

NO.: 02- 39
SUBJECT: Valley Wood Court
Valley Wood Estates Subdivision, Phase 4
Speed Limit

LIBERO 0 2 3 PAGE 0 1 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-I of Article 25 of the Maryland Annotated Code and Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Subtitle 21 of the Transportation Article of the Maryland Annotated Code for Valley Wood Court, County Route 31348, located in Phase 4 of the Valley Wood Estates Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at Liber EWA 52, Folio 18, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Valley Wood Court, County Route 31348.

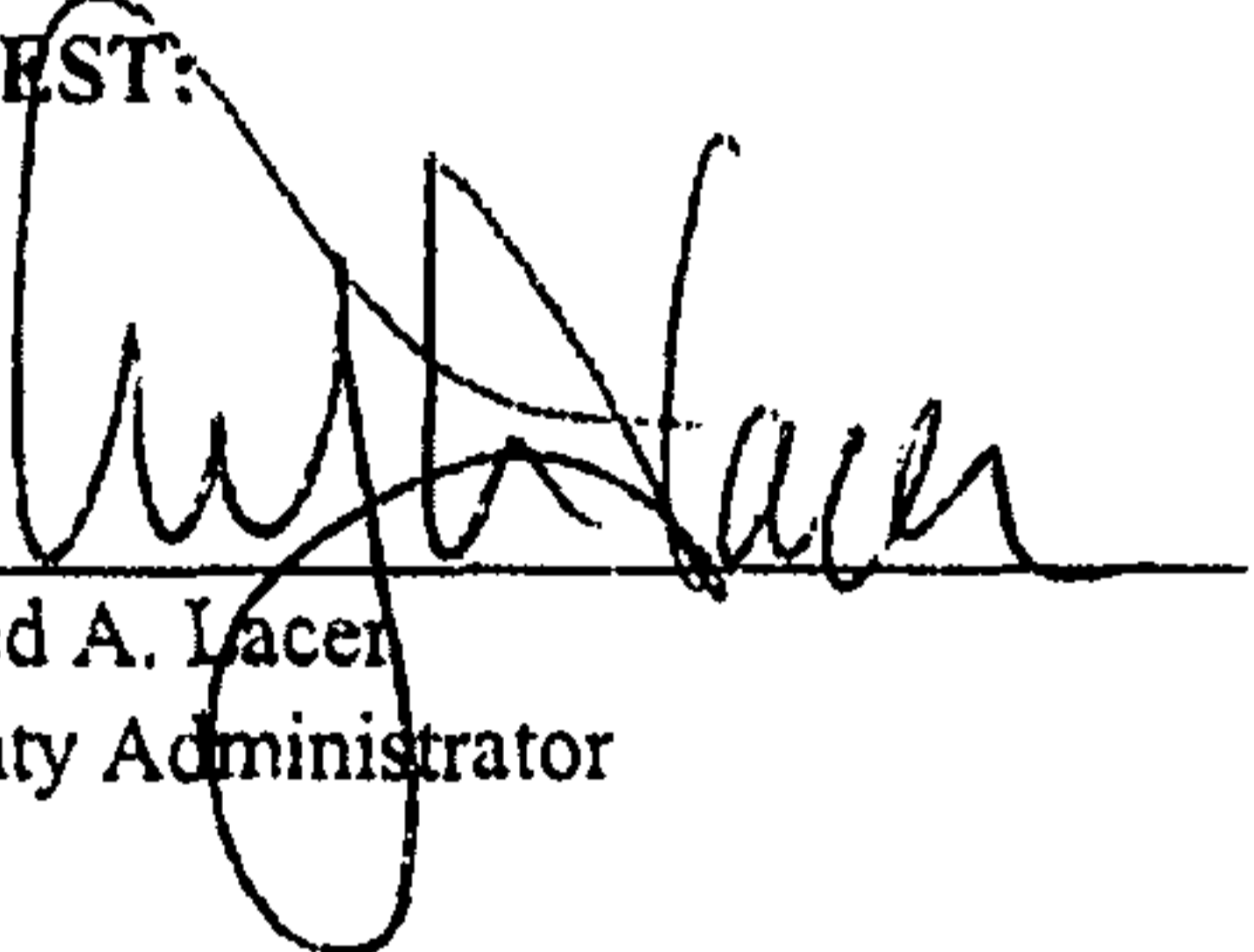
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Valley Wood Court is greater than reasonable or safe, and that Valley Wood Court, County Route 31348, located in Phase 4, of the Valley Wood Estates Subdivision, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 52, Folio 18) be posted at 25 miles per hour pursuant to the recommendation of the St. Mary's County Department of Public Works and Transportation.

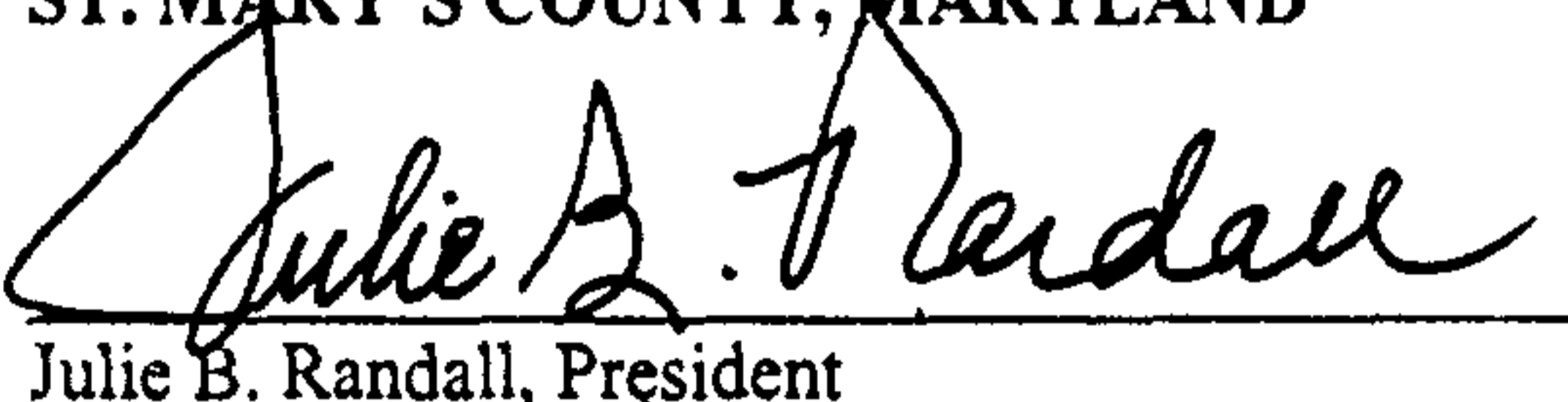
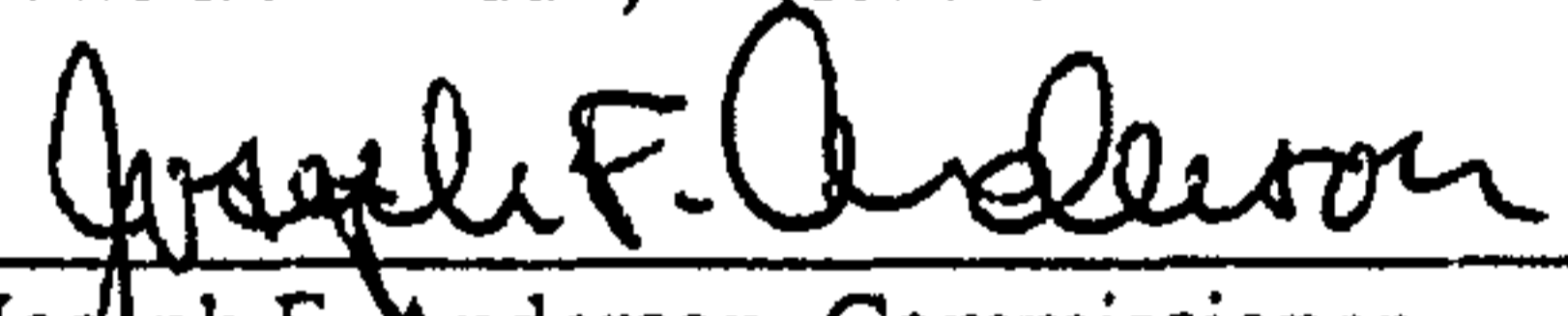

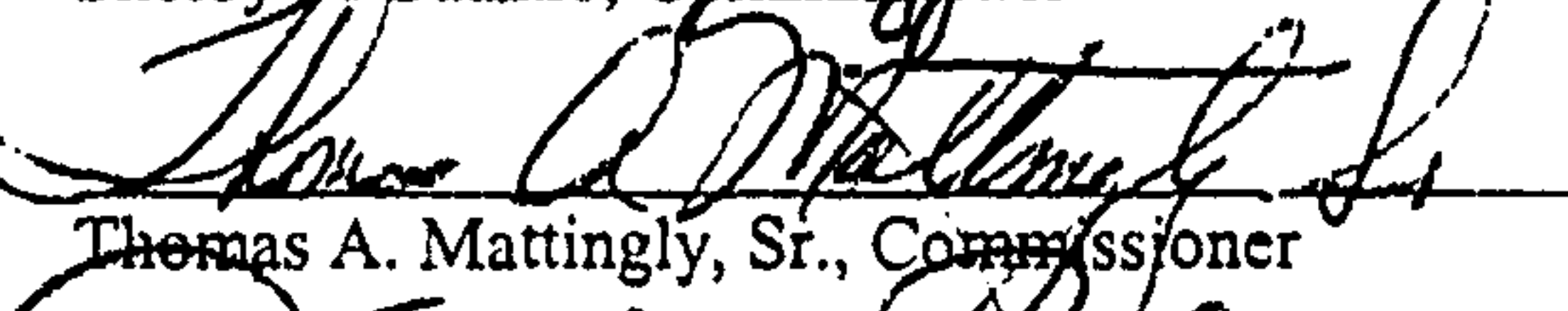
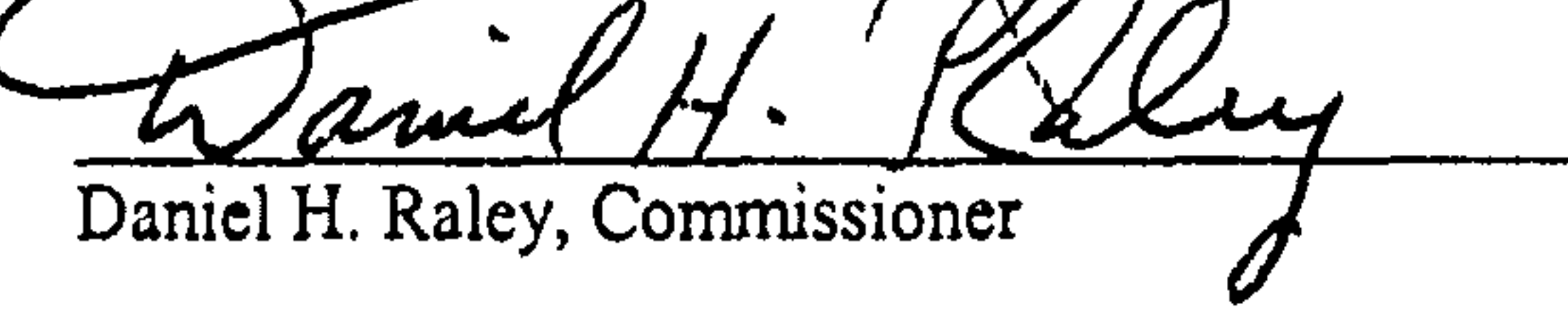
BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.


Those voting aye: all
Those voting nay: —
Those abstaining or absent: —

RECORDING FEE 0.00
TOTAL 0.00
Rest#502 Rct#999999
EWA TLC Bk#2235
Oct 22, 2002 09:31 am

Date of Adoption: October 15, 2002
Effective Date: October 15, 2002

ATTEST:

Alfred A. Iacer
County Administrator

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

Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

John B. Norris, III
County Attorney

RESOLUTION

LIBERO 023 PAGE 02

WHEREAS, pursuant to Section 1 of *Article 25* of the Maryland Annotated Code, Section 109-1 of *Article 19* of the Code of Public Local Laws of Maryland, and Section 25-102 of the *Transportation Article* of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersection of Valley Wood Court, County Route 31348, located in the Valley Wood Estates Subdivision, Phase 4, Fifth (5th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at Liber EWA 52, Folio 18, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Valley Wood Court, County Route 31348, at the intersection with Three Notch Road (MD Route 235).

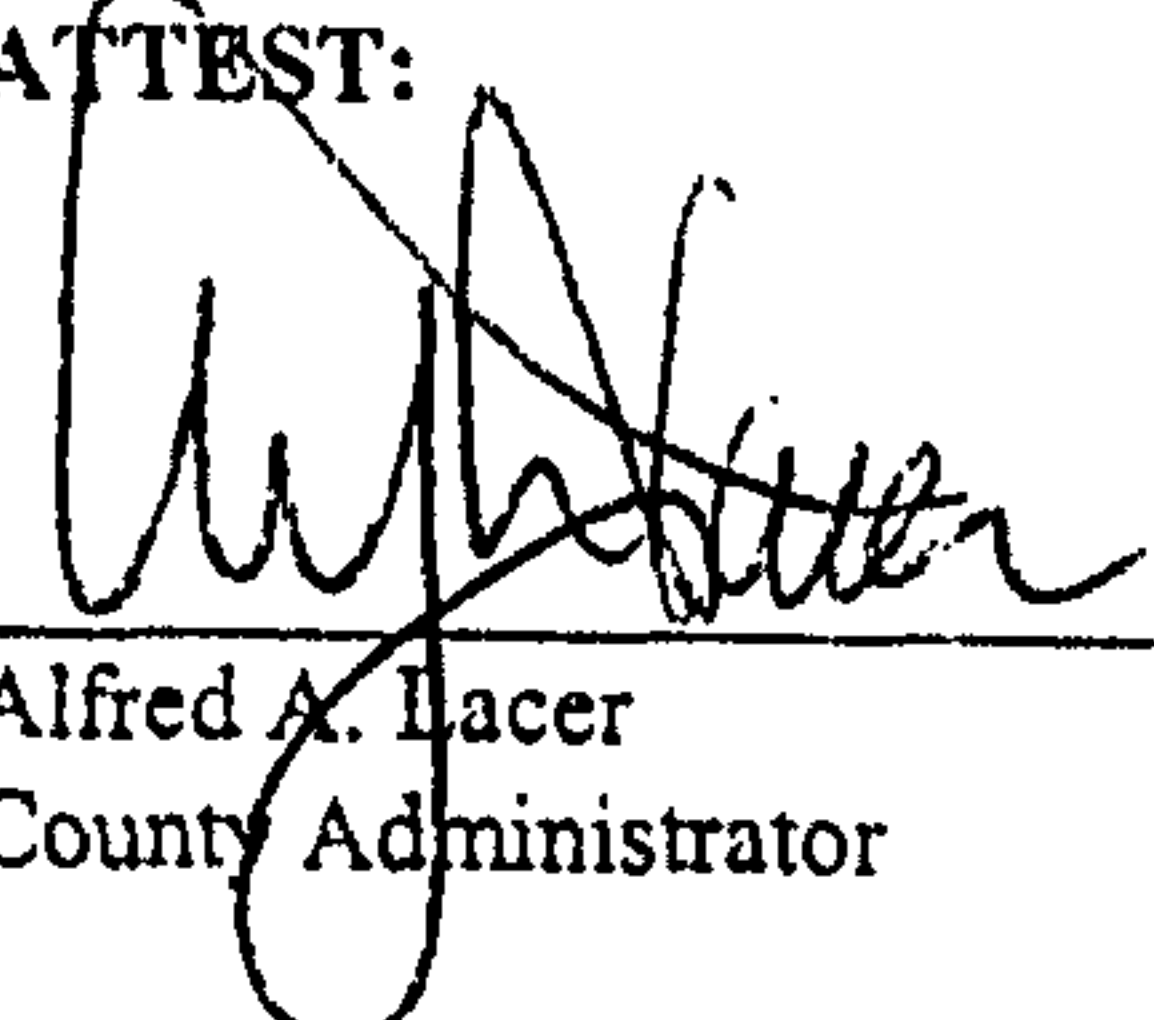
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Valley Wood Court, County Route 31348, and in the interest of public safety and to eliminate a hazardous condition, Valley Wood Court, County Route 31348, further identified as being located in the Valley Wood Estates Subdivision, Phase 4, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 52, Folio 18) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect traffic control devices, specifically a stop sign on Valley Wood Court, County Route 31348, at the intersection with Three Notch Road (MD Route 235).

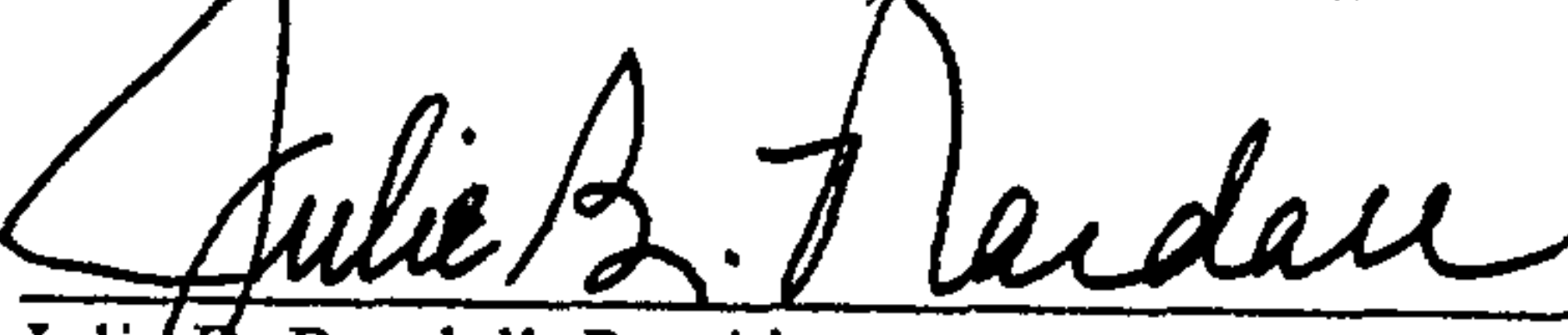
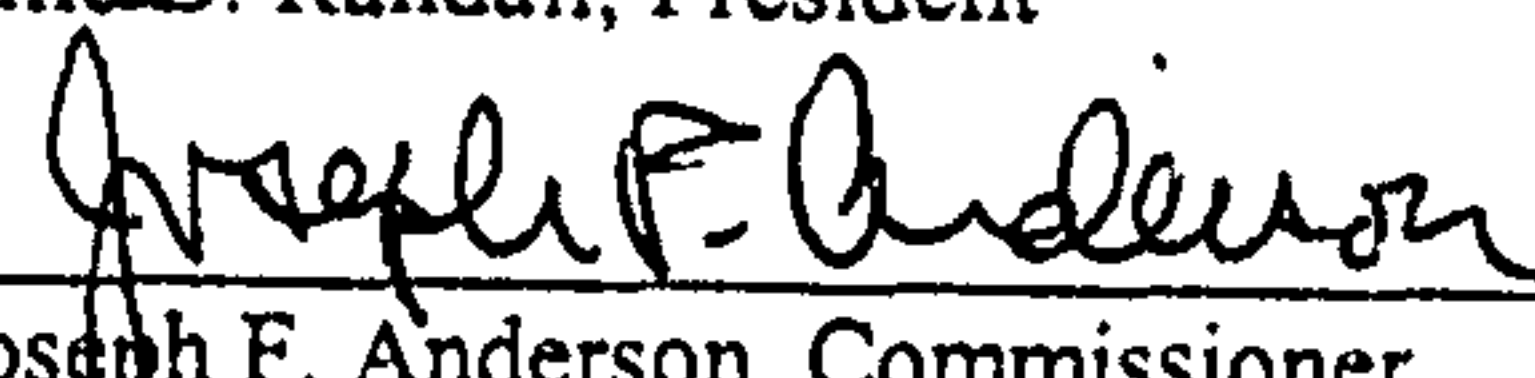

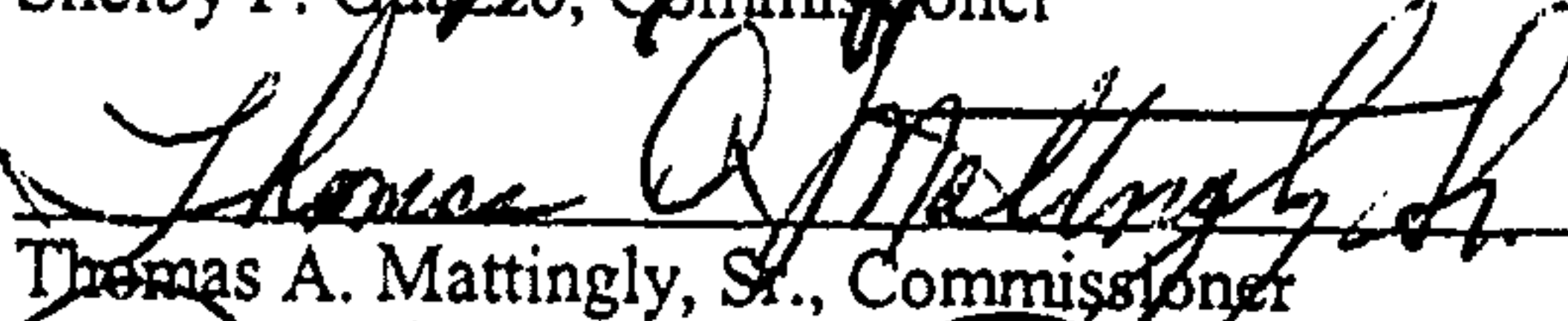
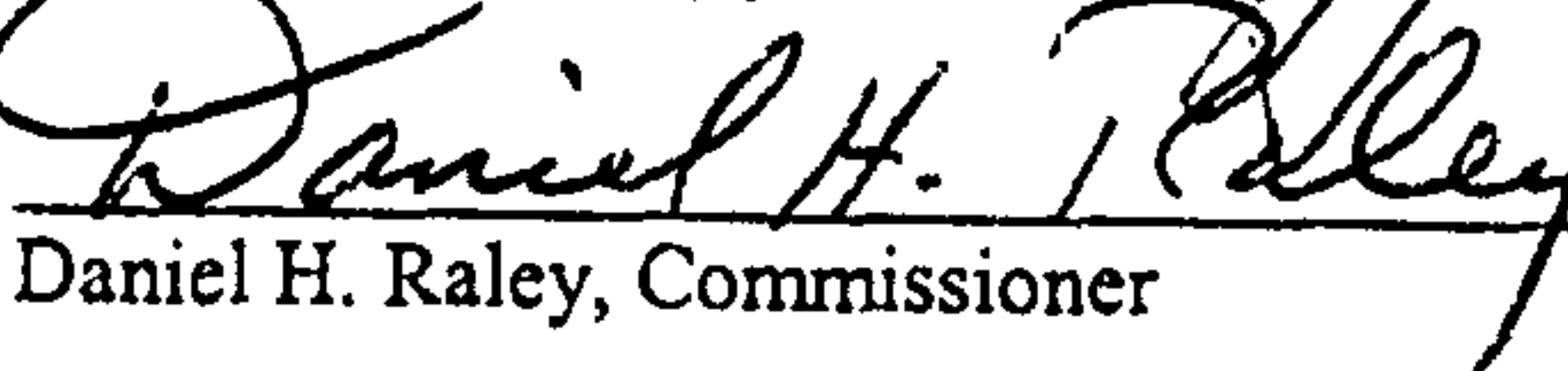
Those voting aye: all
Those voting nay: —
Those abstaining or absent: —
Date of Adoption: October 15, 2002
Effective Date: October 15, 2002

RECORDING FEE 0.00
TOTAL 0.00
Res#5402 Ref#999999
EWA TLC 81K#2275
Oct 22, 2002 09:33 am


ATTEST:


Alfred A. Iacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


John B. Norris, III
County Attorney

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the County Commissioners for St. Mary's County, Maryland, is authorized to accept new subdivision streets in accordance with the applicable provisions of the County Subdivision Regulations; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County, Maryland, that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated September 8, 2000, and Record Plat recorded at Liber EWA 52, Folio 18, for Valley Wood Court, County Route 31348, and

WHEREAS, Valley Wood Estates Subdivision, Phase 4, is subject to the requirements of the St. Mary's County Subdivision Ordinance (1973) and pursuant to Section 24 of the St. Mary's County Subdivision Ordinance (2002).

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, finding that Valley Wood Court, County Route 31348, located in the Valley Wood Estates Subdivision, Phase 4, Fifth (5th) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 52, Folio 18) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Valley Wood Court, County Route 31348, into the County's Highway Maintenance System.

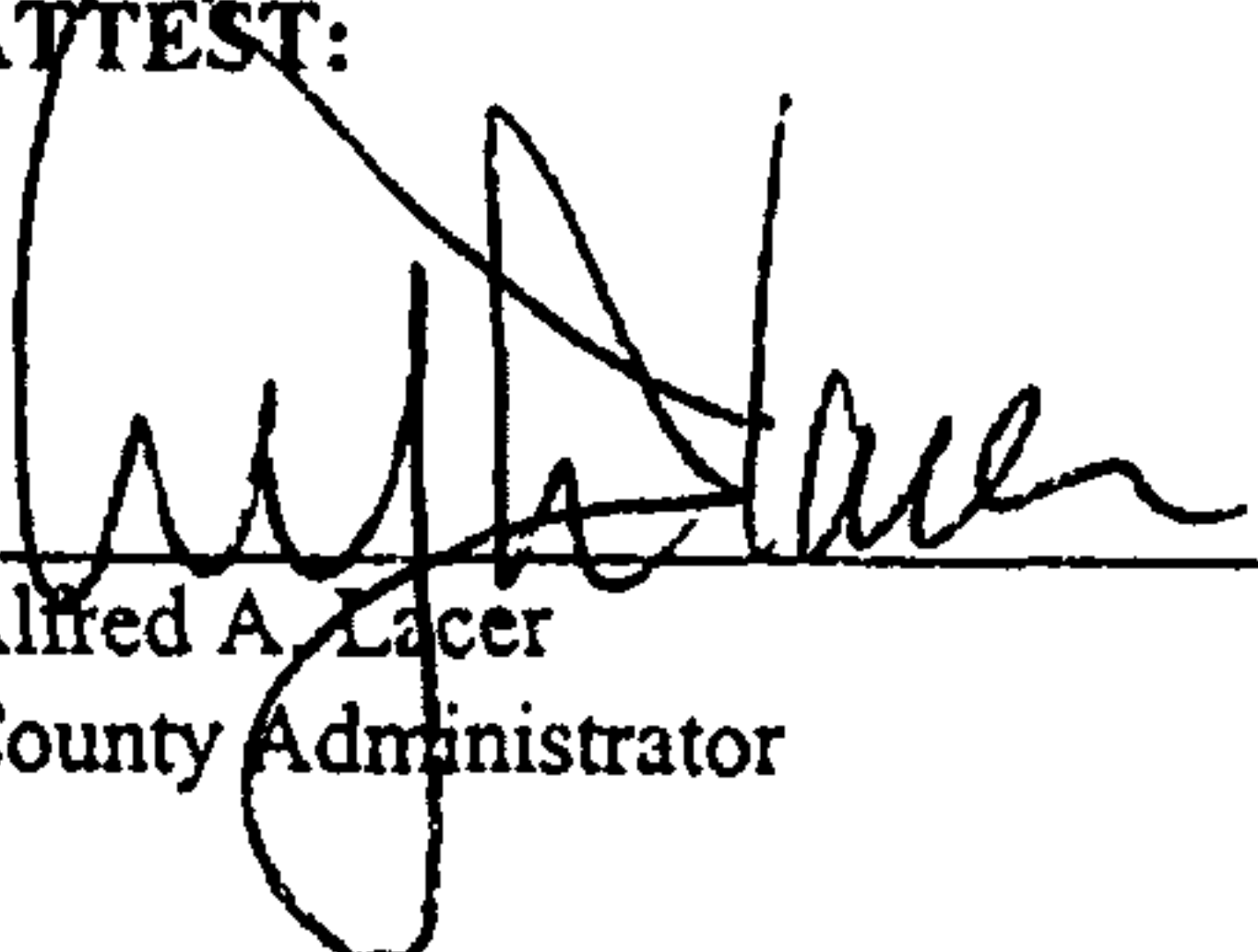
Those voting aye: all
Those voting nay: -
Those abstaining or absent: -

RECORDING FEE 0.00
TOTAL 0.00
Rest#002 Rpt#599999
EWA TLC 8142295
Oct 22, 2002 09:33 am

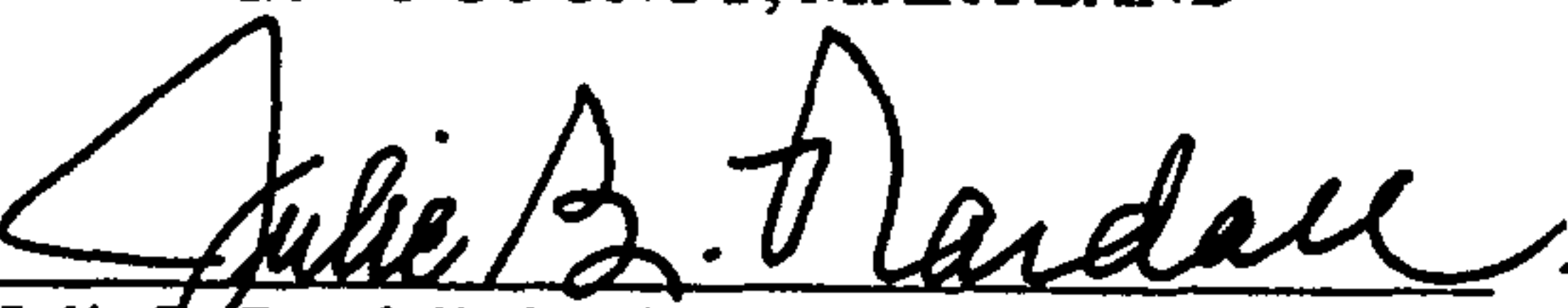
Date of Adoption: October 15, 2002

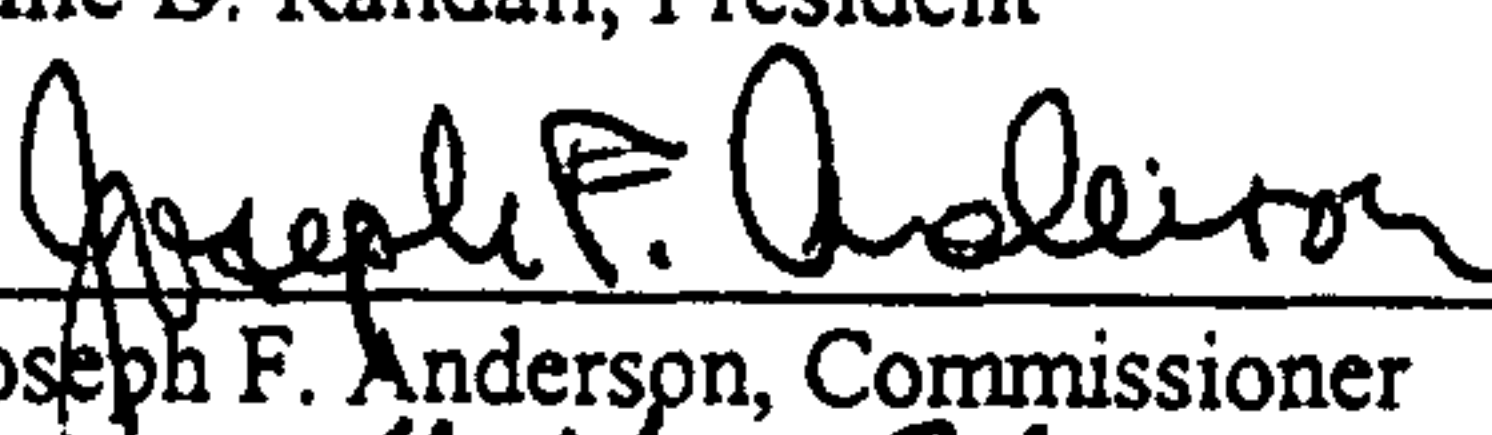
Effective Date: October 15, 2002

ATTEST:

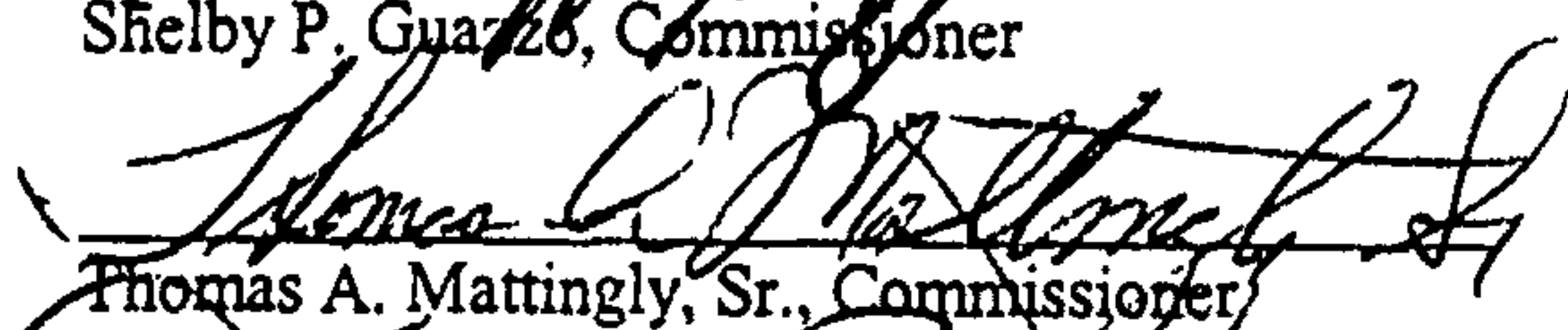

Alfred A. Lacer
County Administrator

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


Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


John B. Norris, III
County Attorney

LIBERO 023 PAGE 04

RESOLUTION

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, on September 15, 1987, adopted resolution 87-16 which set forth the adoption of a Procurement Manual for St. Mary's County effective January 1, 1988; and

WHEREAS, the County Administrator and Procurement Officer, after review of peer entities as well as discussion with representatives of the community, recommended the increase to the dollar limitation from \$5,000 to \$15,000 for purchases requiring formal competitive bid, such process to be conducted solely through the Office of Procurement; and

WHEREAS, the County Administrator and Procurement Officer, after review of peer entities as well as discussion with representatives of the community, recommended the increase to the dollar limitation from \$500 to \$2,500 for purchases requiring an informal competitive process referred to as Request for Quotations (RFQ), such process to be conducted by the Office of Procurement, based upon specifications from the department or agency requesting the procurement; and

WHEREAS, the County Administrator and Procurement Officer, after review of peer entities as well as discussion with representation of the Community, recommend that vehicle purchases also be subject to formal bid, to be conducted by the Office of Procurement and that State contracts not be used exclusively as the sole source for the purchase of vehicles ; and


WHEREAS, the Board of County Commissioners for St. Mary's County finds that it is in the best interest of the County to adopt the foregoing recommendations and amend the Procurement Manual for St. Mary's County, thereby superceding prior adopted and inconsistent procurement policies.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, that the dollar limitation for procurements requiring a Request for Quotation (RFQ) be set at \$2,500 and for procurements requiring a Formal Bid be set at \$15,000, and that vehicle purchases shall be subject to a Formal Bid, with all such procurements conducted by the Office of Procurement, and that the adopted St. Mary's County Manual of Procurement Regulations and Procedures, effective January 1, 1988, is hereby so amended.

DATE OF ADOPTION: October 15, 2002


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

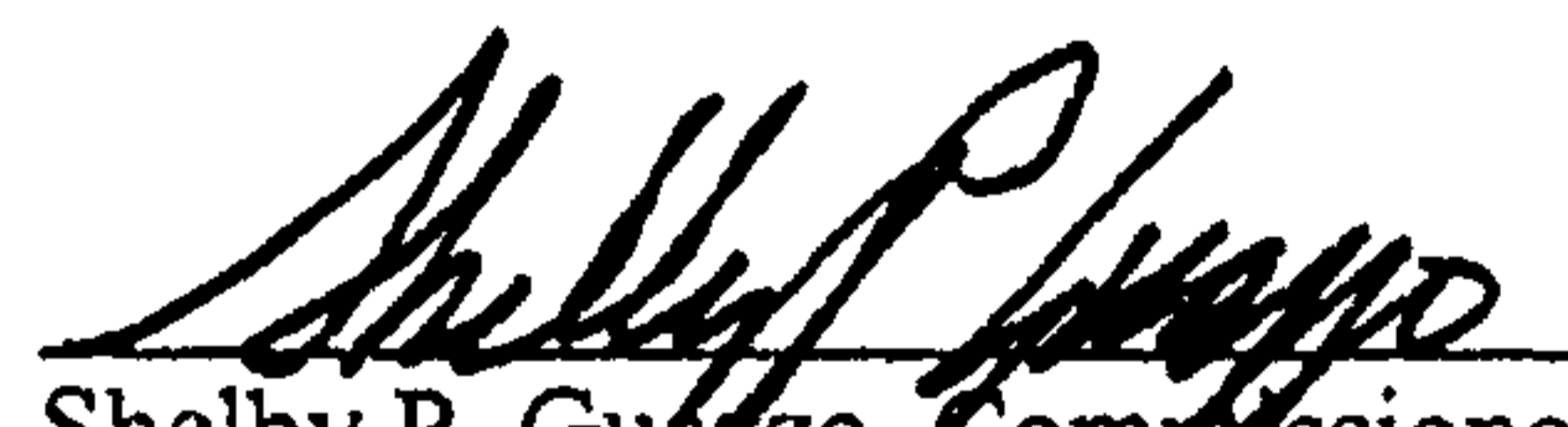
EFFECTIVE DATE: October 15, 2002


Julie B. Randall, President

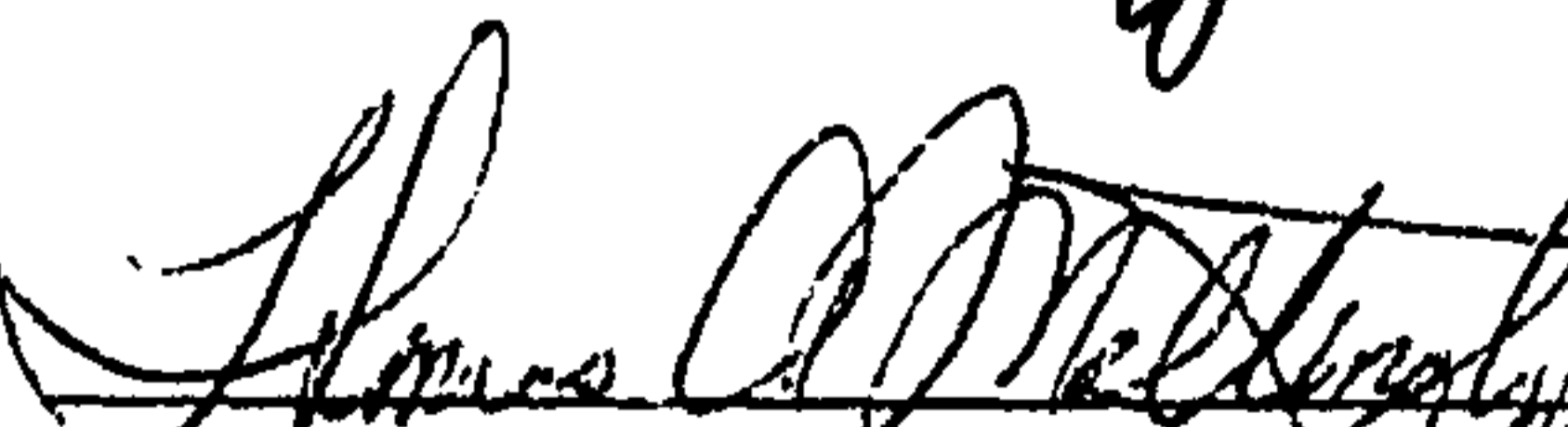
ATTEST:



Joseph F. Anderson, Commissioner

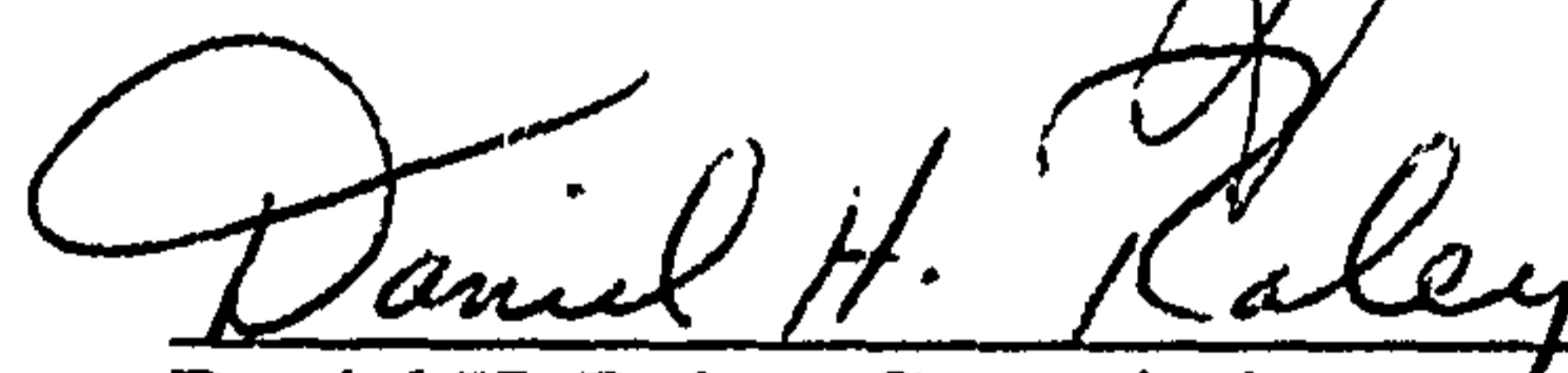

Alfred A. Lacer
County Administrator


Shelby P. Guazzo, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:


Thomas A. Mattingly, Sr., Commissioner


John B. Norris, III
County Attorney


Daniel H. Raley, Commissioner

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rort#999999
EMA TLC 818#2296
Oct 22, 2002 09:34 am

LIBERO 023 PAGE 05

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-I of Article 25 of the Maryland Annotated Code and Section 25-102 (a) (12) and Section 21-803.1 of the Maryland Annotated Code, Transportation Article, the County Commissioners for St. Mary's County, Maryland, may establish School Zones and provide that fines are to be doubled for speeding violations within the school zone. and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the measured prevailing travel speeds along roadways within the Town Creek Subdivision significantly exceed the posted speed limits threatening the safety of students that attend the two (2) public schools with the subdivision; and

WHEREAS, The St. Mary's County School's Transportation Division has requested that School Zones be established and "Double Fines" be authorized for speeding violations within the school zone to encourage compliance with existing speed limits in the vicinity of the school and signs to that effect be posted within the Town Creek Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland finding that prevailing vehicle speeds significantly exceed the established speed limits within the Town Creek subdivision poses a threat to the public health safety and welfare, that School Zones be established on Maple Road, Spruce Drive, and Town Creek Drive, located within the Town Creek subdivision, Eighth (8th) Election District, St. Mary's County, Maryland.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-803.1 of the Maryland Annotated Code, Transportation Article.

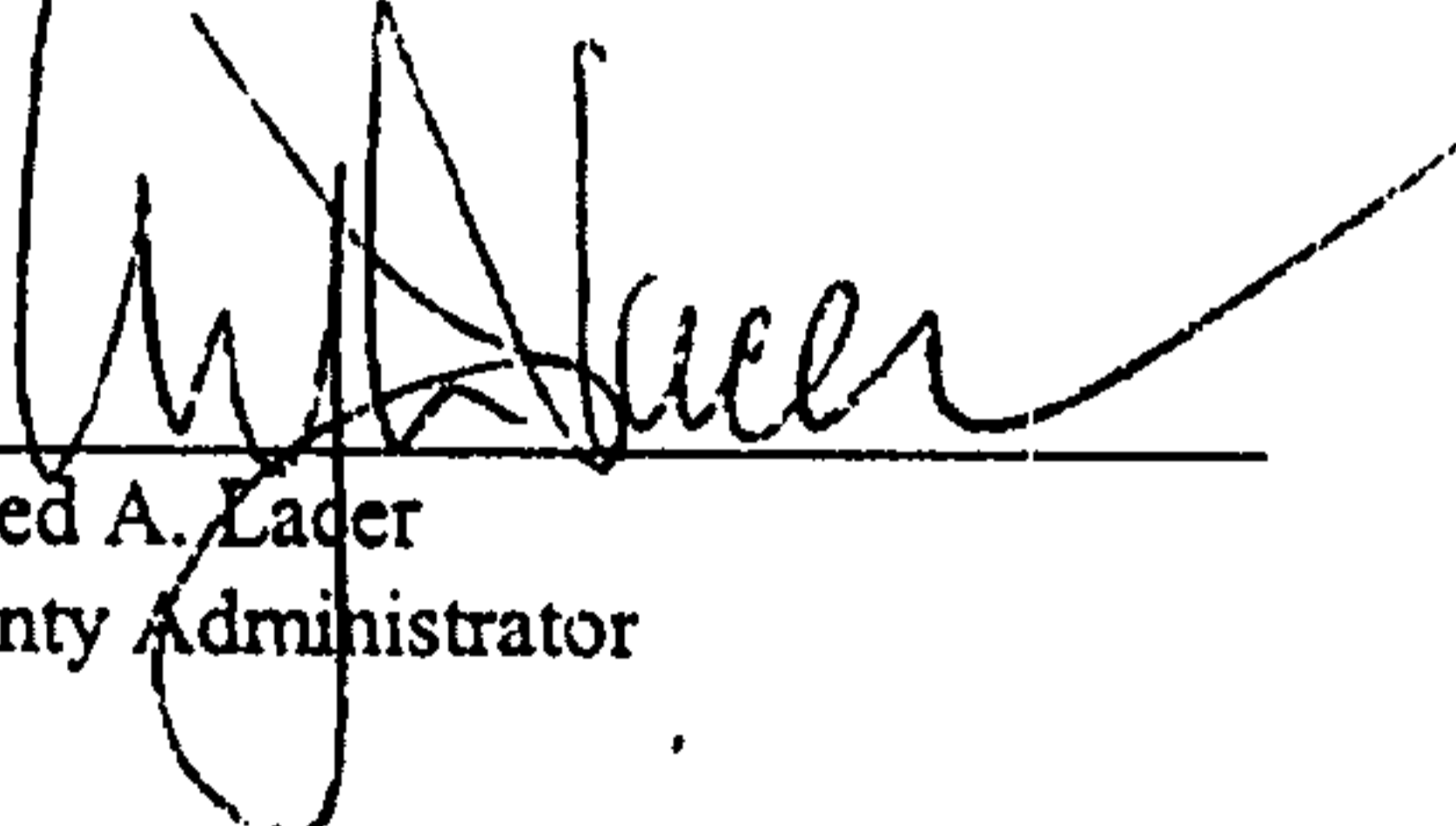
BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County that the foregoing recitals are hereby incorporated within this Resolution.

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____


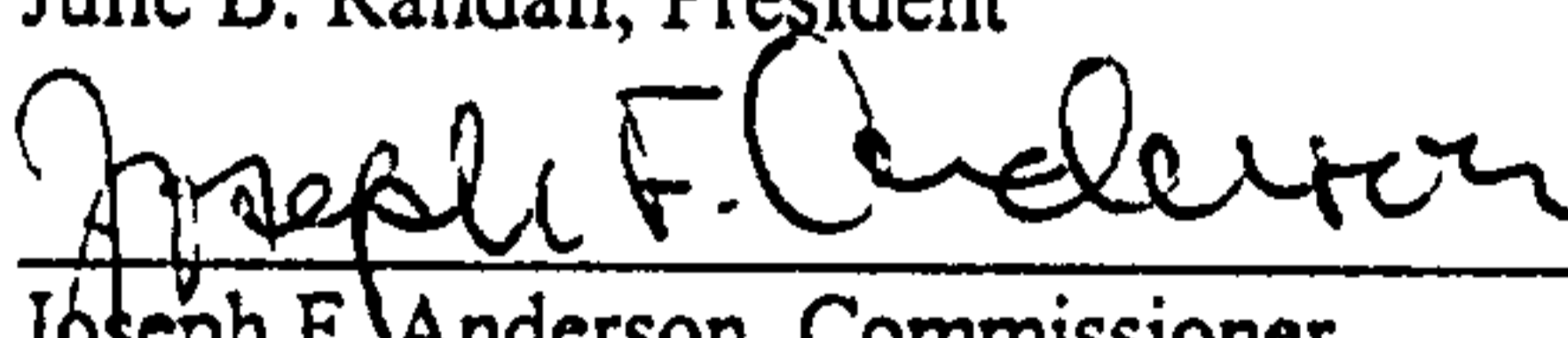

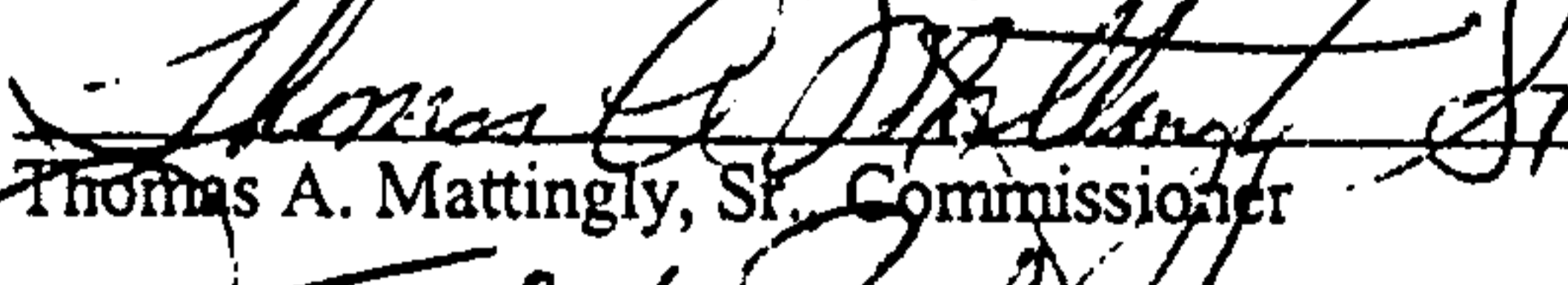

RECORDING FEE 0.00
TOTAL 0.00
Reg#5802 Acct#999999
EMA CSS 81K#369
Nov 06, 2002 11:12 am

Date of Adoption: 10/29/02
Effective Date: 10/29/02


ATTEST:


Alfred A. Lacer
County Administrator

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


Julie B. Randall, President

Joseph F. Anderson, Commissioner

Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


John B. Norris, III
County Attorney

NO.: 2002 - 19

LIBERO 0 2 3 PAGE 0 6

SUBJECT: FY 2003 Supplemental Appropriation
Emergency Management Agency

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2003 General Fund Operating Budget to increase the appropriation for the Emergency Management Agency 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 \$129,202.05 are available in Federal Office of Justice Program Funds; and

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, September 17, 2002 pursuant to Notice published on or about September 08, 2002 and September 15, 2002 in the Southern Maryland Extra of the Washington Post, a newspaper of general circulation in St. Mary's County.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, September 17, 2002 to present and explain the requirements to increase the Fiscal Year 2003 Budget in the amount of One Hundred Twenty Nine Thousand Two Hundred and Two Dollars & Five Cents (\$129,202.05), and such increase is hereby approved this 12th day of November, 2002 by the Board of County Commissioners For St. Mary's County, Maryland.

