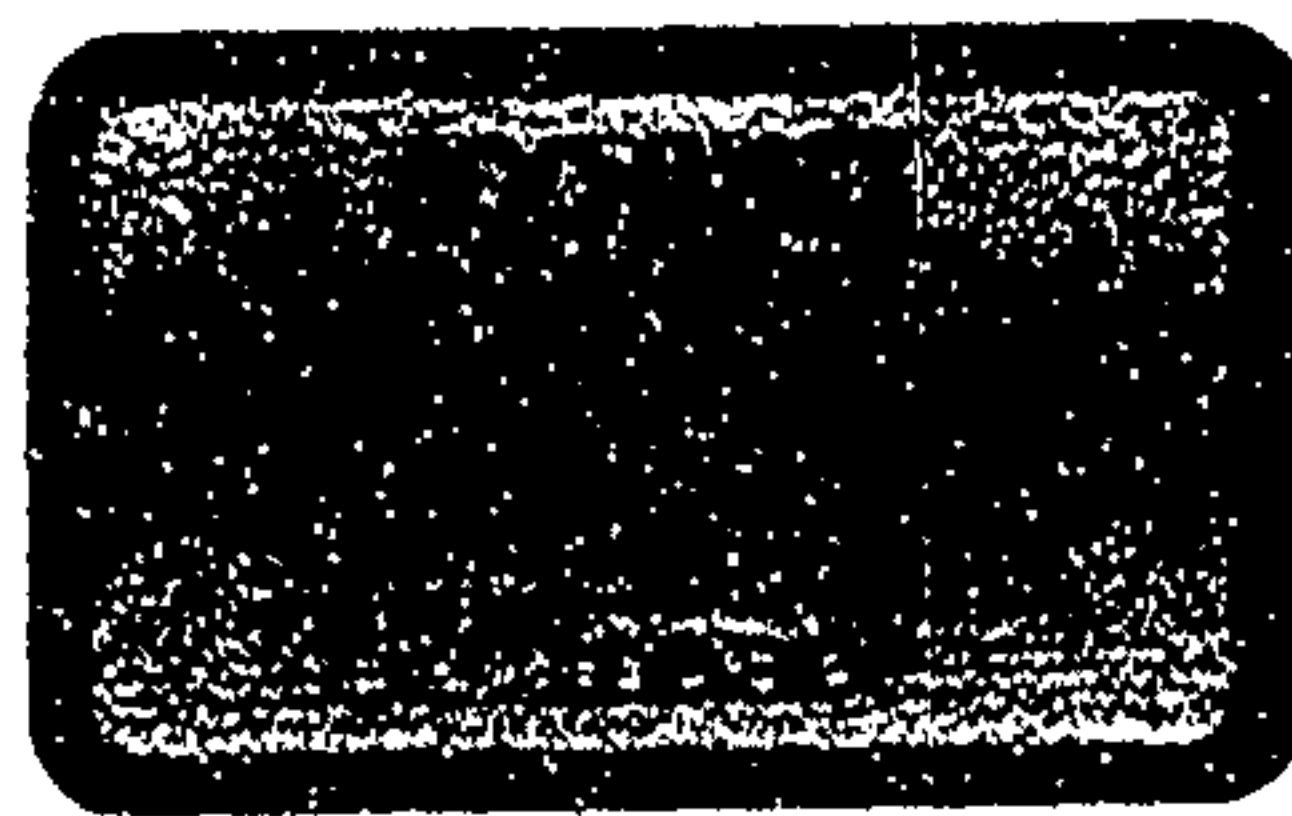

 Stephen P. Norman
 Assistant County Attorney

PROPOSED LAND USE	YEAR									TOTALS PER LAND USE
	1998 ¹	1999 ²	2000	2001 ³	2002	2003	2004	2005	2006	
SINGLE FAMILY HOMES	0	0	0	20	20	20	20	20	24	124
MULTI FAMILY UNITS	0	0	48	48	48	48	48	36	0	276
NON RESIDENTIAL (s.f.)	0	0	10,000	5,000	0	0	0	0	0	15,000
RETAIL/COMMERCIAL (s.f.)	0	400,000	160,000	40,000	0	0	0	0	0	600,000
MIXED USE COMMERCIAL (s.f.)	0	100,000	100,000	111,000	123,500	0	0	0	0	434,500
TOTAL RESIDENTIAL UNITS PER YEAR	0	0	48	68	68	68	68	56	24	400
TOTAL COMMERCIAL PER YEAR (s.f.)	0	500,000	270,000	156,000	123,500	0	0	0	0	1,049,500

¹ SHOULDER CONVERSION TO THIRD THROUGH LANE; START - SUMMER 1998, COMPLETION - FALL 1998
² INTERIM IMPROVEMENTS PER SHA REQUIREMENTS; START - SUMMER 1999, COMPLETION - FALL 1999
³ ULTIMATE IMPROVEMENTS FOR PHASE 1; START - SUMMER 1999, COMPLETION - SPRING 2001

