

SUBJECT: ESTABLISHING SCHOOL SERVICE AREAS AND STUDENT YIELD TO DETERMINE THE ADEQUACY OF PUBLIC FACILITIES

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY

PURPOSE

FOR THE PURPOSE OF ESTABLISHING THE ATTENDANCE ZONES OR SERVICE AREAS TO DETERMINE THE ADEQUACY OF PUBLIC SCHOOLS AS PUBLIC FACILITIES PURSUANT TO SECTION 70.5.2(i) OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE; AND FOR THE PURPOSE OF APPROVING GUIDELINES TO CALCULATE THE NUMBER OF STUDENTS EXPECTED TO BE GENERATED BY A PROPOSED RESIDENTIAL DEVELOPMENT PURSUANT TO SECTION 70.11.2(b) OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE.

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#99999
ENA KAE 11K#2115

RECITALS

WHEREAS, the County Commissioners for St. Mary's County are required, pursuant to Section 70.5.2(i) of the St. Mary's County Comprehensive Zoning Ordinance, to establish the attendance zones or service areas for the purpose of determining adequacy of public schools as public facilities; and

Mar 17, 2003 03:00 PM

WHEREAS, the County Commissioners for St. Mary's County are required, pursuant to Section 70.11.2(b) of the St. Mary's County Comprehensive Zoning Ordinance, to approve guidelines to calculate to number of students expected to be generated by a proposed residential development, the "student yield;" and

WHEREAS, the St. Mary's County Board of Education has established three High School Service Areas in the County as depicted on the map attached as Exhibit "A" hereto; and

WHEREAS, the Board of County Commissioners for St. Mary's County has received recommendations that it follow the St. Mary's County Board of Education's three High School Attendance Zones in establishing attendance zones or service areas pursuant to Section 70.5.2(i) of the St. Mary's County Comprehensive Zoning Ordinance; and

WHEREAS, staff has recommended that the Board of County Commissioners approve the student yield guidelines established as part of the 1990 Impact Fee Study, being that each residential unit, regardless of type, is projected to generate 0.215 elementary school students, 0.107 middle school students and 0.154 high school students.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, that the St. Mary's County Board of Education's three High School Attendance Zones set forth at Exhibit "A" hereto, and hereby incorporated by reference, are established as the attendance zones or service areas pursuant to Section 70.5.2(i)(1) of the St. Mary's County Comprehensive Zoning Ordinance.

BE IT FURTHER RESOLVED that the County Commissioners for St. Mary's County hereby approve, pursuant to Section 70.11.2(b) of the St. Mary's County Comprehensive Zoning Ordinance, the following student yield guidelines: each residential unit, regardless of type, is projected to generate 0.215 elementary school students, 0.107 middle school students and 0.154 high school students.

SUBJECT: ESTABLISHING SCHOOL SERVICE AREAS AND STUDENT YIELD TO DETERMINE THE ADEQUACY OF PUBLIC FACILITIES

BE IT FURTHER RESOLVED that this Resolution shall take effect from the date set forth below as the "Effective Date."

Those voting Aye: all

Those voting Nay: _____

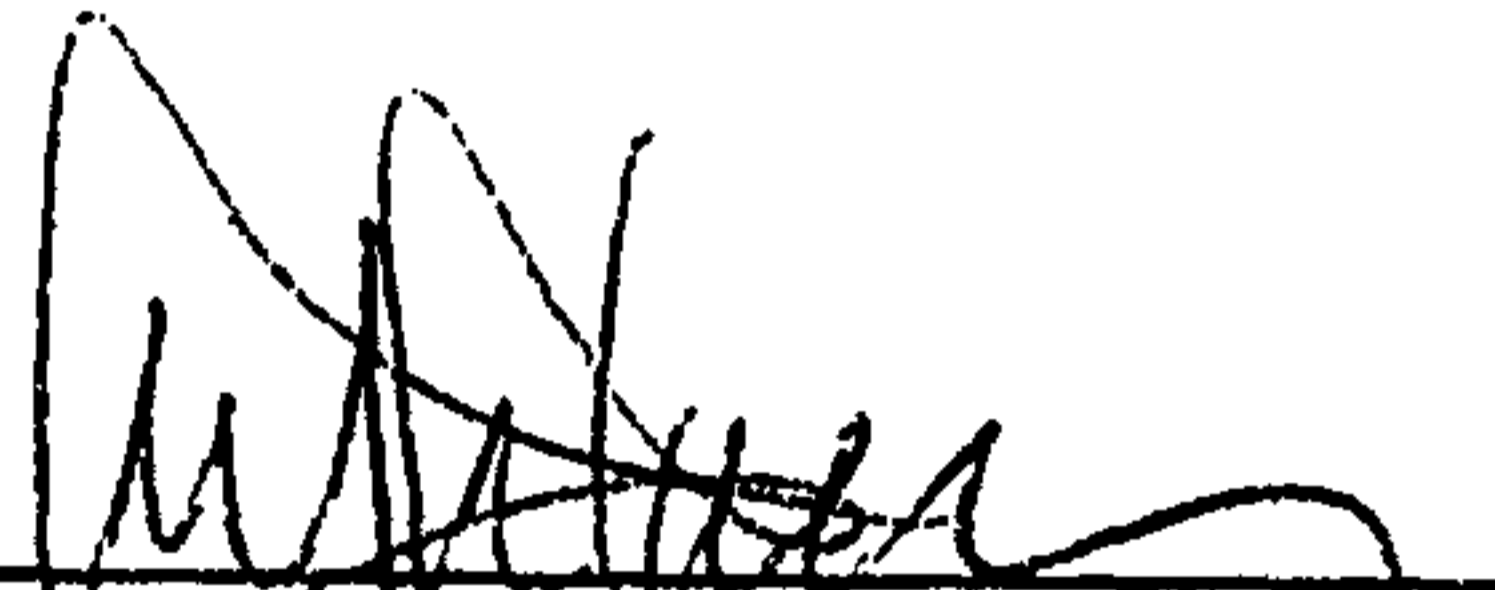
Those Absent: _____

DATE OF ADOPTION: 3/11/03

EFFECTIVE DATE: March 24, 2003


ATTEST:

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

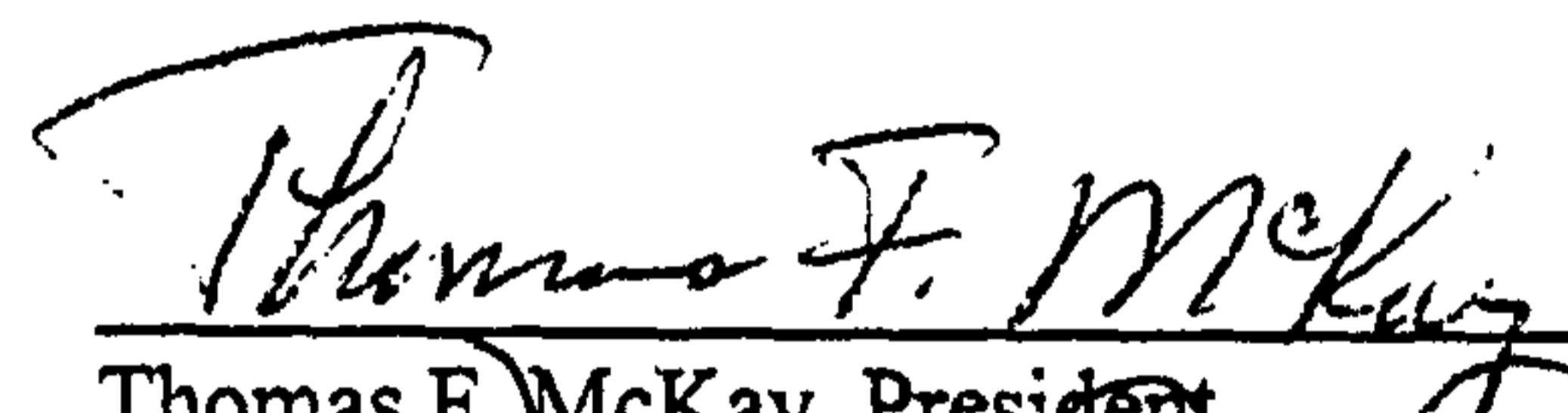


Alfred A. Lacer,
County Administrator

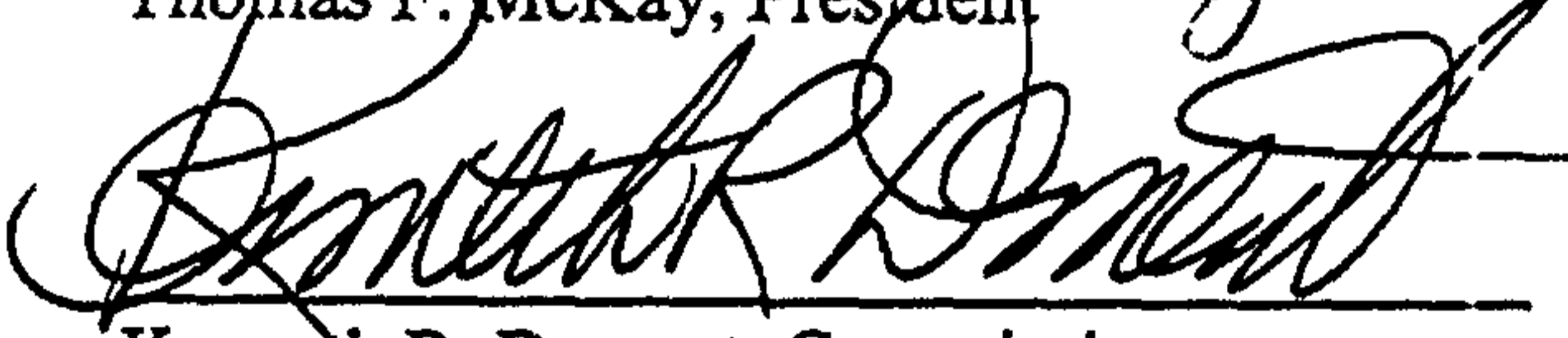
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



John B. Norris, III,
County Attorney




Thomas F. McKay, President



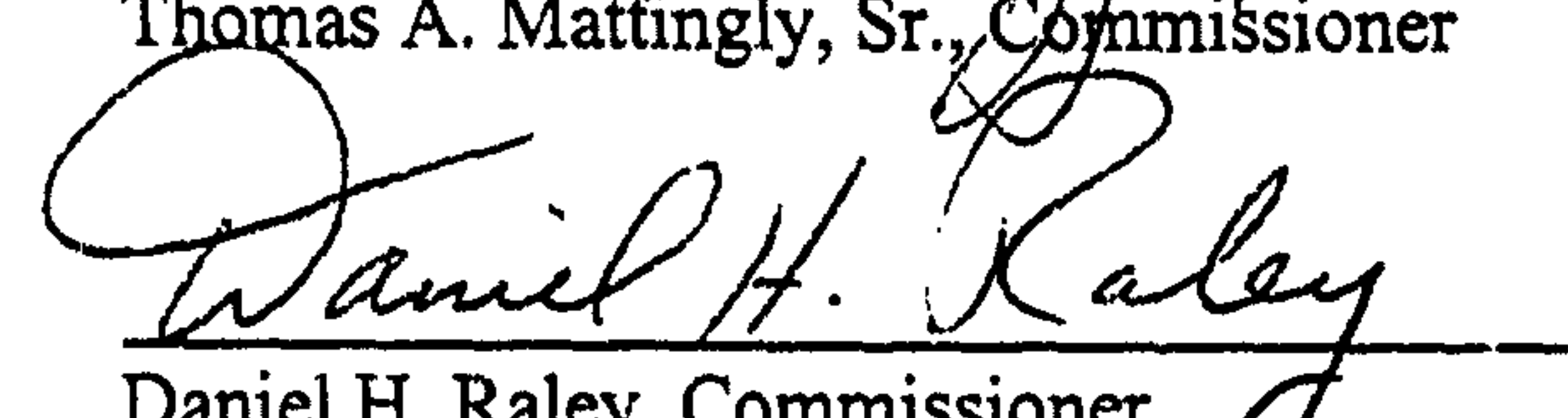
Kenneth R. Dement, Commissioner



Lawrence D. Jarboe, Commissioner


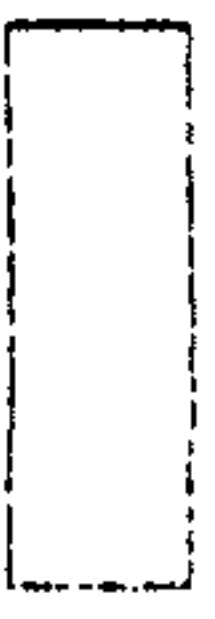



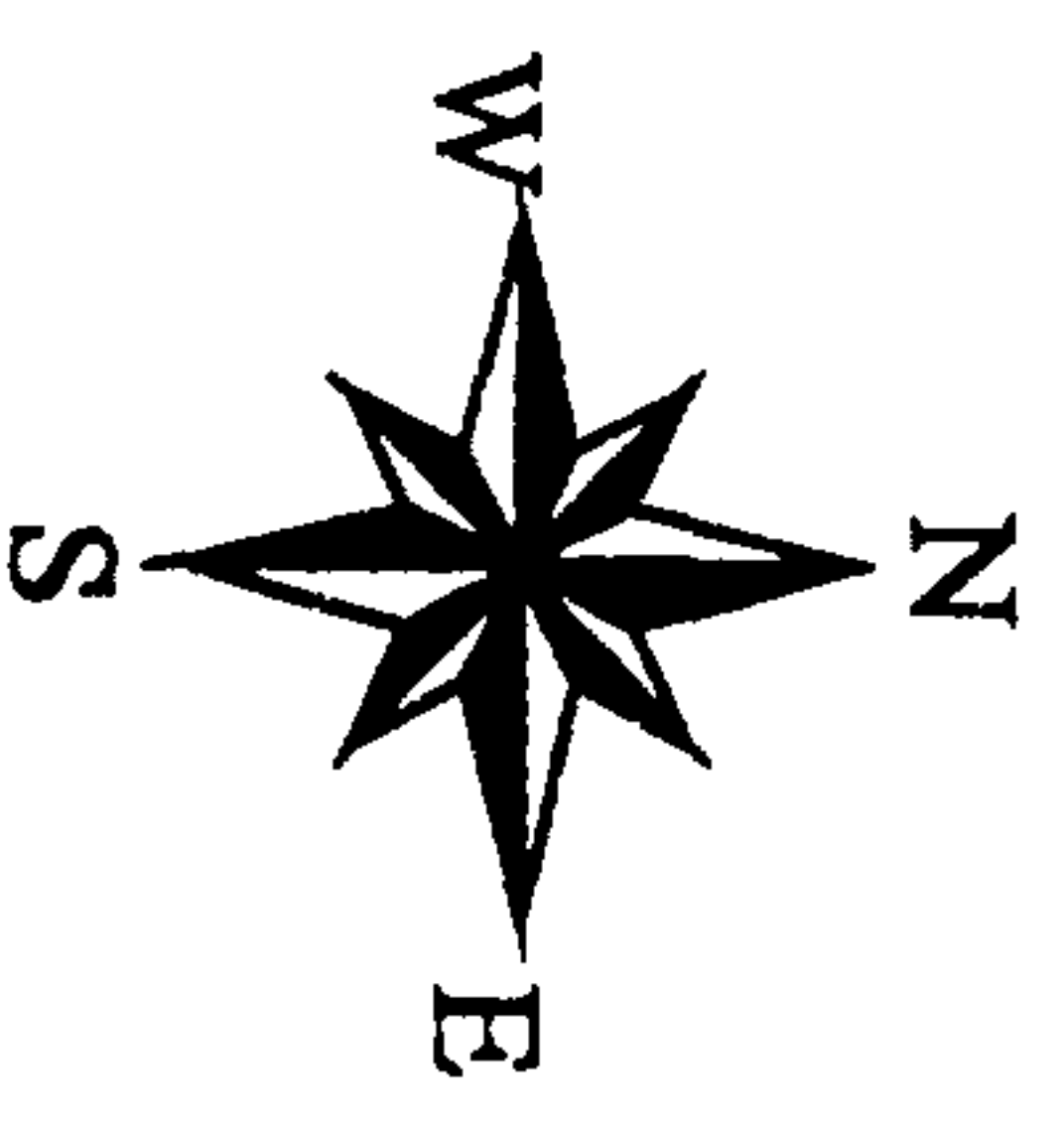
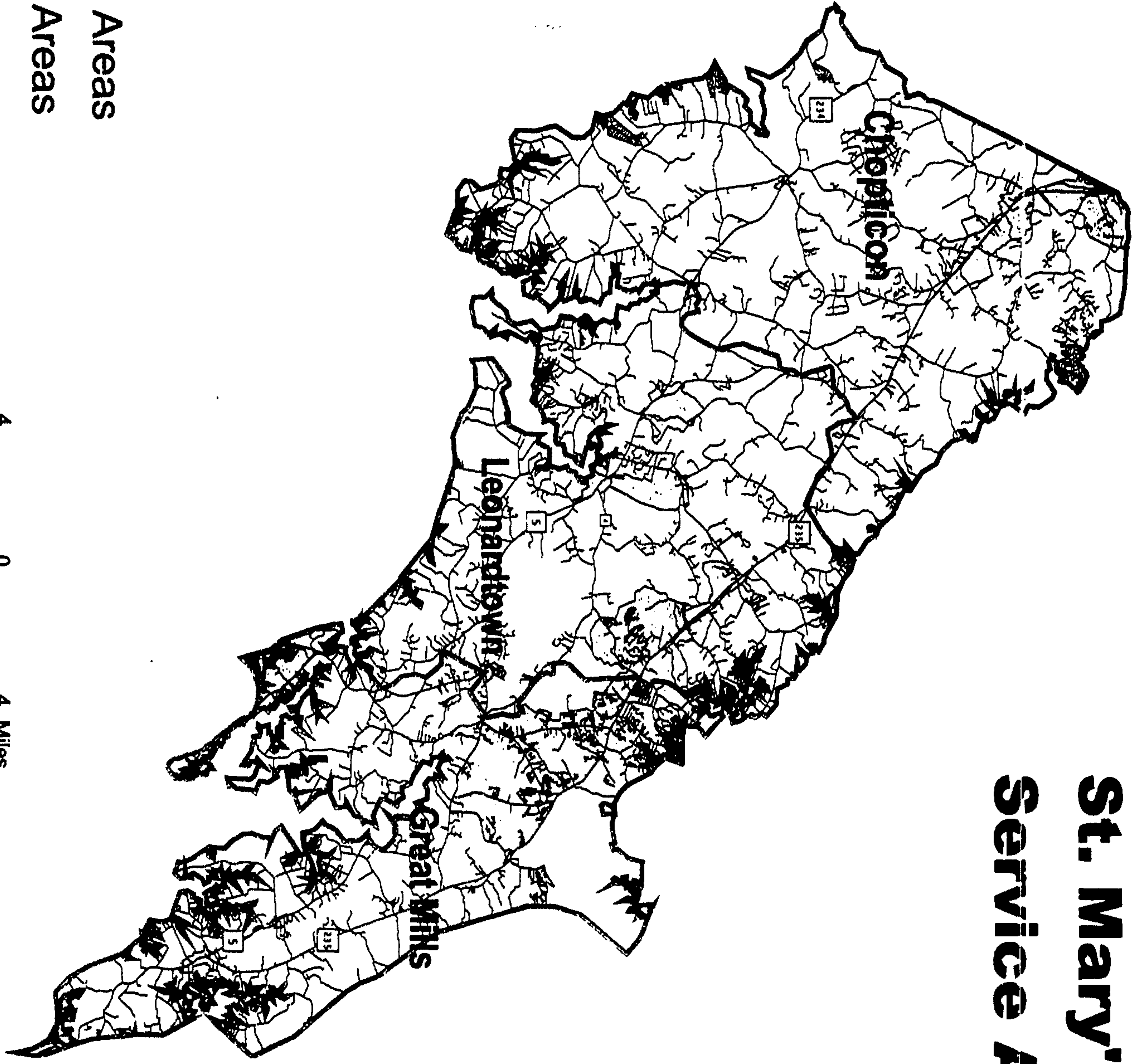
Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

St. Mary's County School Service Areas

-  Service Areas
-  Growth Areas
-  Roads



NO.: 03 - 17
SUBJECT: Adoption of Hidden Acres Court and
Majestic Oak Court
Hidden Acres Subdivision, Section 1

LIBERO 0 2 6 PAGE 0 4

RESOLUTION

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

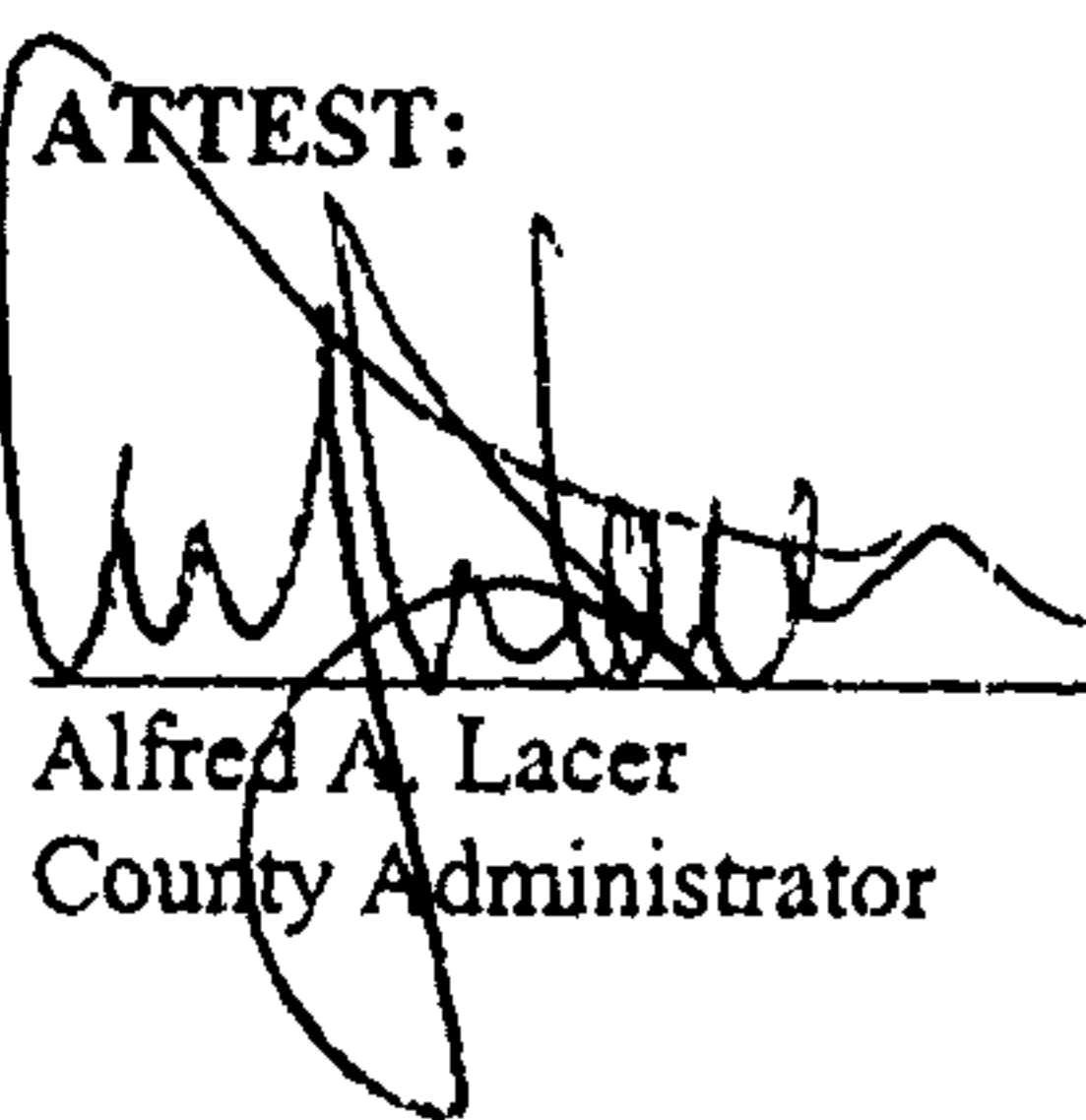
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised the Board of County Commissioners for St. Mary's County that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated February 16, 1999, and Record Plat recorded at Liber EWA 48, Folio 43, for Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356; and

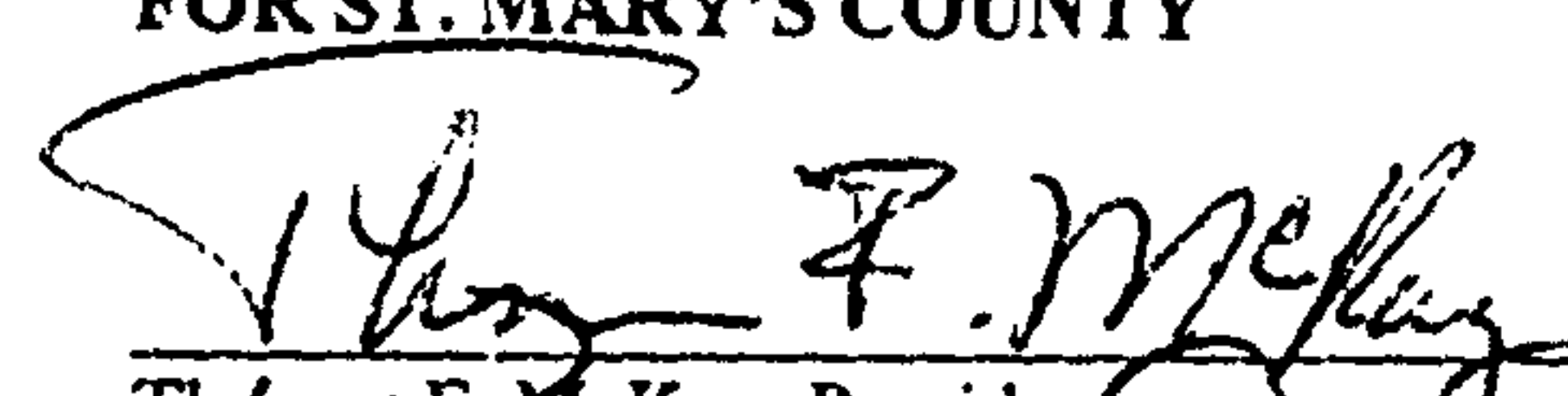
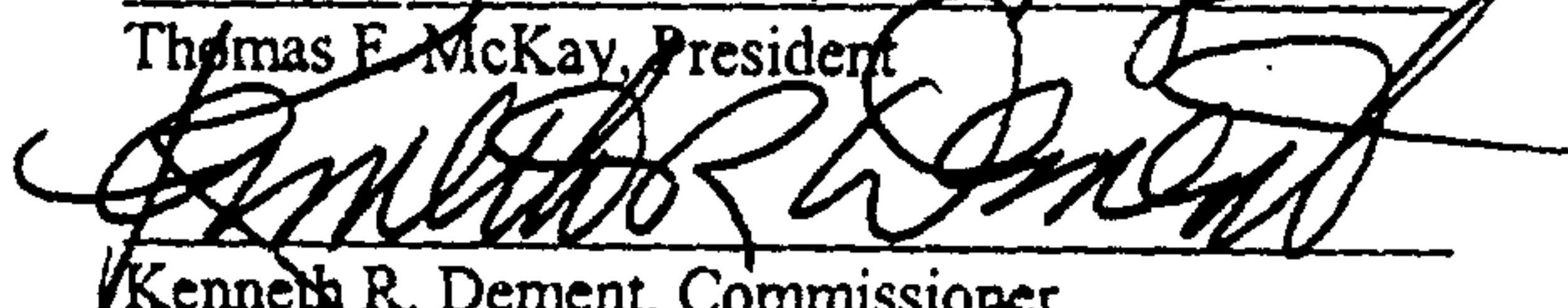
WHEREAS, Hidden Acres Subdivision, Section 1, is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) and pursuant to Section 24 of the St. Mary's County Subdivision Ordinance (2002).

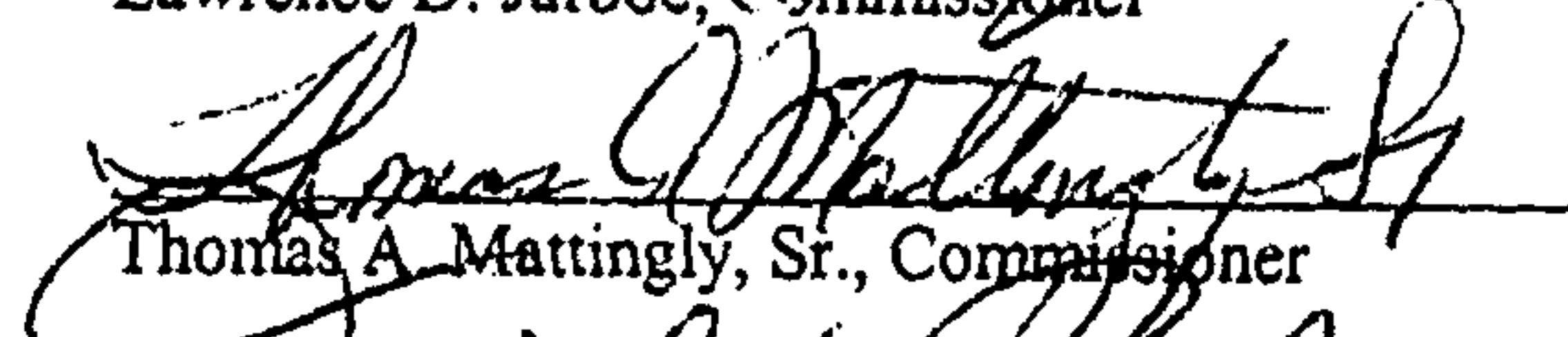
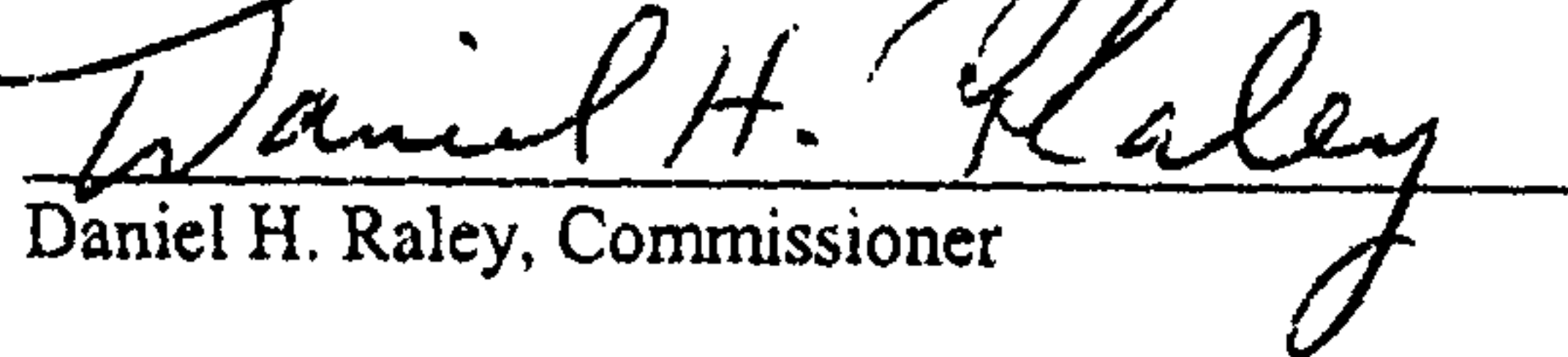
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County, finding that Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, located in the Hidden Acres Subdivision, Section 1, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 43, Folio 43) meet the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, into the County's Highway Maintenance System.

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 3/11/03
Effective Date: 3/11/03


RECORDING FEE 0.00
TOTAL 0.00
RES#5802 RCP#999999
EWA KAE 01K-3670
Mar 26, 2003 02:13 PM

ATTEST:

Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

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

NO.: 03- 18
SUBJECT: Hidden Acres Court and Majestic Oak Court
Speed Limit
Hidden Acres Subdivision, Section 1

LIBERO 026 PAGE 05 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-1 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 Board of County Commissioners for St. Mary's County 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, Chapter 8, of the Transportation Article of the Maryland Annotated Code for Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, located in Section 1 of the Hidden Acres Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 48, Page 43, 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 Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds the maximum speed limit set forth for roads of the type of Hidden Acres Court and Majestic Oak Court is greater than reasonable or safe, and that Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, located in Section 1 of the Hidden Acres Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 48, Page 43) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

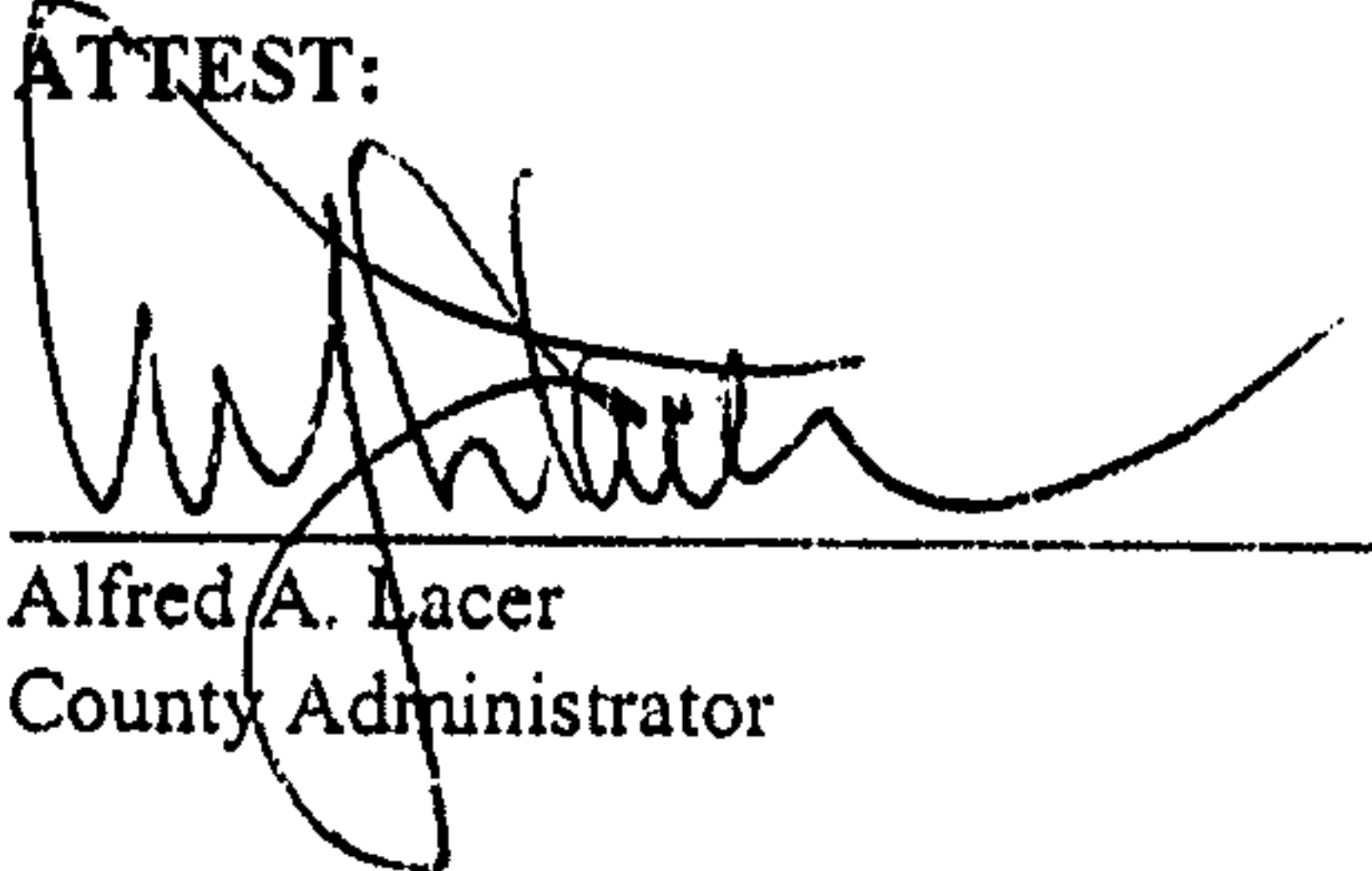
BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

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

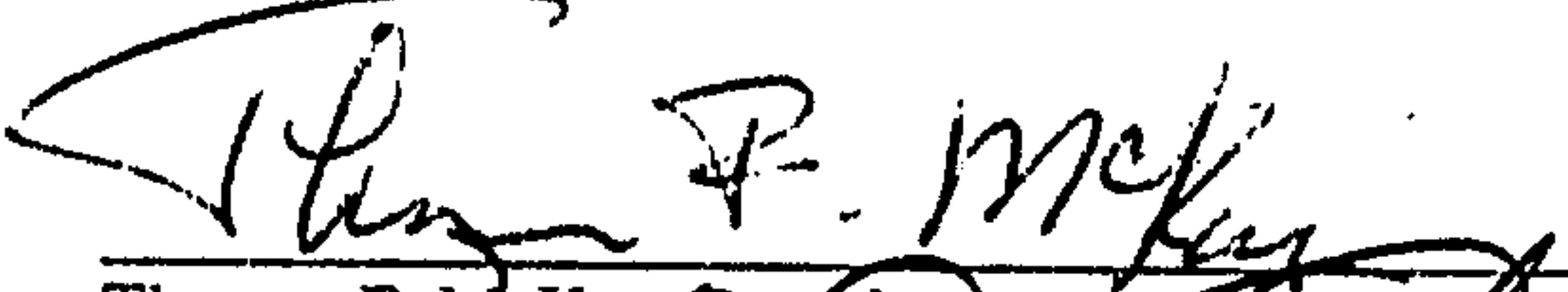

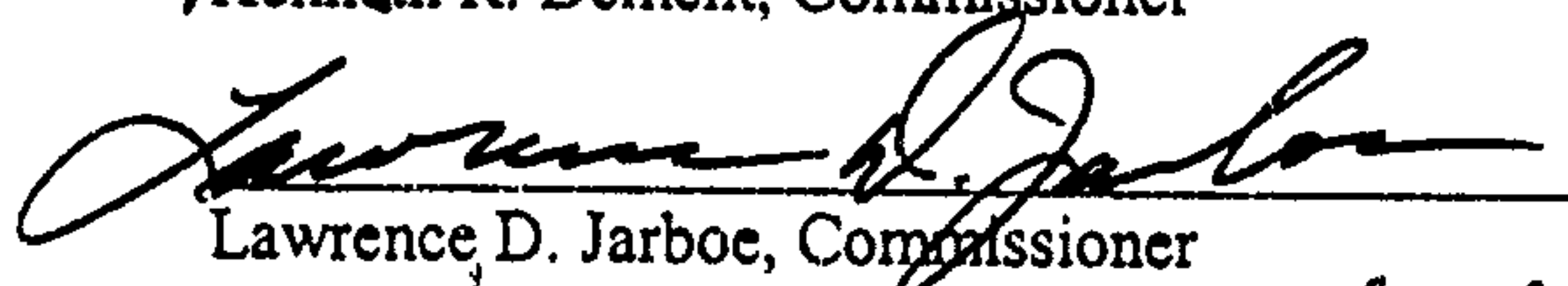
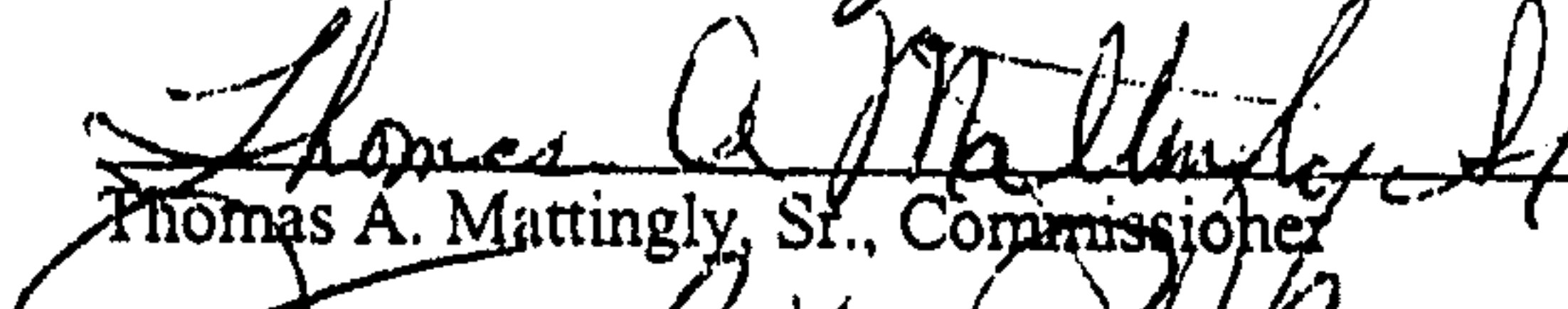
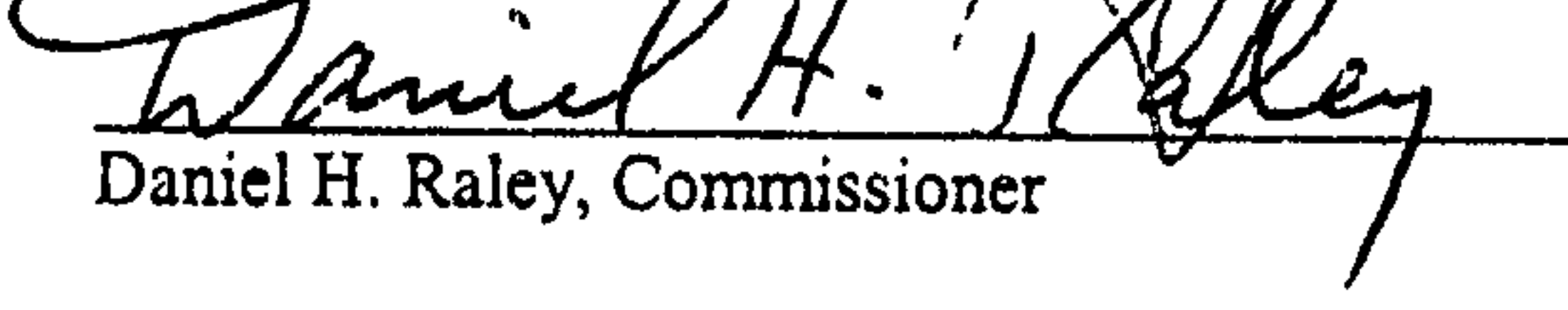
RECORDING FEE 0.00
TOTAL 0.00
RES02 R014599999
EWA KAE 3135670
Mar 26, 2003 02:13 PM

Date of Adoption: 3/11/03
Effective Date: 3/11/03


ATTEST:


Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY


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

LIBERO 026 PAGE 06 RESOLUTION

WHEREAS, pursuant to Section 10-1 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 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 Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, located in Section 1 of the Hidden Acres Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 48, Page 43, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at these intersections; 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 exercise its authority to regulate traffic at these intersections by means of a traffic control device; specifically, a stop sign on Hidden Acres Court, County Route 31355, at the intersection with Baptist Church Road, County Route 30030; and Majestic Oak Court, County Route 31356, at the intersection with Hidden Acres Court, County Route 31355.


NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County 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 Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356; and in the interest of public safety and to eliminate a hazardous condition, Hidden Acres Court, County Route 31355, and Majestic Oak Court, County Route 31356, further identified as being located in Section 1 of the Hidden Acres Subdivision, Fourth (4th) Election District, St. Mary's County, Maryland (Plat Reference: EWA 48, Page 43) shall be designated as Stop Streets, 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 direct: and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device, specifically a stop sign on Hidden Acres Court, County Route 31355, at the intersection with Baptist Church Road, County Route 30030; and Majestic Oak Court, County Route 31356, at the intersection with Hidden Acres Court, County Route 31355.

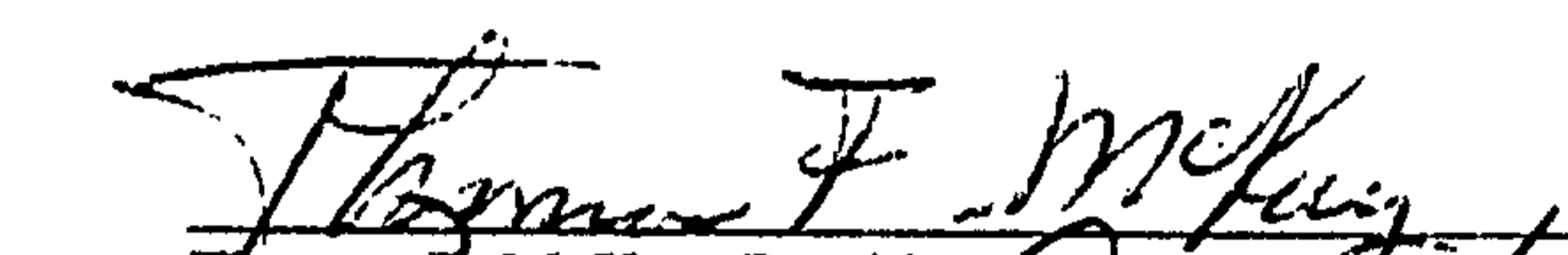



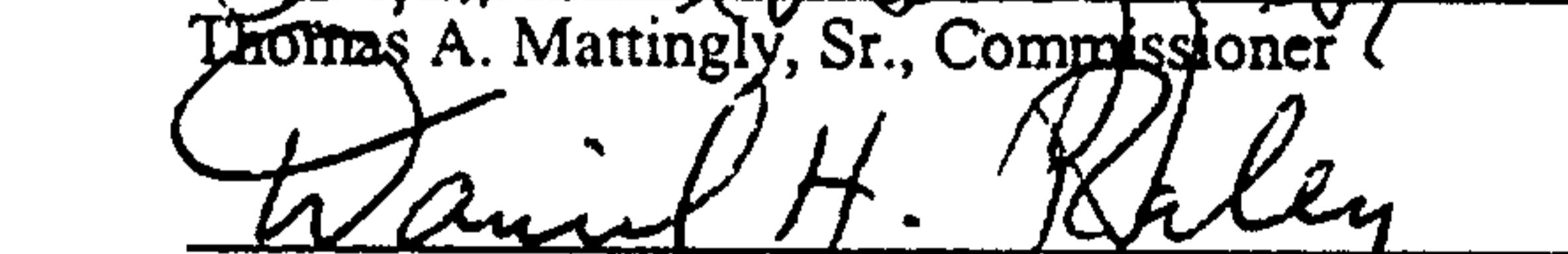
Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 3/11/03
Effective Date: 3/11/03

RECORDING FEE 0.00
TOTAL 0.00
Res#5M02 Nopt#999999
EWA KAE 011#3670
Mar 26, 2003 02:13 PM


ATTEST:


Alfred A. Eacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY


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

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County 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 that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated June 18, 2001, and Record Plat recorded at Liber EWA 52, Folio 91, for Junior's Court, County Route 31357, and

WHEREAS, Long Estates Subdivision is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) and pursuant to Section 24 of the St. Mary's County Subdivision Ordinance (2002).

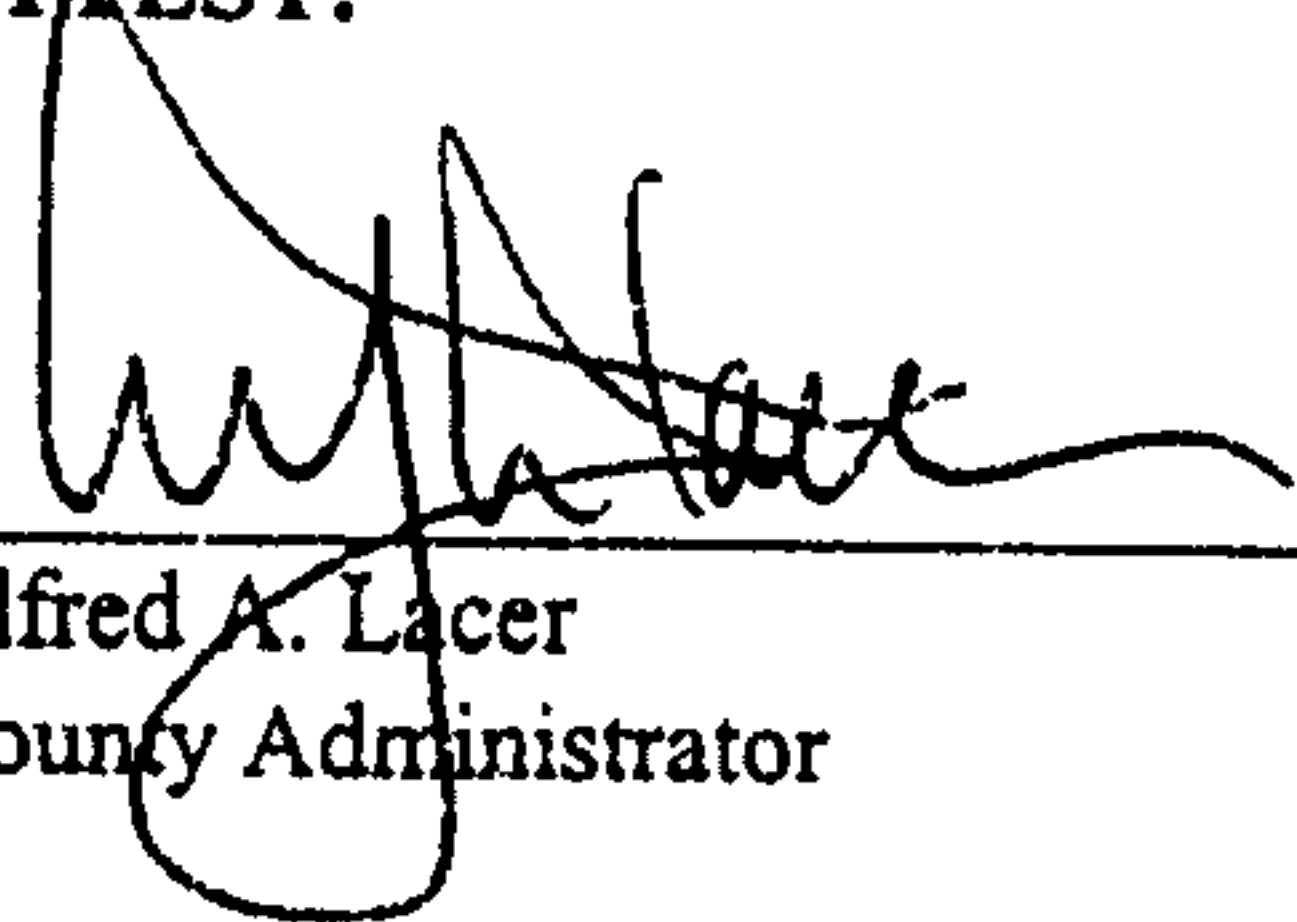
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, finding that Junior's Court, County Route 31357, located in the Long Estates Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 52, Folio 91) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Junior's Court, County Route 31357, into the County's Highway Maintenance System.

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

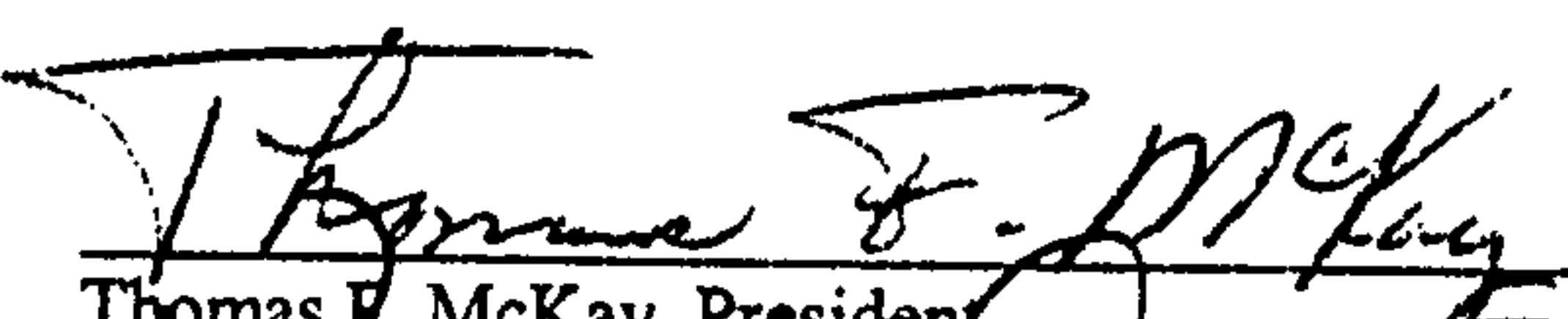
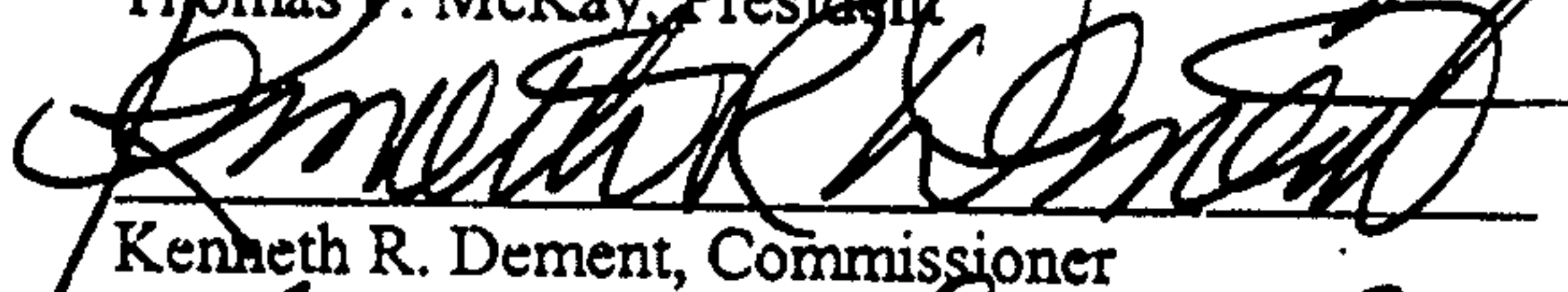
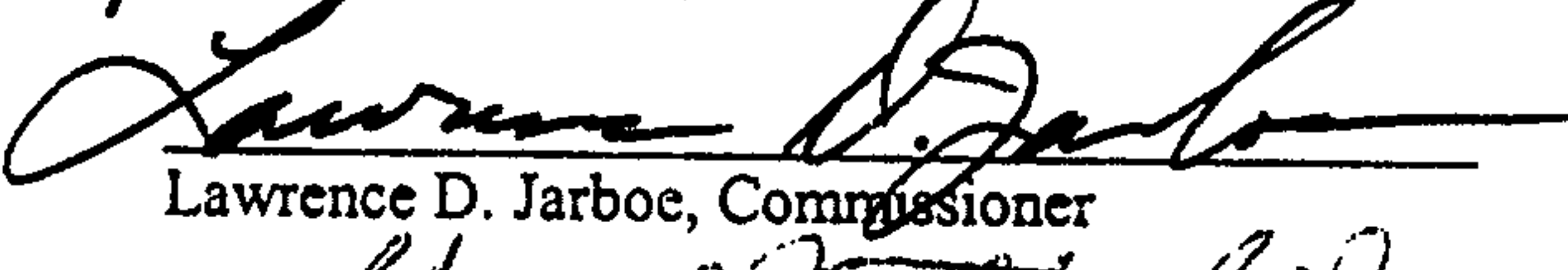
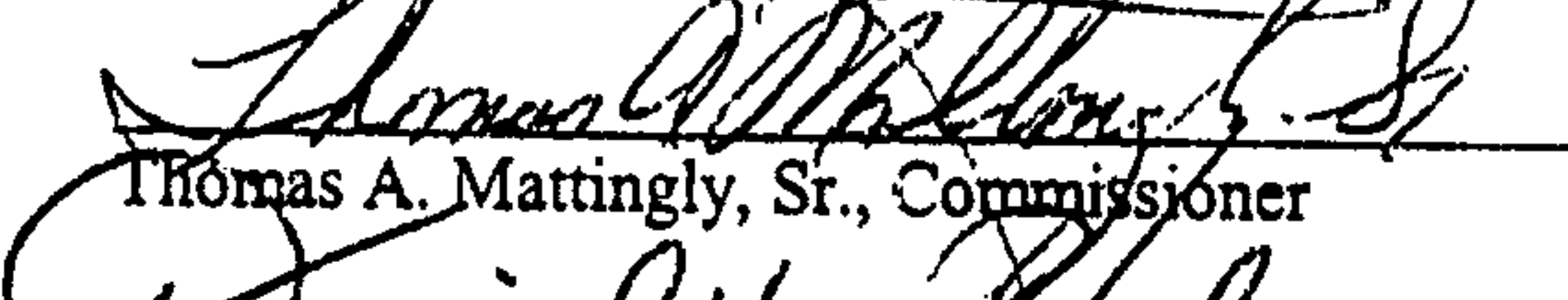
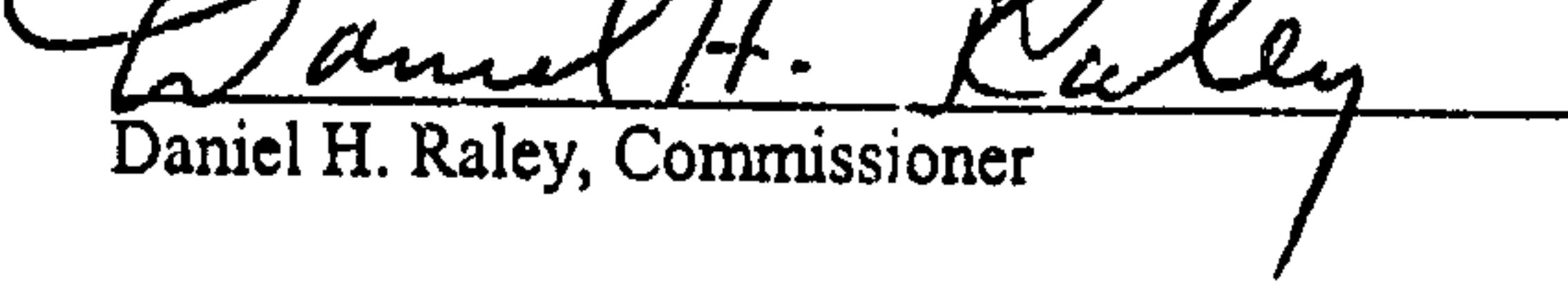
Date of Adoption: 3/11/03
Effective Date: 3/11/03

RECORDING FEE 0.00
TOTAL 0.00
Res#0062 Rct#999999
EWA KAE 011#3670
Mar 26, 2003 02:14 PM


ATTEST:


Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY


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

NO.: 03- 21
SUBJECT: Junior's Court
Stop Sign
Long Estates Subdivision

LIBERO 026 PAGE 08 RESOLUTION

WHEREAS, pursuant to Sections 1 and 10-I 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 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 Junior's Court, County Route 31357, located in the Long Estates Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 52, Page 91, 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 exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Junior's Court, County Route 31357, at the intersection with Point Lookout Road (Maryland Route 5).

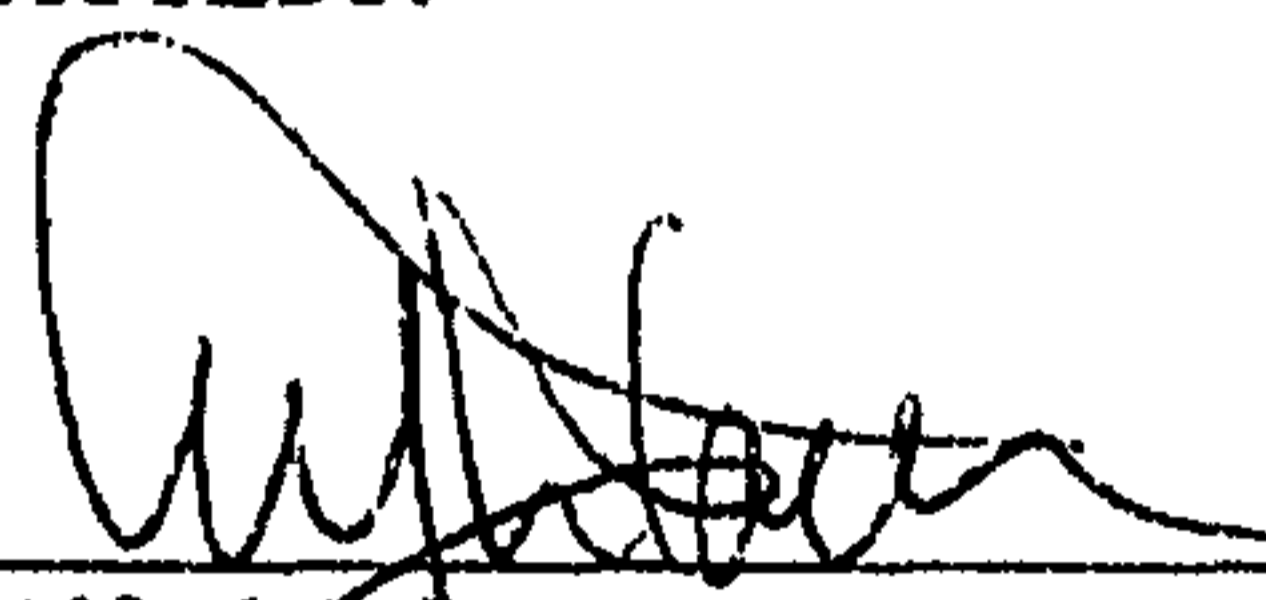
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Junior's Court, County Route 31357, and Point Lookout Road (Maryland Route 5); and in the interest of public safety and to eliminate a hazardous condition, Junior's Court, County Route 31357, further identified as being located in the Long Estates Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 52, Page 91) 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 directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device; specifically, a stop sign on Junior's Court, County Route 31357, at the intersection with Point Lookout Road (Maryland Route 5).

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 3/11/03
Effective Date: 3/11/03


RECORDING FEE 0.00
TOTAL 0.00
RESUBMIT PLAT#559999
EWA KAE 31357/0
Mar. 26, 2003 02:14 PM

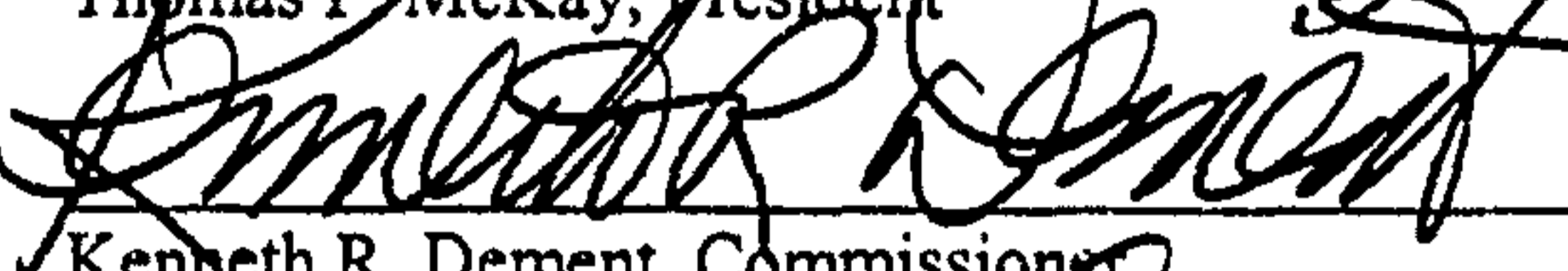
ATTEST:

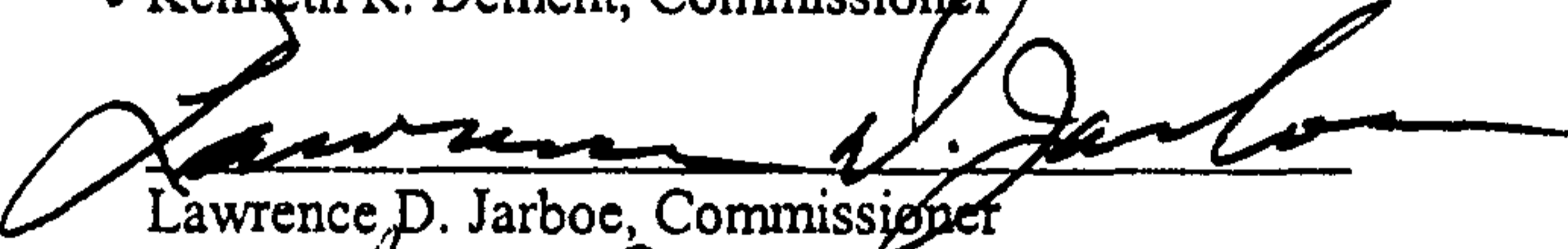



Alfred A. Lacer
County Administrator


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY



Thomas F. McKay, President


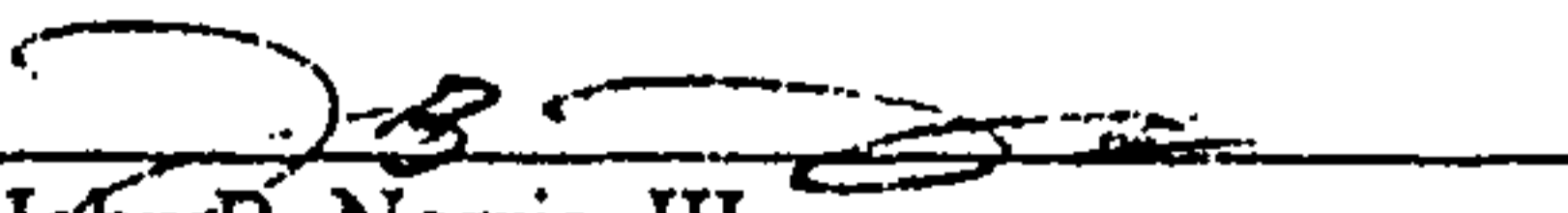
Kenneth R. Dement, Commissioner


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

NO.: 03- 22
SUBJECT: Junior's Court
Speed Limit
Long Estates Subdivision

LIBERO 026 PAGE 09

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-1 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 Board of County Commissioners for St. Mary's County 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 Section 21-801.1 of the Transportation Article of the Maryland Annotated Code for Junior's Court, County Route 31357, located in the Long Estates Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 52, Page 91, 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 Junior's Court, County Route 31357.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds the maximum speed limit set forth for roads of the type of Junior's Court is greater than reasonable or safe, and that Junior's Court, County Route 31357, located in the Long Estates Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 52, Page 91) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

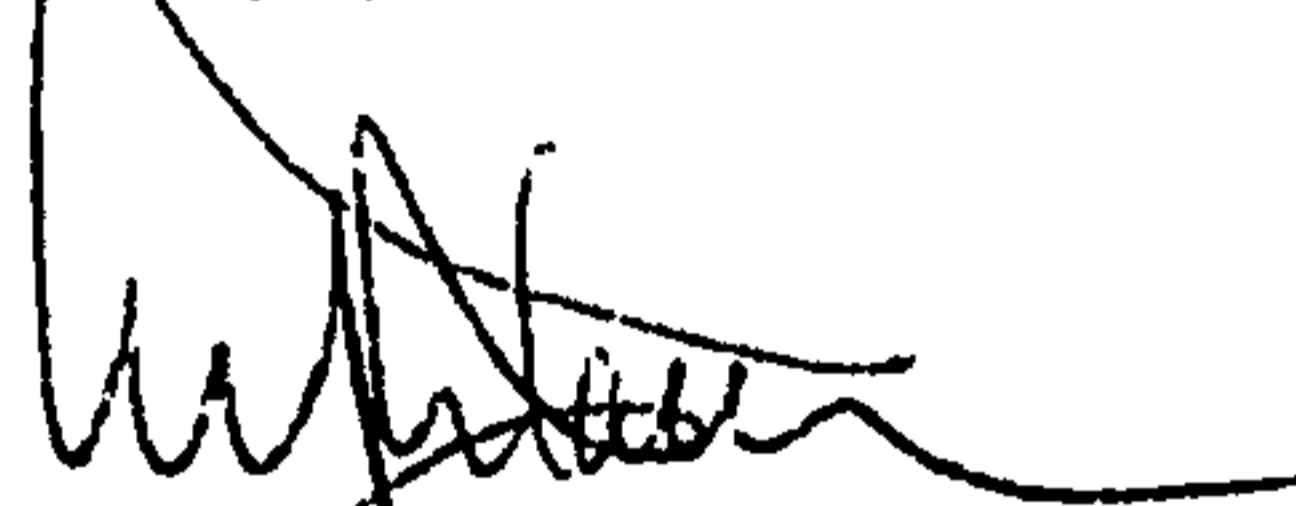
BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

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

Date of Adoption: 3/11/03
Effective Date: 3/11/03

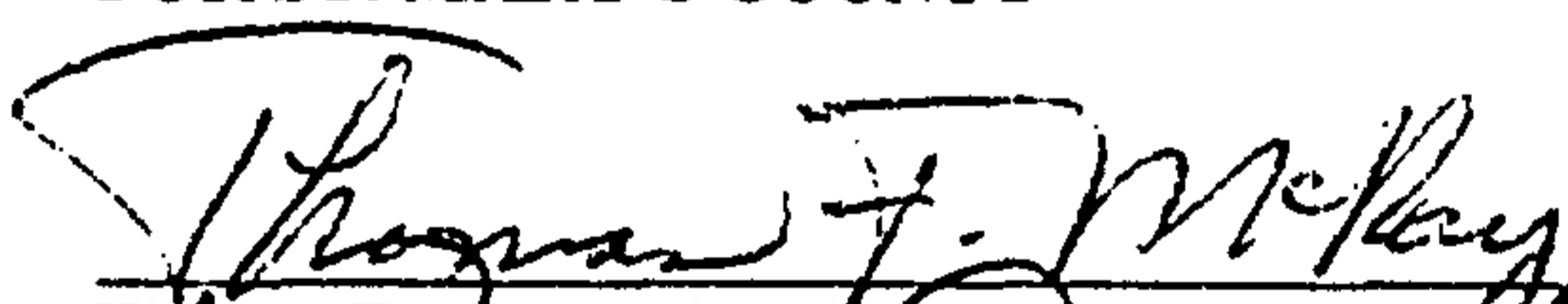
RECORDING FEE 0.00
TOTAL 0.00
Res#562 Rct#999999
EWA KAE 31357
Mar 26, 2003 02:15 PM

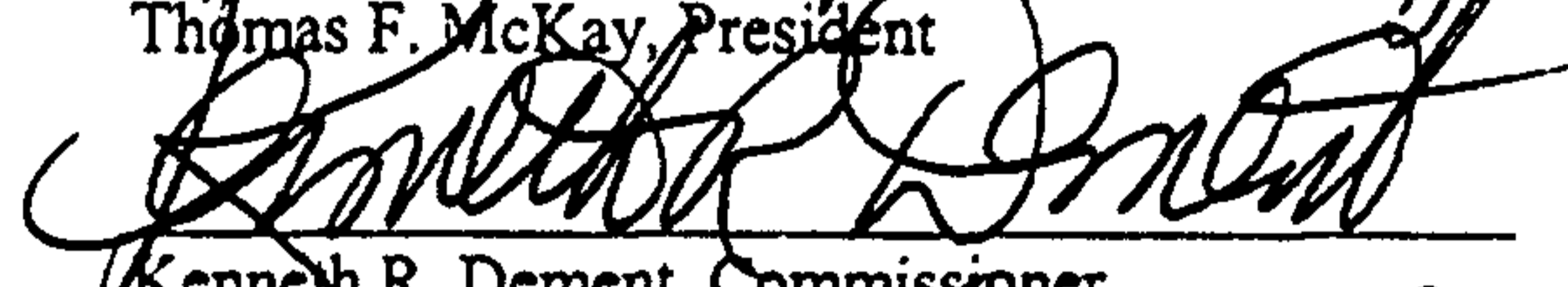
ATTEST:

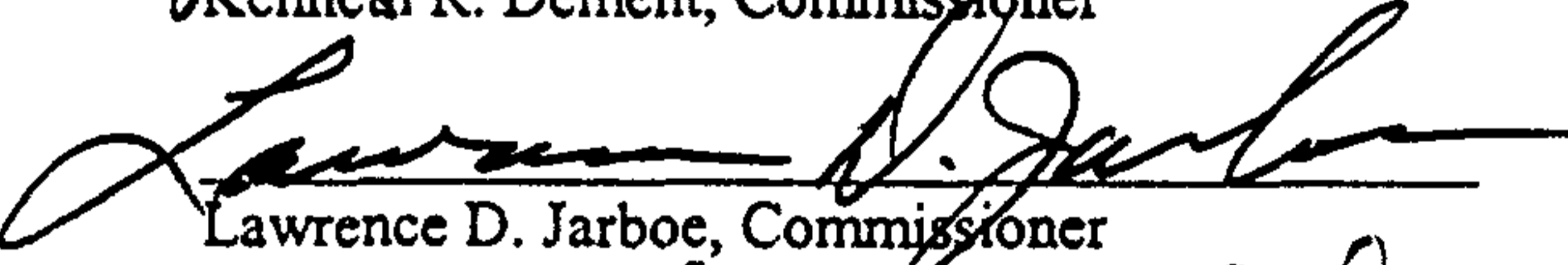


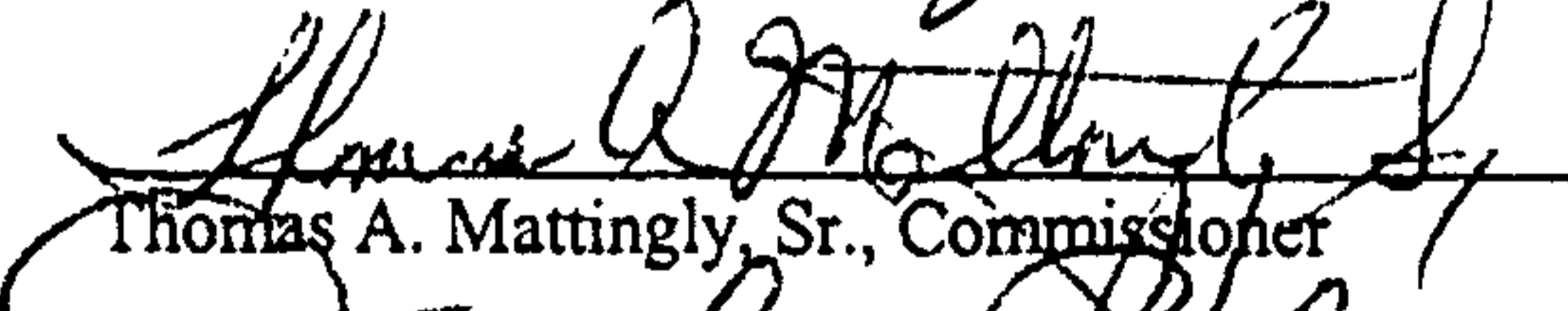
Alfred A. Lacer
County Administrator


BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY



Thomas F. McKay, President


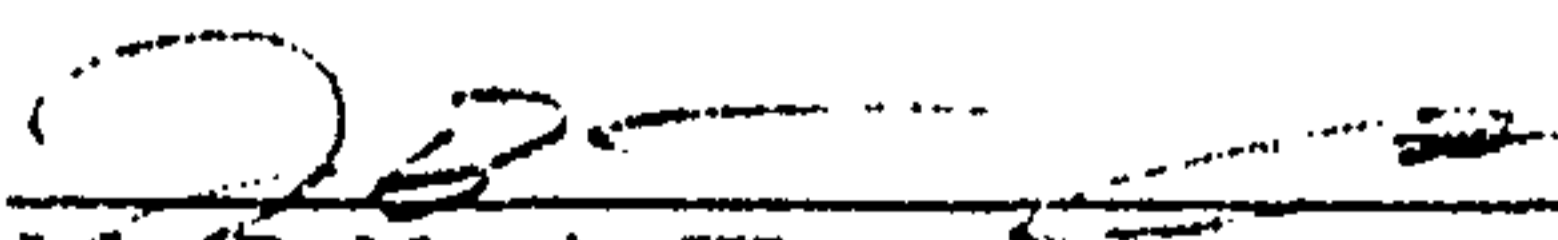
Kenneth R. Dement, Commissioner


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

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County 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 that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated July 24, 1995, and Record Plat recorded at Liber EWA 40, Folio 124, for Black Duck Court, County Route 31338, and

WHEREAS, Hunting Quarter Subdivision, Section 2, Phase 2B, is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) and pursuant to Section 24 of the St. Mary's County Subdivision Ordinance (2002).

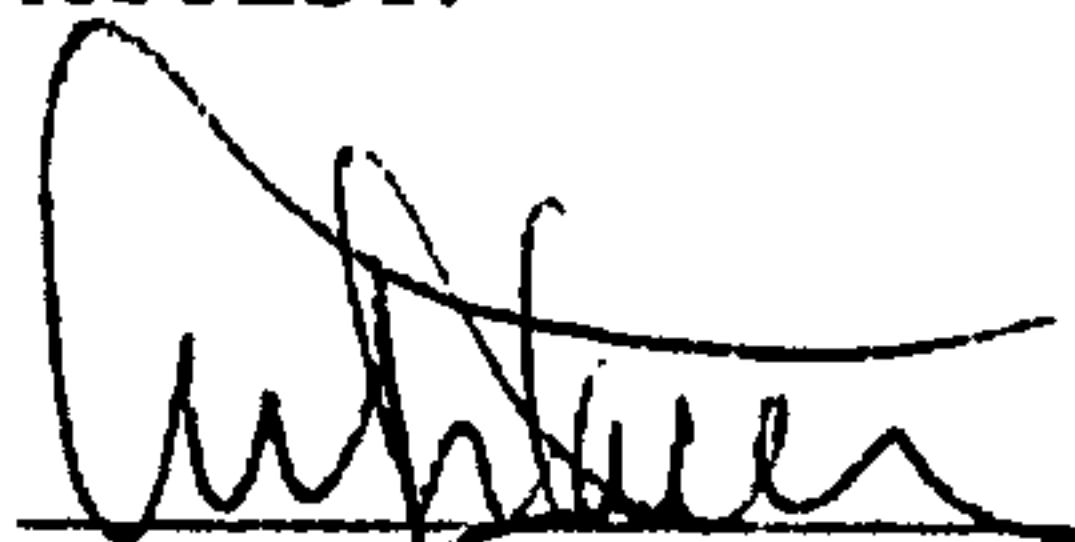
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, finding that Black Duck Court, County Route 31338, located in the Hunting Quarter Subdivision, Section 2, Phase 2B, Second (2nd) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 40, Folio 124) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Black Duck Court, County Route 31338, into the County's Highway Maintenance System.