Those voting Aye: all
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 11/12/02
Effective Date: 11/12/02

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#SN03 Rcpt#999999
EMA KAE 91k#714
Nov 19 2002 03:29 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John B. Norris
John B. Norris
County Attorney

**CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION**

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

LIBERO 023 PAGE 01

DATE: November 4, 2002

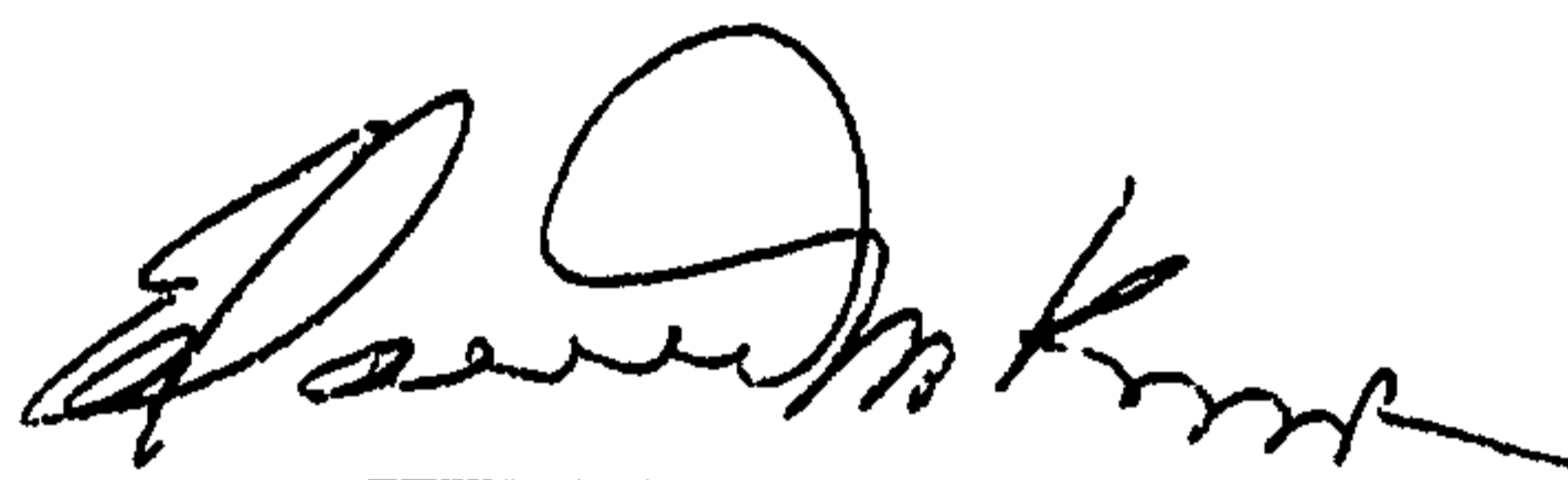
TO: Board of County Commissioners

**ORDINANCE
NUMBER:** 2002-19

PURPOSE: Emergency Management Agency
For the acquisition of personal protective, communications and/or decontamination equipment

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$129,202.05	Per letter from State of Maryland Military Department dated 8/2/2002.



Elaine M. Kramer
Director of Finance

NO.: 2002-20

LIBERO 0 2 3 PAGE 0 8

SUBJECT: FY 2003 Supplemental Appropriation
Lexington Park Plan

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2003 Capital Fund Budget to increase the appropriation for the Lexington Park Plan 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 \$205,745.00 are available in State Funds through the Maryland Department of Transportation for the Lexington Park Pathways to Schools project; and

WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, October 29, 2002 pursuant to Notice published on or about October 16, 2002 and October 23, 2002 in The Enterprise, a newspaper of general circulation in St. Mary's County.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, October 29, 2002 to present and explain the requirements to increase the Fiscal Year 2003 Budget in the amount of Two Hundred and Five Thousand Seven Hundred Forty Five Dollars (\$205,745.00), and such increase is hereby approved this 12th day of November, 2002 by the Board of County Commissioners For St. Mary's County, Maryland.

Those voting Aye: all
Those voting Nay: _____
Those Absent: _____

Date of Adoption: 11/12/02
Effective Date: 11/12/02

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

Julie B. Randall
Julie B. Randall, President

Joseph F. Anderson
Joseph F. Anderson, Commissioner

Shelby P. Guazzo
Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer

Alfred A. Lacer
County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

RECORDING FEE 0.00
TOTAL 0.00
Res#SM03 Rcpt#999999
EHA KAE Blk#714
Nov 19, 2002 03:29 PM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John B. Norris
John B. Norris
County Attorney

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION **0023** PAGE **09**

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: November 4, 2002

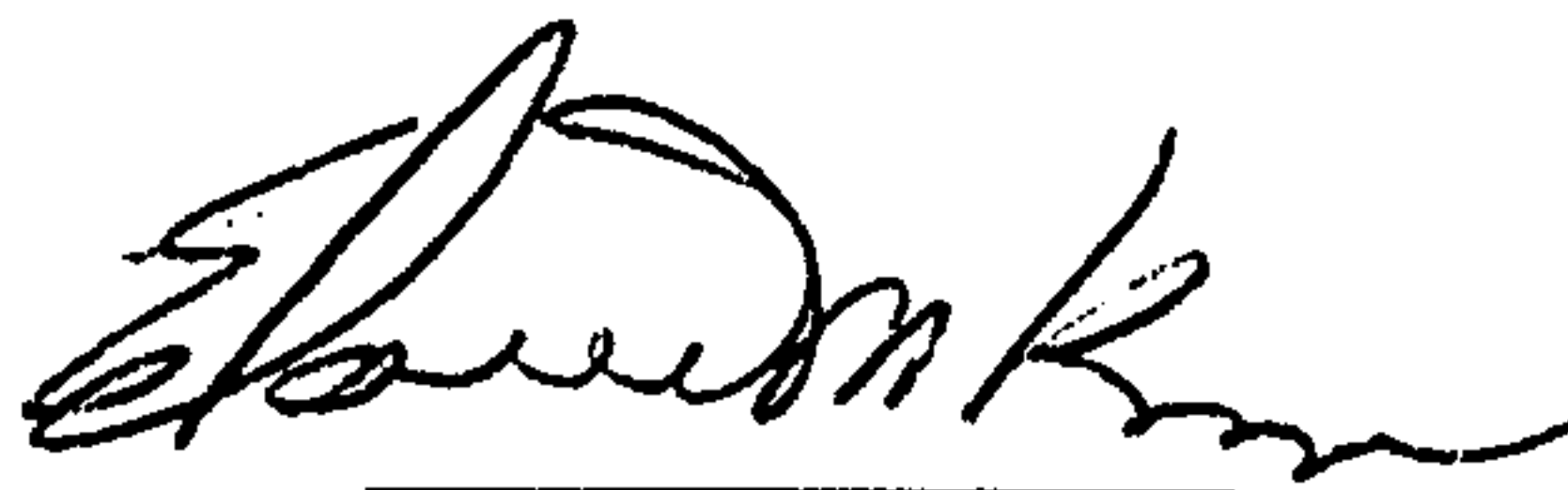
TO: Board of County Commissioners

ORDINANCE
NUMBER: 2002-20

PURPOSE: Lexington Park Plan
For the Lexington Park Pathways to Schools project. The project will include improvements to South Essex and Shangri-La Drives, which will improve routes to schools from surrounding neighborhoods.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$205,745.00	Per Grant agreement dated 8/23/2002.



Elaine M. Kramer
Director of Finance

NO.: 2002-21

LIBERO 023 PAGE010

SUBJECT: FY 2003 Supplemental Appropriation
Office on Aging

ORDINANCE

WHEREAS, the Board of County Commissioners believes it is in the best interest of the County to amend the Fiscal Year 2003 General Fund Operating Budget to increase the appropriation for the Office On Aging 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 \$50,295.00 are available in Federal Funds through the Medicaid Waiver Program; and


WHEREAS, in accordance with the Annotated Code of Maryland, Article 25, §3(r), a public hearing was held on Tuesday, October 29, 2002 pursuant to Notice published on or about October 16, 2002 and October 23, 2002 in The Enterprise, a newspaper of general circulation in St. Mary's County.


NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners after due notice conducted a public hearing on Tuesday, October 29, 2002 to present and explain the requirements to increase the Fiscal Year 2003 Budget in the amount of Fifty Thousand Two Hundred and Ninety Five Dollars (\$50,295.00), and such increase is hereby approved this 12th day of November, 2002 by the Board of County Commissioners For St. Mary's County, Maryland.


Those voting Aye: all
Those voting Nay: _____
Those Absent: _____


Date of Adoption: 11/12/02
Effective Date: 11/12/02

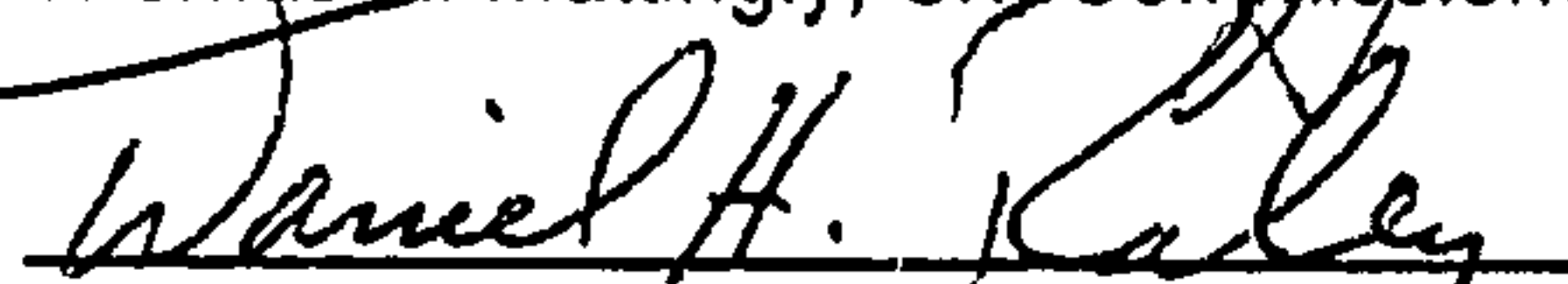
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND



Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner

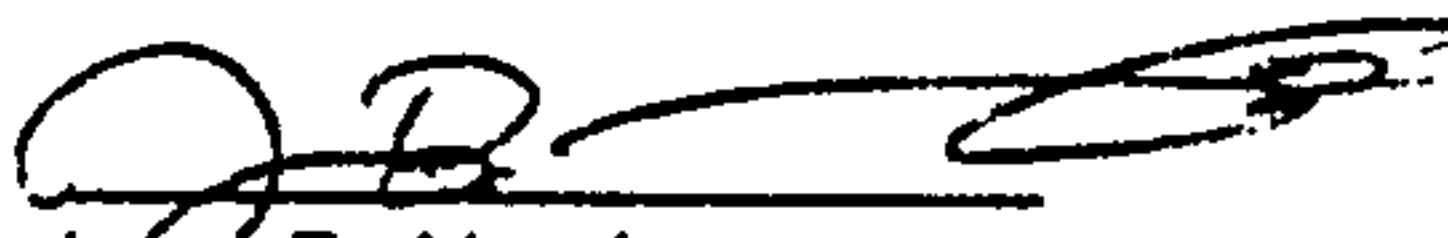

Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

ATTEST:

Alfred A. Lacer
County Administrator


Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


John B. Norris
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#5183 Rcpt#999999
EWA KAE BIK#714
Nov 19, 2002 03:30 PM

CERTIFICATION OF FUNDS AVAILABILITY
DIRECTOR OF FINANCE
SUPPLEMENTAL OR EMERGENCY APPROPRIATION **NO 23 PAGE 11**

Section 27-9 of the St. Mary's County Code states that the County Commissioners may make additional, supplementary or emergency appropriations during any fiscal year only if the Chief Financial Officer certifies in writing that funds are available for appropriation.

DATE: November 12, 2002
TO: Board of County Commissioners
ORDINANCE NUMBER: 2002-21
PURPOSE: Office on Aging
For a variety of services to the County's older adults.

FUNDS CERTIFICATION:

<u>Amount</u>	<u>Source</u>
\$50,295.00	Per Notice of Grant Award signed 8/28/2002.


Elaine M. Kramer
Director of Finance

RESOLUTION

A Resolution concerning the intent for St. Mary's County to participate in the Maryland Emergency Management Assistance Compact.

WHEREAS, the State of Maryland Emergency Services Law of 2002, as amended (Article 16A - Maryland Emergency Management Agency, Sections 37, 38 and 39 to be under the new title, "Maryland Emergency Management Assistance Compact [MEMAC]" of the Annotated Code of Maryland) authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster event; and

WHEREAS, the statute also authorizes the State Emergency Operations Center to coordinate the provision of any equipment, services or facilities owned or organized by the State or its political subdivisions and municipalities therein, for use in the affected area upon request of the senior elected official or an authorized representative of the area; and

WHEREAS, this Resolution authorizes St. Mary's County, Maryland to request, provide and receive intrastate mutual aid in accordance with Article 16A, Sections 37, 38 and 39 of the Annotated Code of Maryland among participating subdivisions.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County that St. Mary's County, Maryland, shall participate in the Maryland Emergency Management Assistance Compact in the event of an emergency or disaster in accordance with the following terms and conditions set forth in Senate Bill 239, attached hereto as Exhibit 1; and

BE IT FURTHER RESOLVED by the Board of County Commissioners that such participation may include requests for and provisions of personnel, equipment, materials and other forms of assistance, to any participating political subdivision within the State of Maryland, pursuant to the terms and conditions hereunder; and

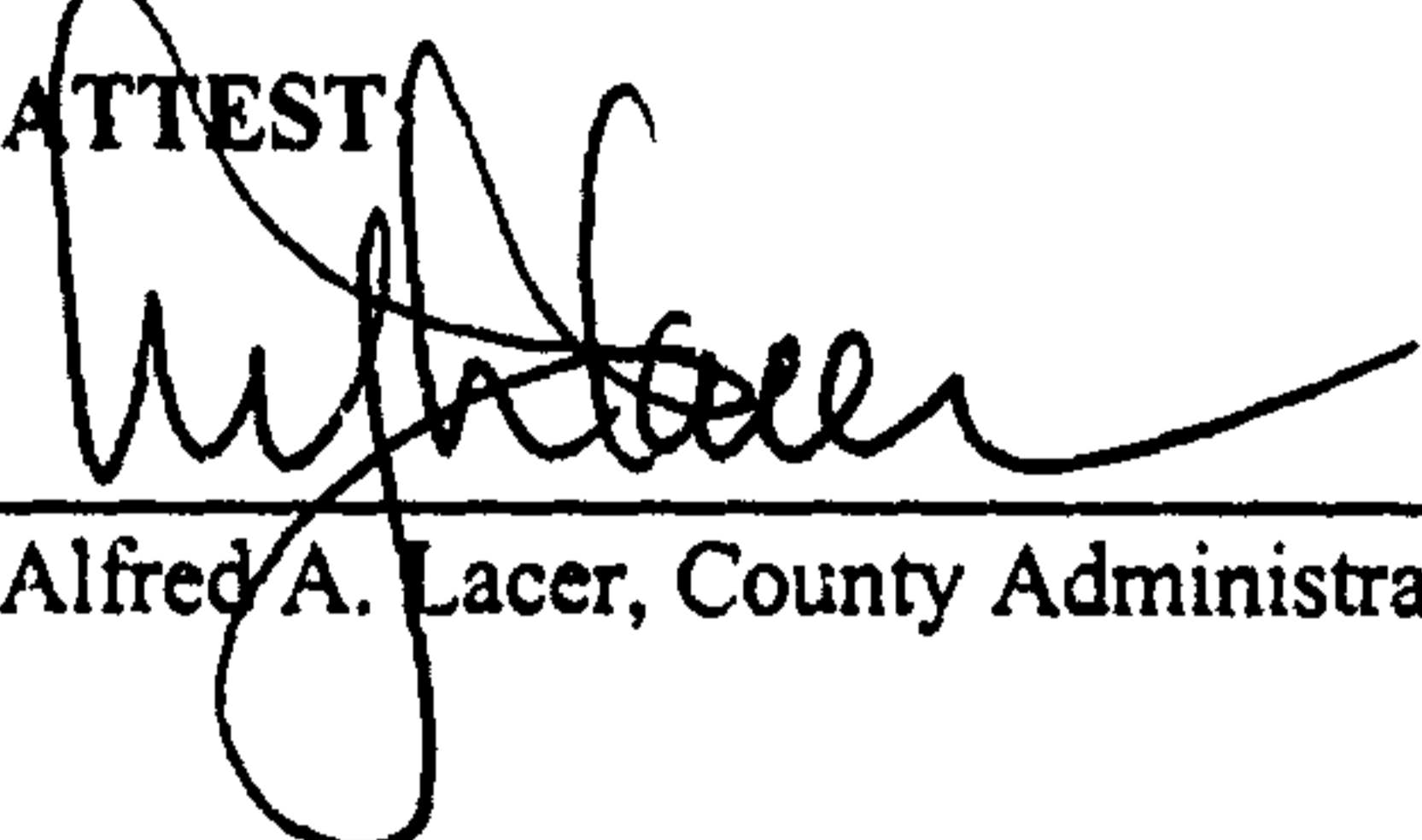
BE IT FURTHER RESOLVED by the Board of County Commissioners that in no event shall such participation jeopardize the reasonable protection of life, property or welfare of the citizens of St. Mary's County; and

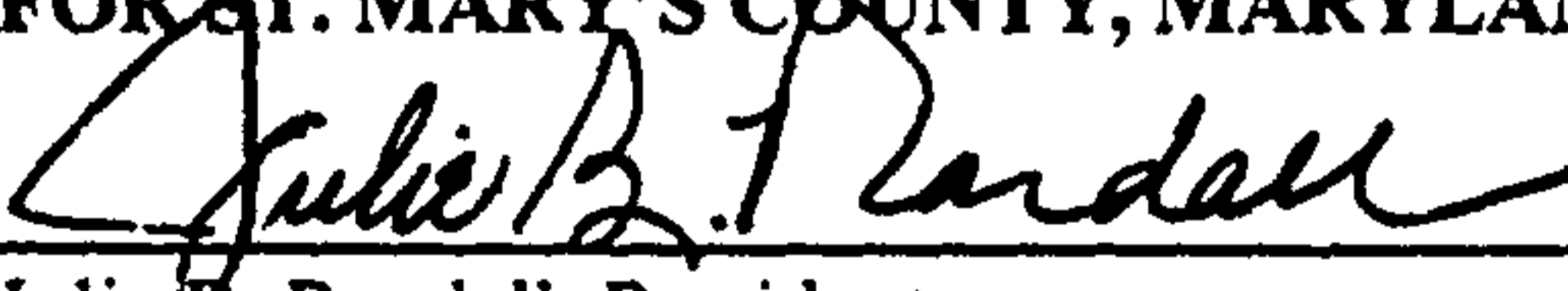
BE IT FURTHER RESOLVED by the Board of County Commissioners that this Resolution shall be effective on the date written below.


Adoption Date: 11/19/02
Effective Date: 11/19/02

RESOLVED
TOTAL 0.00
Reg#002 Rcr#199999
SMA KAE 81k#3996
Nov 27, 2002 09:49 am

Those Voting Aye: all
Those Voting Nay: _____
Those Abstaining: _____

ATTEST

Alfred A. Lacer, County Administrator


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

Julie B. Randall, President


Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III,
County Attorney

By: **The President (Administration)**
Introduced and read first time: January 18, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 2002

CHAPTER _____

1 AN ACT concerning

2 **Maryland Emergency Management Assistance Compact**

3 FOR the purpose of establishing the Maryland Emergency Management Assistance
4 Compact; authorizing certain jurisdictions to adopt the Compact for the purpose
5 of providing intrastate mutual aid between jurisdictions in Maryland during an
6 emergency; authorizing member jurisdictions to request assistance under the
7 terms of the Compact; providing for certain limitations, liability, supplementary
8 agreements, and reimbursement under the Compact; providing for the
9 implementation and validity of the Compact; making provisions of the Compact
10 severable; ~~declaring the intent of the General Assembly; defining certain terms;~~
11 and generally relating to the Maryland Emergency Management Assistance
12 Compact.

13 BY adding to
14 Article 16A - Maryland Emergency Management Agency
15 Section 37 through 39 to be under the new subtitle "Maryland Emergency
16 Management Assistance Compact"
17 Annotated Code of Maryland
18 (2001 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:



2 SENATE BILL 239

1 Article 16A - Maryland Emergency Management Agency

2 MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT

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3 37.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "AUTHORIZED REPRESENTATIVE" MEANS AN EMPLOYEE OF A LOCAL
7 JURISDICTION AUTHORIZED BY THE SENIOR ELECTED OFFICIAL OF THAT
8 JURISDICTION TO REQUEST, OFFER, OR PROVIDE ASSISTANCE UNDER THE TERMS OF
9 THE COMPACT.

10 (C) "COMPACT" MEANS THE MARYLAND EMERGENCY MANAGEMENT
11 ASSISTANCE COMPACT.

12 (D) "JURISDICTIONS" MEANS THE 23 COUNTIES WITHIN MARYLAND AND,
13 BALTIMORE CITY, AND OCEAN CITY.

14 (E) "SENIOR ELECTED OFFICIAL" MEANS:

15 (1) THE MAYOR;

16 (2) THE COUNTY EXECUTIVE; OR

17 (3) FOR A COUNTY THAT DOES NOT HAVE A COUNTY EXECUTIVE, THE
18 PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL OR
19 OTHER CHIEF EXECUTIVE OFFICER OF THE COUNTY.

20 38.

21 THE MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT IS
22 ENTERED INTO WITH ALL OTHER JURISDICTIONS WHICH ~~THAT~~ ADOPT THE COMPACT
23 IN A FORM SUBSTANTIALLY AS SIMILAR TO THE COMPACT APPEARS SET FORTH IN
24 THIS SUBTITLE.

25 39.

26 ARTICLE I.
27 PURPOSE

28 (A) (1) THE PURPOSE OF THIS COMPACT IS TO PROVIDE FOR MUTUAL
29 ASSISTANCE BETWEEN THE JURISDICTIONS ENTERING INTO THIS COMPACT IN
30 MANAGING AN EMERGENCY.

31 (2) THIS COMPACT ALSO SHALL PROVIDE FOR MUTUAL COOPERATION
32 IN EMERGENCY-RELATED EXERCISES, TESTING, OR OTHER TRAINING ACTIVITIES
33 USING EQUIPMENT OR PERSONNEL SIMULATING PERFORMANCE OF ANY ASPECT OF

3

SENATE BILL 239

1 THE GIVING AND RECEIVING OF AID BY PARTY JURISDICTIONS DURING
2 EMERGENCIES.

LINE 0023 PAGE 15

3 ~~(3) THIS COMPACT ALSO SHALL PROVIDE FOR ACTIONS OCCURRING~~
4 ~~OUTSIDE ACTUAL DECLARED EMERGENCY PERIODS.~~

5
6

ARTICLE 2.
REQUESTS FOR ASSISTANCE

7 (B) (1) THE SENIOR ELECTED OFFICIAL OF EACH JURISDICTION SHALL
8 DESIGNATE AN AUTHORIZED REPRESENTATIVE. THE AUTHORIZED REPRESENTATIVE
9 OF A PARTY JURISDICTION MAY REQUEST ASSISTANCE OF ANOTHER PARTY
10 JURISDICTION BY CONTACTING THE AUTHORIZED REPRESENTATIVE OF THAT
11 JURISDICTION.

12 (2) THE PROVISIONS OF THIS COMPACT SHALL APPLY ONLY TO
13 REQUESTS FOR ASSISTANCE MADE BY AND TO AUTHORIZED REPRESENTATIVES.

14 (3) REQUESTS MAY BE VERBAL OR IN WRITING.

15 (4) IF VERBAL, THE REQUEST SHALL BE CONFIRMED IN WRITING AT
16 THE EARLIEST POSSIBLE DATE, BUT NO LATER THAN 10 CALENDAR DAYS
17 FOLLOWING THE VERBAL REQUEST.

18 (5) WRITTEN REQUESTS SHALL PROVIDE THE FOLLOWING
19 INFORMATION:

20 (I) A DESCRIPTION OF THE EMERGENCY SUPPORT FUNCTION FOR
21 WHICH ASSISTANCE IS NEEDED;

22 (II) THE EMERGENCY SUPPORT FUNCTION SHALL INCLUDE, BUT
23 NOT BE LIMITED TO, FIRE SERVICES, LAW ENFORCEMENT, EMERGENCY MEDICAL
24 SERVICES, TRANSPORTATION, COMMUNICATIONS, PUBLIC WORKS AND
25 ENGINEERING, BUILDING INSPECTION, PLANNING AND INFORMATION ASSISTANCE,
26 MASS CARE, RESOURCE SUPPORT, HEALTH AND MEDICAL SERVICES, AND SEARCH
27 AND RESCUE;

28 (III) THE AMOUNT AND TYPE OF PERSONNEL, EQUIPMENT,
29 MATERIALS, AND SUPPLIES NEEDED AND A REASONABLE ESTIMATE OF THE LENGTH
30 OF TIME THEY WILL BE NEEDED; AND

31 (IV) THE SPECIFIC PLACE AND TIME FOR STAGING OF THE
32 ASSISTING PARTY'S RESPONSE AND A POINT OF CONTACT AT THAT LOCATION.

33 ~~(5)~~ (6) THERE SHALL BE FREQUENT CONSULTATIONS BETWEEN THE
34 MARYLAND AND EMERGENCY MANAGEMENT AGENCY AND APPROPRIATE
35 REPRESENTATIVES OF THE PARTY JURISDICTIONS WITH FREE EXCHANGE OF
36 INFORMATION AND PLANS GENERALLY RELATING TO EMERGENCY CAPABILITIES.

SENATE BILL 239

1 (6) (7) A SENIOR ELECTED OFFICIAL OR AN AUTHORIZED
2 REPRESENTATIVE WILL ADVISE THE MARYLAND EMERGENCY MANAGEMENT
3 AGENCY OF ~~ORAL~~ VERBAL REQUESTS AND PROVIDE COPIES OF WRITTEN REQUESTS.

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4 ARTICLE 3.
5 LIMITATIONS

6 (C) (1) ANY JURISDICTION WHICH IS A PARTY TO THIS COMPACT AND
7 WHICH RECEIVES A REQUEST FOR ASSISTANCE SHALL TAKE SUCH ACTIONS AS ARE
8 NECESSARY TO PROVIDE REQUESTED RESOURCES.

9 (2) ANY ~~JURISDICTION~~ JURISDICTION MAY WITHHOLD RESOURCES TO
10 THE EXTENT NECESSARY TO PROVIDE REASONABLE PROTECTION TO ITS OWN
11 JURISDICTION.

12 (3) EACH PARTY JURISDICTION SHALL AFFORD TO THE EMERGENCY
13 ~~PERSONNEL~~ RESPONDERS OF ANY PARTY JURISDICTION OPERATING WITHIN THE
14 REQUESTING JURISDICTION UNDER THE TERMS AND CONDITIONS OF THIS
15 COMPACT, THE SAME POWERS, DUTIES, RIGHTS, AND PRIVILEGES AS ARE AFFORDED
16 THOSE OF THE JURISDICTION IN WHICH THEY ARE PERFORMING EMERGENCY
17 SERVICES.

18 (4) EMERGENCY RESPONDERS WILL CONTINUE UNDER THE COMMAND
19 AND CONTROL OF THEIR REGULAR LEADERS, BUT THE ORGANIZATIONAL UNITS
20 WILL COME UNDER THE OPERATIONAL CONTROL OF THE EMERGENCY SERVICES
21 AUTHORITIES OF THE REQUESTING JURISDICTION.

22 (5) EMERGENCY RESPONDERS SHALL HAVE THE SAME POWERS,
23 DUTIES, RIGHTS, AND PRIVILEGES AS PERSONNEL OF THE REQUESTING
24 JURISDICTION CORRESPONDENT TO PERFORMING THE SAME FUNCTION.

25 (6) (I) THE PROVISIONS OF THIS ARTICLE SHALL ONLY TAKE EFFECT:

26 1. SUBSEQUENT TO A LOCAL DECLARATION OF A STATE OF
27 EMERGENCY BY THE REQUESTING JURISDICTION; OR

28 2. UPON COMMENCEMENT OF EXERCISES, TESTING, OR
29 TRAINING FOR MUTUAL AID.

30 (II) THE PROVISIONS OF THIS ARTICLE SHALL CONTINUE AS LONG
31 AS:

32 1. THE EXERCISES, TESTING, OR TRAINING FOR THE
33 MUTUAL AID ARE IN PROGRESS;

34 2. THE STATE OF EMERGENCY OR THE DISASTER REMAINS
35 IN EFFECT; OR

36 3. LOANED RESOURCES REMAIN IN THE RECEIVING
37 REQUESTING JURISDICTION.

5

SENATE BILL 239

1

ARTICLE 4.

2

LIABILITY

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3 (D) (1) OFFICERS OR ~~EMPLOYEES~~ EMERGENCY RESPONDERS OF A PARTY
4 JURISDICTION RENDERING AID IN ANOTHER JURISDICTION PURSUANT TO THIS
5 COMPACT SHALL BE CONSIDERED AGENTS OF THE REQUESTING JURISDICTION FOR
6 TORT LIABILITY AND IMMUNITY PURPOSES.

7 (2) NO PARTY JURISDICTION OR ITS OFFICERS OR ~~EMPLOYEES~~
8 EMERGENCY RESPONDERS RENDERING AID IN ANOTHER JURISDICTION PURSUANT
9 TO THIS COMPACT SHALL BE LIABLE ON ACCOUNT OF ANY ACT OR OMISSION IN
10 GOOD FAITH ON THE PART OF RESPONDING PERSONNEL WHILE SO ENGAGED OR ON
11 ACCOUNT OF THE MAINTENANCE OR USE OF ANY EQUIPMENT OR SUPPLIES IN
12 CONNECTION THEREWITH.

13 (3) GOOD FAITH IN THIS ARTICLE SHALL NOT INCLUDE WILLFUL
14 MISCONDUCT, GROSS NEGLIGENCE, OR RECKLESSNESS.

15

ARTICLE 5.

16

SUPPLEMENTARY AGREEMENTS

17 (E) (1) NOTHING IN THIS COMPACT SHALL:

18 (I) PRECLUDE ANY JURISDICTION FROM ENTERING INTO
19 SUPPLEMENTARY AGREEMENTS WITH ANOTHER JURISDICTION; OR

20 (II) AFFECT ANY OTHER AGREEMENTS ~~ALREADY IN FORCE~~
21 BETWEEN JURISDICTIONS ~~PRIOR TO JULY 1, 2002.~~

22 (2) SUPPLEMENTARY AGREEMENTS MAY INCLUDE, BUT ARE NOT
23 LIMITED TO:

24 (I) PROVISIONS FOR EVACUATION AND RECEPTION OF INJURED
25 AND OTHER PERSONS; AND

26 (II) THE EXCHANGE OF MEDICAL, FIRE, POLICE, PUBLIC UTILITY,
27 RECONNAISSANCE, WELFARE, TRANSPORTATION, AND COMMUNICATIONS
28 PERSONNEL, EQUIPMENT, AND SUPPLIES.

29

ARTICLE 6.

30

REIMBURSEMENT

31 (F) (1) EACH PARTY JURISDICTION SHALL PROVIDE FOR THE PAYMENT OF
32 WORKERS' COMPENSATION AND DEATH BENEFITS TO INJURED MEMBERS OF THE
33 EMERGENCY RESPONDERS OF ITS OWN JURISDICTION.

34 (2) THE REQUESTING JURISDICTION WILL REIMBURSE THE
35 RESPONDING JURISDICTION FOR ALL REASONABLE AND NECESSARY EXPENSES
36 INCURRED BY THE RESPONDING JURISDICTION PROVIDED THAT ANY ~~AIDING~~
37 RESPONDING JURISDICTION MAY:

6 SENATE BILL 239

1 (I) ASSUME IN WHOLE OR IN PART SUCH LOSS, DAMAGE, EXPENSE,
2 OR OTHER COST;

3 (II) LOAN EQUIPMENT OR DONATE SERVICES TO THE RECEIVING
4 REQUESTING JURISDICTION WITHOUT CHARGE OR COST; AND

5 (III) AGREE TO ANY ALLOCATION OF EXPENSES BETWEEN THE
6 ASSISTING RESPONDING AND REQUESTING JURISDICTION.

7 (3) ANY TWO OR MORE JURISDICTIONS MAY ENTER INTO
8 SUPPLEMENTAL AGREEMENTS ESTABLISHING A DIFFERENT ALLOCATION OF COSTS
9 AMONG THOSE JURISDICTIONS.

10 (4) RECORDS OF EXPENSES INCURRED IN SUFFICIENT DETAIL TO
11 SATISFY AUDITING REQUIREMENTS SHALL BE SUBMITTED BY THE RESPONDING
12 JURISDICTION AS SOON AS POSSIBLE FOLLOWING THE TERMINATION OF THE
13 ASSISTANCE PROVIDED.

14 ARTICLE 7.
15 IMPLEMENTATION

16 (G) (1) PARTY JURISDICTIONS ARE ENCOURAGED TO CONSULT
17 FREQUENTLY WITH EACH OTHER AND WITH THE MARYLAND EMERGENCY
18 MANAGEMENT AGENCY AND TO EXCHANGE INFORMATION AND PLANS RELATING TO
19 EMERGENCY MANAGEMENT.

20 (2) THIS COMPACT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS
21 ENACTMENT INTO LAW BY LOCAL JURISDICTIONS.

22 (3) ANY PARTY JURISDICTION MAY WITHDRAW FROM THIS COMPACT BY
23 ENACTING A REPEAL OF THE SAME BUT NO SUCH WITHDRAWAL SHALL TAKE EFFECT
24 UNTIL 30 DAYS AFTER THE SENIOR ELECTED OFFICIAL OF THE WITHDRAWING
25 JURISDICTION HAS GIVEN NOTICE IN WRITING OF SUCH WITHDRAWAL TO THE
26 SENIOR ELECTED OFFICIALS OF ALL PARTY JURISDICTIONS.

27 (4) WITHDRAWAL FROM THE COMPACT SHALL NOT RELIEVE THE
28 WITHDRAWING JURISDICTION FROM OBLIGATIONS ASSUMED ~~HEREUNDER~~ UNDER
29 ARTICLE 4 OR ARTICLE 6 OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF
30 WITHDRAWAL.

31 (5) AUTHENTICATED COPIES OF THIS COMPACT AND OF SUCH
32 SUPPLEMENTARY AGREEMENTS AS MAY BE ENTERED INTO SHALL AT THE TIME OF
33 THEIR APPROVAL BE RETAINED BY EACH PARTY JURISDICTION AND WITH THE
34 MARYLAND EMERGENCY MANAGEMENT AGENCY.

35 ARTICLE 8.
36 VALIDITY

37 (H) (1) THIS COMPACT SHALL BE CONSTRUED TO EFFECTUATE THE
38 PURPOSES STATED IN ARTICLE 1 HEREOF.

LIVENO 023 PAGE 18

1 (2) IF ANY PART OR PROVISION OF THIS COMPACT OR THE APPLICATION
2 THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID FOR ANY REASON IN
3 A COURT OF COMPETENT JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER
4 PROVISIONS OR ANY OTHER APPLICATION OF THIS COMPACT WHICH CAN BE GIVEN
5 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND FOR THIS
6 PURPOSE THE PROVISIONS OF THIS COMPACT ARE DECLARED SEVERABLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
8 General Assembly that the jurisdictions eligible to enter into the Maryland
9 Emergency Management Assistance Compact should adopt the Compact by June 1,
10 2003.

11 SECTION 2.3, AND BE IT FURTHER ENACTED, That this Act shall take
12 effect July June 1, 2002.

No: 2002-45

SUBJ: Procurement Policy Review Committee

LIBEL 0 0 2 3 PAGE 2 0

RESOLUTION

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, is interested in evaluating the effectiveness and appropriateness of its procurement policy; and

WHEREAS, the Board of County Commissioners recognizes that developments in business as well as technology warrant consideration of these developments and their impact on the business of government; and

WHEREAS, the Board of County Commissioners recognizes that members of the community have experience and expertise that could be of benefit to the Board and its staff in this review and analysis of these procurement policies and procedures; and

WHEREAS, the Board of County Commissioners has determined that a Review Committee should be established to assist the St. Mary's County Government in the evaluation of possible updates of the present Procurement Policies.

RECORDING FEE 0.00

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County, Maryland, that there is hereby established a Procurement Policy Review Committee, created as follows and with the following goals, purposes, duties and responsibilities:

TOTAL 0.00
Rest#SMBE RCP#099999
LWA KAE 31K#3000
Nov 27, 2002 09:50 am

MEMBERSHIP

The Procurement Policy Review Committee shall consist of nine (9) members. Seven (7) citizen members shall be appointed by a majority vote of the Board of County Commissioners. Of the citizen members, at least two (2) shall have been recommended by the Chamber of Commerce, one (1) shall have been recommended by the Minority Business Alliance, and one (1) or more members shall be procurement professionals other than St. Mary's County Government staff. Two (2) members from County Staff shall be the County Procurement Officer and the Procurement Manager. The County Procurement Officer shall perform as the Review Committee Chairman.

DUTIES AND RESPONSIBILITIES

The Procurement Policy Review Committee shall serve in an advisory capacity to the Board of County Commissioners and their responsibilities include:

1. Perform a comprehensive review of the existing Procurement Policies and Procedures.
2. Prepare and present a report to the Board of County Commissioners that identifies changes for consideration.
3. Develop recommended changes to the Procurement Manual
4. Present revised Procurement Manual to the Board of County Commissioners for approval

Procurement Officer and Procurement Manager shall actively participate in and support the effort of the Committee and their responsibilities include, but not be limited to:

1. Obtain and provide information for the committee to consider regarding current policy and practices of the County as well as other comparable entities
2. Identify changes to the Procurement Manual for consideration
3. Circulate changes recommended for consideration by the Committee to County Department Heads for review and comment
4. Provide County Staff comment on the operational or financial implications of recommendations

RESOURCES

The Department of Finance will provide support staff and materials required by the Procurement Policy Review Committee.

SCHEDULE

The Procurement Policy Review Committee shall endeavor to meet the following targets:

- | | |
|---------------|---|
| December 2002 | Solicit interested parties to fill the community representative positions on the Committee |
| February 2003 | Board of County Commissioners appoints community representatives of the Committee; consideration given to recommended appointments by the Chamber of Commerce |

- March 2003 Procurement Policy Review Committee convenes to develop a plan for the comprehensive review of the Procurement Policies
- April 2003 Procurement Policy Review Committee conducts work sessions to allow vendors and department heads to identify issues or concerns
- May - June 2003 After consideration of the input received, Procurement Policy Review Committee considers which areas of the policy warrant possible updating or change.
- July 2003 Report to Board of County Commissioners identifying recommended areas for change and concepts under consideration
- August to October 2003 Staff prepares revised manual for Committee review
- November 2003 Procurement Policy Review Committee presents final report and recommended procurement policy to the Board of County Commissioners.
- December 2003 Board of County Commissioners adopts revised Procurement Policy.

DATE OF ADOPTION: 11/19/02
 EFFECTIVE DATE: 11/19/02

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

Julie B. Randall
 Julie B. Randall, President

Joseph F. Anderson
 Joseph F. Anderson, Commissioner

Shelby P. Guazzo
 Shelby P. Guazzo, Commissioner

Thomas A. Mattingly, Sr.
 Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley
 Daniel H. Raley, Commissioner

ATTEST:
Alfred A. Lacer
 Alfred A. Lacer
 County Administrator

APPROVED AS TO LEGAL
 FORM AND SUFFICIENCY:

John B. Norris
 John B. Norris
 County Attorney

ORDINANCE

FOR THE PURPOSE OF ALLOCATING 11.51 ACRES OF ST. MARY'S COUNTY'S CHESAPEAKE BAY CRITICAL AREAS GROWTH ALLOCATION FOR THE SUBDIVISION AND DEVELOPMENT OF ONE LOT WITHIN THE CHESAPEAKE BAY CRITICAL AREAS, AND THEREBY AMENDING THE CHESAPEAKE BAY CRITICAL AREA MAP OVERLAY DESIGNATION FOR THIS SITE FROM RESOURCE CONSERVATION AREA (RCA) TO LIMITED DEVELOPMENT AREA (LDA) TO REFLECT THE ALLOCATION.

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, Application No. ISUB #00-100-058 was filed with the Department of Planning & Zoning by D.H. Stephens, Inc. on behalf of Thomas Colton on November 15, 2000; and

WHEREAS, said application proposed to subdivide the *Agricultural Residue of Colton Subdivision* totaling 2.036 acres zoned Rural Preservation District (RPD) with an RCA overlay located on the north side of Oakley Road; and

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EWA CSS Blk#741
Dec 06, 2002 03:09 PM

WHEREAS, said application was determined to require critical area growth allocation for this subdivision to create one new lot (Lot 2) and allow a boundary line adjustment to add the balance of the Agricultural Residue to an existing RCA lot (Lot 2 "Mossey Lea"); and

WHEREAS, the growth allocation request to map the 1.023 acres in Proposed Lot 2 as LDA was submitted by the Applicants in accordance with Section 38.2.17.b of the St. Mary's County Zoning Ordinance; and

WHEREAS, it was determined that through a series of subdivisions, the *Agricultural Residue* was created from the parent parcel shown on the adopted Chesapeake Bay Critical Area Overlay maps as Tax Map 38, Block 24, Parcel 33, as it existed prior to December 1, 1985, totaling 97.00 acres, of which 11.51 acres are in the Resource Conservation Area overlay; and

WHEREAS, in accordance with the September 20, 2001 Growth Allocation Consent Decree, and Section 38.02.19 (a)-(c), as revised by Ordinance 2001-33, it was determined by staff and included in the Staff report to the Planning Commission that, if this request is granted, the County must map and deduct growth allocation for the area of the entire parent parcel in the Resource Conservation Area overlay because less than 20 acres of Resource Conservation Area will remain in the parent parcel; and

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on March 25, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, after consideration of the public comment and staff recommendations, the St. Mary's County Planning Commission, by vote of 6 to 0 on April 22, 2002, recommended approval, with conditions, the growth allocation request to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on July 16, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, on August 20, 2002, after deliberation upon public testimony and staff responses to that testimony and questions from the Board, the St. Mary's Board of County Commissioners decided to approve, by vote of 5 to 0, the growth allocation request subject to the requisite approvals of the Chesapeake and Coastal Bays Critical Area Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, to grant growth allocation for the project know as "Boundary Line Adjustment Plat, Simplified Subdivision Plat Thomas Colton Subdivision and Lot 2 Part of Mossey Lea", subject to the following conditions and the Chesapeake and Coastal Bays Critical Area Commission's approval:

1. The Critical Area balance of the parent parcel shown as "Land of Tony Farrell" on Exhibit "B-1", stamped "Received July 26, 2002", totaling 11.51 acres shall be designated Limited Development Area (LDA) as shown on the attached map, Exhibit A hereto and incorporated by reference.
2. Notes shall be placed on the Official Zoning Map (Critical Area Overlay) to provide that no further subdivision or development may occur within the 11.51 acres in the Chesapeake Bay Critical Area mapped as Limited Development Area.
3. The Final subdivision plat shall conform to the Technical Evaluation Committee comments of September 14, 2001 and any subsequent requirements of the Technical Evaluation Committee necessary to approve the final subdivision plat.

Those voting Aye: Mattingly, Anderson, Randall, Raley and Guazzo

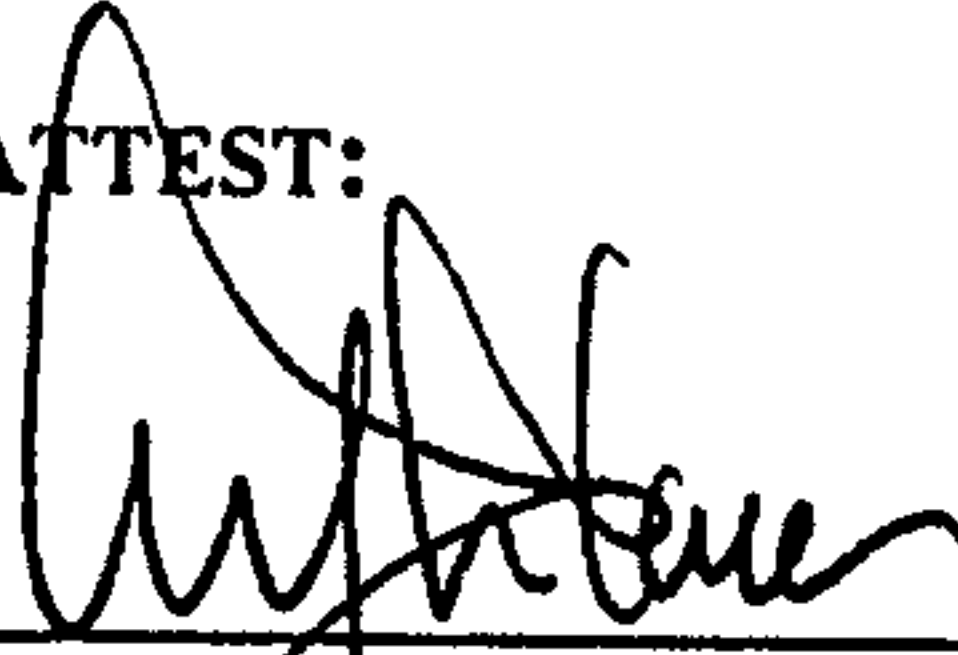
Those voting Nay: _____

Those abstaining: _____

Date of Adoption: 11/19/02

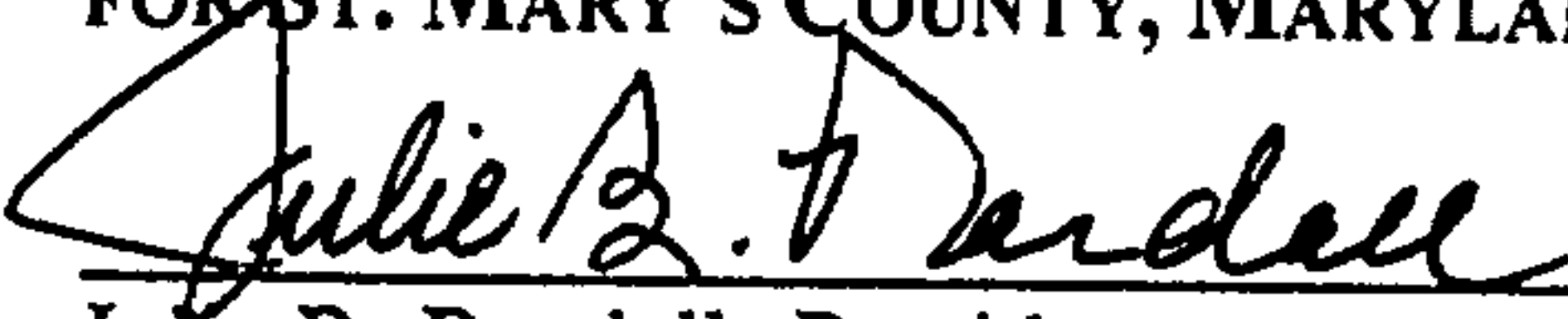
Effective Date: Date of receipt of official notification by Chesapeake and Coastal Bays Critical Area Commission of their approval of the program and mapping revision for this growth allocation request.

ATTEST:




Alfred A. Lacer,
County Administrator

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




Julie B. Randall, President

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Joseph F. Anderson, Commissioner



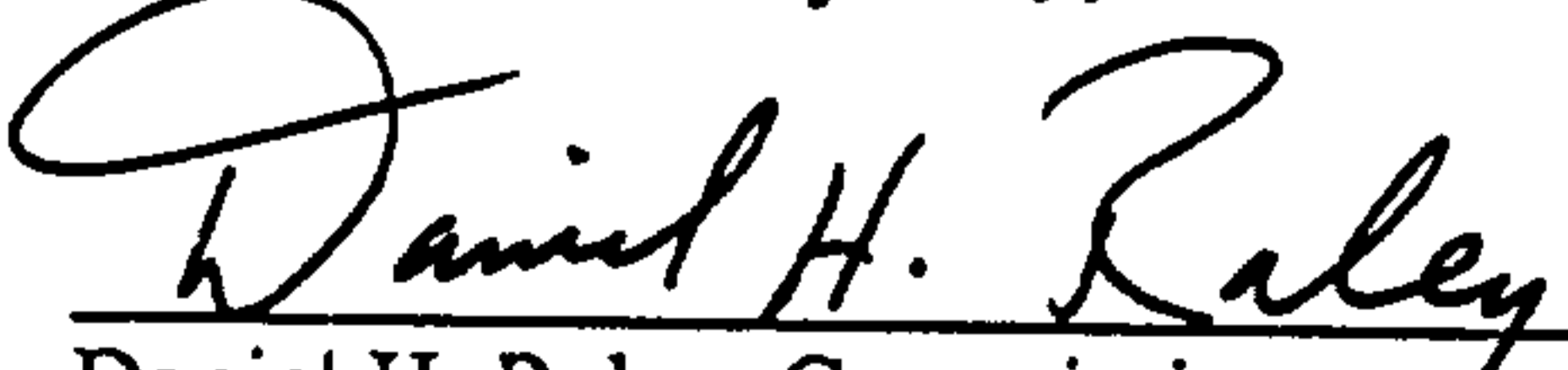
John B. Norris, III
County Attorney



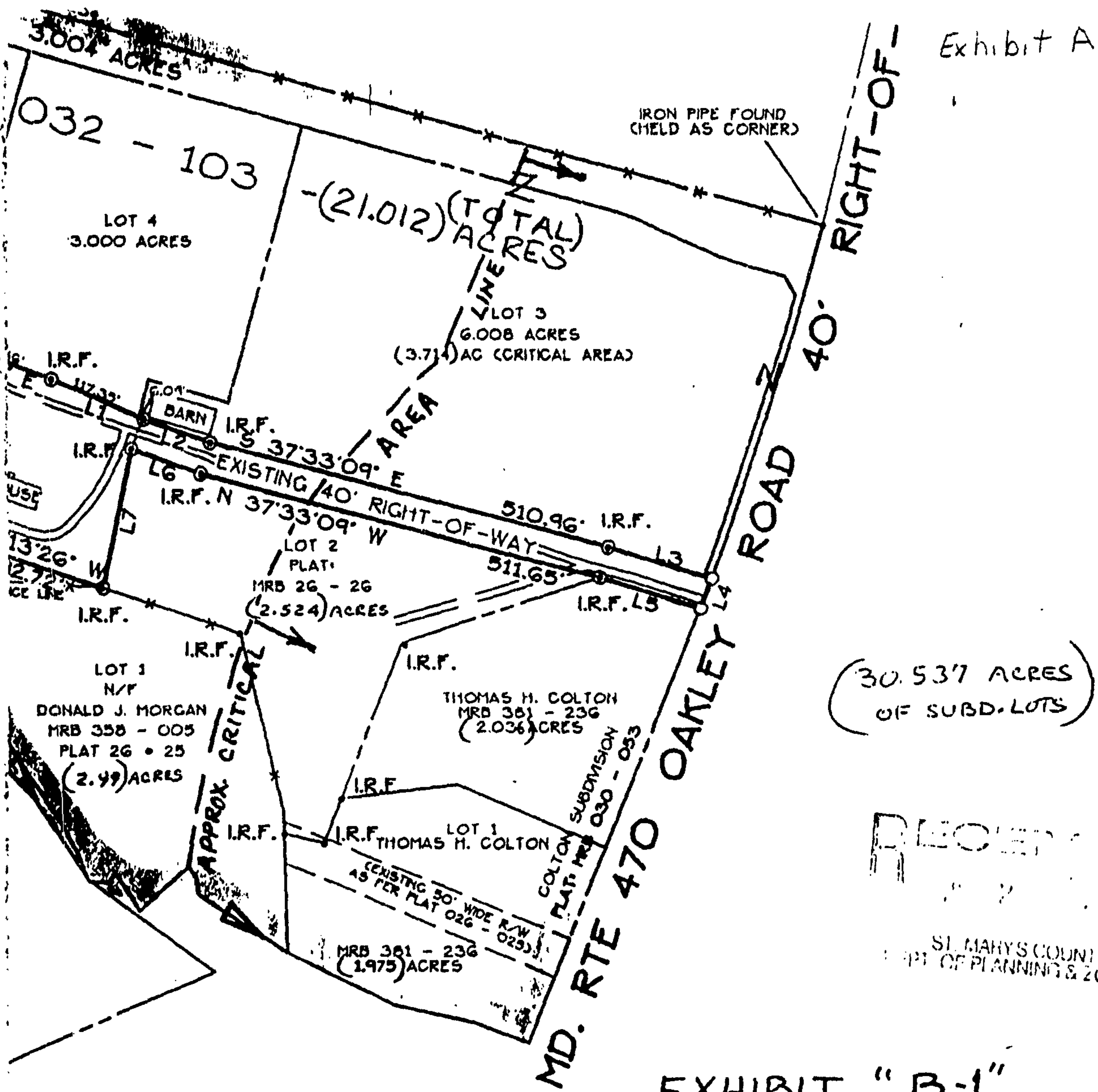
Thomas A. Mattingly, Sr., Commissioner



Shelby P. Guazzo, Commissioner



Daniel H. Raley, Commissioner



BOUNDARY SURVEY TRACT ONE - PART ONE
LAND OF

TONY F. FARRELL
7TH ELECTION DISTRICT
ST. MARY'S COUNTY, MARYLAND

<p>PRINTED JUL 16 2002 D.H. STEFFENS CO.</p>	<p>REVISIONS: PRINTED JUL 22 2002 D.H. STEFFENS CO.</p>	<p>OWNER: TONY F. FARRELL C/O 957 CHANDLER COURT WALDORF, MARYLAND 20602 REGES (CLIENT) DEED REF: DBK 246-200</p>	
		<p>DESIGN MAB</p>	<p>SHEET 1 OF 2</p>
		<p>DRAFT MAB</p>	<p>DATE 02/02/98</p>
		<p>CHECKED</p>	<p>SCALE 1" = 200'</p>
			<p>S 3824 9801 SM07-3824-033</p>

ORDINANCE

FOR THE PURPOSE OF ALLOCATING 7.341 ACRES OF ST. MARY'S COUNTY'S CHESAPEAKE BAY CRITICAL AREAS GROWTH ALLOCATION FOR THE SUBDIVISION AND DEVELOPMENT OF ONE LOT WITHIN THE CHESAPEAKE BAY CRITICAL AREAS, AND THEREBY AMENDING THE CHESAPEAKE BAY CRITICAL AREA MAP OVERLAY DESIGNATION FOR THIS SITE FROM RESOURCE CONSERVATION AREA (RCA) TO LIMITED DEVELOPMENT AREA (LDA) TO REFLECT THE ALLOCATION.