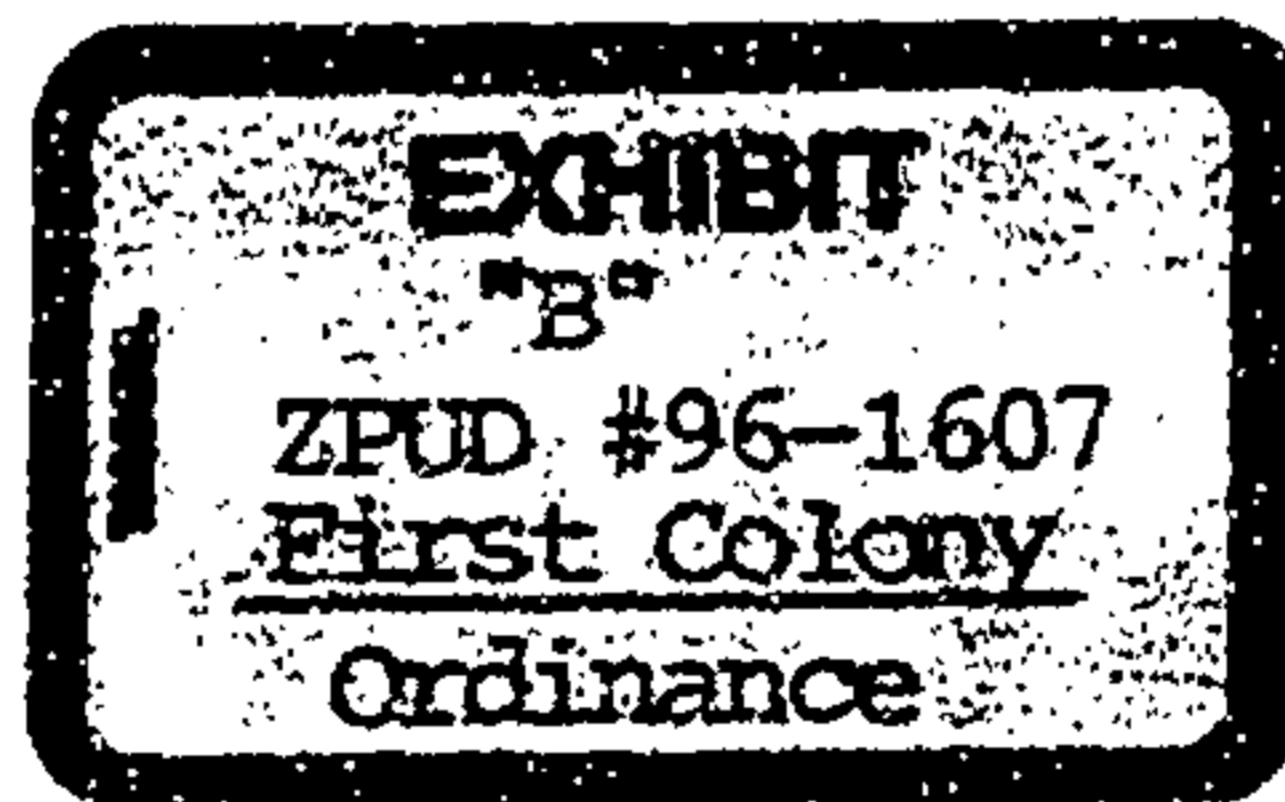
PROPOSED BUILD-OUT SCHEDULE

TABLE 3.d.1



REVISED 2/10/98

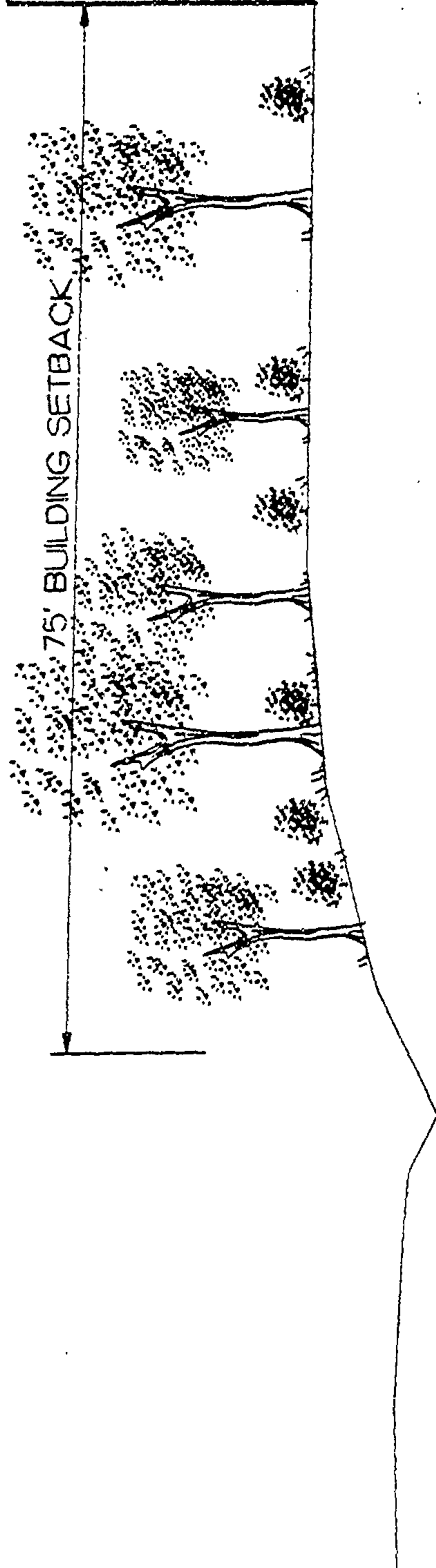
RECREATIONAL FACILITY	TOTAL DWELLING UNIT APPROVALS	YEAR TO BE CONSTRUCTED
TOT LOT	40	2000
MULTI-PURPOSE ATHLETIC FIELD	40	2000
SWIMMING POOL, CLUBHOUSE, WADING POOL	125	2002
TENNIS COURTS	175	2002
ACCENT PAVILLION	175	2002
HIKER/BIKER TRAIL	CONSTRUCTED WITH EACH SECTION	CONSTRUCTED WITH EACH SECTION