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


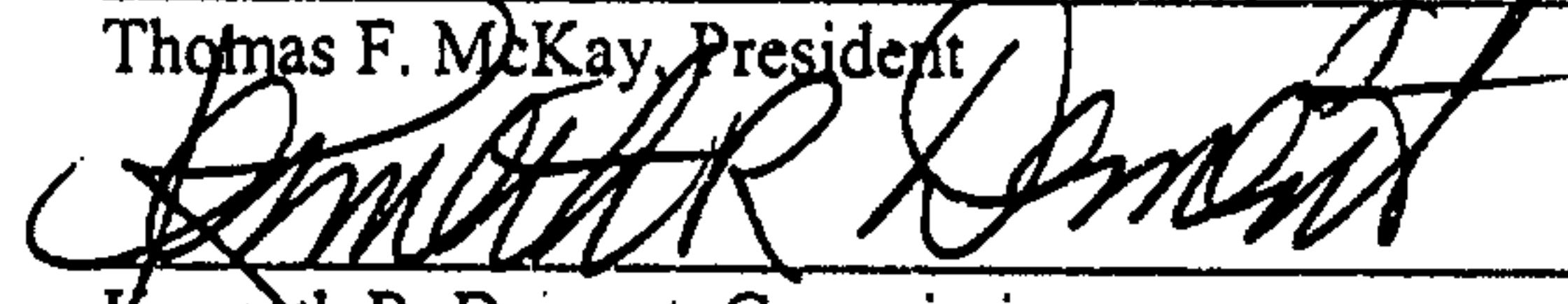
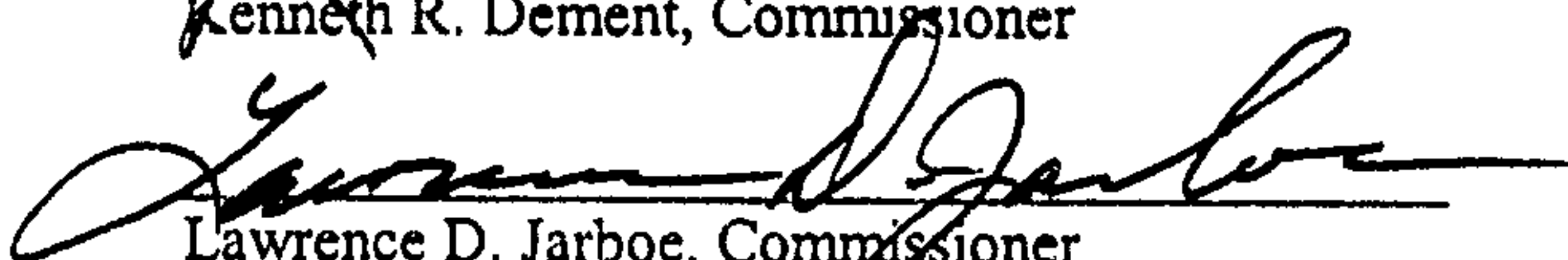
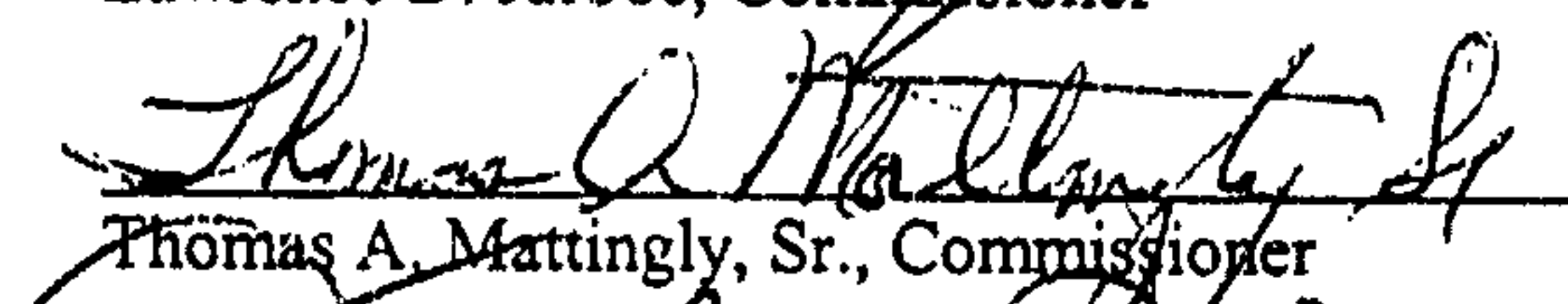

Date of Adoption: 3/11/03
Effective Date: 3/11/03

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rec#999999
EWA - KAE 01K-13670
Mar 26 2003 02:15 PM

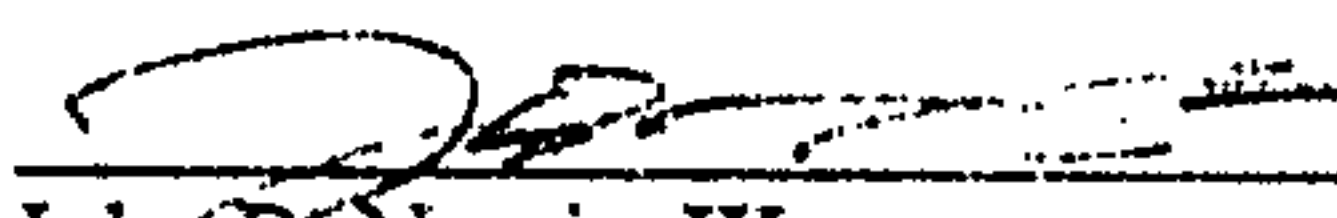
ATTEST:


Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY


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

NO.: 03- 25
SUBJECT: Black Duck Court
Speed Limit
Hunting Quarter Subdivision
Section 2, Phase 2B

LIBERO 026 PAGE 11

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 Board of County Commissioners for St. Mary's County 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 Section 21-801.1 of the Transportation Article of the Maryland Annotated Code for Black Duck Court, County Route 31338, located in the Hunting Quarter Subdivision, Section 2, Phase 2B, Second (2nd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 40, Page 124, is greater than reasonable or safe under existing conditions of road design, motor vehicle traffic and pedestrian safety; and

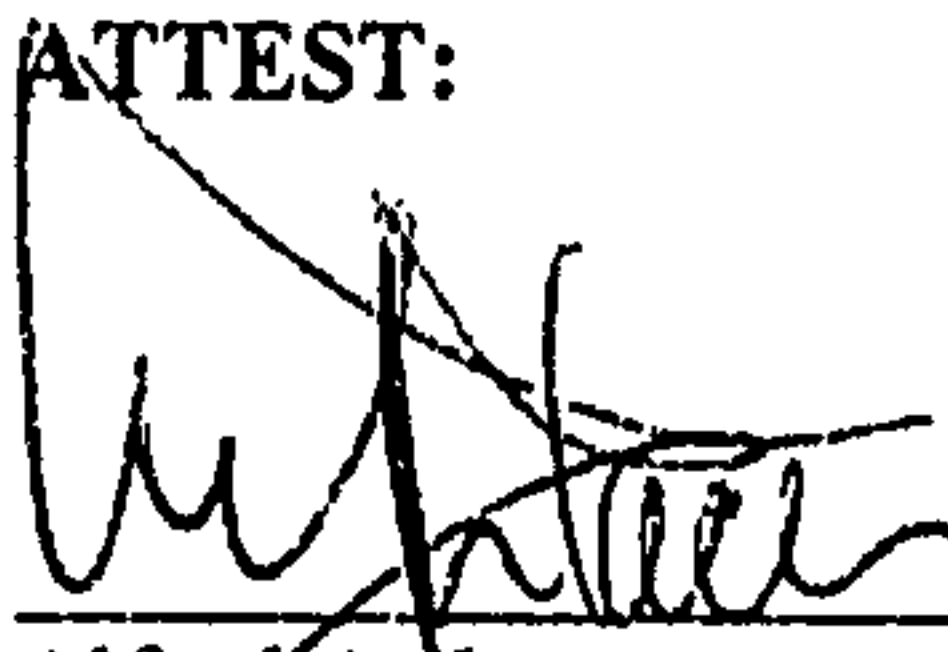
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has advised that 25 miles per hour is a reasonable and safe maximum speed for Black Duck Court, County Route 31338.

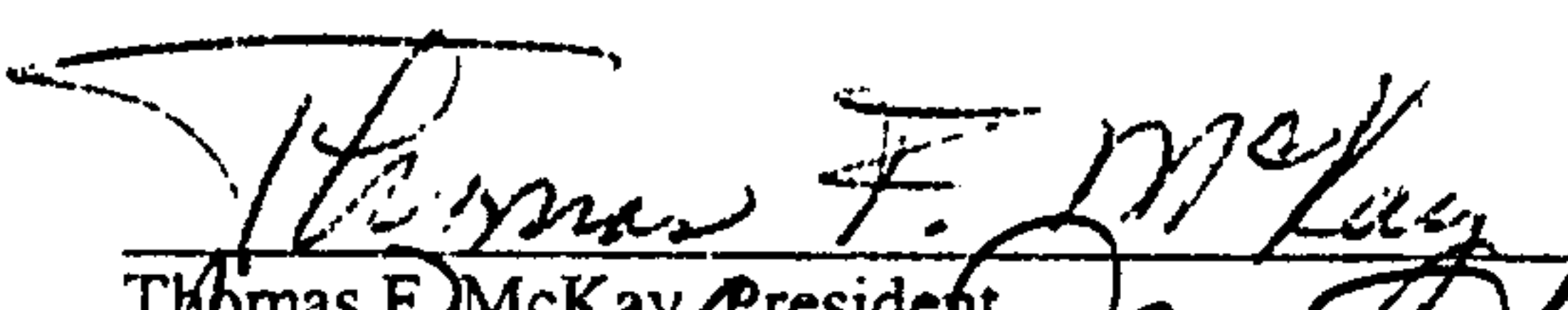
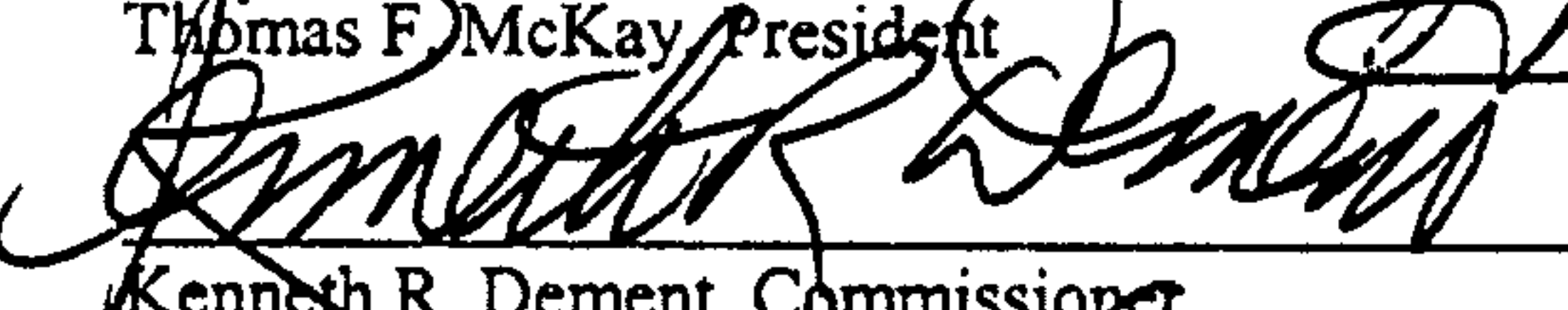
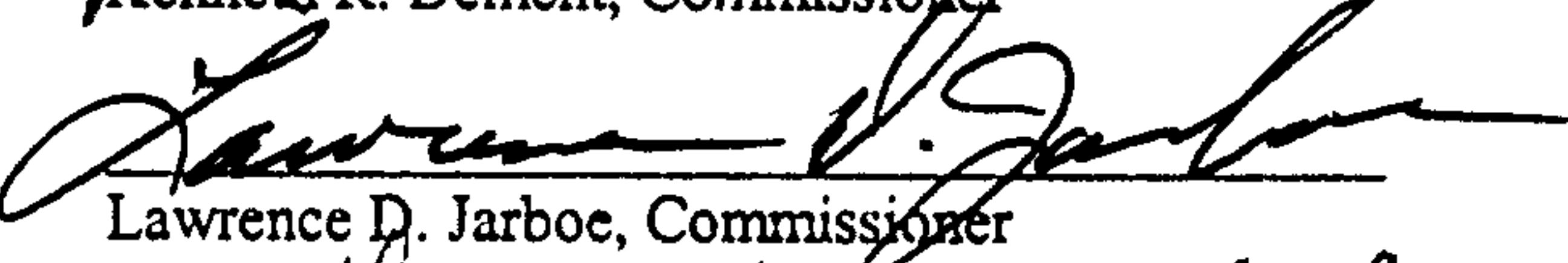
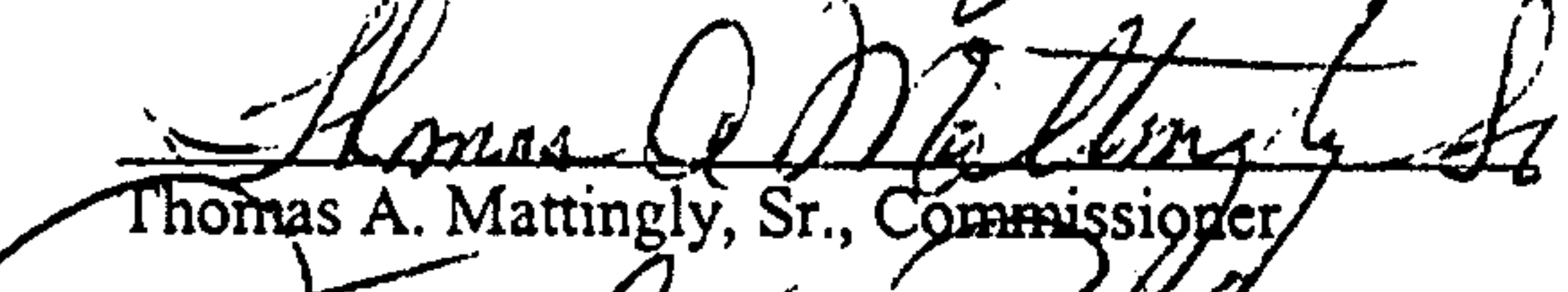

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds the maximum speed limit set forth for roads of the type of Black Duck Court is greater than reasonable or safe, and that Black Duck Court, County Route 31338, located in the Hunting Quarter Subdivision, Section 2, Phase 2B, Second (2nd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 40, Page 124) be posted at 25 miles per hour as per the recommendation of the St. Mary's County Department of Public Works and Transportation.

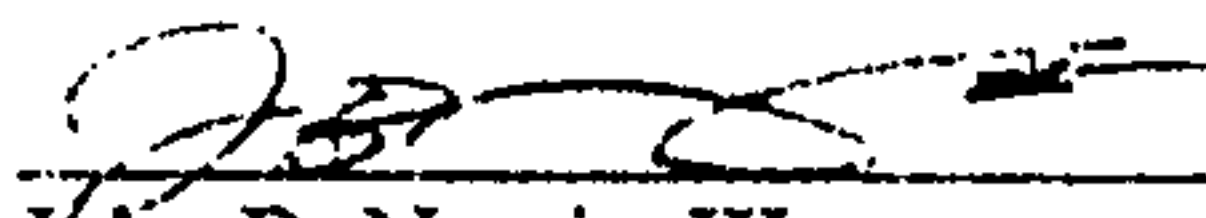
BE IT FURTHER RESOLVED, that the Director of the Department of Public Works and Transportation is directed to install the signage necessary to implement this Resolution in accordance with Section 21-801.1(f) and 21-803 (c) of the Maryland Annotated Code, Transportation Article.

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 3/11/03
Effective Date: 3/11/03

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Rcpt#999999
EWA KAE 31338/8
Mar 26, 2003 02:15 PM

ATTEST:

Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

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.: 03- 26
SUBJECT: Black Duck Court
Stop Sign
Hunting Quarter Subdivision
Section 2, Phase 2B

RESOLUTION

LIBERO 026 PAGE 12

WHEREAS, pursuant to Sections 1 and 10-I 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 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 Black Duck Court, County Route 31338, located in the Hunting Quarter Subdivision, Section 2, Phase 2B, Second (2nd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 40, Page 124, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at this intersection; and

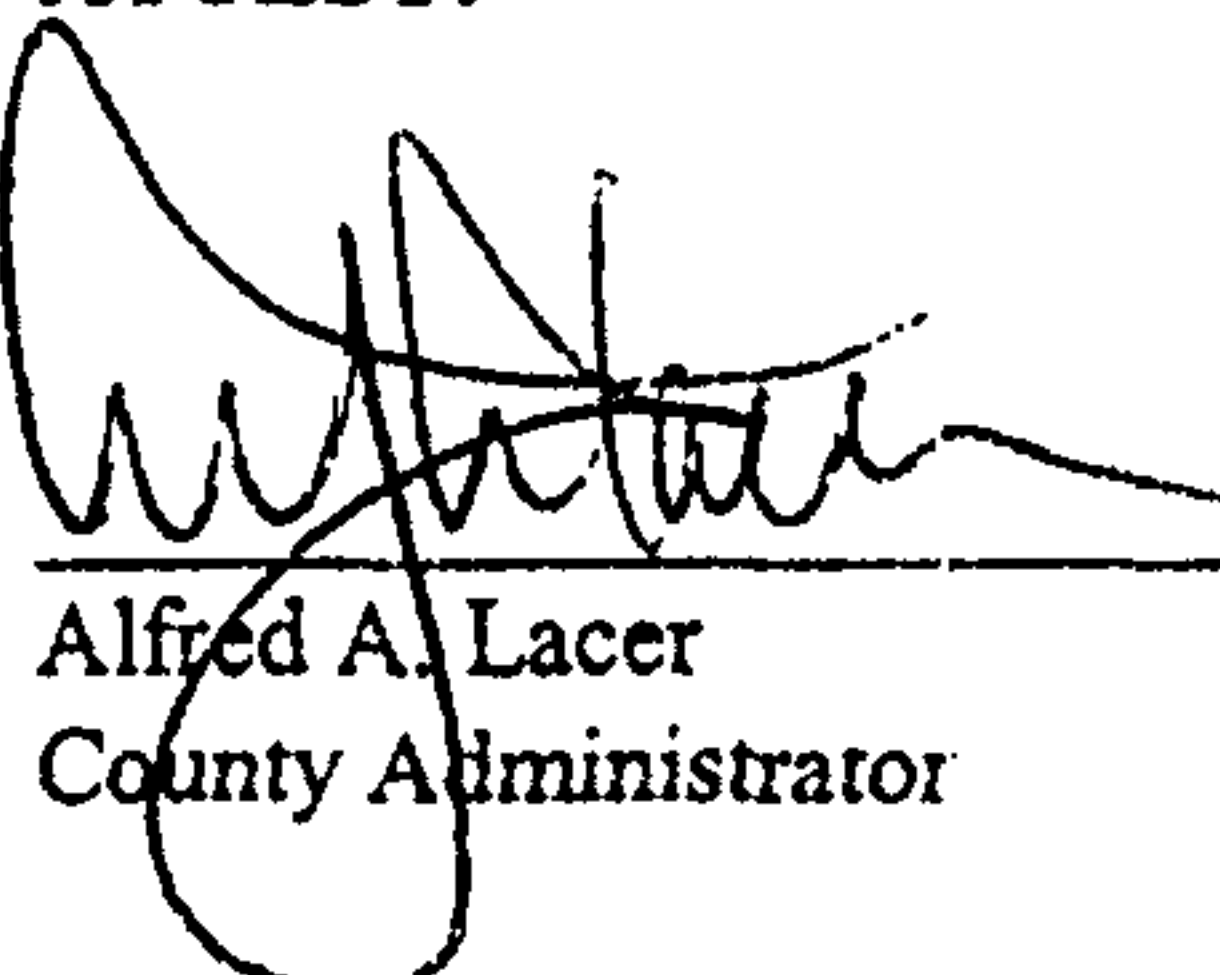
WHEREAS, the Director of the St. Mary's County Department of Public Works and Transportation has, therefore, recommended that the Board of County Commissioners for St. Mary's County exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Black Duck Court, County Route 31338, at the intersection with Hunting Quarter Drive, County Route 30951.

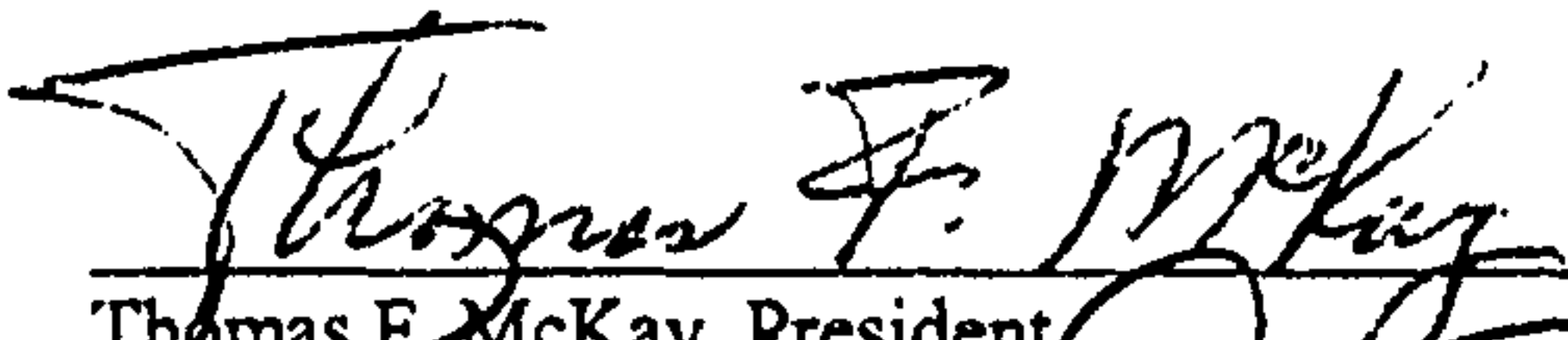
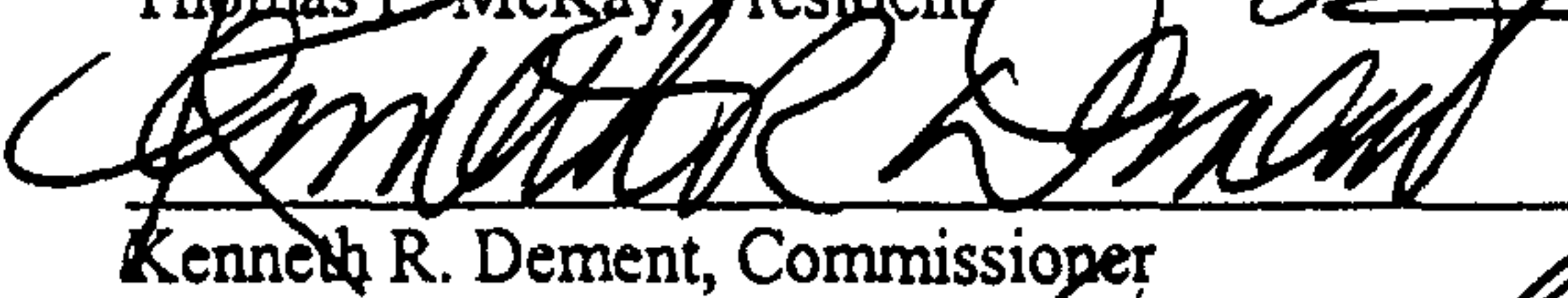
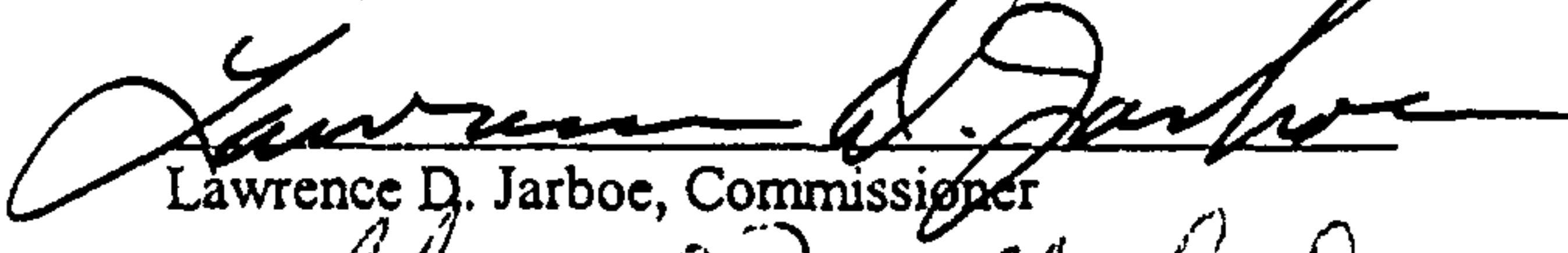
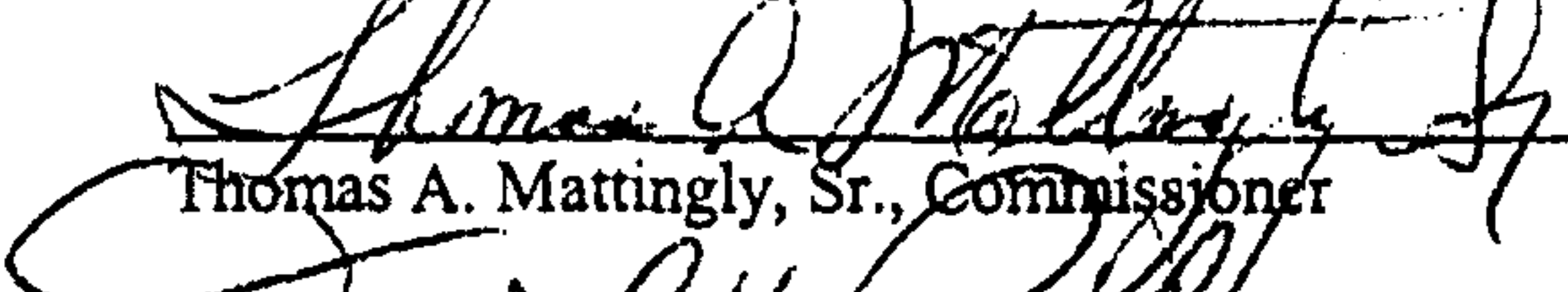
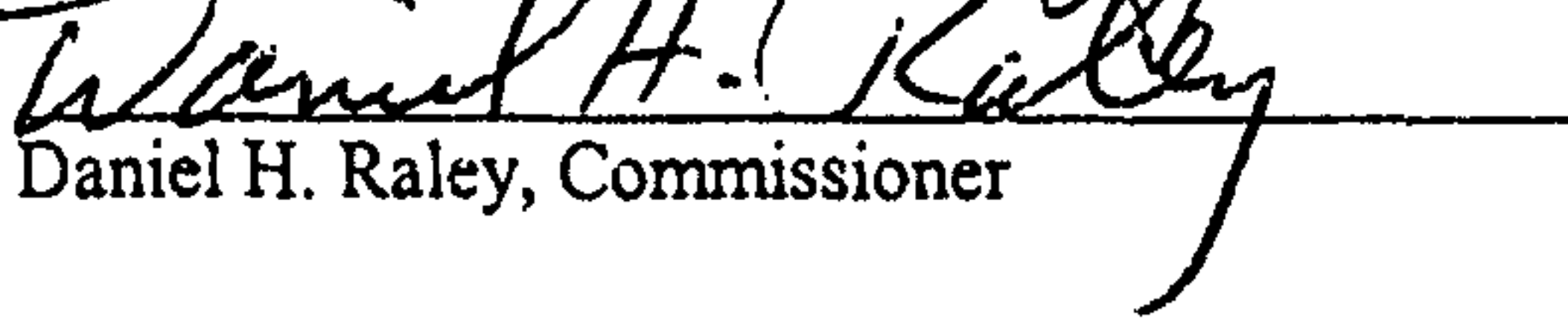
NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds that, upon the advice of the Director of the Department of Public Works and Transportation, a hazardous condition currently exists at the intersection of Black Duck Court, County Route 31338, and Hunting Quarter Drive, County Route 30951; and in the interest of public safety and to eliminate a hazardous condition, Black Duck Court, County Route 31338, further identified as being located in the Hunting Quarter Subdivision, Section 2, Phase 2B, Second (2nd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 40, Page 124) shall be designated as a Stop Street, which is a reasonable exercise of this Board's police powers; and

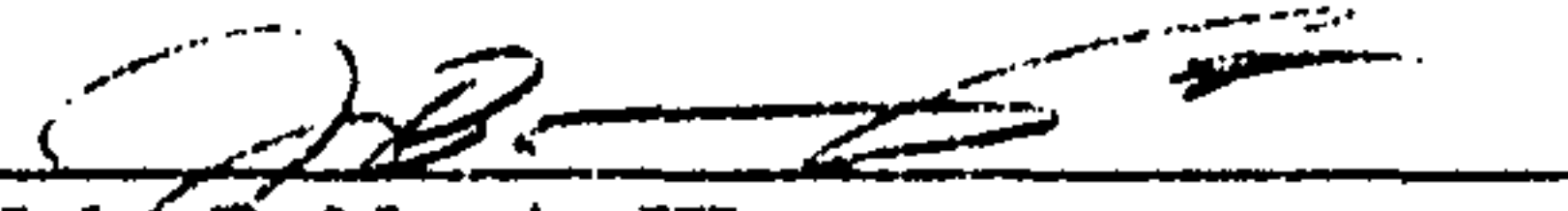
BE IT FURTHER RESOLVED, that the Board of County Commissioners for St. Mary's County directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device; specifically, a stop sign on Black Duck Court, County Route 31338, at the intersection with Hunting Quarter Drive, County Route 30951.

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 3/11/03
Effective Date: 3/11/03

RECORDING FEE 0.00
TOTAL 0.00
RESOLVED 03/11/03
EWA KAE 011:436/0
Mar 26, 2003 02:16 PM

ATTEST:

Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

WHEREAS Saddam Hussein has failed to comply with the United Nations Security Council Resolutions;

WHEREAS military action now underway is lawful and fully authorized by the United States Congress;

WHEREAS more than 225,000 men and women of the United States Armed Forces are now involved in conflict against Saddam Hussein's regime;

WHEREAS over 200,000 members of the reserves and National Guard have been called to active duty for the conflict against Saddam Hussein's regime and other purposes; and

WHEREAS the citizens of St. Mary's County have the greatest pride in the men and women of the United States Armed Forces, and the civilian personnel supporting them, and strongly support them in their efforts;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners for St. Mary's County:

- (1) Commends and supports the efforts and leadership of the President as Commander in Chief of our Armed Forces;
- (2) Commends and expresses the gratitude of the citizens of St. Mary's County to all members of the United States Armed Forces and the civilian employees who support their efforts for their professional excellence, patriotism and exemplary bravery;
- (3) Commends and expresses the gratitude of the citizens of St. Mary's County to the family members of soldiers, sailors, airmen, Marines and civilians serving in current military operations who have borne the burden of sacrifice and separation from their loved ones; and
- (4) Expresses its deep condolences to the families of brave Americans who have lost their lives in these undertakings for the security of our country and liberation of oppressed peoples.

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Ropt#999999
SMA CSS 01K#216
Apr 02, 2003 09:45 am

Those voting Aye: 5
Those voting Nay: 0
Those Absent: 0
Date of Adoption: 3/27/03
Effective Date: 3/27/03

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, MARYLAND


Thomas F. McKay, President


Kenneth R. Dement, Commissioner


Lawrence D. Jarboe, Commissioner


Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

RESOLUTION

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

WHEREAS, pursuant to those procedures, certain amendments to the text and maps of the CWSP described in ATTACHMENTS A and B hereto were considered following the posting of notice on the subject property, publication of notice in The Enterprise, a newspaper of general circulation in St. Mary's County on November 20 and 27, 2002, and written notification of all contiguous property owners by certified mail, the St. Mary's County Planning Commission conducted public hearings on December 9, 2002 and was recommended for APPROVAL by the Planning Commission on January 13, 2003; and

WHEREAS, following the posting of notice on the subject property, publication of notice in The Enterprise, a newspaper of general circulation in St. Mary's County on January 17 and 24, 2003, and written notification of all contiguous property owners by certified mail, the Board of County Commissioners held a public hearing on the application on February 4, 2003; and

WHEREAS, the Board of County Commissioners, following the publication of notice held a public hearing to amend the St. Mary's County Comprehensive Plan to include the subject property within the boundaries of the Callaway Village Center on February 10, 2003 and APPROVED said amendment on March 24, 2003; and

WHEREAS, on March 24, 2003, after serious consideration of input from staff and the public comment, it was determined that it was and is in the County's best interest to accept the recommendation and findings of the Planning Commission for the amendment of the St. Mary's County Comprehensive Water and Sewerage Plan as set forth in Attachments A and B hereto, hereby incorporated by reference.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, MARYLAND that the St. Mary's County Comprehensive Water and Sewerage Plan shall be amended as set forth in Attachments A and B hereto, being the same as those amendments recommended for approval by the Planning Commission on January 13, 2003.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that the recitals above are hereby incorporated and adopted as if fully written herein.

BE IT FURTHER RESOLVED, by the Board of County Commissioners for St. Mary's County, Maryland that this enactment shall be effective on the date written below.

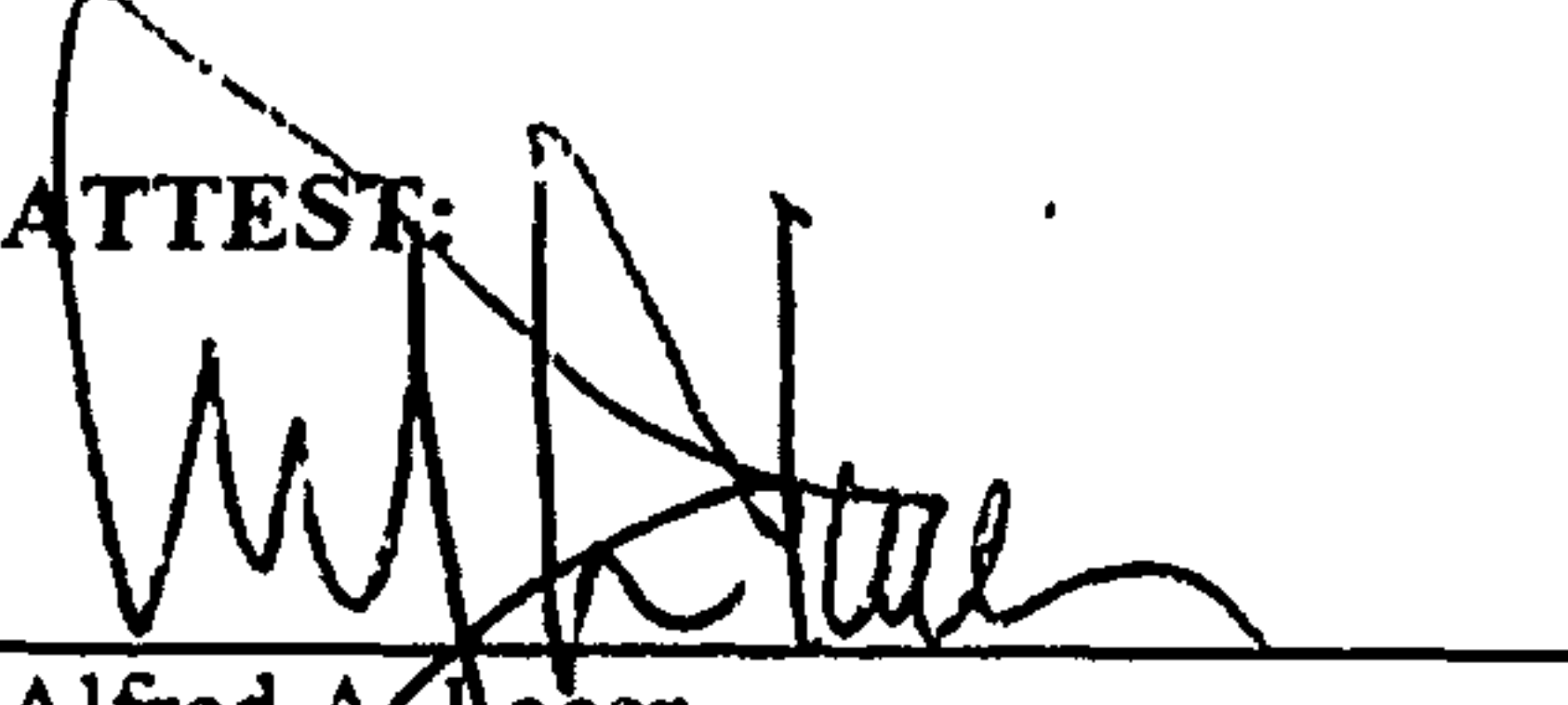
BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County that if any clause, sentence, article, part or parts of this Ordinance shall be held unconstitutional or invalid for any reason whatsoever, such unconstitutionality or invalidity shall not effect the validity of the remaining parts of this Ordinance or any section hereof; the County Commissioners of St. Mary's County hereby declare that they would have adopted the remaining parts of the Ordinance or any section thereof, if they had known any such clause, sentence, article, section, part or parts of this Ordinance would be declared unconstitutional or invalid.