WHEREAS, Application No. ISUB #00-140-039 was filed with the Department of Planning & Zoning by NG&O Engineering Inc. on behalf of John L. Bohanan, Sr. and John L. Bohanan Jr. on April 19, 2000; and

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, said application proposed to subdivide *Parcel "C," Resubdivision & Utility Easement Plat of Pembroke, Parcel "A" and Parcel 16* totaling 1.335 acres zoned Rural Preservation District (RPD) with an RCA overlay located on the north side of South Snow Hill Manor Road; and

RestSMOC Rpt#999999
EPA CSS EIR#741

WHEREAS, said application was determined to require critical area growth allocation for a subdivision to create one new lot (500-2) and boundary line adjustment to add Resource Conservation Area land to an existing LDA lot (500-1); and

Dec 06, 2002 03:10 PM

WHEREAS, the growth allocation request was submitted by the Applicants in accordance with Section 38.2.17.b of the St. Mary's County Zoning Ordinance; and

WHEREAS, it was determined that through a series of subdivisions to provide sewage reserve areas for LDA lots on the South Side of Snow Hill Manor Road, *Parcel "C"* was created from the parent parcel shown on the adopted Chesapeake Bay Critical Area Overlay maps as Tax Map 58, Block 24, Parcel 18; and

WHEREAS, in accordance with the September 20, 2001 Growth Allocation Consent Decree, and Section 38.02.19 (a)-(c), as revised by Ordinance 2001-33, it was determined by staff and included in the Staff report to the Planning Commission that, if this request is granted, the County must map and deduct growth allocation for the area of the entire parent parcel because less than 20 acres of Resource Conservation Area will remain in the parent parcel; and

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on March 25, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, after consideration of the public comment and staff recommendations, the St. Mary's County Planning Commission, by vote of 6 to 0 on April 22, 2002, recommended approval with conditions of the growth allocation request to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on July 16, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, on August 20, 2002, after deliberation upon public testimony and staff responses to that testimony and questions from the Board, the St. Mary's Board of County Commissioners decided to approve, by vote of 4 to 1, the growth allocation request subject to the requisite approvals of the Chesapeake and Coastal Bays Critical Area Commission; and

WHEREAS, upon reevaluation of all the various plats and surveys and deeds prepared for the several subdivisions of the parent parcel, it has been determined that the total acreage of the

parent parcel, Tax Map 58, Block 24, Parcel 18, as it existed on December 15, 1985 was 7.341 acres which is the amount of growth allocation deduction required under the ordinance and the state law for this proposal.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, to grant the 7.341 acres of the County's growth allocation for Lots 500-1 & 500-2, and to map the 7.341 acre area as Limited Development Area (LDA) subject to the following conditions and the Chesapeake and Coastal Bays Critical Area Commission's approval:

1. The balance of the parent parcel shown on the Chesapeake Bay Critical Area Overlay maps as Tax Map 58, Block 24, Parcel 18, as it existed prior to November 12, 1992 totaling 7.341 acres shall be designated Limited Development Area (LDA), as shown on the attached map, Exhibit A hereto and incorporated by reference.
2. Notes shall be placed on the Official Zoning Map (Critical Area Overlay) to provide that no further subdivision or development may occur within the 7.341 acres in the Chesapeake Bay Critical Area mapped as Limited Development Area.
3. The Final subdivision plat shall conform to the Technical Evaluation Committee comments of September 14, 2001 and any subsequent requirements of the Technical Evaluation Committee necessary to approve the final subdivision plat.

Those voting Aye: Mattingly, Anderson, Randall and Raley


Those voting Nay: Guazzo

Those abstaining: _____

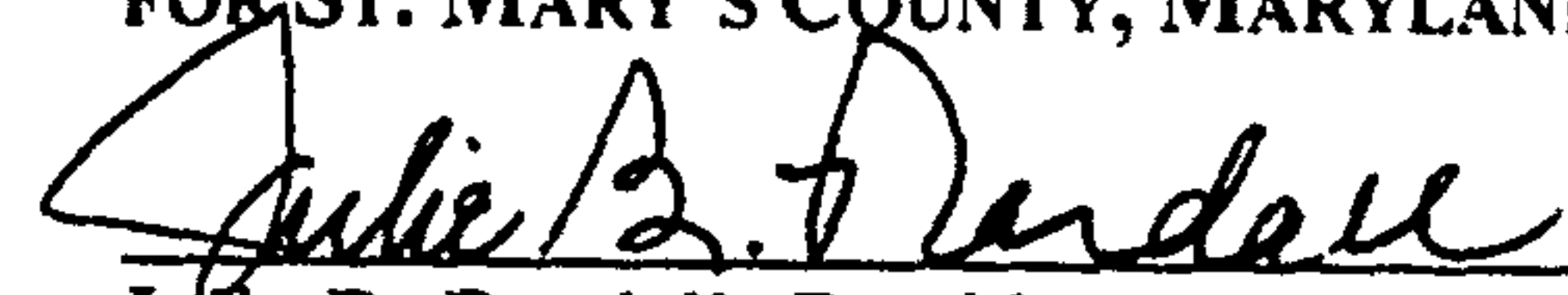
Date of Adoption: 11/19/02

Effective Date: Date of receipt of official notification by Chesapeake and Coastal Bays Critical Area Commission of their approval of the program and mapping revision for this growth allocation request.

ATTEST:




Alfred A. Lacer,
County Administrator


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


Julie B. Randall, President

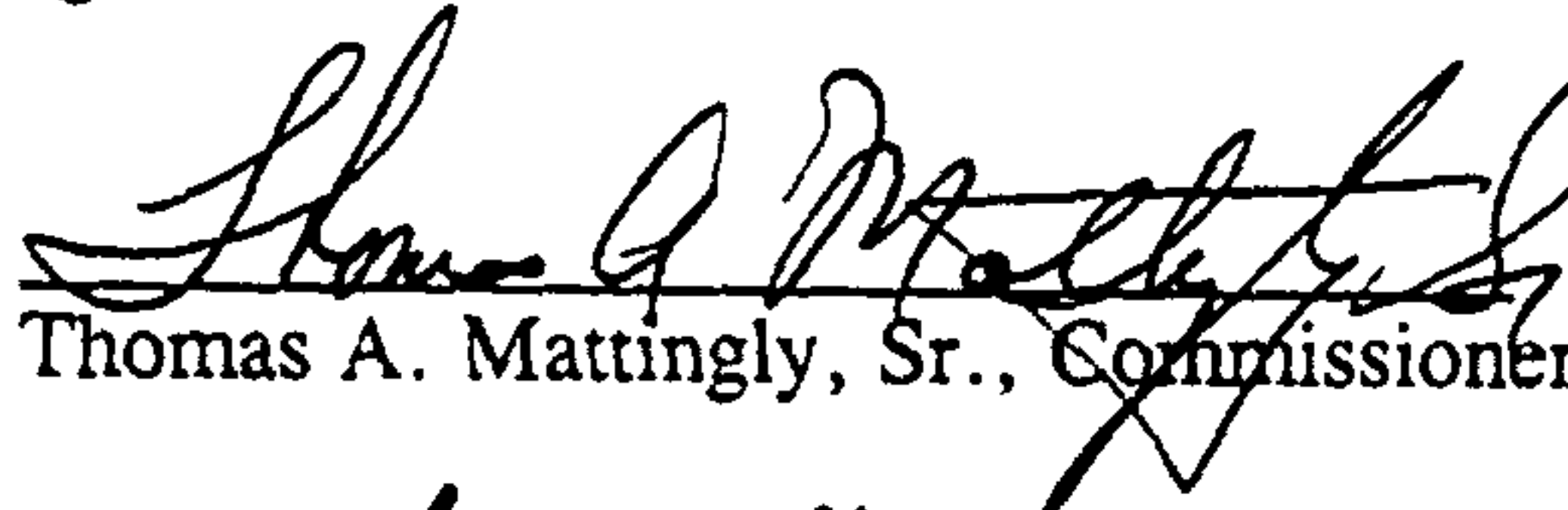
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Joseph R. Anderson, Commissioner



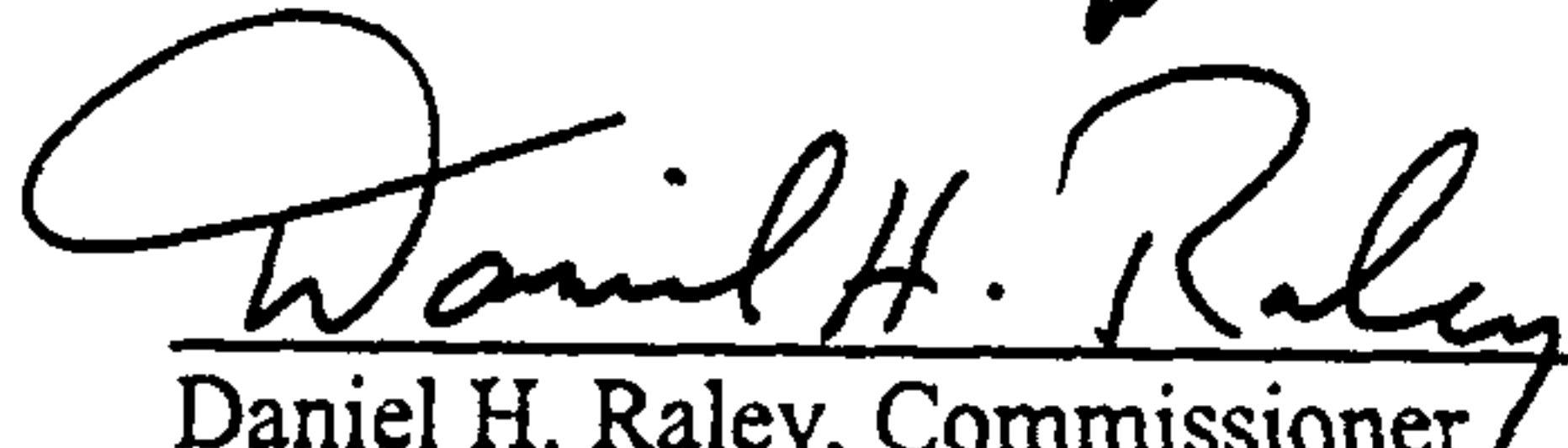
John B. Norris, III
County Attorney



Thomas A. Mattingly, Sr., Commissioner

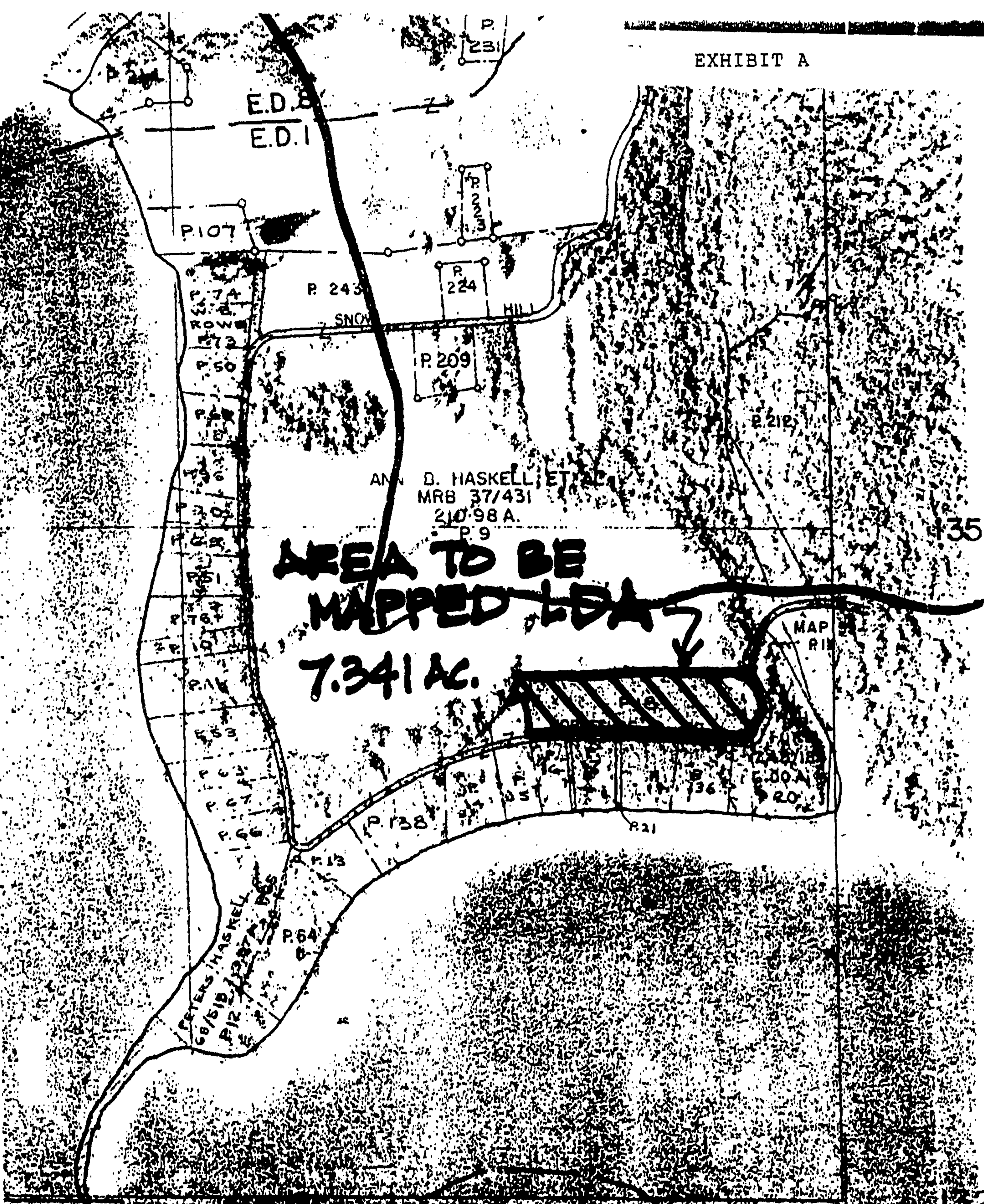


Shelby P. Guazzo, Commissioner



Daniel H. Raley, Commissioner

EXHIBIT A



AM D. HASKELL ET AL.
MRB 37/431
210.98 A.
P. 9

**AREA TO BE
MAPPED LDA
7.341 AC.**



0 500 1000 1500 1800

MAP NO.
58

ORDINANCE

FOR THE PURPOSE OF ALLOCATING 4.726 ACRES OF ST. MARY'S COUNTY'S CHESAPEAKE BAY CRITICAL AREAS GROWTH ALLOCATION FOR THE SUBDIVISION AND DEVELOPMENT OF ONE LOT WITHIN THE CHESAPEAKE BAY CRITICAL AREAS, AND THEREBY AMENDING THE CHESAPEAKE BAY CRITICAL AREA MAP OVERLAY DESIGNATION FOR THIS SITE FROM RESOURCE CONSERVATION AREA (RCA) TO LIMITED DEVELOPMENT AREA (LDA) TO REFLECT THE ALLOCATION.

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, Application No. ISUB #00-100-032 was filed with the Department of Planning and Zoning by Day & Associates, Inc. on behalf of Mark Henderson, Jr. on April 19, 2000; and

Rest#502 Acpt#999999
EWA CSS BIK#741

WHEREAS, said application proposed to subdivide the *Outparcel "B" of the Prospect Hill Subdivision* totaling 8.42 acres remaining from a parcel shown on the adopted Chesapeake Bay Critical Area Overlay maps as Tax Map 40, Block 17, Parcel 94, as it existed on prior to December 1, 1985, totaling 63.18 acres zoned Rural Preservation District (RPD) with an RCA overlay located on the south side of Knight Road; and

Dec 06, 2002 03:11 PM

WHEREAS, said application was determined to require critical area growth allocation for this subdivision to create one new lot (Lot 18); and

WHEREAS, the growth allocation request was submitted by the Applicants in accordance with Section 38.2.17.b of the St. Mary's County Zoning Ordinance; and

WHEREAS, in accordance with the September 20, 2001 Growth Allocation Consent Decree, and Section 38.02.19 (a)-(c), as revised by Ordinance 2001-33, it was determined by staff and included in the Staff report to the Planning Commission that, if this request is granted and a 300-foot Critical Area Buffer is set aside, the County may map and deduct growth allocation for only that area of the parcel outside the Buffer and that the remaining land may continue to be designated as Resource Conservation Area; and

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on March 25, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, after consideration of the public comment and staff recommendations, the St. Mary's County Planning Commission, by vote of 6 to 0 on April 22, 2002, recommended approval with conditions of the growth allocation request to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners, following the posting of notice on the subject property, publication of notice and written notification of all contiguous property owners by certified mail, conducted a public hearing on the application on July 16, 2002 and held the record open for 10 days thereafter for additional public comment; and

WHEREAS, on August 20, 2002, after deliberation upon public testimony and staff responses to that testimony and questions from the Board, the St. Mary's Board of County Commissioners decided to approve, by vote of 5 to 0, the growth allocation request subject to the requisite approval of the Chesapeake and Coastal Bays Critical Area Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, to grant the 4.726 acres of the County's growth allocation for "Prospect Hill, Lot 18" and to map the 4.726 acre identified in Exhibit A outside the 300-foot Buffer as Limited Development Area (LDA) subject to the following conditions and the Chesapeake and Coastal Bays Critical Area Commission's approval:

1. Removal of the dirt road paralleling the shore, provision of a new right-of-way and gravel access road, and revegetation of the abandoned roadbed. The applicant shall be responsible for securing the necessary agreements with the adjacent landowner and establishing easements and maintenance agreements as needed to accomplish this requirement.
2. The applicant shall plat a 300-foot Critical Area Buffer on Outparcel B from mean high water and the edge of tidal wetlands. Notes shall be included on the subdivision plat that state that new development and disturbance within the 500-foot buffer shall be prohibited, except for those activities necessary to accomplish Condition 1 above.
3. Those areas of the proposed subdivision outside the 300-foot Critical Area Buffer, totaling 4.726 acres, as shown on the attached plan, Exhibit A hereto, shall be designated as within the Limited Development Area.
4. Notes shall be provided on the Official subdivision plat to provide that no further subdivision may occur on this site.
5. The Final subdivision plat shall conform to the Technical Evaluation Committee comments of September 14, 2001 and any subsequent requirements of the Technical Evaluation Committee necessary to approve the final subdivision plat.

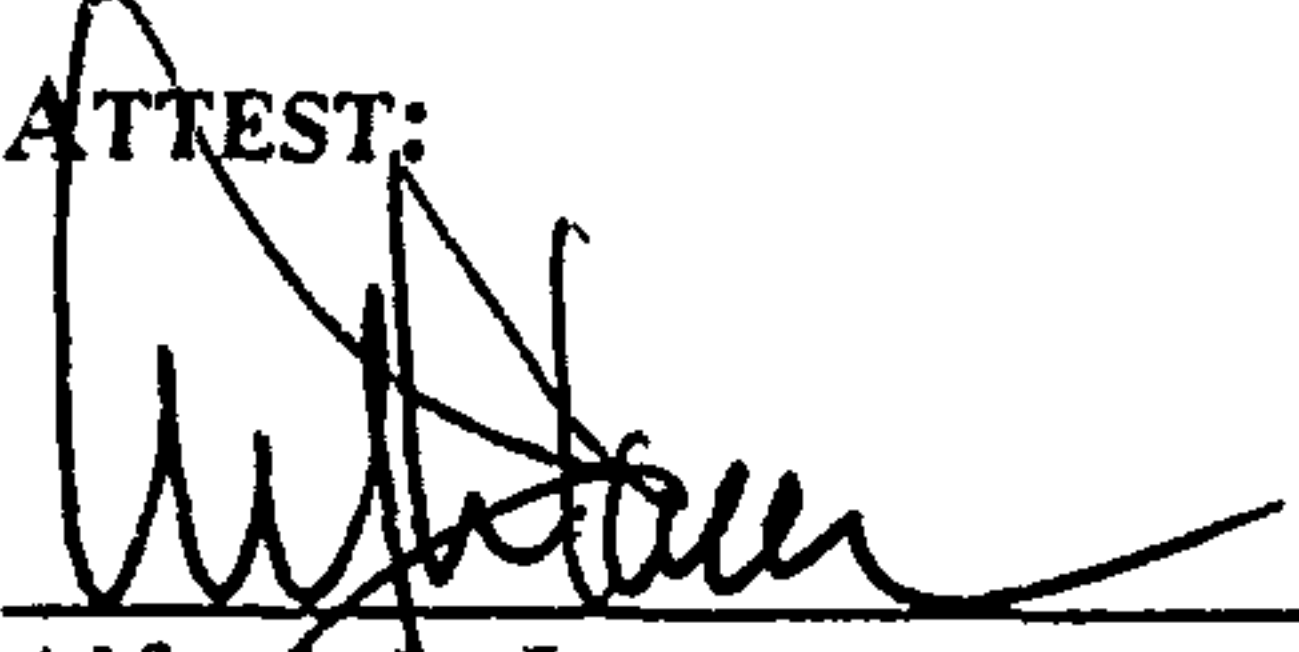
Those voting Aye: Mattingly, Anderson, Randall, Raley and Guazzo

Those voting Nay: _____


Those abstaining: _____

Date of Adoption: 11/19/02


Effective Date: Date of receipt of official notification by Chesapeake and Coastal Bays Critical Area Commission of their approval of the program and mapping revision for this growth allocation request.

ATTEST:


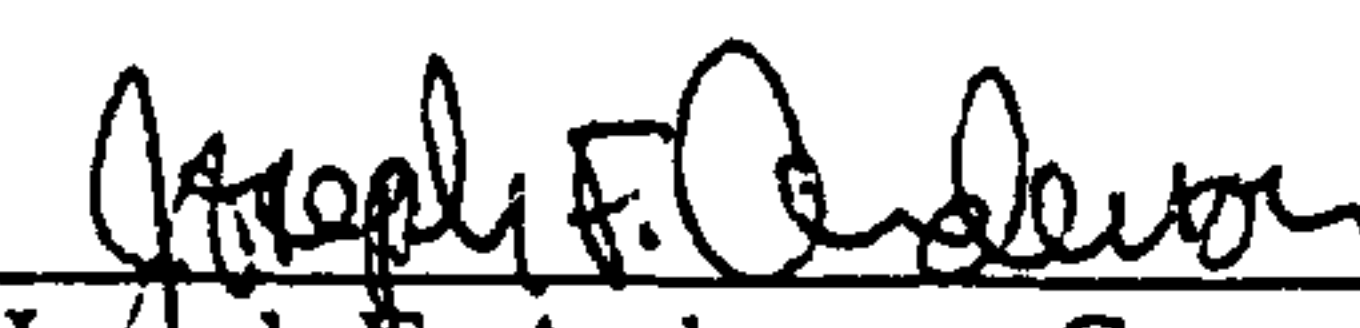
Alfred A. Lacer,
County Administrator

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


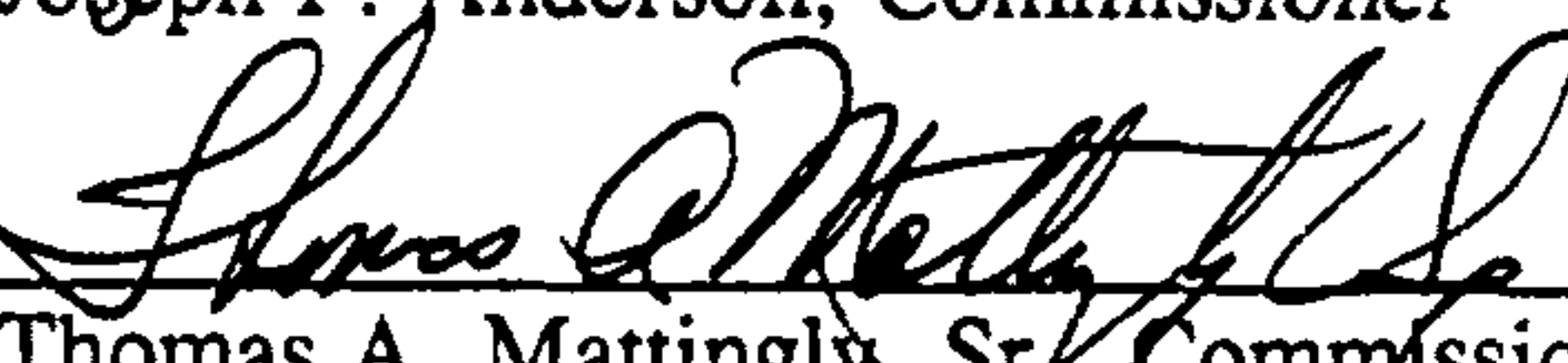
Julie B. Randall, President

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


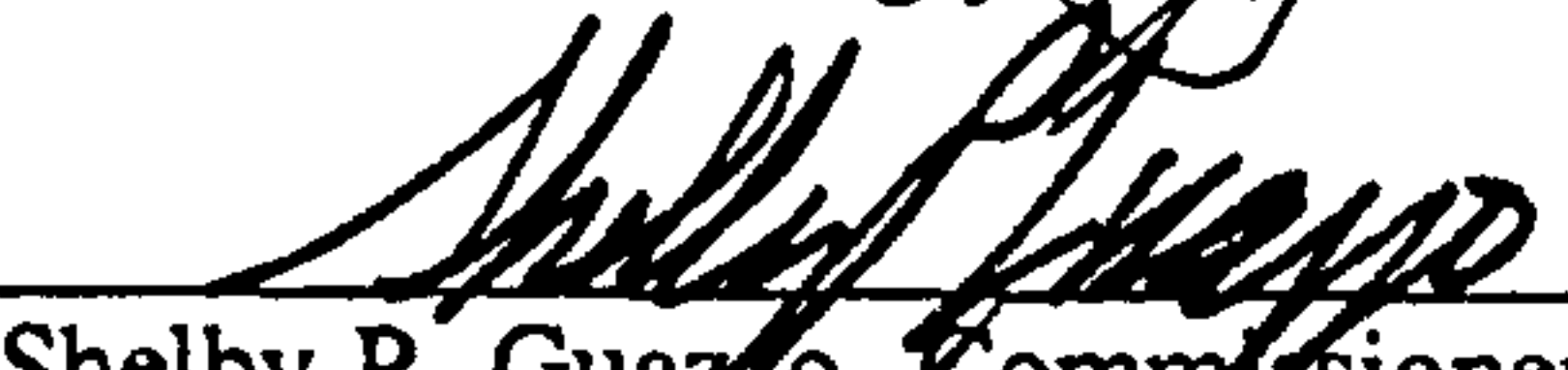
John B. Norris, III
County Attorney



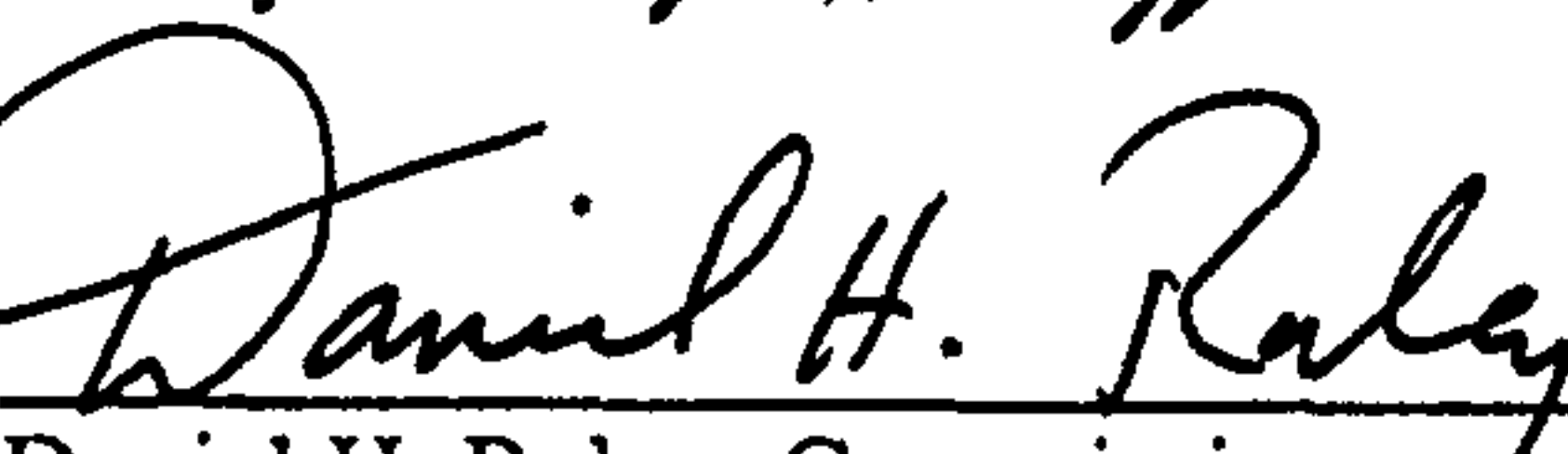
Joseph F. Anderson, Commissioner



Thomas A. Mattingly, Sr., Commissioner



Shelby P. Guazzo, Commissioner



Daniel H. Raley, Commissioner

2.5' Dedication for
Future Road Widening

20' Ingress/Egress Easement

LIBERO 023 PAGE 30

**DASHED LINES
LOT W/O ENCROACHMENT
IN 300' BUFFER**

**LDA
IN
HATCHED
AREA**

Density Reservation Parcel 1
0.52 Acres
(for lots 1-3 Prospect Hills)

Density Reservation Parcel 3
(for lots 1-3 Prospect Hills)

Lot 10
1.5 Acres
41555 Knight Rd

Open Space Parcel B
1.68 Acres

300' Critical Area Buffer

Density Reservation Parcel 2
4.10 Acres
(for lots 1-3 Prospect Hills)

10' gravel road
to be abandoned

N/F
Mark & Amy Henderson
E.W.A. 1077/489
Zoned: RPD/RCA
Use: Residential
Condition: Lawn/Vegetation

100' CRITICAL AREA BUFFER

100 year Flood Plain
at Elevation 6'

County Topo Shoreline Limit of field located

PRESENTATION PLAN
Prospect Hill Subdivision
Growth Allocation


DAY & ASSOCIATES, INC.
Surveying, Land Planning & Engineering
4425 Pecan Court - Suite 153
California, Maryland 20619
Phone: (301) 863-0333

NO.: 02-176
SUBJECT: Richfield Court
Speed Limit
Richneck Subdivision, Section 2

LIBERO 023 PAGE 31

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-I of Article 25 of the Maryland Annotated Code and Section 25-102 (a) (10) and Section 21-803 of the Maryland Annotated Code, Transportation Article, the County Commissioners for St. Mary's County, Maryland, may alter the speed upon a public road within the County; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that the maximum speed limit set forth in Title 21 of the Transportation Article of the Maryland Annotated Code for Richfield Court, County Route 31339, located in Section 2 of the Richneck Subdivision, Sixth (6th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 34, Page 116, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Richfield Court, County Route 31339.

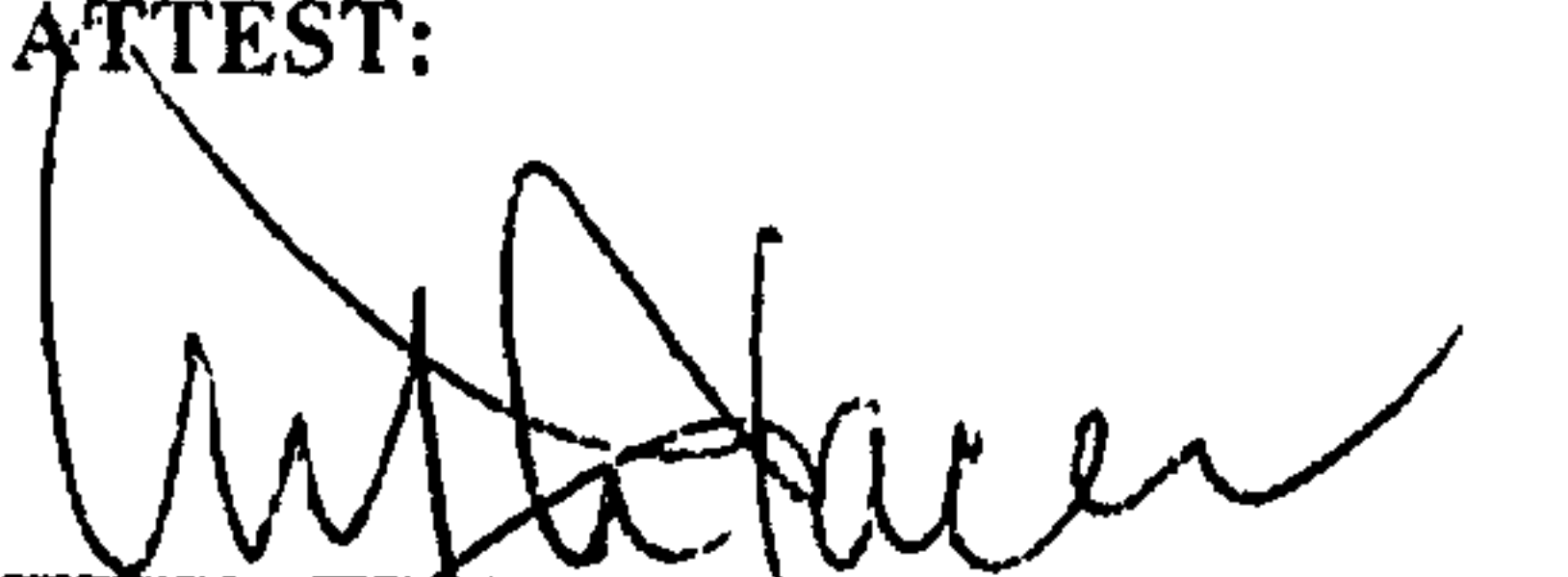
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland finds the maximum speed limit set forth for roads of the type of Richfield Court is greater than reasonable or safe, and that Richfield Court, County Route 31339, located in Section 2 of the Richneck Subdivision, Sixth (6th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 34, Page 116) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

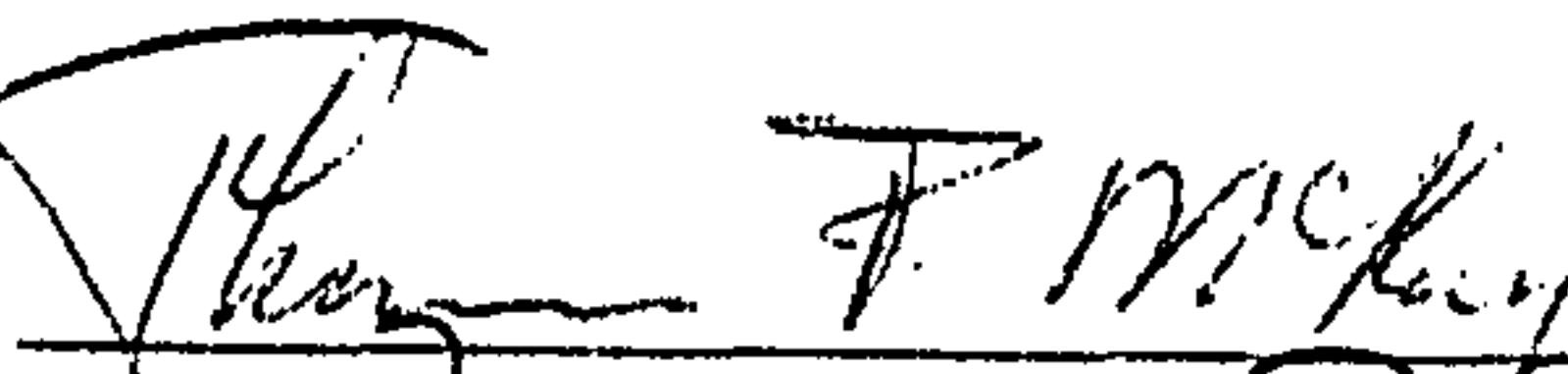
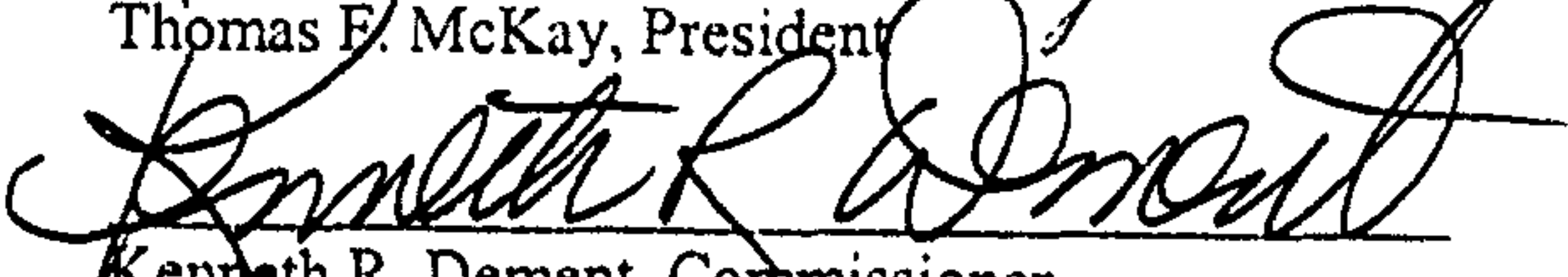
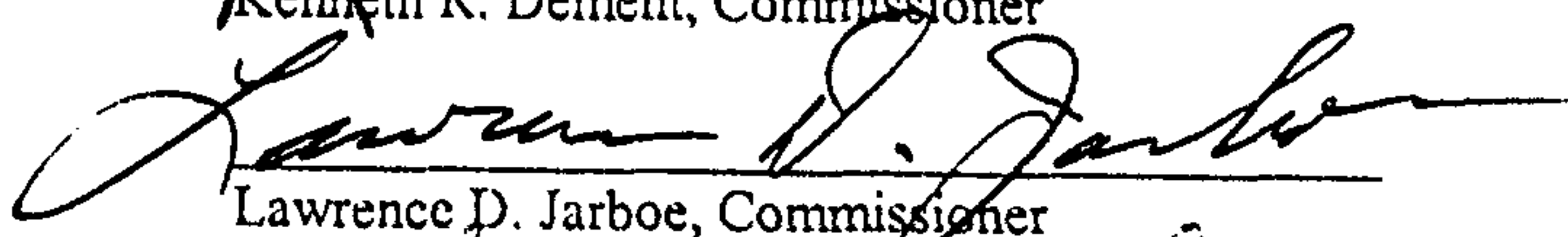
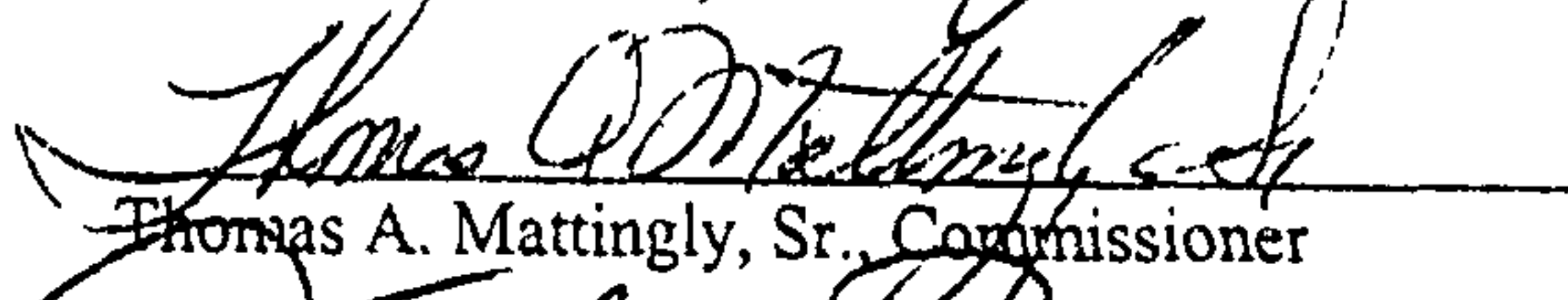
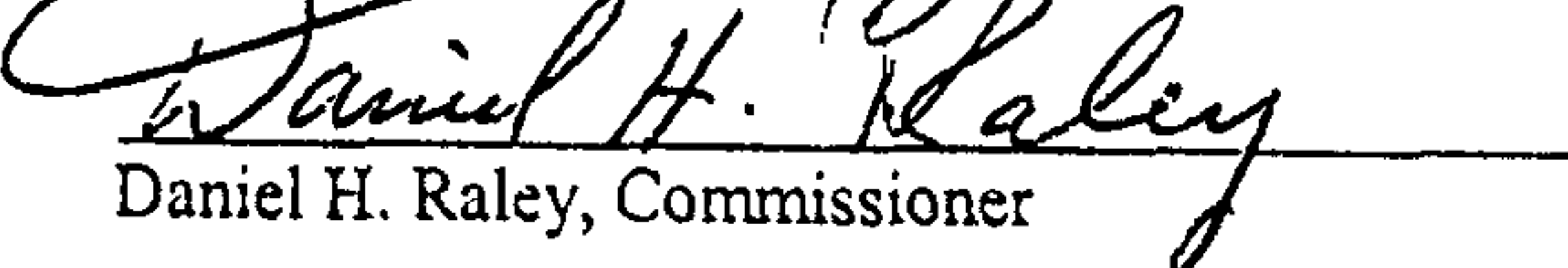
Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____

RECORDING FEE 0.00
TOTAL 0.00
Restored for #999999
EWA KEB 818#1319
Dec 12, 2002 09:46 am

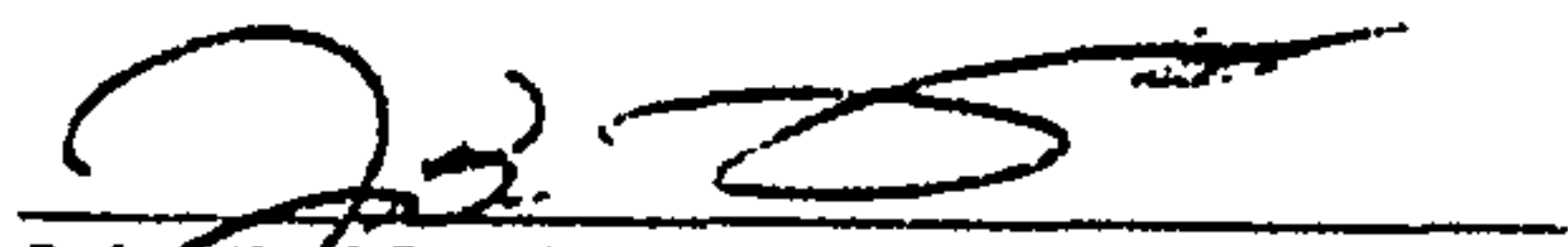
Date of Adoption: 12/03/02
Effective Date: 12/03/02

ATTEST:

Alfred A. Lacer
County Administrator

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


Thomas F. McKay, President

Kenneth R. Dement, Commissioner

Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


John B. Norris, III
County Attorney

NO.: 02- 47
SUBJECT: Richfield Court
Stop Sign
Richneck Subdivision, Section 2

LIBERO 0 2 3 PAGED 3 2 RESOLUTION

WHEREAS, pursuant to Section 1 of Article 25 of the Maryland Annotated Code, Section 109-1 of Article 19 of the Code of Public Local Laws of Maryland, and Section 25-102 of the Transportation Article of the Maryland Annotated Code, the Board of County Commissioners for St. Mary's County, Maryland, is authorized and empowered to regulate traffic by means of a traffic control device, and to designate any intersection as a stop intersection, or yield intersection.

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has identified the intersection of Richfield Court, County Route 31339, located in Section 2 of the Richneck Subdivision, Sixth (6th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 34, Page 116, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County, Maryland, exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Richfield Court, County Route 31339, at the intersection with Jones Road, County Route 30083.

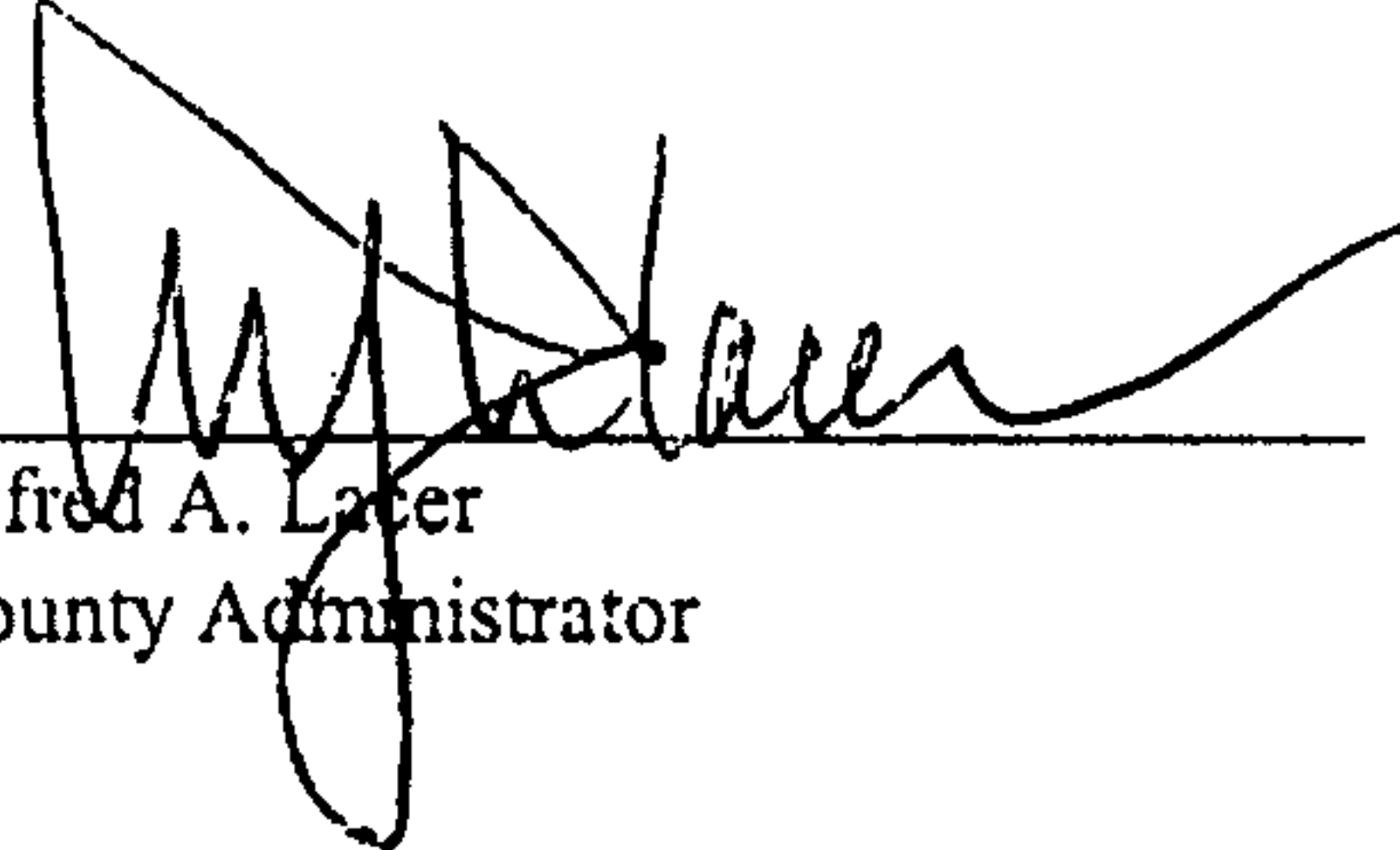
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, Maryland, finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Richfield Court, County Route 31339, and Jones Road, County Route 30083; and in the interest of public safety and to eliminate a hazardous condition, Richfield Court, County Route 31339, further identified as being located in Section 2 of the Richneck Subdivision, Sixth (6th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 34, Page 116) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County, Maryland, directs and instructs the Director of the Department of Public Works and Transportation to erect traffic control devices, specifically a stop sign on Richfield Court, County Route 31339, at the intersection with Jones Road, County Route 30083.