PROPOSED CONSTRUCTION SCHEDULE FOR RECREATIONAL FACILITIES

TABLE 3.d.2



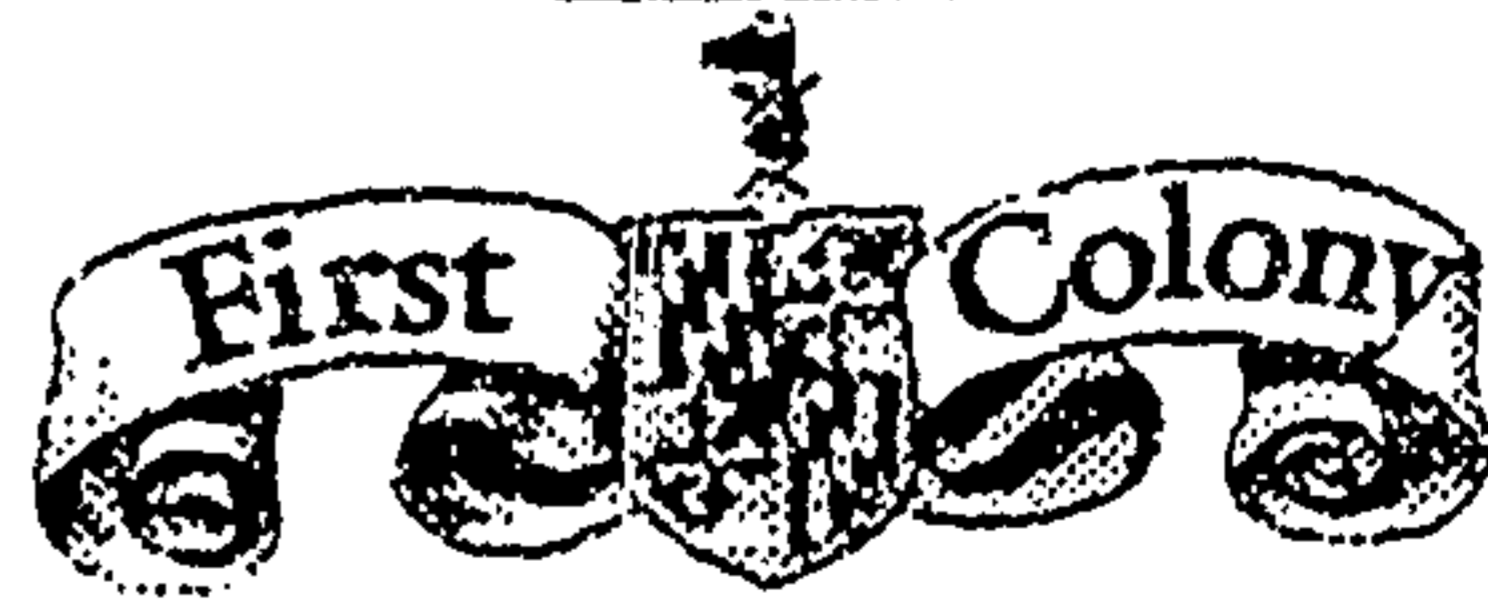


ST. ANDREW'S CHURCH RD
EXISTING RIGHT-OF-WAY
(MARYLAND ROUTE 4)

REVISED 9/9/97

BUFFERYARD AND BRL FOR MARYLAND ROUTE 4

MAP 4.c.1



MUDD ENGINEERING, INC.