Date of adoption: 3-24-03 Ayes: 4 Nays: _____ Abstain: 1

Effective date: 3-24-03


| | |
|---------------|--------------|
| RECORDING FEE | 0.00 |
| TOTAL | 0.00 |
| Res#3902 | Recpt#999999 |
| EWA | CS3 11k#216 |
| APR 02 2003 | 09:45 am |

ATTEST:




Alfred A. Lacer
County Administrator

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

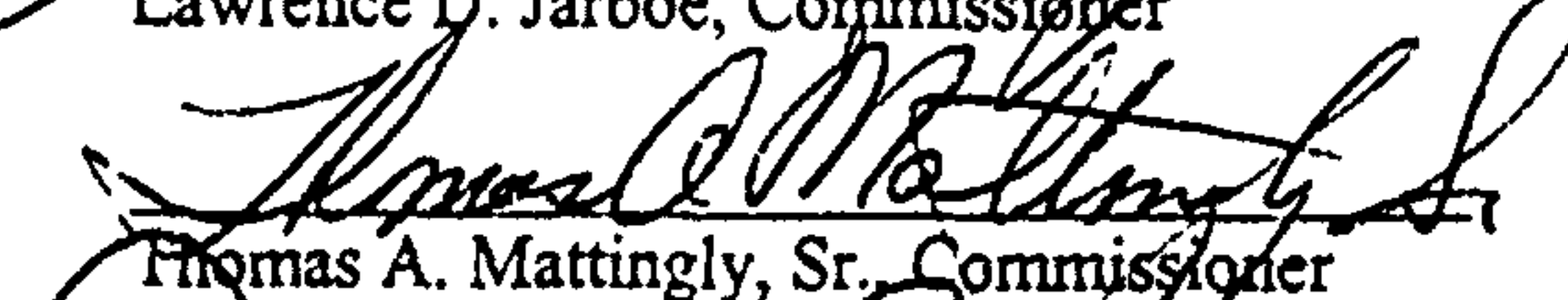


Thomas F. McKay, Commissioner President

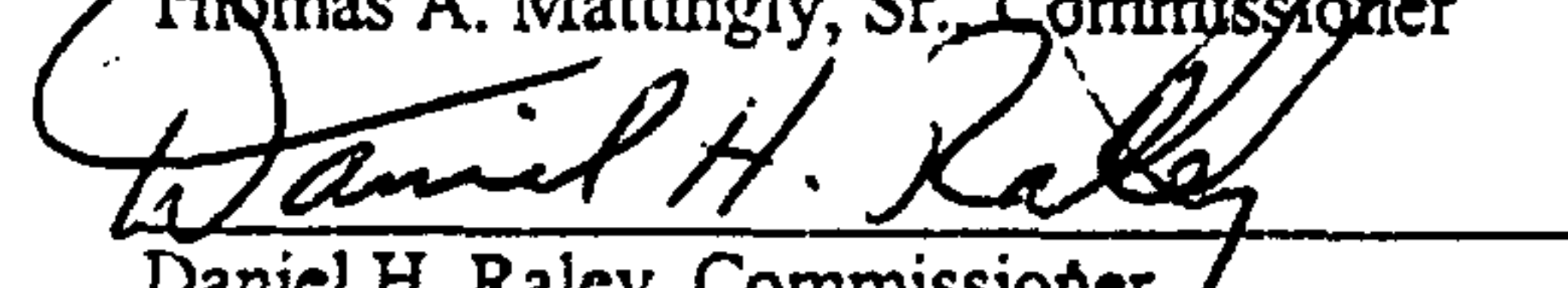
Abstain
Kenneth R. Dement, Commissioner



Lawrence D. Jarboe, Commissioner




Thomas A. Mattingly, Sr., Commissioner



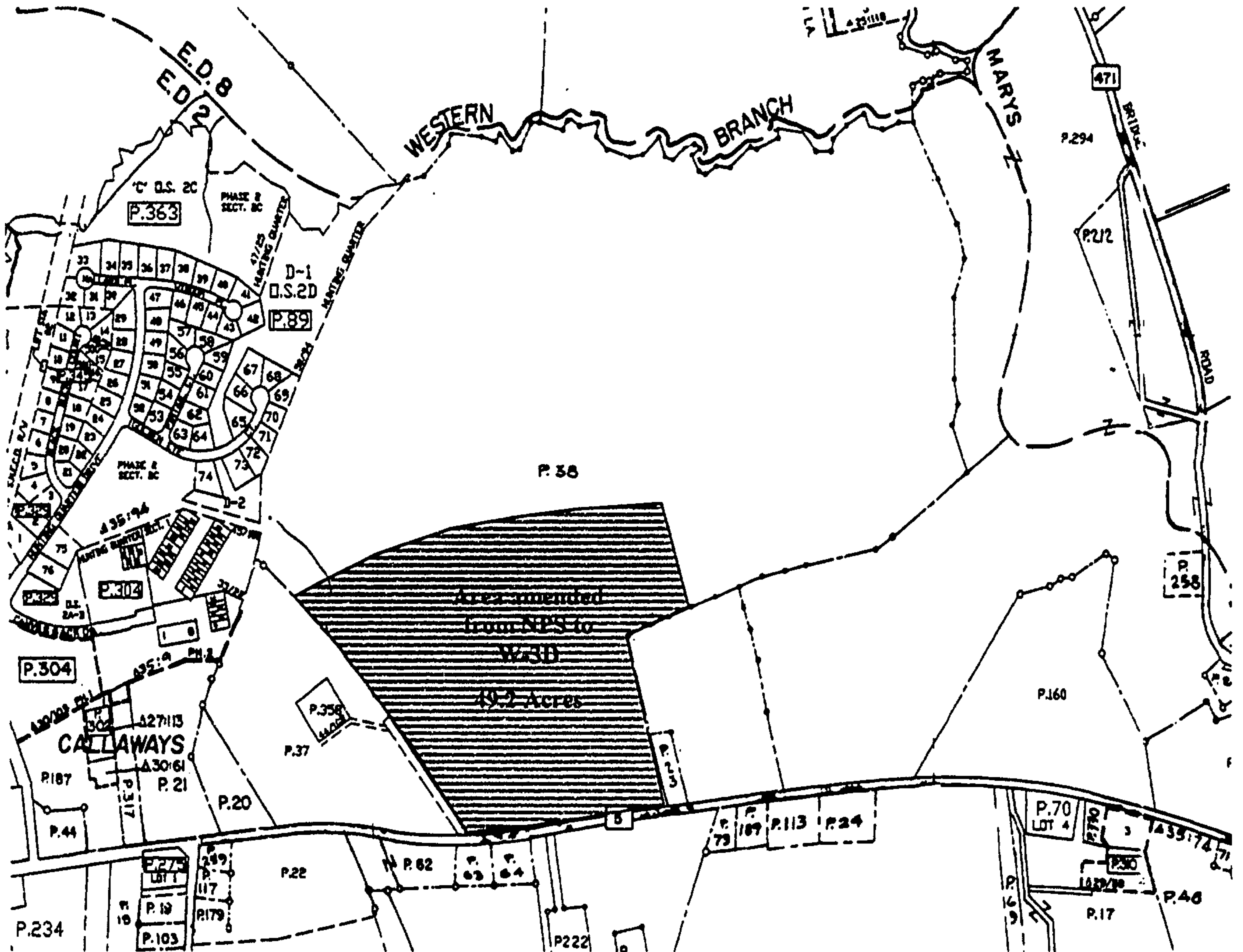
Daniel H. Raley, Commissioner

Approved as to form and legal sufficiency:



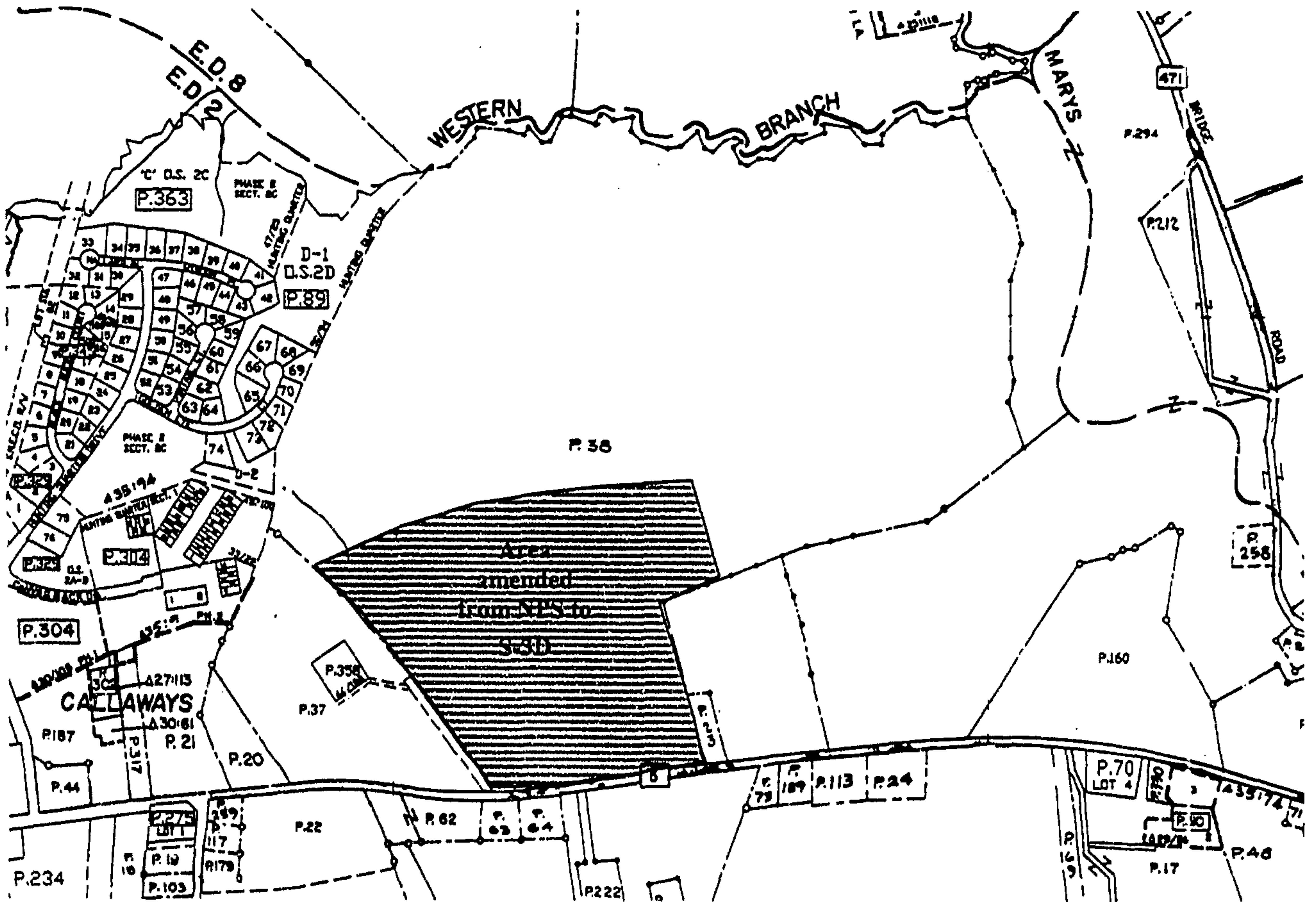
John B. Norris, III
County Attorney

ATTACHMENT A
LIBERO 026 PAGE 15 EXCERPT FROM MAP III-50
AS AMENDED TO CREATE A **W-3D** AREA
PER CASE CWSP 00-130-015
King's Christian Academy



1. Map III-50: change water service area category from NPS (No Planned Service) to W-3D (Service in three to five years) for 49.2 acres described as part of parcel 38, block 17 of tax map 50 in the Callaway Village Center in the Second Election District.

LIBERO 026 PAGE 16
ATTACHMENT B
EXCERPT FROM MAP IV-50
AS AMENDED TO CREATE A S-3D AREA
PER CASE CWSP 00-130-015
LEXINGTON PARK CHRISTIAN SCHOOL



1. Map IV-50: change water service area category from NPS (No Planned Service) to S-3D (Service in three to five years) for 49.2 acres described as part of parcel 38, block 17 of tax map 50 in the Callaway Village Center in the Second Election District.

LIBERO 026 PAGE 1 ORDINANCE

WHEREAS the Comprehensive Plan, entitled Quality of Life in St. Mary's County, Maryland – a Strategy for the 21st Century, and adopted February 19, 2002, governs and directs the use and development of land within St. Mary's County; and

WHEREAS Lexington Park Christian School, Inc. (also known as King's Christian Academy, or KCA), is pursuing authorization to proceed with the construction of a private school within a parcel of land described as a portion of parcel 38 within grid 17 of Tax Map 50, in the Second Election District of St. Mary's County, Maryland; and

WHEREAS the St. Mary's County Board of Appeals has granted conditional use approval (CUAP) for such land use within a specifically delineated 49.2 acres of said parcel 38 (control file 00-150-015 maintained by the St. Mary's County Department of Planning and Zoning), (the "CUAP Site"); and

RECORDING FEE 6.00

WHEREAS Lexington Park Christian School, Inc. has requested access to nearby water and sewer facilities to serve this planned school, notwithstanding a prohibition of such access imposed by the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) due to the location of the school site outside of a growth area defined by the Comprehensive Plan; and

TOTAL 6.00

WHEREAS, after publication of notice in The Enterprise, a newspaper of general circulation in St. Mary's County on January 22 and 29, 2003 the Planning Commission and the Board of County Commissioners for St. Mary's County conducted a joint public hearing on February 10, 2003 on a proposal to so amend the Comprehensive Plan, having 60 days prior thereto circulated notice of such proposal in accordance with Article 66B of the Annotated Code of Maryland; and

RESTRICTION RECORDING FEE

WHEREAS the Planning Commission during its February 24, 2003 meeting found that such service would substantially promote public health and safety, and that amending the Comprehensive Plan, the St. Mary's County Zoning Ordinance and the CWSP to include the CUAP Site is necessary and appropriate; and

EMA FEE \$14716

WHEREAS the village center boundary should be a contiguous block of adjacent properties; and

APR 04 2003 10:14 am

WHEREAS a small portion of land owned by Lexington Park Christian School exists between the current village boundary and the CUAP site, and should be included in the village center.

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of St. Mary's County that the Comprehensive Plan entitled Quality of Life in St. Mary's County, Maryland – a Strategy for the 21st Century at page 54 be amended as follows: A concept plan map for the Callaway Village Center as delineated on Attachment One hereto, hereby incorporated by reference shall be added to define the boundary of the Callaway Village Center and guide future land use within the Village Center.

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

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

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County that if any clause, sentence, article, part or parts of this Ordinance shall be held unconstitutional or invalid for any reason whatsoever, such unconstitutionality or invalidity shall not effect the validity of the remaining parts of this Ordinance or any section hereof; the County Commissioners of St. Mary's County hereby declare that they would have adopted the remaining parts of the Ordinance or any section thereof, if they

LIBERO 026 PAGE 18

had known any such clause, sentence, article, section, part or parts of this Ordinance would be declared unconstitutional or invalid.

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County that the Comprehensive Plan entitled "Quality of Life in St. Mary's County - A Strategy for the 21st Century - Planning Commission Recommended" (November 2001 Draft), including its subplans and maps, as amended hereby, shall remain in full force and effect.

Date of Adoption: 3-24-03

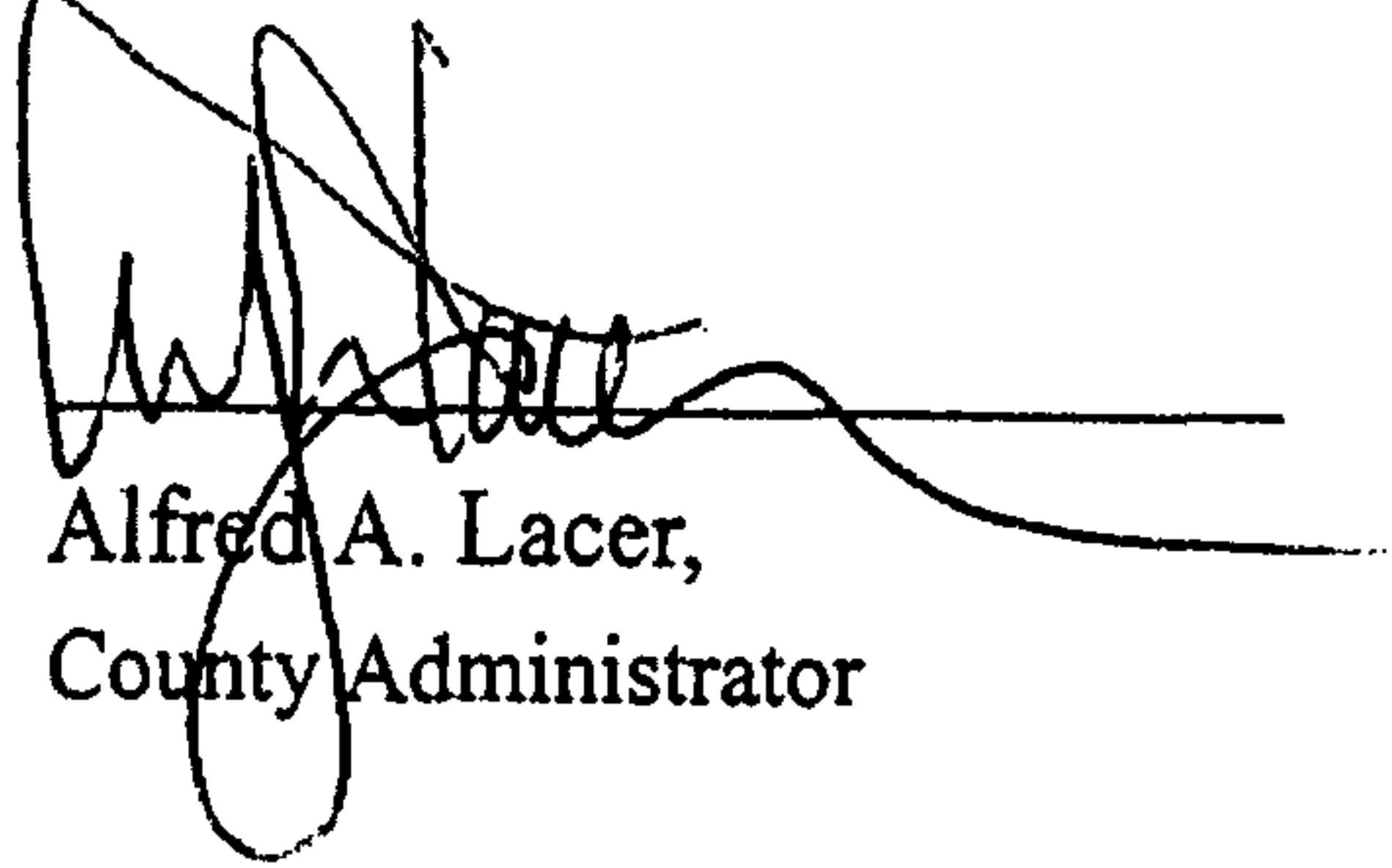
Effective Date: 3-24-03

Those voting aye: 4

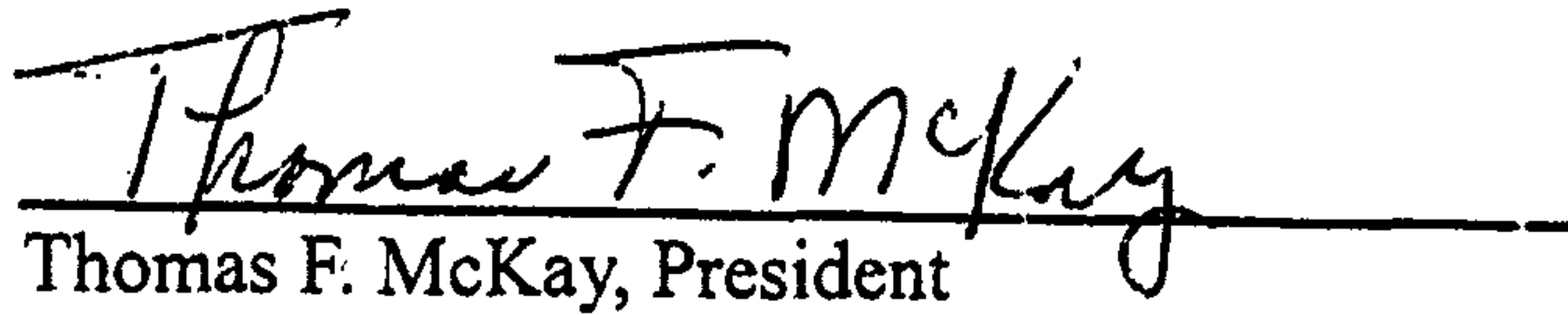
Those voting nay: _____

Those abstaining: 1

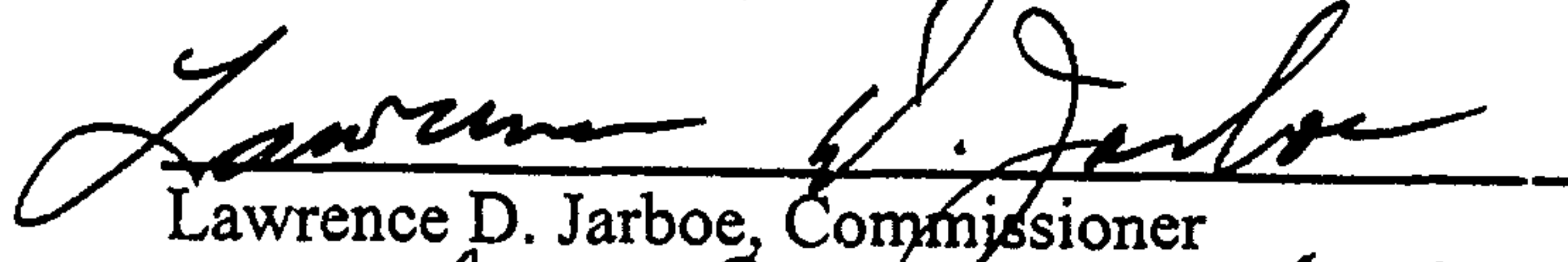
Attest:


Alfred A. Lacer,
County Administrator

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


Thomas F. McKay, President


Abstain
Kenneth R. Dement, Commissioner


Lawrence D. Jarboe, Commissioner

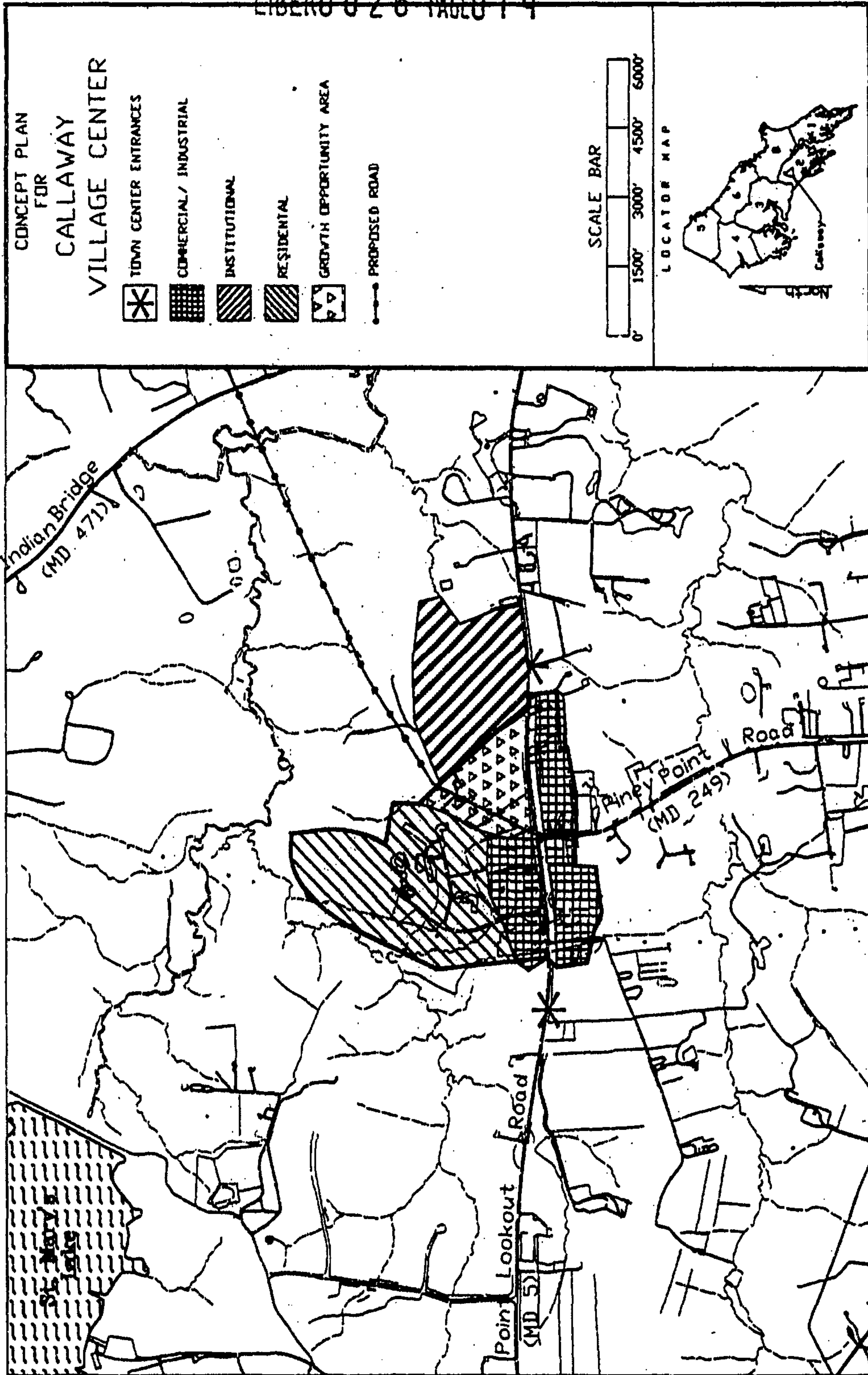

Thomas A. Mattingly, Sr., Commissioner


Daniel H. Raley, Commissioner

Approved as to form and legal sufficiency:


John B. Norris, III
County Attorney

LIBERO 026 PAGE 19



NO.: 03 - 29
SUBJECT: Waiver of Landfill Fees for
Christmas in April Projects

LIBERO 026 PAGE 20

RESOLUTION

WHEREAS, the Thirteenth (13th) Annual *Christmas in April* Program ("Program") will take place locally on April 26, 2003; and

WHEREAS, over 20,800 volunteers have performed over \$2,200,000 in repairs on approximately 408 homes and 10 non-profit facilities occupied by elderly, handicapped and low-income citizens since 1991; and

WHEREAS, the Program proposes to repair thirty (30) homes and perform two (2) community projects; and

WHEREAS, it is estimated that 100 tons of waste materials will be generated by the Program; and


WHEREAS, the Board of County Commissioners for St. Mary's County wishes to support these efforts as being in the best interest of the health, safety, and welfare of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County that the landfill fees for trash and debris generated by the Program be waived, and that up to 100 tons of trash and debris generated by the Program be billed against St. Mary's County's account at the Appeal Transfer Station in Calvert, County, Maryland.

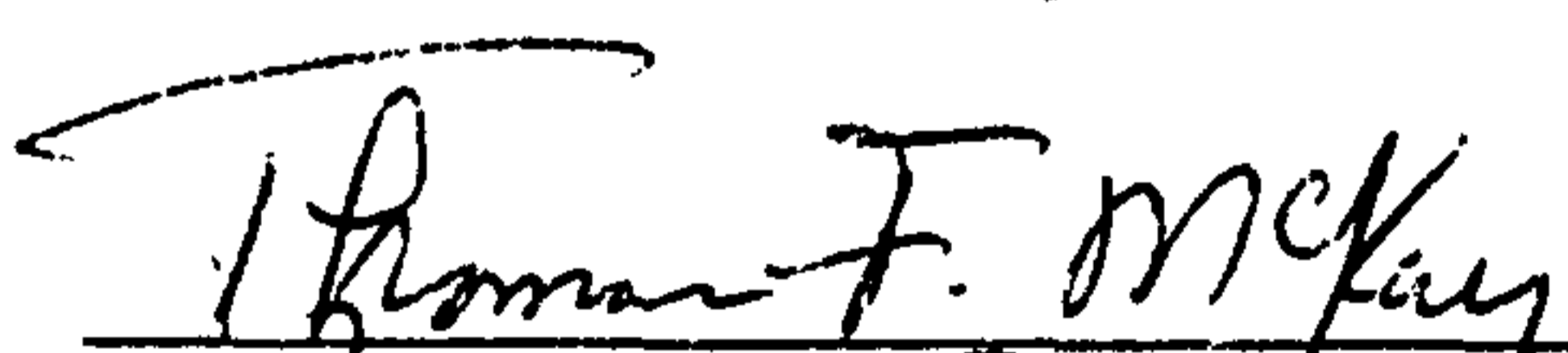



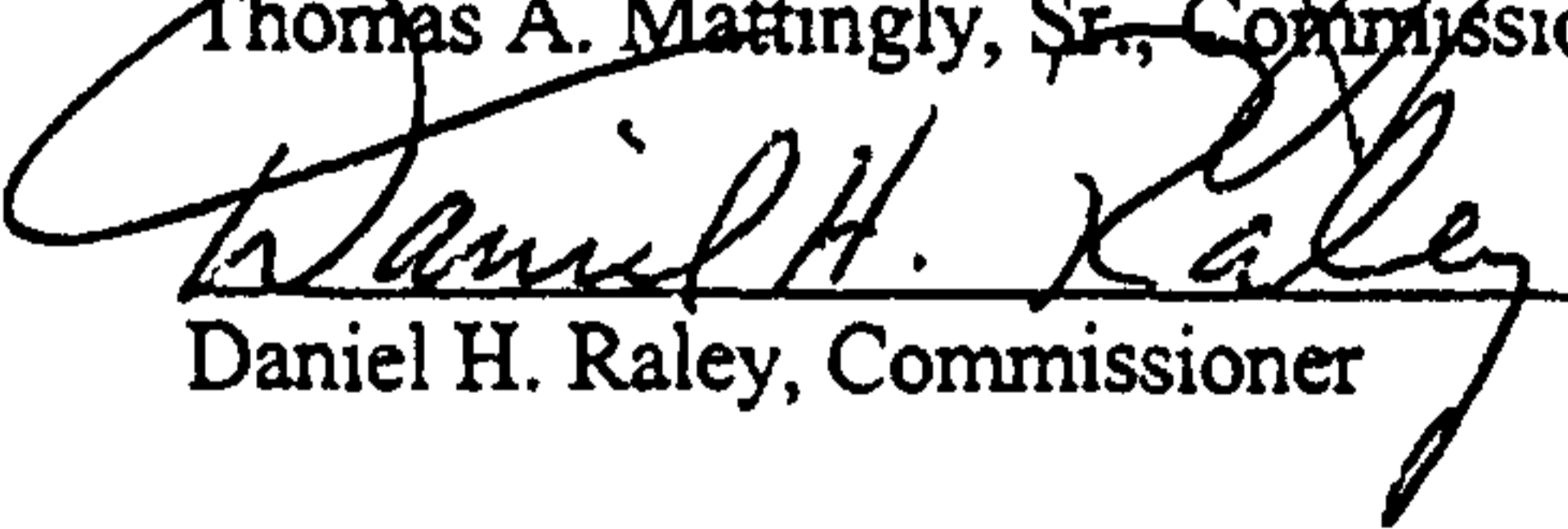
Those voting aye: 5
Those voting nay: 0
Those abstaining or absent: 0
Date of Adoption: 4-1-03
Effective Date: 4-1-03

RECORDING FEE 0.00
TOTAL 0.00
Rest#502 Rcpt#999999
EMA 033 31K1006
Apr 07, 2003 03:55 PM


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 FORM
AND LEGAL SUFFICIENCY:


John B. Norris, III
County Attorney

LIBERO 026 PAGE 21

Purpose

TO AMEND CHAPTER 267 OF THE CODE OF PUBLIC LOCAL LAWS OF ST. MARY'S COUNTY TO ALLOW A PROPERTY TAX CREDIT TO THE SURVIVING SPOUSE OF A FALLEN RESCUE WORKER.

ORDINANCE

WHEREAS, the Board of County Commissioners of St. Mary's County has enacted and codified the "Code of Public Local Laws and Ordinances of St. Mary's County;" and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland has determined that amendments to Chapter 267 of the Code are necessary to advance the public health, safety and welfare; and

WHEREAS, in accordance with Article 25, Section 3(r) of the Annotated Code of Maryland, notice of the public hearing was advertised on March 7, 2003 and March 14, 2003 on *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on March 18, 2003, to consider staff recommendation, public comment and discussion; and

WHEREAS, upon consideration of public comment and staff recommendation, the Board of County Commissioners for St. Mary's County, Maryland, find that is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to establish a property tax credit against the County property tax imposed on the dwelling owned by the surviving spouse of a fallen rescue worker.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners for St. Mary's County, Maryland, as follows:

Section 1. Code of Public Local Laws and Ordinances of St. Mary's County, Chapter 267, "Taxation, General" is amended by adding **Article XXIV, Tax Credit for Surviving Spouse of Fallen Rescue Worker**, to read as follows:

§ 267-64. **Authorization.** The Board of County Commissioners for St. Mary's County, Maryland, hereby adopt a tax credit for the surviving spouses of fallen rescue workers under the authority granted under § 9-210 of the Tax-Property Article of the Annotated Code of Maryland. The County hereby adopts by reference all definitions and requirements set forth therein, as amended from time to time.

§ 267-65. **Amount of credit.** A credit for County real property taxes in the full amount of the County real property tax assessed shall be granted for the principal residence owned by a surviving spouse of a fallen rescue worker. Beginning in the tax year corresponding to the effective date of this Ordinance, this credit may be applied for seven (7) tax years following the death of the rescue worker or until the surviving spouse remarries, whichever is earlier.

RECORDING FEE 0.00
TOTAL 0.00

Section 2. For the purposes of these sections, the following words shall have the meaning indicated, which meaning shall be amended without further action of the County Commissioners for St. Mary's County upon amendment of the same at § 9-210 of the Tax-Property Article of the Annotated Code of Maryland:

- (1) (i) "Dwelling" means real property that:
 1. is the legal residence of a surviving spouse; and
 2. is occupied by not more than two families.
- (ii) "Dwelling" includes the lot or curtilage and structures necessary to use the real property as a residence.
- (2) "Fallen rescue worker" means an individual who dies while in the active service of a fire, rescue, or emergency medical service, unless the death was the result of the individual's own willful misconduct or abuse of alcohol or drugs.
- (3) "Surviving spouse" means a surviving spouse, who has not remarried, of a fallen rescue worker.

of the Annotated Code of Maryland
RECORDING FEE 0.00
TOTAL 0.00
EMA KEB B1K#3034

LIBERO 026 PAGE 22

Section 3. Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not effect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

Section 4. This Ordinance shall not discharge, impair or release any contract, obligation, duty, liability or penalty, whatever existing on the date of its enactment. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not become effective.

Section 4. This Ordinance shall become effective upon the date set forth below as the "Effective Date."

Those voting aye: 5

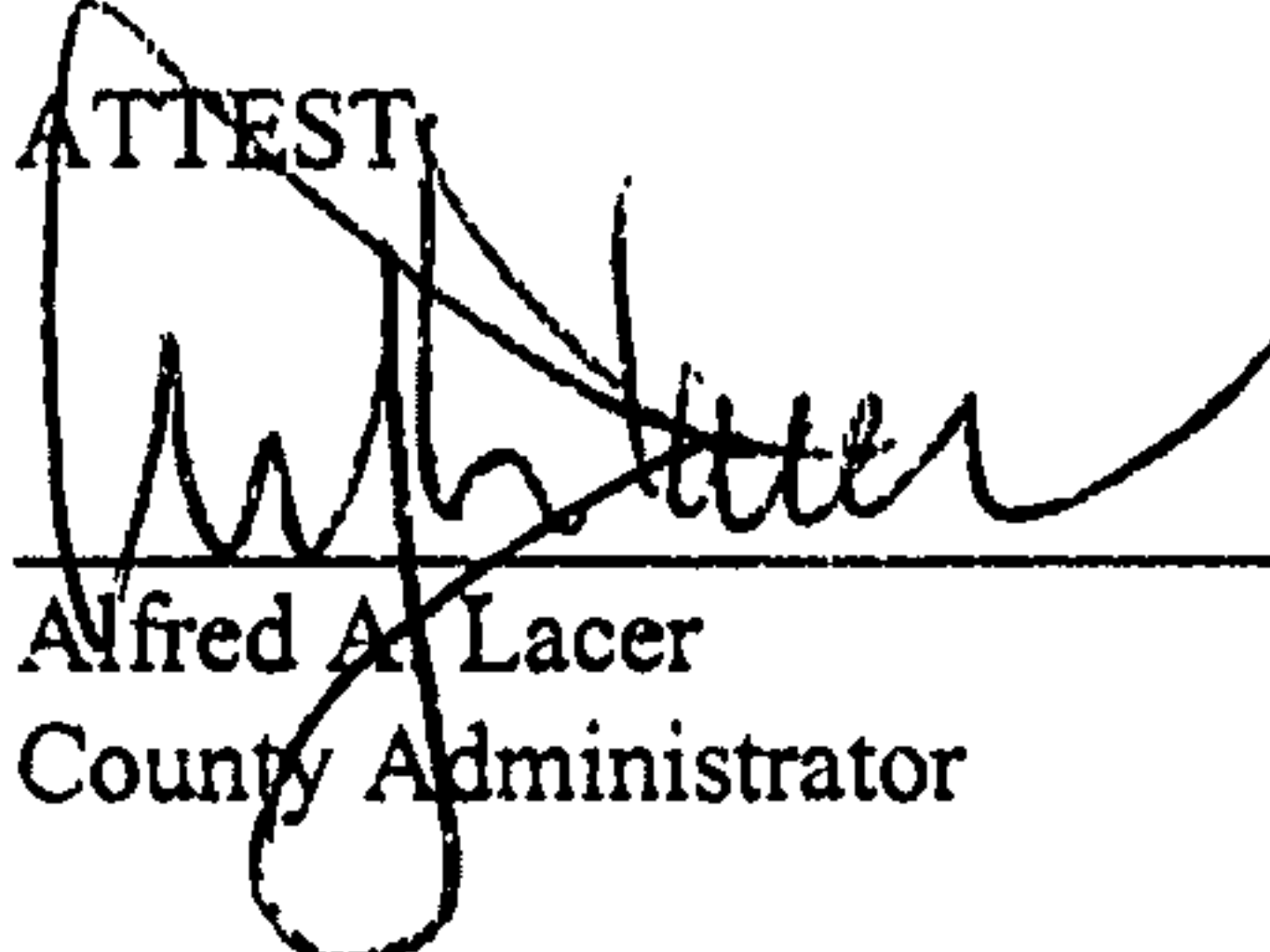
Those voting nay: 0

Those abstaining or absent: 0

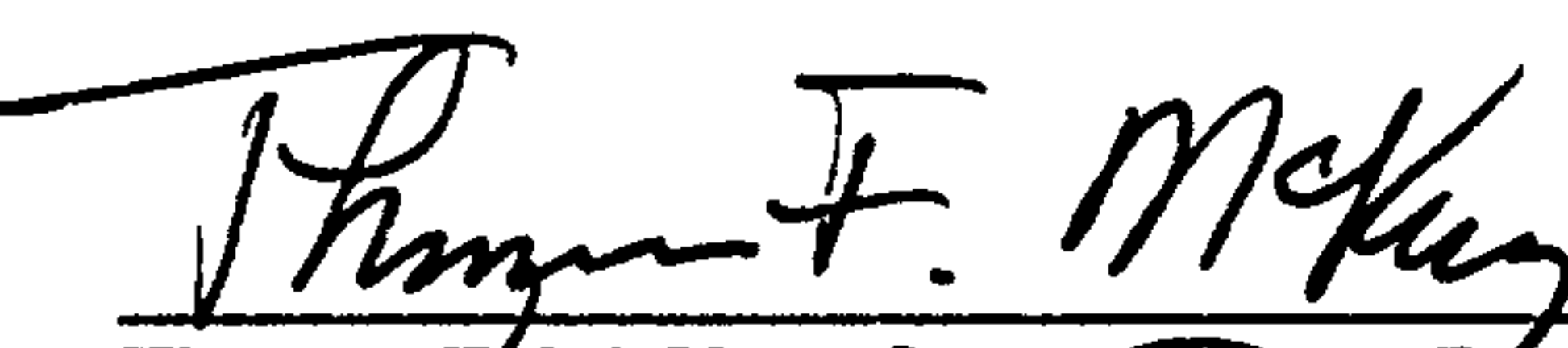
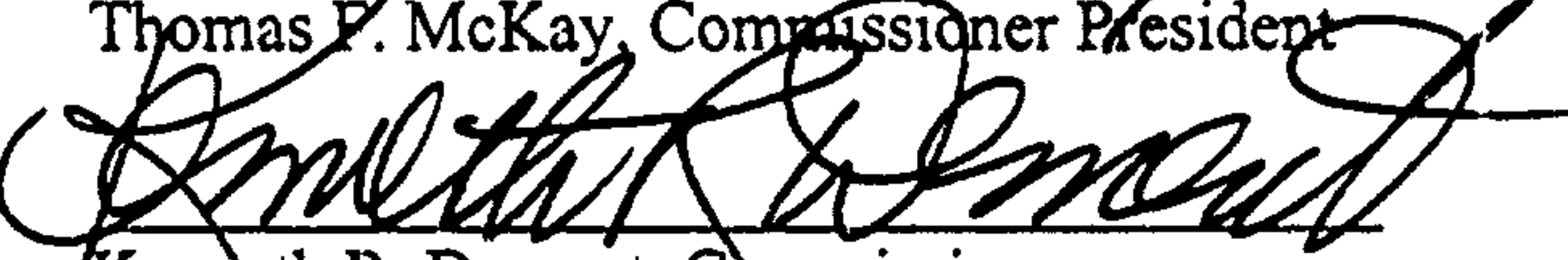
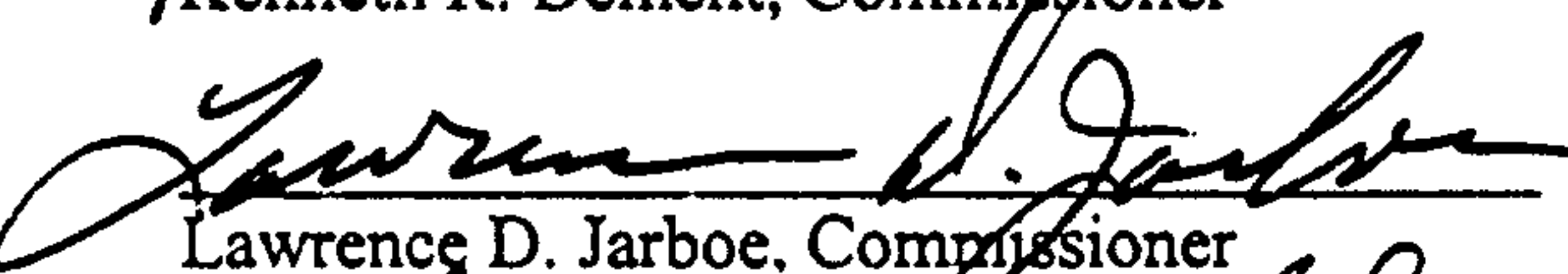
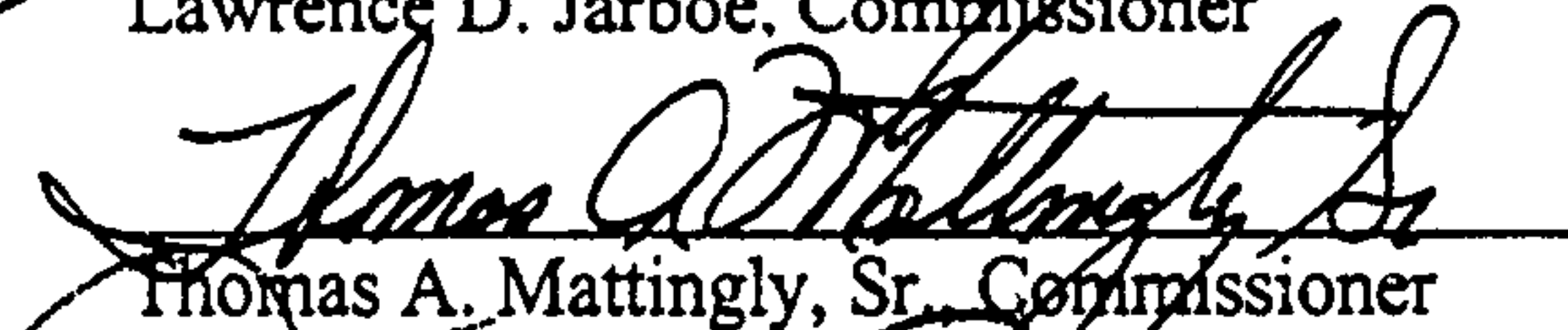
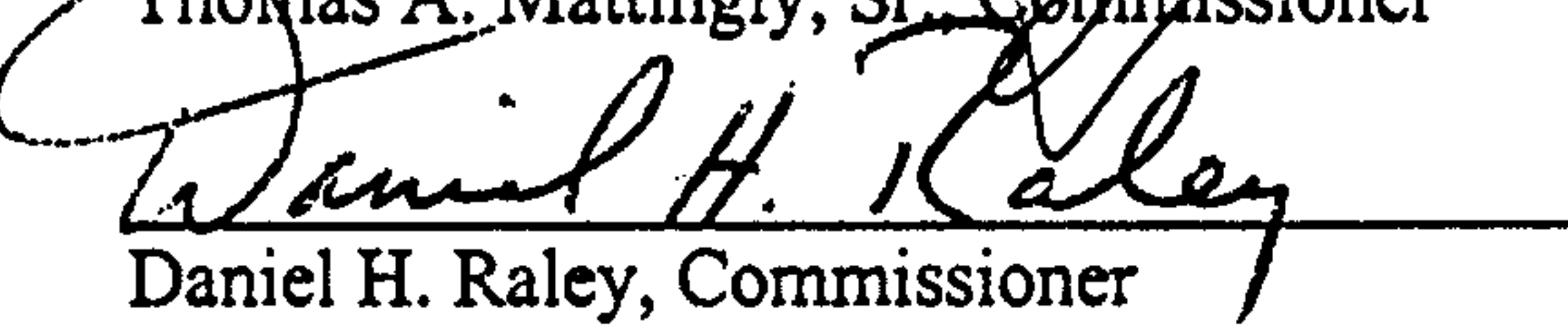
Approval Date: 4/8/03

Effective Date: 4/8/03

ATTEST


Alfred A. Lacer
County Administrator


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


Thomas F. McKay, Commissioner President

Kenneth R. Dement, Commissioner

Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr., Commissioner

Daniel H. Raley, Commissioner

APPROVED:


Elaine Kramer, Finance Director

Approved as to form and legal
sufficiency:


John B. Norris, III
County Attorney

LIBERO 026 PAGE 23

No. 2003-30

SUBJECT: RESOLUTION TO PROVIDE MILITARY DIFFERENTIAL PAY TO THOSE EMPLOYEES CALLED FOR ACTIVE DUTY AS A RESULT OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001 OR PURSUANT TO OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

RESOLUTION

WHEREAS, the Board of Commissioners for St. Mary's County, wishes to support those employees called to active duty as a result of terrorist attacks on September 11, 2001 or pursuant to Operation Enduring Freedom or Operation Iraqi Freedom; and

WHEREAS, the Board of Commissioners for St. Mary's County, finds that it is in the best interest of the health, safety and welfare of the County to authorize the payment of a military pay differential to any County employee ordered to active duty in the National Guard of the United States or the Reserves pursuant to military action as a result of the terrorist attacks on September 11, 2001 or pursuant to Operation Enduring Freedom or Operation Iraqi Freedom.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for St. Mary's County that the payment of a military pay differential is hereby authorized to be paid to any full time or regular part-time County employee ordered to active duty in the National Guard of the United States or the Reserves pursuant to Operation Enduring Freedom or Operation Iraqi Freedom; and

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that, the foregoing military pay differential shall be the difference between the employee's County bi-weekly base pay, (excluding, without limitation, any special pays and allowances such as shift differential, overtime or callback pay), and the employee's military pay, including, without limitation, base pay, basic allowance for subsistence and basic allowance for housing but exclusive of any other special pays or allowances; and

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the military pay differential plan set forth herein shall be effective midnight April 11, 2003 and shall continue for each qualifying employee until the completion of that employee's qualifying service or until this benefit is revoked by this Board, whichever shall occur first; and

BE IT FURTHER RESOLVED by the Board of County Commissioners for St. Mary's County that the provisions of this Resolution shall supercede the provisions of Section 1613(f) of the St. Mary's County Manual of Personnel Policies and Procedures, insofar as they may conflict.