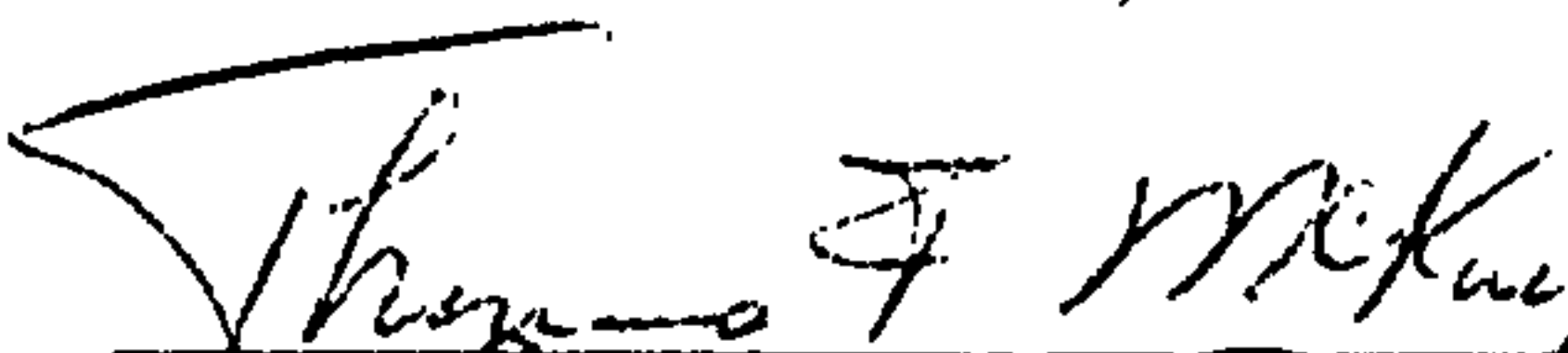
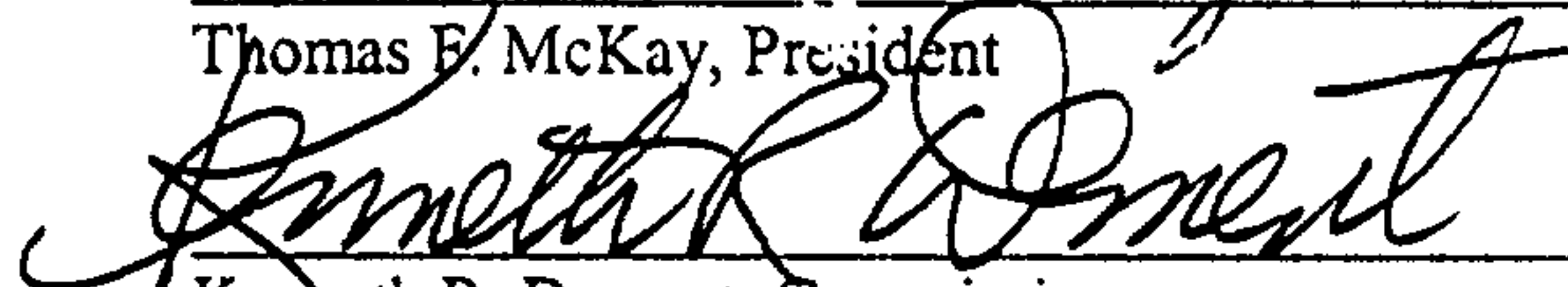
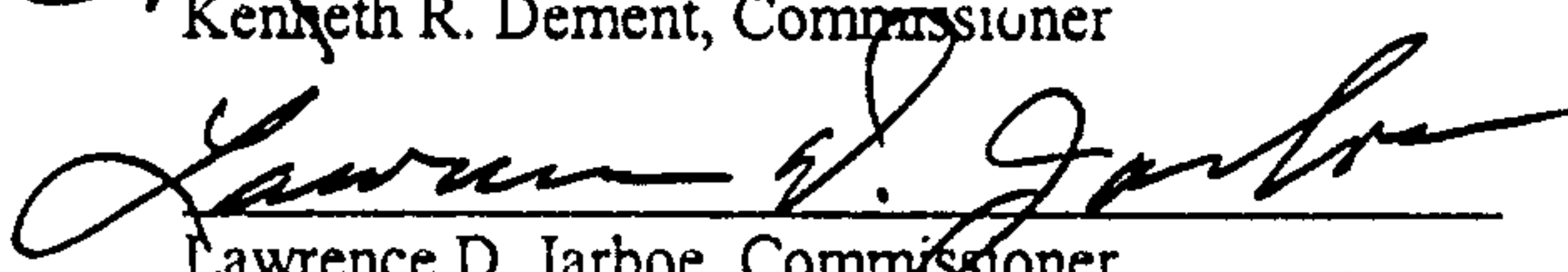
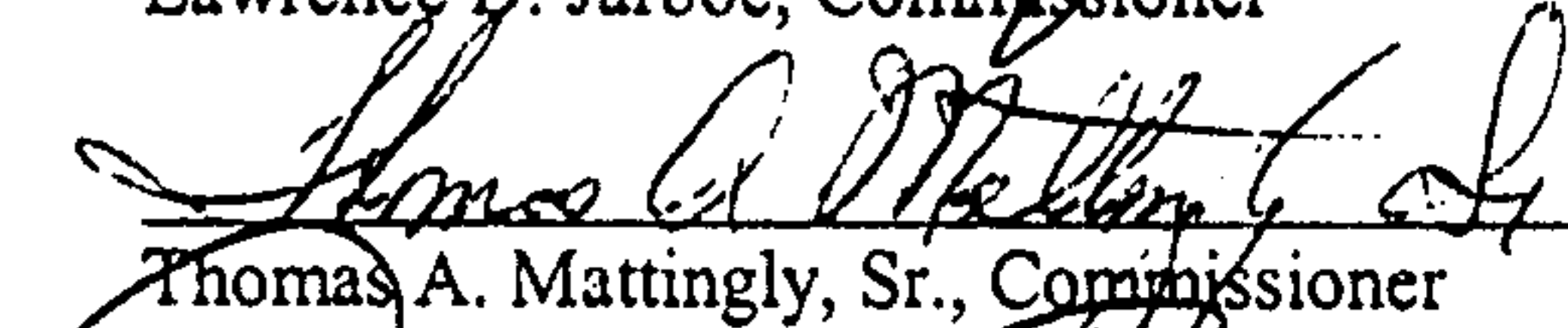
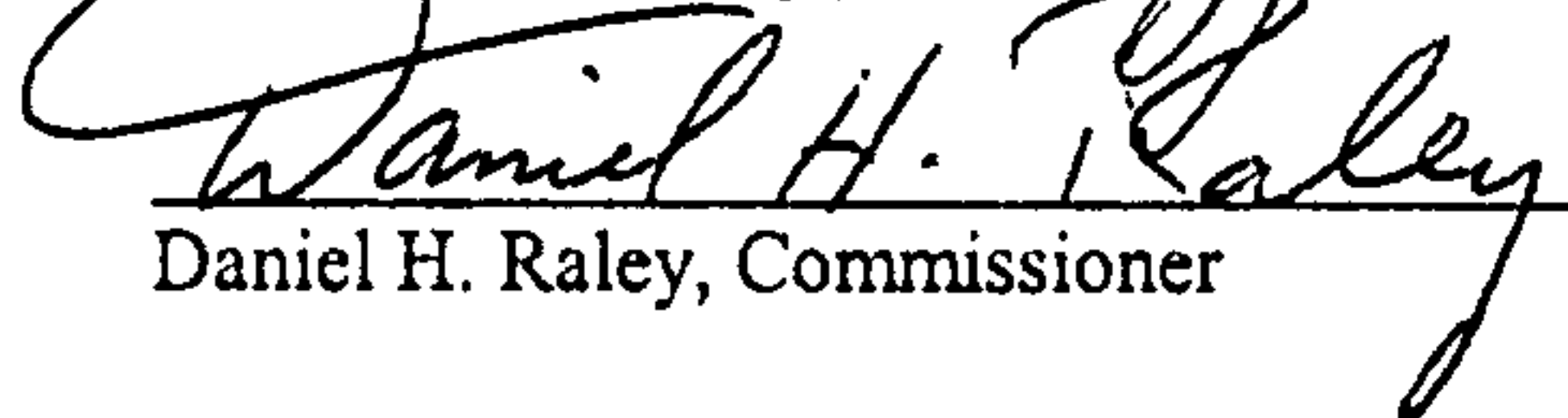
Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 12/03/02
Effective Date: 12/03/02

RECORDING FEE 0.00
TOTAL 0.00
Rest#002 Rpt#999999
EWA KEB 81K#1313
Dec 12, 2002 09:47 am

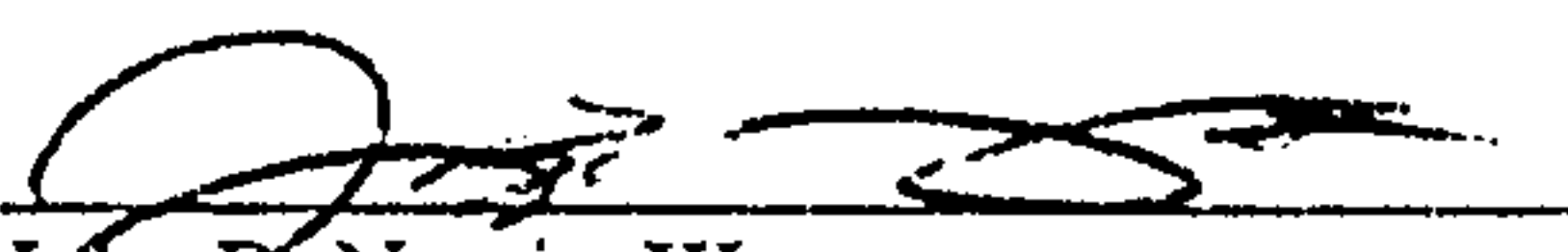
ATTEST:


Alfred A. Lafer
County Administrator

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


Thomas F. McKay, President

Kenneth R. Dement, Commissioner

Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


John B. Norris, III
County Attorney

Ordinance No Z 02-6
Subj: Comprehensive Zoning Ordinance,
Zoning Maps and Subdivision Ordinance
Amendment

ORDINANCE

WHEREAS, the St. Mary's County Planning Commission, in response to the requirements of the Annotated Code of Maryland, Article 66B, Section 3.05, on December 10, 2001 did recommend adoption of a comprehensive plan for the county entitled "Quality of Life in St. Mary's County - A Strategy for the 21ST Century," (the "Plan"); and

WHEREAS, the St. Mary's County Board of County Commissioners did, after due deliberation, adopt the Plan for St. Mary's County on February 19, 2002; and

WHEREAS, the Plan establishes a growth management strategy for the future development, conservation and preservation of the county's physical lands and waters and for the promotion and protection of the public health, safety, morals and general welfare; and

WHEREAS, a portion of that growth management strategy includes land use regulation, including zoning, subdivision and environmental protection regulations in response to the provisions of Article 66B and the Natural Resources Article of the Maryland Annotated Code; and

RECORDING FEE 0.00
TOTAL 0.00

WHEREAS, the Plan establishes a land use concept for the future development of the county including three types of growth areas (Development Districts, Town Centers and Village Centers), three types of rural areas (A Rural Preservation District, Rural Service Centers and Rural Commercial Limited Districts) and three types of protected areas (Resource Protection Areas, Agricultural Districts and Neighborhood Conservation Districts); and

NextSMC Rcpt#999999

WHEREAS, the Planning Commission finds it prudent and necessary to achieve the Vision established by the Plan for the future quality of life in the County, to recommend adoption of land use regulation amendments to the Comprehensive Zoning Ordinance, Maps and Subdivision Ordinance to more fully and equitably implement these components of the Plan; and

ERR REC 11/13/02

WHEREAS, the Board of County Commissioners held a work session on the various provisions of the amendments on August 20, 2002; and

Dec 12, 2002 09:48 am

WHEREAS, on September 17, 2002, for which due public notice was published in the August 30 and September 6, 2002 editions of The Enterprise, a newspaper of general circulation in St. Mary's County, the Board of County Commissioners and the Planning Commission accepted public comment; and

WHEREAS, the Planning Commission and Board of County Commissioners conducted joint public hearings on the draft amendments on September 17, 2002, following prescribed notice procedures of each ordinance; and

WHEREAS, the Planning Commission public hearing record remained open for additional written testimony until September 27, 2002 and the Board of County Commissioners record remained open until October 17, 2002; and

WHEREAS, the Planning Commission held a working session on October 15, 2002 and November 12, 2002 on the public testimony received on the amendments and gave direction to staff for revisions to the Comprehensive Zoning Ordinance and the Subdivision Ordinance; and

WHEREAS, the Planning Commission completed its review and upon the consideration of public comment recommended to the Board of County Commissioners the adoption of amendments to the St. Mary's County Comprehensive Zoning Ordinance, Zoning Maps and Subdivision Ordinance, as contained in Attachments A, B1, B2, and C. The recommendation

specifically *excludes the following topics*, on which no recommendation has been made by the Planning Commission:

- 1) Chapter 70 – Adequate Public Facilities (except editing and typographical corrections set forth in Exhibit A hereto)
- 2) Maximum commercial building footprint in TMX contained in Schedule 32.1
- 3) Myrtle Point mapping;
- 4) Proposed changes to Section 51.3.79 – Extractive Industry.

WHEREAS, upon consideration of the recommendation of the Planning Commission, public and staff comment, it is deemed by the Board of County Commissioner to be in the best interest of the health, safety and welfare of the Citizens of St. Mary’s County to adopt the recommendations of the Planning Commission, and await the recommendation of the Planning Commission on the remaining issues.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary’s County, Maryland that the St. Mary’s County Comprehensive Zoning Ordinance, Zoning Map and Subdivision Ordinance incorporated herein by reference as Exhibit A, B1, B2 and C, are hereby adopted.

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary’s County, Maryland that, in the event any portion of the St. Mary’s County Comprehensive Zoning Ordinance, Zoning Maps and Subdivision Ordinance is found to be unconstitutional, illegal, null or void, 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.


BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary’s County, Maryland that the forgoing recitals are adopted as if fully rewritten herein.

Those voting Aye: all


Those voting Nay: _____

DATE OF ADOPTION: 11/19/02

EFFECTIVE DATE: 12/02/02

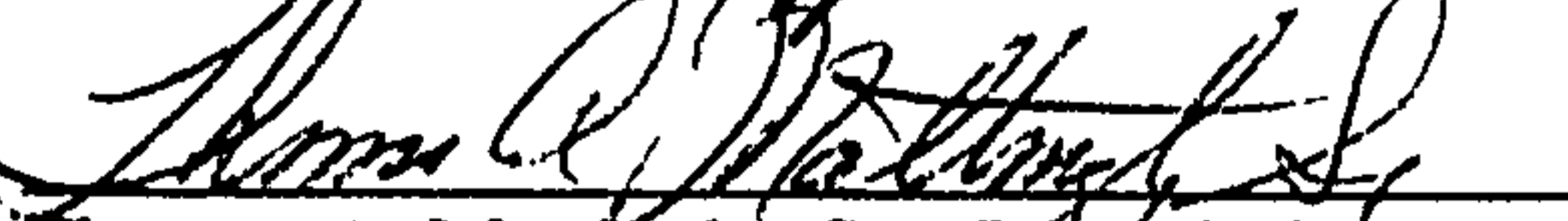
ATTEST:

Alfred Lacer
County Administrator

**BOARD OF COUNTY COMMISSIONERS
ST. MARY’S COUNTY, MARYLAND**


Julie B. Randall, President



Joseph F. Anderson, Commissioner


Shelby P. Guazzo, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:


John B. Norris, III
County Attorney

1 **CHAPTER 11 RULES**

2 Sections:

- LIBERO 0 2 3 PAGE 0 3 5
- 3 11.1 Purpose.
- 4 11.2 General Rules.
- 5 11.3 Rules for Interpretation of the Boundaries on the Zoning Maps.
- 6 11.4 Rules for Construction of Language.
- 7 11.5 Severability.

8 **11.1. Purpose.**

9 The purpose of this chapter is to establish general rules for the application of this Zoning Ordinance. The
10 meaning and construction of words and phrases defined in this chapter apply throughout this Ordinance.
11 Definitions of general terms and rules for measurement are presented in Article 9. , Definitions and Rules
12 of Measurement~~General Rules~~.

13 **11.2. General Rules.**

- 14 1. **Applicability to Roads, Streets and Rights-of-Way.** A road, street, utility easement, or other right-
15 of-way is considered to be in the same zoning district as the abutting land. Where land on one
16 side of a public road, street, utility easement, or other right-of-way is classified in a different
17 zoning district from land on the other side, the centerline of the road, street, utility easement, or
18 other right-of-way is the zoning district boundary unless otherwise depicted on the Zoning Maps.
- 19 2. **Compliance Required.** No person, firm or entity may use, occupy, or develop land or structures, or
20 any part thereof, or authorize or permit the use, occupancy, or development of land or structures
21 under the control of such person, except in accord with all applicable provisions of this Ordinance.
- 22 3. **Lot of Record.** Every building hereafter erected, reconstructed, converted, moved, or structurally
23 altered shall be located on a lot of record. There may be more than one principal building or use on
24 a lot of record provided, however, that each such principal use shall be assessed density of
25 residential use or intensity (F.A.R.) of non-residential use as if on a subdivided lot.
- 26 4. **Uses of Vacant Land.**
- 27 a. Where a lot is to be occupied for a permitted use without buildings, the yards required for
28 such lot shall be provided and maintained unless otherwise stipulated in this Ordinance.
29 except that side yards shall not be required on lots used for accessory purposes without
30 buildings or structures or on lots used for public recreation areas.
- 31 b. Accessory type uses on vacant lots may be permitted as principal structures subject to the
32 provisions of this ordinance and the zoning district in which the property is located.
- 33 5. **Conflict with Other Laws and Regulations.** Where a conflict occurs between this Ordinance and a
34 state statute or another county ordinance or regulation, the more restrictive provision shall control.
- 35 6. **Relation to Deed Restrictions and Other Private Agreements.** This Ordinance does not abrogate
36 or annul a private easement, covenant, agreement, deed restriction, recorded plat or other
37 restrictive covenant. If, however, this Ordinance imposes a greater restriction than that imposed by
38 such easement, covenant, agreement, recorded plat, deed restriction, or other restrictive covenant,
39 this Ordinance shall control. In no circumstances, however, shall the County have any obligation
40 to enforce a restrictive covenant, easement, or equitable servitude, not required as a condition of
41 approval for any development activity or land use.
- 42 7. **Relation to Prior Regulations.** This Ordinance does not validate or legalize a land use or structure
43 established, constructed, developed or maintained in violation of a prior ordinance, county
44 resolutions or ordinances, easements, covenants, agreements, plots, deed restrictions or other
45 restrictive covenants running in favor of the County in effect prior to the effective date of this
46 Ordinance.

1 ARTICLE 2. ADMINISTRATION

2 CHAPTER 20 AUTHORITY OF REVIEWING/DECISION MAKING BODIES AND
3 OFFICIALS LIBERO 023 PAGE 36

4 Sections:

- 5 20.1 Board of County Commissioners
6 20.2 Planning Commission.
7 20.3 Board of Appeals.
8 20.4 Director of Department of Planning and Zoning.
9 20.5 Technical Evaluation Committee (TEC).
10 20.6 Director of Department of Permits and Inspections.
11 20.7 Historic Preservation Commission.

12 20.1. Board of County Commissioners

- 13 1. **Powers and Duties.** In addition to any authority granted by general or special law, the Board of
14 County Commissioners shall have the following powers and duties under the provisions of this
15 Ordinance:
- 16 a. To initiate, review, hear, consider and approve or disapprove the adoption of an ordinance
17 to amend the text of this Ordinance or the Official Zoning Maps pursuant to Chapter 28
18 of this Ordinance.
- 19 b. To review, hear, consider, and approve or disapprove the adoption of an ordinance to
20 amend the Zoning Maps to designate a floating zone pursuant to Chapter 44, Planned
21 Unit Development (PUD);
- 22 c. To review, hear, consider, and approve or disapprove the adoption of an ordinance to
23 amend the zoning Map to designate a special district (overlay or floating zone) pursuant
24 to Article 4. of this Ordinance;
- 25 d. To create a planning commission with the powers and duties set forth in section 3.01 of
26 Article 66B of the Annotated Code of Maryland.
- 27 e. To review, hear, consider, and then approve or disapprove comprehensive revisions to the
28 Critical Area Program, applications for growth allocation, and applications for changes in
29 Critical Area overlay designations based on allegations of mistake to request approval
30 from the Chesapeake Bay Critical Area Commission for amendments or refinements to
31 the Critical Area provisions of this Ordinance.
- 32 2. **Decision-Making Responsibilities.** See Figure 20.1 for a summary of the Board's decision-
33 making responsibilities as they relate to Planning Commission, the Board of Appeals and the
34 Planning Director.

1 **CHAPTER 21 GENERAL APPLICATION AND PUBLICS HEARING PROCEDURES**

2 Sections:

- 3 21.1 General Application Procedures.
4 21.2 Actions Requiring Public Hearings.
5 21.3 Public Hearing Notice Requirements.
6 21.4 Public Hearing Procedures.

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7 **21.1. General Application Procedures.**

8 All applications that the provisions of this Ordinance require to be reviewed by the Technical Evaluation
9 Committee shall be processed in accordance with the following procedures:

- 10 1. **Determination of Completeness of Application.** Applications for development approvals shall be
11 submitted on the appropriate form designated by the Planning Director. After receipt of an
12 application, the Planning Director shall determine whether the application is complete. The time
13 period allowed for review of an application shall not begin until the application is determined to be
14 complete. If the application is not complete, the Planning Director shall notify the applicant in
15 writing within three days, specifying the deficiencies of the application and the additional
16 information that must be supplied and advising the applicant that the County will take no further
17 action on the application until the deficiencies have been corrected.
- 18 2. **Remedy of Deficiencies.** If the applicant fails to correct the specified deficiencies by the end of the
19 business day following the notification of deficiency, the application for development approval
20 shall be deemed withdrawn and will be returned to the applicant with any fees that have been paid.
- 21 3. **Extensions of Time.** Upon written request, the Planning Director may, for good cause shown and
22 without any notice or hearing, grant extensions of any time limit imposed on an applicant by this
23 Ordinance. An extension of time may also be granted by any body acting pursuant to this
24 Ordinance unless this Ordinance expressly provides otherwise. The cumulative extension(s) of
25 time granted by such extension or extensions shall not exceed twice the length of the original
26 period.
- 27 4. **Fees.** The application shall be accompanied by all required fees. The applicant shall also be
28 responsible for payment of all expenses incurred to provide any public notice required by Section
29 21.3. Application fees and refund policy shall be as established by resolution of the Board of
30 County Commissioners.
- 31 5. **General Development Review Process.** Figure 21.1 summarizes the general development review
32 process under this Ordinance, which is described in detail in the following parts of this chapter.

33 **21.2. Actions Requiring Public Hearings.**

- 34 1. **Conditional Uses, Variances and Appeals of Administrative Decisions.** The Board of Appeals
35 shall hold at least one public hearing to review, consider, and approve, approve with conditions, or
36 deny each application for a conditional use, or a variance, or to consider an appeal from any
37 administrative decision made pursuant to this Ordinance. Such hearing shall be held after public
38 notification pursuant to Section 21.3.
- 39 2. **Amendments to the Zoning Maps or the Text of this Ordinance.**
- 40 a. **Zoning Maps.** The Planning Commission and the Board of County Commissioners shall
41 each hold at least one public hearing on an application for an amendment to the Official
42 Zoning Maps. Such hearing may be held jointly at the discretion of the Planning
43 Commission and the Board of County Commissioners.
- 44 b. **Text.** The Board of County Commissioners shall hold at least one public hearing on an
45 application for an amendment to the text of this Ordinance. The Board of County
46 Commissioners may request a recommendation from the Planning Commission regarding
47 any text amendment to this Ordinance. If requested to form a recommendation, the
48 Planning Commission shall conduct at least one public hearing.

1 3. **Amendment to Comprehensive Area or Functional Plans.** For any application pursuant to this
2 Ordinance that requires a comprehensive or functional plan amendment, the Planning Commission
3 and the Board of County Commissioners shall each hold at least one public hearing. Such hearing
4 may be held jointly at the discretion of the Planning Commission and the Board of County
5 Commissioners.

6 **21.3. Public Hearing Notice Requirements.**

7 Providing all the information necessary for notice of all public hearings required under this Ordinance shall
8 be the responsibility of the applicant. The applicant shall supply the information in the form established by
9 the Planning Director, and the information is subject to the approval of the Planning Director pursuant to
10 the standards and requirements of this section.

11 1. **Publication.** At least 15 calendar days in advance of the public hearing on an application for any
12 development approval, Ordinance amendments or appeal listed in Section 21.2, the Department of
13 Planning and Zoning shall give notice of such public hearing. Notice shall be published in a
14 newspaper of general circulation in St. Mary's County once each week for two successive weeks.

15 2. **Mailing.** At least 15 calendar days before the public hearing on an application for any
16 development approval, Ordinance amendment, or appeal listed in Section 21.2, the applicant shall
17 send notice by registered or certified mail in a format provided by the County to all owners of
18 contiguous property (as shown on the latest published property tax records of the Maryland
19 Department of Assessment and Taxation), including lands across any public or private rights-of-
20 way adjacent to the land subject to the application. Notice shall be given to each individual
21 property owner if an affected property is held in common ownership. Required notice shall also
22 be given to a municipality if the application concerns land adjacent to its municipal boundaries.
23 The applicant shall provide the Planning Director, in an approved form, with names and addresses
24 of all property owners required to receive notice of a public hearing pursuant to this Ordinance.

25 a. **Contents of Notice for Mailing.** The notice for any public hearing or meeting to be
26 mailed required by this section shall state the substance of the application and the date,
27 time, and place of the public hearing or meeting, and the place where such application
28 may be inspected by the public. The notice shall also advise that interested parties may
29 appear at the public hearing or meeting and be heard with respect to the application.

30 3. **Requirements for Posting Notice.** At least 15 calendar days in advance of the public hearing, the
31 property(ies) subject to an application for development approval or for an amendment to a zoning
32 map listed in Section 21.2 shall be posted by the applicant with a notice on a block printed sign at
33 least 24 inches x 36 inches. The applicant shall notify the Department of Planning & Zoning the
34 same day notice is posted.

35 a. Content. Posted notice shall contain the following information:

- 36 (1) Application number and property owner name
37 (2) Request (as defined by the Department of Planning & Zoning).
38 (3) Date, time, and location of the hearing.
39 (4) A statement that the file is available during normal business hours at the
40 Department of Planning and Zoning for public review and comment.

41 b. Location. One notice shall be posted for each 500 feet of frontage along a public street.
42 The sign(s) shall be located on the property no more than 25 feet from the front property
43 line and shall be clearly visible from the nearest public road or street. Where the land
44 does not have frontage on a public street, signs shall be posted within the nearest street
45 right-of-way with an attached notation indicating generally the direction and distance to
46 the land that is the subject of the application.

47 c. Removal. The applicant shall remove the sign after the hearing on the application has
48 concluded. If the sign is removed before the hearing such removal may be considered a
49 defect in notice and prevent the Board of Appeals from hearing the case. The entity
50 responsible for posting the sign shall be responsible, within 24 hours of notification that

1 the sign has been removed, for ensuring that it stays posted until the hearing date. In the
2 case of an appeal, the county department that is the subject of the appeal shall be required
3 to maintain the public notice sign and replace it should one be removed, such removal
4 shall not be deemed a failure to comply with the standards or grounds to challenge the
5 validity of any decision made on the application.

- 6 d. Exemption. This posting requirement shall not apply during comprehensive rezoning of
7 the County.

8 **21.4. Public Hearing Procedures.**

9 A public hearing held pursuant to the provisions of this Ordinance shall comply with the following
10 procedures:

- 11 1. **Scheduling the Public Hearing.** When an application requires a public hearing, the hearing shall
12 be scheduled to occur within a reasonable time, allowing for the complexity of the case, available
13 staff resources, and public notice requirements.

14 2. **Conduct of Public Hearing.**

- 15 a. **Rights of All Persons.** Any person may appear at a public hearing and submit evidence
16 orally or in writing, either individually or upon written authorization as a representative
17 of a person or an organization. Each person who gives testimony at a public hearing may
18 be duly sworn, shall be identified as to name and address, and, if appearing on behalf of a
19 person or an organization, shall state the name and mailing address of the person or
20 organization being represented.

- 21 b. **Exclusion of Testimony.** The body conducting the public hearing may exclude testimony
22 or evidence that it finds to be irrelevant, immaterial, unduly repetitious, or otherwise
23 inadmissible.

- 24 c. **Ruling on Objections.** The body or official conducting the hearing shall rule on all
25 objections made during the hearing.

- 26 d. **Continuance of Public Hearing.** The body or official conducting the public hearing may,
27 upon the body's or official's own motion, continue the public hearing or meeting to a
28 fixed date, time, and place without additional notification. Two-thirds of the voting
29 members present at the hearing or meeting at which a quorum is present shall be required
30 for a continuance. An applicant may request and be granted a continuance at the
31 discretion of the body or official conducting the public hearing only upon good cause
32 shown.

33 3. **Record of Public Hearing or Meeting.**

- 34 a. **Recording of Public Hearing or Meeting.** Except where required otherwise by statute, the
35 body or official conducting the public hearing or meeting shall record the public hearing
36 or meeting by any appropriate means. A copy of the public hearing or meeting record
37 may be acquired upon request to the Planning Director and payment of a fee to cover the
38 cost of duplication of the record.

- 39 b. **The Record.** The minutes; tape recordings; all applications, exhibits, papers and reports
40 submitted in any proceeding before the decision-making body or official; and the
41 decision of the decision-making body or official shall constitute the record.

- 42 c. **Location of Record and Inspection.** All records of decision-making bodies or officials
43 shall be public records, open for inspection at the offices of the decision-making body or
44 official during normal business hours and upon request.

- 45 d. **Examination and Copying of Application and Other Documents.** Upon request, and
46 during normal business hours, any person may examine an application and materials
47 submitted in support of or in opposition to an application in the appropriate county office.
48 Copies of such materials shall be made available at reasonable cost, subject to copyright
49 laws.

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1 **CHAPTER 22 ADMINISTRATIVE DECISIONS**

2 Sections:

- 3 22.1 Zoning and Environmental Permits.
4 22.2 Conflict with Other Permits.
5 22.3 Forms, Information, and Specifications Required.
6 22.4 Time Limits for Zoning Permits.
7 22.5 Administrative Variances.
8 22.6 Building Permits.
9 22.7 Certificate of Occupancy.
10 22.8 Schedule of Fees, Fines, and Penalties.

11 **22.1. Zoning and Environmental Permits.**

12 *Zoning Permit Required.* No building, structure, or land, or any part thereof, shall hereafter be
13 used, created, or enlarged until a zoning permit has been issued by the Planning Director. The
14 issuance of a zoning permit does not waive provisions of other laws, ordinances, or requirements.

15 2. *Certificate for Other Permits.* If the proposed building, structure, or land use conforms with the
16 provisions of this Ordinance or with the decisions of the Board of Appeals, the Planning
17 Commission and the County Commissioners, a zoning permit shall be issued by the Planning
18 Director. The issuance of a zoning permit shall serve as authorization to secure other required or
19 requested permits from various agencies.

20 3. *Environmental Permits.* No building, structure, or land or any part thereof shall be used, created,
21 enlarged or subdivided until an environmental permit is issued if required pursuant to Chapter 71,
22 Resource Protection Standards of this Ordinance.

23 **22.2. Conflict with Other Permits.**

24 Except as provided herein, no permit pertaining to the use of land or buildings shall be issued by any
25 cooperating agency, department, or employee unless a zoning permit has been issued by the Planning
26 Director. The provisions of the zoning permit shall supersede any other permits issued in conjunction with
27 or subsequent to it, except when the provisions of another permit(s) is (are) more stringent, where upon the
28 more stringent regulation shall apply. Any permit issued in conflict with the provisions of this Ordinance
29 shall be null and void.

30 **22.3. Forms, Information, and Specifications Required.**

31 An application for a building or zoning permit shall be made to the Director of Permits and Inspections and
32 the Planning Director, respectively, on forms provided for that purpose. The Director of Permits and
33 Inspections and the Planning Director shall require and be furnished with all plans and documents as may
34 be required to determine compliance with the provisions of this Ordinance and decisions of the Board of
35 Appeals, the Planning Commission and the Board of County Commissioners. Applications for building or
36 zoning permits shall be accompanied by the following items, or as many thereof as the Planning Director
37 deems pertinent, and such additional information as either the Director of Permits and Inspections or the
38 Planning Director may require to determine compliance with the provisions of this Ordinance and decisions
39 of the Board of Appeals, the Planning Commission, and the Board of County Commissioners.

40 1. Certificate from the Health Department that the proposed location meets the requirements for
41 water supply and sewage disposal; or, if a public water and/or sewerage system is involved, a
42 certificate from the Metropolitan Commission that applicable regulations and requirements have
43 been met.

44 2. Confirmation by the Health Department that all percolation test holes have been refilled
45 completely upon completion of tests.

46 3. If the permit involves improvement of subdivided land or land not included on a site plan, an
47 approved recorded subdivision plat or approved site plan.

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St. Mary's County Comprehensive Zoning Ordinance
Article 2. ADMINISTRATION

1 b. *Notice to Department of Natural Resources.* Notice of a request for a forest conservation
2 variance shall be given to the Department of Natural Resources within 15 days of receipt
3 of such a request. The Department of Natural Resources shall have the right and
4 authority to initiate or intervene in an administrative, judicial, or other original
5 proceeding or to appeal the approval of an administrative variance under Sections 5-
6 1601-5-1612 of the Natural Resources Article, Annotated Code of Maryland, or this
7 Ordinance.

8 6. ***Denial of Application.***

9 a. If the application is denied, the Planning Director~~Board of Appeals~~ shall take no further
10 action on another application for substantially the same proposal on the same premises
11 until after 2 years from the date of such denial.

12 7. ***Appeal of Administrative Decisions.***

13 a. Appeals of decisions made pursuant to this section may be filed to the Board of Appeals
14 by an aggrieved person within 30 days of the date of the Planning Director's decision.

15 **22.6. Building Permits.**

16 A building permit shall be required in accordance with the building code adopted by the Board of County
17 Commissioners.

18 **22.7. Certificate of Occupancy.**

19 No certificate of use and occupancy shall be issued until construction is complete and the premises have
20 been inspected and certified to be in conformity with the plans and specifications upon which the zoning
21 permit, building permit, driveway entrance permit and all other permits were granted.

22 **22.8. Schedule of Fees, Fines, and Penalties.**

23 The County Commissioners may establish by resolution a schedule of fees, charges, expenses, and fines
24 and a collection and refund procedure for zoning certificates, appeals, violations, and other matters
25 pertaining to this Ordinance. The schedule of fees shall be available from the Department of Planning and
26 Zoning and may be altered or amended only by the County Commissioners.

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1 **CHAPTER 25 CONDITIONAL USES**

2 Sections:

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- 3 25.1 Purpose.
- 4 25.2 Initiation of Conditional Uses.
- 5 25.3 Application for Conditional Use.
- 6 25.4 Hearing on Application.
- 7 25.5 Authorization.
- 8 25.6 Standards.
- 9 25.7 Conditions and Guarantees.
- 10 25.8 Effect of Denial of a Conditional Use.
- 11 25.9 Limitation on Conditional Use Approval.

12 **25.1. Purpose.**

13 Development in the County and execution of this Ordinance are based upon the division of the County into
14 districts within which the use of land and buildings and the bulk and location of buildings and structures in
15 relation to the land are substantially uniform. However, certain uses because of their particular
16 characteristics, cannot be permitted without consideration, in each case, of their impact upon neighboring
17 land and of the public need for the particular use at the particular location. The purpose of this chapter is to
18 establish procedures and minimum standards to be used for the consideration and authorization of
19 conditional uses, including expansion or intensification of such uses.

20 **25.2. Initiation of Conditional Uses.**

21 Any property owner or other person with an enforceable legal interest in property may file an application to
22 use such land for one or more of the conditional uses provided in the zoning district in which the land or a
23 portion thereof is located. The Board of Appeals shall hear and decide upon all applications for conditional
24 use approval.

25 **25.3. Application for Conditional Use.**

26 Application for conditional use shall be filed with the Planning Director on a form prescribed by the
27 Planning Director. If the conditional use involves major site plan approval, the applicant must schedule a
28 pre-application conference in accordance with Section 60.4.1.a. and proceed through the specified process.
29 If conditional use approval requires minor site plan approval, the applicant must follow the requirements of
30 Section 60.6.1. In the event that no site plan approval is required as part of the conditional use, the
31 applicant may request an informal pre-application conference with Planning and Zoning staff. Upon
32 determination of the completeness of the application, the Planning Director shall forward the application to
33 the Technical Evaluation Committee (TEC) and then to the Board of Appeals for review and decision.

34 **25.4. Hearing on Application.**

35 The Board of Appeals shall hold a public hearing on each application for a conditional use as provided in
36 Section 21.2. The hearing shall be conducted and a record of such proceedings shall be preserved in such
37 manner as the Board shall prescribe from time to time. Notice is required as provided in Section 21.3

38 **25.5. Authorization.**

39 For each application for a conditional use, the Board of Appeals should, within 60 days of receipt of the
40 application after TEC review, conduct its public hearing and report its findings and decisions, including the
41 stipulations or conditions and guarantees deemed necessary for the protection of the public interest.

42 **25.6. Standards.**

43 No conditional use shall be approved by the Board of Appeals unless the Board finds that:

- 44 1. The conditional use complies with the standards of the district in which it is to be located and
45 standards applicable to that use; and

1 **26.3. TDR Sending Zones Assignment of Transferable Development Rights.**

- 2 1. **Designation.** Rural Preservation Districts shall be TDR sending areas and may be receiving areas
3 subject to Schedule 32.1. LIBERO 023-110143
- 4 2. **Determination.** Each parcel of land in the sending zone shall have one transferable development
5 right for each undeveloped lot of record or each three acres of eligible acreage. The undeveloped
6 eligible acreage shall be determined by the latest reference source for best available data as
7 determined by the Planning Director.
- 8 3. **Eligibility.** The following sensitive area lands as defined in Article 7, Chapter 71 shall not be
9 eligible for use as land calculated for transfer of development rights:
- 10 a. Steep slopes 15 percent or greater;
- 11 b. Highly erodible soils;
- 12 c. Wetlands and hydric soils; and
- 13 d. Floodplains.
- 14 4. **Fractional Rights.** Fractional parts of a development right shall be disregarded. No transfer shall
15 include other than a whole number of development rights.
- 16 5. **Effect of Prior Transfer.** Each TDR reserved by an "original instrument of transfer" prior to
17 adoption of this Ordinance and not yet utilized on a receiving parcel shall be equivalent to one
18 TDR under this Ordinance.

19 **26.4. Maximum Residential or Non-Residential Density/Intensity Allowed in Receiving Zones.**

- 20 1. Zoning Districts RPD, RL, RH, RNC in growth areas only, RMX, VMX, TMX, DMX and CMX
21 are receiving zones for TDRs for increased residential density. The RPD, RSC, RCL, RL, RMX,
22 VMX, TMX, DMX, CMX CC, OBP and I are receiving zones for TDRs for increased non-
23 residential intensity of approved uses in the respective zones. Only TDRs from a property in the
24 RPD may be used in the RPD.
- 25 2. Land located in a receiving zone may be developed at additional density or intensity of use
26 through the acquisition of TDRs, up to the maximum density or intensity indicated in Schedule
27 32.1. One TDR shall equal one residential dwelling unit, except two (2) TDRs are required for
28 each additional residential dwelling unit in the RPD. The transfer of density in the RPD shall not
29 exceed a gross density of 1 unit per 3 acres on a receiving parcel in the RPD.

30 **26.5. Effect of Transfer.**

31 After development rights have been transferred by an instrument of original transfer:

- 32 1. The sending parcel shall not be further subdivided or developed to a greater density or intensity of
33 use than permitted by the remaining development right(s). Once development rights have been
34 transferred from a lot or parcel of record, that lot or parcel of record shall not later become a
35 receiving parcel.
- 36 2. The portion of the sending parcel from which development rights have been transferred shall not
37 be used in connection with any determination of site area or site capacity, except as may be
38 necessary to determine the number of development rights involved in the transfer.
- 39 3. All development rights that are the subject of an "instrument of original transfer," described in
40 Section 26.8, shall be deemed removed from the sending parcel when such rights have been
41 severed from the property by recording of the "instrument or original transfer" in conjunction with
42 an easement restricting development on the sending parcel.

43 **26.6. Rights of Transferees.**

44 Between the time of the transfer of a development right by an original transferor and the time when its use
45 on a specific receiving parcel is final in accordance with the provisions of this chapter, a transferee has only
46 the right to use the development right to the extent authorized by all applicable provisions of the Ordinance

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- 1 in effect at the time when use of the development right for a specific receiving parcel is finally approved.
2 No transfer shall be construed to limit or affect the power of the County Commissioners to amend,
3 supplement or repeal any or all of the provisions of this chapter or any other section of this Ordinance or to
4 entitle any transferor or transferee to damages or compensation of any kind as the result of any such
5 amendment, supplementation or repeal.
- 6 **26.7. Certification by Director of Planning and Zoning.**
- 7 1. **Requirement.** The Planning Director shall certify that the development rights proposed for transfer
8 are available for transfer from the sending parcel. No transfer shall be recognized under this
9 chapter unless the instrument of original transfer contains the Planning Director's certification.
- 10 2. **Application for Certificate.** An application for a certificate shall contain a certificate of title by an
11 attorney duly licensed to practice law in the State of Maryland and five copies of a plat of the
12 proposed sending parcel prepared by a registered land surveyor, and identifying the area from
13 which development rights are being removed. Applicable fees and any additional information the
14 Planning Director deems necessary to determine the number of development rights involved in the
15 proposed transfer shall also be required.
- 16 3. **Responsibility.** The transferor and the transferee named in an instrument of original transfer shall
17 have sole responsibility for supplying all information required by this chapter, providing a proper
18 instrument of original transfer, and paying, in addition to any other fees required by this chapter,
19 all transfer taxes and recordation costs.
- 20 4. **Issuance of Certificate.** On the basis of the information submitted to him or her, the Planning
21 Director shall affix a certificate of his or her findings to the instrument of original transfer. The
22 certificate shall contain a specific statement of the number, if any, of development rights that are
23 derived from a Critical Area within the sending parcel.
- 24 5. **Effect of Determination.** The determination of the Planning Director shall not be construed to
25 enlarge or otherwise affect in any manner the nature, character, and effect of a transfer as set forth
26 in Section 26.5.
- 27 **26.8. Instruments of Transfer.**
- 28 1. An instrument of transfer shall conform to the requirements of this section. An instrument of
29 transfer, other than an instrument of original transfer, need not contain a meets and bounds
30 description or plat of the sending parcel.
- 31 2. Any instrument of transfer shall contain:
- 32 a. The names of the Transferor and the Transferee;
- 33 b. A certificate of title for the rights to be transferred certified to by an attorney licensed to
34 practice law in Maryland and in a form approved by the County;
- 35 c. A covenant that the Transferor grants and assigns to the Transferee and the Transferee's
36 heirs, personal representatives, successors and assigns a specified number of development
37 rights from the sending parcel;
- 38 d. If any rights involved in the transfer are derived from the Critical Area of the sending
39 parcel, a specific statement of the number of such rights included within the transfer;
- 40 e. A covenant by which the Transferor acknowledges that he or she has no further use or
41 right of use with respect to the development rights being transferred;
- 42 f. A statement of the rights of the Transferee prior to final approval of the use of those
43 development rights on a specific parcel, as set forth in Section 26.6, except when the
44 development rights are being transferred to the Board of County Commissioners in
45 accordance with this chapter; and

- 1 g. A covenant that at the time when any development rights involved in the transfer are
2 finally approved for use on a specific receiving parcel, such rights shall be transferred to
3 the Board of County Commissioners for no consideration.
- 4 3. An "instrument of original transfer," which is required when a development right is initially
5 removed from the subject property, shall also contain:
- 6 a. A metes and bounds description or plat of the sending parcel, prepared by a licensed
7 surveyor named in the instrument;
- 8 b. A covenant that the sending parcel may not be subdivided to a greater extent than
9 permitted by the remaining development rights and that such subdivision shall be in
10 accordance with the zoning and subdivision regulations in place at the time of the request
11 for subdivision.
- 12 c. A covenant that the sending parcel is restricted to and may be used only for agricultural
13 uses and such residential uses as are permitted by the remaining development rights.
- 14 d. A covenant that all provisions of the instrument of transfer shall run with and bind the
15 sending parcel and may be enforced by the County Commissioners, the Planning Director
16 and their respective designees.
- 17 e. The certificate of the Planning Director required by Section 26.7.
- 18 4. If the instrument is not an instrument of original transfer, it shall include:
- 19 a. A statement that the transfer is an intermediate or final transfer of rights derived from a
20 sending parcel described in an instrument of original transfer (which original instrument
21 shall be identified by its date, the names of the original transferor and transferee and the
22 book and page where it is recorded among the land records of St. Mary's County).
- 23 b. Copies and a list of all previous "intermediate instruments of transfer" identified by the
24 date, and the book(s) and page(s) where the documents are recorded among the land
25 records of St. Mary's County.
- 26 5. **Recordation of Original or Intermediate Transfer.** After it has been properly executed, any
27 instrument of transfer shall be delivered to the Planning Director, who shall deliver it to the Clerk
28 of the Circuit Court, together with the required fees for recording furnished by the original
29 transferor and transferee. The Planning Director shall immediately notify the original transferor
30 and transferee in writing of such recording.
- 31 **26.9. Approval of the Development Using Transferable Development Rights.**
- 32 1. **Initial Request for Use of TDR in a Development Project.** The request to use TDRs on a
33 property in the receiving area shall be in the form of a concept or preliminary subdivision plat, a
34 site plan, or other application for development submitted in accordance with the requirements of
35 this Ordinance. In addition to any other information required by this Ordinance, the application
36 shall be accompanied by:
- 37 a. An affidavit of intent to transfer development rights to the property, and
- 38 b. Such application fee as may be prescribed by the Board of County Commissioners; and
- 39 c. Either of the following:
- 40 (1) Original or certified copies of a recorded instrument of original transfer
41 involving the development rights proposed to be used and any intermediate
42 instruments of transfer through which the applicant became a transferee of those
43 rights; or
- 44 (2) A signed, written agreement between the applicant and a proposed original
45 transferor, which contains the plat of a proposed sending parcel and other
46 information required by Section 26.7 and in which the proposed transferor

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1 **CHAPTER 27 VESTED RIGHTS AND AUTHORITY TO CONTINUE NONCONFORMING**
2 **PROJECTS**

3 Sections:

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- 4 27.1 Purpose.
5 27.2 Vested Rights.
6 27.3 Grandfathering Provisions.
7 27.4 Grandfathering of Phasing or Staging Plans and Schedules.
8 27.5 Effect of Previous Regulations.
9 27.6 Annual Update.

10 **27.1. Purpose.**

11 The purpose of this chapter is to permit the continuation of projects for which plan approval has been given
12 prior to the effective date of applicable ordinance changes or revisions.

13 **27.2. Vested Rights.**

14 St. Mary's County recognizes and accepts the standard of vested rights as established by Maryland
15 common law.

16 **27.3. Grandfathering Provisions.**

17 Transitional provisions to be known as grandfathering provisions are hereby adopted to provide for the
18 continuance of certain development activities. No extensions of the stated time periods below shall be
19 granted, except as noted in Section 27.4.2, below.

- 20 1. **Subdivisions:** Projects that have been granted preliminary subdivision plan approval will have a
21 maximum of two years from the date of such approval to be granted final subdivision approval.
22 From the date of final subdivision approval a project will have two years in which to record the
23 final record plat. Those projects with approved "phasing" plans under the previous zoning
24 ordinance (#90-11, as amended) shall have three years from the effective date of this ordinance,
25 until it shall be required that all future phases shall meet the current ordinance requirement (except
26 density).
- 27 2. **Site Plans:** Projects requiring major site plans that have been processed through the Technical
28 Evaluation Committee (TEC) shall have 30 months from receipt of TEC comments to receive final
29 site plan approval, receive building permits, and commence construction.
- 30 3. **Minor (Simplified) Site Plans:** Projects requiring minor (simplified) site plans that have been
31 processed through the Technical Evaluation Committee (TEC) shall have six months from receipt
32 of TEC comments to achieve final site plan approval.
- 33 4. **Planned Unit Developments:** Grandfathering of a Planned Unit Development as approved by the
34 Board of County Commissioners shall be governed by Chapter 44, Section 44.4.3.b.
- 35 5. **Conditional Uses:** Those projects having conditional use approval by written order of the Board
36 of Appeals shall have 30 months from the date of the written order to receive all required
37 approvals to implement the approved conditional use and commence construction.
- 38 6. **Growth Allocation:** Those calendar year 2001-2002 projects having begun the public hearing
39 process with the Planning Commission, may proceed to decision by the Board of County
40 Commissioners and the Chesapeake Bay Critical Area Commission under Ordinance 90-11 as
41 amended.

42 **27.4. Grandfathering of Phasing or Staging Plans and Schedules.**

- 43 1. All commercial or residential phasing or staging plans and schedules approved prior to the
44 enactment of this Ordinance shall remain in effect. Construction and development relating to such
45 plans may be completed in accordance with the terms of the previously approved phasing or
46 staging plan. Any revisions proposed under this chapter shall conform with all Maryland state

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- 1 rules, regulations, and statutory provisions, and any construction standards as set forth in the rules,
2 regulations, and ordinances of St. Mary's County, in effect when the applicant applied for a
3 revision to the phasing or staging plan and schedule, unless said plans, schedules, and/or revisions
4 are exempted under said rules, regulations statutory provisions, and/or ordinances.
- 5 2. Any applicant shall be allowed to apply for a revision to any phasing or staging plan and schedule
6 grandfathered under the provisions of this chapter, and such revisions may be approved by the
7 Planning Commission provided the applicant can show that there are compelling circumstances to
8 warrant a revision. In no case shall the duration of any phasing or staging plan and schedule be
9 extended more than five years beyond the effective date of this Ordinance. The Planning
10 Commission shall consider the following factors in determining whether to approve applications
11 for revisions:
- 12 a. The extent to which any delay was caused by the action or inaction of the applicant as
13 opposed to other factors beyond the control of the applicant;
- 14 b. The amount of investment not including architectural and engineering costs made in the
15 project as of the date of the application for revision;
- 16 c. Any impact to the health and welfare of the County caused by the revision or any delay
17 associated therewith; and
- 18 d. Market conditions.
- 19 3. *Continuation of Project:* Project development may proceed in accordance with the plan approved
20 unless the approval expires by failure to act within the defined time periods as stated above. In the
21 case of expiration, re-approval shall be in conformity with all provisions of this Ordinance.
- 22 **27.5. Effect of Previous Regulations.**
- 23 To the extent that projects are grandfathered under this section, the provisions of Ordinance 90-11, as
24 amended and regulations in effect at the time of plan approval shall remain in full force and effect.
- 25 **27.6. Annual Update.**
- 26 An annual update of development commenced during the past year and plans for development in the
27 upcoming year shall be presented to the Planning Commission by the developer of the project.

1 **CHAPTER 31 ZONING DISTRICTS**

2 Sections:

- 3 31.1 Purpose of the Rural Preservation District (RPD). LIBERO 0 2 3 PAGE 4 8
4 31.2 Purpose of the Rural Service Center District (RSC).
5 31.3 Purpose of the Rural Limited Commercial District (RCL).
6 31.4 Purpose of the Residential, Low-Density District (RL).
7 31.5 Purpose of the Residential, High-Density District (RH).
8 31.6 Purpose of the Residential Neighborhood Conservation District (RNC).
9 31.7 Purpose of the Residential Mixed Use District (RMX).
10 31.8 Purpose of the Village Center Mixed Use District (VMX).
11 31.9 Purpose of the Town Center Mixed Use District (TMX).
12 31.10 Purpose of the Downtown Core Mixed Use District (DMX).
13 31.11 Purpose of the Corridor Mixed Use District (CMX).
14 31.12 Purpose of the Community Commercial District (CC).
15 31.13 Purpose of the Office and Business Park District (OBP).
16 31.14 Purpose of the Industrial District (I).
17 31.15 Purpose of the Commercial Marine District (CM).

18 **31.1. Purpose of the Rural Preservation District (RPD).**

19 The regulations of Rural Preservation Districts are intended to foster agricultural, forestry, mineral resource
20 extraction, and aquacultural uses and protect the land base necessary to support these activities. Low-
21 density residential development in this type of district is permitted subject to performance standards that
22 maintain the rural character of the district in recognition of the fact that a full range of public facilities is
23 not provided or planned. The farmer has the right to farm without being restricted by neighboring
24 residential areas. Restricted hours of operation for farm equipment, restricted odor-producing fertilizers, or
25 mandatory noise reductions may not be imposed on farmers in an RPD zoning district. The general intent
26 of the district is to encourage farming without undue burden on the landowner. In accordance with these
27 intentions, the following provisions for the protection of agricultural uses will apply:

- 28 (1) Any farm use of land is permitted.
29 (2) Operation, at any time, of machinery used in farm production or the primary
30 processing of agricultural products is permitted.
31 (3) Normal agricultural activities and operations in accordance with good husbandry
32 practices, which do not cause bodily injury or directly endanger human health,
33 are permitted and preferred activities, including activities that may produce
34 normal agriculture related noise and odors.
35 (4) The sale of farm products produced on the farm where the sales are made is
36 permitted.

37 **31.2. Purpose of the Rural Service Center District (RSC).**

38 The regulations for the Rural Service Center district provide for crossroads commercial, retail, and business
39 development at designated locations within the County that have traditionally provided very localized
40 services to support agricultural activity and serve rural residents. The RSC designation provides sites for
41 infill development at commercial nodes in the rural areas, consistent with the Comprehensive Plan.
42 Mapped locations are at crossroads in Avenue, Budds Creek, Dameron, Helen, Oraville, Park Hall, and St.
43 James.

44 **31.3. Purpose of the Rural Limited Commercial District (RCL).**

45 The regulations for the Rural Commercial Limited District accommodate existing, small-scale commercial
46 uses serving localized markets in the County that are scattered along the highways and, in some cases,

1 clustered at intersections. Where such existing uses are compatible in scale with the character of the rural
2 area, and are devoted to a local mark, their continued operation and opportunity for reasonable expansion is
3 consistent with the policies of the Comprehensive Plan. RCL districts provide for the continuation and
4 limited expansion of such uses.

5 **31.4. Purpose of the Residential, Low-Density District (RL).**

6 The regulations for the Residential Low-Density District are intended to provide for low to medium density
7 residential development in areas designated in the Comprehensive Plan. Compatible institutional uses are
8 allowed, subject to appropriate standards.

9 **31.5. Purpose of the Residential, High-Density District (RH).**

10 The regulations for the Residential High-Density district are intended to provide opportunities for high-
11 density residential development, accessory uses and higher intensity residential services such as day care.
12 Standards promote clustered development while providing additional open space areas for common use by
13 local residents and the adjacent community.