Civil Engineering - Site Plans

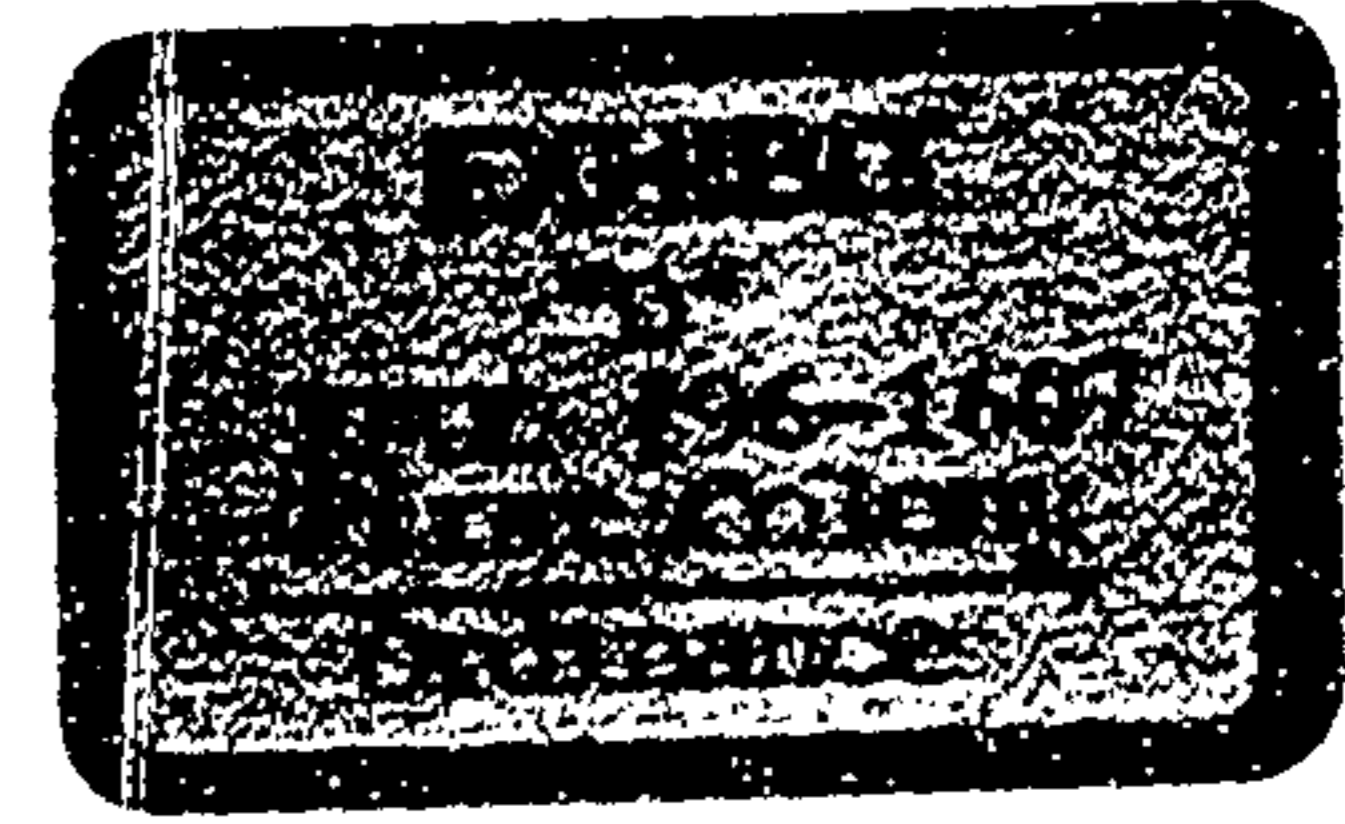
P.O. Box 1022, Lexington Park, Maryland 20653

(301) 862-5282, FAX (301) 862-1841

September 10, 1997

Kenneth and Shirley Gerred
Star Route - Box 98
California, MD 20619

Re.: First Colony PUD
California, Maryland



Dear Mr. And Mrs. Gerred:

Based on conversations conducted between yourselves and the First Colony development team, we are proposing the following conditions be imposed along the property line between your property and the retail/commercial area:

Where Parking Areas or Driveways Adjoin the Property Line:

- A fifty (50) foot wide buffer consisting of a thirty-five (35) foot naturally vegetated area and a fifteen (15) foot planted area (for grading tie-in) will be maintained. The thirty-five (35) foot naturally vegetated area will be enhanced by removing some of the understory growth, such as red maple, black gum, and some white oak trees, to afford planting room and enough light for the planting of dense understory shrubs, such as rhododendrum. The fifteen (15) foot planted area will be enhanced with dense shrubs such as holly, rhododendrum and mountain laurel. The understory thinning will also allow for better development of the existing holly and mountain laurel.

Where Buildings Adjoin the Property Line:

- A fifty (50) foot wide naturally vegetated buffer will be maintained. The area will be enhanced by removing some of the understory growth, such as red maple, black gum, and some white oak trees, to afford planting room and enough light for the planting of dense understory shrubs, such as rhododendrum. The understory thinning will also allow for better development of the existing holly and mountain laurel.

Along the Entire Property Line:

- A six (6) foot high chain link fence will be installed along the First Colony side of the thirty-five (35) foot or fifty (50) foot naturally vegetated area at the time that the grading activities have been completed. The purpose of the fence is to block trash and debris from blowing onto your property. The fence line will be periodically cleaned as part of the maintenance of the area.

A sketch is attached to this letter to show the approximate limits of the proposed buffers and fence.