ADOPTED AND APPROVED by the Board of St. Mary's County Commissioners on 8th day of April, 2003.

Those voting Aye: 5

Those voting Nay: 0

Those Absent: 0

RECORDING FEE 0.00
TOTAL 0.00
Reg#SM02 Rpt#999999
SMA RES 911#3034
Apr 18, 2003 08:59 am

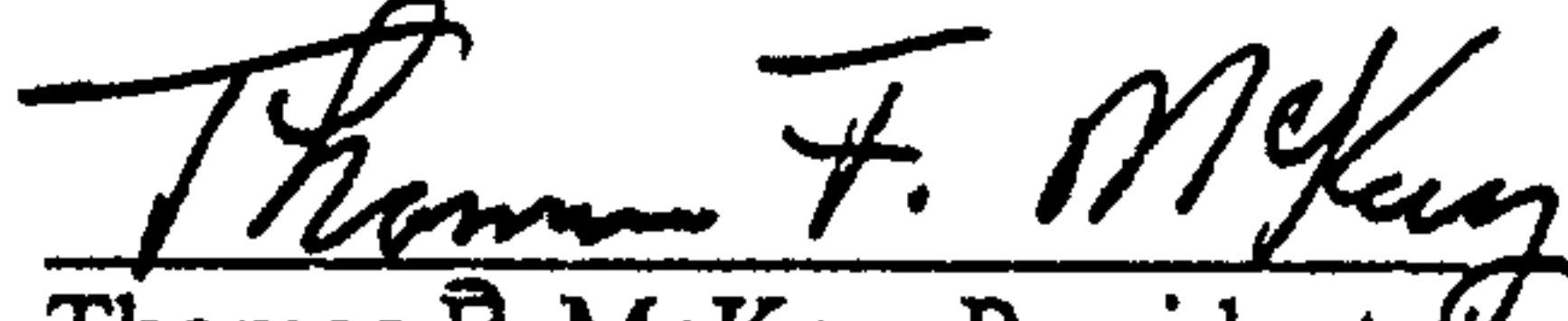
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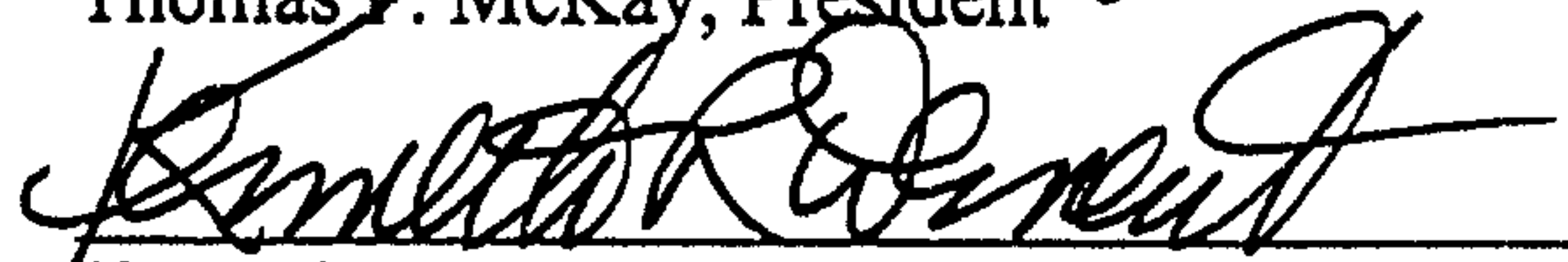
No. 2003-30

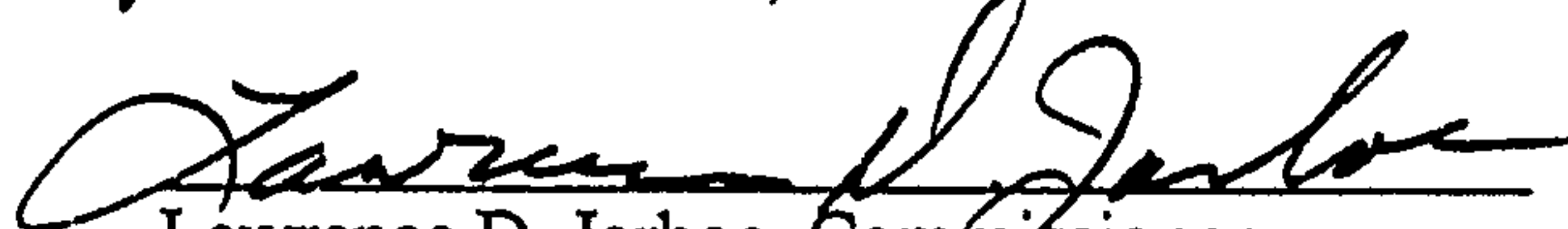
**SUBJECT: RESOLUTION TO PROVIDE MILITARY DIFFERENTIAL
PAY TO THOSE EMPLOYEES CALLED FOR ACTIVE DUTY
AS A RESULT OF TERRORIST ATTACKS ON SEPTEMBER 11, 2001
OR PURSUANT TO OPERATION ENDURING FREEDOM
OR OPERATION IRAQI FREEDOM**

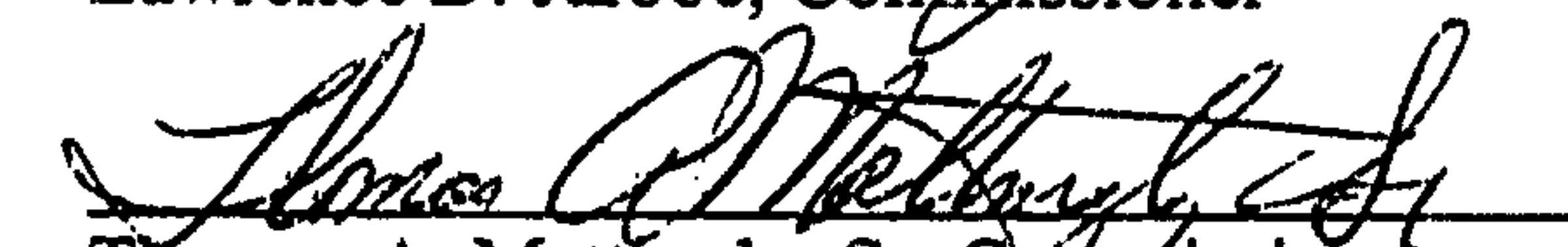
Date of Adoption: 4/8/03
Effective Date: 4/8/03

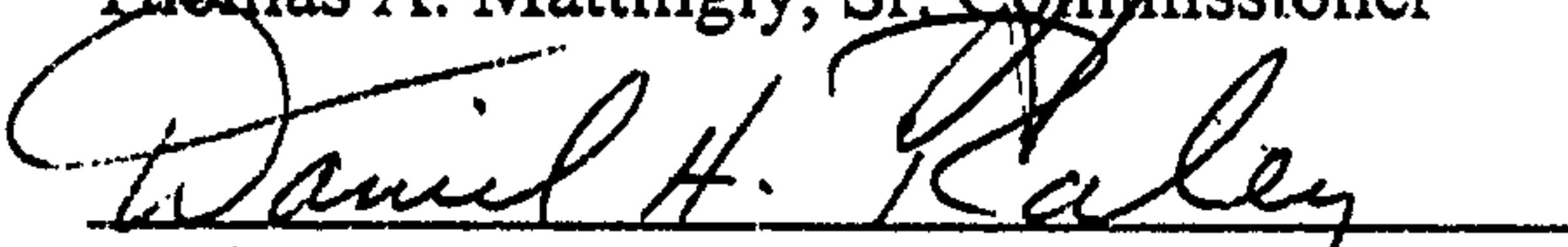
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND


Thomas P. McKay, President

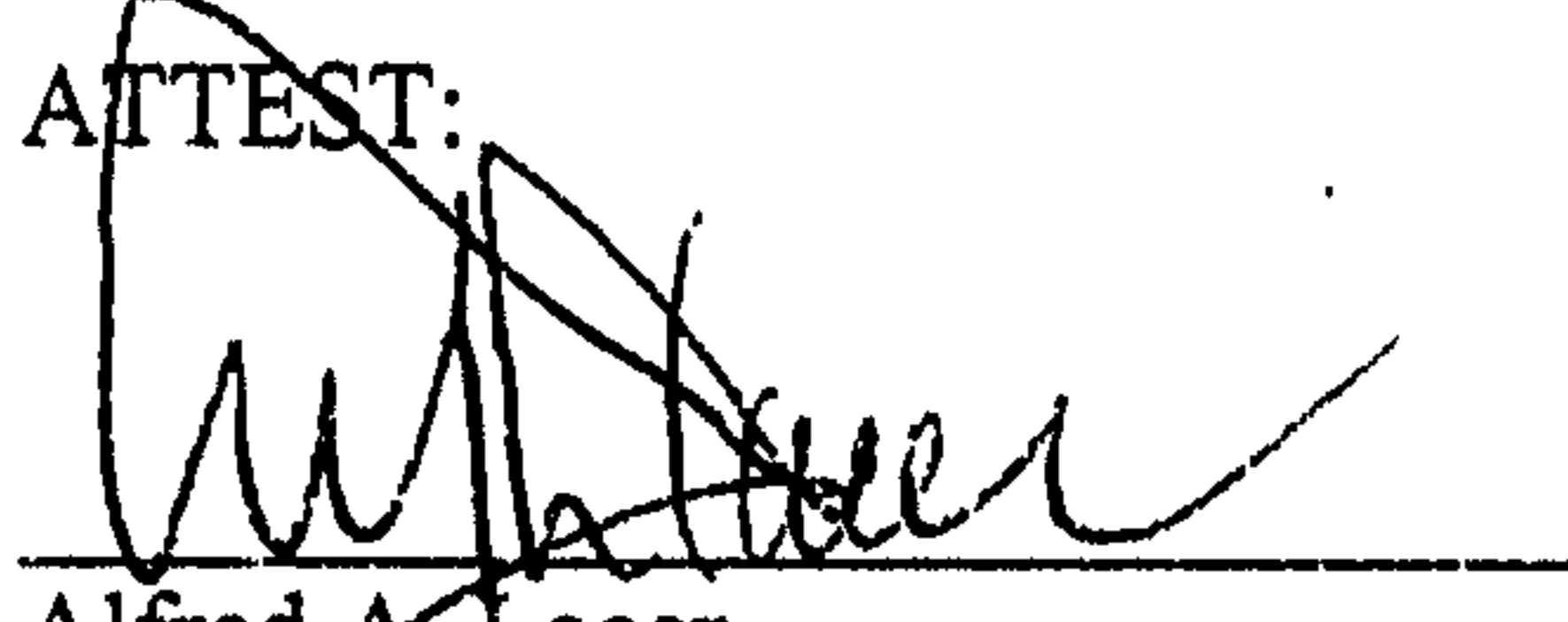

Kenneth R. Dement, Commissioner


Lawrence D. Jarboe, Commissioner

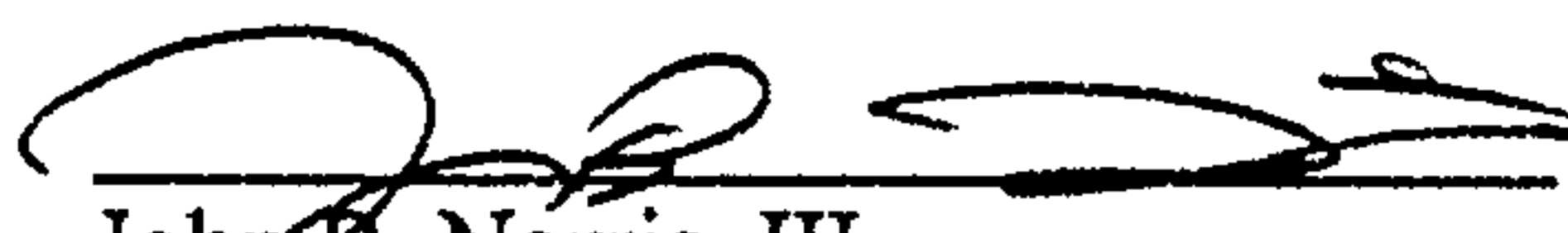

Thomas A. Mattingly, Sr. Commissioner


Daniel H. Raley, Commissioner

ATTEST:


Alfred A. Lacer
County Administrator

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 Board of County Commissioners for St. Mary's County 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 that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated January 9, 1995, and Record Plat recorded at Liber EWA 40, Folio 18, for Sycamore Hollow Drive, County Route 31250, and

WHEREAS, Wildewood Subdivision is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) 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, finding that Sycamore Hollow Drive, County Route 31250, located in the Wildewood, Sycamore Hollow Phase II, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 40, Folio 18) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Sycamore Hollow Drive, County Route 31250, into the County's Highway Maintenance System.

Those voting aye: all

Those voting nay: _____

Those abstaining or absent: _____

Date of Adoption: 4/29/03

Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Not#999999
EWA K23 312503
May 05, 2003 12:23 PM

LIBERO 026 PAGE 026 RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-1 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 Board of County Commissioners for St. Mary's County 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 Section 21-801.1 of the Transportation Article of the Maryland Annotated Code for Sycamore Hollow Drive, County Route 31250, located in the Wildewood, Sycamore Hollow Phase II, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 40, Page 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 Sycamore Hollow Drive, County Route 31250.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds the maximum speed limit set forth for roads of the type of Sycamore Hollow Drive is greater than reasonable or safe, and that Sycamore Hollow Drive, County Route 31250, located in the Wildewood, Sycamore Hollow Phase II, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 40, Page 18) 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: _____

Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

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

Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SN02 Rcpt#999999
EWA REC 01#608
May 05, 2003 12:29 PM

LIDERO 026 PAGE 027 RESOLUTION

WHEREAS, pursuant to Sections 1 and 10-I 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 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 Sycamore Hollow Drive, County Route 31250, located in the Wildewood, Sycamore Hollow Phase II, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 40, Page 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 exercise its authority to regulate traffic at this intersection by means of a traffic control device, specifically, a stop sign on Sycamore Hollow Drive, County Route 31250, at the intersection with Wildewood Parkway, County Route 30675; and Sycamore Hollow Drive, County Route 31250, at the intersection with Cherry Laurel Parkway, County Route 31350.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County 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 Sycamore Hollow Drive, County Route 31250, and in the interest of public safety and to eliminate a hazardous condition, Sycamore Hollow Drive, County Route 31250, further identified as being located in the Wildewood, Sycamore Hollow Phase II, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 40, Page 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 directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device; specifically, a stop sign on Sycamore Hollow Drive, County Route 31250, at the intersection with Wildewood Parkway, County Route 30675; and Sycamore Hollow Drive, County Route 31250, at the intersection with Cherry Laurel Parkway, County Route 31350.

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

Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SN06 Rcft#999999
EWA RES 81K#608
May 05, 2003 12:30 PM

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County 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 that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated February 18, 1997, and Record Plat recorded at Liber EWA 43, Folio 88, for Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359; and

WHEREAS, Wildewood Subdivision is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) 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, finding that Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, located in the Wildewood, Pepper Ridge Phase 1, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 43, Folio 88) meet the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, into the County's Highway Maintenance System.

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

Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

Alfred A. Lacer
County Administrator

BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SMDE Rcpt#999999
EWA REC 01K#003
May 05, 2003 12:30 PM

LIBERO 026 PAGE 29

RESOLUTION

WHEREAS, pursuant to the authority granted under Section 10-1 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 Board of County Commissioners for St. Mary's County 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 Section 21-801.1 of the Transportation Article of the Maryland Annotated Code for Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, located in the Wildewood, Pepper Ridge Phase 1, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 43, Page 88, 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 Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County finds the maximum speed limit set forth for roads of the type of Pepper Ridge Drive and Sassafras Drive is greater than reasonable or safe, and that Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, located in the Wildewood, Pepper Ridge Phase 1, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 43, Page 88) 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: _____

Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:
John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SMG: Rcpt#999999
EWA KED 81K700
May 05, 2003 12:31 PM

LIBERO 026 PAGED 30 RESOLUTION

WHEREAS, pursuant to Sections 1 and 10-1 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 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 Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, located in the Wildewood, Pepper Ridge Phase 1, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 43, Page 88, as a threat to public safety and a hazardous condition due to the absence of a traffic control device at these intersections; 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 exercise its authority to regulate traffic at these intersections by means of a traffic control device, specifically, a stop sign on Pepper Ridge Drive, County Route 31358, at the intersection with Sassafras Drive, County Route 31359; and Sassafras Drive, County Route 31359, at the intersection with Cherry Laurel Parkway, County Route 31350.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County 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 Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359; and in the interest of public safety and to eliminate a hazardous condition, Pepper Ridge Drive, County Route 31358, and Sassafras Drive, County Route 31359, further identified as being located in the Wildewood, Pepper Ridge Phase 1, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 43, Page 88) shall be designated as Stop Streets, 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 directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device; specifically, a stop sign, on Pepper Ridge Drive, County Route 31358, at the intersection with Sassafras Drive, County Route 31359; and Sassafras Drive, County Route 31359, at the intersection with Cherry Laurel Parkway, County Route 31350.

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

Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#5802 Rpt#999999
EWA K&B 01K7600
May 05, 2003 12:31 PM

RESOLUTION

WHEREAS, pursuant to Sections 109-1 and 109-2 of Article 19 of the Code of Public Local Laws of Maryland, the Board of County Commissioners for St. Mary's County 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 that all work has been satisfactorily completed in accordance with the County Subdivision Regulations, Public Works Agreement dated February 18, 1997, and Record Plat recorded at Liber EWA 43, Folio 88, for Cherry Laurel Parkway, County Route 31350, and

WHEREAS, Wildewood Subdivision is subject to the requirements of the St. Mary's County Subdivision Ordinance (1978) 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, finding that Cherry Laurel Parkway, County Route 31350, located in the Wildewood, Sycamore Hollow, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: Liber EWA 43, Folio 88) meets the applicable requirements of the St. Mary's County Subdivision Ordinance (1978), as amended, and hereby accepts Cherry Laurel Parkway, County Route 31350, into the County's Highway Maintenance System.

Those voting aye: all

Those voting nay: _____

Those abstaining or absent: _____

Date of Adoption: 4/29/03

Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President

Kenneth R. Dement
Kenneth R. Dement, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

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

Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SM02 Ref#999999
EWA KES 01K7602
May 05, 2003 12:31 PM

RESOLUTION

LIBERO 026 PAGE 32

WHEREAS, pursuant to Sections 1 and 10-1 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 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 Cherry Laurel Parkway, County Route 31350, located in the Wildewood, Sycamore Hollow, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland, as per Record Plat recorded at EWA 43, Page 88, 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 exercise its authority to regulate traffic at this intersection by means of a traffic control device; specifically, a stop sign on Cherry Laurel Parkway, County Route 31350, at the intersection with Wildewood Parkway, County Route 30675.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners for St. Mary's County 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 Cherry Laurel Parkway, County Route 31350, and Wildewood Parkway, County Route 30675; and in the interest of public safety and to eliminate a hazardous condition, Cherry Laurel Parkway, County Route 31350, further identified as being located in the Wildewood, Sycamore Hollow, Subdivision, Third (3rd) Election District, St. Mary's County, Maryland (Plat Reference: EWA 43, Page 88) 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 directs and instructs the Director of the Department of Public Works and Transportation to erect a traffic control device; specifically, a stop sign on Cherry Laurel Parkway, County Route 31350, at the intersection with Wildewood Parkway, County Route 30675.

Those voting aye: all
Those voting nay: _____
Those abstaining or absent: _____
Date of Adoption: 4/29/03
Effective Date: 4/29/03

ATTEST:

BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

Alfred A. Lacer
Alfred A. Lacer
County Administrator

Thomas F. McKay
Thomas F. McKay, President
Kenneth R. Dement
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr.
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley
Daniel H. Raley, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

RECORDING FEE 0.00
TOTAL 0.00
Res#SN02 Rc#1#999999
EWA REC BIK#603
May 05, 2003 12:31 PM

RESOLUTION

**TO REMOVE AND REAPPOINT A RESIDENT AGENT
FOR THE BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY, MARYLAND**

WHEREAS, Article 24, Section 1-110 of the Annotated Code of Maryland requires that the governing body of every political subdivision file with the State Department of Assessments and Taxation a designation of a resident agent to accept service of process.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners for St. Mary's County removes Alfred A. Lacer, former County Administrator, as Resident Agent and appoints and designates the County Attorney, having the street address of 23115 Leonard Hall Drive, Leonardtown, St. Mary's County, Maryland, as the resident agent for the Board of County Commissioners for St. Mary's County, Maryland.


BE IT FURTHER RESOLVED that Commissioner President, Thomas F. McKay, is hereby authorized to execute all forms necessary to maintain the accuracy of this designation.

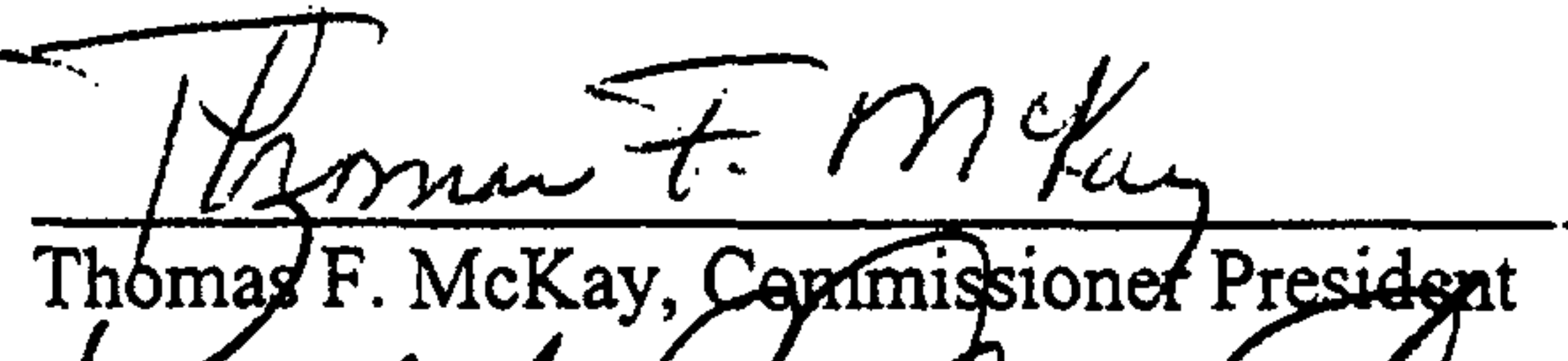
Date of Adoption: 5/6/03
Effective Date: 5/6/03

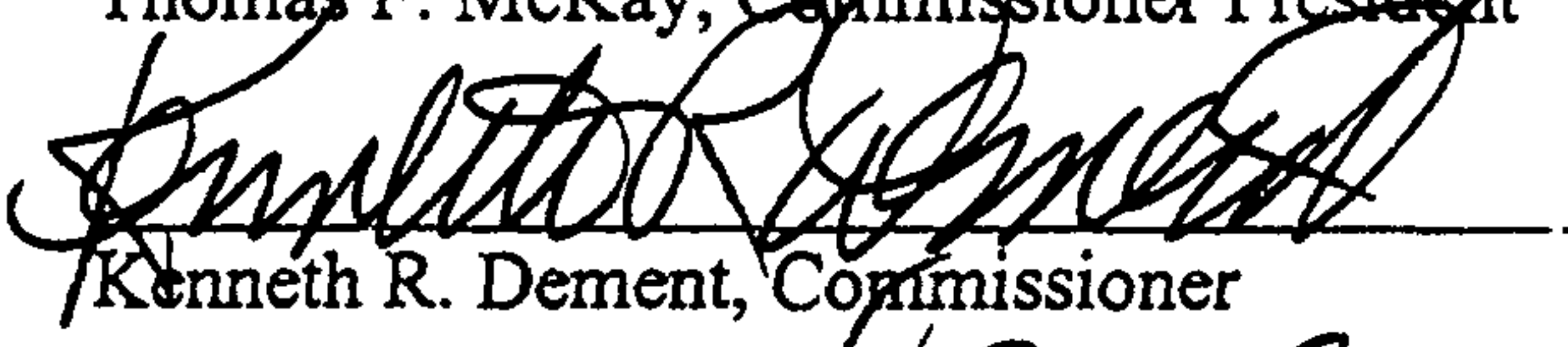
RECORDING FEE 0.00
TOTAL 0.00
RESIDENCE RPT#999999
SMA FLC 81873149
May 21, 2003 09:11 am

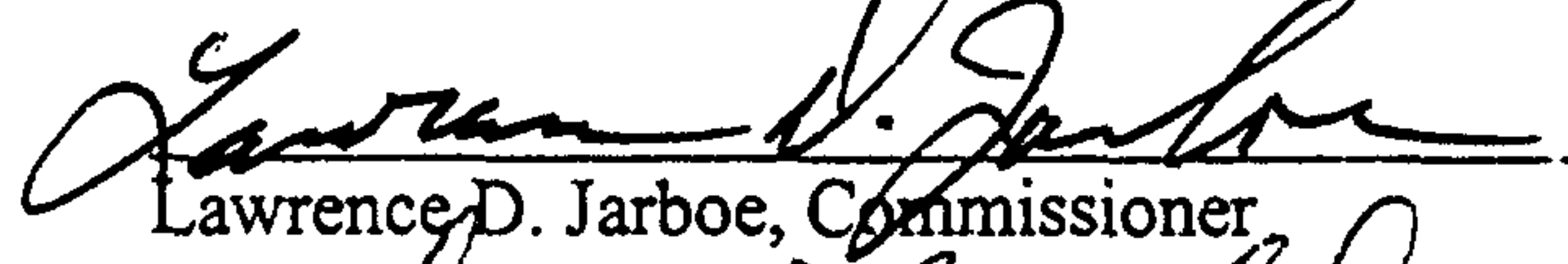
ATTEST:

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

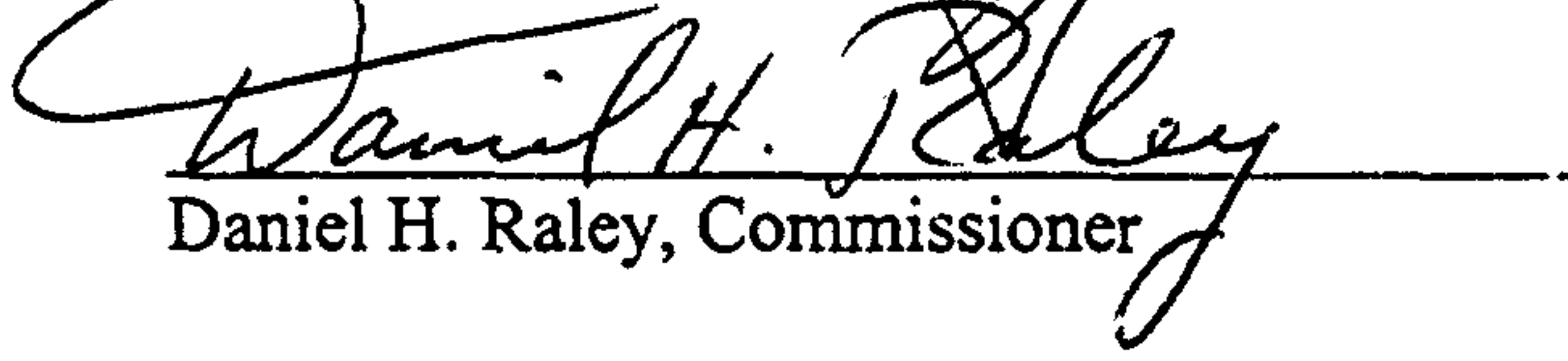

County Administrator


Thomas F. McKay, Commissioner 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

Subject: Approval of Southern Maryland
Heritage Area Heritage Tourism
Management Plan And Authorization to
Submit Plan for State Certification

LIBERO 026 PAGE 35

RESOLUTION

FOR THE PURPOSE of approving and adopting the Southern Maryland Heritage Area Heritage Tourism Management Plan and authorizing the Southern Maryland Heritage Area Partnership and Steering Committee to submit the Southern Maryland Heritage Area Heritage Tourism Plan to the Maryland Heritage Areas Authority for approval for designation of the Southern Maryland region as a Certified Heritage Area.

| | |
|---------------|------|
| RECORDING FEE | 0.00 |
| TOTAL | 0.00 |

WHEREAS, having acknowledged the presence of significant natural, cultural, recreational and historical resources in St. Mary's County, as well as the fact that conservation and managed use of these resources would promote resource protection and enhance recreational and economic opportunities within the Southern Maryland region, on June 29, 1999, the Board of County Commissioners for St. Mary's County signed Resolution No. 99-13 approving and submitting an application to the Maryland Heritage Areas Authority for designation as a Recognized Heritage Area; and

| | |
|----------|-------------|
| Rest#002 | Rec#4999999 |
| EWA | CSS Bk#4066 |

WHEREAS, pursuant to Resolution No. 99-13, dated June 29, 1999, the Board of County Commissioners for St. Mary's County recognized the Southern Maryland Heritage Area Partnership and Steering Committee as the body to continue the development of the Southern Maryland area tourism proposal required for designation as a Recognized Heritage Area pursuant to *Financial Institutions Article*, § 13-1110 of the Maryland Annotated Code; and

WHEREAS, the Southern Maryland region became a Recognized Heritage Area on August 13, 1999; and

| | |
|--------------|----------|
| May 28, 2003 | 00:53 am |
|--------------|----------|

WHEREAS, the Southern Maryland Heritage Area Partnership and Steering Committee believed it to be the logical next step and beneficial to have the Recognized Heritage Area designated as a Certified Heritage Area pursuant to *Financial Institutions Article*, § 13-1111 of the Maryland Annotated Code, so that additional state funding might be available pursuant to *Financial Institutions Article*, § 13-1113 of the Maryland Annotated Code; and

WHEREAS, in an effort to obtain designation as a Certified Heritage Area pursuant to *Financial Institutions Article*, § 13-1111 of the Maryland Annotated Code, the Southern Maryland Heritage Area Partnership and Steering Committee has prepared the Southern Maryland Heritage Area Heritage Tourism Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Southern Maryland Heritage Area Heritage Tourism Management Plan will complement other State and County initiatives in the Certified Heritage Area; and

WHEREAS, upon approval of the Southern Maryland Heritage Area Heritage Tourism Management Plan by the Board of County Commissioners for St. Mary's County, and upon approval of the Certified Heritage Area proposal by the Maryland Heritage Areas Authority, the County will begin the process to amend the County's Comprehensive Plan to adopt the portions of the Tourism Management Plan relevant to the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners for St. Mary's County, finds that designation of certain areas in the Southern Maryland region, as defined in the Southern Maryland Heritage Area Heritage Tourism Management Plan, including areas in St. Mary's County, as part of a regional Certified Heritage Area is desirable and in the best interest of the public health, safety, and welfare of the citizens of St. Mary's County; and

BE IT FURTHER RESOLVED, that Board of County Commissioners for St. Mary's County, hereby approves and adopts the Southern Maryland Heritage Area Heritage Tourism Management Plan for use in obtaining designation as a Certified Heritage Area; and

BE IT FURTHER RESOLVED, that Board of County Commissioners for St. Mary's County, authorizes the Southern Maryland Heritage Area Partnership and Steering Committee, on behalf of St. Mary's County, to submit the Southern Maryland Heritage Area Heritage Tourism Management Plan to the Maryland Heritage Area Authority for approval; and

Subject: Approval of Southern Maryland
Heritage Area Heritage Tourism
Management Plan And Authorization to
Submit Plan for State Certification

LIBERO 026 PAGE 36

BE IT FURTHER RESOLVED, that the foregoing recitals are incorporated herein by
reference; and

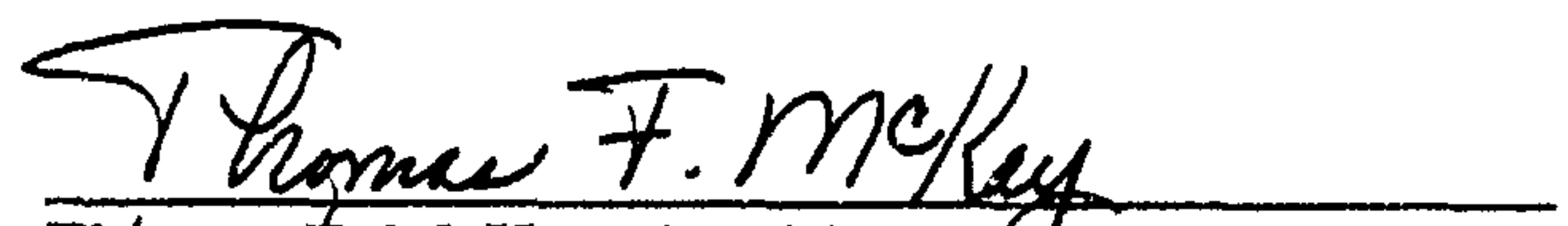
BE IT FURTHER RESOLVED, that this resolution shall take effect upon the date its
adoption.

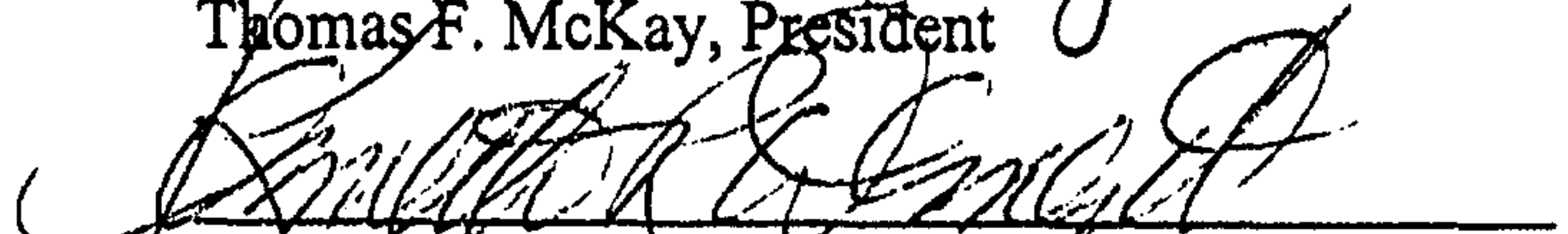
Those voting aye: 4
Those voting nay: 1
Those abstaining or absent: 0
Date of Adoption: May 20 2003
Effective Date: May 20 2003

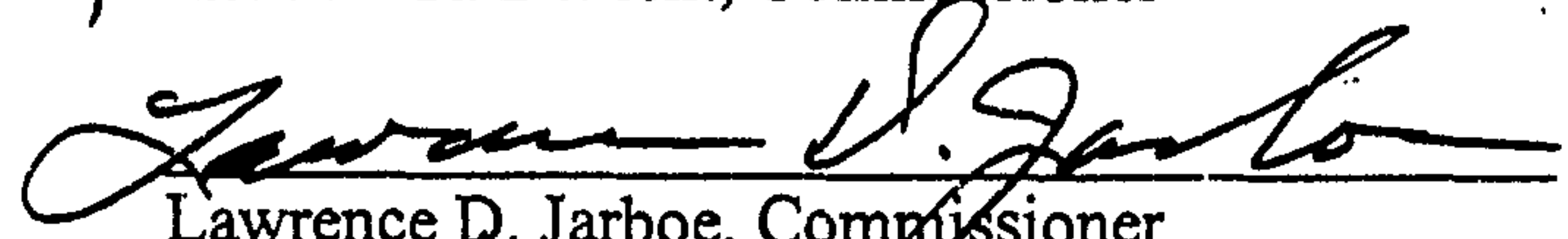
ATTEST:

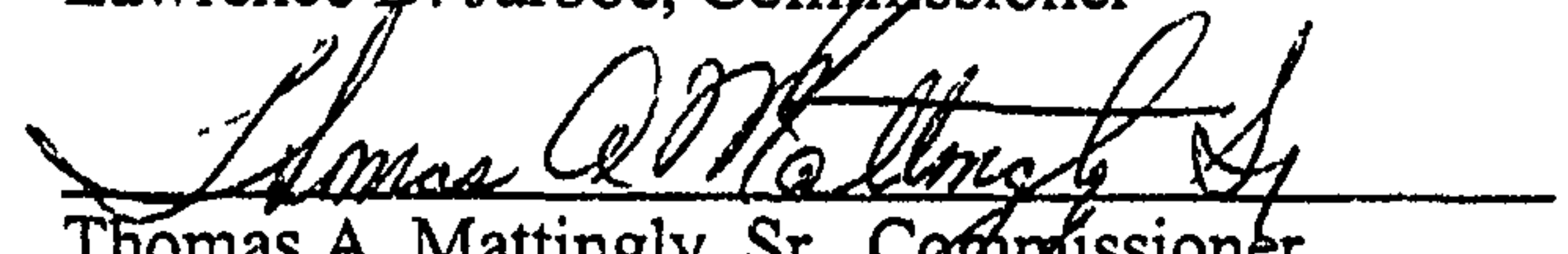
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY


George G. Forrest
Interim County Administrator


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

This Form Is Used by Government Entities

FORM TO DESIGNATE OR CHANGE A RESIDENT AGENT FOR SERVICE OF PROCESS BY A GOVERNMENT ENTITY

The Local Entity or State Agency (1) County Commissioners for St. Mary's County, Maryland
(Government Entity)

designates (2) John B. Norris, III, County Attorney
(Name of Resident Agent)

who is a citizen and resident of the State of Maryland, or a Maryland corporation, as its resident agent for service of process, and the address for the resident agent is:
(3) 23115 Leonard Hall Drive, Leonardtown, Maryland 20650

LENO 026 REGO 34

Attached is: [Check One Box] (4)

- 1. A copy of the portion of the charter of the local entity which authorizes the person to accept service of process for the local entity; or
- 2. A certified copy of a resolution of the local entity's governing body that authorizes the designation where the charter does not designate a person for service; or
- 3. A certified copy of a resolution by the governing body of a State agency not represented by Maryland Attorney General that authorizes the designation.