14 **31.6. Purpose of the Residential Neighborhood Conservation District (RNC).**

15 The regulations for the Residential Neighborhood Conservation District are intended to preserve the
16 character of established neighborhoods while providing opportunities for infill development that is
17 consistent with and enhances this prevailing character. All other standards having been met, RNC lots in
18 growth areas may be resubdivided to the base density of the RNC. TDRs may be used to increase density
19 in growth areas. No resubdivision of any lot of record shall be permitted in an RNC outside growth area.

20 **31.7. Purpose of the Residential Mixed Use District (RMX).**

21 The regulations for the Residential Mixed Use District provide opportunities for residential, office,
22 personal, and business development and services subject to standards that will ensure land use
23 compatibility with adjacent residential areas.

24 **31.8. Purpose of the Village Center Mixed Use District (VMX).**

25 The regulations for the Village Center Mixed Use District provide opportunities for residential
26 development and compatible commercial development at locations and at a scale designated by the
27 Comprehensive Plan as village centers. This type of district is not intended to create an urban character.

28 **31.9. Purpose of the Town Center Mixed Use District (TMX).**

29 The regulations for the Town Center Mixed Use District provide opportunities for residential and
30 commercial development within town centers, consistent with the Comprehensive Plan. Standards are
31 intended to ~~eratcreate~~ create an urban character and make the core area safe, pedestrian friendly, and visually
32 attractive.

33 **31.10. Purpose of the Downtown Core Mixed Use District (DMX).**

34 The regulations for the Downtown Core Mixed Use District provide sites for a broad range of uses within
35 the core of Lexington Park, consistent with the Comprehensive Plan and the Lexington Park Plan.
36 Standards are intended to create an urban character, make the core area safe, pedestrian friendly and
37 visually attractive.

38 **31.11. Purpose of the Corridor Mixed Use District (CMX).**

39 The Corridor Mixed Use District provides sites for a broad range of uses within transportation corridors in
40 growth areas, consistent with the Comprehensive Plan. Standards are intended to accommodate auto-
41 oriented uses but also create a viable, visually attractive environment.

42 **31.12. Purpose of the Community Commercial District (CC).**

43 The Community Commercial District provides for large-scale, and clustered commercial and retail
44 businesses primarily intended to serve the needs of County residents, workers and visitors on lots where
45 both public water and sewer services are provided.

St. Mary's County Comprehensive Zoning Ordinance
Article 3. ZONING DISTRICTS

Schedule 32.1 Development Standards

	RPD	RSC	RCL	RL	RHD	RNC	RMX	VMX	DMX	DMX	CMX	CC	OBP	I	CM
Residential Density															
Base Density (units per acre)	1 dwelling per 5 acres ^a	none	none	1	10	1	1	1	1	5	1	none	none	none	none
Maximum/Density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	1 dwelling per 3 acres	none	none	5	15	2	5	5	5	10	5	none	none	none	none
Non-Residential Density															
Base Floor Area Ratio	0.05	0.10	0.25	0.10	0.30	0.10	0.20	0.20	0.20	0.60	0.40	0.35	0.40	0.40	0.20
Maximum Floor Area Ratio (see Table 32.2 for methods to achieve FAR increase)	0.15	0.30	0.30	0.20	0.30	0.15	0.35	0.45	0.60	none	0.50	0.50	0.50	0.60	0.30
Minimum Lot Dimensions															
Minimum Lot Area	none	none	none	none	none	none	none	none	none	none	none	none	none	none	1ac
Width	150	none	none	75	none	75	none	80	80	none	80	175	100	100	none
Depth	160	none	none	100	60	100	none	100	100	none	100	300	200	200	none
Frontage	75	none	none	50	none	50	none	50	50	none	50	100	none	none	none
Principal Structure Minimum Setbacks ^{1,2,3}															
Minor Collector or lesser	25	25	25	25	25	25	25	25	25	5	20	20	25	25	25
Major Collector	35	35	35	35	35	35	35	35	35	10	35	30	35	35	35
Arterial	50	50	50	50	50	50	50	50	50	50/10 ²	50	50	50	50	50
Side ⁴	15	15	15	10	10	10	15	15	15	10	10	20	20	25	25
Rear	20	20	20	20	20	20	25	25	25	20	20	30	25	25	25
Minimum Separation between detached principal structures on a site	Greater of 2 times the side yard setback or 2 feet per foot of building height														
Other Requirements															
Maximum footprint of a Commercial structure on a site by right	5,000	10,000	10,000	20,000	none	5,000	20,000	15,000	30,000	50,000	50,000	50,000	50,000	none	none
Maximum footprint of a Commercial structure with TDRs ^{5,6}	6,250	12,500	12,500	25,000	none	6,250	25,000	20,000	45,000	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	none	none
Maximum Height ⁷	40	40	40	40	75	40	40	40	40	100	100	100	100	100	60
Minimum Landscaping	none	15%	15%	none	15%	20% ^{8,9}	20%	20%	20%	20%	20%	none	20%	20%	20%
Open Space															
Minimum Useable Open space (sq. ft. per residential unit)	none	none	none	1,300	1,300	none	1,300	200	200	200 ¹⁰	200	none	none	none	none
Minimum Open space for development envelope	50%	none	none	50%	50%	50%	50%	20%	20%	15% ¹⁰	20%	20%	none	none	none

Footnotes

1. Lots fronting on roads identified as existing or future Arterial Roads in the 2020 Transportation Plan in the Comprehensive Plan shall meet the 50 foot setback.
2. On Great Mills Road (Route 246), from Route 235 to Saratoga Street the minimum front yard setback is 10 feet and the maximum shall be 25 feet.
3. Permitted obstructions in required yards are defined in Section 61.7.
4. Modification of Side or Rear Setback requirements defined in Section 61.7.4. Minimum Accessory structure setback shall be 5 feet from a side or rear lot line.
5. By right TDRs may be used to increase building footprint may be increased with 2,000 sq. ft. per TDR by 2,000 sq. ft. per TDR up to 60,000 sq. ft.
6. Additional sq. ft. of footprint above 60,000 sq. ft. in the Development Districts may be achieved @ 1,000 sq. ft. per additional TDR.
7. Principal structures may be erected to a height not exceeding 100 feet when side and rear yards are increased 1 foot for each foot of height in excess of the height restriction for the zone. Height of all structures subject to site-by-site analysis for compliance with Chapter 43, AICUZ and AE height restrictions. Structures with a building height greater than 45 feet shall install an approved sprinkler system. Height of communication towers are exempt from height restrictions of Schedule 32.1 and regulated by the provisions contained in Sections 51.3.87 and 51.3.88 of this ordinance.
8. Parcels of at least 2 acres in size but less than 10 acres in size may be subdivided into 1 additional lot for transfer to a family member.
9. In the RNC District, setback averaging, as defined in Chapter 91 Rules for Measurement, may be used to determine front yard requirements.
10. An open space credit may be granted if a project is connected to, and located within 1/4 mile of, an improved public park by a continuous sidewalk.

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SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	O3P	I	CM	
Methods for Achieving Residential Density Increase																	
Dwelling units per acre increase when Density in proposed development envelope meets or exceeds 3.5 units per acre		none	none	none	2	none	none	2	2	2	none	2	none	none	none	none	
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	none	1.00	1.00	1.00	1.00	1.00	none	none	none	none	
	Increase in units per acre with purchase of TDRs (where 1 TDR = 1 dwelling unit, except as shown in footnote 1 & 2)	1:3 ¹	none	none	2	5	1 ²	2	2	2	5	2	none	none	none	none	
	Bonus units per acres for achieving base density + purchase of maximum TDR density	none	none	none	2	none	none	2	2	2	none	2	none	none	none	none	
	Design Enhancements (units per acre)																
	25% increase over IRC minimums in energy efficiency (new or retrofit)	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
	Minimum 5/12 pitch on roofs	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
	Retain 30% of existing forest within site development envelope	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
	Bioretention stormwater management	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
	25% increase in landscape area over minimum required	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
	Other renewable, sustainable or "green building" design	none	none	none	0.25	none	none	0.25	0.25	0.25	0.25	0.25	0.25	none	none	none	none
Methods for achieving Floor Area Ratio Increase																	
Added square feet per TDR ²		2,000	2,000	2,000	2,000	none	2,000	2,000	2,000	2,000	2,000 ³	2,000 ³	2,000 ²	2,000 ²	2,000	none	
Added square feet for design enhancements (cumulative footage not to exceed maximum FAR)	25% increase over BOCA minimums in energy efficiency (new or retrofit)	1,000	1,000	1,000	1,000	none	none	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	none	
	Minimum 5/12 pitch on roofs	500	500	500	500	none	none	500	500	500	500	500	500	500	500	none	
	Use of muted colors	500	500	500	500	none	none	500	500	500	500	500	500	500	500	none	
	Brick, clapboard, stone siding	500	500	500	500	none	none	500	500	500	500	500	500	500	500	none	
	Facade design/materials applied to all tenants in a development	500	500	500	500	none	none	500	500	500	500	500	500	500	500	none	
	Uniform exterior sign design standard for all tenants in a development	500	500	500	500	none	none	500	500	500	500	500	500	500	500	none	
	Retain 30% of existing forest within site development envelope (no paving or construction within drip-line of the saved forest)	1,000	1,000	1,000	1,000	none	1,000	1,000	1,000	1,000	1,000	1,000	1,500	1,500	1,500	none	
	Bioretention stormwater management	1,000	1,000	1,000	1,000	none	1,000	1,000	1,000	1,000	1,500	1,500	1,500	1,500	1,500	none	
	25% increase in landscape area over minimum required	1,000	1,000	1,000	1,000	none	1,000	1,000	1,000	1,000	1,500	1,500	1,500	1,500	1,500	none	
	Other renewable, sustainable or "green building" design	1,000	1,000	1,000	1,000	none	1,000	1,000	1,000	1,000	1,500	1,500	1,500	1,500	1,500	none	

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1. TDRs may be used from one RPD sending parcel to increase density on a different RPD receiving parcel. The transfer of density shall not exceed a gross density of 1 unit per 3 acres on the receiving parcel and two (2) TDRs are required for each additional unit.
2. TDR increase is possible only in growth areas.
3. Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR

1 **ARTICLE 4. OVERLAY DISTRICTS AND FLOATING ZONES**

2 **CHAPTER 40 OVERLAY DISTRICTS, FLOATING ZONES:**
3 **PURPOSE, STANDARDS, PERMITTED USES**

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4 **Sections:**

- 5 40.1 Purpose of the Chesapeake Bay Critical Area Overlay.
6 40.2 Purpose of the Historic Landmarks and Districts Overlay.
7 40.3 Purpose of the Air Installations Compatible Use Zone and Airport Environs Overlay.
8 40.4 Purpose of the Planned Unit Development (PUD) Floating Zone.
9 40.5 Development Standards.

10 **40.1. Purpose of the Chesapeake Bay Critical Area Overlay.**

- 11 1. The Chesapeake Bay Critical Area Overlay implements Comprehensive Plan policies to protect
12 land and water resources in the Chesapeake Bay Critical Area. The developmental and land use
13 controls within the overlay will minimize adverse impacts on water quality from run off from
14 surrounding lands. It will conserve fish, wildlife, and plant habitat. Finally, this district
15 establishes land use regulations for development that accommodate growth yet regulate activities
16 that create adverse environmental impacts.
17 2. Land use development standards and requirements established in Chapter 41 are intended to foster
18 more sensitive development activity for shoreline areas and to minimize the adverse impacts of
19 development and land use activities on water quality and natural habitats pursuant to the Natural
20 Resources Article, Subtitle 18 of the Annotated Code of Maryland and COMAR 27.01.

21 **40.2. Purpose of the Historic Landmarks and Districts Overlay.**

22 The Historic Landmarks and Districts Overlay implements Comprehensive Plan policies to recognize the
23 unique contribution of St. Mary's County to state and national history, including recognition of the
24 County's distinct rural historic landscape. This overlay promotes the conservation, preservation,
25 protection, and enhancement of historic resources, including sites, structures, and districts significant in
26 history, architecture, archaeology, or culture that serve as visible reminders of the County's heritage. This
27 overlay district seeks to deter demolition, destruction, alteration, misuse, or neglect of historically,
28 architecturally, archaeologically, or culturally significant sites or structures. By conserving historic
29 resources, the district will preserve and enhance the quality of life and promote the economic prosperity
30 and welfare of the County.

31 **40.3. Purpose of the Air Installations Compatible Use Zone and Airport Environs Overlay.**

- 32 1. The Air Installations Compatible Use Zone (AICUZ) and Airport Environs (AE) Overlay is
33 established to ensure land use compatibility around federal and municipal airports in the County,
34 including, the Patuxent River Naval Air Station, Webster Field at St. Inigoes, Walter Duke
35 Memorial Airport in Hollywood, and future similar airport, air field, or heliport operations
36 approved in the County.
37 2. Land use development standards and requirements established in Chapter 43 are intended to
38 minimize exposure to aircraft noise, minimize risks to public safety, and minimize hazards to
39 aviators and those employed or residing in proximity to public aviation facilities. Each overlay
40 establishes a hierarchy of sub-districts with restrictions dependent on the location of lands in
41 relation to airport operations. The most stringent restrictions apply to land located closest to the
42 airport, and the least stringent apply to lands located farther from the airport but within the
43 boundary of this Overlay district.

44 **40.4. Purpose of the Planned Unit Development (PUD) Floating Zone.**

- 45 1. The Planned Unit Development Floating Zone (PUD) is intended to provide flexibility in planning
46 for development of projects.
47 2. Land use development standards and requirements established in Chapter 44, Planned Unit
48 Development (PUD), are intended to:

- 1 (1) Only those specific operations and structures that must occupy the Buffer in
2 order to serve their function may be located in the Buffer. New parking, roads,
3 and storage structures/areas; new eating and drinking establishments; retail sales
4 (other than fuel sales to watercraft); and other non-water dependent activities
5 and structures are prohibited from location in the 100 foot Buffer.
- 6 (2) Expansion of existing buildings in the Buffer requires a variance unless the
7 structure or facility was anticipated in an approved 5-to-10 year site plan
8 approved at the time of the designation of the site as a water-dependent facility,
9 the expansion is not waterward of the existing encroachment, and planting or
10 offsets are provided in the Buffer for two times the area of impervious surface
11 added.
- 12 b. Any activity structure of works permitted within the underlying zone, as set forth in
13 Schedule 50.4 and permitted in the Critical Area Overlay Zone may be approved as a
14 water-dependent facility if the applicant demonstrates that the activity, structure, or
15 works:
- 16 (1) Cannot exist outside the Critical Area Buffer; and
17 (2) Is dependent on the water by reason of the intrinsic nature of its operation.
- 18 c. Private, non-commercial piers having four or fewer slips, private non-commercial ramps
19 or railways, and structures for shore erosion control do not require a water-dependent
20 facility designation. Development of these waterfront facilities shall conform to County
21 requirements for shoreline structures and the County use regulations.
- 22 3. **Requirements for the Selection/Approval of Areas and Sites.** The following basic criteria and
23 requirements must be met for all new or expanded water-dependent facilities:
- 24 a. New or expanded development activities may not be allowed in those portions of the
25 Critical Area Buffer that fall in Resource Conservation Areas unless they are water-
26 dependent facilities for: public beaches; other public, water-oriented recreation or
27 education; publicly-owned launching and docking facilities; fishing piers; research
28 facilities or activities; or fisheries and aquaculture facilities, and it can be shown that:
- 29 (1) Adequate sewage disposal facilities exist; and
30 (2) Non water-dependent facilities are located outside the Buffer to the extent
31 possible; and
32 (3) Permeable surfaces are used to the extent practicable; and
33 (4) Disturbance to natural vegetation is minimized; and
34 (5) Design and location criteria are such that the proposed activity will have
35 minimal individual and cumulative impact on water quality and fish, wildlife
36 and plant habitats in the Critical Area; and
37 (6) A fuel spill protection system will be installed.
- 38 b. Within the RCA overlay, any proposal seeking designation as a water-dependent facility
39 for a commercial, industrial, institutional or recreational use other than those permitted in
40 paragraph a, above, must concurrently seek and obtain growth allocation to reclassify the
41 property as LDA or IDA.
- 42 c. New or expanded water-dependent development activities may be permitted in the
43 Critical Area Buffer in Intensely Developed and Limited Development areas for
44 industrial and port-related facilities, marinas and commercial maritime facilities,
45 community piers and noncommercial boat docking and storage facilities, public beaches,
46 or other public water-oriented recreational or educational facilities, including publicly
47 owned launching and docking facilities and fishing piers, research facilities or activities,
48 fisheries, and aquaculture facilities provided that it can be shown that:

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-
- 1 7. Demolition. In the event that any historic structure (50 years or older) is scheduled for
2 demolition, the Historic Preservation Commission may require that the demolition be delayed for
3 a reasonable time, not to exceed 90 days, so that the structure may be documented.

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- 1 **43.4. Site Development Standards.**
- 2 1. **General Requirements.** Within the AICUZ and AE, an application for subdivision or site plan
3 approval, conditional use approval, or variance, except for agricultural uses, shall be subject to
4 Site Plan Review pursuant to Chapter 60 of this Ordinance, and, shall not be approved except
5 upon receipt of evidence of filing of a "Notice of Proposed Construction or Alteration" with the
6 Federal Aviation Administration (FAA). Where required by 14 CFR Part 77, as amended,
7 development applications are required to document site elevations in relation to the AE Overlay
8 Subdistrict surfaces (43.1.2.b) and the AICUZ subdistricts (43.1.2.a). An area located in more than
9 one of the AE Overlay Subdistrict surfaces is considered to be only in the surface with the more
10 restrictive height limitation. Documentation of site elevations shall consist of a topographic map
11 of the site showing contours for every five feet of elevation change to illustrate the elevation above
12 mean sea level; the location and height of any proposed buildings or structures, as well as natural
13 features that impinge upon the AE Overlay Subdistrict surfaces; and the elevation of the aviation
14 facility affecting the applicant's property.
- 15 a. **Conditional Use Application.** Within the AE surface restrictions described at Section
16 43.3, any application for subdivision or site plan approval within or below AREA 2, shall
17 be subject to Conditional Use application in accordance with Chapter 25 of this
18 Ordinance.
- 19 b. **Review by Airport Manager.** Any application for subdivision approval, site plan
20 approval, conditional use approval, or variance within the AE overlay shall be referred to
21 the director of the department responsible for the Airport Master Plan for comment on the
22 potential impact of the proposal on aviation and/or airport operations or proposed
23 expansions prior to the issuance of any approval or building permit within the AE
24 overlay.
- 25 2. **Construction or Alteration Requiring Notice.** Zoning approval for development required to file a
26 "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration, (FAA)
27 as set forth below, shall be conditioned upon evidence of filing of a Notice of Proposed
28 Construction or Alteration with the FAA. A Notice of Proposed Construction or Alteration shall
29 be completed by the applicant and submitted to the director of the department responsible for the
30 Airport Master Plan and to the FAA for review and approvals for:
- 31 a. Any construction exceeding 100 feet in height above ground level at the site;
- 32 b. Any construction greater in height than an AE Overlay Subdistrict surface extending
33 outward and upward at one of the following slopes:
- 34 (1) 100 feet horizontal to 1 foot vertical for horizontal distance of 10,000 feet from
35 the nearest runway (end or side) of an airport with at least one runway more than
36 3,200 feet in length, excluding heliports.
- 37 (2) 50 feet horizontal to 1 foot vertical for a horizontal distance of 10,000 feet from
38 the nearest runway (end or side) of an airport with at least one runway no more
39 than 3,200 feet in length, excluding heliports;
- 40 (3) 23 feet horizontal to 1 foot vertical for a horizontal distance of 5,000 feet from
41 the nearest point of the nearest landing and take off area of each heliport.
- 42 **OR**
- 43 c. Any transportation routes/structure (bridges, railways, highway, waterways) for which the
44 height of the tallest vehicle anticipated to traverse the route/structure will exceed the
45 height of an AE Overlay Subdistrict surface extending outward and upward as set forth at
46 Section 43.4.2.b (1)-(3) above.
- 47 3. **Performance Standards.** The following performance standards shall apply to all uses within the
48 AICUZ or the AE overlay districts:

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- 1 (3) That the proposed vehicular and pedestrian transportation systems are adequate
2 and efficient; and
- 3 (4) That any proposals including restrictions, covenants agreements or other
4 documents, that show the ownership and method of assuring perpetual
5 maintenance of those areas intended to be used for recreational or other common
6 or quasi-public purpose are adequate and sufficient; and
- 7 (5) That essential community facilities and services for the type of development
8 under consideration, such as schools, recreation areas, police and fire protection,
9 shall be reasonably accessible to the development or provisions made to assure
10 such facilities and services will be provided.

11 3. ***Approval of the Development Plan.***

- 12 a. The planned development project shall be developed only according to the approved final
13 plan and all supporting data. The recitals and provisions of the ordinance under which
14 the development plan is adopted and, the development plan and all supporting data,
15 together with all amendments, shall be recorded in the land records and be binding on the
16 applicants, their successors, grantees, and assigns and shall limit and control the use of
17 premises (including the internal use of buildings and structures) and location of structures
18 in the planned development project as set forth therein.
- 19 b. Except as provided in the ordinance adopting the development plan or the exhibits and
20 attachments thereto, nothing contained herein shall affect vesting or grandfathering
21 provisions of an approved development plan. The approving ordinance adopted by the
22 Board of County Commissioners for the PUD shall be the controlling ordinance for the
23 lands incorporated into the PUD for the purposes as set forth herein, including but not
24 limited to, phasing, staging and scheduling of the development.

25 4. ***Amendment of the Ordinance Adopting the Development Plan.***

- 26 a. ***Major Changes.*** Changes that alter the concept or intent of the planned development
27 (including, but not limited to, increases in density; reductions of proposed open space;
28 change in type; changes in road standards, access, utilities, water, electricity, and
29 drainage) or changes in the final governing agreements, provisions, or covenants may be
30 approved only by submission of a new preliminary plan and supporting data and
31 following the "development approval" steps set forth above. Hearing and notice shall be
32 according to Chapter 21.3. In addition, notice shall be given to owners of land within the
33 PUD by certified or registered mail.
- 34 b. ***Minor Changes.*** The Planning Commission may approve minor changes in the planned
35 development that do not change the concept or intent of the development without going
36 through the "preliminary approval" steps. Minor changes are defined as any change not
37 defined as a major change. All changes to the final plan shall be recorded as in (3) above.

38 5. ***Revocation of or Amendment to an Approved Development Plan.***

- 39 a. ***Revocation of Approval or Proposal of Major Amendment to the Development Plan.*** The
40 Board of County Commissioners may revoke approval of a development plan or, on its
41 own initiative, propose major amendment to the plan, at the Board's discretion, if
42 construction falls more than one year behind the schedule filed with the development
43 plan or construction exceeds 15 years. The applicant shall be notified at least 60 days
44 prior to any revocation hearing. Extensions in the building schedule may be granted by
45 the Board of County Commissioners, subject to review of:
- 46 (1) The extent to which any delay was caused by the action or inaction of the
47 applicant as opposed to other factors beyond the control of the applicant; and
- 48 (2) The amount of investment made in the project as of the date of the application
49 for revision; and

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- 1 b. The existing topography and proposed grading of the site at contour intervals of not more
2 than two feet, including existing vegetation and other natural features, bodies of water
3 and water courses, 100-year floodplains, existing tree and plant cover, scenic views, land
4 forms and existing structures.
- 5 c. Water runoff drawings and calculations, and plans for siltation and erosion control, both
6 during and after construction.
- 7 d. The location of each unit or structure; the height, ground coverage and use of all
8 structures, and the locations and areas of open spaces.
- 9 e. Calculations of density, areas of land use, and open space.
- 10 f. The location of all sewer, water, and storm drainage lines, and all easements and rights-
11 of-ways, existing or proposed.
- 12 g. The location of adjacent highways and streets serving the site, noting centerline, widths
13 of paving, grades and median break points.
- 14 h. The location, dimensions, and grades of all roads, streets, and driveways, parking
15 facilities, loading areas, points of access to surrounding streets and pedestrian walks and
16 pathways.
- 17 i. The floor areas of all non-residential buildings.
- 18 j. The landscaping and screening plan, showing all man-made features and the location,
19 size, and species of all planting materials.
- 20 k. An exterior lighting plan, (if exterior lights are proposed), including the height, number
21 and type of fixtures to be installed and the computed average light intensity levels to be
22 provided.
- 23 l. The location of all active recreation areas and community facilities or structures,
24 indicating the location and use of all land to be dedicated to public use.
- 25 m. Information showing how each detailed site plan is related to and coordinated with the
26 development of the remainder of the PUD. This information shall be necessary only if a
27 detailed site plan in one of a number of detailed site plans within a planned development.
- 28 3. ***Other Information to Accompany the Detailed Site Plan.*** Applicant shall submit documents
29 indicating in detail the manner in which any land or facilities intended for common or quasi-public
30 use but not proposed to be in public ownership will be held, owned, and maintained in perpetuity
31 for the indicated purposes.
- 32 4. ***Approval of Site Plan by the Planning Commission.*** The Planning Commission shall be the
33 approving authority pursuant to Article 6. for each detailed site plan. approve, approve subject to
34 ~~conditions, or disapprove each detailed site plan.~~ The Planning Commission shall notify the
35 applicant in writing of its action not later than 60 days after receipt by the Planning Commission
36 of the detailed site plan, unless the applicant consents in writing to an extension of the time
37 limitation. In reaching its decision upon each detailed site plan, the Planning Commission shall
38 consider and determine whether the detailed site plan is substantially in accordance with the
39 approved development plan.
- 40 44.9. **Regulations for PUDR, Planned Unit Development – Residential.**
- 41 1. A PUDR shall have the following characteristics.
- 42 a. The PUD shall not create any adverse impact upon the primary road system. The
43 Planning Commission may recommend and the Board of County Commissioners may
44 require additional traffic improvements as necessary to reduce hazards and facilitate
45 traffic flow.
- 46 b. The following minimum open space areas shall be required in PUDR districts:

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- 1 provided that all lands involved shall be so dimensioned and related as to facilitate
2 efficient design and management.
- 3 b. For a proposal that includes both a mobile home subdivision and mobile home park, the
4 minimum size of the PUD shall be 10 acres. The park portion shall be separate from the
5 subdivision. The subdivision portion shall consist of at least 10 acres and shall meet all
6 other requirements for subdivisions. In the case of subdivision areas, mobile home units
7 and their accessory structures shall occupy not more than 30 percent of lot area per parcel
8 and a minimum lot size of 4,000 square feet per unit shall be provided.
- 9 **Development Standards.**
- 10 a. Developments shall meet all of the applicable requirements for regulation 10.02.23 of the
11 Maryland State Department of Health and Mental Hygiene governing construction,
12 equipment, sanitation, operation, and maintenance of mobile home parks except insofar
13 as the Planning Commission may recommend and if the Maryland Department of Health
14 & Mental Hygiene grants an exception. In addition, the following specific standards
15 shall apply:
- 16 (1) No tract of land shall be classified as a PUD-MHP district unless the Board of
17 County Commissioners find that it meets one of the following criteria:
- 18 (a) The tract ~~has~~ an area of at least five (5) acres, and meets the
19 minimum dimensional requirements contained in this section; or
- 20 (b) The tract is so located that it would make possible a logical extension
21 of an existing mobile home development.
- 22 b. No land shall be classified as a PUD-MHP district unless its proposed sewerage disposal
23 system has been reviewed and approved by the Health Department or the St. Mary's
24 County Metropolitan Commission.
- 25 c. All utility lines shall be placed underground.
- 26 d. In order to provide for storage of personal effects of the mobile home park residents, at
27 least 80 square feet of enclosed storage space shall be provided, either in an individual
28 structure adjacent to each mobile home stand or in a common building within 600 feet of
29 the residential units.
- 30 e. The design of the mobile home development shall provide for compatibility between the
31 use and development of the adjacent land.
- 32 f. Walkways shall form a safe and convenient system for pedestrian access to all mobile
33 homes, on-site facilities, and principal off-site pedestrian destinations.

34 **44.11. Regulations of PUD-CP, Planned Unit Development – Commercial Park Districts.**
35 This district may be applied to permit the development of village, town, and regional commercial centers in
36 scale with surrounding market areas at locations recommended in the Comprehensive Plan and in
37 accordance with the standards set forth therein. These centers shall serve areas not already conveniently
38 and adequately provided with commercial service facilities of the kind proposed. It is intended to permit
39 the establishment of such districts only where planned centers with carefully organized buildings, service
40 areas, parking areas, and landscaped open space will clearly serve demonstrated public needs, reduce
41 marginal traffic friction below that which would result from strip commercial development along
42 highways, and protect property values in surrounding neighborhoods. It is further intended that PUD-CP
43 districts shall foster a broad range of facilities and services appropriate to the general need of the area
44 served.

- 46 1. **Minimum Yard and Lot Requirements.**
- 47 a. The minimum yard and lot requirements shall be as set forth in the base zoning district,
48 except as otherwise provided in the Development Plan.

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- 1 2. ***Vehicular and Pedestrian Entrances and Exits.***
- 2 a. Principal vehicular access for the general public shall be from major streets. Vehicular
- 3 access from roads classified as minor collector or lower through residential
- 4 neighborhoods shall generally be avoided, but, where permitted, shall be so located,
- 5 designed and controlled as to be primarily for the convenience of residents of adjoining
- 6 residential areas and not for general public access. Pedestrian access shall be provided
- 7 using walkways at any suitable location to and within the district, but shall, as a general
- 8 rule, be separated from vehicular access points in order to reduce congestion, marginal
- 9 friction, and hazards.
- 10 b. The Planning Commission may require service drives and acceleration, deceleration,
- 11 passing or turning lanes at principal vehicular access points, with length and width as
- 12 appropriate to the anticipated flow of traffic. The Planning Commission may require
- 13 traffic separation devices at such entrances and exits and along service drives and
- 14 acceleration, deceleration, passing, or turning lanes. Whether required or provided
- 15 voluntarily, such service drives or acceleration, deceleration, passing or turning lanes may
- 16 be included as part of the required yard adjacent to a road classified as major collector or
- 17 higher except that no such service drive or lane, and no vehicular entrance or exits shall
- 18 run through any part of any required landscaped yard.
- 19 3. ***Site Planning – External Relationship.*** Site planning within the district shall provide for
- 20 protection of individual lots from adverse surrounding influences, and for protection of
- 21 surrounding areas from adverse impacts from the district. Yards, fences, walls, or vegetative
- 22 screening shall be provided where needed to protect residential districts or public streets from
- 23 undesirable views, lighting noise, or other off-site influences. In particular, outdoor storage,
- 24 extensive off-street parking areas, and service areas for loading and unloading vehicles and for
- 25 storage and collection of refuse and garbage shall be effectively screened.
- 26 **44.13. Regulations for PUD-CM, Planned Unit Development – Commercial Marine.**
- 27 Planned Unit Development Commercial Marine districts, hereinafter called PUD-CM, may be created as
- 28 planned developments of commercial docking; facilities for waterfront sales, storage and processing of
- 29 finfish and shellfish products harvested from the Chesapeake Bay and its tributaries, and facilities for the
- 30 launching, docking, storage, fueling, sanitary servicing, and repair of the boats that are incidental to
- 31 fisheries. It is further the purpose of the PUD-CM district to provide for those locations where a full range
- 32 of marina services can be readily provided with minimal impact on surrounding areas.
- 33 1. ***Minimum Yard and Lot Requirements.***
- 34 a. The minimum yard and lot requirements shall be as set forth in the base zoning district,
- 35 except as otherwise provided in the Development Plan.
- 36 2. ***Vehicular and Pedestrian Entrances and Exits.***
- 37 a. Principal vehicular access for the general public shall be from roads classified as major
- 38 collector or higher. Vehicular access from roads classified minor collector or lower
- 39 through residential neighborhoods shall generally be avoided, but, where permitted, shall
- 40 be so located, designed and controlled as to be primarily for the convenience of residents
- 41 of adjoining residential areas and not for general public access. Pedestrian access may be
- 42 provided at any suitable location within the district, but shall, as a general rule, be
- 43 separated from vehicular access points in order to reduce congestion, marginal friction,
- 44 and hazards.
- 45 b. The Planning Commission may require service drives and acceleration, deceleration,
- 46 passing or turning lanes at principal vehicular access points, with length and width as
- 47 appropriate to the anticipated flow of traffic. The Planning Commission may require
- 48 traffic separation devices at such entrances and exits and along service drives and
- 49 acceleration, deceleration, passing, or turning lanes. Whether required or provided
- 50 voluntarily, such service drives or acceleration, deceleration, passing or turning lanes may
- 51 be included as part of the required yard adjacent to a road classified as major collector or

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1

Use Type Number	Use Classification
1-8	Agricultural Uses
9-18	Residential Uses
19-35	Public & Semi Public Uses
36-78	Commercial Uses
79-84	Industrial Uses
85-94	Transportation, Communication, Utility Uses
95-103	Marine Uses
104-119	Accessory Uses
120-124	Temporary Uses

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- 2 1. **Use Classification Groups:** Agricultural, Residential, Public/Semipublic, Commercial, Industrial,
3 Transportation/Communication/Utility, Marine, Accessory and Temporary.
- 4 2. **Use Types.** Uses identified in the description of each use type are intended as examples of types
5 of uses rather than exhaustive lists. Use types are numbered to correspond with the use
6 regulations found in Chapter 51.
- 7 3. **Location of Use Types.** Base zoning district columns (established in Chapter 30 of this
8 Ordinance) in which letter designations are used to indicate where the use types are permitted (P),
9 allowed subject to limitations (L), conditionally allowed subject to Board of Appeals approval (C),
10 allowed only as part of a Planned Unit Development (PD), allowed only as an accessory to an
11 approved use (A), allowed only as an accessory type use to an allowable use pursuant to Section
12 11.2.4.b. (A) or not permitted (-).
- 13 4. **Intensity of Use.** Use intensity column that indicates the intensity of the use (high or low) for
14 purposes of determining buffer requirements (refer to Section 63.4).
- 15 5. **Critical Area Uses.** Critical Area Overlay column in which letter designations are used to indicate
16 the Critical Area Overlay Zone (RCA, LDA, IDA) in which use types may be located in
17 accordance with Critical Area regulations, and which uses are either prohibited or significantly
18 restricted (-) in the Critical Area in accordance with the standards of Chapter 51. Uses proposed in
19 the Critical Area Overlay must be determined to be allowable under the base zoning district
20 regulations. An applicant may seek growth allocation to obtain appropriate Critical Area Overlay
21 zoning for a proposed use that is allowed in one or more of the Overlay Zones.

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

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

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

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

Use Type	Description	Use Intensity																	Critical Area Overlay
			RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM		
6. Farmer's market.	Retail sales of locally produced agricultural, fishery products and locally made handcrafted products by two or more sellers, on a property usually separate from that where the items for sale were grown or made.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA DA
7. Roadside stand.	Display and sale of locally produced agricultural, fishery products and handcrafted products. This classification includes transient carts, vehicles, and stands used for the transport, storage and display of products operated more than 14 days per year as well as permanent roadside structures.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
8. Silviculture.	Agricultural Activity primarily engaged in care and cultivation of forest trees and timber harvesting.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
Residential Use Classifications																			
9. Dwelling unit attached.	An attached structure containing a single dwelling unit on a single lot. Dwelling units are usually side by side sharing one roof, but each unit has a separate front and rear access. Includes townhouses, tri-quad- and other multi-plex dwelling configurations.	High	L	-	-	P	P	-	P	P	P	P	P	-	-	-	-	-	RCA LDA IDA
10. Dwelling unit, detached.	A detached structure containing a single dwelling unit on a single lot. Dwelling may be either a site built structure meeting the St. Mary's County Building Code or a manufactured structure for residential occupancy, conforming to the requirements of the Maryland Industrialized Building and Mobile Homes Act and constructed under the National Manufactured Home Construction and Safety Act of 1974. Note: Mobile homes are regulated separately under this Ordinance.	Low	P	AP	A	P	P	P	P	P	P	P	P	-	-	-	-	A	RCA LDA IDA
11. Dwelling unit, multi-family residence.	A single structure that contains three or more dwelling units, or three or more attached structures with common walls on a single lot. Classification includes structures commonly called garden apartments, triplexes, quadplexes, and low-mid and high-rise apartment buildings.	High	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	-	LDA IDA

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

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
12. Group home.	Single family dwelling licensed or approved by a governmental agency for the purpose of providing special care or rehabilitation to the occupants. Group homes include residences for not more than eight persons including disabled persons, persons 60 years or older, and staff.	Low	P	A	A	P	P	P	P	P	P	P	P	-	-	-	A	RCA LDA IDA
13. Halfway house.	A residential care facility-licensed by the State of Maryland that provides for the supervision, counseling, training or treatment of residents to facilitate their transition from a correctional educational environment to independent living. This classification includes facilities for persons on probation, parole or early release.	Low	C	-	-	C	C	-	C	L	L	L	L	-	-	-	-	LDA IDA
14. Institutional residence.	Shared living quarters in a single structure housing unrelated persons without separate kitchen or bathroom facilities for each room or unit. This classification includes congregate living services, rooming houses or boarding houses, barracks, dormitory, fraternity, sorority, convent, private residential club, seasonal agricultural worker housing and group homes housing more than eight persons.	High	A	-	-	L	P	-	P	P	P	P	-	-	-	-	-	LDA IDA
15. Mobile home.	A manufactured structure certified by the US Department of Housing and Urban Development and bearing a HUD label (or if built prior to June 15, 1976, that complies with the Standard for Mobile Homes, NFPA 501, ANSI 119.1). Structure is transportable in one or more sections, which in traveling mode is 8 feet or more in width and 40 feet or more in length and which is built on a permanent chassis.	Low	P	-	-	L	L	-	-	-	-	-	-	-	-	-	-	RCA LDA IDA
16. Mobile home park or subdivision.	A contiguous development of land under single ownership which has been planned and improved for the placement of mobile homes.	High	-	-	-	PD	PD	-	-	-	-	-	-	-	-	-	-	LDA IDA

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

LIBER 0023 PAGE 064

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

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
17. <i>Residential services.</i>	Establishments offering a wide range of housing, social, and medical services for those that cannot care for themselves and for the elderly. Includes facilities providing housing and/or custodial care services. Variety of residential choices include independent living facilities (cottages or apartments), assisted living services, life care or continuing care services and skilled or long-term nursing care. Facilities include a wide variety of residential accommodations, meal service, and support and health care services.	High	C	-	-	C	P	-	L	L	L	P	P	-	-	-	-	LDA IDA
18. <i>Single-room occupancy units.</i>	Establishments providing rooms for lodging, typically on a weekly or monthly basis, with kitchen facilities in the room and weekly housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. Facilities may provide recreational amenities and dining service for residents. (See Lodging for facilities primarily renting on a daily basis)	High	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	LDA IDA

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

LIBERO 023 PAGE 65

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CH	Critical Area Overlay
Public and Semipublic Use Classifications																		
19. <i>Burial grounds.</i>	Cemeteries, crypts, tombs, mausoleums or columbariums for the interment of deceased humans or animals. This classification does not include crematories or mortuaries.	Low	P	A	A	P	A	A	A	P	P	A	A	A	A	A	-	RCA LDA IDA
20. <i>Clubs or lodges.</i>	Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs, and youth centers. Retail sales of food, beverage, incidentals or provisions of recreation and entertainment to other than club members and their guests shall require approval as an accessory restaurant, tavern, retail sales outlet, or recreation and entertainment facility.	High	C	P	P	C	C	C	C	P	P	P	P	P	-	-	A	LDA IDA
21. <i>Cultural institutions.</i>	Nonprofit institutions displaying or preserving objects of interest in the arts or sciences. This classification includes visitors' centers, libraries, museums, and art galleries. Facilities may include auditoriums, exhibition halls, classrooms, administrative support facilities, concessions for visitors or any combination thereof.	Low	C	C	C	-	C	-	P	P	P	P	P	P	A	A	A	LDA IDA
22. <i>Day care, family home.</i>	Non-medical care for eight or fewer children in the principle residence of the caregiver.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
23. <i>Day care, facility medical.</i>	Day care facility providing health care programs licensed or approved by a government agency to provide daytime health services and therapeutic recreational services to adults aged 18 and over with severe functional impairments.	Low	-	-	-	P	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
24. <i>Day care, non-medical.</i>	Day care facility licensed or approved by a governmental agency to provide non-medical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	C	P	P	P	P	P	P	P	P	-	LDA IDA

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

LIBER 0023 PAGE 6 b b

Legend	P	Use is permitted in accordance with Chapter 51 General standards
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Use Type	Description	Use Intensity															Critical Area Overlay	
			RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP		CM
25. <i>Education facility, college.</i>	Public or private institution of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees. This classification includes establishments engaged in the teaching of vocational and technical skills.	High	C	-	-	C	C	-	C	P	P	P	-	C	L	L	-	LDA IDA
26. <i>Education facility, school.</i>	Public or private facility for primary or secondary education, including elementary, middle and high schools and private institutions having a curriculum comparable to that required in the public schools in the State of Maryland.	High	C	-	P	P	P	L	P	P	P	C	-	C	C	-	-	LDA IDA
27. <i>Government facility.</i>	Administrative, clerical, or public contact offices of federal, state or local government agencies. Also publicly owned and operated facilities such as fairgrounds and parking facilities, postal facilities, etc.	High	C	P	C	C	C	P	P	P	P	P	P	P	P	P	C	LDA IDA
28. <i>Hospital.</i>	Licensed general hospital with or without surgical facilities, primarily engaged in providing diagnostic and medical treatment to inpatients suffering from a wide variety of medical conditions. These facilities maintain inpatient beds and an organized staff of physicians and medical professionals to provide patient care services. Hospitals may also provide supporting outpatient, diagnostic, laboratory, and pharmacy services. This classification includes psychiatric and substance abuse hospitals and specialty hospitals licensed to provide diagnostic and medical treatment to inpatients suffering from a specific disease or medical condition.	High	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	LDA IDA
29. <i>Long-term care facility.</i>	Primarily engaged in providing inpatient nursing and rehabilitative services to individuals requiring 24-hour nursing care for an extended period of time. This classification includes nursing homes, rest homes, and homes for the elderly with nursing care.	High	-	-	-	C	C	-	-	P	P	P	C	-	-	-	-	LDA ICA

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

LIBERO 023 PAGE 67

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
30. <i>Outpatient care center.</i>	Licensed facility with medical staff primarily engaged in providing primary care and general or specialized outpatient care, including family planning, mental health, physical therapy, substance abuse, and kidney dialysis centers or clinics. No overnight patient or dormitory facilities shall be allowed. This classification includes HMO medical centers, freestanding ambulatory surgical and emergency centers (except hospitals), where surgical services are provided on an outpatient basis, and medical and diagnostic laboratories providing analytic or diagnostic services to the medical profession or to the patient on referral from a health practitioner.	High	-	L	L	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
31. <i>Public recreation facility.</i>	Non-commercial park, playground, recreation facility, and publicly accessible open space. This classification includes fields for amateur and youth sports including, but not limited to, baseball, softball, football, and soccer fields. Golf courses are regulated separately under this Ordinance.	Low	P	-	P	P	P	L	P	P	P	P	P	-	P	P	P	LDA IDA
32. <i>Public maintenance facility.</i>	Facilities providing maintenance and repair services for public and utility vehicles and equipment, and materials storage areas. This classification includes utility and road maintenance depots, equipment service centers, and similar facilities.	High	P	-	C	-	-	-	C	C	C	C	-	P	P	-	-	LDA IDA
33. <i>Public safety facility.</i>	Facility for public safety and emergency services, including fire protection, rescue squad, police, and detention service. Includes private non-profit ambulance services	High	C	C	P	L	C	L	P	P	P	P	P	P	P	C	-	LDA IDA
34. <i>Religious assembly.</i>	Religious worship and incidental religious education, not including private schools.	Low	P	L	L	L	L	L	P	P	P	P	L	P	-	-	-	LDA IDA
35. <i>Rural medical practice.</i>	Facility with licensed professional staff engaged in general or specialized medical care and licensed by the Department of Health and Mental Hygiene.	High	L	P	P	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA

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

LIBERO 0 2 3 PAGE 6 8

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications NOTE:*			Any Low intensity commercial use that exceeds 20,000 square feet shall be considered a High intensity Use															
36. <i>Adult entertainment.</i>	Establishments based primarily on materials and performances that depict, describe, or relate to sexual activities.	High	-	-	-	-	-	-	-	C	C	C	C	-	-	-	-	LDA IDA
37. <i>Animal boarding.</i>	Shelter and care (feeding exercise, incidental medical care) for animals, including kennels and boarding facilities for domestic animals and pets and shelters for unwanted or abandoned animals.	Low	P	P	L	A	-	-	-	L	L	-	L	L	-	-	-	LDA IDA
38. <i>Animal boarding, stable.</i>	Facilities for boarding, care and exercise of horses including related equestrian activities, rings, exercise areas, and instruction facilities. This classification includes riding academies. Use shall not be considered a "bona fide agricultural" use and shall not qualify for agricultural exemptions under Chapter 75 for creation of pasture.	Low	L	-	-	L	-	-	-	L	L	-	-	-	-	-	-	RCA LDA IDA
39. <i>Animal hospital.</i>	Establishments for the medical and surgical treatment of domestic and farm animals, including grooming and boarding of animals for no more than 30 days if incidental to the hospital uses and limited to animals receiving medical care.	Low	L	-	L	-	-	-	L	L	L	L	L	P	P	-	-	LDA IDA
40. <i>Animal sales and service.</i>	Establishment engaged in boarding, veterinary care, retail sales of domestic and farm animals, and services such as grooming, feed and tack stores. May include impregnation, gestation and birthing of domestic animals on a commercial basis. This classification does not include livestock auctions, or incidental sales from animal husbandry operations. (For breeding of farm animals, see <i>Animal husbandry</i>)	Low	P	L	P	-	-	-	L	L	L	L	P	-	-	-	-	LDA IDA
41. <i>Campground and day or boarding camp.</i>	Outdoor establishment improved, used or intended to provide camping sites designated for tents or providing servicing or temporary accommodation of one or more recreational vehicles used for travel, camping or recreational purposes. Dwelling and recreation facilities under single ownership used for programmed activities on a commercial basis.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	LDA IDA
42. <i>Commercial parking facility.</i>	Facility which offers parking to the public with or without a fee on parking lots which are not attendant to or required by another use. Fee use of a parking lot that is attendant to or required by another use is exempt from regulation as a commercial parking facility.	High	C	A	A	A	-	-	L	L	L	P	P	P	P	-	-	LDA IDA

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

LIBERO 023 PAGE 69

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE:			Any Low Intensity commercial use that exceeds 20,000 square feet shall be considered a High Intensity Use															
43.	Conference facility.	Low	PD	P	-	C	-	-	P	P	P	P	P	P	A	A	A	LDA IDA
44.	Construction materials and equipment storage.	High	L	-	-	-	-	-	-	-	-	-	-	-	L	-	-	LDA IDA
45.	Convenience store.	Low	-	L	L	-	-	-	P	P	P	P	P	P	-	P	A	LDA IDA
46.	Corporate campus.	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	P	-	LDA IDA
47.	Fairgrounds and flea markets.	Low	P	P	-	-	-	-	P	P	P	P	P	A	A	A	-	LDA IDA
48.	Financial institution.	Low	-	P	P	-	-	-	P	P	P	P	P	P	P	P	-	LDA IDA
49.	Funeral and interment service.	Low	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	LDA IDA
50.	Golf course.	Low	C	-	-	C	-	L	-	-	C	-	-	-	-	C	-	LDA IDA

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

118880023 PAGE 70

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Commercial Use Classifications (cont'd) NOTE:*			Any Low intensity commercial use that exceeds 20,000 square feet shall be considered a High intensity Use															
51. <i>Laboratory.</i>	Facility engaged in routine processing, analysis and testing to provide medical, dental, photographic and technical laboratory services. Use class excludes laboratories primarily engaged in developing new methods for processing, analysis and testing (see Research and Development) and laboratories for other types of service (See Industry, limited.)	Low •	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	LEA ICA
52. <i>Lodging, bed and breakfast inn.</i>	Visitor accommodations providing guest rooms for lodging on a less than weekly basis typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service provided from a single kitchen for lodgers only.	Low •	P	P	P	C	-	-	P	P	P	P	-	-	-	-	P	RCA LDA IDA
53. <i>Lodging, hotel and motel.</i>	Visitor accommodations providing guest rooms for lodging, typically on a less than weekly basis, with no or minimal kitchen facilities in the guest units and daily housekeeping service. Guest units may be reached either from a common entrance or directly from the outside of the building. This classification may include accessory recreational facilities, or eating, drinking and banquet service, and conference facilities.	Low •	-	-	-	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
54. <i>Maintenance and repair service, major.</i>	Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and installations. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats or ships.	High •	L	C	C	-	-	-	L	L	L	L	L	L	P	L	A	LDA IDA
55. <i>Maintenance and repair service, minor.</i>	Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats or ships, or industrial equipment.	Low •	L	P	P	-	-	-	-	P	P	P	P	A	-	-	A	LDA IDA
56. <i>Manufactured home sales.</i>	Establishments engaged in the retail sale or leasing, delivery and installation of manufactured homes where models are located or purchasable products are stored on site.	High •	-	-	-	-	-	-	-	P	P	C	P	-	A	-	-	LDA IDA

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

LIBERO 023 PAGE 71

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE:*			Any Low Intensity commercial use that exceeds 20,000 square feet shall be considered a High Intensity Use															
57. <i>Motor fuel sales.</i>	Establishments engaged in the retail dispensing or sale of vehicular fuels and lubricants.	Low •	-	L	L	-	-	-	-	L	P	P	P	-	A	L	A	LDA IDA
58. <i>Motor vehicle maintenance service, major.</i>	Repair of automobiles, trucks, motorcycles, tractors, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts. This classification includes towing, engine repair, body and fender shops, vehicle painting, wheel repairs, tire sales and installation and/or repair of heavy trucks or construction vehicles, but excludes vehicle dismantling or salvage, tire re-treading and recapping. Includes facilities providing services for major repair and maintenance of recreational or commercial watercraft and marine engines. (Use may be accessory to a marina or boatyard use)	High	-	L	L	-	-	-	-	L	P	P	L	A	P	-	A	LDA IDA
59. <i>Motor vehicle maintenance service, minor.</i>	Establishments where vehicle repairs and routine maintenance are made in enclosed bays and no vehicles are stored overnight, including quick-service oil, tune-up, tire, and brake and muffler shops. Washing, waxing, or cleaning of automobiles or similar vehicles. This classification excludes uses providing towing, engine repair, body and fender work, vehicle painting, or repair of heavy trucks or construction vehicles. May include accessory motor fuel sales.	Low •	-	L	L	-	-	-	-	L	P	P	P	P	P	-	A	LDA IDA
60. <i>Office.</i>	Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This classification excludes financial institutions.	Low •	-	P	L	-	-	-	P	P	P	P	P	P	P	P	A	LDA IDA
61. <i>Personal improvement service.</i>	Establishment providing facilities for and instruction in, but not limited to, photography, fine arts, crafts, dance, music, gymnastics, martial arts, driving, scuba instruction, sailing, and weight management.	Low •	L	P	P	-	-	-	P	P	P	P	P	P	-	P	A	LDA IDA

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

LIDER0023 PAGE 072

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IDA	Use may be allowed in the Intensely developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.	
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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE:*			Any Low Intensity commercial use that exceeds 20,000 square feet shall be considered a High Intensity Use															
62. <i>Personal or business service.</i>	Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; shoe framing shops; shops for trailers, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic or other similar services.	Low •	-	P	P	-	-	-	P	P	P	P	P	P	-	P	-	LCA IDA
63. <i>Personal storage.</i>	Storage of goods and materials within an enclosed building with direct access to individual storage spaces and available to the general public for a fee. This classification does not include warehousing or wholesaling and distribution centers.	Low •	-	-	P	-	-	-	-	L	L	-	L	-	P	-	-	LCA ICA
64. <i>Recreational facility, major.</i>	This classification includes commercially operated indoor and outdoor recreation and entertainment facilities not specifically classified elsewhere that provide accommodations for any number of spectators or that occupy 15 acres or more of land. This use type includes, but is not limited to, live performing arts theaters, drive-ins, amphitheaters, sports arenas, amusement parks and water parks.	High	PD	-	-	-	-	-	-	-	-	-	PD	PD	PD	-	-	LDA ICA
65. <i>Recreational facility, motor sports facilities</i>	This classification includes any commercially operated motor sports facility including, but not limited to, a speedway, drag strip, raceway, and any grandstand or stadium associated with either an oval track or road course. Also includes associated vehicle or equipment testing facilities, and accommodations and concessions to serve patrons of the facility.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	LDA IDA