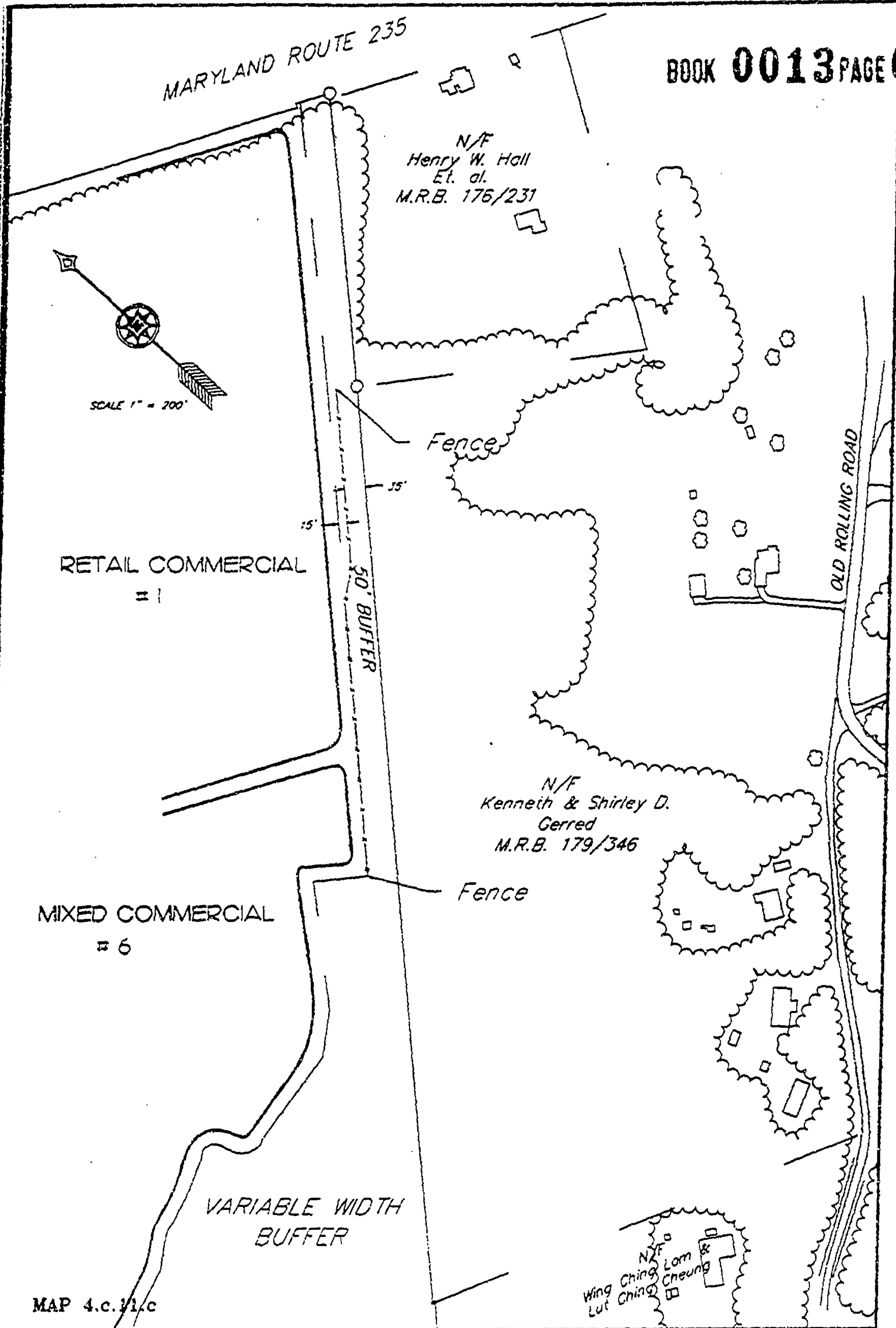
If you have any questions or comments regarding this matter, or if we can be of any other service, please do not hesitate to give us a call.

Yours very truly,



Pat Mudd, P.E.
President

attachment



MAP 4.c.V1.c

Boundary Line Buffer
 Eighth Election District
 St. Mary's County, Maryland

Mudd Engineering Inc.
 21803-A Three Notch Road
 P.O. Box 1022
 Lexington Park, Md. 20653
 Phone (301) 862-5282

Scale 1" = 200'	Cont. No. Gerred	Date
F. Bk.	Drawn by PHM	9-10-97

18179 GIDDINGS STREET - VALLEY LEE, MARYLAND 20692
Phone 301.994.2000 - Fax 301.994.9252 - Email colony@erols.com

August 28, 1997

Richard J. Voorhaar
Office of the Sheriff
41650 Tudor Hall Place
Leonardtown, MD 20650

Re: Sheriff Department facility at First Colony


Dear Sheriff Voorhaar,

This letter is a followup to our recent meeting concerning the locating of a Sheriff's Department facility within the planned community of First Colony.

As stated by Mr. Sziendak we are willing to offer to your department an office in one of our buildings free of charge as well as the use of our conference and community facilities for administrative functions and community outreach programs.