I, (5) Thomas F. McKay, Commissioner President, certify under the
(Name and Title of an Officer of the Government Entity)
penalties of perjury that the contents of this paper are true to the best of my knowledge, information and belief.

5/6/2003
Date

Thomas F. McKay
Signature of Officer of the Government Entity

I, John B. Norris, III, consent to my designation in this document as
(Name of Resident Agent)
resident agent for this entity.

(6) [Signature]
(Signature of Resident Agent)

Mail to: State Department of Assessments and Taxation
301 West Preston Street, Room 808
Baltimore, Maryland 21201

LIBERO 026 PAGE 3 SUBJ: ACQUISITION, RELOCATION OF TENANTS, DEMOLITION, SITE RESTORATION AND CONVERSION TO OPEN SPACE OF THE PROPERTY LOCATED AT 20228 POINT LOOKOUT ROAD, GREAT MILLS, MARYLAND

RECORDING FEE 0.00
TOTAL 0.00
Rest#999999
EM# CSS Bk#400L

RESOLUTION

WHEREAS, the BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY (the "County") and the State of Maryland, through its Department of the Environment entered into a Capital Project Grant Agreement on July 24, 2002, to acquire, relocate tenants, demolish, perform site restoration and conversion to open space of the property (the "Project") located at 20228 Point Lookout Road, Great Mills, Maryland, Tax Map 50, Parcel 43, consisting of 1.86 acres, more or less, recorded among the Land Records of St. Mary's County, Maryland, at Liber MRB 32, folio 70 (the "Property"), through the Hazard Mitigation Grant Program (HMGP) project application entitled Great Mills Apartment Acquisition as submitted under Federal Emergency Management Agency (FEMA) disaster number 1324-DR-MD; and

May 28, 2003 08:59 am

WHEREAS, the Board of County Commissioners for St. Mary's County and the State of Maryland, through its Department of the Environment, entered into the aforementioned Capital Project Grant Agreement for the purposes of reducing the public and private flood damages by participating in the funding of local government capital projects which will reduce flood damages, to conduct watershed studies to define flood magnitudes and frequencies for present and planned development and to identify alternatives for controlling and reducing flood damages, and to encourage proper local flood hazard management planning by assisting in the implementation of projects for which local flood hazard management plans demonstrate a need and which are consistent with Program policies; and

WHEREAS, pursuant to the Hazard Mitigation Grant Program, the tenants of the Great Mills Apartments were notified on March 8, 2002, of the potential acquisition of the Property; and

WHEREAS, after receiving two (2) appraisals for the value of the property as required by the Capital Project Grant Agreement, an offer was extended to the Personal Representative of the Estate of Irving H. Mansfield on October 22, 2002 and was accepted on February 3, 2003 in the amount of Two Hundred Thousand Dollars (\$200,000.00), a cost of which is included in the aforesaid Capital Project Grant Agreement; and

WHEREAS, through the Capital Project Grant Agreement, the Board of County Commissioners for St. Mary's County will provide 12.5% of the costs of the Project not to exceed the amount of \$61,350.00; and

WHEREAS, through the Capital Project Grant Agreement, the State of Maryland, through its Department of the Environment, will provide 12.5% of the costs of the Project in the amount of \$61,350.00; and

WHEREAS, through the Capital Project Grant Agreement, the Federal Emergency Management Agency (FEMA) will provide 75% of the costs of the Project in the amount of \$368,100.00; and

WHEREAS, tenants who must relocate as a result of the Great Mills Apartment Acquisition Project may be eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

WHEREAS, if tenants are determined eligible for relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, they may be entitled to advisory services to help them find an appropriate replacement home, compensation for moving expenses and financial assistance to help them rent or buy a replacement home; and

WHEREAS, the Board of County Commissioners for St. Mary's County, Maryland, held a public hearing on April 29, 2003 pursuant to Article 25, Section 3(r) of the Annotated Code of Maryland, after due notice was published in The Enterprise, a newspaper of general circulation in St. Mary's County, on April 9, 2003 and April 16, 2003, in order to hear public comments concerning the acquisition, relocation of tenants, demolition, site restoration and conversion to

open space of the Great Mills Apartment Acquisition as submitted under Federal Emergency Management Agency (FEMA) disaster number 1324-DR-MD.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR ST. MARY'S COUNTY, THAT:

1. The Board of County Commissioners for St. Mary's County is hereby fully authorized and empowered to accept the Great Mills Apartments Acquisition grant from FEMA in the amount of \$368,100.00 (not to exceed 75% of the Project costs), and from the State of Maryland, through its Department of the Environment, in the amount of \$61,350.00 (not to exceed 12.5% of the Project costs) for the acquisition, relocation of tenants, demolition, site restoration, and conversion to open space of the Property (the "Project").

2. The Board of County Commissioners for St. Mary's County agree to contribute \$61,350.00 toward the cost of the acquisition, relocation of tenants, demolition, site restoration and conversion to open space (the "Project") and is fully authorized and empowered to do so

3. This Resolution shall be effective upon its adoption in accordance with applicable law this 20 day of May 2003.

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

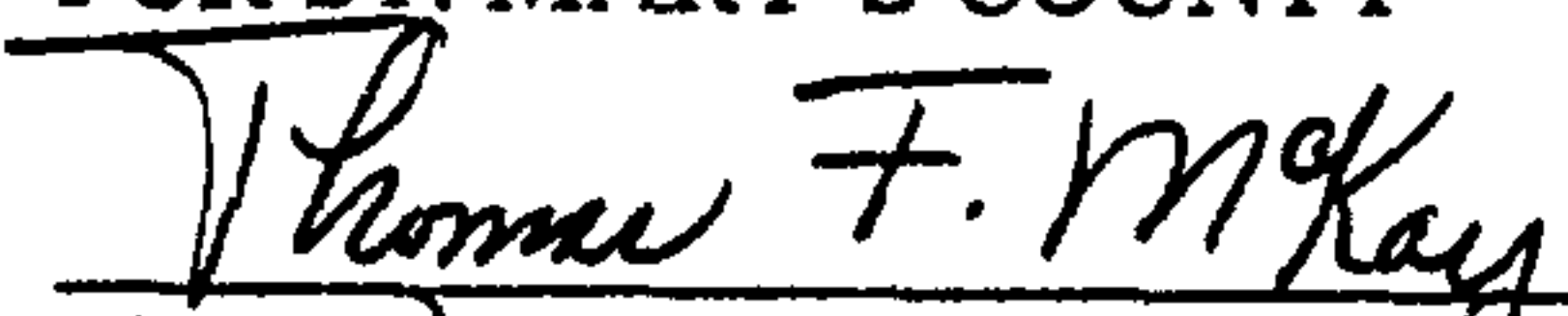
RESOLUTION 26 PAGE 3 8

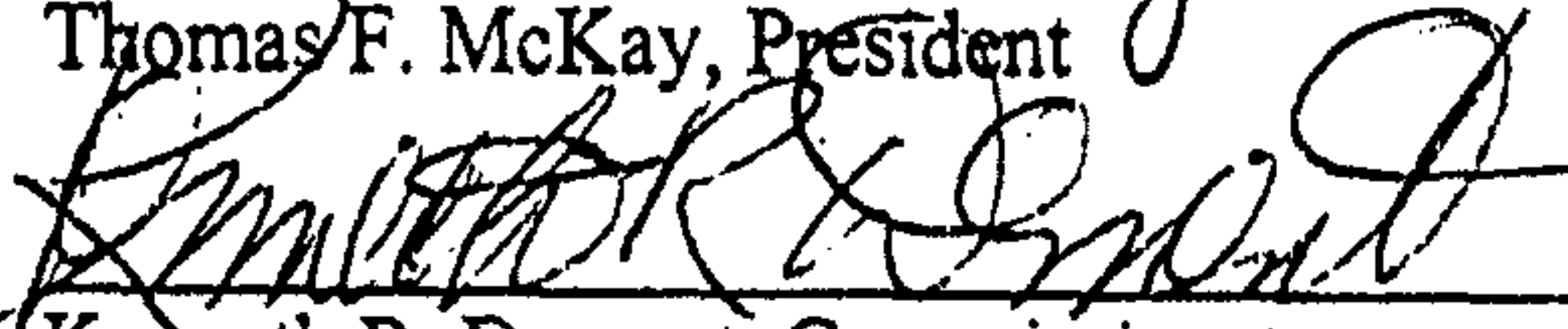
Date of Adoption: 5/20/03
Effective Date: 5/20/03

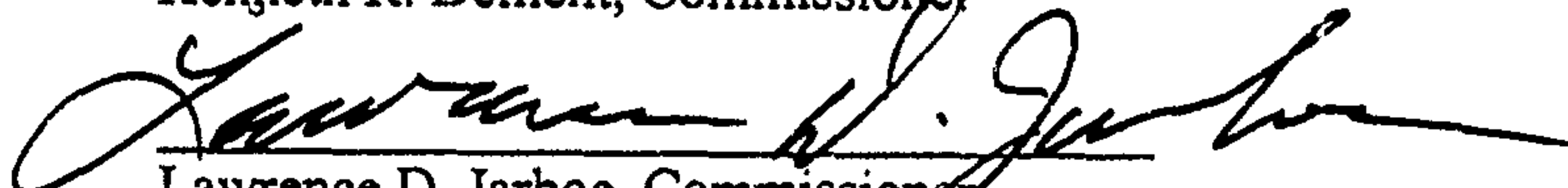
BOARD OF COUNTY COMMISSIONERS
FOR ST. MARY'S COUNTY

ATTEST:

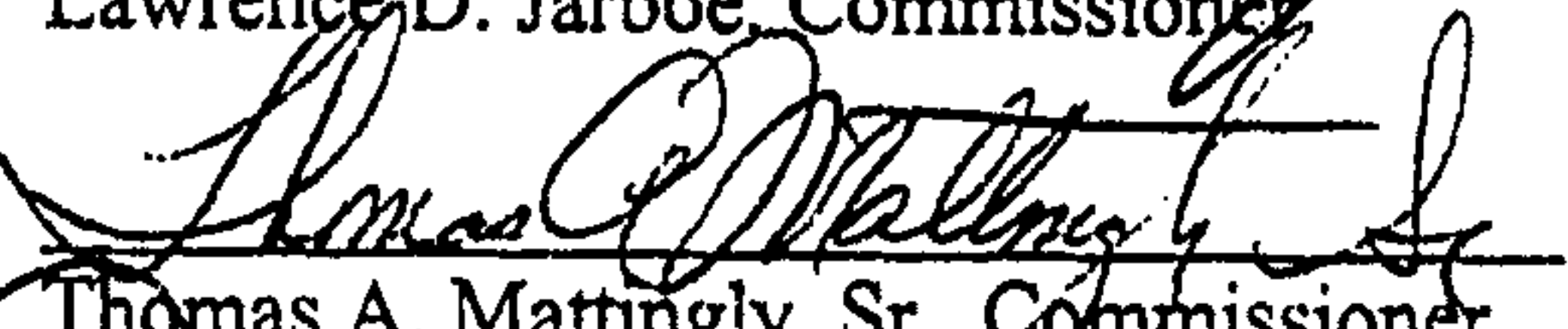

George G. Forrest
Interim County Administrator

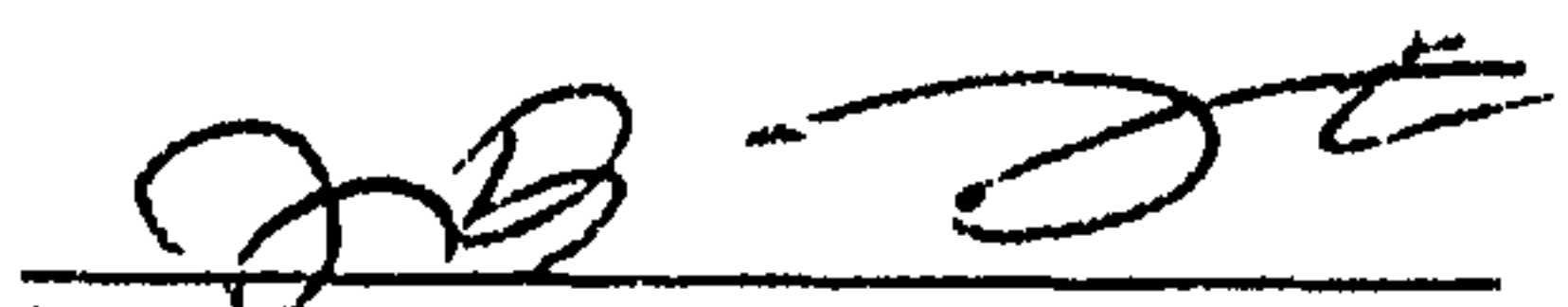

Thomas F. McKay, President



Kenneth R. Dement, Commissioner


Lawrence D. Jarboe, Commissioner

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY


Thomas A. Mattingly, Sr., Commissioner


John B. Norris, III
County Attorney


Daniel H. Raley, Commissioner

Subject: To Support River Bay Townhomes, LP

Purpose

Resolution of the Board of County Commissioners for St. Mary's County supporting the development of housing in St. Mary's County, by River Bay Townhomes, LP to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").

RESOLUTION

WHEREAS, River Bay Townhomes, LP, proposes to develop and operate a town home rental housing development comprised of approximately 173 units, known as River Bay Townhomes and located off Forest Park Road at the end of Baywoods Drive, Lexington Park, Maryland 20653, all or a portion of which will assist families of moderate income as required by applicable law or regulations; and

WHEREAS, the Department, either directly or through the Administration, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

WHEREAS, the applicable law, regulations and Departmental requirements necessitate local support of the Project by the Board of County Commissioners for St. Mary's County; and

NOW, THEREFORE BE IT RESOLVED that, the Board of County Commissioners for St. Mary's County supports the Department and/or Administration's Project Financing in the form of a loan in the approximate amount of \$17,400,000; and

BE IT FURTHER RESOLVED that, the Board of County Commissioners be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and

BE IT FURTHER RESOLVED that, by the Board of County Commissioners copies of this Resolution be sent to the Secretary of Housing and Community Development of the State of Maryland.

BE IT FURTHER RESOLVED that, the foregoing recitals are hereby incorporated by reference as if full set forth herein.

BE IT FURTHER RESOLVED that, this resolution shall be effective upon the date set forth below as the "Effective Date".

Those voting aye: all

Those voting nay: X

Those abstaining or absent: X

Approved Date: 6/3/03

Effective Date: 6/3/03

RECORDING FEE 0.00
TOTAL 0.00
Res#SN02 Rcpt#999999
EWA KAE 81k#1933
Jun 17, 2003 10:33 am

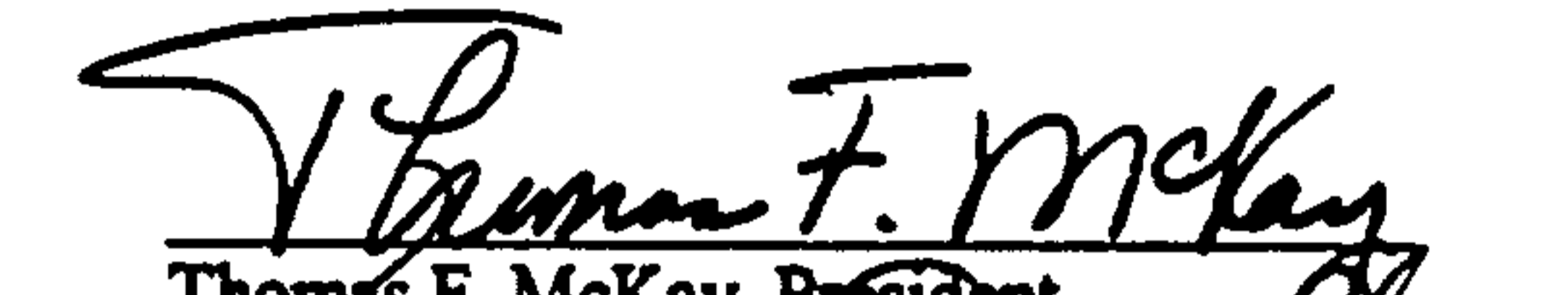
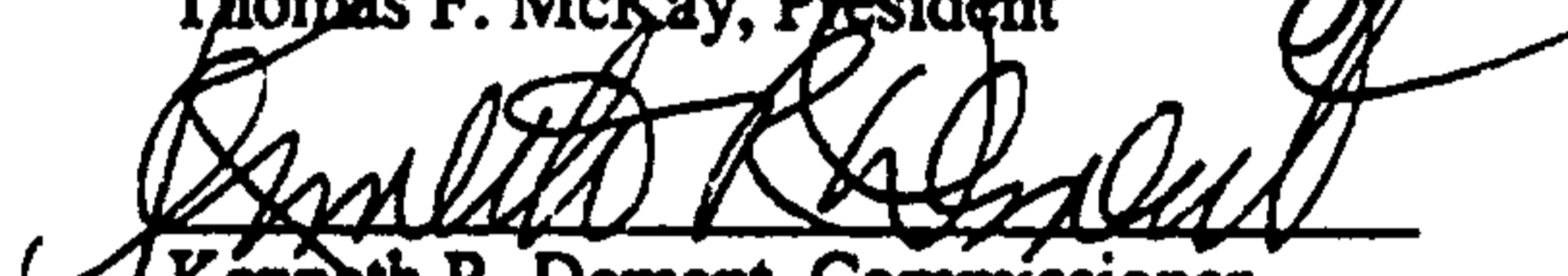
NO. 03- 112
To: Support River Bay
Townhomes, LP

Page 2 of 2


ATTEST:

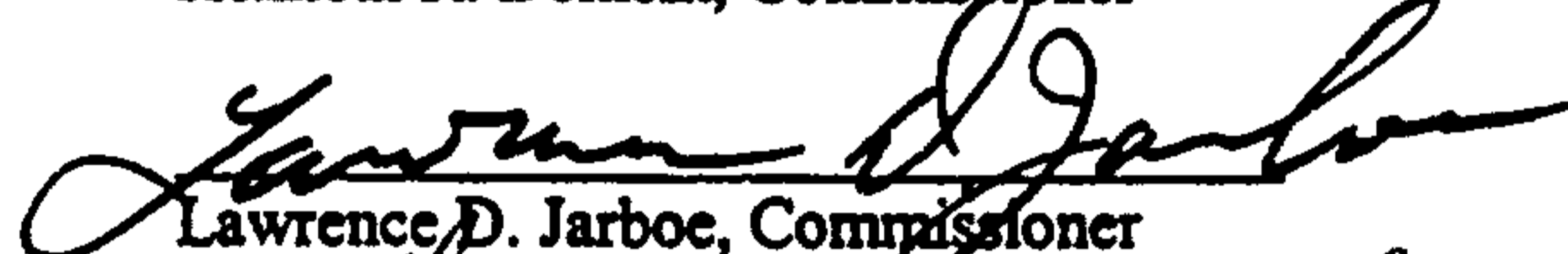



George C. Forrest
Interim County Administrator

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


Thomas F. McKay, President

Kenneth R. Dement, Commissioner

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


John B. Norris, III
County Attorney


Lawrence D. Jarboe, Commissioner

Thomas A. Mattingly, Sr. Commissioner

Daniel H. Raley, Commissioner

RECORDING FEE 0.00
TOTAL 0.00
Res#1902 Rcpt#999999ORDINANCE

WHEREAS, the Board of County Commissioners for St. Mary's County adopted Resolution No. 90-19, on October 16, 1990, that (1) repealed and re-enacted Resolution 89-13 to impose and collect certain taxes on energy or fuel, and to provide reauthorization of taxes as set forth in Sections 24E, 24F and 30 of Chapter 267 of the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County); and

EWA KAE Blk#1933
Jun 17, 2003 10:33 am

WHEREAS, the Board of County Commissioners for St. Mary's County are authorized and empowered to impose and collect such taxes pursuant to Section 9-604 of the Tax-General Article of the Maryland Annotated Code; and

WHEREAS, pursuant to Maryland Annotated Code Article 25, Section 3(r) a public hearing was held on May 19, 2003 after due and appropriate notice was advertised in The Enterprise, a newspaper of general circulation in St. Mary's County, on May 16, 2003 and in the Southern Maryland Extra, published and distributed as a supplement to the Washington Post within St. Mary's County, a newspaper of general circulation in St. Mary's County, on May 11 and May 18, 2003; and

WHEREAS, after public input and consideration of input from staff and the public, it is determined that it is in the County's best interest to clarify the calculation of the tax rate to provide that the Board of County Commissioners shall set, as part of its annual budget process, the energy tax rate, not to exceed five (5%) percent, which tax shall be more simply calculated by multiplying the adopted rate by the charge per customary unit.

NOW, THEREFORE, BE IT ORDAINED, by the County Commissioners for St. Mary's County that Ordinance No. 90-19, codified at Chapter 267, Article XIII, Energy and Fuel Tax, of the Code of St. Mary's County Maryland, is hereby amended as follows:

Section C shall be repealed and readopted to read as follows:

- C. The tax shall be reflected in terms of an amount per customary unit of measure and shall be computed by multiplying the tax rate set by the Board of County Commissioners as a part of the annual budget process, not to exceed five (5%) percent, by the charge per customary unit of energy or fuel reflected in the energy or fuel bill to the customer.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that Section F, (1), (2), and (3) of Chapter 267, Article XIII, Energy and Fuel Tax, of the Code of St. Mary's County Maryland shall be repealed and deleted, as the calculation shall be solely based on the customary unit charged being billed by the vendor as set forth in Section C.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that the following shall be adopted as Section F of Chapter 267, Article XIII, Energy and Fuel Tax, of the Code of St. Mary's County Maryland:

- F. After the adoption of the operating budget, and no later than June 10, the Director shall certify to each vendor the rates of taxation for the next fiscal year as set forth in the adopted budget.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that Chapter 267, Article XIII of the Code of St. Mary's County, Maryland be amended to reflect the changes set forth herein.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that Chapter 267, Article XIII of the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County) otherwise remain in full force and effect.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that the recitals above are hereby incorporated and adopted as if fully written herein.

BE IT FURTHER ORDAINED, by the County Commissioners for St. Mary's County that this enactment shall be effective as of the date written below.

Those voting Aye: all

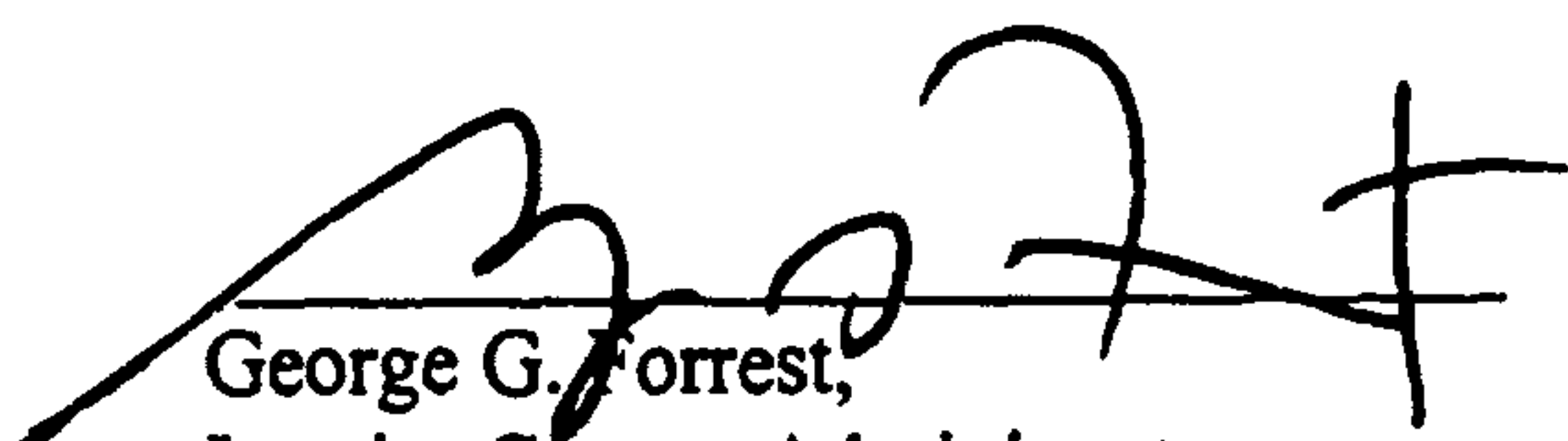
Those voting Nay: 0

Those Abstaining: 0

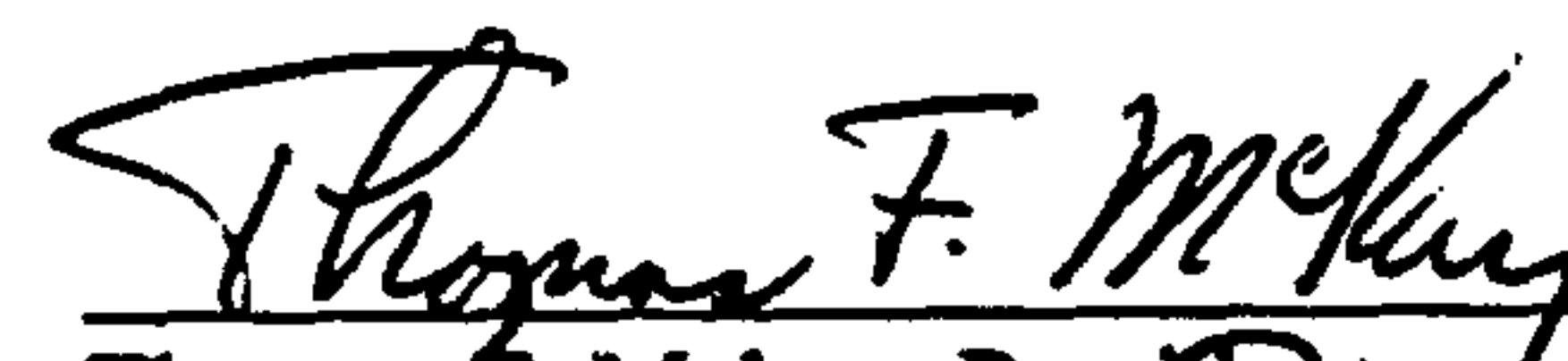
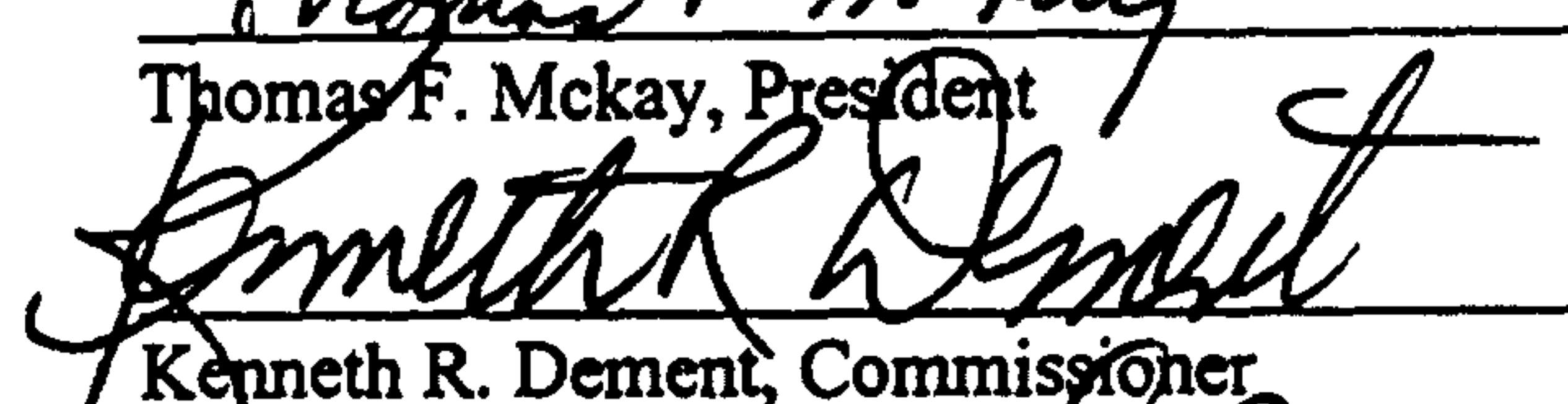
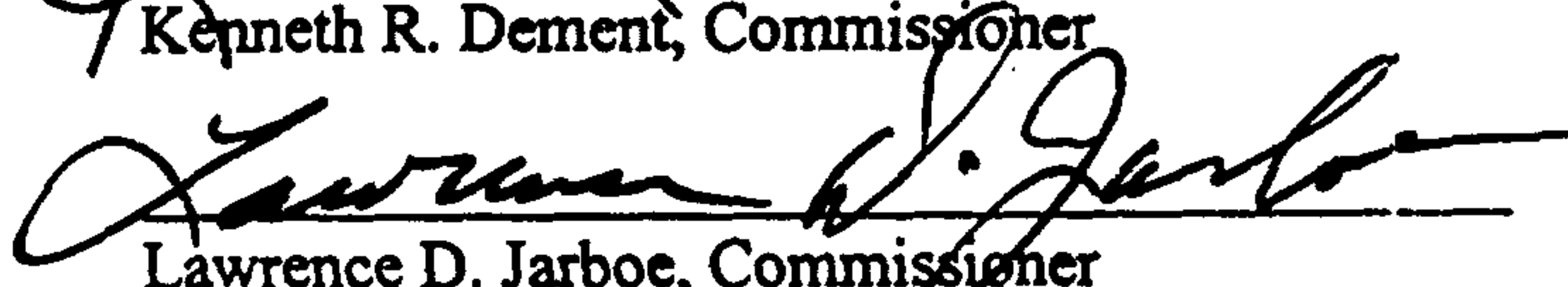
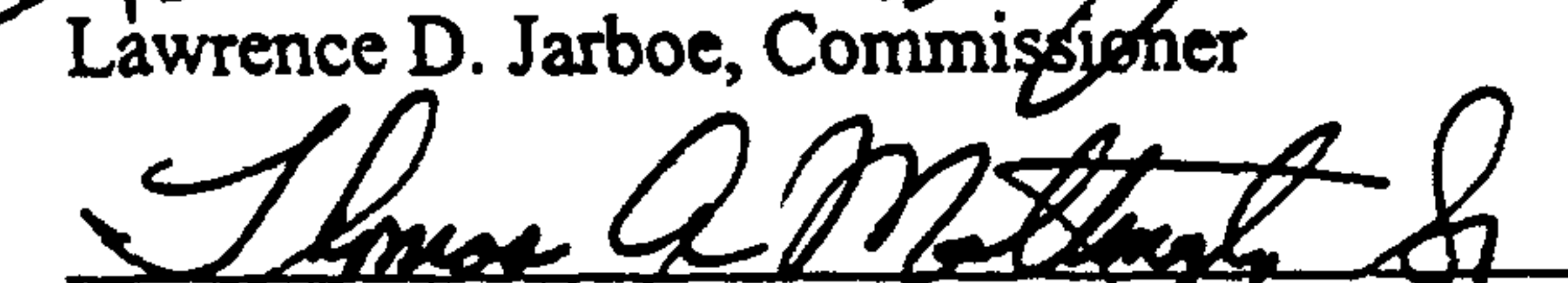
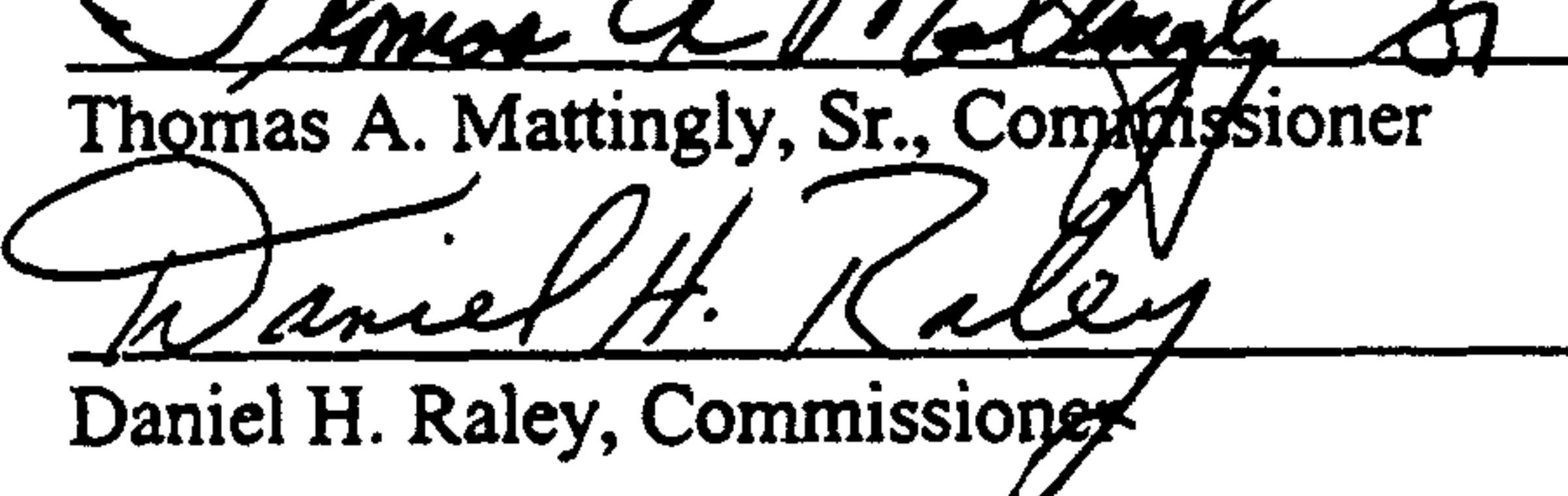
DATE OF ADOPTION: 5/29/03

EFFECTIVE DATE: July 1, 2003


ATTEST:


George G. Forrest,
Interim County Administrator

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


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

NO.: 2003-06

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATE, PROPERTY TAX RATE, ENERGY AND FUEL TAX RATES, AND SPECIAL DISTRICT TAX RATES FOR FISCAL YEAR 2004

RECORDING FEE 8.00
 TOTAL 8.00
 RES# 1512 Rcpt# 339999
 EHA KAE BIK# 1933
 Jun 17, 2003 10:34 am

REVENUE TAX ORDINANCE

Budget Authority

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

Compliance with Budget Procedures

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 27, 2003, public hearings were held on April 22, 2003 and April 23, 2003, pursuant to Notice published on April 11, 2003 and April 18, 2003 in The Enterprise, a newspaper of general circulation in the County; and

Fire Property Tax Levy Authority

WHEREAS, the 1957 Laws of Maryland, Chapter 759, Section 77B, which has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 49-1, as amended by 2003 Laws of Maryland Chapter 247, signed by the Honorable Robert L. Ehrlich, Jr., Governor, on May 13, 2003 authorizes and directs the Board of County Commissioners for St. Mary's County to levy, beginning all tax years after June 30, 2003, a fire tax of not more than five and six-tenths cents (\$0.056) on every One hundred dollars (\$100.00) of assessed valuation of all real property other than operating real property of a public utility; and to levy a fire tax of not more than fourteen cents (\$0.14) on every One hundred dollars (\$100.00) of assessed valuation of all personal property and operating real property of a public utility in the Election Districts wherein the question of levying said Fire Tax has been submitted to and approved by a referendum of the legally qualified voters; and

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

Authority for a Service Charge for the Semi-Annual Payment of Property Taxes

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

WHEREAS, the Maryland Department of Assessments and Taxation has approved a service charge of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment to cover lost interest income and administrative expenses associated with the semiannual payment for a property owner electing to pay real property taxes under a semiannual payment schedule pursuant to Section 10-204.3 of the Tax-Property Article of the Maryland Annotated Code. As a result, the service charge shall be effective at the rate of One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and

Income Tax Levy Authority

WHEREAS, pursuant to Section 10-106(a) (iii) of the Tax-General Article of the Maryland Annotated Code and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-15, the County Commissioners for St. Mary's County shall set, by ordinance or resolution, a County Income Tax equal to at least One percent, (1%), but not more than Three and two-tenth percent, (3.20%), of an individual's

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATE, PROPERTY TAX RATE,
ENERGY AND FUEL TAX RATES, AND
SPECIAL DISTRICT TAX RATES
FOR FISCAL YEAR 2004

Maryland taxable income for the taxable year beginning after December 31, 2001; and

WHEREAS, *Tax-General Article* of the Maryland Annotated Code, Section 10-106(a)(2) and the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 267-16 authorizes the County income tax to continue until the County changes the rate by ordinance or resolution; and

WHEREAS, the Board of County Commissioners for St. Mary's County, by Ordinance 2000-24, adopted June 27, 2000, set the County Income Tax Rate at Three and one-tenth percent, (3.10%), of an individual's Maryland taxable income; and

Energy and Fuel Tax Rate Levy Authority

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

WHEREAS, the Board of County Commissioners imposed such a sales and use tax on energy or fuel by Ordinance No. 89-13 adopted on May 16, 1989, and repealed and re-enacted by Ordinance No. 90-19 adopted on October 16, 1990, which ordinance has been codified as the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Sections 267-23 through 267-28; and which was amended by ordinance 2003-_____, as adopted by the Board of County Commissioners on May 29, 2003; and

WHEREAS, *Article 24*, Section 9-604 of the Maryland Annotated Code provides that the sales and use tax on energy or fuel may not exceed Five percent, (5%), of the vendor's unit charges to customers billed in the County by all vendors for energy and fuel subject to the tax within classifications separated by energy or fuel; and

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

Special District Tax Rate Levy Authority

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

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

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

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

SUBJECT: ORDINANCE FOR LEVYING RATES FOR
ST. MARY'S COUNTY REVENUE TAXES,
FIRE TAX RATE, PROPERTY TAX RATE,
ENERGY AND FUEL TAX RATES, AND
SPECIAL DISTRICT TAX RATES
FOR FISCAL YEAR 2004

Special District Tax – Hollywood Shores Shore Erosion Control District Levy Authority

WHEREAS, the County Commissioners for St. Mary's County, by virtue of *Article 25, Section 166(a)* of the Maryland Annotated Code, shall impose an annual levy to pay all interest as it becomes due, all principal as it matures and all expenses to effectuate the provisions of that subtitle, including the construction, maintenance and repairs of improvements; and the reimburse the County Commissioners for St. Mary's County for, acting as district counsel for each district, for all expenses incurred by them, not to exceed Two Hundred Dollars, (\$200.00), each; and

WHEREAS, the Board of County Commissioners for St. Mary's County have directed the Department of Public Works to conduct annual inspections of the district's improvements and to annually submit a budget for "district maintenance" including inspection, maintenance, repairs, and incidental and overhead expenses, for purposes of maintaining and repairing the District's improvements until the District is first dissolved; and

WHEREAS, the Department of Public Works has conducted such inspections and prepared such a budget; and

Levy of Fire Property Tax Rate

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County, the Fire Tax is hereby assessed on every One hundred dollars (\$100.00) of assessed valuation of all real and personal property and operating real property of a public utility, effective July 1, 2003, as follows:

| | | |
|-------------------------------|---------------------|---------|
| Fire Tax Rates-Real Property: | Election District 1 | \$.036 |
| | Election District 2 | \$.044 |
| | Election District 3 | \$.024 |
| | Election District 4 | \$.044 |
| | Election District 5 | \$.044 |
| | Election District 6 | \$.044 |
| | Election District 7 | \$.044 |
| | Election District 8 | \$.044 |
| | Election District 9 | \$.036; |

Fire Tax Rates – Personal and Operating Real Property of a public utility:

| | |
|---------------------|--------|
| Election District 1 | \$.09 |
| Election District 2 | \$.11 |
| Election District 3 | \$.06 |
| Election District 4 | \$.11 |
| Election District 5 | \$.11 |
| Election District 6 | \$.11 |
| Election District 7 | \$.11 |
| Election District 8 | \$.11 |
| Election District 9 | \$.09; |

Levy of Service Charge for the Semi-Annual Payment of Property Taxes

BE IT FURTHER ORDAINED, by the Board of County Commissioners of St. Mary's County that the property tax rate for St. Mary's County for fiscal year 2004, Ninety and eight-tenths cents (\$.908) per One hundred dollars, (\$100.00), of assessed valuation, for real property and Two dollars and twenty-seven cents (\$2.27) per One hundred dollars (\$100.00) of

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATE, PROPERTY TAX RATE, ENERGY AND FUEL TAX RATES, AND SPECIAL DISTRICT TAX RATES FOR FISCAL YEAR 2004

assessed valuation for other property, as enacted by Ordinance 2000-15, is reaffirmed; and

BE IT FURTHER ORDAINED, by the Board of County Commissioners of St. Mary's County that the service charge, applicable only to those choosing to take advantage of the optional semiannual payment schedule for State, County and special taxing district property taxes due on owner-occupied residential property pursuant to Section 10-204.3 of the Tax-Property Article of the Maryland Annotated Code, be established at One and three hundred seventy-five thousandths percent, (1.375%), of the amount of tax due at the second installment; and

Levy of Energy and Fuel Tax Rate

BE IT FURTHER ORDAINED, by the Board of County Commissioners of St. Mary's County that the following energy and fuel tax rates are enacted for St. Mary's County for fiscal year 2004:

| | |
|-------------------|---|
| Energy Tax Rates: | Electricity - 5% of the billed unit charge per kilowatt-hour. |
| | Fuel Oil - 5% of the billed unit charge per gallon. |
| | Liquefied Petroleum Gas - 5% of the billed unit charge |

Levy of Special District Tax Rate

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that, pursuant to its authority, the following Special District tax rates shall be enacted for the following districts for Fiscal Year 2004:

| | |
|--------------------------|--|
| Breton Bay Shore Erosion | Group A - \$413.97 per year; Group B - \$137.99 per year. |
| Jefferson Island Erosion | Varying amounts each year, per DNR agreements, hereby incorporated by reference. |
| Tall Timbers Erosion #2 | \$8.85 per front foot. |
| Tall Timbers Erosion #3 | \$115.33 per front lot; \$57.28 per back lot. |
| Duke Drive | \$67.29 per lot. |
| Southampton Lighting | \$19.76 per lot. |
| Kline Drive | \$100.48 per lot. |
| Scott Circle | \$130.76 per lot. |
| Roof Top Circle | \$237.80 per lot. |
| Miles Drive | \$270.24 per lot. |
| Rosebank Village | \$342.65 per lot. |
| Cloverdale Acres | \$512.75 per lot. |
| Wicomico Shores | \$228.73 per lot. |
| Hollywood Shores | \$39.47 per owner (plus annual maintenance and inspection fee) |
| Mallard Creek | \$259.26 per owner |
| Little Kingston Creek | \$136.35 per owner |
| Mulberry South | \$283.76 per lot |

Levy of Special District Tax – Hollywood Shores Shore Erosion Control District

BE IT FURTHER ORDAINED, that the Board of County Commissioners for St. Mary's County, Maryland acting as the District Council by virtue of *Article 25, Section 166(a) and (b)* hereby levies, on each "property" within the boundaries of the Special Districts, the first annual assessment of \$0.004298 per One hundred dollars (\$100) of value for inspection, maintenance, repairs, district overhead, and incidental expenses, as to the Hollywood Shores Shore Erosion Control District.