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

BERO 0 2 3 PAGE 73

Legend	P	Use is permitted in accordance with Chapter 51 General standards
	L	Use is permitted in accordance with Chapter 51 General and Limited standards
	C	Use is permitted in accordance with Chapter 51 General and Conditional standards
	A	Use is permitted allowed only as an accessory to an allowable approved principal use (See Section 11.2.4.b).
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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE:*			Any Low intensity commercial use that exceeds 20,000 square feet shall be considered a High Intensity Use															
66.	<i>Recreational facility, minor indoor.</i>	Low	-	P	L	-	-	-	-	P	P	P	P	P	P	A	-	LDA IDA
67.	<i>Recreational facility, minor outdoor.</i>	High	PD	L	-	-	-	-	-	-	-	L	L	L	L	-	-	LDA IDA
68.	<i>Rental and leasing.</i>	High	-	P	P	-	-	-	-	P	P	P	P	P	P	-	L	LDA IDA
69.	<i>Research and development service.</i>	Low	C	-	-	-	-	-	C	L	L	L	L	-	P	P	-	LDA IDA
70.	<i>Restaurant.</i>	Low	-	P	P	-	-	-	P	P	P	P	P	P	A	A	A	LDA IDA

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

LIDERO 0-23 PAGED 14

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNG	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE: Any Low intensity commercial use that exceeds 20,000 square feet shall be considered a High intensity Use																		
71. <i>Restaurant, fast food.</i>	An establishment that offers quick eat-in or take out food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customers' table, food is not served at the same table or counter where the food is consumed, and food is generally served in disposable wrapping and containers.	High	-	L	C	-	-	-	-	L	L	P	P	L	-	-	-	LDA IDA
72. <i>Retail sales or service, vehicles.</i>	Establishments engaged in the retail sale of new or used vehicles of all types- cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, watercraft, outboard motors. They may have show-rooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.	High	-	-	L	-	-	-	-	-	P	P	P	P	-	-	A	LDA IDA
73. <i>Retail sales, general.</i>	Establishment engaged in high volume retail sales of goods and merchandise not specifically listed under another use classification. Use type includes department stores, discount stores, retail warehouses and shopping "clubs," home furnishing stores, pharmacies and supermarkets; retail plant nurseries and garden centers; and establishments engaged in retailing or wholesaling of building supplies or equipment including lumberyards and implement, tool and equipment sales. Use also includes any establishment listed under "Retail sales limited" that occupies a gross floor area in excess of 20,000 square feet. Except in the RCL	Low	-	P	P	-	-	-	-	P	P	P	P	P	-	-	-	LDA IDA

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

LIBERO 023 PAGE 75

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Commercial Use Classifications (cont'd) NOTE:			Any Low Intensity commercial use that exceeds 20,000 square feet shall be considered a High Intensity Use															
74. Retail sales, limited.	Establishment engaged in low volume retail sales of goods and merchandise not specifically listed under another use classification, including, but not limited to, specialty stores engaged in the retail sale of antiques, appliances, art, art supplies and services, new automotive parts and accessories, (excluding service and installation), bicycles, cameras, carpeting and floor coverings, coins, electronic equipment, hand-crafted items, hardware, hobby materials, jewelry, kitchen utensils, medical supplies, office supplies, paint and wallpaper, photographic supplies, records, sporting goods, toy stores, pawnshops, grocers, liquor stores or delicatessens.	Low	-	P	P	-	-	-	A	P	P	P	P	P	A	A	A	LDA IDA
75. Take-out food and beverage sales.	Establishments offering prepared foods and beverages exclusively for off-site consumption. Includes delivery service, catering services, custom bakeries, and specialty shops, e.g. coffee shops and delicatessens.	Low	-	P	P	-	-	-	A	P	P	P	P	A	A	A	A	LDA IDA
76. Tavern.	A licensed establishment serving alcoholic beverages in which 50% or more of gross receipts are from the sale of such beverages at retail for immediate consumption. Establishments may provide limited food and entertainment (primarily music) services	High	-	P	P	-	-	-	-	P	P	P	P	P	-	-	A	LDA IDA
77. Warehousing and storage.	Long- or short-term storage of goods or materials produced off-site within an enclosed building prior to their distribution to wholesale or retail outlets. Includes wholesaling and distribution centers facilities with sales of goods on-site. Excludes "discount clubs" and similar establishments engaged in retail sales of bulk items.	High	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	LDA IDA
78. Wholesaling and distribution center.	Indoor storage and sale of factory-direct merchandise and bulk goods. This use includes mail-order sales, importing and the wholesale sale of goods imported by the establishment and wholesale distribution. Excludes "discount clubs", and similar establishments engaged in retail sales of bulk items.	High	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	LDA IDA

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

LIBERO 023 PAGE 76

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Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RNX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
Industrial Use Classifications																		
79. <i>Extractive industry.</i>	Removal of natural materials from the surface or subsurface of the earth for sale or further processing. This classification includes sand and gravel mining and mineral extraction.	High	L	-	-	L	-	-	L	L	L	-	-	L	L	-	-	RCA LDA IDA
80. <i>Production industry, custom.</i>	On-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This classification includes custom carpentry, cabinet and small scale furniture making and woodworking, blacksmiths, welding, machine shops, sail lofts, small-scale sawmills for custom work.	Low	P	L	L	-	-	-	-	L	L	-	L	-	P	-	-	IDA X
81. <i>Production industry general.</i>	Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. This classification includes food processing and packaging, furniture manufacture, laundry and dry cleaning plants, stonework and concrete products manufacture and large-scale sawmills and kiln drying operations.	High	L	-	-	-	-	-	-	-	-	-	-	-	L	-	-	IDA X
82. <i>Production industry limited.</i>	Manufacturing of finished products or parts, primarily from previously prepared materials, and provision of industrial services; both within an enclosed building. This classification includes commercial bakeries and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services.	High	-	-	-	-	-	-	-	-	P	-	P	-	P	L	-	IDA X
83. <i>Slaughterhouse</i>	Establishments engaged in killing and butchering livestock.	High	C	-	-	-	-	-	-	-	-	-	-	-	C	-	-	IDA X
84. <i>Wrecking and salvage.</i>	Storage or dismantling of inoperative vehicles, machinery, or other goods. Objects may either be displayed as individual items or assembled into partial or complete vehicles or other machines. This classification includes but is not limited to establishments engaged in the sale of used parts recovered from on-site vehicles and machines.	High	PD	-	-	-	-	-	-	-	-	-	-	-	P	-	-	IDA X

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

LIBERO 023 PAGE 77

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Use Type	Description	Use Intensity	Zoning Districts																Critical Area Overlay
			RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	ORP	CM		
Transportation, Communication and Utility Use Classifications																			
85. <i>Airport, landing strip and heliport.</i>	Facilities open to aviation or operated for the takeoff and landing of aircraft, including runways; helicopter pads; passenger and cargo facilities; facilities for air traffic control, emergency service, informational devices, maintenance and overhaul, fueling, service, storage; tie-down areas; hangars and other necessary open spaces. May include offices and facilities for flight instruction, charter and cargo service and related services for airport customers as accessory uses.	High	C	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	LDA IDA
86. <i>Antennae and microwave equipment.</i>	Amateur radio antennae, or satellite and microwave dish antennae and equipment installed and operated to serve an individual residence or business.	Low	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
87. <i>Communication tower, public safety or other non-commercial.</i>	Communication tower designated by the Board of County Commissioners for operation of emergency communications equipment or co-located commercial equipment.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
88. <i>Communication tower, commercial.</i>	Communication tower that supports commercial uses or non-commercial uses when the structure exceeds 100 feet in height.	High	C	-	C	C	-	-	-	C	C	C	C	C	C	C	C	-	-
89. <i>Freight terminal.</i>	Facilities for freight service and operations by truck, rail, or ship. This classification does not include airports or heliports.	High	-	-	-	-	-	-	-	-	-	-	-	-	P	L	P	LDA IDA	
90. <i>Passenger terminal.</i>	Facilities for passenger transportation operations. This classification includes rail stations and bus terminals.	High	-	-	-	-	-	-	-	P	P	P	L	P	-	-	-	LDA IDA	
91. <i>Regional flood and storm water management facility.</i>	Facilities designed and managed by a public agency or public utility to provide flood control or manage stormwater drainage for multiple development sites.	High	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	
92. <i>Solid waste acceptance, processing, transfer and/or resource recovery facility.</i>	Public or private recycling, refuse collection, solid waste transfer or disposal facilities or material recovery facilities.	High	C	-	-	-	-	-	-	-	-	-	-	-	L	-	-	IDA	

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

IBERO 023 PAGE 78

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Use Type	Description	Use Intensity															Critical Area Overlay	
			RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP		CM
93. <i>Utility, major.</i>	Power generating plant, or power substation, water reservoir, water or wastewater treatment plant and associated disposal ponds, or similar facility of a public agency or public utility. A structure that may have a significant effect on surrounding uses is regulated under this classification.	High	C	-	-	C	-	-	-	-	-	-	-	-	C	C	-	LDA IDA
94. <i>Utility, minor.</i>	Public utility that is necessary to support legally established uses and involves only minor facilities or structures such as a small drainage channel; aqueduct; small sewer or water pump station or substation; above ground distribution or transmission lines including service for telephone or cable television; underground water, sewer, drainage, gas, electricity, telephone, or related utility lines; recycling centers; telephone switching centers; and telegraph or cable television transmitting offices.	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA

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

LIBERO 023 PAGE 79

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Marine Use Classifications																		
95. <i>Boatel (multi-level watercraft storage rack building).</i>	Any structure or rack system that includes roof and end walls, is more than 10 feet in height, and is erected or established for the purpose of storing watercraft. (Use may be accessory to a Marina or Boatyard use)	High	PD	-	-	PD	-	PD	-	-	PD	-	-	-	-	-	C	LDA IDA
96. <i>Boatyard.</i>	Facility providing services for construction and repair and overhaul of watercraft. May include accessory retail sale of boats.	High	PD	-	-	PD	-	-	-	-	PD	-	-	-	P	-	P	LDA IDA
97. <i>Charter fishing facility.</i>	This classification includes any facility for three or more charter fishing boats or that accommodate more than 18 customers.	Low	C	-	C	-	-	C	-	-	C	-	-	-	-	-	P	RCA LDA IDA
98. <i>Commercial dock.</i>	A facility used for commercial mooring for on-and off-loading of local seafood catch and with no on-site processing except on-site restaurants. Facilities with processing facilities are classified as Seafood Industry.	Low	L	-	A	L	-	L	-	-	L	-	-	-	-	-	L	RCA LDA IDA
99. <i>Dock, ramp and/or railway, public.</i>	Public facility for launching, mooring, or securing watercraft, and where overnight berthing is prohibited.	Low	P	-	-	P	-	L	-	-	P	-	-	-	-	-	P	RCA LDA IDA
100. <i>Marina.</i>	Facility for launching, mooring, berthing, storing or securing 10 or more watercraft. May include support facilities such as fuel sales, management office parking, hauling or ramp, sewage pumpout facilities, restrooms and amenities provided for slipholders such as a swimming pool or other recreational area. Provision of Marine services; Maintenance and repair services, Major; Lodging; Restaurant; Retail sales; and Commercial recreation & entertainment allowed as accessory uses in zones where permitted by this Ordinance.	High	PD	-	PD	PD	-	PD	-	-	PD	-	-	-	-	-	P	LDA IDA
101. <i>Marine services.</i>	Facility that provides services primarily to recreational watercraft in the water and occupants thereof. Includes restrooms, sewage pumpout facility, concessions, and sale of fuel and incidental supplies. (May be accessory to a conforming Marina, Boatyard, or Public dock use)	High	A	-	A	A	-	A	-	-	A	-	-	-	-	-	P	LDA IDA

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

LIBERO 023 PAGE 80

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102. <i>Marine terminal.</i>	Commercial or industrial piers or port facility for the loading and off loading of passengers, vehicles, bulk materials, and cargo on boats, ships, tankers, or barges. Includes shipping terminals, ferry terminals, tanker ports, and barge loading facilities. (Use may be accessory to an Extractive Industry or General production Industry.)	High	PD	-	-	-	-	-	-	-	-	-	-	-	-	PD	-	C	IDA
103. <i>Seafood industry.</i>	A facility used for processing shellfish and finfish including facilities for securing and off-loading fishing vessels; facilities to hold, process, or store the catch; and facilities to manage waste byproducts. Includes land and water-based aquaculture for-profit operations where raising of fish or shellfish is within any natural, open, free-flowing waterbody—streams, inlets, estuaries. This includes establishments engaged in the buying and selling seafood, wholesale or retail, excluding grocery stores. (See "Commercial Dock" for sites without facilities for processing or wholesale or retail seafood sales.	High	L	-	L	L	-	L	-	L	L	-	-	-	-	-	-	P	RCA LDA IDA

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

LIBERO 023 PAGE 81

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Accessory Use Classifications.																		
104. Accessory dwelling unit.	A residential use incidental to the principal permitted or conditionally permitted use on a site.	Low	A	A	A	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
105. Automated teller machine (ATM).	Automated teller machines located on the exterior of buildings for direct pedestrian access or in freestanding booths for walk-up or drive-up access. ATMs for access from within a building are not regulated.	Low	-	A	A	-	-	-	A	A	A	A	A	A	A	A	A	RCA LDA IDA
106. Bus shelter.	Detached structure located at County - approved pick-up or drop-off point for passengers for school or public transportation.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
107. Collection receptacles for recyclables materials.	Dumpsters used for the collection of recyclable materials.	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
108. Dock, ramp and/or railway, private.	Facility for mooring, berthing, storing or securing four (4) or fewer watercraft, and a boat ramp provided the boat ramp is located adjacent to the pier.	Low	A	-	A	A	-	A	-	-	A	-	-	-	-	-	-	RCA LDA IDA
109. Dock, ramp and/or railway.	Facility for mooring, berthing, storing or securing 5 to 9 watercraft, and a boat ramp provided the boat ramp is located adjacent to the pier.	Low	A	-	A	A	-	A	-	-	A	-	-	-	-	-	-	RCA LDA IDA
110. Drive-through services.	Facility for providing services to persons remaining in automobiles.	High	-	A	A	A	A	-	A	A	A	A	A	A	A	A	-	RCA LDA IDA
111. Home occupation.	Accessory commercial uses allowed in a dwelling unit where the occupation, profession, activity or use is clearly a customary, incidental, and secondary use of a residential dwelling unit that does not alter the exterior of the property or affect the character of the neighborhood.	Low	A	A	-	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
112. Live entertainment.	Any establishment that provides performances for the purpose of amusing a guest or patron on a scheduled basis more than three times a calendar year, regardless of whether the performers are compensated. This classification also includes any form of dancing by guests or patrons that occurs on a scheduled basis.	High	-	A	A	-	-	-	-	A	A	A	A	A	A	A	A	RCA LDA IDA
113. On-site workers' housing.	Residential structures owned and operated by an employer for the purpose of providing living quarters for workers during the period of their employment on the site of their employment. Housing may be long- or short-term, seasonal or year round.	Low	A	-	-	A	-	-	-	A	A	A	A	-	-	-	-	RCA LDA IDA

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

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

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	OBP	CM	Critical Area Overlay
114. Accessory general.	Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.	None	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA
115. Outdoor storage.	Storage or placement of equipment, merchandise, or products not otherwise permitted outside of a building. This does not apply to agricultural use classifications.	High	-	A	A	-	-	-	-	A	A	A	A	A	A	A	A	LDA IDA
116. Recreational vehicles.	Vehicles that are self propelled or towable and designed primarily for temporary living while traveling or camping.	None	A	A	A	A	A	A	A	A	A	A	A	-	-	-	A	RCA LDA IDA
117. Swimming pool Private, non-commercial.	Above or in-ground structure filled with water for swimming allowed as an accessory use to a permitted principle use. (For community and public pools see "Public recreation facility" for commercially operated pool facilities, see "Commercial recreation and entertainment.").	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA
118. Stables.	An accessory building, not related to the ordinary operation of a farm, for housing hoofed animals.	Low	A	A	-	-	-	A	-	A	A	-	-	-	-	-	-	RCA LDA IDA
119. Charter fishing.	One or two charter fishing boats accommodating a maximum of 12 customers berthed and operated at a private pier as an accessory use to residential use. Generation of revenue from fishing excursions shall not be deemed prima facie evidence contradicting the subordinate and incidental nature of this use to the primary residential use.	None	A	-	A	-	-	-	-	-	A	-	-	-	-	-	-	RCA LDA IDA

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

LIBERO 023 PAGE 83

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

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL	RH	RNC	RMX	VMX	TMX	DMX	CMX	CC	I	ORP	CM	Critical Area Overlay
Temporary Use Classifications																		
120. Construction trailer/office.	Mobile facilities used as offices and/or an operations base during project construction.	NA	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
121. Sales office/model home.	Facilities housed on the site of a development project during construction for the purpose of sales activities relating to the project.	Low	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	RCA LDA IDA
122. Shows and events, indoor.	Temporary indoor events occurring at a site on fewer than four consecutive days and 14 or fewer days per year. -Includes animal shows for domestic or farm animals; art fairs and shows; indoor display and sale of hand crafts and similar objects; equipment and trade fairs; concerts, carnivals, fairs, and other similar events; organized rummage sales and auctions of property, including donated, reclaimed or salvaged goods by a charitable, religious or non-profit organization; and events that provide of games, eating and drinking facilities, live entertainment, or similar activities. Excludes garage sales by individuals.	NA	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	RCA LDA IDA
123. Shows and events, outdoor.	Temporary outdoor events occurring at a site on fewer than four consecutive days and 14 or fewer days per year. Includes animal shows for domestic or farm animals; art fairs and shows; indoor display and sale of hand crafts and similar objects; equipment and trade fairs; concerts, carnivals, circuses, fairs, and other similar events; organized rummage sales and auctions of property including donated, reclaimed or salvaged goods by a charitable, religious, or non-profit organization; and events that provide games, eating and drinking facilities, live entertainment, or similar activities. Excludes garage sales by individuals on private rural or residentially zoned property.	NA	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA
124. Temporary residence during construction	A manufactured home used as a temporary residence in conjunction with the development of a site.	NA	P	-	-	P	P	P	P	P	P	P	P	-	-	-	-	RCA LDA IDA

1 **CHAPTER 51 USE REGULATIONS AND STANDARDS**

2 Sections:

3 51.1 Applicability.

4 51.2 General Regulations and Standards for All Uses.

5 51.3 Specific Regulations and Standards.

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6 **51.1. Applicability.**

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

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

17 **51.2. General Regulations and Standards for All Uses.**

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

- 21 1. **General Provisions.** Unless otherwise stated in the standards for a specific use, the following
22 general provisions are applicable to all uses and structures:
 - 23 a. Compliance with procedures for application and approval as required by Article 2. ; and
 - 24 b. Compliance with special and overlay district requirements as required by Article 4. ; and
 - 25 c. Compliance with use regulations and standards requirements as required by Article 5. ;
26 and
 - 27 d. Compliance with site development standards as required by Article 6. ; and
 - 28 e. Compliance with site development and resource protection standards as required by
29 Article 7. Article-7.
 - 30 f. Compliance with development standards as required by Article 6.
- 31 2. **Limited Uses.** Limited uses shall comply with all General Standards for that use type in addition
32 to the limited standards listed for that use type in Section 51.3. Limited uses that fully comply
33 with the regulations and standards are permitted as-of-right.
- 34 3. **Conditional Uses.** Conditional uses shall, at a minimum, comply with all General Standards in
35 addition to all conditional standards listed for that use in Section 51.3. Compliance with the
36 general and conditional standards for that use type shall not impair the authority of the Board of
37 Appeals or preclude the proper exercise of discretion by the Board of Appeals in hearing and
38 deciding a conditional use application, whether to approve, approve with conditions or deny any
39 application. As required by Chapter 25, the Board of Appeals may impose additional conditions
40 of approval.
- 41 4. **Accessory Uses.** An accessory type use shall be incidental and subordinate to an allowable use, on
42 the same site as an allowable use, and serve an allowable use. the principal use, on the same site
43 as the principal use, and serve the principal use. Accessory uses identified in Schedule 50.4 shall

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

1 | be permitted on vacant property subject to Section 11.2.4.b. The following general provisions are
2 applicable to all accessory uses and structures.

- 3 a. No detached, accessory structure shall occupy more than 25 percent of required setback
4 areas. LIBERO 0 2 3 PAGE 0 8 5
- 5 b. No detached, accessory structure shall exceed the maximum permitted height in the
6 zoning district in which the use is proposed.
- 7 c. Detached accessory structures shall be located no closer than 10 feet to any other
8 accessory or principal structure.
- 9 d. Accessory structures shall comply with the floodplain provisions of this Ordinance found
10 on Section 75.6.

11 5. **Temporary Uses.** A temporary use shall be incidental to the principal use on a site and shall
12 operate for no longer than the period stated in Section 51.3, Specific Regulations and Standards, or
13 if not stated, for no longer than 14 days per year. The following general provisions are applicable
14 to all temporary uses and structures:

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

21 **51.3. Specific Regulations and Standards.**

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

23 1. **Agricultural Industry, Major**

- 24 a. **General Standards.**
- 25 (1) Site plan approval is required.
- 26 b. **Limited Standards. (reserved)**
- 27 c. **Conditional Standards.** Uses generating more than 50 vehicle trips per day shall only be
28 approved by the Board of Appeals as a conditional use.

29 2. **Agricultural Industry, Minor**

- 30 a. **General Standards. (reserved)**

31 3. **Animal Husbandry.**

- 32 a. **General Standards:**
- 33 (1) All areas used or intended to be used for animal raising, keeping and
34 confinement, including corrals, pastures, pens, paddocks, and similar facilities
35 shall be enclosed by an adequate fence or other device capable of securely
36 containing and protecting the animals kept or confined.
- 37 b. **Limited Standards. (reserved)**

38 4. **Aquaculture.**

- 39 a. **General Standards:**
- 40 (1) Minor site plan approval is required.
- 41 (2) Land and water-based aquaculture activities that are not operated for profit e.g.
42 ponds stocked for private fishing, oysters grown in floats at private piers for

- 1 (1) Existing residences may remain or be replaced in kind. Expansion of an existing
2 residential structure is limited to 50 percent of the floor area existing on the date
3 of adoption of this Ordinance. Construction of a new residence is prohibited.
- 4 11. **Dwelling Unit, Multi-family Residence.**
- 5 a. **General Standards:**
- 6 (1) Site plan approval shall be required.
- 7 (2) Multi-family dwelling units in exclusively residential zones shall not exceed the
8 zone standard for residential density. In all zones, the floor area ratio for a
9 principal structure containing multi-family dwelling units shall not exceed 150
10 percent.
- 11 (3) Maximum lot coverage for a principal structure shall not exceed 30 percent of
12 the total tract area.
- 13 (4) Recycling Collection Receptacles. Apartment communities with 100 or more
14 dwelling units and multi-family residential buildings with 100 or more multi-
15 family dwelling units shall provide recycling.
- 16 (5) At least 30 percent of the total tract area shall be maintained in common open
17 space (exclusive of rear yards, driveways and parking or loading areas). At
18 least 50 percent of the common open space shall be useable recreational area.
- 19 (6) Garden apartments.
- 20 (a) Private rear yards, having an area of at least 15 feet by 15 feet, shall be
21 screened from adjacent private yards by the equivalent of six-foot
22 privacy fence.
- 23 (b) Minimum distance between two unattached multi-family structures
24 shall be 40 feet between exterior walls. This setback shall increase to
25 60 feet if the structures are face to face.
- 26 (c) At least 30 percent of the total tract area shall be maintained in
27 common open space (exclusive of rear yards, driveways and parking or
28 loading areas). At least 25 percent of the common open space shall be
29 useable recreational area.
- 30 12. **Group Home.**
- 31 a. **General Standards:**
- 32 (1) Accommodations for each person shall constitute an equivalent dwelling unit for
33 purposes of determining residential density and adequate facilities. The floor
34 area ratio for all structures located on the parcel shall not exceed that permitted
35 in the zone in which the structure is located.
- 36 (2) Any facility housing children shall provide a dedicated outdoor play space, free
37 from hazards and appropriately equipped for the age and number of children.
- 38 (3) New and renovated structures shall have the appearance of a single-family
39 residential structure.
- 40 b. **Accessory Standards.** Existing residences may remain or be replaced in-kind. Expansion
41 of an existing residential structure is limited to 50 percent of the floor area existing on the
42 date of adoption of this Ordinance.
- 43 13. **Halfway House.**
- 44 a. **General Standards.** Accommodations for each eight persons shall constitute an
45 equivalent dwelling unit for purposes of determining residential density and adequate

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- (4) Mobile homes shall have a permanent foundation, enclosed by skirting to finished grade.
- (5) Units shall have a pitched roof (minimum 3-inch rise in 12-inch run).
- (6) Abandoned mobile homes shall be ordered removed after such abandonment has continued for a continuous 30 days, regardless of the owner or tenant's intent to abandon. The Planning Director or designee shall serve written notice that the mobile home is declared abandoned and that it shall be removed from the property by the property owner within 30 days of such notice. If the property owner fails to remove the abandoned mobile home, the County may enter upon the property and remove the abandoned mobile home at the owner's expense.

b. *Limited Standards.*

- (1) Mobile homes are prohibited outside of the RPD and approved mobile home parks except as allowed for a "Temporary residence during construction."
- (2) In the specific mapped RNC district where a new or replacement mobile home is proposed, the use shall only be permitted if at least 50 percent of developed lots contain other legal mobile homes "on the date application is made for the new or replacement mobile home."

16. *Mobile Home Park or Subdivision.*

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) A "B" buffer yard as set forth in 62.7.5.a shall be provided between any mobile home park or subdivision and any land not zoned or utilized for a mobile home park or subdivision. In cases where the buffer yard is already wooded, the Planning Commission may make adjustments in the required plantings, provided the natural forest vegetation is not disturbed.
- (3) Mobile home pads and structures shall be located at least 10 feet from any buffer yard, at least 10 feet from any lot line, and at least 20 feet from any other mobile home, building, or interior road right-of-way.
- (4) The owner, condominium association, homeowners' association, or similar entity of ownership of a mobile home park or subdivision shall be required to maintain all in-park facilities and utilities including, but not limited to, roads, curbs, sidewalks, stormwater management systems, hydrants and fire alarm systems. The county may revoke all business licenses should such maintenance be proven inadequate, in addition to other remedies available in this Ordinance. Individual users may be required to maintain connection of utilities to individual homes.
- (5) A minimum of 50 percent of the total site shall be reserved for usable open space and recreational areas. Roads and service facilities shall not be permitted in useable open space and recreational areas.

17. *Residential Services.*

a. *General Standards:*

- (1) Facilities providing medical care shall be certified, permitted, or licensed by the State of Maryland, and proof of such shall be provided to the Planning Director prior to issuance of any permit authorizing occupancy of the facility.
- (2) Accommodations for each eight persons shall constitute an equivalent dwelling unit for purposes of determining residential density and adequate facilities. The

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- 1 c. *Accessory Standards.* Facility shall not exceed 25 percent of the square footage of the
2 principal use on the property up to 2,500 square feet maximum.
- 3 61. ***Personal Improvement Service.***
- 4 a. *General Standards. (reserved).*
- 5 b. *Limited Standards.* Limited to sailing, scuba or other water based personal services.
- 6 c. *Accessory Standards.* Establishment shall not exceed 2,500 square feet.
- 7 62. ***Personal or Business Service.***
- 8 a. *General Standards. (reserved).*
- 9 63. ***Personal Storage.***
- 10 a. *General Standards:*
- 11 (1) A perimeter fence or berm and "C" buffer shall be required for screening of
12 facility from a public road and from adjacent dissimilar uses.
- 13 (2) Lighting shall be directed down and shall not shine directly onto an adjacent
14 property.
- 15 (3) No on-site retail sales shall be permitted.
- 16 b. *Limited Standards.* Activities shall be enclosed within a building no larger than 5,000
17 square feet in the VMX or 25,000 square feet in the TMX and CMX.
- 18 64. ***Recreational Facility, Major.***
- 19 a. *General Standards. (reserved).*
- 20 65. ***Recreational Facility, Motor Sports Facility.***
- 21 a. *General Standards. (reserved).*
- 22 b. *Conditional Standards:*
- 23 (1) **Structures and Buildings.**
- 24 (a) No permanent structure or building greater than a single story in height
25 shall be located within 100 feet of the property line. Any structure or
26 building having a footprint in excess of 1,000 square feet shall be
27 setback a minimum of 200 feet from the property line.
- 28 (b) Grandstands shall be located a minimum of 400 feet from the property
29 line. The applicant shall specify the ultimate capacity for the
30 grandstand. Capacity may be approved in phases to avoid need to
31 revise the conditional use for expansion up to the ultimate capacity.
- 32 (c) No permanent structure shall have a roofline height of more than 45
33 feet.
- 34 (d) The floor area ratio for structures located on the site shall not exceed
35 that allowed within the zoning district.
- 36 (2) **Impervious Surfaces, Open Space, and Buffers.**
- 37 (a) The total area of impervious surface on the property shall be limited to
38 40 percent of the entire property.
- 39 (b) A minimum of 15 percent of the property shall be maintained as open
40 space. No new structures or activities of any type shall be undertaken
41 in the open space area.

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property lines in an I district. Equipment may be stored not less than 100 feet from adjacent property lines and not less than 75 feet from adjacent rights-of-way.

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

80. **Production Industry, Custom.**

- a. *General Standards. (reserved).*
- b. *Limited Standards:*
 - (1) Material storage areas shall be fully screened from dissimilar uses on adjoining properties.
 - (2) Sawmills shall be subject to the following additional standards:
 - (a) Stationary sawmills in RSC, RCL, VMX, TMX, and CMX zones shall be entirely enclosed within a building.

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- (d) Ensure that proposed siting and development of communication towers is done in a reasonable manner, that is, not to the detriment of the zone in which it is located and not contrary to the intent of the Comprehensive Plan. The preference of the Board of County Commissioner's is for communication towers to be sited on County or other publicly owned property. If this is not technically practical or feasible, then the preference is for siting communication towers on properties zoned for commercial and industrial purposes. If the facility is proposed on property zoned residential or Rural Preservation District, the design and siting shall include measures to preserve the rural and/or residential character of the area; and
 - (e) To encourage private/public partnerships for communications facilities, where appropriate, that promote the communications needs of the County.
- (2) All communication towers, structures and equipment shall meet or exceed current standards and regulations of the FAA and the FCC. Pursuant to Federal Communications Commission Regulations 1.1301-1.1319, as amended from time to time, communication towers shall be subject to the provisions of the National Environmental Policy Act (NEPA).
- (3) Approval of proposals for tower construction shall be subject to satisfactory completion of an aeronautical study. The resulting FAA aeronautical study shall address the following:
- (a) What impact the construction of the tower will have on the Airport's current approach minimums based on a minimum descent altitude and visibility;
 - (b) What potential impact on the planned improvements will be realized in accordance with the Airport Master Plan; and
 - (c) Assurance that the FAA Flight Procedures Branch has also made a determination of whether there is an incompatibility with the published instrument approach procedures.
- (4) Applicants shall file a Notice of Proposed Construction or Alteration, FAA Form #7460-1 (as amended from time to time) with the Federal Aviation Administration as required by the FAA or applicable Federal law, and forward copies of the form and any FAA response received, via first-class mail, postage pre-paid, to
- (a) St. Mary's County Department of Planning and Zoning, P.O. Box 653, Leonardtown, MD 20650;
 - (b) Captain Walter Francis Duke Regional Airport at St. Mary's (attn: Airport Manager) 44200 Airport Road, California, MD, 20619; and
 - (c) Department of the Navy, Commanding Officer, Naval Air Station, 22268 Cedar Point Road, Unit NASAD, Patuxent River, MD 20670-1154.
- (5) To the extent permitted by law, no tower or equipment or antennae attached thereto shall cause localized interference with reception of television and radio broadcasts, nor shall any tower or equipment or antennae attached thereto interfere with existing lines of communication used for public safety purposes.
- (6) Minimum site size, setbacks, and buffers shall be identical to those required for commercial communication towers.

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- 1 (b) Access to piers may include pervious pedestrian pathways to piers and
2 to areas for loading or unloading boats into the water.
- 3 (2) Waste, by-products, or any decomposable residue that results from the
4 processing of fish must be refrigerated while on the premises. Waste or any
5 decomposable residue from the seafood operation may not be disposed of by
6 spreading on and/or plowing under on a farm unless the farm contains at least
7 100 acres and Health Department approval is obtained.
- 8 (3) A toilet facility sized to accommodate customer and employee needs shall be
9 provided.
- 10 (4) A parking lot sized to accommodate customer and employee needs shall be
11 provided and setback at least 100 feet from property lines and screened with a
12 "B" buffer yard.
- 13 (5) Surface area of tanks shall be counted as impervious cover and toward the
14 allowable floor area ratio for the site.
- 15 b. *Limited Standards:*
- 16 (1) In an RPD zone, a permanent structure for the display and sale of locally
17 produced fishery products no larger than 750 square feet may be constructed.
18 Site plan approval is required.
- 19 (2) In an RNC zone, the use is prohibited unless it can be demonstrated that similar
20 legally created uses currently exist in the RNC neighborhood surrounding the
21 proposed use.
- 22 (3) A minimum "A" buffer yard shall be provided between the adjoining property
23 zoned for residential use and any structure built for use in the seafood
24 production activity.
- 25 104. *Accessory Dwelling Unit.*
- 26 a. *Accessory Standards:*
- 27 (1) An accessory dwelling unit may be located either in the principal dwelling unit
28 or in an accessory structure.
- 29 (2) The minimum floor area for an accessory dwelling unit within a principal
30 dwelling shall be 300 square feet but in no case shall it exceed 30 percent of the
31 gross floor area of the dwelling in which it is located. For accessory units
32 located in accessory structures, the minimum floor area shall be 300 square feet;
33 the accessory unit shall have no more than two bedrooms and shall not occupy
34 more than 50 percent of the accessory structure.
- 35 (3) There shall be no more than one accessory dwelling unit per lot or parcel.
- 36 (4) If an accessory dwelling unit is located in the principal dwelling building, the
37 entry to such unit and its design shall be such that the building retains the
38 appearance of a single-family residential structure. No external entrance to the
39 accessory unit will face the street.
- 40 (5) An additional, independently accessible parking space shall be provided for the
41 accessory dwelling unit.
- 42 105. *Automated Teller Machine (ATM).*
- 43 a. *Accessory Standards:*
- 44 (1) A minimum setback of two feet from the sidewalk shall be provided where
45 unenclosed ATMs are located on the exterior of a building fronting a public
46 street.

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

14 111. **Home Occupation.**

15 a. **Accessory Standards:**

- 16 (1) There shall be no stock-in-trade other than products fabricated on the premises.
- 17 (2) A home occupation may be conducted entirely within a dwelling or within an
- 18 accessory structure. A home occupation may not exceed 200 square feet in
- 19 residential or mixed use districts or 500 square feet in the RPD or RSC.
- 20 (3) No outdoor storage of equipment used for the home occupation shall be
- 21 permitted in areas visible from adjoining roadways or parcels in residential use.
- 22 (4) There shall be no change in the outside appearance of the building or premises
- 23 and the existence of a home occupation shall not be apparent beyond the
- 24 boundaries of the site except for one sign which shall not exceed ~~126~~ square
- 25 feet.
- 26 (5) The maximum number of persons other than residents of the dwelling who can
- 27 be employed on-site or report to work at the site in the conduct of a home
- 28 occupation is two in residential or mixed use districts or three in RPD or RSC
- 29 zones.
- 30 (6) No more than 10 off-street parking spaces may be provided.
- 31 (7) No equipment or process shall be used that creates noise, vibration, glare, fumes,
- 32 odors, or electrical interference detectable beyond the boundaries of the lot.
- 33 (8) Any authorized County employee may inspect the premises of a home
- 34 occupation at any reasonable time to ascertain compliance with these conditions
- 35 and any requirements of this Ordinance. The Planning Director shall revoke the
- 36 certificate for a home occupation that is not operated in compliance with these
- 37 provisions 30 days written after written notice has been served on the owner or
- 38 occupant of the property unless the home occupation is brought into compliance.
- 39 (9) Funeral homes, motor vehicle repair, auto body work, animal sales and services
- 40 (except animal grooming conducted within the home) and food and beverage
- 41 sales shall not be permitted as home occupations.

42 112. **Live Entertainment.**

43 a. **Accessory Standards:**

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

1 **ARTICLE 6. DEVELOPMENT STANDARDS AND APPROVALS**

2 **CHAPTER 60 SITE PLAN REVIEW**

3 Sections:

- LIBERO 023 PAGE 93
- 4 60.1 Purpose.
 - 5 60.2 Approving Authority.
 - 6 60.3 Development or Land Use Requiring a Site Plan.
 - 7 60.4 Concept Site Plan Application Submission Requirements and Initial Review Procedures.
 - 8 60.5 Concept Site Plan.
 - 9 60.6 Minor and Major Site Plan Applications.
 - 10 60.7 Site Development Standards.
 - 11 60.8 Expiration, Extension and Appeal.
 - 12 60.9 Amendments.
 - 13 60.10 Public Works Agreements and Performance Bonds.
 - 14 60.11 Inspection and Supervision During Installation.
 - 15 60.12 Compliance with Site Plan.
 - 16 60.13 Construction of Required Public Improvements.

17 **60.1. Purpose.**

18 The site plan review provisions of this chapter are intended to promote the safe, functional and aesthetic
19 development of property and to ensure that new structures, utilities, streets, parking, circulation systems,
20 yards and open spaces are developed in conformance with the standards of this Ordinance, the
21 Comprehensive Plan, and any adopted area plans or community plans. The site plan review procedure is
22 designed to provide information relating to the siting of structures, related site improvements, and
23 relationships with surrounding development.

24 **60.2. Approving Authority.**

25 The Planning Director shall be the approving authority for all site plans. Such approval shall be based on
26 recommendations from other appropriate agencies, and the standards of this Ordinance. The Planning
27 Director may not approve a major site plan until the Planning Commission has granted concept site plan
28 approval pursuant to Section 60.5 of this Ordinance.

29 **60.3. Development or Land Use Requiring a Site Plan.**

- 30 1. Site plan approval is required for any development or land use involving:
- 31 a. A planned development.
 - 32 b. Any multi-family residential development.
 - 33 c. Any cluster development not subject to subdivision approval.
 - 34 d. Commercial and industrial uses or structures or changes of uses therein.
 - 35 e. Public and semi-public uses (except family day care home).
 - 36 f. Conditional uses.
 - 37 g. Agricultural uses as required by Section 51.2 of this Ordinance.
 - 38 h. Any development in the Critical Area Overlay Zone.

39 **60.4. Concept Site Plan Application Submission Requirements and Initial Review Procedures.**

- 40 1. Major site plan applications shall be initiated by filing a concept site plan application on a form
41 approved by the Planning Director. The application shall be submitted and initially reviewed as
42 follows:

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- LIBERO 023 PAGEO 94F
- 1 a. The applicant shall attend a pre-application meeting with the Director of Planning and
2 Zoning and other relevant agencies to identify and discuss site access, resource
3 protection, neighborhood impacts, adequate public facilities, compliance with the
4 Comprehensive Plan and any relevant functional or small area plans.
- 5 Following the pre-application meeting, the applicant shall submit a concept site plan that,
6 at a minimum, is prepared at a 1"=100' scale, identifies properties within 200 feet of the
7 perimeter of the site and includes the following:
- 8 (1) Record owner of property.
9 (2) Identification of adjacent property owners.
10 (3) Vicinity map at 1"=1,200',
11 (4) A predevelopment sketch site plan showing current natural and built
12 environment and providing the following information:
13 (a) Property boundaries.
14 (b) Existing topography at minimum 5-foot contour (cite source and date
15 of topography).
16 (c) Existing environmental features including streams, wetlands,
17 floodplain, forest, specimen trees, field, farmland, and primary drainage
18 patterns indicated with arrows.
19 (d) Existing built features, including roads, parking, pedestrian and bicycle
20 circulation, structures, historic sites, stormwater management areas,
21 fences, recreation areas, and community open space.
22 (e) Existing easements, overlay zones, and required buffers.
- 23 (5) A proposed development sketch site plan showing proposed natural and built
24 environment and providing the following information:
25 (a) Property boundaries.
26 (b) Limits of proposed grading on the site.
27 (c) Existing and proposed topography at minimum five foot contour.
28 (d) Environmental features, including streams, wetlands, floodplain, forest,
29 specimen trees, field, farmland, soil types, and proposed drainage
30 patterns indicated with arrows.
31 (e) Existing and proposed built features, including roads, parking,
32 pedestrian and bicycle circulation, structures, historic sites, stormwater
33 management areas (including square footage of structures), fences,
34 recreation areas, community open space, siting of water and sewage
35 facilities, and landscaping.
36 (f) Proposed access to public rights-of-way.
37 (g) Existing and proposed easements, overlay zones, and required buffers.
- 38 (6) Either a three-dimensional architectural sketch in color for the entire proposed-
39 development site or four sections through the site (one each generally facing
40 north, south, east and west) showing existing and proposed grade and massing of
41 structures, landscaping, and existing vegetation to remain.
- 42 c. Once the Planning Director determines that the application and concept site plan are
43 complete as in paragraph b above, the application and concept site plan shall be referred
44 to the TEC for review and recommendations.

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- 1 d. Once the TEC recommendations and report have been received, the Planning Director
2 shall determine whether the application and concept site plan require revision in
3 accordance with the TEC recommendations before submission to the Planning
4 Commission for concept site plan approval.
- 5 **60.5. Concept Site Plan.**
- 6 1. For all non-residential and multifamily residential projects that require minor site plan approval, a
7 ~~the~~ concept site plan shall first be approved by the Planning Commission before the major a final
8 site plan may be processed for approval by the Planning Director.
- 9 2. At a regularly scheduled meeting, the Planning Commission shall receive information regarding
10 the concept site plan from the applicant and the TEC. In addition, the Planning Commission shall
11 consider any information presented by the public.
- 12 3. In order to approve the concept plan, the Planning Commission shall make findings that the
13 proposed development:
- 14 a. Is consistent with the Comprehensive Plan and applicable functional plans;
15 b. Will be served by adequate public facilities;
16 c. Will promote the health, safety, and welfare of the general public, and
17 d. Is consistent with County-wide design objectives.
- 18 Based upon its findings, the Planning Commission may deny the concept site plan, approve the
19 concept site plan, or approve the concept site plan with conditions.
- 20 The applicant shall, upon Planning Commission approval, prepare a final site plan for approval by
21 the TEC agencies and Planning Director.
- 22 **60.6. Minor and Major Site Plan Applications.**
- 23 1. **Minor Site Plan.** A minor site plan may be filed for an addition to or change of use for a
24 commercial or industrial structure, or for an accessory commercial or industrial building, single
25 family residential development in the Chesapeake Bay Critical Area Overlay Zone or for a
26 conditional use that does not require a building permit. Detached single-family development not
27 in the Critical Area and antennas, equipment boxes or sheds for co-locations on approved
28 telecommunication towers or telecommunication sites are is-exempt from site plan application
29 requirements. If a field inspection indicates the scope of the proposed activity is such that the
30 requirements of this Ordinance cannot be adequately addressed with a minor site plan, the
31 Planning Director may require that a Major site plan be submitted. Minor site plans shall contain
32 at a minimum the following information:
- 33 a. Accurate sketch of the lot drawn to scale.
34 b. Identification of the present record owner of the property.
35 c. Vicinity map.
36 d. Location and size of the vehicular entrance to the site.
37 e. Location of water and sewer (septic) facilities, if required.
38 f. Location of parking area and pavement marking for parking area stalls and lanes as
39 required.
40 g. Location, dimensions, height, and setbacks of all existing and proposed buildings.
41 h. Proposed use of the structure or structural addition.
42 i. Cubic yards of proposed cut and fill and total disturbed area.
43 j. Any additional information the Planning Director determines is necessary, considering
44 the unique characteristics of the site and the proposed development, to evaluate

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CHAPTER 61 GENERAL DEVELOPMENT STANDARDS

Sections:

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- 3 61.1 Specific Purposes and Applicability.
- 4 61.2 Exceptions to Height Limits.
- 5 61.3 Lighting Standards.
- 6 61.4 Noise Standards.
- 7 61.5 Refuse Storage Areas.
- 8 61.6 Screening of Mechanical Equipment.
- 9 61.7 Yards Requirement.
- 10 61.8 Site Access Criteria.

61.1. Specific Purposes and Applicability.

This chapter contains supplemental land use and use-specific site development requirements that are applicable to development in all zoning districts and for all use categories except for single-family detached dwellings, unless otherwise stated. References to buffer yards are to the types and specifications established in Schedule 63.4.3.62.7.5.a, Landscaping and Buffer Yards.

61.2. Exceptions to Height Limits.

Except for height limitations imposed in the AICUZ/AE overlay districts in Article 4, height limitations of this Ordinance shall not apply to:

Public monuments	Chimneys	Standpipes	Cooling towers
Commercial television antenna	Belfries	Conveyors	Smoke stacks
Stage towers or scenery lots	Church spires	Water towers	Elevator bulkheads
Ornamental towers and spires	Silos	Water tanks	Flag poles
Commercial public radio antenna	Fire towers	Public communication towers, Public communication Antenna	

61.3. Lighting Standards.

- 1. **General Requirements.** Exterior lighting will be evaluated in the site plan review process to ensure that functional and security needs of the project are met in a way that does not adversely affect adjacent properties or neighborhoods. The degree to which exterior night lighting affects the project, and adjacent properties or the neighborhood will be evaluated considering the light source, level of illumination, hours of illumination, and need for illumination.
 - a. Maximum on-site lighting levels must not exceed 10 foot-candles, except for loading and unloading platforms where the maximum lighting level must not exceed 20 foot-candles.
 - b. Light levels measured at any property line shall be measured at a height of six feet and not cause illumination in excess of 0.5 foot-candle above the background level present when all on-site lights are turned off.
 - c. Light levels measured one foot above any exterior light fixture shall not cause illumination in excess of 0.5-foot candle above the background level present when all onsite lights are turned off.
 - d. Light levels measured three feet to the side (toward the nearest property line) and even with the bottom of any exterior light fixture shall not cause illumination in excess of 0.5 foot-candles above the background level present when all on-site lights are turned off.

1 **61.5. Refuse Storage Areas.**

2 Prior to occupancy refuse storage areas shall be screened from view on all sides by a six foot solid wood
3 fence or masonry wall or located within a building. Refuse storage areas may not be located in a front
4 yard.

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5 **61.6. Screening of Mechanical Equipment.**

6 1. **Screening Specifications.** All exterior mechanical equipment, except solar collectors and
7 operating mechanical equipment in an I District located more than 100 feet from another district
8 boundary, shall be screened so that it is not visible from a street or adjoining lot. Equipment to be
9 screened includes, but is not limited to, heating, air conditioning, and refrigeration equipment;
10 plumbing lines; ductwork; and transformers. Screening of the top of equipment may be required
11 by the Planning Director, if necessary, to protect views from a residential district. Screening
12 materials may have evenly distributed openings or perforations averaging 50 percent of the surface
13 area.

14 **61.7. Yards Requirement.**

15 1. **General Requirements.** Minimum setback requirements for each zoning district are set forth in
16 Schedule 32.1 of this Ordinance. Additional landscaping and buffer yard requirements are
17 included in ~~62.7.5-a~~ 63.4.3, Landscaping and Buffer Yards.

18 2. **Accessory Buildings.** All accessory buildings that are attached to principal buildings (e.g., an
19 attached garage) shall comply with the yard requirements of the principal building, unless
20 otherwise specified in this Ordinance.

21 3. **Official Right-of-way Line.** Where a right of way has been established for the future widening or
22 opening of a public or private street, lane, or major thoroughfare upon which a lot abuts, the depth
23 of a front or side yard shall be measured from such right-of-way line to the nearest line of the
24 building. The right-of-way line shall be determined by a licensed land surveyor and comply with
25 a recorded plat or approval by the Director of Public Works and Transportation.

26 4. **Permitted Improvements in Yards.** Improvements may be located in required yards as follows:

27 a. Open or unenclosed porches, platforms, or terraces not including a permanently roofed-
28 over terrace or porch; awnings and canopies, provided they do not extend or project into
29 the yard more than six feet; steps that are necessary for access to a permitted building; or
30 for access to a lot from a street or alley; chimneys projecting into the yard; recreational
31 equipment; laundry-drying equipment; approved free-standing signs; arbors and trellises;
32 flag poles; window unit air conditioners projecting into the required yard; and fences or
33 walls subject to applicable height restrictions are permitted in yards.

34 b. **Front Yards.** Bay windows projecting into front yards and overhanging eaves and gutters
35 projecting three feet or less into the yard are permitted.

36 c. **Rear and Side Yards.** Open off-street parking spaces unless otherwise prohibited in this
37 Ordinance, balconies or outside elements of central air conditioning systems extending
38 into the yard, breezeway and open porches, one-story bay windows projecting into the
39 yard, and overhanging eaves and gutters projecting into the yard are permitted.

40 d. **Limitations on Obstructions.** Permitted obstructions and detached accessory structures
41 shall not, in the aggregate, occupy more than 25 percent of any required yard.

42 e. **Reduction of Side and Rear Yard Requirements.** The width of the side or rear yard for
43 any structure in any zoning district may be reduced to zero, provided:

44 (1) Principal structures shall not be located on side property lines that are zoning
45 boundaries between residential and commercial zones or residential and
46 industrial zones.

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- 1 (2) Any principal structure located on a side property line shall have an
2 unpenetrated fire wall with a one and one-half hour fire rating or greater, as
3 required by the building code adopted by the Board of County Commissioners.
- 4 (3) The requirement for any public easements on or adjacent to the side yard
5 property line upon which the principal structure is located shall be waived by the
6 appropriate public agency.
- 7 (4) On any residential lot where a single-family detached, single-family attached, or
8 duplex dwelling unit is located within a side yard, an unimpeded access way
9 with a minimum width of 15 feet shall be provided to allow access from the
10 front to the rear of the lot.
- 11 (5) An agreement in recordable form that provides for the construction and
12 maintenance of a principal structure within the standard side or rear yard shall
13 be executed with the owners of all properties that abut a side or rear property
14 line upon which a principal structure is located. Said agreement shall name the
15 County as a third party beneficiary, to be filed with the building permit and be
16 recorded among the Land Records of St. Mary's County to run with and bind
17 upon the land.

18 **61.8. Site Access Criteria.**

19 All developments subject to the provisions of Chapter 60, Site Plan Review shall be designed to conform
20 with the following standards:

- 21 1. Left turn movements and conflicts with through traffic shall be minimized by access designs that
22 reflect and respond to local traffic conditions. Driveways should be designed to achieve clear
23 sight lines in accordance with the provisions of the Road Ordinance.
- 24 2. Where reasonable access is available, vehicular access to the site should be arranged to avoid use
25 of local residential streets situated in or bordered by residential zoning districts.
- 26 3. Where a site or lot has frontage on two or more roads, the access to the site should be provided to
27 the site from the lower classified road, unless there is less potential for traffic congestion and for
28 hazards to traffic and pedestrian movement from the higher classified road.
- 29 4. The road giving access to the site should have traffic carrying capacity and be suitably improved
30 to accommodate the amount and type of traffic generated by the proposed development, in
31 accordance with the provisions of Chapter 70, Adequate Public Facilities.
- 32 5. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic
33 congestion, provisions shall be made for turning lanes, traffic directional islands, frontage roads,
34 driveways, and traffic controls within the road.
- 35 6. Where necessary to provide for suitable access or for extension or construction of planned
36 highway system improvements, provisions should be made for appropriate continuation of such
37 streets and roads terminating on a site.
- 38 7. Unless prohibited by environmental constraints, drive aisles and/or parking lots shall provide for
39 opportunity to connect to adjacent parcels. Easements or rights-of-way shall be established,
40 aligned with and extended to property lines for the purposes of connecting to similar facilities on
41 adjacent parcels.