We also would like to thank you for meeting with us and showing such a willingness to work with the residents and businesses of First Colony. We believe that the presence of your department in First Colony will go a long way in helping us create a true sense of community.

Sincerely,


Donald E. Cropp
Colony Builders



No. : 98-34

SUBJECT: Environmental Health Permit Fees

RESOLUTION

WHEREAS, Health General, Title 3, Section 3-201(a) designates the governing body of a county as the board of health for the county; and

WHEREAS, Health General, Title 3, Section 3-202(c)(1) permits each county board of health to set any fee or charge in connection with its rules and regulations; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly related government services to accomplish the purposes intended; and

WHEREAS, the Report on Potential Revenue Sources submitted February 23, 1988 by the Revenue Task Force to the St. Mary's County Board of County Commissioners recommended the determination of user fees commensurate with County resources expended in the provision of various services by various County departments to the public; and

WHEREAS, the processing of permit applications and the inspections required by permit issuance by the St. Mary's County Health Department, Office of Environmental Health requires the charging of permit fees to cover review, evaluation and inspection costs; and

WHEREAS, after publication of notice, as required by law, in the May 8, 1998 and May 13, 1998 issues of the Enterprise, the Board of County Commissioners, as the Board of Health, conducted a public hearing on the proposed fee schedule on May 19, 1998, and

WHEREAS, the public hearing record remained open for public comment for fourteen days (June 2, 1998); and

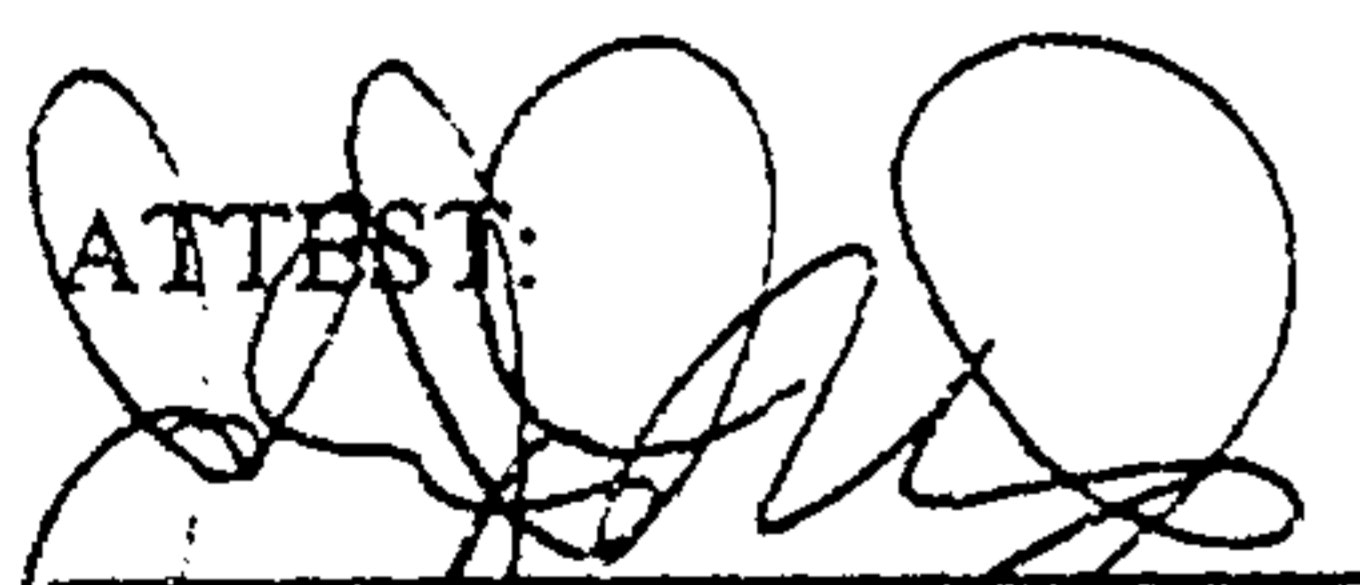
WHEREAS, the Board of County Commissioners as the Board of Health, having reviewed the proposed fee schedule find the proposed increases and necessary to ensure protection of public health and the environment; and

WHEREAS, the Board of County Commissioners, as the Board of Health, has determined that the costs of reviewing and inspecting permit requests should be borne by the applicants.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS AS THE BOARD OF HEALTH OF ST. MARY'S COUNTY, MARYLAND, that the attached User Fee Schedule is established and ordered collected for those phases in the permitting process which have not been initiated by the Effective date, (July 1, 1998). Any conflicting fee schedules for the same permit functions are hereby repealed.