SUBJECT: ORDINANCE FOR LEVYING RATES FOR ST. MARY'S COUNTY REVENUE TAXES, FIRE TAX RATE, PROPERTY TAX RATE, ENERGY AND FUEL TAX RATES, AND SPECIAL DISTRICT TAX RATES FOR FISCAL YEAR 2004

Those voting Aye: all

Those voting Nay: 0

Those Absent: 0

Adoption Date: 5/29/03 May 29, 2003

Effective Date of Ordinance: July 1, 2003
Effective Date of Fire Tax Rates: July 1, 2003
Effective Date of Property Tax Service Charge: July 1, 2003
Effective Date of Income Tax Rate: January 1, 2004
Effective Date of Energy and Fuel Tax Rate: July 1, 2003
Effective Date of Special District Tax Rate: July 1, 2003
Effective Date of Special District Tax - Hollywood Shores Shore Erosion Control District Rate: July 1, 2003

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

Thomas F. McKay
Thomas F. McKay, President

Kenneth R. Dement
Kenneth R. Dement, Commissioner

Lawrence D. Jarboe
Lawrence D. Jarboe, Commissioner

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

Daniel H. Raley
Daniel H. Raley, Commissioner

ATTEST:

George G. Forrest
George G. Forrest
Interim County Administrator

Elaine M. Kramer
Elaine M. Kramer
Director of Finance

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John B. Norris, III
John B. Norris, III
County Attorney

LINE 0026 PAGE 48

NO: 2003-07

SUBJECT: FY 2004 ST. MARY'S COUNTY BUDGET

APPROPRIATION ORDINANCE

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

WHEREAS, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-5, the Recommended Budget was filed in the office of the Board of County Commissioners on March 27, 2003, public hearings were held on April 22, 2003 and April 23, 2003, pursuant to Notice published on April 11, 2003 and April 18, 2003 in The Enterprise, a newspaper of general circulation in the County; and

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners for St. Mary's County that the operating budget for fiscal year 2004 (FY 2004) is hereby adopted as set forth in the "St. Mary's County Approved Budget for Fiscal Year 2004," a copy of which is incorporated herein by reference. In accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-8, transfer of appropriations between general classification of expenditures as outlined in this Ordinance may be authorized by the Board of County Commissioners of St. Mary's County; and

BE IT FURTHER ORDAINED by the County Commissioners for St. Mary's County that the following appropriations and capital improvement program are enacted for St. Mary's County for the fiscal year beginning July 1, 2003 (FY 2004) as follows:

RECORDING FEE 0.00
 TOTAL 0.00
 Res#SM02 Rcr#1999999
 EMA KAE BIK#1933
 Jun 17, 2003 10:35 am

SECTION 1. OPERATING APPROPRIATIONS

County Departments

| | |
|--|----------------------|
| County Commissioners/County Administrator | \$ 958,532 |
| Office on Aging | 1,868,596 |
| Office of Community Services | 981,279 |
| County Attorney | 419,963 |
| Dept. of Economic & Community Development | 2,032,305 |
| Emergency Management Agency | 1,053,743 |
| Department of Finance | 1,170,904 |
| Marcey Halfway House | 377,154 |
| Dept. of Information Technology | 1,513,845 |
| Department of Human Resources | 1,202,913 |
| Department of Facilities Management | 3,406,540 |
| Department of Land Use & Growth Management | 2,304,760 |
| Dept. of Public Works and Transportation | 10,380,760 |
| Department of Recreation and Parks | 2,314,358 |
| Emergency Communications | <u>1,955,633</u> |
| Total County Departments | <u>\$ 31,941,235</u> |

Elected Officials

| | |
|--------------------------------|----------------------|
| Circuit Court | \$ 987,867 |
| Orphan's Court | 30,675 |
| Office of the Sheriff | 17,259,921 |
| Office of the State's Attorney | 1,938,679 |
| County Treasurer | <u>304,652</u> |
| Total Elected Officials | <u>\$ 20,521,794</u> |

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NO.: 2003 07

SUBJECT: FY 2004 ST. MARY'S COUNTY BUDGET

State Agencies and
Independent Boards

| | |
|---|----------------------|
| Department of Health | \$ 1,018,098 |
| Department of Social Services | 324,999 |
| Alcohol Beverages Board | 156,206 |
| Supervisors of Elections | 490,710 |
| Cooperative Extension Service | 143,380 |
| Ethics Commission | 8,889 |
| Wicomico Scenic River Commission | 1,000 |
| Soil Conservation District | 41,794 |
| Board of Education | 56,124,939 |
| College of Southern Maryland | 1,950,563 |
| Board of Library Trustees | 1,652,624 |
| Total State Agencies and Independent Boards | <u>\$ 61,913,202</u> |

Non-Profit Private Entity
Contributions

| | |
|--|---------------------|
| The ARC of Southern Maryland, Inc. | \$ 132,150 |
| Big Brothers / Big Sisters | 4,000 |
| Catholic Charities | 15,000 |
| So. Md. Center for L.I.F.E. | 15,000 |
| The Center for Life Enrichment | 155,908 |
| Chamber of Commerce | 20,920 |
| Farmers Market | 1,000 |
| Greenwell Foundation | 30,000 |
| Historic St. Mary's City Foundation | 1,500 |
| St. Mary's Co. Historical Society | 12,700 |
| Hospice of St. Mary's | 15,000 |
| La Familia | 1,500 |
| Lexington Park Lions Club | 1,500 |
| Literacy Council of St. Mary's County | 12,000 |
| Maryland Dept. of Agriculture Weed Control | 12,500 |
| Maryland Geological Survey | 17,130 |
| Maryland Historical Society | 1,000 |
| Minority Business Alliance | 5,000 |
| Patuxent River Naval Air Museum | 30,000 |
| Navy Alliance | 20,000 |
| Lexington Park Rotary-Oyster Festival | 5,000 |
| St. Mary's College River Concert Series | 10,000 |
| St. Mary's College Scholarship Fund | 6,000 |
| Seventh District Optimist | 10,000 |
| Sotterley Foundation | 25,000 |
| Southern Md. Higher Education Center | 50,000 |
| So. Md. Child Care Resource Center | 7,400 |
| Southern Md. Resource Conservation/Dev. | 5,200 |
| Three Oaks Center | 50,000 |
| Alternatives for Youth & Families, Inc. | 26,250 |
| Tri-County Community Action (SMTCCAC Inc) | 17,751 |
| Tri-County Council | 94,200 |
| Tri-County Youth Services Bureau | 116,479 |
| Walden/Sierra | 195,038 |
| Watermen's Association | 15,000 |
| Women's Center | 72,409 |
| Total - Non-County Agencies | <u>\$ 1,209,535</u> |

NO.: 2003-07

SUBJECT: FY 2004 ST. MARY'S COUNTY BUDGET

Private Entity Agents of
County Government

Mental Health Authority of St. Mary's \$ 54,945

Private Entity Emergency
Service Providers

Fire Departments and Rescue Squads \$ 1,459,440

Other Government Budget
Costs

| | |
|--|----------------------|
| Designated for Potential Grants | \$ 150,000 |
| Leonardtown Tax Rebate | 48,129 |
| Employer Contributions - Retiree Health Benefits | 920,000 |
| Unemployment Insurance | 2,500 |
| G. O. Bonds - Administration Fees | 14,000 |
| Bank Service Fees | 10,000 |
| Debt Service | 12,017,896 |
| 911 Emergency Communications Contract | <u>1,201,460</u> |
| Total Other Government Budget Costs | \$ <u>14,363,985</u> |

Transfers & Reserves

| | |
|-----------------------------------|---------------------|
| Reserve - Rainy Day | \$ 394,592 |
| Reserve - Bond Rating | 327,257 |
| Reserve -Emergency Appropriations | <u>624,640</u> |
| Total Transfers & Reserves | \$ <u>1,346,489</u> |

TOTAL GENERAL FUND \$ 132,810,675

Enterprise and Special Revenue Funds

| | | |
|-----|---|---------------------|
| 505 | Recreation and Parks Activities Fund | \$ 2,989,015 |
| 520 | Wicomico Shores Municipal Golf | 1,028,477 |
| 205 | Medical Adult Day Care Special Revenue Fund | 944,701 |
| 530 | Miscellaneous Revolving Fund | 73,399 |
| 210 | Special Assessments Fund | <u>58,415</u> |
| | TOTAL ENTERPRISE & SPECIAL REVENUE FUNDS | \$ <u>5,093,707</u> |

SECTION 2. CAPITAL IMPROVEMENTS FUND APPROPRIATIONS

Public Facilities

| | |
|---|---------------------|
| College of Southern Maryland - Additional Equipment | \$ 224,984 |
| Naval Air Museum & Visitor's Center | (7,475,000) |
| Lexington Manor | 7,900,000 |
| Leonardtown Library - Upper Level | 50,000 |
| Former Lexington Park Library Renovation | 605,706 |
| Building Maintenance & Repair Projects | <u>100,000</u> |
| Total Public Facilities | \$ <u>1,405,690</u> |

Land Conservation

| | |
|--|-------------------|
| Agricultural Land Preservation Program | \$ <u>435,000</u> |
|--|-------------------|

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NO.: 2003-07

SUBJECT: FY 2004 ST. MARY'S COUNTY BUDGET

| | | |
|---------------------------------|--|----------------------|
| Marine | St. Jeromes Creek Dredging | \$ <u>25,000</u> |
| Highways | Surface Treatment | \$ 375,000 |
| | Slurry/Modified Seal | 200,000 |
| | Streetscape Improvements | 45,400 |
| | Transportation Plan Update | <u>50,000</u> |
| | Total Highways | \$ <u>670,400</u> |
| Solid Waste | St. Andrews Landfill Closure Area B | \$ <u>3,900,000</u> |
| Recreation and Parks | Nicolet Park Expansion | \$ 200,000 |
| | Chaptico Park - Phase I | 825,000 |
| | Three Notch Trail | 150,000 |
| | Park Planning Grant | <u>10,000</u> |
| | Total Recreation and Parks | \$ <u>1,185,000</u> |
| Public Landings | Fox Harbor Landing | \$ 100,000 |
| | Forest Landing | 100,000 |
| | Wicomico Shores - Boat Ramp | 50,000 |
| | Piney Point Shore Erosion | 50,000 |
| | Abell's Wharf Public Landing | (534,510) |
| | Derelict Boat Removal | <u>30,000</u> |
| | Total Public Landing Acquisition and Development | \$ <u>(204,510)</u> |
| Public Schools | Forrest Career & Technology Center | \$ 3,089,000 |
| | Margaret Brent Middle Addition/Renovation | 9,491,000 |
| | Carver Elementary - Replacement School | 293,000 |
| | Kindergarten Addition - Oakville | 295,000 |
| | Kindergarten Addition - Ridge | 295,000 |
| | Mechanicsville Elementary School Roof Renovation | 596,000 |
| | Site/Parking Restoration - Various Locations | 15,000 |
| | Relocatables - Future Capacity | 143,000 |
| | ADA transition | 100,000 |
| | Elementary School (New) | 90,000 |
| | Ridge Elementary-Gymnasium Addition | <u>547,000</u> |
| | Total Schools | \$ <u>14,954,000</u> |
| TOTAL CAPITAL IMPROVEMENTS FUND | | \$ <u>22,370,580</u> |

BE IT FURTHER ORDAINED by the County Commissioners for St. Mary's County that, in accordance with the Code of Public Local Laws of Maryland, Article 19, (St. Mary's County), Section 27-3, the

LIN 0026 PAGE 52

NO.: 2003-07

SUBJECT: FY 2004 ST. MARY'S COUNTY BUDGET

Capital Program for the fiscal years ending June 30, 2005; June 30, 2006; June 30, 2007; June 30, 2008 and June 30, 2009; is hereby adopted as set forth in the "St. Mary's County Approved Budget for Fiscal Year 2004," a copy of which is incorporated herein by reference.

Those voting Aye: all

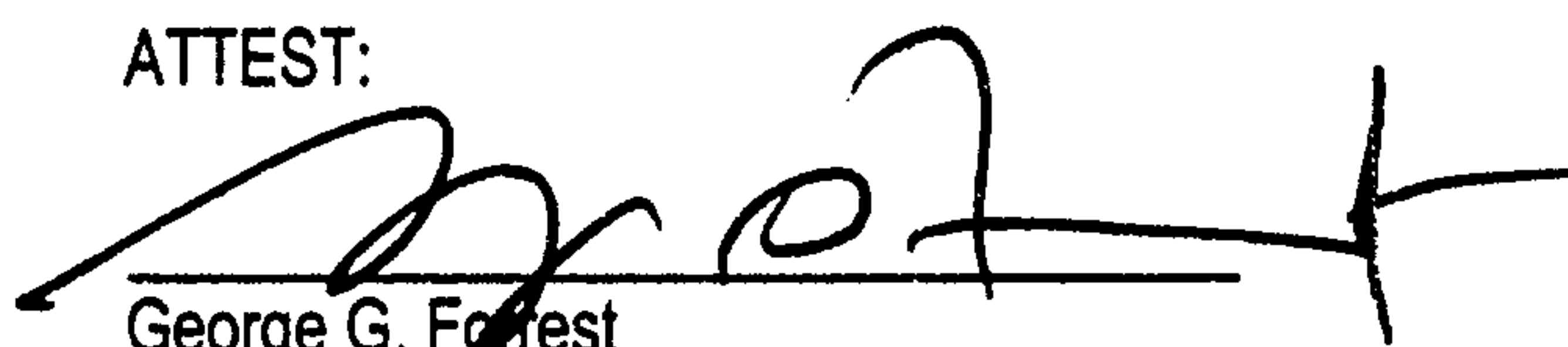
Those voting Nay: 0

Those Absent: 0

Adoption Date: May 29, 2003

Effective Date: July 1, 2003

ATTEST:

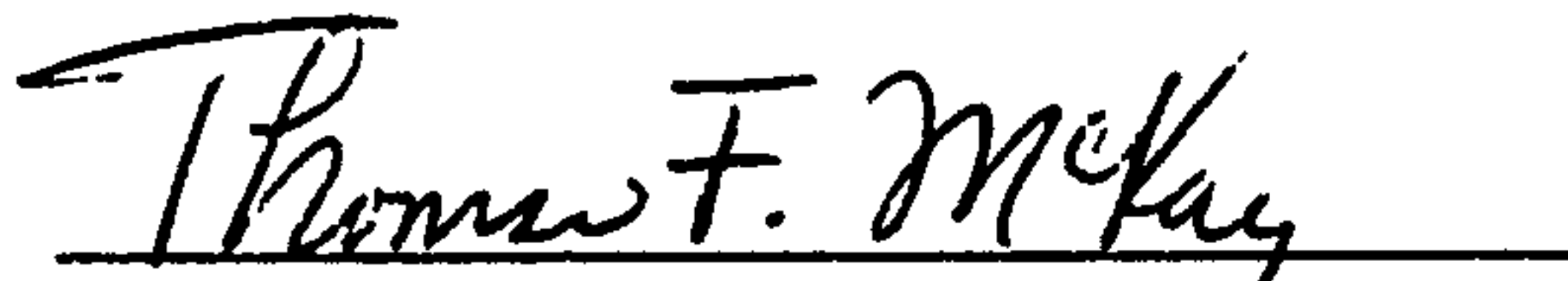


George G. Forrest
Interim County Administrator



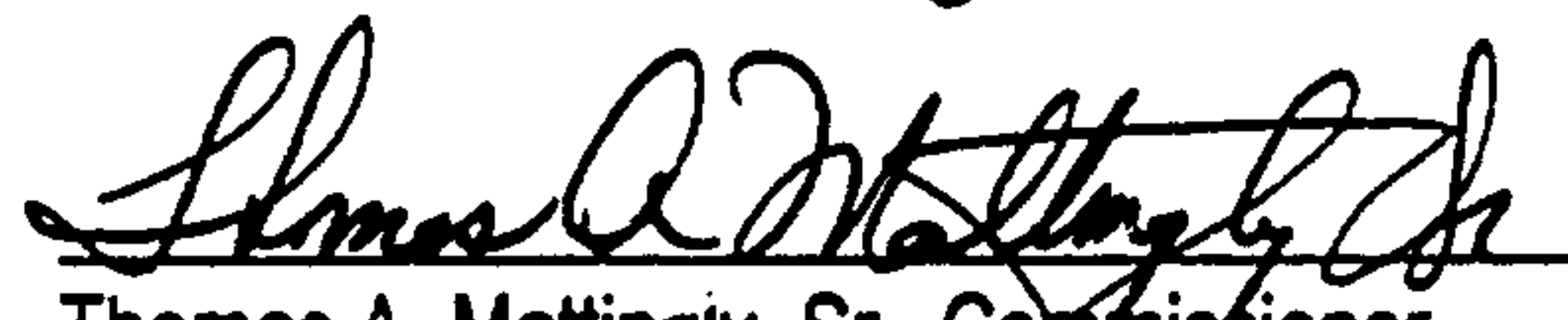
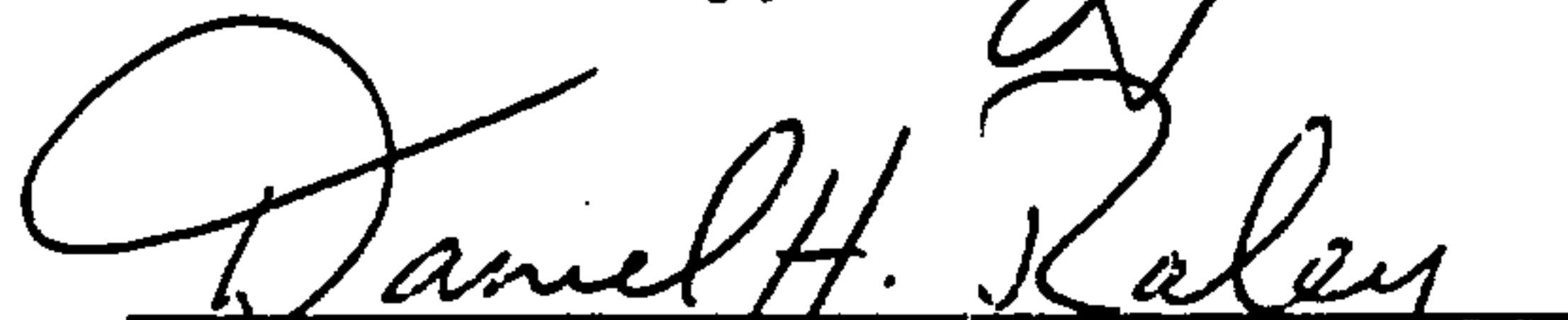


Elaine M. Kramer
Director of Finance

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


Thomas F. McKay, President
Kenneth R. Dement, Commissioner

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:


John B. Norris, III
County Attorney
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley, Commissioner

ORDINANCE

WHEREAS, on September 2, 1997, the Board of County Commissioners adopted ordinance 97-34, which provided a five-year 100% tax credit on agriculturally assessed land up to \$40,000 of assessed value of agricultural improvements excluding residential improvements; and

RECORDING FEE 0.00

WHEREAS, Section 9-320 of the *Tax-Property Article* of the Maryland Annotated authorizes the Board of County Commissioners for of St. Mary's County to provide a tax credit for real property that subject to the Maryland Agricultural Land Preservation District Program or the St. Mary's County Agricultural Land Preservation District 5-year program; and

TOTAL 0.00
Res#SM02 Rcrt#999999

WHEREAS, certain amendments to Ordinance 97-34, including removing the limit upon the taxable agricultural improvements that qualify for a credit, and to permit participants in the Maryland Agricultural Land Preservation Foundation (MALPF), the St. Mary's County Agricultural Land Preservation Program, or have recorded any other qualifying restrictive easements or covenants for compensation which prohibits development on their property to benefit from an agricultural land tax credit, are deemed in the interest of the health, safety, and welfare of the citizens of the County; and

EMA CSS 31k#2581
Jun 23, 2003 09:15 am

WHEREAS, in recognition of strong development pressures in the County and the desire to preserve agricultural land and woodland to maintain a viable agricultural industry and high quality of life, the County wishes to create incentives to benefit landowners and thus encourage them to participate in the St. Mary's County Agricultural Land Preservation five (5) year program or the Maryland Agricultural Land Preservation Program; and

WHEREAS, this agricultural tax credit program provides an alternative incentive to preserve agricultural lands for those landowners who do not wish to create long term agricultural districts by offering agricultural easements for sale to the State or County; and

WHEREAS, pursuant to *Article 25* of the Maryland Annotated Code, §3, the County Commissioners held a public hearing on the 19th day of May, 2003, after due notice and publication on 5/16/03 in The Enterprise, a newspaper of general circulation in St. Mary's County.

WHEREAS, this agricultural tax credit program would provide St. Mary's County with the security of knowing that land that qualifies under this program would be prohibited from non-agricultural development for the duration of the agreement.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Mary's County that Ordinance 97-34 is hereby repealed and, pursuant to the authority under Maryland Annotated Code, Tax Property Article, §9-320 to adopt an Agricultural Land Tax Credit program, readopted as amended and set forth at Exhibit "A" hereto, hereby incorporated by reference.

BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that this enactment shall be effective as of the date written below.

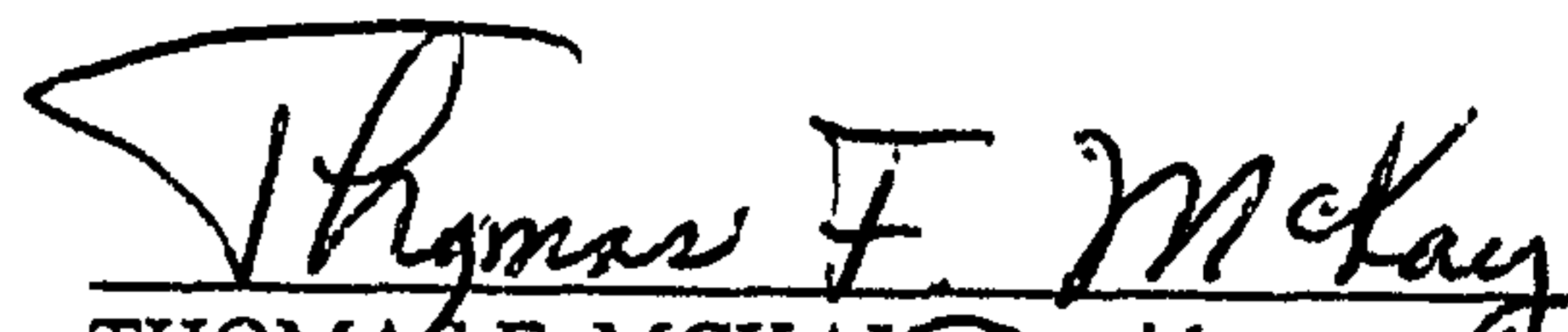
BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that the recitals above are hereby incorporated and adopted as if fully written herein.

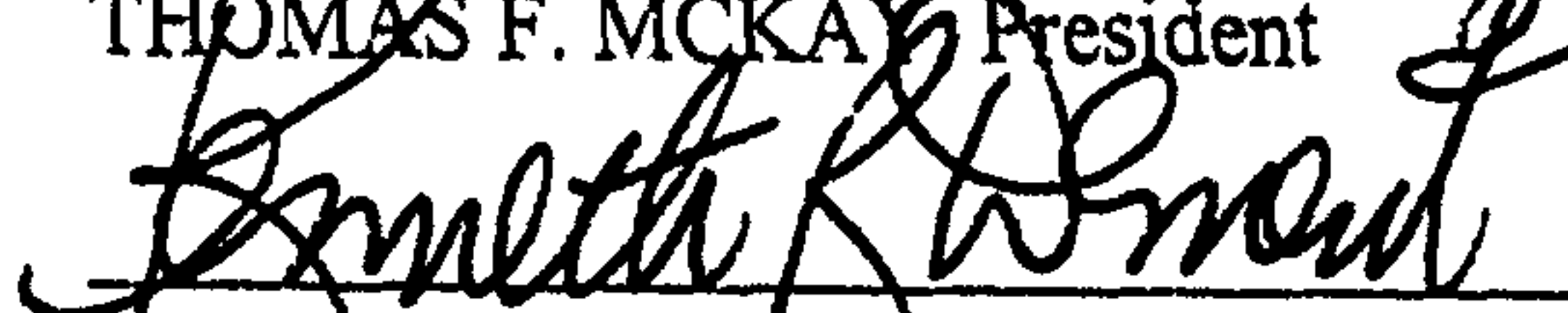
BE IT FURTHER ORDAINED, by the Board of County Commissioners for St. Mary's County that the provision of this Ordinance shall be codified at Chapter 267, Article XXII of the St. Mary's County Code.

DATE OF ADOPTION: 6/10/03

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

EFFECTIVE DATE: 6/10/03


THOMAS F. MCKAY, President


KENNETH R. DEMENT, Commissioner


LAWRENCE D. JARBOE, Commissioner



THOMAS A. MATTINGLY, SR., Commissioner


DANIEL H. RALEY, Commissioner

ATTEST


GEORGE G. FORREST
Interim County Administrator

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JOHN B. NORRIS, III
County Attorney

AGRICULTURAL LAND TAX CREDIT

I Qualifications; calculation; application.

- (A) Qualifying real property may be eligible for a five (5) year tax credit from St. Mary's County real property taxes levied on agricultural and woodland real property if:
- (1) the land is agriculturally assessed by the Maryland Department of Assessments and Taxation; and
 - (2) the landowner has agreed to remain in the district for a five (5) year period during which time the land shall not be subdivided or developed for residential, commercial, or industrial purposes.
- (B) Property owners who qualify under part (A), above, and have previously sold an easement to the Maryland Agricultural Land Preservation Foundation (MALPF), or to the St. Mary's County Agricultural Land Preservation Program, or have recorded any other restrictive easements or covenants for compensation which prohibits development on their property for a minimum of five (5) years are entitled to participate in this Agricultural Tax Credit program;
- (C) Qualifying property owners who have the reversionary interest in development rights may also participate in the St. Mary's County transfer of development rights program (TDR's). Development rights for transfer shall be calculated at the rate set forth in the St. Mary's County Comprehensive Zoning Ordinance, as amended from time to time, if the property were not encumbered by development restrictions.
- (D) Calculation of tax credit.
- (1) The tax credit shall be calculated and credited based on:
 - (a) the total taxable assessment on qualifying land; and
 - (b) the total taxable assessment on all agricultural improvements on the qualifying land.
 - (2) owners of agriculturally assessed property who receive the agricultural tax credit for their land and agricultural buildings pursuant to this Section shall not also qualify for the tobacco barn tax credit.
- (E) Application for the tax credit created by this Section shall be filed on or before June 30 of the year the taxes come due. If the application is filed after June 30, the credit shall be disallowed that year, but shall be treated as an application for a tax credit for the next succeeding taxable year.

II. Application Process

- (A) The Department of Economic and Community Development shall:
- (1) receive all applications for the Agricultural Tax Credit accompanied by proof that the landowner has, commencing on the year in which the application is made, entered into: (1) a binding agreement with the State

- or County to retain the landowner's property in a Maryland Agricultural Land Preservation District; or (2) the St. Mary's County Agricultural Land Preservation five (5) year program; or (3) any other restrictive easements or covenants for compensation which prohibits development on their property for a minimum of five (5) years; and
- (2) collect all applicable fees from the applicant to cover the land record recording costs.
- (B) The Department of Assessment and Taxation shall:
- (1) review each application to determine whether the subject property qualifies for the credit; and
 - (2) determine the appropriate amount of credit under the ordinance.
- (C) The County Treasurer's Office shall:
- (1) receive the application from the Department of Economic and Community Development for the Agricultural Tax Credit after the Assessor's Office has verified the application; and
 - (2) issue the tax credit to the landowner or provide the landowner with a voucher if the subject taxes have already been paid.
- (D) The Department of Planning and Zoning, or its successor department, shall receive copies of:
- (1) the recorded agricultural tax lien; and
 - (2) all tax credits issued under this program.

III. Conditions and requirements.

- (A) Property owners accepted into this Agricultural Land Tax Credit Program on the basis of having sold an easement to the Maryland Agricultural Land Preservation Foundation, or the St. Mary's County Agricultural Land Preservation Program shall notify the County one year in advance of an intention to terminate or renew the district;
- (B) If at the end of the five (5) year period under this Agricultural Land Tax Credit program, a property owner desires to reapply for an additional five (5) years, property owner must either:
- (1) Demonstrate that binding covenants or easements that prohibit development for residential, commercial, or industrial purposes on their property for a minimum of five (5) additional years; or
 - (2) Enter into a new binding agreement under either the Maryland Agricultural Land Preservation Foundation or the St. Mary's County Agricultural Land Preservation Program, to be eligible to reapply for this Agricultural Land Tax Credit;
- (C) Untimely termination; reapplication.

- (1) If a landowner or landowners terminates their participation in the Maryland Agricultural Land Preservation District or the St. Mary's County Agricultural Land Preservation District Program before the expiration of any five (5) year period the tax credit, the property owner and all beneficiaries shall be jointly and severally responsible for:
 - (a) All property taxes that would have been payable if the tax credit had not been granted under this section; and
 - (b) Interest shall due and computed on those taxes as provided under §14-602 of the *Tax-Property Article* of the Maryland Annotated Code.
- (2) Any property owner that terminates their participation in the Maryland Agricultural Land Preservation District or the St. Mary's County Agricultural Land Preservation District Program before the expiration of any five (5) year period must wait a minimum of one (1) year from withdrawing from the Program before being eligible for another Agricultural Land Tax Credit.

IV. Program Review.

- (A) The Department of Economic and Community Development shall annually submit status reports regarding the progress, effectiveness, and fiscal impact of this Agricultural Land Tax Credit program to the Board of County Commissioners.

RECORDING FEE 8.00
 TOTAL 8.00
 Rest#5402 Rcpt#999999
 EWA 035 81K#2331
 Jun 23, 2002 09:18 am

ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF REPEALING SECTION 38.2 OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING REGULATIONS, ADOPTED AUGUST 1, 1990, ORDINANCE 90-11, AS AMENDED, AND, ADOPTING THE ST. MARY'S COUNTY CRITICAL AREA PROGRAM AND ZONING MAPS DESIGNATING THE CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES

RECITALS

WHEREAS, *Article 66B* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners for St. Mary's County, Maryland to enact a zoning ordinance to promote the health, safety and welfare of St. Mary's County, and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 8-1801, *et seq.* of the *Natural Resources Article* of the Maryland Annotated Code, as amended, authorizes the Board of County Commissioners for St. Mary's County, Maryland to adopt a program to protect the Chesapeake Bay and its tributaries by fostering more sensitive development activity for certain shoreline areas so as to minimize damage to water quality and natural habitats; and

WHEREAS, Section 5-1601, *et seq.* of the *Natural Resources Article* of the Maryland Annotated Code, as amended, requires the Board of County Commissioners for St. Mary's County, Maryland to develop a local forest conservation program, consistent with the intent, requirements, and standards of that subtitle; and

WHEREAS, Section 5-801, *et seq.* of the *Environment Article* of the Maryland Annotated Code, as amended, authorizes the Board of County Commissioners for St. Mary's County, Maryland to develop a program of flood control planning and management; and

WHEREAS, the St. Mary's County Planning Commission, following due public notice, held a public hearing on the proposed Unified Land Development Code, of which revisions to the St. Mary's County Chesapeake Bay Critical Area Program and Zoning Maps designating the Chesapeake Bay Critical Area Overlay Zones were a part, on June 26, June 28 2000; and

WHEREAS, on October 23, 2000 and pursuant to *Article 66B*, Section 3.05 of the Maryland Annotated Code, the St. Mary's County Planning Commission forwarded a recommendation to the Board of County Commissioners regarding the adoption of the Unified Land Development Code, including revisions to the St. Mary's County Chesapeake Bay Critical Area Program and Zoning Maps designating the Chesapeake Bay Critical Overlay Zones; and

WHEREAS, on July 17 and 18, 2001, for which due public notice was published in the June 29, July 6 and July 13, 2001 editions of The Enterprise, a newspaper of general circulation in St. Mary's County, the Board of County Commissioners for St. Mary's County, Maryland accepted public comment regarding that recommendation; and

WHEREAS, on February 26 and 27, 2002, for which due public notice was published in the February 8 and 15, 2002 editions of The Enterprise, a newspaper of general circulation in St. Mary's County, the Board of County Commissioners for St. Mary's County, Maryland accepted public comment on the amended former Unified Land Development Code including that portion constituting the St. Mary's County Chesapeake Bay Critical Area Program, as set forth in the St.

Mary's County Comprehensive Zoning Ordinance and the Chesapeake Bay Critical Area Overlay Zones as depicted on the Official Zoning Maps and incorporated within the Comprehensive Zoning Ordinance by reference; and

WHEREAS, the Chesapeake Bay Critical Area Commission had, as of May 13, 2002 not yet provided final approval of the provisions of the St. Mary's County Comprehensive Zoning Ordinance constituting the St. Mary's County Chesapeake Bay Critical Area Program as required pursuant to Section 8-1808 and 8-1809 of the *Natural Resources Article* of the Maryland Annotated Code, as amended; and

WHEREAS, on April 9 and April 23, 2002, the Board of County Commissioners approved the amendment to the St. Mary's County Comprehensive Zoning Ordinance based upon public comments and policy decisions subsequent to the February 2002 public hearings and open record periods to promote the health, safety and welfare of St. Mary's County; and

WHEREAS, upon due consideration of the comments of the public and staff; and in furtherance of the public health, safety and welfare, it is in the best interest of the public health, safety and welfare of the citizens of St. Mary's County, Maryland, to adopt the Ordinance save and except those provisions constituting the St. Mary's County Chesapeake Bay Critical Area Program; and

WHEREAS, said provisions constituting the St. Mary's County Chesapeake Bay Critical Area Program remained in effect and controlled over contradictory provisions in the St. Mary's County Comprehensive Zoning Ordinance, until repealed by the Board of County Commissioners upon a finding by the Chesapeake Bay Critical Area Commission that the amended St. Mary's County Chesapeake Bay Critical Area Program, as set forth in the St. Mary's County Comprehensive Zoning Ordinance, Exhibit "A" hereto, complies with the requirements of law and regulation; and

WHEREAS, on May 23, 2002, for which due public notice was published in the May 15, 2002, editions of The Enterprise, a newspaper of general circulation in St. Mary's County, the a panel appointed by the Chesapeake Bay Critical Area Commission to represent the Chesapeake Bay Critical Area Commission accepted public comment on the Critical Area provisions contained within the adopted St. Mary's County Comprehensive Zoning Ordinance and the Official Zoning Maps incorporated within the Comprehensive Zoning Ordinance by reference; and

WHEREAS, St. Mary's County staff provided Chesapeake Bay Critical Area Commission staff with responses to the issues listed in the Critical Area Commission Panel memorandum dated May 15, 2002, and met with the Chesapeake Bay Critical Area Commission Panel members and Chesapeake Bay Critical Area Commission staff on June 5 and 21, 2002 to discuss the responses and to negotiate favorable Chesapeake Bay Critical Area Commission Panel recommendations to the full Commission; and

WHEREAS, on July 10, 2002, the Chesapeake Bay Critical Area Commission provided final conditional approval of the provisions of the St. Mary's County Comprehensive Zoning Ordinance constituting the St. Mary's County Chesapeake Bay Critical Area Program as required pursuant to Section 8-1808 and 8-1809 of the *Natural Resources Article* of the Maryland Annotated Code, as amended; and

WHEREAS, the Board of County Commissioners received official notification of the Chesapeake Bay Critical Area Commission decision by letter on July 22, 2002; and identified a number of conditions of approval which were unacceptable due to their impact on local objectives; and

WHEREAS, following a meeting on February 11, 2003 between the Board of County Commissioners and the Chesapeake and Coastal Bays Critical Area Commission staff and council and a series of meetings between County and Chesapeake and Coastal Bays Critical Area Commission staff, the County has negotiated revisions to the July 10, 2002 conditions of approval numbered 1, 16, 17, and 21 which achieve a compromise between the Critical Area Commission's recommended conditions of approval and the concerns of the Board for the effect of those conditions on desired local interests; and

WHEREAS, between April 8, 2003 and April 28, 2003 the individual members of the Board of County Commissioners elected in November 2002, reviewed the tapes and record of comments received during the open record period for the aforementioned public hearings conducted on February 26 and 27, 2002 by the prior members of the Board of County Commissioners; and

WHEREAS, all procedural requirements of *Article 66B* of the Maryland Annotated Code, as amended, with regard to preparation of the recommendation of the Planning Commission and subsequent action of the Board of County Commissioners for St. Mary's County, Maryland have been met; and

WHEREAS, County staff has revised the text and maps of the "St. Mary's County Comprehensive Zoning Ordinance effective May 13, 2003 (as amended)" to correct text and map errors necessary to conform to Board of County Commissioners direction provided subsequent to the February 2002 public hearings and open record periods and prior to the May 7, 2002 adoption of the St. Mary's County Comprehensive Zoning Ordinance and the Official Zoning Maps incorporated by reference; and to conform to the Chesapeake Bay Critical Area Commission conditions of approval (including the negotiated revisions); and

WHEREAS, on May 13, 2003 the Board of County Commissioners certified in open session that each member has reviewed the tapes and record of comments received during the open record period, reviewed and approved the revisions and corrections to the St. Mary's County Comprehensive Zoning Ordinance, Exhibit "A" hereto, and the designation of Critical Area Overlay Zones on the Official Zoning Maps incorporated by reference.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners for St. Mary's County that Section 38.2 of the St. Mary's County Comprehensive Zoning Regulations, adopted August 1, 1990, Ordinance 90-11, as amended, and the maps incorporated therein by reference are hereby repealed.