1 **CHAPTER 63 LANDSCAPING AND BUFFER YARDS**

2 Sections:

3 63.1 Specific Purposes.

4 63.2 Applicability.

5 63.3 Landscaping.

6 63.4 Buffer Yards.

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7 **63.1. Specific Purposes.**

8 The specific purposes of the landscape and buffer yard regulations in this chapter are to:

9 1. Promote attractive development and preserve the appearance and character of the surrounding area
10 through the use of landscaping; and

11 2. Eliminate or minimize conflicts between potentially incompatible, but otherwise permitted uses,
12 on adjoining lots through buffering, which may include a combination of setbacks and visual
13 buffers or barriers.

14 **63.2. Applicability.**

15 1. **Landscape Standards.** The landscaping standards of this chapter shall apply to all uses except
16 single family detached homes on individual lots of record, for which minimum landscaping is
17 required by Schedule 32.1, or by an approved Planned Unit Development Plan.

18 2. **Buffer Yard Standards.** The buffer yard standards of this chapter shall apply to:

19 a. All new development on vacant land.

20 b. Redevelopment or expansion of existing site development by more than 50 percent, not
21 including single-family detached residences or the addition of accessory uses or
22 structures.

23 c. Addition or expansion of an existing building by more than 5,000 square feet except as
24 otherwise exempted by paragraph b above.

25 d. Except in the DMX Any change in use that increases development intensity and results
26 in-cresaed traffic, noise, water or air pollution, etc. For the purposes of this chapter, a
27 change in use shall include from a residential use to a commercial use; ~~from industrial or~~
28 commercial uses to an industrial use; and, in some cases from an industrial use to a
29 commercial use.

30 **63.3. Landscaping.**

31 1. **General Requirements.** A landscaping plan shall be submitted in conjunction with other materials
32 required for site plan applications, as provided in Chapter 60, or with an application for a
33 conditional use permit or variance permit.

34 a. Landscaping in buffer yards may be applied to overall landscaping requirements.

35 b. Evidence of completion of required landscaping shall be supplied to the Planning
36 Director prior to issuance of an occupancy permit.

37 2. **Required Components of Landscape Plans.** All landscape plans shall include the following:

38 a. A site plan, drawn to scale, equal to standard architectural or engineering quality,
39 indicating the following:

40 (1) All proposed plant materials clearly labeled and drawn to size at maturity.

41 (2) Location of lot and street lighting.

42 (3) Adjacent land uses.

43 (4) A north arrow and scale.

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ability to provide shade; soil retention; fire resistance, etc. and must meet American Association of Nurserymen specifications for No. 1 grade.

- e. All plant materials used must be balled and burlapped or container grown unless specifically approved as part of the landscaping plan.
- f. Plant materials shall be sized and spaced to achieve immediate effect and shall meet the following size minimums.

Schedule 63.3.4.f: Size of Plant Material

Plant Type	Minimum Size
Canopy trees	1 1/2 to 2-inch caliper/10 feet
Understory trees	1 1/2 to 2-inch caliper/8 feet
Ornamental trees	1 1/2 to 2-inch caliper/8 feet
Coniferous trees	5 feet
Shrubs	5 gallon
Vines and ground cover	1 gallon or flats

*If caliper and height do not correspond for the species selected, select trees meeting the height requirement.

- g. Shrub and planting beds, and other areas without pavement or turf, shall be top dressed with a bark chip mulch or approved alternative.
- h. Where shrubs or low-level vegetation are used, vegetative matter at maturity shall cover at least 75 percent of actual planted area.
- i. Areas of artificial trees, shrubs, turf, or flowers may not be counted toward the landscape area and are not allowed unless specifically approved as part of the landscaping plan.
- j. Bioretention facilities that are not fenced may contribute toward landscaping or buffer yard requirements.

5. **Maintenance.** The developer, his successor, or the owner shall be responsible for proper pest control, fertilization, pruning, and other maintenance of the landscape. Plant materials showing signs of insect or disease infestation or other damage shall be appropriately treated and dead plant material removed and replaced.

63.4. Buffer Yards.

1. **Buffer Yards Required.** Buffer yards are required to minimize conflicts between potentially incompatible but otherwise permitted uses on adjoining lots and to implement other purposes of this Ordinance.

2. **Location.** Required buffer yards shall be developed along the perimeter of the proposed development site extending inward from the property lines of the development site. Buffer yards shall not be located within any dedicated public or private right-of-way.

- a. Bioretention facilities may contribute toward landscaping or buffer yard requirements if they are not fenced.

3. **Buffer Yard Standards.** Schedule 63.4.3 describes the minimum requirements for each buffer yard required. Where the buffer yard would include a utility easement in which not trees may be planted and where the buffer yard requires the planting of trees, required buffer yard widths shall be increased by the width of the utility easement. On any portion of the development site where this section would require two types of buffer yard, the greater buffer yard shall be required.

- a. Canopy trees shall mean deciduous or evergreen trees capable of reaching at least 25 feet in height or spread at maturity and that are not less than ten feet high and 1.5-inch caliper at time of planting.

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- 1 b. Ornamental trees shall mean deciduous or evergreen trees capable of growing up to 25
 2 feet in height at maturity and are not less than eight feet high and 1.5-inch caliper at time
 3 of planting.
- 4 c. Shrubs shall be not less than two feet high and five-gallon size at time of planting. The
 5 Planning Director may approve a one-gallon size for fast-growing shrubs.
- 6 d. Groundcover consistent with the landscape requirements of Section 63.3.4 or turf grass
 7 shall cover the balance of the buffer yard.
- 8 e. Buffer yard plantings conforming to this section may count towards landscaping
 9 requirements.

10 **Schedule 63.4.3: Buffer Yard Standards (See illustration on facing page)**

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	Buffer Yard Types		
	A	B	C
Buffer yard minimum width ³	15 feet	75 feet ¹	30 feet ^{1,2}
Canopy trees (per 100 lineal feet)	2	4	5
Under story trees (per 100 lineal feet)	4	5	7
Evergreen trees and shrubs-min. 4' tall (per 100 lineal feet)	-	11	14
Shrubs (per 100 lineal feet)	10	22	27
Berm height	-	. ¹	6 feet ^{2,3}
Fence ⁴	-	. ¹	6 feet ^{2,3,4}

- 12 1. No fences are required as part of buffer yards A and B. Buffer yards B or C may be reduced by 1/3 if a 6
 13 foot berm, fence or combination thereof creating a solid visual barrier is provided.
- 14 2. Except when a fence or berm is specifically required per the standards of Chapter 51, projects may be
 15 exempted from the requirement to provide a fence or berm when the buffer ofr at least 35 feet in width is
 16 maintained in undisturbed exiting forest cover. Any C buffer yard that is expanded to 80 feet in width
 17 may be exempted from the requirement to provide a berm or fence.
- 18 3. Unless both a fence and a berm are required per Article 5. , Regulation of Uses, the berm may be
 19 replaced by a 6-foot tall fence or a 6-foot tall masonry wall located at the side of the buffer having the
 20 higher intensity use.
- 21 4. A fence of a different specified height may be required per Article 5. , Regulation of Uses.
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- 1
- 2 4. **Use Intensity and Determination of Required Buffer Yards.** Intensity of designated use
3 classifications shall be used to determine the buffer yard requirements between adjoining uses.
4 Type L uses are low-intensity uses. Type H uses are high-intensity uses. Schedule 50.4 identifies
5 the required buffer yards based on these classifications and the adjoining use group. Uses not
6 shown require no buffer yards.
- 7 5. **Adjoining Vacant Lots – Same Zoning District.** Where the proposed use adjoins vacant lots in
8 the same zoning district, the following rules shall apply. In each case, the latter use to develop
9 shall provide the balance of the required buffer yard.
- 10 a. In all rural districts, the proposed use shall provide one-half of the buffer yards as if the
11 adjoining vacant lot was occupied by an agricultural use.
- 12 b. In RL, VMX, and RMX districts, the proposed use shall provide one-half of the buffer
13 yards as if the adjoining vacant lot was occupied by a low-intensity residential use.
- 14 c. In RA, and TMX districts, the proposed use shall provide one-half of the buffer yards as
15 if the adjoining vacant lot was occupied by a high-intensity residential use.
- 16 d. In CC, CMX, and DMX, districts, the proposed use shall provide one-half of the buffer
17 yards as if the adjoining vacant lot was occupied by a high-intensity commercial use.
- 18 e. In OBP and I districts, the proposed use shall provide one-half of the buffer yards as if
19 the adjoining vacant lot was occupied by a high-intensity office or industrial use.
- 20 f. Required buffer yards in PUD districts shall be established as part of the approval of the
21 required PUD plan.
- 22 6. **Adjoining Vacant Lots – Different Zoning District.** The following rules shall apply where a
23 proposed use abuts vacant lots in a different zoning district.
- 24 a. In a rural district, when a proposed use for which a buffer yard is required adjoins a
25 vacant site, that use shall provide 100 percent of the buffer required by Schedule 63.4.4.
- 26 b. When a proposed use for which a buffer yard is required adjoins a vacant site in different
27 zoning district that is not a rural district:
- 28 (1) That use shall provide 50 percent of the buffer required by Schedule 63.4.4 for a
29 high or intensity future, adjacent use; and
- 30 (2) The adjoining use (the "second use") shall, at the time it develops, provide all
31 additional plant material and/or land necessary to provide the total buffer yard
32 required between those two uses. In cases where the adjoining use is initially
33 developed without providing a buffer yard, the second use shall be responsible
34 for installation of the total buffer yard required by Schedule 63.4.4.
- 35 c. Existing trees and other plant material and/or land may contribute to the total buffer yard
36 required by Schedule 63.4.4. Where existing trees and forest are preserved, any berm
37 requirement shall be waived.

1 **CHAPTER 64 OFF-STREET PARKING AND LOADING**

2 Sections:

- 3 64.1 Specific Purposes. LIBERO 0 2 3 PAGE 1 0 3
- 4 64.2 Basic Requirements for Off-Street Parking and Loading.
- 5 64.3 Off-Street Parking and Loading Spaces Required and Permitted.
- 6 64.4 Specific Requirements for the RSC and DMX Zones.
- 7 64.5 Shared Parking Facilities.
- 8 64.6 Parking Spaces for the Disabled.
- 9 64.7 Off-Street Automobile Parking Dimensions and Design.
- 10 64.8 Off-Street Bicycle Parking. ~~Off-Street Bicycle Parking Requirements Dimensions and~~
- 11 ~~Design.~~
- 12 64.9 Off-Street Loading Dimensions and Design.
- 13 64.10 Parking Lot and Structure Design.

14 **64.1. Specific Purposes.**

15 The specific purposes of the off-street parking and loading regulations are to:

- 16 1. Ensure that off-street parking and loading facilities are provided for new land uses and for
- 17 alterations and enlargements of existing uses in proportion to the need for such facilities created
- 18 by each use, consistent with this Ordinance;
- 19 2. Establish parking standards for commercial uses consistent with the need for and feasibility of
- 20 providing parking on specific commercial sites; and
- 21 3. Ensure that off-street parking and loading facilities are designed in a manner that will ensure
- 22 efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from
- 23 adverse impacts.

24 **64.2. Basic Requirements for Off-Street Parking and Loading.**

- 25 1. **When Required.** Parking area layout and landscape plans shall be reviewed at the time of site
- 26 plan review, in accord with Chapter 60. At the time of initial occupancy of a site, construction of a
- 27 structure, or alteration or enlargement of a site or structure, off-street parking facilities and off-
- 28 street loading facilities shall be provided in accordance with the regulations prescribed in this
- 29 chapter. For the purposes of these requirements, major alteration or enlargement shall mean a
- 30 change of use type or an addition that would increase the number of parking spaces or loading
- 31 berths required by this Ordinance 20 percent or more of the total number required by this
- 32 Ordinance before the alteration or enlargement. A change in occupancy is not a change in use
- 33 unless the new occupant is in a different use type than the former occupant (e.g. transition from a
- 34 business services use type to a retail sales type).
- 35 2. **Spaces Required for Multiple Uses.** If more than one use is located on a site, the number of off-
- 36 street parking spaces and loading berths to be provided shall be equal to the sum of the
- 37 requirements prescribed for each use. If the gross floor area of individual uses on the same site is
- 38 less than that for which a loading berth would be required by Schedule 64.3.2, but the aggregate
- 39 gross floor area of all uses is greater than the minimum for which loading berths would be
- 40 required, the aggregate gross floor area shall be used in determining the required number of
- 41 loading berths.
- 42 3. **Joint Use.** Off-street parking required by this chapter for any use shall not be considered as
- 43 providing parking spaces for any other use except as set forth at Section 64.5, Shared Parking
- 44 Facilities.
- 45 4. **Location and Ownership.**

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- 1 a. Parking required to serve a residential use shall be on the same site as the residence.
- 2 b. Parking required to serve a non-residential use shall be on the same lot as the use served
- 3 except that:
- 4 (1) Off-site parking within 500 feet (measured from the near corner of the parking
- 5 facility to the main public entrance) may be used to meet the parking
- 6 requirement if:
- 7 (a) It is located in a publicly owned lot; or
- 8 (b) It is located on a public street; or
- 9 (c) It is located on a separate lot than the use served and if a written
- 10 agreement between the property owners for such use is recorded among
- 11 the Land Records of St. Mary's County, Maryland, concurrently with
- 12 site plan approval.
- 13 At least 50 percent of the parking required for a multi-family dwelling and for non-
- 14 residential development shall be further from the front property line than the front facade
- 15 of the building(s) or the parking shall be screened from view from adjacent public roads,
- 16 except as necessary to provide for safe motor vehicle entry and exit from the site onto or
- 17 off of a public road. If a property fronts on an arterial street or county road, the front yard
- 18 may be used for parking, provided:
- 19 (1) It is screened from view from the public road by landscaping if the parking
- 20 occupies more than 50 percent of the front yard.
- 21 (2) A Type A buffer yard is installed between the parking area and the front
- 22 property line.
- 23 5. **Life of Facility.** No use shall be continued if the off-site parking is removed unless substitute
- 24 parking facilities are provided.
- 25 6. **Common Loading Facilities.** The off-street loading facilities requirements of this chapter may be
- 26 satisfied by the allocation of the prescribed number of berths for each use in a common truck
- 27 loading facility, provided that the total number of berths shall not be less than the sum of the
- 28 individual requirements.
- 29 7. **Construction of Spaces Required.** The Planning Director may allow construction of a portion of
- 30 the required parking improvements for non-residential uses to be deferred upon finding that all of
- 31 the spaces are not immediately needed. The applicant shall submit assurances or guarantees as
- 32 required by the Planning Director to ensure that such improvements will be constructed when and
- 33 as they are needed, as determined at the sole and absolute discretion of the Planning Director.
- 34 **64.3. Off-Street Parking and Loading Spaces Required and Permitted.**
- 35 1. Off-street parking and loading spaces shall be provided in accord with Schedules 64.3.1 and
- 36 64.3.2. In the schedules, unless a use is specifically noted under the appropriate use type heading,
- 37 parking requirements shall apply uniformly to all uses within a type.
- 38 2. References to spaces per square foot are to be computed on the basis of gross floor area unless
- 39 otherwise specified, and shall include allocations for rest room(s), hall(s), and lobby area(s), but
- 40 shall exclude area for vertical circulation, stairs, elevators or upper-story atriums.
- 41 3. If, in the application of the requirements of this chapter, a fractional number is obtained, one
- 42 parking space or loading berth shall be required for a fraction of one-half or more and no space or
- 43 berth shall be required or permitted, except as set forth below, for a fraction less than one-half.
- 44 4. Off-street loading standards are identified in Schedule 64.3.2, which sets space requirements and
- 45 standards for different groups of use classifications and sizes of buildings and corresponds with
- 46 group numbers shown in the "Off-street Loading Spaces" column in Schedule 64.3.1. Where no
- 47 group number is shown in Schedule 64.3.1, no off-street loading is required.

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4. **Vertical Clearance.** Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet and the front 5 feet of a parking space serving a residential use may provide as little as 4.5 feet vertical clearance.

5. **Wheel Stops.** All spaces shall have wheel stops 2 feet from a fence, wall, or landscaped walkway unless this requirement is waived by the Planning Director. When a parking space abuts a landscaped planter, the front two feet of the required length for a parking space may extend into the planter (see Figure 64.10.5). Planter widths shall be consistent with the provisions of Section 64.10.5.

64.8. Off-Street Bicycle Parking-Requirements-Dimensions and Design.

1. ~~If bicycle parking is proposed a~~ At least one device or rack for parking and securing bicycles shall be ~~shown on any major site plan provided~~ within convenient access of building entrances in all districts within growth areas and at commercial developments anywhere in the county.

64.9. Off-Street Loading Dimensions and Design.

1. **Required Dimensions.** Required loading spaces shall have the minimum dimensions shown below:

Minimum Dimensions Required for Off-Street Loading Spaces

Off-Street Loading Group Classification Number (Table 65.3.A) Gross Floor Area of Non-residential Structure (sq. ft.)	Minimum Dimensions (feet)
Off-Street Loading Group 1	10' x 20' x 10'
Off-Street Loading Group 2 < 10,000	10' x 20' x 10'
Off-Street Loading Group 2 > 10,000	first space 12' x 35' x 14' other(s) 10' x 20' x 10'
Off-Street Loading Group 3	12' x 50' x 14'

2. **Access.** On a site adjoining an alley, a required loading space shall be accessible from the alley unless the Planning Director approves alternative access. A required loading space shall be accessible without backing a truck onto a public road unless the Planning Director determines that provision of turn-around space is infeasible and approves alternative access.

3. **No Obstruction of Parking Spaces.** An occupied loading space shall not prevent access to a required off-street parking space.

4. **Screening.** A loading space shall be screened on three sides by a fence, wall, or hedge at least six feet in height so as not to be visible from any public road.

64.10. Parking Lot and Structure Design.

These regulations apply to all structures except single-family or two-family residences with independent driveways and parking for each unit.

1. **Required Dimensions.** Parking spaces and parking stalls shall have the dimensions as shown in Schedule 64.10.1.

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(6) Where upper levels of multilevel parking structures are visible from public streets, pedestrian pathways, or adjacent buildings, planting boxes shall be provided.

c. Innovative landscaping or stormwater management, (bioretention, etc.) may be provided in exchange for a 25 percent reduction of landscape requirements at the sole and absolute discretion of the Planning Director.

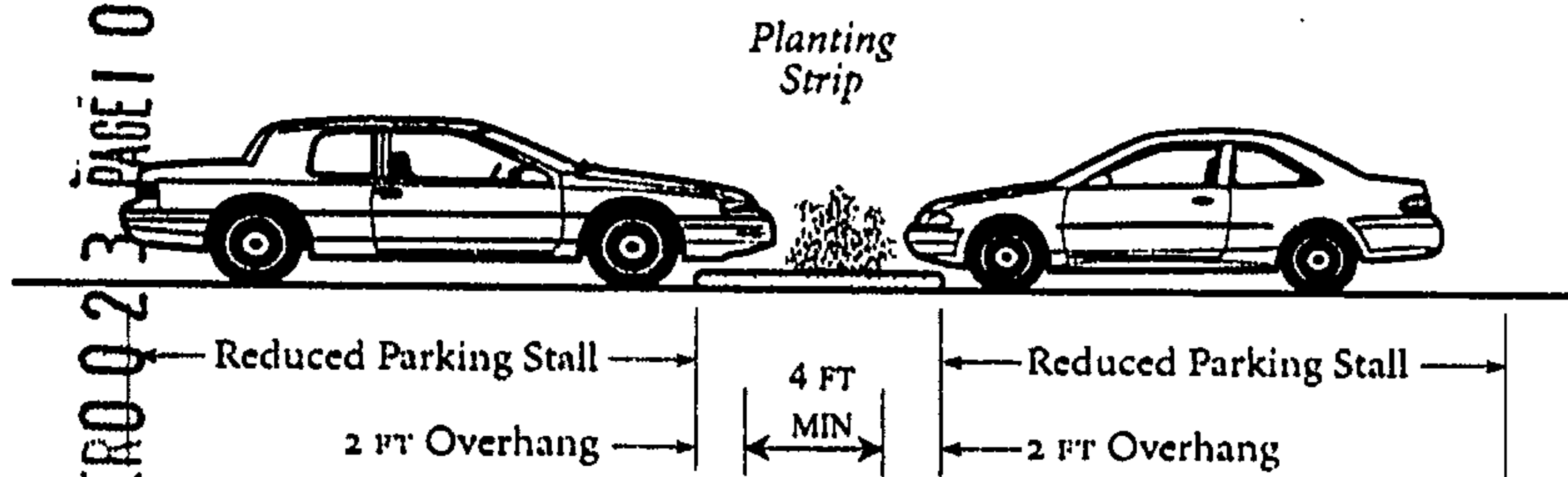


Figure 6-10.5: OVERHANG ALLOWANCE, REDUCED PARKING STALLS

6. **Drainage.** Surface water shall be discharged to natural or engineered drainage facilities and may not drain across public or private sidewalks, pedestrian walkways, or areas not designed as drainage facilities.

7. **Surfacing.** Driveways and parking areas serving all residential development except single-family detached dwellings shall be surfaced with concrete or asphalt or have grass and pavers or other suitable landscaping material. Driveways and parking areas except single-family detached dwellings shall include marking consistent with the following:

- a. Each parking space and parking facility shall be identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. Such markings shall be arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Markings required to be maintained in a highly visible condition include striping, directional arrows, lettering and field color on signs in areas designated for those who are disabled.
- b. One-way and two-way access ways into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe throughout the length of the access; such stripe, may be terminated in the aisles.
- c. Where the exit may not be clearly recognizable, directional signage must be provided.

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- (2) Up to five temporary off-site directional signs including portable and A-frame signs up to five square feet per side for advertisement of a real estate "open house." These signs shall be removed within 24 hours of the conclusion of the open house and shall meet the following requirements.
- (a) Signs shall not be located in a way that interferes with traffic visibility.
 - (b) Signs shall not be in the median of any divided highway or any other public right of way.
 - (c) Signs may be placed after 4:00 p.m. on Friday (Thursday prior to a Friday holiday) and are to be removed by 8:00 a.m. Monday (Tuesday following a Monday holiday).
 - (d) Signs shall not be attached to utility poles or county or state sign post.
 - (e) Directional real estate signs may not be larger than 24 inches square.
 - (f) No more than two signs may be placed at an intersection by any one entity.

65.3. Regulations for On-Premise Signs.

1. The following regulations apply to all nonexempt, on-site signs that are visible from a public right-of-way.
 - a. No on-premise sign shall exceed the height limits established for that sign type.
 - b. *Maximum Total Sign Area.* The maximum total sign area per site, excluding temporary signs and exempt signs, shall be as set forth in Schedule 65.3. Each face of a sign shall be counted when computing the total sign area for a site except that, when two sign faces are placed back to back so that both faces can not be viewed from any point at the same time and each contains identical text and graphics, the area of only one side shall be counted when computing the area of that sign. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accordance with a Master Sign Plan.

Schedule 65.3: Maximum Sign Area by Districts and Sign Type

District	Sign Type	Square footage and Number Allowed (see subsection c, below)
Rural Preservation and RCL districts	Freestanding	32 sq. ft. of signage, with a maximum of one freestanding sign per site.
	Wall	32 sq. ft. of signage per business. (see subsection c, below)
Residential Districts	All types	6 sq. ft. of signage per lot with a maximum height of 5 ft., excluding residential subdivision entry signs.
Mixed Use, Commercial, Marine Commercial and Industrial districts	Freestanding	64 sq. ft. with a maximum of one sign per lot. Greater sign area is allowed along state highways (see subsection c, below).
	Wall	Buildings with a front setback of less than 50 feet: 1 sq. ft. per lineal foot of building width up to a maximum of 100 square feet per building. Greater sign area is allowed for multistory office buildings (See subsection c, below).
	Wall	Buildings with a front setback of 50 feet or more: 1.5 sq. ft. per lineal foot of building width, up to 150 square feet per building. Greater sign area is allowed for multistory office buildings. (See Section 65.3.3).
Mixed Use, Commercial, Marine, Commercial and Industrial districts	Projecting	16 sq. ft. per building (cumulative area of walls and projecting signs shall not exceed 100 sq. ft. per wall or 150 sq. ft. per building).

- c. *Highway-Oriented Sign Bonus.* The total maximum sign area for freestanding signs that are visible from a state highway with a posted speed limit of 50 miles per hour or more may be increased up to 172 square feet, and the maximum height to 20 feet.

1 **ARTICLE 7. SITE DEVELOPMENT AND RESOURCE PROTECTION STANDARDS**
2 **CHAPTER 70 ADEQUATE PUBLIC FACILITIES**

3 Sections:

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- 4 70.1 Purpose.
5 70.2 Applicability.
6 70.370.2 Exemptions.
7 70.4 Essential Public Facilities.
8 70.5 Submission Requirements.
9 70.6 Procedure for Determination of Adequacy of Public Facilities.
10 70.7 Roads.
11 70.8 Sewerage.
12 70.9 Water.
13 70.10 Storm Drainage.
14 70.11 Schools.
15 70.12 Fire Prevention and Suppression.
16 70.13 Update of Standards, Criteria, and Procedures for Adequate Public Facilities Analyses.

17 **70.1. Purpose.**

18 The purpose of adequate public facilities review is to:

- 19 1. Implement adequate public facilities policies of the Comprehensive Plan and other functional
20 plans adopted pursuant to the policies of the Comprehensive Plan-, including:
21 a. The Lexington Park Transportation Plan,
22 b. The Comprehensive Water and Sewerage Plan,
23 c. The Educational Facilities Master Plan,
24 d. The Fire and Rescue Services Master Plan, and
25 e. The Land Preservation and Recreation Plan.
26 2. Require developers to provide or make arrangements for new or additional public facilities, or
27 upgrades of existing public facilities that are necessary to address the impacts of their projects.
28 3. Control phasing and timing of development approval by conditioning such approval upon a
29 finding that public facilities sufficient to serve proposed development are present or will be
30 provided concurrent with that development.
31 4. Encourage new development to occur in areas of the County where public facilities are being
32 provided and which are designated for new growth in the Comprehensive Plan; and
33 5. Assure that proposed development will not adversely affect the public health, safety, and welfare;
34 and
35 6. Implement uniform procedures, standards, and requirements for the review of development
36 applications.

37 **70.2. Applicability.**

38 Compliance with the adequate public facilities provisions of this chapter is required prior to final
39 subdivision plan approval and/or final site plan approval. No plan for a major subdivision, or major site
40 plan shall be approved unless the Planning Director or the Planning Commission, as the case may be, first
41 determines that the proposed subdivision or development will not adversely affect the adequacy of public
42 facilities serving the area, project, or development or, in the alternative, adequate public facilities will be
43 provided concurrent with the development of the project.

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1. Subdivisions. Approval of a preliminary plan submission for a major subdivision by the Planning Commission shall be based on, among other requirements of this Ordinance, a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development except for storm drainage. Prior to subdivision recordation a determination shall be made that storm drainage is adequate, that necessary sewer allocations have been made and all necessary legal arrangements and financial guarantees required under this chapter shall be executed.
2. Site Plans. For site plans, adequacy determinations shall be made at final site plan review. Approval of a final site plan by the Planning Director shall be based on a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development. Prior to signature approval of any site plan approved by the Planning Director, all necessary legal arrangements and financial guarantees required under this chapter shall be executed.
3. Water Dependent Facilities. For water-dependent facilities, including marinas, where approval of a concept development site plan is required by this Ordinance, adequacy determinations may be made by the Planning Commission at the time of approval of the concept development site plan approval.
4. Planned Developments; Rezoning. All properties involved in zoning amendments shall be subject to the provisions of this chapter during the subdivision and/or site plan approval processes.
5. Effect of Determination. A determination that public facilities are adequate shall apply to the proposed development and shall not be modified through final subdivision site plan, or rezoning approval, provided such approvals are obtained within two years.

70.2, 70.3. Exemptions.

Except for a determination of the adequacy of sewer and water service, this chapter does not apply to residential subdivisions that create five or fewer new lots, or non-residential developments containing less than 5,000 square feet of floor area.

70.3. Applicability.

Compliance with the adequate public facilities provisions of this chapter is required prior to final subdivision plan approval and/or final site plan approval. No plan for a major subdivision, or major site plan shall be approved unless the Planning Director or the Planning Commission, as the case may be, first determines that the proposed subdivision or development will not adversely affect the adequacy of public facilities serving the area, project, or development or, in the alternative, adequate public facilities will be provided concurrent with the development of the project.

~~1. Subdivisions.~~ Approval of a preliminary plan submission for a major subdivision by the Planning Commission shall be based on, among other requirements of this Ordinance, a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development except for storm drainage. Prior to subdivision recordation a determination shall be made that storm drainage is adequate, that necessary sewer allocations have been made and all necessary legal arrangements and financial guarantees required under this chapter shall be executed.

~~2. Site Plans.~~ For site plans, adequacy determinations shall be made at final site plan review. Approval of a final site plan by the Planning Director shall be based on a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development. Prior to signature approval of any site plan approved by the Planning Director, all necessary legal arrangements and financial guarantees required under this chapter shall be executed.

~~3. Water Dependent Facilities.~~ For water dependent facilities, including marinas, where approval of a concept development site plan is required by this Ordinance, adequacy determinations may be made by the Planning Commission at the time of approval of the concept development site plan approval.

~~4. Planned Developments, Rezoning.~~ All properties involved in zoning amendments shall be subject to the provisions of this chapter during the subdivision and/or site plan approval processes.

~~5. Effect of Determination.~~ A determination that public facilities are adequate shall apply to the proposed development and shall not be modified through final subdivision site plan, or rezoning approval, provided such approvals are obtained within two years.

70.4. Essential Public Facilities.

For purposes of this chapter and the requirement that public facilities sufficient to serve the proposed development are present or will be provided concurrently with the proposed development, the following public facilities shall be deemed essential public facilities that may serve as the basis for disapproval.

1. Roads.
2. Sewerage.
3. Water.
4. Fire Suppression Water Supply.
5. Storm Drainage.
6. Schools.

70.5. Submission Requirements.

1. **Submission to the Planning Director.** An applicant shall submit an adequate public facilities study (APFS) in conformance with the requirements of this chapter as part of the preliminary subdivision or major site plan application. The Planning Director shall determine whether the application is complete pursuant to Section 21.1.1, and whether it complies with the APFS submission requirements set forth below. If the submission is complete, the Planning Director shall evaluate the APFS for the proposed development for compliance and shall submit a report pursuant to Section 70.6.1 below.

2. An APFS shall contain the following information:

- a. A description of the proposed development, its location, and the conditions of all public facilities that are regulated by this chapter; and
- b. An assessment of the vehicle trips generated by the development, (see Schedule 70.7.4); and
- c. The number of potential public school students generated by the development; and
- d. Market absorption of the project; and
- e. Analyses and identification of project impacts on public facilities covered by this chapter; and
- f. Proposed mitigation program for impacts to public facilities; and
- g. A completed form summarizing development impacts as set forth at Schedule 70.5 for each phase of construction; and

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Schedule 70.5: Summary information on Development Impacts

Subdivision Name/Site Plan Name Phase Planned start of construction date Planned end of construction date	Before development	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	At Buildout
Dwelling units												
Non-residential development square footage												
Total Trip generation from residences												
Total Trip generation from non-residential development												
School population												
Elementary												
Middle												
High												
Average daily water usage												
Average daily sewage flow												
Percent impervious surface over development envelope <i>Fire suppression water supply and Stormwater Management.</i>												
Percent of forest coverage within development envelope												

- 2 h. A traffic impact study if required by Section 70.7.4 of this Ordinance, that complies with
3 the requirements of this section and any supplemental guidelines approved by the
4 Director of Department of Public Works and Transportation. At a minimum the study
5 area shall include the point of first ingress to and egress from the proposed development
6 to and including the intersection with the first county collector or arterial road or state
7 highway in all directions from the proposed development. The study shall include:
- 8 (1) Include traffic flow studies of the roads and intersections that will be affected by
9 vehicular traffic to and from the development.
- 10 (2) Consider, at a minimum, existing traffic and pavement conditions, traffic
11 projected to be generated from other proposed developments for which site plan
12 or preliminary plan approval have been granted, projected increases in through
13 traffic at the time of completion of the proposed development, and traffic
14 projected to be generated from the proposed development.
- 15 (3) Propose any road improvements necessary to achieve the required level of
16 service.
- 17 i. A school impact study using the latest official September 30 enrollments published by the
18 St. Mary's County Board of Education including:
- 19 (1) Schools to be attended by the projected student population of the project based
20 upon attendance zones or service areas, as established by the County Board of
21 Education, and existing enrollments at those schools; and
- 22 (2) The existing enrollments, enrollments projected to be generated from other
23 proposed developments for which site plan or subdivision approvals have been
24 granted, (under this chapter), enrollment projected to be generated from the
25 proposed development and all other children expected by the County Board of
26 Education to enroll in the schools at the time students generated by the proposed
27 development are expected to enroll in the school system, as published in the
28 latest Educational Facilities Master Plan adopted by the County Board of
29 Education; and
- 30 (3) The student yield per dwelling unit as published in the latest Board of County
31 Commissioners adopted economic impact fee study.

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- 1 d. Intersect all property lines with the shoreline (if they do not intersect already) to create
2 cornerpoints.
- 3 e. Connect all cornerpoints created in "d" above with a chord (i.e. a straight line) for the
4 applicant's property and repeat the process for the adjoining lot on each side of the
5 applicant's property.
- 6 f. Bisect the chords, i.e. find the midpoint. Draw a line perpendicular to the chord at the
7 point of bisection for each chord created in "e" above, until they intersect, as follows,
8 depending on the applicable waterway condition:
 - 9 (1) With a Cove: Extend the perpendicular line into the waterway until the lines
10 form a point of intersection.
 - 11 (2) With a Peninsula: Extend the perpendicular lines landward until the lines form a
12 point of intersection.
 - 13 (3) With a Straight Shoreline: The extended perpendicular lines will not intersect.
14 In this case, lines perpendicular to the chord shall be drawn and extended into
15 the waterway from the cornerpoints created in "e" above for the applicant's lot
16 and the adjoining lots.
- 17 g. Determine the useable waterway defined by the extended property lines for the
18 appropriate waterway condition.
 - 19 (1) With a Cove: To determine the limits of the useable waterway for the applicant's
20 lot, connect the cornerpoints of the chord with the point of intersection created
21 in "f(1)" above. These lines are the extended property lines with a cove for the
22 purposes of this Ordinance.
 - 23 (2) With a Peninsula: To determine the limits of the useable waterway for the
24 applicant's lot, connect the cornerpoints of the chord with the point of intersection
25 created in "f(2)" above. These lines extended into the waterway are the
26 extended property lines with a peninsula for the purposes of this Ordinance.
 - 27 (3) With Straight Shoreline: To determine the limits of the useable waterway for the
28 applicant's lot, use the lines drawn perpendicular to the chord and extended into
29 the waterway from the cornerpoints created in "f(3)" above. Since these lines
30 will not intersect, the more restrictive of the two extended perpendicular lines to
31 the applicant's property shall be the extended property lines for the purposes of
32 this regulation.
 - 33 (4) For properties from which extended property lines intersect in such a way that
34 the property's useable waterway is eliminated, the angles defining the
35 unbuildable area shall be bisected to provide a useable waterway to the greatest
36 extend possible.
- 37 h. Setbacks: The setback for construction within the useable waterway as determined by the
38 extended property line is as follows:
 - 39 (1) No piers, "T" heads, "L" heads, mooring piles, slips or boathouses shall be
40 constructed within 25 feet of the extended property line as defined in this
41 Section.
 - 42 (2) The extended property line setback may be reduced if a signed affidavit is
43 obtained by the applicant from the adjacent property owner.
- 44 i. Properties which have no useable waterway under the provisions of this Section may be
45 eligible for review by the Board of Appeals as a hardship in accordance with Chapter 25.
- 46 7. An applicant must obtain ~~written, notarized permission~~ an agreement in recordable form from
47 adjacent property owner(s) to install any pier or piling closer than 25 feet to an extended property
48 line, or to install any pier or piling that crosses that line. For properties that do not have useable

1 ARTICLE 9. DEFINITIONS AND RULES OF MEASUREMENTS

2 CHAPTER 90 DEFINITIONS

3 **Abandoned Vehicle.** Any motor vehicle, trailer or semi-trailer, or watercraft that is inoperative and left
4 unattended on public or private property; or that has remained illegally on public or private property; or that
5 has remained on public or private property and (a) does not display valid registration plates or (b) displays
6 registration plates of another vehicle.

7 **Acceptable Outfall.** The tidewater or that point where storm water can be released to a channel without
8 causing scouring, erosion, or resulting sedimentation to the receiving channel or its floodplain.

9 **Accessory Dwelling Unit.** A residential use incidental to the principal permitted or conditionally approved
10 use on a site, whether comprising a portion of the principal structure on the site or located within an
11 accessory structure or building.

12 **Accessory Structure, Building or Use.** A building or use that is all of the following: a) constructed or
13 located on the same zoning lot as the allowable principal-main building is or use served, except as may be
14 specifically provided elsewhere in this Ordinance (see Section 11.2.4.b); b) clearly incidental to,
15 subordinate in purpose to, and serving the allowable principal-use; and c) either in the same ownership as
16 the allowable principal-structure, building or use or is clearly operated and maintained solely for the
17 comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the
18 allowable principal use.

19 **Accident Potential Zone (APZ).** Areas created to protect persons living and working in or property in the
20 vicinity of airports, landing strips.

21 **Afforestation.** Includes establishment of a forest on an area from which forest cover has been absent for a
22 long period of time; planting of open areas which are not presently in forest cover; or establishment of a
23 forest according to procedures set forth in the Forest Conservation Technical Manual.

24 **Agricultural Activity.** Farming activities, including but not limited to plowing, tillage, cropping,
25 installation of best management practices, seeding, cultivating, and harvesting for production of food and
26 fiber products (except commercial logging and timber harvesting operations), the grazing and raising of
27 livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a
28 recognized commercial enterprise.

29 **Agricultural Land.** Land carried on the tax rolls of the State Department of Assessments and Taxation as
30 agricultural, or which is used for the purpose of conducting agriculture.

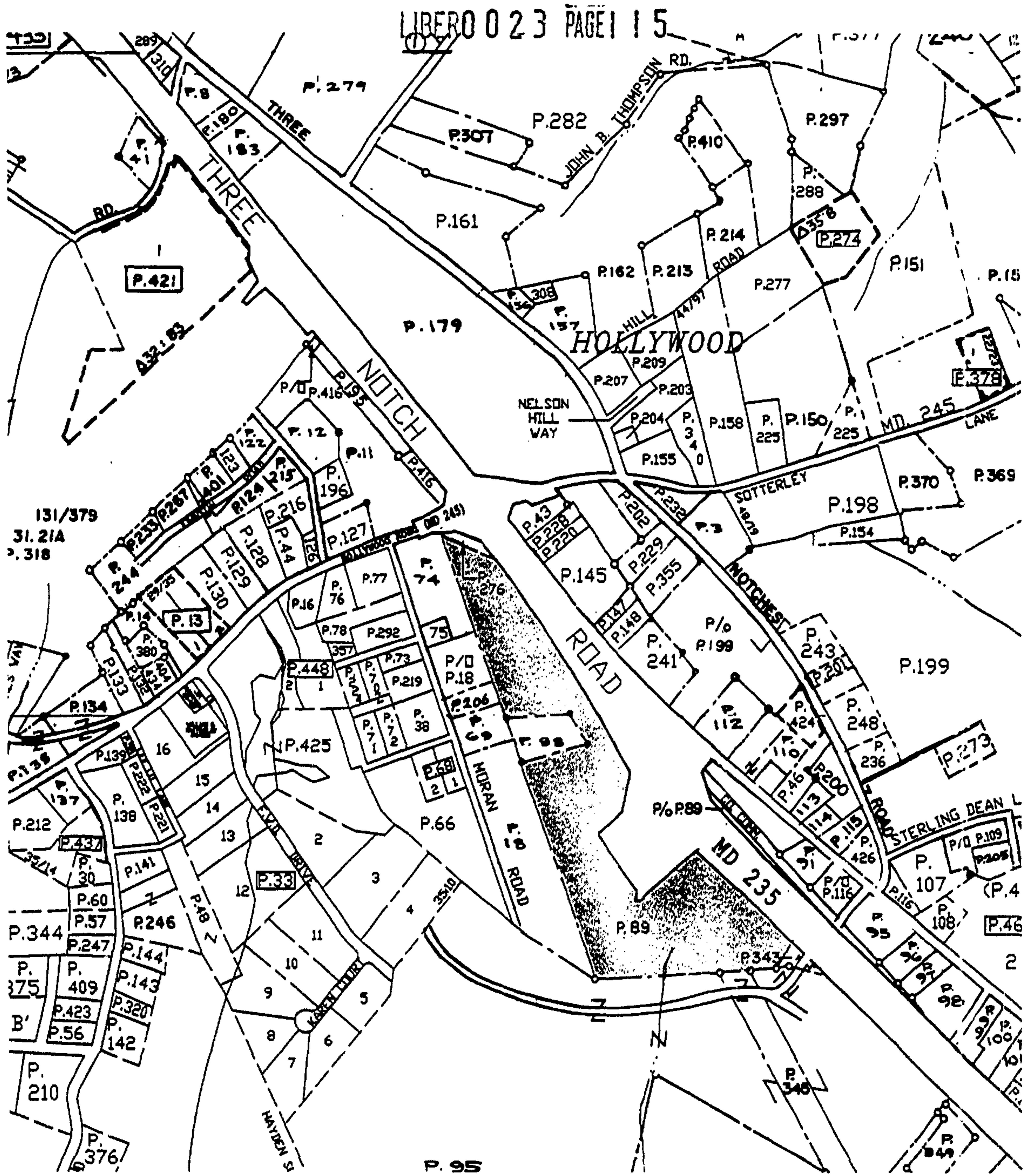
31 **Agricultural Operation.** Includes, but is not limited to, all matters set forth in the definition of "operation"
32 of Md. Cts. & Jud. Proc. Code Ann., 5-308(a), as amended from time to time; the production of all matters
33 encompassed within the definition of "Farm Product" at MD. Agriculture Code Ann., 10-601(c), as
34 amended from time to time; the cultivation and tillage of the soil; composting, production, harvesting and
35 processing of agricultural crops; raising poultry; production of egg, production of milk and dairy products;
36 production of livestock, including pasturage; production of bees and their products; production of fish;
37 production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture;
38 production of timber and commercial agricultural procedures performed as incident to or in conjunction
39 with such operations, including preparation for market, delivery to storage or to market or to carriers for
40 transportation to market; and usage of land in furtherance of educational and social goals, (including, but
41 not limited to 4-H clubs and Future Farmers of America), agro-tourism and alternative agricultural
42 enterprises; and the like.


43 **Agriculture.** The use of land for the production and primary processing of food and fibers for sale,
44 including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and
45 poultry husbandry, and such incidental accessory facilities as greenhouses and nurseries, provided that the
46 operation of such accessory facilities shall be clearly secondary to normal agricultural activities.
47 Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control,
48 harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and
49 maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their
50 by-products.

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- 1 approved by the Planning Commission or its administrative personnel; or C) it was an approved deeded
2 division as authorized by the subdivision regulations and approved by the Department of Planning and
3 Zoning.
- 4 **Lot Width.** The horizontal distance between the side lot lines of a lot measured at the narrowest width
5 within the first 30 feet of lot depth immediately in back of the front yard setback line.
- 6 **Lot, Corner.** A lot situated at the intersection of two (2) or more streets. On a corner lot, the front lot line
7 is defined as that lot line which contains the narrowest of all public street frontages or where no abutting-a
8 public street exists, along a or public/private right-of-way. However, for lots abutting any street designated
9 as minor collector or higher in classification, all lot lines abutting such higher order streets shall be deemed
10 front lot lines.
- 11 **Lot, Interior.** A lot other than a corner or reversed corner lot.
- 12 **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the
13 front lot line of the first lot to its rear.
- 14 **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets
15 and which is not a corner lot. On a "through lot", both street lines shall be deemed front lot lines.
- 16 **Lot, Zoning.** A single tract of land located within a single block under contiguous ownership that meets the
17 minimum requirements for a permitted use as set forth in ARTICLE 3.
- 18 **Lowest Floor.** The lowest floor of the lowest enclosed area, including basement. An unfinished enclosure
19 constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an
20 area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.
- 21 **Maintenance Agreement (Forest)** The short-term management agreement associated with afforestation or
22 reforestation plans required under Natural Resources Article, §5-1605, Annotated Code of Maryland and
23 this Ordinance.
- 24 **Manufactured Home.** A transportable structure that is -built on a permanent chassis and is designed for
25 use with or without a permanent foundation when connected to the required utilities.
- 26 **Marina.** A facility for the mooring, docking, or storing of 10 or more vessels on tidal navigable waters,
27 including a commercial, noncommercial, or community facility.
- 28 **Mean High Water Line.** The average level of high tides at a given location.
- 29 **Metropolitan Commission.** The St. Mary's County Metropolitan Commission (METCOM).
- 30 **Mining.** The act of exploring for or recovering stone, soil, peat, sand, gravel, limestone, coal, granite or
31 other mineral resources from the ground for sale or for use off the property where it is recovered; does not
32 include removal of loose, surface stone, excavation related solely to farm practices or preparation of
33 individual building sites.
- 34 **Mixed Use Development.** A development project, that includes two or more types of uses.
- 35 **Mobile Home Park.** Any site, lot, parcel, or tract of land that is improved, used, or intended for the
36 accommodation of mobile homes that are used for living purposes.
- 37 **Mobile Home Space.** A plot of ground within a mobile home park designed for the accommodation of one
38 mobile home.
- 39 **Mobile Home.** A residential dwelling unit, designed for transportation on streets or highways on its own
40 wheels or in flatbeds or other trailers, and arriving at the site where it is to be occupied as a dwelling
41 complete and ready for occupancy except for minor and incidental unpacking assembling operations and
42 location on permanent foundations.
- 43 **Motel, Motor Court, Motor Hotel, Lodge, or Inn.** The same as hotel, except it is designed to
44 accommodate any number of guests, the building or buildings are designed primarily to serve tourists
45 traveling by automobile, and ingress and egress to rooms need not be through a lobby or office.

Attachment B1



 GELRUD - MAP 26, PARCEL 89
Zoned RL
Request C
Staff recommends TMX

Attachment B2

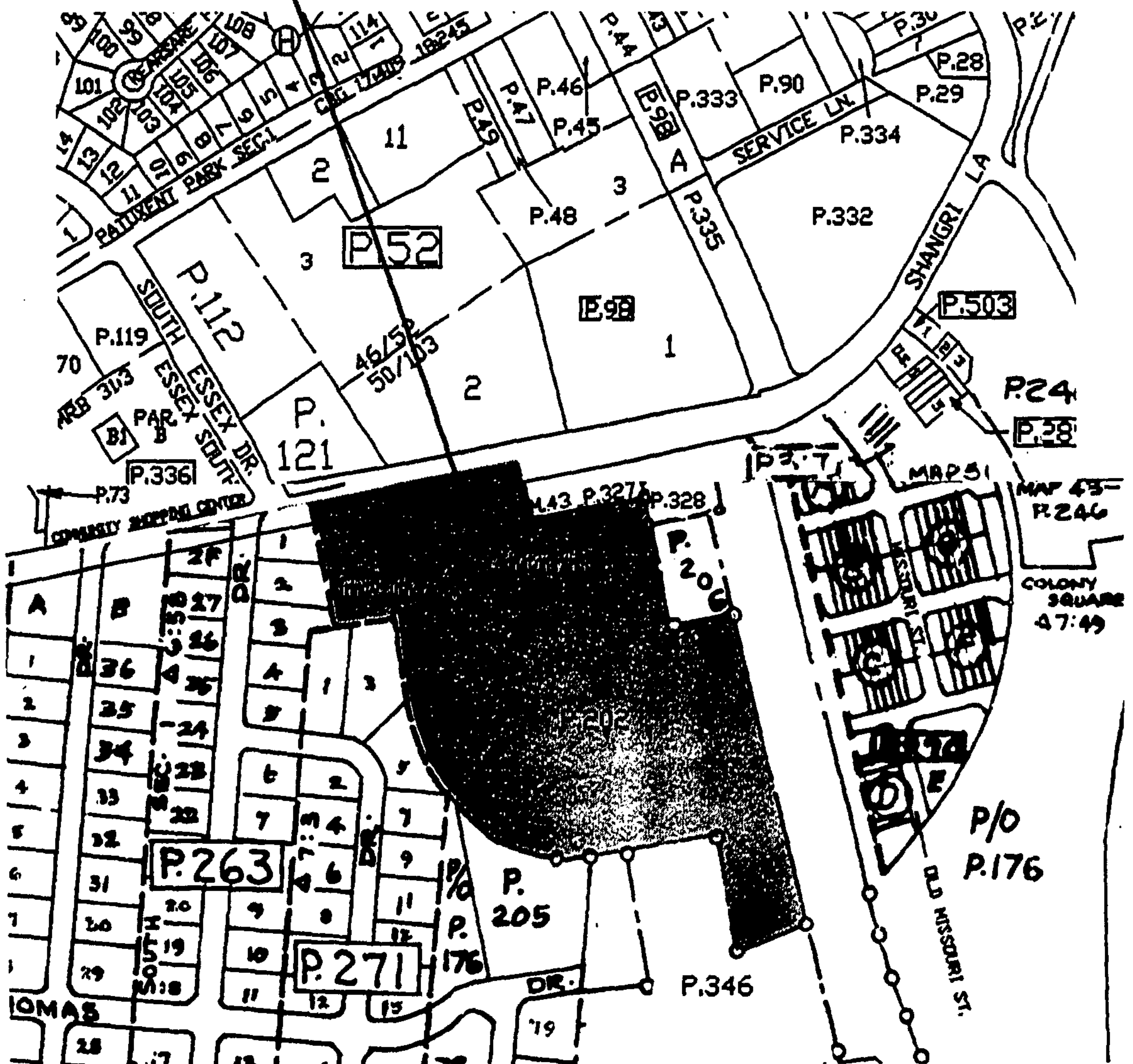
Proposed:
Change Parcel 202
from RL to DMX;
Change Parcel 203
from RNC to DMX.
August 1, 2002

LIBERO 023 PAG



Map 43

Map 51



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1 10. To preserve for open space through the most efficient and effective design and layout of the land,
2 including the use of average density in providing for minimum width and area of lots, while
3 preserving the density of land as established by the County Comprehensive Zoning Ordinance.

4 **10.4. Organization of the Subdivision Ordinance.**

5 This Ordinance consists of four (4) articles. Without superseding the specific regulations set forth in each
6 article, the general structure and content of the articles are as follows:

7 1. **Article 1: General Provisions.** The overall organization and applicability of the regulations are
8 included in this article. General rules are provided for interpretation, conflicts with other laws and
9 regulations, relation to deed restrictions and prior regulations, construction of language, and
10 severability.

11 2. **Article 2: Administration.** This article outlines detailed procedures for the administration of this
12 Ordinance, including responsibilities of decision-making bodies, common procedures that apply to
13 all development applications, notice and public hearing procedures, and requirements for (a)
14 administrative decisions; (b) appeals of administrative decisions; (c) vested rights and authority to
15 continue nonconforming projects; and (d) amendments to the Ordinance.

16 3. **Article 3: Subdivision Standards and Approvals.** This article establishes Base Districts (rural,
17 residential, commercial and mixed use, industrial and office, and commercial marine) and Special
18 Districts (overlay districts and floating zones) and states their purposes, establishes specific
19 Zoning Districts and their specific purposes, and establishes basic development standards for the
20 Zoning Districts.

21 4. **Article 4: Enforcement.** This article provides for the prosecution of violations of this Ordinance.

22 **10.5. Applicability.**

23 The provisions of this Ordinance shall apply to the partitioning and use of all land within the
24 unincorporated areas of St. Mary's County unless expressly and specifically exempted or provided
25 otherwise in this Ordinance. No subdivision may be undertaken without prior authorization, or exemption
26 from regulation, by this Ordinance. All regulated development shall comply with the standards, criteria, and
27 procedures of this Ordinance and any other applicable statute, law or regulation.

28 **10.6. Minimum Standards.**

29 Unless otherwise provided herein, the provisions of this Ordinance are minimum standards necessary to
30 accomplish the purposes of this Ordinance, and nothing herein is intended, nor shall it be construed to,
31 prevent any development or land use in St. Mary's County from exceeding the minimums.