ADOPTION DATE: 6-16-98


EFFECTIVE DATE: July 1, 1998

ATTEST:

John J. Kachmar Jr.
County Administrator

BOARD OF COUNTY COMMISSIONERS
As THE BOARD OF HEALTH
ST. MARY'S COUNTY, MARYLAND

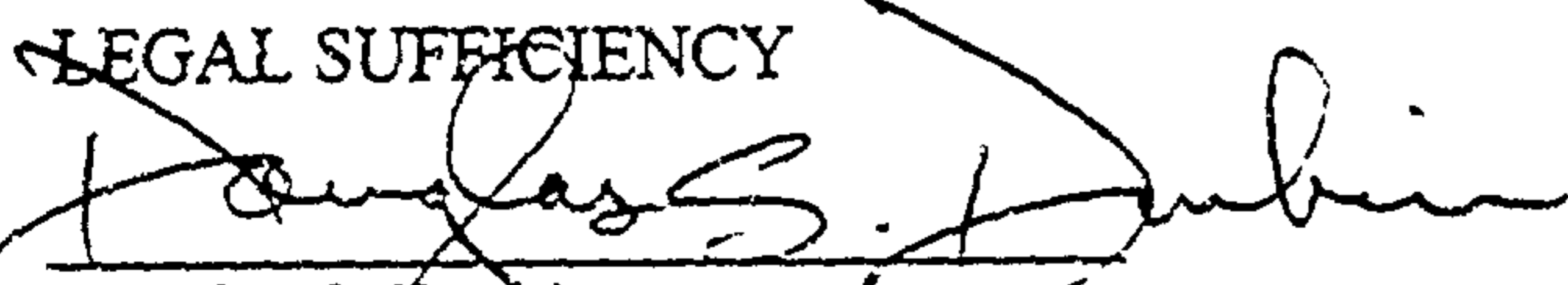

Barbara R. Thompson, President

~~INVOTED AGAINST~~
D. Christian Brugman, Commissioner


Paul W. Chesser, Commissioner


Frances P. Egan, Commissioner


Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Douglas S. Durkin
County Attorney

6-11-98

RECORDING FEE 8.88
TOTAL 8.88
Res#983 Rcpt#999999
EMA HAB BIK#1799
Jun 18, 1998 11:32 am

ADJUSTED SCHEDULE OF FEES FOR:
ST MARY'S COUNTY HEALTH DEPARTMENT
OFFICE OF ENVIRONMENTAL HEALTH

A. Restaurant License	\$150
B. Soils Evaluation (Perc)	\$200
C. Septic System Inspection	\$100
D. Record Plat Approval (Sewage Reserve Area) (per lot)	\$100
E. Site Plan Approval (per lot)	\$ 75

No: 98-35

Subject: FY 1998 Supplemental Appropriation
Office of Central Services

BOOK 0013 PAGE 0113
ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of Central Services for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$24,332.00 are available in the form of additional revenues derived from the sale of older surplus vehicles and increased public transportation ridership and transportation services provided to other County agencies, for the purpose of offsetting the St. Mary's Transit System (S.T.S.) expenses of driver salaries and vehicle maintenance.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on June 2, 1998 pursuant to Notice published on or about May 22 and May 29, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on June 2, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$24,332.00 (Twenty-Four Thousand Three Hundred Thirty-Two Dollars), and such increase is hereby approved this 16th day of June, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: None
Those Absent: None

Date of Adoption: 6-16-98

Effective Date: 6-16-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

S. Christian Brugman
S. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
[Signature]

John J. Kachmar Jr.
County Administrator

[Signature]
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#SMB3 Rcpt#999999
EMA MAB 81#1799
Jun 18, 1998 11:32 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

[Signature]
Douglas S. Durkin
County Attorney
6-11-98

No: 98-36

Subject: FY 1998 Supplemental Appropriation
Office of Central Services and
Department of Public Works

BOOK **0013** PAGE **0114**

ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 General Fund Operating Budget to increase the appropriation for the Office of Central Services and the Department of Public Works for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$266,000 are available in the form of additional revenues derived from the sale of surplus solid waste equipment for the purpose of purchasing two St. Mary's Transit System (S.T.S.) vans/buses to support the Adult Day Care Program for the Office of Central Services, and to purchase various highway maintenance vehicles (e.g., bucket truck, crew-cab truck, gradall, mower) for the Department of Public Works.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on June 2, 1998 pursuant to Notice published on or about May 22 and May 29, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on June 2, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$266,000.00 (Two Hundred Sixty-Six Thousand Dollars), and such increase is hereby approved this 16th day of June, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: None
Those Absent: None

Date of Adoption: 6-16-98

Effective Date: 6-16-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
John J. Kachmar Jr.
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Douglas S. Durkin
Douglas S. Durkin
County Attorney
6-11-98

RECORDING FEE 8.00
TOTAL 8.00
Res#SN83 Rcft#999999
EWA MAB BIK#1799
Jun 18, 1998 11:33 am

No: 98-37

Subject: FY 1998 Supplemental Appropriation
Department of Public Works
St. Mary's County Airport

BOOK 0013 PAGE 0115
ORDINANCE

WHEREAS, the Board of County Commissioners believe it is in the best interest of the County to amend the Fiscal Year 1998 Capital Fund Budget to increase the appropriation for the Department of Public Works for St. Mary's County, and

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) §27-9(A), the St. Mary's County Director of Finance has certified in writing that such funds in the amount of \$2,285,812 are available in the form of State grant funds administered by the Maryland Aviation Administration for the purpose of land acquisition for navigational easements, and construction to include a terminal building, apron expansion, parking, aircraft tiedowns, and apron overlay, and the purchase of furniture and equipment for commuter air services at the St. Mary's County Airport.

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on June 2, 1998 pursuant to Notice published on or about May 22 and May 29, 1998 in the Enterprise.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on June 2, 1998 to present and explain the requirements to increase the Fiscal Year 1998 Budget in the amount of \$2,285,812.00 (Two Million Two Hundred Eighty-Five Thousand Eight Hundred Twelve Dollars), and such increase is hereby approved this 16th day of June, 1998, by the Board of County Commissioners of St. Mary's County, Maryland.

Those voting Aye: Thompson, Brugman, Chesser, Eagan, Jarboe
Those voting Nay: None
Those Absent: None

Date of Adoption: 6-16-98

Effective Date: 6-16-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
Barbara R. Thompson, President

D. Christian Brugman
D. Christian Brugman, Commissioner

Paul W. Chesser
Paul W. Chesser, Commissioner

Frances P. Eagan
Frances P. Eagan, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

ATTEST:
John J. Kachmar Jr.
County Administrator

Steven E. Welkos
Steven E. Welkos
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res:SM03 Rpt:1999399
EWA MAB BIK:1739
Jun 18, 1998 11:33 am

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Douglas S. Durkin
Douglas S. Durkin
County Attorney 6-17-98

No.: 98-38
SUBJ.: Repeal of Ord. 79-69 and 96-13; Dissolution of the Airport Commission; and Delegation of Airport Commission's Responsibilities to Airport Manager

ORDINANCE

FOR THE PURPOSES OF REPEALING ORDINANCE 79-69 AND ORDINANCE 96-13; DISSOLVING THE AIRPORT COMMISSION; AND RE-ASSIGNING DUTIES DELEGATED TO THE AIRPORT COMMISSION TO THE AIRPORT MANAGER.

RECITALS

WHEREAS, Transportation Article, Section 5-418 permits any political subdivision to establish and operate an airport, lease or grant any interest in the airport, set any fees for use or rental, and delegate any of these powers to an officer or agency of the political subdivision;

WHEREAS, in 1979 via Ordinance 79-69 such duties and responsibilities were assigned to the Airport Commission, subject to the limitations and provisions of the Ordinance;

WHEREAS, pursuant to the St. Mary's County Airport Rules and Minimum Standards, as amended from time to time, certain additional responsibilities were delegated to the Airport Commission;

WHEREAS, per Ordinance 96-13 codified as Section 151-10(B) of the Code of St. Mary's County, all responsibilities previously assigned to the Airport Commission were reclaimed by and assigned to the Board of County Commissioners and the Board of County Commissioners retained the power to later delegate those duties and functions to the Airport Manager by resolution;

WHEREAS, during their public meeting held on March 17, 1998, the Board of County Commissioners directed staff to prepare an ordinance to dissolve the Airport Commission and to schedule a public hearing thereon;

WHEREAS, a public hearing was held on July 7, 1998 which was advertised on June 17 and 24, 1998 in the local newspaper in accordance with Article 25, Section 3(r) of the Annotated Code of Maryland.

WHEREAS, the Board of County Commissioners desires to dissolve the Airport Commission and to re-assign all responsibilities delegated to the Airport Commission under the St. Mary's County Airport Rules and Minimum Standards to the Airport Manager;

SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that:

1. Ordinance 79-69 and Ordinance 96-13, as codified in the Code of St. Mary's County, Sections 151-1 through 151-10 are hereby repealed;
2. The Airport Commission is hereby dissolved; and
3. All duties, functions and responsibilities delegated to the Airport Commission, as stated in the St. Mary's County Airport Rules and Minimum Standards, are hereby assigned to the Airport Manager.

RECORDING FEE 0.00
TOTAL 0.00
Res#SH03 Rcpt#999999
EHA HMB BUA#2050
Jul 24 1998 02:24 PM

SECTION 2. SEVERABILITY: In the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result which is inconsistent with the purpose and intent of the Board of County Commissioners in enacting this ordinance.

SECTION 3. AND BE IT FURTHER ENACTED, That this Ordinance shall take effect July 21 1998.

Those voting aye: Brugman, Chessser, Eagan, Jarboe

Those voting nay: Thompson

Those abstaining or absent: _____

DATE OF ADOPTION: 7-21-98

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Barbara R. Thompson
BARBARA R. THOMPSON, President

D. Christian Brugman
D. CHRISTIAN BRUGMAN, Commissioner

Paul W. Chessser
PAUL W. CHESSER, Commissioner

Frances P. Eagan
FRANCES P. EAGAN, Commissioner

Lawrence D. Jarboe
LAWRENCE D. JARBOE, Commissioner

ATTEST:

John J. Kachmar, Jr.
County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Douglas S. Durkin
DOUGLAS S. DURKIN 7-21-98
County Attorney