32 **10.7. Approval of Subdivision Plat.**

33 Until a plat of the subdivision is approved in accordance with these regulations or is deemed otherwise
34 legally of record, no land within the unincorporated area of St. Mary's County shall be subdivided nor shall
35 any lot be sold or transferred, building erected, or subdivision plat recorded.

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20.2. Planning Commission.

- LIBERO 023 05118
1. **Establishment.** The St. Mary's County Planning Commission, (the "Commission"), is established pursuant to Section 3.01 of Article 66B of the Maryland Annotated Code.
 2. **Commission Membership.** The Commission consists of seven members appointed by the County Commissioners.
 3. **Powers and Duties.** Without limiting the authority otherwise denied, the Commission shall have the following powers and duties under this Ordinance:
 - a. To review, hear, consider, and make recommendations to the County Commissioners to approve or disapprove the adoption of an ordinance to amend the text of this Ordinance.
 - b. To report annually to the Board of County Commissioners on development and planning activities and Comprehensive Plan implementation.
 4. **Meetings and Rules.** The Commission shall meet at least once a month. One such meeting shall be a regular meeting that shall be selected and published annually prior to the first regular meeting scheduled in January. Additional meetings may be scheduled at the call of the Chairman at such times as the Commission may determine. In accordance with Maryland Annotated Code, Article 24, Section 4-201, et seq., all meetings shall be open to the public. Any person may appear and testify at a public hearing either in person or be represented by duly authorized agent or attorney. The Commission may request testimony at its hearings for purposes of securing technical and/or factual evidence from experts or any County agency or office. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent abstains, shall indicate such fact.

20.3. Board of Appeals.

1. **Establishment.** The Board of Appeals for St. Mary's County is established and designated the "Board of Appeals" pursuant to Section 4.07 of Article 66B of the Maryland Annotated Code.
2. **Board Membership.** The Board consists of five members appointed by the County Commissioners.
3. **Powers and Duties.** Without limiting the authority otherwise denied, the Board of Appeals shall have the following powers and duties under this Ordinance:
 - a. To hear and decide appeals when it is alleged by an aggrieved person that there is an error in any order, requirement, decision, or determination made in regard to the administration of this Ordinance or of any amendments adopted pursuant thereto.
 - b. To authorize, upon appeal in specific cases, a variance from the terms of this Ordinance as will not be contrary to the public interest, and when, owing to special conditions, the enforcement of the provisions of this Ordinance will result in practical difficulty or unwarranted hardship. Only those variances shall be allowed that accomplish the purpose and intent of the regulations of this Ordinance and are consistent with the Comprehensive Plan.
 - c. To adopt and promulgate such rules and regulations as it shall deem necessary in the conduct of its hearings.
4. **Meetings and Rules.** All meetings of the Board of Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. In accordance with Maryland Annotated Code, Article 24, Section 4-201, et seq. all hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or be represented by a duly authorized agent or attorney. The chairman, or in his absence the acting chairman, may administer oaths and compel attendance of witnesses. The Board may request testimony at its hearings for purposes of securing technical and/or factual evidence from experts or any County agency or office. The Board may require a report and recommendation from the

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- 1 1. **Publication.** At least 15 calendar days in advance of the public hearing on an application for any
2 development approval, Ordinance amendments or appeal listed in Section 21.2, the Department of
3 Planning and Zoning shall give notice of such public hearing. Notice shall be published in a
4 newspaper of general circulation in St. Mary's County once each week for two successive weeks.
- 5 2. **Mailing.** At least 15 calendar days before the public hearing on an application for any variance
6 appeal or Ordinance amendment, listed in Section 21.2, the applicant shall send notice by
7 registered or certified mail in a format provided by the County to all owners of contiguous
8 property (as shown on the latest published property tax records of the Maryland Department of
9 Assessment and Taxation), including lands across any public or private rights-of-way adjacent to
10 the land subject to the application. Notice shall be given to each individual property owner if an
11 affected property is held in common ownership. In the case of a request for a variance from
12 Section 30.11.3.c. the maximum allowable lots on a private right-of-way, all property owners,
13 whether their property is contiguous or not contiguous with the subject property, shall be informed
14 of the scheduled public hearing by registered or certified mail. Required notice shall also be given
15 to a municipality if the application concerns land adjacent to its municipal boundaries. The
16 applicant shall provide the Planning Director, in an approved form, with names and addresses of
17 all property owners required to receive notice of a public hearing pursuant to this Ordinance.
- 18 a. **Contents of Notice for Mailing.** The notice for any public hearing or meeting to be
19 mailed required by this section shall state the substance of the application and the date,
20 time, and place of the public hearing or meeting, and the place where such application
21 may be inspected by the public. The notice shall also advise that interested parties may
22 appear at the public hearing or meeting and be heard with respect to the application.
- 23 3. **Requirements for Posting Notice.** At least 15 calendar days in advance of the public hearing, the
24 property(ies) subject to an application listed in Section 21.2 shall be posted by the applicant with a
25 notice on a block printed sign at least 24 inches x 36 inches. The applicant shall notify the
26 Department of Planning & Zoning the same day notice is posted.
- 27 a. Content. Posted notice shall contain the following information:
- 28 (1) Application number and property owner name
- 29 (2) Request (as defined by the Department of Planning & Zoning).
- 30 (3) Date, time, and location of the hearing.
- 31 (4) A statement that the file is available at the Department of Planning and Zoning
32 for public review and comment.
- 33 b. Location. One notice shall be posted for each 500 feet of frontage along a public street.
34 The sign(s) shall be located on the property no more than 25 feet from the front property
35 line and shall be clearly visible from the nearest public road or street. Where the land
36 does not have frontage on a public street, signs shall be posted within the nearest street
37 right-of-way with an attached notation indicating generally the direction and distance to
38 the land that is the subject of the application.
- 39 c. Removal. The applicant shall remove the sign after the hearing on the application has
40 concluded. If the sign is removed through no fault of the applicant before the hearing,
41 such removal shall not be deemed a failure to comply with the standards or grounds to
42 challenge the validity of any decision made on the application.
- 43 d. Exemption. This posting requirement shall not apply during amendment of these
44 regulations generally, which would apply to the entire County.

45 **21.4. Public Hearing Procedures.**

46 A public hearing held pursuant to the provisions of this Ordinance shall comply with the following
47 procedures:

- 48 1. **Scheduling the Public Hearing.** When an application requires a public hearing, the hearing shall
49 be scheduled to occur within a reasonable time, allowing for the complexity of the case, available
50 staff resources, and public notice requirements.

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- 1 2. **Sale or Transfer of Lots.** Until a final subdivision plat is approved and recorded in accordance
2 with this Ordinance, no land within the unincorporated area of St. Mary's County shall be
3 subdivided, nor shall any lot be sold or transferred or any building erected.
- 4 3. **Permits and Certificate of Occupancy.** No permits for grading, or for construction of buildings,
5 roads, or storm water management and no Certificate of Occupancy shall be issued for any
6 development within a subdivision until the final plat has been recorded and fees and bonds
7 required by this Ordinance are paid.
- 8 4. **Appeals.** Any person or persons aggrieved by any action of the Planning Director or Planning
9 Commission pursuant to this Article may appeal within 30 days of the action to the Board of
10 Appeals.
- 11 5. **Voiding of Plats.**
- 12 a. Any plat or any part of a plat may be vacated by the owner, at any time before the sale of
13 any lot therein, or by all the owners, by a written instrument, in recordable form declaring
14 that plat to be null and void.
- 15 b. The instrument shall be approved by the Planning Commission in like manner as plats of
16 subdivisions. The Planning Commission may reject any instrument that abridges or
17 destroys the public rights in any public uses, improvements, streets or alleys within the
18 subdivision.
- 19 c. The instrument, once recorded, shall render the subdivision a nullity and divest all public
20 rights in the streets, alleys and public grounds, and all dedications laid out or described
21 on the plat.
- 22 30.3. **Types of Subdivisions.**
- 23 1. **Residential Subdivisions.** Residential subdivisions shall be classified as one of the following:
- 24 a. **Minor Subdivision.** A Minor Subdivision is the division of a parcel or lot of record which
25 creates 1 to 5 lots or any number of farmsteads, ~~which do not have frontage on a public~~
26 ~~road, or private right-of-way which is recorded in the county land records as of August 1,~~
27 ~~1986.~~
- 28 b. **Major Subdivision.** A Major Subdivision is any subdivision that involves a division of a
29 parcel of record into more than 5 lots.
- 30 c. **Farmstead Subdivision.** Minor-subdivision of any number of lots, each of which is at
31 least 15 acres in size.
- 32 2. **Nonresidential Subdivisions.** Commercial and Industrial subdivisions shall be subject to all the
33 requirements of site plan approval set forth in the Comprehensive Zoning Ordinance.
34 Nonresidential subdivisions shall require a public or private right-of-way for access to lots, and an
35 approved entrance at public roads, and are subject to the public road standards or other road
36 design/construction standards. Site plan approval and subdivision plat approval may proceed
37 simultaneously at the discretion of the Planning Commission.
- 38 3. **Boundary Line Adjustment.** A plat which has the effect of adjusting property boundaries of lots
39 ~~parcels~~ of record.
- 40 4. **Plat Exempt Division.**
- 41 a. An exempt division, created without making provisions for roads, water supply or
42 sewage disposal or other public improvements, is permitted under the following
43 circumstances:
- 44 (1) To settle estate or other court ordered partitions.
- 45 (2) To add land to an existing agricultural parcel.
- 46 (3) To transfer land for purposes other than development.

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- 1 (4) To transfer land to immediate family for development in the future.
2 (5) For road right of way dedication or acquisition.
3 b. Plat Exempt Divisions may be established by deed, provided the deed is approved by the
4 Department of Planning and Zoning prior to transfer and recordation.
5 c. In all cases (1) through (4) above, or when a Plat Exempt Division parcel is proposed to
6 be developed converted to a building lot, a standard subdivision plat must be recorded
7 prior to issuance of a building permit.
- 8 **Authority.**
9 **Residential and Non Residential, Boundary Line and Plat Exempt Subdivision.** The Planning
10 Commission is vested with the authority to review, approve, conditionally approve and disapprove
11 plats for subdivisions of land.
12 **Delegation.** The Planning Commission may delegate authority to the Planning Director to:
13 a. Approve minor subdivision plats (including farmsteads), boundary line adjustment plats,
14 and plat exempt divisions; and
15 b. Approve final plats for major subdivisions and nonresidential subdivisions (provided that
16 Planning Commission approval of the final plat was not a condition of approval for the
17 Preliminary Plan); and
18 c. Review and approve minor amendments and adjustments to approved plats, in
19 accordance with the criteria established in this Chapter.
- 20 **30.5. Preliminary Plan.**
21 1. **Purpose.** A Preliminary Plan is a formal submission of a plan for the proposed subdivision.
22 Approval of a Preliminary Plan shall constitute Planning Commission acceptance of the land use
23 mix, development intensity, general street drainage and lot patterns, general location of parks and
24 open space lands, and the general layout of pedestrian and bicycle trails, except that these may be
25 modified in conjunction with subsequent approvals if additional information reveals development
26 constraints that are not evident during Preliminary Plan review.
27 2. **When a Preliminary Plan Is Required.** Approval of a Preliminary Plan shall be required for any
28 subdivision that shall require major subdivision or nonresidential subdivision approval. No final
29 plat shall be approved until a Preliminary Plan for the property has been approved.
30 3. **Sketch Plan Required.** Where the proposed subdivision proposes activity upon 75 percent or less
31 of the parent tract, the applicant must submit a Sketch Plan.
32 a. A Sketch Plan may be submitted to the Planning Commission for approval prior to
33 submission of a Preliminary Plan or shall accompany a Preliminary Subdivision Plan
34 where application of plan approval is made for 75 percent or less of the land area of the
35 parcel within which the development will occur.
36 b. The Sketch Plan shall contain the following information:
37 (1) Accurate sketch of the property to scale.
38 (2) Record owner of property.
39 (3) Vicinity sketch.
40 (4) Identification of adjacent property owners.
41 (5) Topographic information in sufficient detail to determine drainage patterns and
42 sedimentation or grading permit problems.
43 (6) Proposed access to public right-of-way.

1 3. Exemptions. Private right-of-ways recorded before May 13, 2002 may serve up to five (5) lots
2 without complying with this section.

3 3.4. General Provisions.

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- 4 a. For private roads, the design vehicle shall be an emergency response/service/delivery-
5 type vehicle (30-foot single unit truck). For local streets, the design vehicle shall be a
6 school bus. For higher classification and commercial streets, the design vehicle shall be a
7 tractor trailer/ladder truck-type vehicle (WB-50).
- 8 b. Private roads shall be included in an overall development plan and shall be approved by
9 the Planning Commission and/or Director of Planning and Zoning.
- 10 c. Subdivisions consisting of five (5) residential lots or less, or farmstead subdivisions, may
11 be served by a private road. All subdivisions, except farmsteads, proposed with six (6)
12 lots, or more, shall be served by public roads in accordance with the provisions contained
13 herein.
- 14 d. A Private Road Maintenance Agreement for private roads, access easements to farmstead
15 lots, and shared driveways shall be recorded with the record plat.
- 16 e. Minimum safe stopping sight distance shall be assured with information provided by the
17 design engineer.
- 18 f. In the event that the maximum allowable number of lots or units having access is
19 exceeded, or is otherwise approved by a variance, all further divisions of land must front
20 on a public road and are subject to the regulations and standards for public roads.
- 21 g. Private roads shall normally intersect with a public road; must have no other public or
22 private streets dependent upon it for access; and must serve no traffic except that
23 associated with the lots having direct driveway access to it.
- 24 h. There shall be no more than one driveway connection from any site or lot to any street,
25 except where separate entrances and exit driveways may be necessary to safeguard
26 against hazards and to avoid congestion. Additional driveways should also be considered
27 for large tracts and uses of extensive scope, if traffic flow on adjacent roads will be
28 facilitated by the additional connections.
- 29 i. Where topographic and other conditions are reasonably usable, provision should be made
30 for circulation driveway connections to adjoining lots of similar existing or potential use
31 when such driveway connections will facilitate fire protection services or when such
32 driveway will enable the public to travel between two existing or potential uses, open to
33 the public generally, without need to travel upon a public road.
- 34 j. Driveways into site should have proper grades and alignments, as well as transition
35 grades and sight distances, for safe, convenient and efficient access and should meet the
36 public road right-of-way and travel ways of the public road in a manner that conforms
37 with the provisions of this Ordinance.

38 4.5. Design Standards. In addition to the private road standards shown above and in Table
39 30.11.3 (TDD), the following shall apply:

- 40 a. *Easements.* Shared driveways and private roads shall reserve easements immediately
41 adjacent and parallel to the private right-of-way of at least ten feet (10') in width on both
42 sides of the right-of-way. The easement shall be utilized by public utilities, including but
43 not limited to the installation of electric, gas, telephone, water, sewer and cable television
44 service, together with the right to trim interfering trees and brush, together with a
45 perpetual right of ingress and egress for installation, maintenance and replacement of
46 such lines.
- 47 b. *Road Names.* Approved private road name suffixes shall be Place, Path, Terrace, Circle,
48 Lane, Loop, Alley and Way. Sign type and placement shall be in accordance with the
49 Manual of Design and Construction Standards.

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- 1 c. *Verticle Clearance.* Private roads shall be designed with a minimum 20 and 30 foot
2 unobstructed private right-of-way for rural and urban developments, respectively. A
3 minimum unobstructed vertical clearance of fourteen feet (14') shall be provided.
- 4 d. *Turnouts.* There shall be areas where two vehicles can easily pass each other at least
5 every 500-600 feet. Turnouts shall be provided every 1,000 feet to accommodate the
6 turnaround movements of emergency and other service-type vehicles.
- 7 e. *Materials.* A maximum of ~~five three~~ (53) residential lots shall be served by a shared
8 private driveway, except for farmstead lots, for which there is no maximum. Residential
9 single lot and shared driveways serving up to five (5) lots should be constructed using a
10 minimum of a four inch thick layer of compacted aggregate base. A double surface
11 treatment is recommended in light traffic situations to ensure a dust-less surface.
- 12 f. *Corner Clearance.* In general, for commercial and industrial developments, no internal
13 access connection may be proposed within 40' of the intersection with the entrance and
14 the adjacent collector road. Unless the applicant demonstrates practical difficulty, all
15 proposed commercial and industrial developments greater than 100,000 square feet shall
16 provide a minimum corner clearance of 250 feet from an arterial public roadway.
- 17 g. *Dimensions.* Rural private roads shall be constructed with two-foot wide unimproved
18 shoulders. The minimum horizontal radius for driveways serving up to ~~five three~~ lots
19 shall be 50 feet (50'). The minimum width for joint-use non-residential driveways shall
20 be 20 feet (20'), however, the driveway shall be sized to serve the traffic generation of the
21 lots served.
- 22 h. *Location.* Driveways for new corner lots shall be located at least 80 feet from an
23 intersection of two (2) public roads.
- 24 i. *Paving.* For commercial and industrial developments, an all weather surface shall be
25 designed and certified by the submitting engineer to ensure the pavement section is
26 adequate to accommodate the site generated traffic, sub-grade conditions, vehicle
27 loading, and design vehicle turning movements.
- 28 j. *Entrances and Access.*
- 29 (1) Entrances onto a public road shall be constructed in accordance with the
30 Department of Public Works and Transportation Manual of Design and
31 Construction Standards, as amended from time to time, and the provisions
32 contained herein.
- 33 (2) Residential driveway access shall be limited to cul-de-sacs, local roads and
34 minor collector roads. Multi-family and cluster subdivisions shall have direct
35 access to a public road.
- 36 (3) Direct residential access to major collectors and arterials shall be permitted only
37 when no feasible alternative exists. In such cases, a minimum separation
38 between driveways and/or entrances of 150 feet, measured from centerline shall
39 be maintained.
- 40 (4) Visibility of a driveway crossing a road right-of-way line shall not be impaired
41 between a height of 2.5 feet and 7 feet for a depth of 5 feet from the street
42 property line, as viewed from the edge of the right-of-way on either side of the
43 driveway at a distance of 50 feet or at the nearest property line intersecting the
44 street property line, whichever is less.
- 45 (5) Commercial and industrial entrances shall be constructed in accordance with
46 State Highway Administration practices, standards established in this Ordinance
47 and any applicable guidelines, Table 30.11.3, or plates approved by the Director
48 of Public Works and Transportation.
- 49 (6) Construction entrances must be installed prior to any activity on the site.

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- (7) All entrances shall be designed with sufficient capacity to minimize queuing of entering vehicles on any road or street.
 - (8) Driveway entrances shall not be constructed in or partially in any intersection fillet and should be located so as to provide safe and efficient traffic operations. Where less than 30 feet of separation is provided between the centerlines of adjacent residential driveways, a shared entrance shall be provided.
 - (9) The minimum entrance width for joint-use driveways shall be 18 feet for the first twenty-five feet (25'). The remainder of the shared driveway shall be a minimum of sixteen feet (16') in width. The remainder of any driveway serving one dwelling unit may be decreased to ten feet (10') in width.
 - (10) A separate driveway entrance pipe schedule shall be required and shown on the design plans for all individual and shared driveways whose corresponding ditch flow exceeds five cubic feet per second (5cfs).
 - (11) Shared driveway entrances shall be bonded before plat recordation and installed by the applicant prior to Use and Occupancy Permit for any lots served by the entrance.
- k. *Disclosure.* Disclosure shall be given to purchasers of lots served by private right-of-ways in accordance with the Subdivision Regulations indicating that lots served by private right-of-ways shall not be maintained by the County, nor shall said private right-of-ways be considered for acceptance into the County Highways Maintenance System until such is improved to the appropriate County Road Standards at the individual lot owner(s) expense. The record plat shall be required to contain similar language prior to approval.

Table 30.11.3. Private Road Standards.

Road Type	Design Speed	Minimum Width (ft.)	Min. Horizontal Radius (ft.)	Additional Standards
Private Road (Rural)	20 mph	18'	90'	Five (5) lot maximum width and addition of 2 foot shoulders. (no maximum for farmstead lots)
Private Road (Urban)	15 mph	20'	90'	Five (5) lot maximum
Shared Driveway (Rural)	none	16'	50'	Shall serve a maximum of five (5) residential lots
Shared Driveway (Urban)	none	18'	50'	Shall serve a maximum of five (5) residential lots
Single Lot Driveway	none	10'	20'	For rural and urban residential access
Commercial (One-way)	20 mph	11'	90'	Increase width to 15' for circulation and perimeter access
Commercial (Two-way)	20 mph	22'	90'	For ADT < 1500 vehicles, otherwise 30' width is required

30.12. Nonresidential Subdivision Standards.

In addition to the general criteria for approval of all subdivisions, the applicant shall demonstrate to the satisfaction of the Planning Commission that the street, parcel and block pattern proposed for a nonresidential subdivision is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following standards shall apply:

- a. Adjacent residential areas shall be buffered or screened from potential nuisances associated with a proposed commercial or industrial subdivision, including the provision

- 1 **Develop Land.** To change the runoff characteristics of a parcel of land in conjunction with residential,
2 industrial, commercial, or institutional construction or alteration.
- 3 **Developable Land.** Land that is unconstrained by such conditions as steep slopes, floodplains, or adverse
4 soil or water conditions that preclude development, and that does not have a significant environmental
5 resource identified such as wetland or critical riparian habitats.
- 6 **Developed Woodland.** Those area of 1 acre or more in size that predominately contain trees and natural
7 vegetation and which also include residential, commercial or industrial structures or uses. On individual
8 lots or parcels of less than 1 acre, individual trees, woody vegetation, as well as natural vegetation and
9 forests contribute to the developed woodland coverage for the larger vicinity and shall be subject to the
10 provisions of this Ordinance.
- 11 **Developer.** A person with freehold, possessory or contractual interest in land proposed for development.
- 12 **Development.** The construction or substantial alteration of open lands, or agricultural, residential,
13 commercial, industrial, institutional, or transportation facilities or structures including any man-made
14 change to improved or unimproved real estate, including, but not limited to buildings and other structures,
15 dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or
16 materials. Development includes the process of subdivision.
- 17 **Driveway.** A private access road, drive or lane to an individual residence which is contained within the
18 or parcel and is not intended to serve any other lot or parcel of land.
- 19 **Farmstead.** ~~A lot of an area of 15 acres or more in single ownership which is a lot of record.~~
- 20 **Frontage Zoning Lot.** The length of all the property of such zoning lot fronting on a street measured
21 between side lot lines.
- 22 **Immediate family.** A person who is either the applicant's father, mother, son, daughter, grandfather,
23 grandmother, grandson, or granddaughter.
- 24 **Impervious Surfaces.** All buildings, road, parking and driveways, paving, patios, decks, sidewalks,
25 stoops, porches, steps, walkways, piers, swimming pools constructed on a lot which reduce the infiltration
26 capacity of the land or result in increased storm water runoff. Wooden decks and walkways (or portions
27 thereof) elevated above finished grade by minimum of the width of the deck and having shrub or ground
28 cover plantings beneath are considered pervious.
- 29 **Loading Space or Loading Berth.** A space within the main building or on the same lot which provides for
30 the standing, loading or unloading of trucks or other vehicles.
- 31 **Logo.** A trademark or company name symbol.
- 32 **Lot.** A portion of a subdivision or tract of land having frontage on a street or road which is intended for
33 development and which meets the requirements as a legal building site per this Ordinance.
- 34 **Lot Area, Gross.** The area of a horizontal plane bounded by the front, side, and rear lot lines, but not
35 including any area occupied by the waters of a duly recorded lake or river, or State tidal wetlands.
- 36 **Lot Depth.** The mean horizontal distance between the front lot line and rear lot line of a lot, measured
37 within the lot boundaries.
- 38 **Lot Line Rear.** Any boundary of a lot that is not a front lot line or a side lot line but generally running
39 parallel to opposite of a front lot line.
- 40 **Lot Line, Front.** That boundary of a lot that is along an existing or dedicated public street, or, where no
41 public street exists, is along a public way.
- 42 **Lot Line, Side.** Any boundary of a lot that is not a front lot line or a rear lot line but generally running
43 perpendicular to the front or rear lot lines.
- 44 **Lot Of Record.** A parcel of land which has been legally subdivided and recorded in the Land Records of
45 St. Mary's County, Maryland. A parcel is considered to be legally subdivided if it was created using the
46 following criteria: A) it was created prior to March 15, 1978; B) it was created by subdivision plat

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- 1 **Public right-of-way.** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is:
2 owned or controlled by a governmental entity.
- 3 **Public Sewerage System** Any system for the collection, transportation, and disposal of sewage or
4 industrial wastes of a liquid nature, including various devices for the treatment of such sewage and
5 industrial wastes as defined by the Comprehensive Water and Sewerage Plan that serves two or more
6 individual lots, dwelling units, businesses, commercial or industrial establishments, and is owned or
7 operated by an incorporated municipality, St. Mary's County Metropolitan Commission, or an agency of
8 St. Mary's County, the State of Maryland, or the Federal Government.
- 9 **Public Water Supply System.** A source of water supply and distribution system that includes treatment
10 and storage facilities, serves two (2) or more individually owned lots, dwelling units, businesses,
11 commercial or industrial establishment, and is owned and/or operated by an incorporated municipality, St.
12 Mary's County Metropolitan Commission, or an agency of St. Mary's County, the State of Maryland, or the
13 Federal Government.
- 14 **Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.
- 15 **Receiving Parcel.** A lot or parcel of land in a zoning district where permitted, on which development rights
16 transferred from a sending parcel are used.
- 17 **Residue.** An obsolete term used on subdivision plats prior to March 1, 1994 to identify land that has not
18 been platted as a lot of record. However, given approval for access, water supply, sewage disposal and
19 environmental zoning permits, a "residue" may be used as a legal building site. A residue may be the
20 subject of a record plat to create additional building lots or be resubdivided provided the lot(s) created meet
21 all requirements of the Ordinance prior to plat approval.
- 22 **SCD.** St. Mary's County Soil Conservation District .
- 23 **SHA.** Maryland State Highway Administration.
- 24 **Shared Facilities.** A water or sewerage system which serves more than one lot of land or more than one
25 user on a single lot of land with water or sewerage systems located on the individual lots or on parcels
26 owned in common by the users.
- 27 **Site.** Any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one
28 ownership, or are contiguous and in diverse ownership where development is to be performed as part of a
29 unit, subdivision, or project as shown on an application.
- 30 **Stormwater Management.** For quantitative control, a system of vegetative and structural measures that
31 control the increased volume and rate of surface runoff caused by man-made changes to the land; and for
32 qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants
33 that might otherwise be carried by surface runoff.
- 34 **Street.** A public or private right-of-way which affords a primary means of vehicular access to abutting
35 property, whether designated as a street, avenue, highway, road, boulevard, lane throughway, or however
36 otherwise designated, but does not include driveways to buildings.
- 37 **Subdivision, Farmstead.** Minor subdivisions in which all lots are 15 acres or larger.
- 38 **Subdivision, Major.** Any subdivision not defined as a minor, or farmstead subdivision.
- 39 **Subdivision, Minor.** The division of a parcel of record or lot which creates 1 to 5 lots or any number of
40 ~~farmsteads, which do not have frontage on a public road, or private right-of-way which is recorded in~~
41 ~~county land records as of August 1, 1986.~~
- 42 **Subdivision.** Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats,
43 sites, or other division of land for the purpose, whether immediate or future, of sale or of building
44 development provided that this definition of a subdivision shall not include a bona fide division or partition
45 of agricultural land not for development purposes.
- 46 **Variance.** A modification only of density, bulk, or area requirements of this Ordinance where such
47 modification will not be contrary to the public interest and where owing to conditions peculiar to the

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LIBERO 0 2 3 RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS FOR ST. MARY'S COUNTY

PURPOSE

To prescribe limitations upon the term of employment contracts offered certain County employees so as to not impair the ability of future members of the Board of County Commissioners from selecting policy makers and other executive-level staff that will be responsible for carrying out the direction of newly-elected officials.

RECITALS

WHEREAS, the Board of County Commissioners for St. Mary's County recognizes that the relationship between the members of the Board and its County Administrator, County Attorney, Department Heads and all other non-merit County employees is critical to the effective and efficient execution of public business and must be one of trust and confidence in the abilities and desire of that employee to carry forward the direction of the Board; and

WHEREAS, the Board of County Commissioners for St. Mary's County wishes to preclude the act of binding successive members of the Board of County Commissioners with employment contracts for such employees that extend more than six (6) months after the end of the term of the County Commissioners executing the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County that no employment contract, including, but not limited to, those for the County Administrator, Deputy County Administrator, County Attorney, Assistant County Attorney, Department Heads and all other non-merit County employees, shall be authorized, amended or extended that has a term which extends more than six (6) months beyond the term of office of the members of the Board of County Commissioners for St. Mary's County authorizing or executing that contract.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the foregoing recitals are hereby incorporated by reference as if fully set forth herein.

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that this Resolution shall take effect from the date set forth below as the "Effective Date."

Those voting Aye: T. McKay, K. Dement, L. Jarboe, D. Raley

Those voting Nay: _____


Those Absent: T. Mattingly

Date of Adoption: December 10, 2002

Effective Date: December 10, 2002


RECORDING FEE 0.00
TOTAL 0.00
RES#002 Rcft#99999
EMA ILC 31K#2300
Dec 20, 2002 09:29 am

ATTEST:



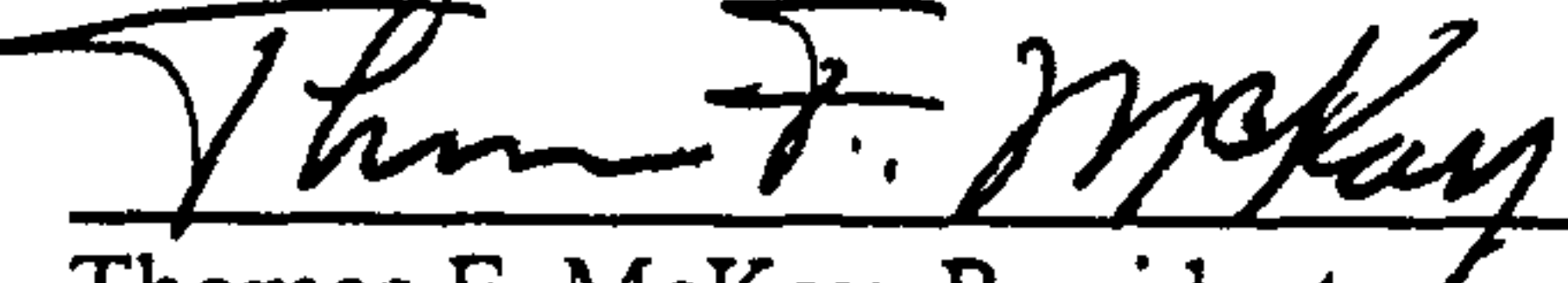
Alfred A. Lacer,
County Administrator

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:




John B. Norris, III, County Attorney


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY



Thomas F. McKay, President



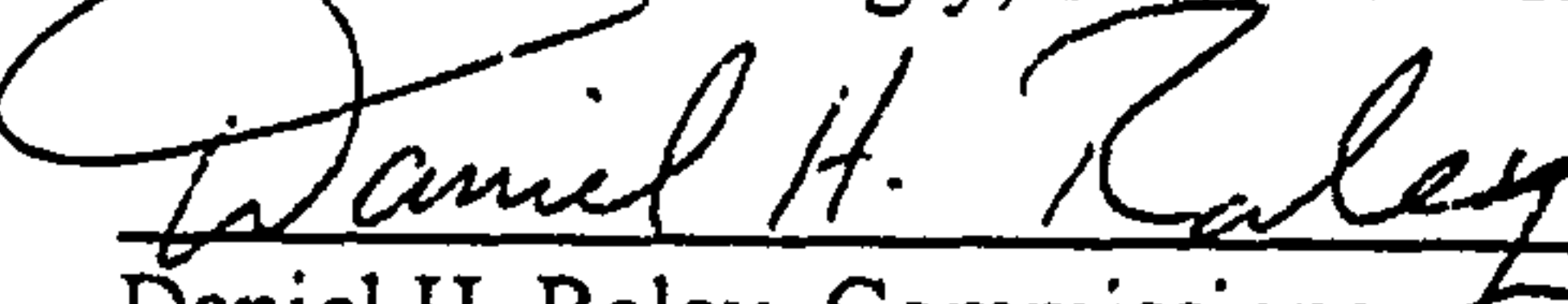
Kenneth R. Dement, Commissioner



Lawrence D. Jarboe, Commissioner

absent

Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

Purpose

Resolution of the Board of Commissioners of St. Mary's
County endorsing the amendment of the Articles of
Organization for the St. Mary's County Housing Authority

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EMA LLC 81k#2338
Dec 20, 2002 09:29 am

RESOLUTION

WHEREAS, the Maryland General Assembly has adopted Article 44A,
Title 11 of the Maryland Annotated Code, to increase the number of the Board of
Commissioners for the St. Mary's County Housing Authority from five (5) members to
seven (7) members; and

WHEREAS, the Articles of Organization filed with the Maryland Office of the
Secretary of State on or about February 5, 1991 provided for a Board of Commissioners
with five (5) members; and

WHEREAS, the Housing Authority, by Resolution 2002-08, desires to file
Articles of Amendment to revise its Articles of Organization to permit the addition of
two (2) more members, as permitted by the recently adopted Article 44A, Title 11 of the
Maryland Annotated Code; and

WHEREAS, the Housing Authority further desires to file Articles of
Amendment to revise its Articles of Organization to clarify those powers granted to the
Housing Authority by Article 44A of the Maryland Annotated Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County
Commissioners of St. Mary's hereby authorize the amendment to the Articles of
Organization for St. Mary's County Housing Authority set forth at Resolution 2002-08,
of the St. Mary's County Housing Authority attached hereto as Exhibit A and
incorporated by reference.

Those voting aye: four

Those voting nay: 0

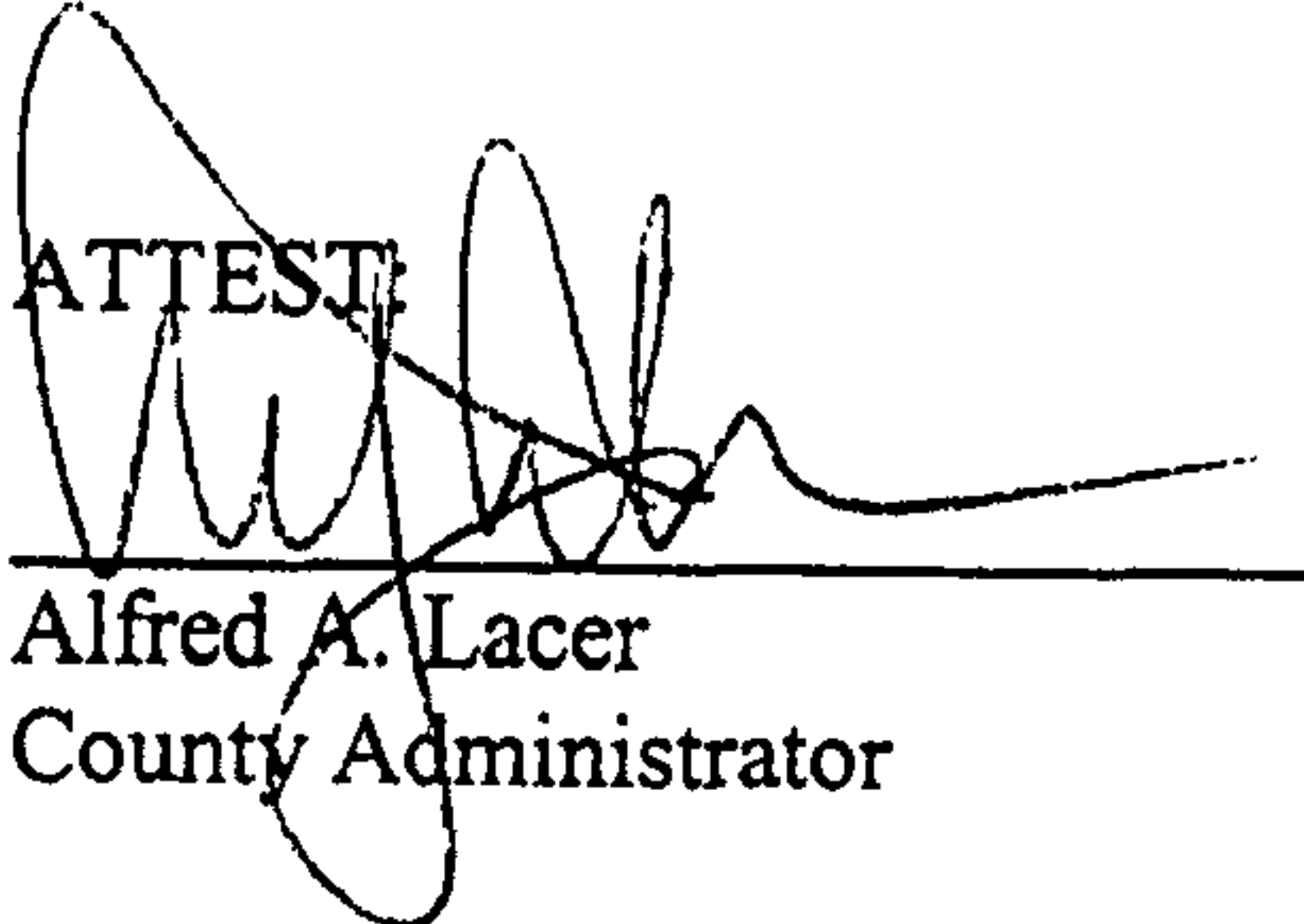
Those abstaining or absent: one

Approval Date: 12/10/02

Effective Date: 12/10/02

Subject: to Amend Articles of Organization
For the St. Mary's County Housing Authority

ATTEST



Alfred A. Lacer
County Administrator

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



Thomas F. Mc Kay, President

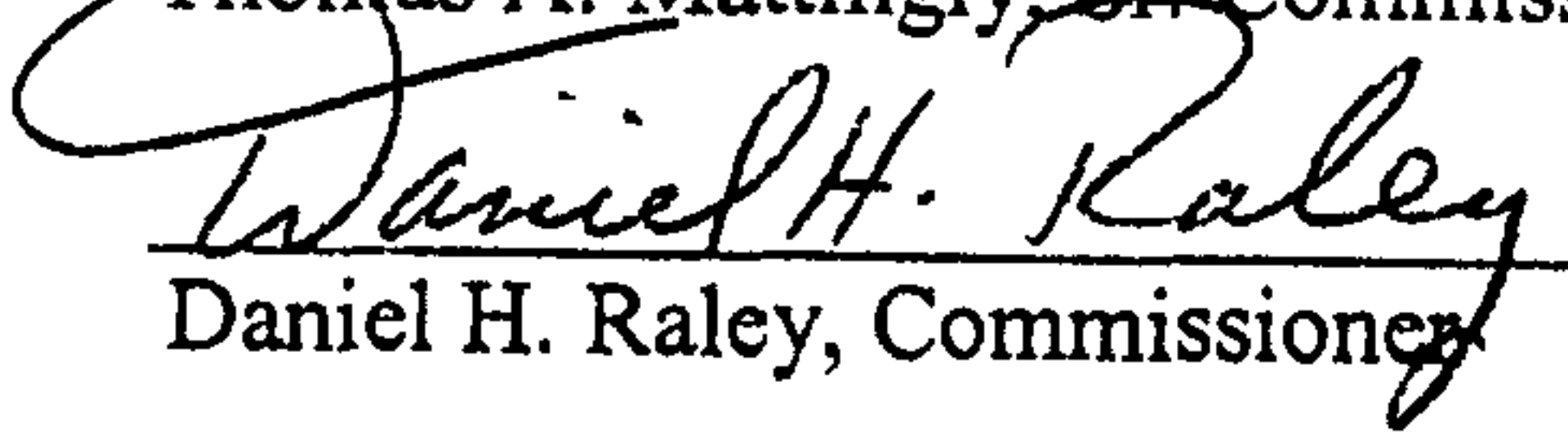


Kenneth R. Dement, Commissioner



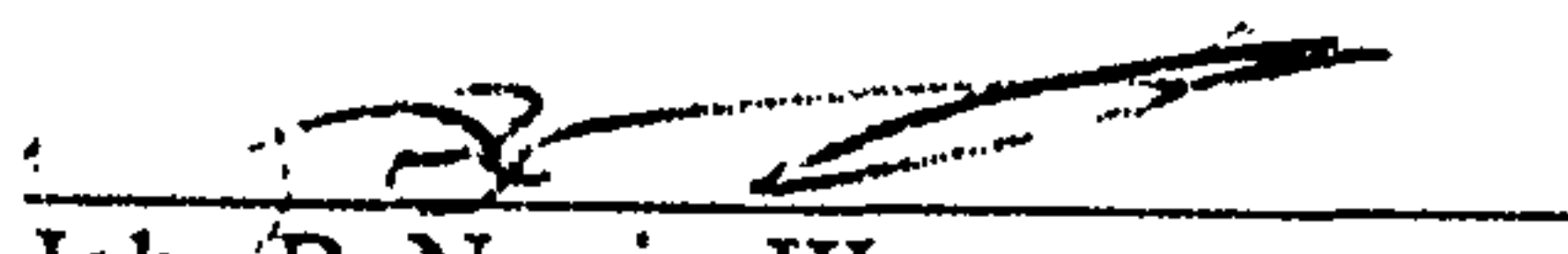
Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr. Commissioner

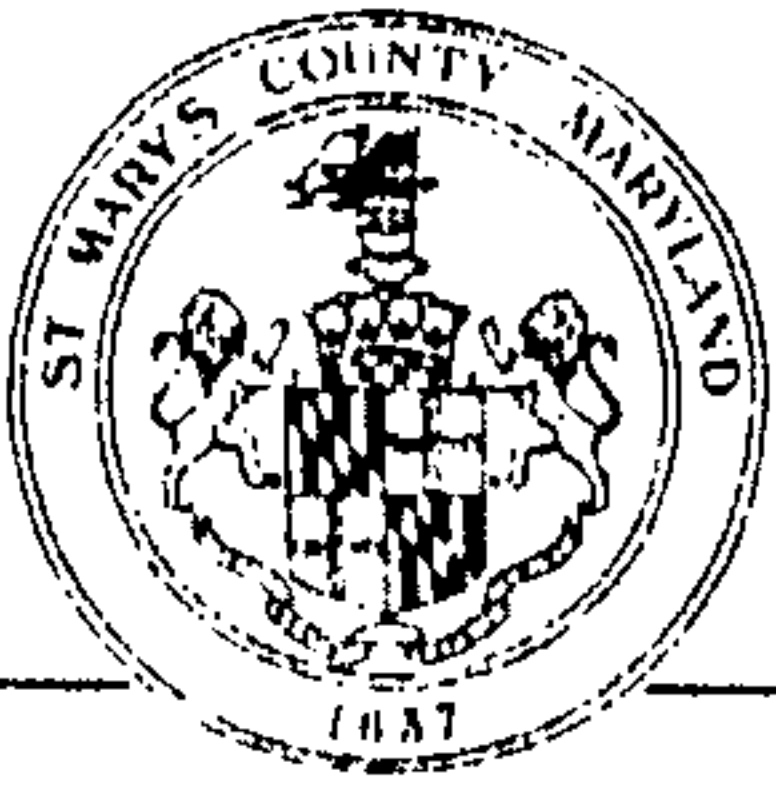


Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



John B. Norris, III
County Attorney



ST. MARY'S COUNTY HOUSING AUTHORITY

23115 LEONARD HALL DRIVE • P. O. BOX 653 • GOVERNMENTAL CENTER • LEONARDTOWN, MARYLAND 20650

301-475-4410

FAX 301-475-4402

MD Relay Svc. 711 or 1-800-735-2258 (V/TTY)

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RESOLUTION 2002-08

RESOLUTION TO REVISE ARTICLES OF ORGANIZATION

WHEREAS, the Maryland General Assembly has adopted Article 44A, Title 11 of the Maryland Annotated Code, to increase the number of the Board of Commissioners for the St. Mary's County Housing Authority from five (5) members to seven (7) members; and

WHEREAS, the Articles of Organization filed with the Maryland Office of the Secretary of State on or about February 5, 1991 provided for a Board of Commissioners with five (5) members; and

WHEREAS, the Housing Authority desires to file Articles of Amendment to revise its Articles of Organization so that they will comply with the recently adopted Article 44A, Title 11; and

WHEREAS, the Housing Authority desires to file Articles of Amendment to revise its Articles of Organization to clarify those powers granted to the Housing Authority by Article 44A of the Annotated Code of Maryland.

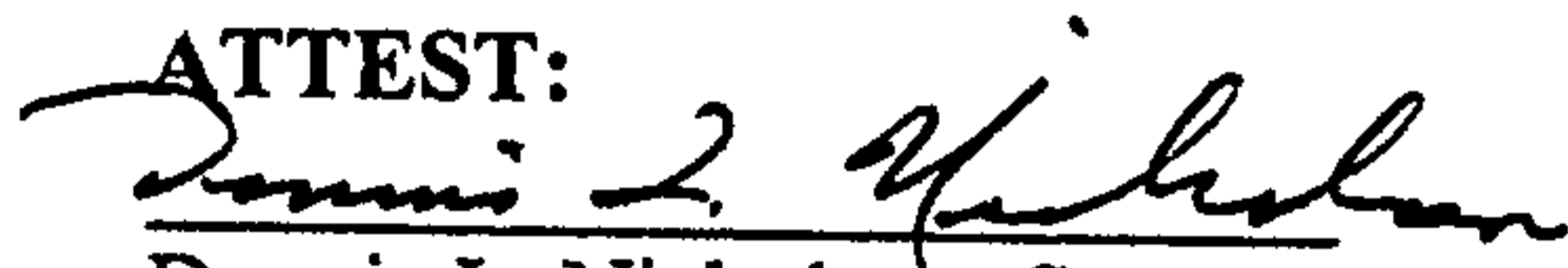
NOW, THEREFORE, the Board of Commissioners of the St. Mary's County Housing Authority hereby adopt the Articles of Amendment attached hereto as Exhibit A.

UPON MOTION made by Jane Loughran and seconded by Joan Gelrud this authorizing resolution is unanimously adopted on this 23th day of October 2002.



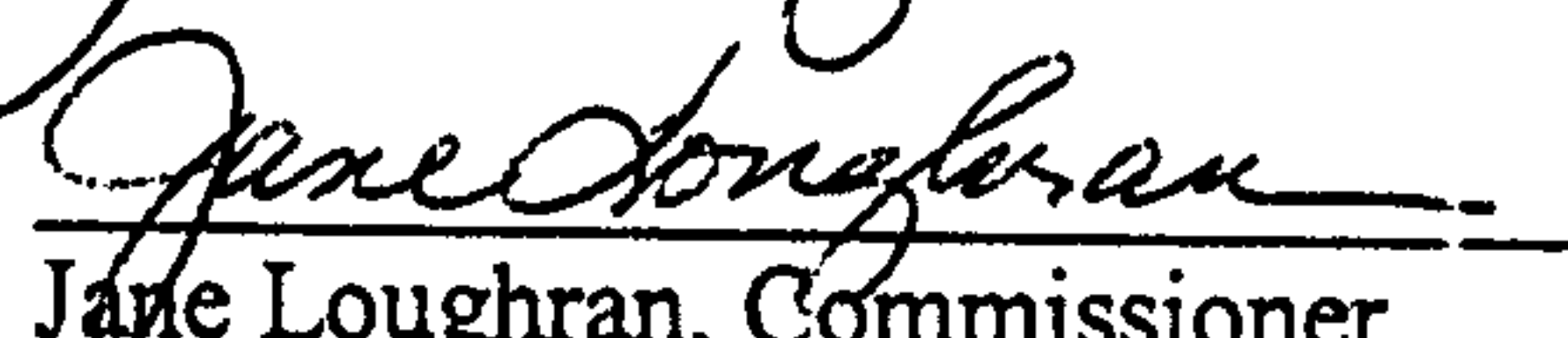
**BOARD OF COMMISSIONERS
OF ST. MARY'S COUNTY
HOUSING AUTHORITY**

ATTEST:


Dennis L. Nicholson, Secretary


Douglas J. Samuel, Acting Chair


Patricia A. Ball, Commissioner


Jane Loughran, Commissioner


Joan L. Gelrud, Commissioner


Jan Barnes, Commissioner

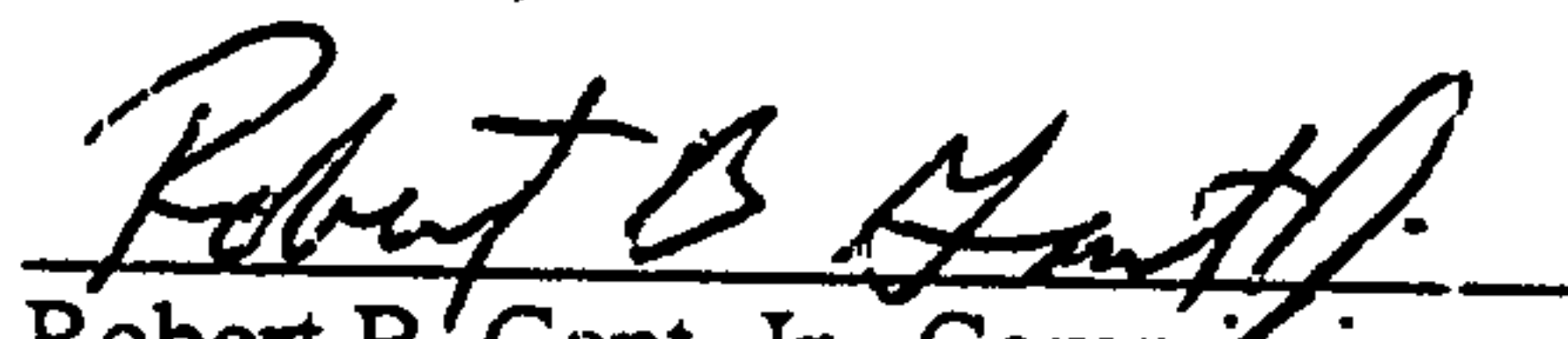

Robert B. Gant, Jr., Commissioner

Exhibit A

ST. MARY'S COUNTY HOUSING AUTHORITY

ARTICLES OF AMENDMENT

ST. MARY'S COUNTY HOUSING AUTHORITY, a Maryland public body corporate and politic, hereby certifies to the State Department of Assessments and Taxation ("Department") that the Articles of Organization filed with the Office of the Secretary of State on or about February 5, 1991 are hereby amended as follows:

- I. *In order to comply with a the recently adopted Md. Annotated Code Article 44A Title 11 providing for an increased number of board commissioners, the Articles of Organization are hereby amended by striking ARTICLE 3 and by substituting in lieu thereof the following:*

ARTICLE 3. COMMISSIONERS

The powers of the Housing Authority of St. Mary's County, Maryland, shall be vested in seven (7) commissioners who shall be residents of St. Mary's County and shall be appointed by the Board of St. Mary's County Commissioners to serve for five (5) year terms in accordance with applicable provisions of Article 44A of the Annotated Code of Maryland.


- II. *In order to clarify those powers outlined in the Articles of Organization so as to conform with the Md. Annotated Code Article 44A, the Articles of Organization are hereby amended by striking the paragraph entitled Article 5 (a) ENUMERATION and by substituting in lieu thereof the following:*

(a) ENUMERATION: In addition to those powers granted to Housing Authorities in Section 1-301 and Section 1-305 of Subtitle 3 and Subtitles 5 and 6 of Article 44A of the Annotated Code of Maryland, the Housing Authority of St. Mary's County, Maryland, shall have the following powers:

The remainder of Article 5 POWERS shall remain as set forth in the Articles of Organization.

IN WITNESS WHEREOF, ST. MARY'S COUNTY HOUSING AUTHORITY has caused these presents to be signed in its name and on its behalf by its President and attested by its Secretary on this 23th day of October, 2002, and its President acknowledges that these Articles of Amendment are the act and deed of the St. Mary's County Housing Authority, and, under the penalties of perjury, that the matters and facts set forth herein with respect to authorization and approval are true in all material respects to the best of his knowledge, information and belief.

ATTEST:


Secretary

ST. MARY'S COUNTY HOUSING AUTHORITY

By: 
Acting Chair, Board of Housing Authority Commissioners