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County that the St. Mary's County Comprehensive Zoning Ordinance, including the Critical Area Program set forth therein and as amended by Exhibit "A" hereto, incorporated herein by reference and the Chesapeake Bay Critical Area Overlay Zones depicted on the Official Zoning Maps, are hereby adopted subject to the Chesapeake and Coastal Bays Critical Area Commission's approval.

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 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 foregoing recitals are adopted as if fully rewritten herein.

Those voting Aye: 5


Those voting Nay: 0

Date of Adoption: 5/13/03

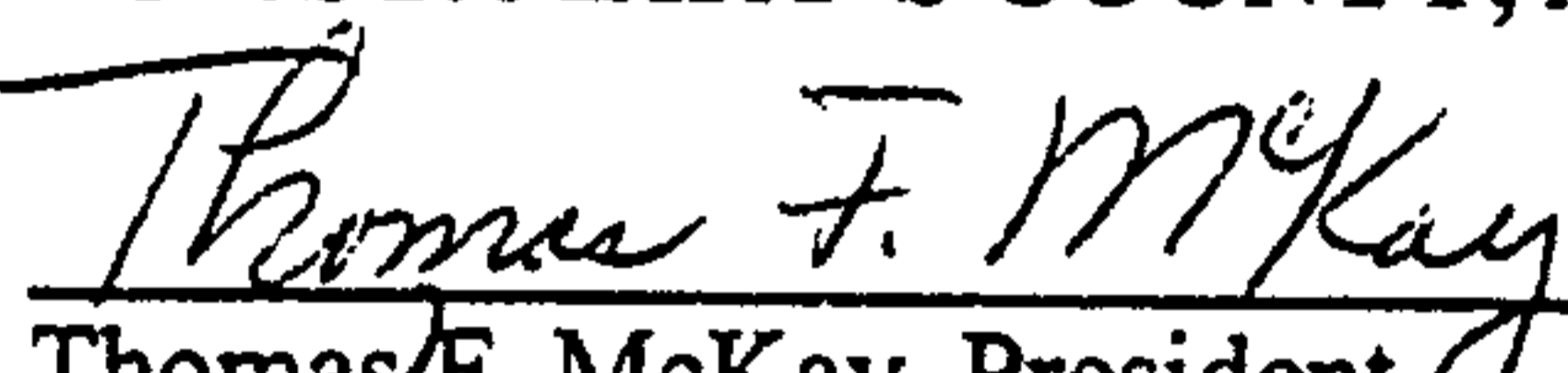
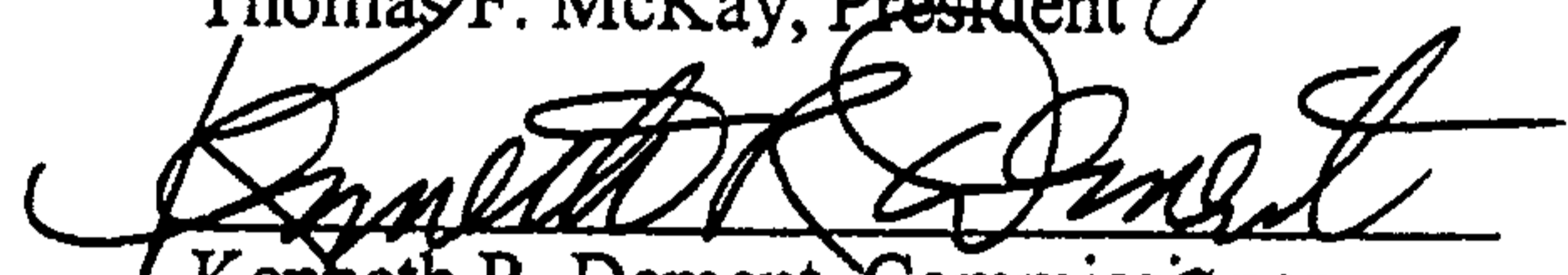
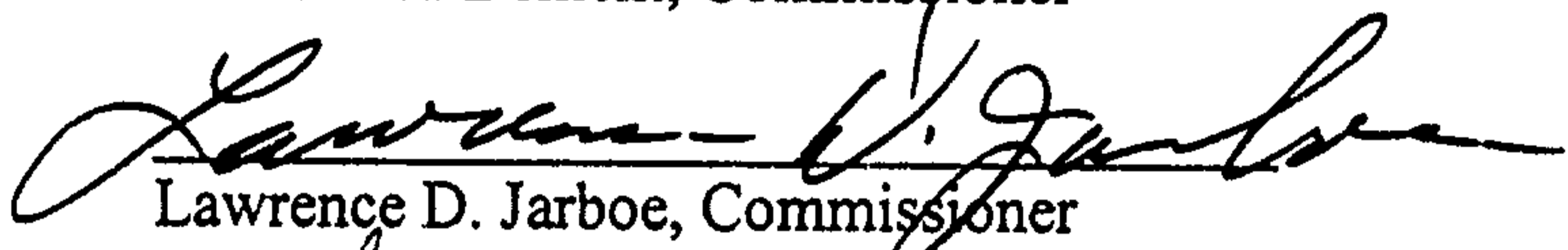

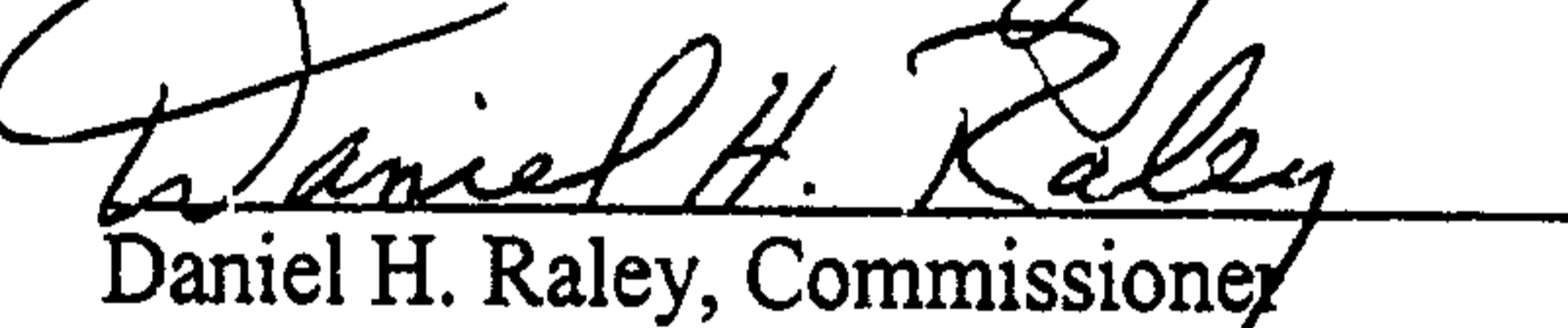
Effective Date: as stated

Period of time following receipt of official notification by Chesapeake and Coastal Bays Critical Area Commission of their approval of the program and mapping revision.


ATTEST:


George G. Forrest
Interim 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

CHAPTER 26 TRANSFERABLE DEVELOPMENT RIGHTS (TDRS)**Sections:**

- 26.1 Purpose.
- 26.2 Right to Transfer Development Rights.
- 26.3 TDR Sending Zones Assignment of Transferable Development Rights.
- 26.4 Maximum Residential or Non-Residential Density/Intensity Allowed in Receiving Zones.
- 26.5 Effect of Transfer.
- 26.6 Rights of Transferees.
- 26.7 Certification by Director of Planning and Zoning.
- 26.8 Instruments of Transfer.
- 26.9 Approval of the Development Using Transferable Development Rights.
- 26.10 Fee in Lieu for Open Lands Option.

26.1. Purpose.

1. The Transferable Development Rights (TDR) program in this chapter is voluntary for property owners and is provided as a means to further the objectives of the Comprehensive Plan. The chapter provides flexibility to encourage the protection of farmland and resource protection areas by allowing the transfer of development potential from a site that has resources deserving protection to a site in a designated receiving zone.
2. In order to protect agricultural areas and give the owners of such property an alternative to development, or a means to recover some of the value from an undevelopable residential lot, TDRs are established.

26.2. Right to Transfer Development Rights.

1. **Removing Development Rights from the Land.** Each landowner of a parcel in a sending area (Transferor) has the right to remove the right to develop from the parcel, and to hold, sell, trade or barter these rights to another person or legal entity (Transferee).
2. **Using Development Rights.** The Transferee may retire the rights, resell them, or apply them to land in a receiving area in order to obtain approval for development at a density or intensity of use greater than would otherwise be allowed on the land, up to the maximum density or intensity indicated in Schedule 32.1:
 - a. No development right may be used to increase density within the Critical Area if such right is derived from a portion of a sending parcel that is outside the Critical Area, nor may a development right be transferred from land within an Intensely Developed Area (IDA) or Limited Development Area (LDA) to a Resource Conservation Area (RCA), or from an IDA to an LDA, nor may any development right be transferred to land in the RCA from any RCA lot of record that is less than 20 acres in size.
 - b. No use of a development right shall result in a reduction of resource protection land required by this Ordinance on a receiving parcel.
 - c. No development right may be derived from land in a sending zone that is already precluded from development by nature of a recorded restrictive covenant or agricultural or environmental easement.
 - d. Except for transfer or rights from lots of record that cannot be developed for residential purposes, no development right may be derived from land in a sending area that is part of a subdivision that has no available density remaining in the parent tract. Where density is

ARTICLE 4. OVERLAY DISTRICTS AND FLOATING ZONES**CHAPTER 40 OVERLAY DISTRICTS, FLOATING ZONES:
PURPOSE, STANDARDS, PERMITTED USES**

Sections:

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

40.1. Purpose of the Chesapeake Bay Critical Area Overlay.

1. The Chesapeake Bay Critical Area Overlay implements Comprehensive Plan policies to protect land and water resources in the Chesapeake Bay Critical Area. The developmental and land use controls within the overlay will minimize adverse impacts on water quality from run off from surrounding lands. It will conserve fish, wildlife, and plant habitat. Finally, this district establishes land use regulations for development that accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can yet regulate activities that create adverse environmental impacts.

2. Land use development standards and requirements established in Chapter 41 are intended to foster more sensitive development activity for shoreline areas and to minimize the adverse impacts of development and land use activities on water quality and natural habitats pursuant to the Natural Resources Article, Subtitle 18 of the Annotated Code of Maryland and COMAR 27.01.

40.2. Purpose of the Historic Landmarks and Districts Overlay.

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

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

1. The Air Installations Compatible Use Zone (AICUZ) and Airport Environs (AE) Overlay is established to ensure land use compatibility around federal and municipal airports in the County, including, the Patuxent River Naval Air Station, Webster Field at St. Inigoes, Walter Duke Memorial Airport in Hollywood, and future similar airport, air field, or heliport operations approved in the County.

2. Land use development standards and requirements established in Chapter 43 are intended to minimize exposure to aircraft noise, minimize risks to public safety, and minimize hazards to aviators and those employed or residing in proximity to public aviation facilities. Each overlay establishes a hierarchy of sub-districts with restrictions dependent on the location of lands in relation to airport operations. The most stringent restrictions apply to land located closest to the airport, and the least stringent apply to lands located farther from the airport but within the boundary of this Overlay district.

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

1. The Planned Unit Development Floating Zone (PUD) is intended to provide flexibility in planning for development of projects.

CHAPTER 41 CHESAPEAKE BAY CRITICAL AREA (IDA, LDA, RCA)

Sections:

- 41.1 Applicability.
- 41.2 Lots of Record and Grandfathering.
- 41.3 Overlay Mapping and Zoning Designations.
- 41.4 Intensely Developed Area (IDA) Overlay District.
- 41.5 Limited Development Area (LDA) Overlay District.
- 41.6 Resource Conservation Area (RCA) Overlay District.
- 41.7 Buffer Management Overlay Designation.
- 41.8 Water Dependent Facilities Designation.
- 41.9 Growth Allocation Process.

41.1. Applicability.

1. This chapter applies to the St. Mary's County Chesapeake Bay Critical Areas, the same being all water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tide designated under Title 9 of the Environment Article, that portion of the County lying and being within 1,000 feet of the landward boundaries of state or private wetlands and heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland, as officially mapped by the County and approved by the Chesapeake Bay Critical Area Commission.

2. The St. Mary's County Critical Area Overlay zones are superimposed on base zoning districts within the St. Mary's County Chesapeake Bay Critical Area and impose regulations that are in addition to those established in the base zoning districts and any other applicable floating or overlay zone. In the event of any inconsistency between the Critical Area provisions and the provisions of the base zoning district or an applicable floating or overlay zone, the more restrictive provision shall apply.

3. No person shall develop, alter, or use any land for residential, commercial, industrial, or institutional uses, nor conduct agricultural, fishery, or forestry activities in the St. Mary's County Critical Area except in compliance with the applicable provisions of this Ordinance.

4. When the St. Mary's County Critical Area overlay covers only a portion of a property, overlay density shall apply on that portion of the property within the overlay and the underlying zone density shall apply on that portion outside the overlay, provided that in no case shall the resulting gross density for the parcel exceed that allowed in the underlying zone.

5. All local government development activities in the Chesapeake Bay Critical Area will be implemented consistent with the requirements of COMAR 27.02.02 and 27.02.04.

41.2. Lots of Record and Grandfathering.

1. Any use or structure within the St. Mary's County Critical Area existing or established before March 27, 1990, that has not been abandoned for more than one year, regardless of any intention to abandon or not, but which does not conform with the provisions of this chapter may continue. Such use or structure however, may not be reconstructed, intensified or expanded except in accordance with this Ordinance.

2. New uses within the St. Mary's County Critical Area shall conform with the provisions of this Ordinance. A single, undeveloped lot or parcel of land that was legally of record on the date of the County's Critical Area Program approval (March 27, 1990) may be improved with one single-family dwelling, notwithstanding that such development may be inconsistent with the density provision of this chapter.

1 3. Development meeting the Resource Protection Standards set forth in the Zoning Ordinance may
2 occur on land that was:

3 a. Subdivided into recorded, legally buildable lots, where the subdivision received the
4 County's final approval prior to June 1, 1984, provided that these lands are brought into
5 compliance with the requirements of this chapter insofar as possible, which shall include,
6 but not be limited to, the consolidation or reconfiguration of adjacent lots in common
7 ownership to achieve a density more in keeping with the density and habitat protection
8 requirements of this chapter. Consolidation of lots in common ownership shall not be
9 required when impacts to steep slopes or Habitat Protection Areas would result or would
10 increase as a result of ~~from~~ the consolidation proposal.

11 b. Subdivided into recorded, legally buildable lots, where the subdivision received the
12 County's final approval after December 1, 1985, if the lots conform to the standards of
13 the St. Mary's County Critical Area Overlay district, the lots receive growth allocation to
14 permit the proposed development, or a variance is properly approved.

15 c. Subdivided into recorded, legally buildable lots, where the subdivision received the
16 County's final approval between June 1, 1984 and December 1, 1985, and the applicant
17 demonstrates that the lot meets all Critical Area criteria effective at the time of
18 subdivision approval.

19 d. Subdivided as part of a planned unit development that received final approval from the
20 County Commissioners prior to December 1, 1985, and which has met the requirements
21 of this Ordinance and any conditions of project approval.

22 4. The following subdivisions and planned unit developments in St. Mary's County meet the
23 grandfathering criteria and do not require County growth allocation:

24 a. Esperanza Farms (Sections 10, 11, and 12)

25 b. Mulberry South

26 c. Rosebank Village

27 d. Breton Bay Garden Apartments (p/o Lansdale)

28 e. The Landings at Piney Point (originally known as Piney Point Landing PUD)

29 f. Cedar Cove PUD

30 g. Patuxent River Farms PUD (Myrtle Point Park)

31 h. Shannon Farms PUD except that this development is exempted from the provisions of
32 Section 41.2.3.d requiring compliance with conditions imposed at the time of rezoning if
33 the county determines that overall Critical Area Program requirements are exceeded, and
34 the Chesapeake Bay Critical Area Commission supports the County's determination.

35 41.3. Overlay Mapping and Zoning Designations.

36 1. All land within the Chesapeake Bay Critical Area shall be assigned to one of the following overlay
37 districts corresponding to the land use classifications in the St. Mary's County Critical Area
38 Program adopted on March 27, 1990. These districts shall be shown on official Critical Area
39 Overlay Zone Maps and on the Official Zoning Maps:

40 a. Intensely Developed Areas (IDA), and

41 b. Limited Development Areas (LDA), and

42 c. Resource Conservation Areas (RCA).

43 2. Land designated within the overlay zones may also be included in a "Buffer Management
44 Overlay." This overlay provides relief from some regulations and standards for development that
45 necessarily occurs within the Critical Area Buffer. The Buffer Management Overlay shall be
46 shown on the Critical Area Overlay Zone Maps and on the Official Zoning Maps.

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(4) The Resource Area Maps, incorporated herein by reference, shall be routinely updated in accordance with information from the State of Maryland as program refinements. These maps, which are available for inspection in the Department of Planning and Zoning, were prepared for identifying the characteristics of the Critical Area in need of protection from the impacts of human activity:

- (a) Agricultural lands
- (b) Wetlands
- (c) Tributary streams
- (d) Mineral resources
- (e) Known threatened and endangered species and habitats of species in need of conservation
- (f) Watersheds of anadromous fish-spawning streams
- (g) Soils with development constraints
- (h) Forest resources
- (i) Wildlife habitat
- (j) Steep slopes

e. *State Approval.* Amendments to the Critical Area program and maps shall be approved by the Critical Area Commission before taking effect.

41.4. Intensely Developed Area (IDA) Overlay District.

1. *Intent.* Intensely developed areas are areas of at least 20 acres in size where residential, commercial, institutional, and/or industrial developed land uses predominate and where relatively little natural habitat occurs. The purpose of the Intensely Developed Area (IDA) Overlay District is to:

- a. Improve the quality of runoff from developed areas that enters the Chesapeake Bay or its tributary streams; and
- b. Accommodate additional development of the type and intensity designated by the County Comprehensive Plan provided that water quality is not impaired; and
- c. Minimize expansion of Intensely Developed Areas into portions of the Critical Area designated as Habitat Protection Areas and Resource Conservation Areas; and
- d. Conserve and enhance fish, wildlife, and plant habitats, to the extent possible; and
- e. Encourage the use of retrofitting measures to address any existing stormwater management problems; and
- f. Protect aquifer recharge areas; and
- g. In order to reduce the impacts on water quality that are generated by development, the County will:
 - (1) Make an assessment of the impact to water quality and biological resources as part of the Critical Area review.
 - (2) Implement best management practices.
 - (3) Use, where appropriate, urban forestry programs, such as street tree plantings, gardens, landscaping, and open land buffer plantings.
- h. Encourage development activities that minimize destruction of forest and woodland vegetation and no net loss of forest.

2. *Permitted Uses.*

- 1 a. Uses permitted in the IDA District are shown in Schedule 50.4.
- 2 b. A dwelling unit or other non-water dependent structure on a pier located on State or
- 3 private wetlands may only obtain a building permit where the project is located in an IDA
- 4 overlay area, approved by the County and
- 5 (1) The state permit for the construction was issued on or before January 1, 1989 or
- 6 (2) It can be verified that:
- 7 (a) The pier was in existence on December 1, 1985 as verified by a
- 8 Department of Natural Resources aerial photograph dated 1985 and
- 9 accompanied by a map of the area.
- 10 (b) The project does not require an expansion of the pier greater than 25
- 11 percent of the area of piers or dry docks removed for the same property
- 12 plus and additional of 10 percent of the water coverage eliminated by
- 13 removal of piers from the same or other properties. The total expansion
- 14 may not exceed 35 percent of the original size of piers and dry docks
- 15 removed.
- 16 c. A permit for repair of existing dwelling or non-water dependent structure may be issued.
- 17 Expansion of such structure is only allowed in accordance with b. above.
- 18 d. Except for permits issued under b (1) above, the applicant must demonstrate that the
- 19 construction of a dwelling unit or other non-water dependent facility on a pier located on
- 20 state or private wetlands within the Critical Area will have no long-term adverse effect on
- 21 water quality, demonstrate an improvement in water quality of stormwater runoff in
- 22 accordance with IDA standards for reduction of pollutants.
- 23 e. Uses that are not permitted are excluded because of their potential for adversely affecting
- 24 habitat and water quality. These uses may be considered for approval by the Board of
- 25 Appeals as conditional uses if no environmentally acceptable alternative exists outside
- 26 the Critical Area, or if the facility is needed to correct an existing water quality or waste
- 27 management problem.
- 28 3. **Site Development Standards.** The following standards apply to all development activities in the
- 29 IDA Overlay District:
- 30 a. Development and redevelopment shall be subject to the habitat protection criteria set
- 31 forth in COMAR at 27.01.09.
- 32 b. A variance shall be required to place new development including expansion of existing
- 33 development, in the Critical Area Buffer unless the site is also in a Buffer Management
- 34 Area.
- 35 c. Impervious surface trading in accordance with Section 41.5.3.i(3) may be allowed within
- 36 the IDA.
- 37 e.d. The applicant shall develop and submit a strategy to reduce existing and potential water
- 38 quality impacts on the site of the proposed development activity. The applicant must
- 39 submit to the Planning Director documentation necessary to assess water quality and
- 40 impacts to biological resources prompted by proposals for new development or
- 41 redevelopment. The Planning Commission may impose conditions upon the proposed
- 42 development to reduce potential adverse impacts to water quality from the proposed
- 43 development.
- 44 e.e. For all proposed development and redevelopment activities, the applicant shall employ
- 45 technologies that minimize adverse impacts to water quality caused by stormwater runoff
- 46 from the proposed development.
- 47 e.f. The plans for new development and all projects that will disturb more than 250 sq. ft.
- 48 even those constructed on or traded for existing impervious areas, must provide water

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quality benefits to provide a 10 percent reduction in pollutant loading from predevelopment levels. Assessment of impact and compliance with this "10 percent rule" in the Critical Area will be determined according to the process described in "Urban Stormwater Quality Guidance for the Chesapeake Bay Critical Area in Intensely Developed Areas," as amended from time to time and subject to the following amendments.

- (1) Off-site water quality enhancements may be provided if the improvements cannot be accomplished on-site, provided that water quality benefits are equivalent, their benefits are obtained in the same watershed and their benefits can be determined through uses of modeling, monitoring or other computation of mitigation measures.
- (2) Disturbances of less than 250 square feet on a single-family residential lot are exempt from the 10 percent rule requirements however, planting an area equivalent to the area of new impervious surface on the lot shall be required.
- (3) Disturbances of 250 square feet or more on a single-family lot shall not require submission of a standard application and calculation worksheet, but shall select a residential best management practice (BMP) appropriately suited to the site. When site constraints prevent use of recommended residential BMPs, planting of native trees and shrubs is recommended. Planting in lieu of installing a BMP shall meet the following requirements:
 - (a) Plant three trees or nine shrubs for every 100 sq. ft. of new impervious surface in the Buffer or in Buffer Management Overlay.
 - (b) Plant one tree or three shrubs per every 100 square feet of new impervious surface outside Buffer areas.
 - (c) A combination of trees and shrubs is acceptable.
 - (d) This planting shall be in addition to any planting required as a result of clearing on the lot.
 - (e) A planting agreement shall be required, and said agreement shall be executed for all planting.
 - (f) If on-site planting and BMPs are impracticable due to site constraints, the applicant may pay a fee-in-lieu calculated on the tree planting requirements of this subsection.

g.g. Retention and/or creation of areas of public access to the shore, such as foot paths, scenic drives, and other public recreational facilities shall be provided to the extent possible.

g.h. Cluster development shall be used to the extent possible as a means of reducing impervious areas and of maximizing areas of natural vegetation.

g.i. Ports and industries that use water for transportation and derive economic benefits from shore access shall be located near existing port facilities.

*Planting
Change*

4. **Maximum Density.** The IDA Overlay District may not be developed at an overall residential density or non-residential intensity exceeding that allowed by the underlying zone. State tidal wetlands may not be used for density calculations. Private tidal wetlands may be used for density calculations.

41.5. **Limited Development Area (LDA) Overlay District.**

1. **Intent.** Limited Development Areas are those areas developed in low or moderate intensity uses that contain areas of natural plant and animal habitats and from which the quality of runoff has not been substantially altered or impaired. The purpose of the Limited Development Area (LDA) Overlay District is to:

| LOT / PARCEL SIZE (SQ. FT.) | IMPERVIOUS SURFACE LIMIT |
|-----------------------------|-----------------------------|
| 0-8,000 | 25% of parcel + 500 sq. ft. |
| 8,001-21,780 | 31.25% of parcel |
| 21,781-36,300 | 5,445 sq. ft. |
| 36,301 or greater | 15% of parcel |

(2) For a lot of one acre or less in size, approved as a part of a subdivision or planned unit development that received final county approval after December 1, 1985, impervious surfaces may not exceed 25 percent and the total impervious surface of the entire subdivision or planned unit development may not exceed 15 percent:

(3) Impervious Surface Trading. The Planning Commission may allow impervious surface trading in accordance with the following:

(a) On any grandfathered parcel or lot that exceeds the impervious surface limits, the existing impervious surfaces may remain, be relocated, or be replaced when the replacement surfaces do not encroach closer to tidal waters, wetlands, or tributary streams than the surfaces they replace; the replacement surfaces are located entirely outside sensitive areas; all areas where surfaces are removed are planted in natural forest vegetation; and all required clearing and footprint of new disturbance is mitigated at a rate of two to one. The applicant shall provide evidence in the form of a sealed survey or photograph that the impervious surfaces to be replaced existed as of March 27, 1990.

(b) On any grandfathered parcel or lot that has impervious surface in the Buffer and no feasible site for the proposed construction exists outside the Buffer, the existing impervious surfaces may be relocated or replaced when the replacement surfaces do not encroach closer to tidal waters, wetlands, or tributary streams than the surfaces they replace; the replacement surfaces are located entirely outside sensitive areas (except the Buffer); all areas where surfaces are removed are planted in natural forest vegetation; all required clearing and an area equivalent to the footprint of new disturbance are mitigated at a rate of two to one; and the total area of replacement impervious surface in the Buffer does not exceed the lesser of the area removed or 1,000 square feet. The applicant shall provide evidence in the form of a sealed survey or photograph that the impervious surfaces to be replaced existed as of March 27, 1990.

j. Modifications of road standards to reduce potential impacts to the site and Critical Area resources will be permitted where the reduced standards do not impair the safety of the road for its intended use.

k. The use of clustering to reduce the extent of impervious areas and maximize areas of natural vegetation is encouraged.

l. A soil erosion and sedimentation control plan will be required for any proposed activities in the Critical Area that involve clearing, grading, transporting or other form of disturbance of land by the movement of earth. The required plan will be consistent with the requirements of the Environment Article, Section 4-101 of the Annotated Code of Maryland, and this Ordinance. Sediment control practices should be appropriately designed to reduce adverse water quality impact and may include mitigation measures to adequately address the identified constraints and avoid adverse impacts on water quality or plant, fish, or wildlife habitat and to avoid erosion.

m. Proposed development activities within the Critical Area shall not cause downstream property, watercourses, channels, or conduits to receive stormwater runoff at a higher

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- 1 volume or rate than would result from a 10-year storm event were the land in its
2 predevelopment state.
- 3 n. All sediment control and stormwater management facilities must be designed with
4 sufficient capacity to achieve the water quality goals of the Critical Area program, and to
5 manage runoff caused by the development in excess of that which would have come from
6 the site if it were in its predevelopment state so that said excess runoff shall not leave the
7 site at a rate faster than it would have in its predevelopment state.
- 8 4. **Maximum Density.** The LDA Overlay District may not be developed at an overall residential
9 density or non-residential intensity exceeding that allowed by the underlying zone. State tidal
10 wetlands may not be used for density calculations. On-site private tidal wetlands and all nontidal
11 wetlands may be used for density calculations.
- 12 41.6. **Resource Conservation Area (RCA) Overlay District.**
- 13 1. **Intent.** Resource Conservation Areas are those areas characterized by nature-dominated
14 environments (that is, wetlands, forest, abandoned fields) and resource utilization activities (that
15 is, agriculture, forestry, fisheries activities, or aquaculture). The purpose of the RCA Resource
16 Conservation Area Overlay District is to:
- 17 a. Conserve, protect, and enhance the overall ecological values of the Critical Area, its
18 biological productivity and its diversity;
- 19 b. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations
20 that require the Chesapeake Bay, its tributaries, or coastal habitats in order to sustain
21 populations of those species;
- 22 c. Conserve the land and water resource base that is necessary to maintain and support land
23 uses such as agriculture, forestry, fisheries activities, and aquaculture; and
- 24 d. Conserve the existing developed woodlands and forests for the water quality benefits that
25 they provide.
- 26 2. **Permitted Uses.**
- 27 a. Uses permitted in the RCA District are shown in Schedule 50.4. As set forth therein, new
28 industrial, commercial, and institutional uses are prohibited in the Resource Conservation
29 Area overlay. Such new uses must obtain approval for growth allocation and land must
30 be rezoned to either IDA or LDA as set forth in Section 41.9, Growth Allocation Process.
- 31 b. New development and uses are not permitted to be located in Habitat Protection Areas
32 unless no feasible alternative exists and the uses are approved by the Board of Appeals as
33 a variance meeting the standards of Chapter 24.
- 34 3. **Site Development Standards.** Development activity within the RCA Overlay District shall
35 conform to the site development standards for the LDA Overlay District, established in Section
36 41.5.
- 37 4. **Maximum Density.** Except as otherwise provided in this chapter, properties within the RCA
38 Overlay District may not be developed at an overall residential density exceeding one dwelling
39 unit per 20 acres. State tidal wetlands may not be used for density calculations. Private tidal
40 wetlands and state-nontidal wetlands may be used for density calculations to the extent that the
41 density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8
42 acres, and the area of private tidal wetlands shall be estimated on the basis of vegetative
43 information as designated on the at least eight acres of upland are provided on each lot, as
44 estimated by the Official State Tidal Wetland Maps.
- 45 a. Subdivisions of land that exceed the one dwelling unit per 20 acre density may be
46 allowed for bona fide intrafamily transfers
- 47 (1) Bona fide intrafamily transfers within the RCA Overlay District may be made
48 only from parcels of land that:

- 1 (a) Were of record on March 1, 1986, and
 2 (b) Are at least 7 but less than 60 acres in size within the Critical Area.
 3 (2) Bona fide intrafamily transfers within the RCA Overlay District are subject to
 4 the County's Subdivision Ordinance in addition to the following limitations:
 5 (a) A parcel that is at least 7 acres and less than 12 acres may be
 6 subdivided into two lots.
 7 (b) A parcel that is at least 12 acres and less than 60 acres in size may be
 8 subdivided into three lots. The lots may be created at different times.
 9 (c) Any deed for a lot that is created for a bona fide intrafamily transfer
 10 shall contain a covenant stating that the intra-family transfer lot is
 11 created subject to the provisions of the Critical Area program. Such
 12 covenant shall also be stated on the subdivision plat.
 13 (3) Lots created under this section may not be conveyed subsequently to any person
 14 other than a member of the owner's immediate family, except upon the approval
 15 of a request for exception filed in the Department of Planning and Zoning that,
 16 at a minimum, includes the following assurances and information:
 17 (a) The lot was created as part of a bona fide intrafamily transfer and not
 18 with the intent of subdividing the original parcel of land for purposes of
 19 ultimate commercial sale, and
 20 (b) A description of the change in circumstances that has occurred since
 21 the bona fide intrafamily original transfer was made is not inconsistent
 22 with the Critical Area program and warrants an exception.
 23 (4) The request for an exception shall be submitted to the Planning Director for
 24 referral to the TEC, which shall make a finding whether the exception is
 25 warranted. Exceptions hereunder may be granted only by the Planning
 26 Commission after consideration of the report of the TEC. To grant an exception
 27 hereunder, the Planning Commission, must find that the lot was originally
 28 created as part of a bona fide intrafamily transfer and that a legitimate change of
 29 circumstance has occurred warranting the requested exception.

30 41.7. Buffer Management Overlay Designation.

- 31 1. *Intent.* The Buffer Management Overlay District is established to accommodate limited use of
 32 shoreline areas where it has been demonstrated that the existing pattern of development in the
 33 Critical Area prevents the Buffer from fulfilling the functions for water quality and habitat
 34 protection set out in COMAR 27.01.09.01.
 35 2. *Mapping.* The Buffer Management Overlay may be mapped only on lands that meet the following
 36 criteria:
 37 a. Lots recorded on or before December 1, 1985 whose configuration has not changed, and
 38 that were also significantly impacted by development activities that existed as of
 39 December 1, 1985 so as to prevent the Buffer from fulfilling its functions to:
 40 (1) Provide for removal or reduction of sediments, nutrients and potentially harmful
 41 or toxic substances in runoff entering the Chesapeake Bay or its tributaries; and
 42 (2) Minimize the adverse effects of human activities on wetlands, shorelines, stream
 43 banks, and aquatic resources; and
 44 (3) Maintain an area of transitional habitat between aquatic and upland
 45 communities; and
 46 (4) Maintain the natural habitats of streams; and
 47 (5) Protect riparian wildlife habitat.

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OR

b. Waterfront parcels and lots less than 200 feet in depth that are within subdivisions of at least nine lots, at least half of which are developed, and contain Buffer intrusion caused by the existing principal structure; or:

~~(1) Within subdivisions of at least nine lots, at least half of which are developed, and contain Buffer intrusion caused by the existing principal structure; or~~

OR

~~(2) c. Zoned for commercial or industrial use and are less than at least five acres in size.~~

3. **Permitted Uses.**

Uses permitted shall be the same as for the applicable Critical Area Overlay (IDA, LDA or RCA) and the underlying zoning.

4. **Development Standards.**

a. Development activities may not be approved in the Buffer unless the applicant can demonstrate that there is no feasible alternative and the County finds that the applicant has made efforts to minimize Buffer impacts based on the following guidelines:

- (1) Development activities shall be located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
- (2) Variances to other local setback requirements must be demonstrated to be infeasible before intrusion into the Buffer.
- (3) Convenience or expense shall not be factors considered when evaluating the extent of allowable impacts to the Buffer.
- (4) Principal or accessory structures in the Buffer may be replaced in the same location. Any increase in impervious area is subject to the other provisions of this section.
- (5) Residential development and redevelopment shall not be closer to the water than principal structures on an adjacent property, or the standard rear yard setback for the underlying zone, or 25 feet, whichever is greater.
- (6) Non-residential development and redevelopment, including both principal and accessory structures, shall not be closer than 50 feet from mean high water or the minimum standard rear yard setback, whichever is greater.
- (7) New structures accessory to a residential use may be permitted in the Buffer in accordance with the following requirements:
 - (a) They may be closer to the water or edge of tidal wetlands than the principal structure on the property only if no other location exists for their placement. Placement in a front or side yard subject to variance approval shall be preferred over placement in the Buffer.
 - (b) In no case shall a new accessory structure be located within 25 feet of mean high water or edge of state tidal wetlands.
 - (c) The area of impervious coverage for all accessory structures on the property is 500 feet or less within 50 feet of the water and 1,000 square feet in the entire Buffer on that property.

b. All development activities in the Buffer shall require mitigation in accordance with this section.

c. No natural vegetation shall be removed in the Buffer except that required to perform the proposed construction and install environmental protection measures. The remainder of the Buffer shall be maintained in natural vegetation.

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1 d. Development shall not impact any Habitat Protection Areas other than the 100-foot
2 Critical Area Buffer and may not occur in the 100-foot Buffer where other habitat
3 protection areas overlap with the 100-foot Buffer. Encroachment into steep slopes;
4 highly erodible soils; nontidal wetlands; and habitats of rare, threatened, and endangered
5 species is prohibited without a variance.

6 **5. Mitigation requirements.**

7 a. For any development in the Buffer Management Area, a planting agreement with
8 conditions to prevent future removal of vegetation shall be executed in accordance with
9 the provisions of the Forest and Woodland Protection Standards to provide mitigation and
10 enhancement or offsets as follows:

11 (1) An area of natural forest vegetation having twice the extent of the footprint of
12 the new impervious surface within the Buffer shall be planted on-site in the
13 Buffer. If it is not possible to carry out the on-site planting, an alternative
14 planting site within the same watershed as the development site may be
15 approved.

16 (2) Applicants who cannot comply with the planting requirements set forth above
17 may use offsets to meet mitigation requirements. Offsets may include removal
18 of an equivalent area of impervious surface in the Buffer, construction of a best
19 management practice (BMP) for stormwater, wetland creation or restoration, or
20 other measures that improve water quality or habitat.

21 (3) Applicants who cannot comply with either planting or offset requirements are
22 required to pay into the County's Critical Area fee-in-lieu program. The amount
23 of payment shall be based on the cost for the County to plant the area of
24 vegetation required under (1) above and shall be established by Resolution of
25 the Board of County Commissioners.

26 b. In addition to the above requirements, for non-residential development:

27 (1) Non-forested areas within the buffer on the site shall be planted with a minimum
28 of 5 canopy trees, 10 understory trees, 30 shrubs and 40 herbaceous plants per
29 100 linear feet of the buffer yard. Enhancement planting within forested areas
30 will also be required to provide a diverse forest structure with native species of
31 canopy, understory, shrub and herbaceous plants typically found in similar
32 Maryland riparian areas where such does not currently exist on-site. A Planting
33 Plan must be submitted to the Critical Area Commission for review with the site
34 plan in accordance with the provisions of COMAR 27.03.01.03.

35 (2) Unless the development attains Water Dependent Facility designation, a forested
36 or landscaped buffer yard, 25 feet wide, shall be required for the entire extent of
37 the shoreline between the water and all development on the site (both new and
38 existing). On redevelopment sites, if existing impervious surfaces or structures
39 are rebuilt on an existing footprint limit the area available for planting, then
40 modifications to the width of the planted buffer yard may be made on a case by
41 case basis, the promise being that the number of required plants shall not be
42 reduced, although their location may be revised.

43 **41.8. Water Dependent Facilities Designation.**

44 *Intent.* This section establishes policies and procedures for location, construction and operation of water-
45 dependent activities that satisfy the requirements of Critical Area, state and federal law and support the
46 long-range development objectives of St. Mary's County.

47 1. Water-dependent facilities in the Critical Area Buffer shall be limited to those that have minimal
48 individual or cumulative impact on water quality and fish, wildlife and plant habitat in the Critical
49 Area.

50 2. *Permitted Uses.*

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- a. Permitted water-dependent facilities include those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that cannot exist outside the Critical Area Buffer and are dependent on the water by reason of the intrinsic nature of their operations. Water-dependent facilities include, but are not limited to: charter fishing facilities, public docks, ramps and railways; boatyards; marinas; boatels; commercial piers and ports and marine terminals; industrial and port-related facilities; intake and outfall structures of power plants; water-use industries; public beaches and public water-oriented recreation areas, and fisheries activities. Private piers installed or maintained by individual riparian landowners, which are not part of a subdivision that provides community piers, are excluded from regulation by this Section.
- (1) Only those specific operations and structures that must occupy the Buffer in order to serve their function may be located in the Buffer. New parking, roads, and storage structures/areas; new eating and drinking establishments; retail sales (other than fuel sales to watercraft); and other non-water dependent activities and structures are prohibited from location in the 100 foot Buffer.
- (2) Expansion of existing buildings in the Buffer requires a variance unless the structure or facility was anticipated in an approved 5-to-10 year site plan approved at the time of the designation of the site as a water-dependent facility, the expansion is not waterward of the existing encroachment, and planting or offsets are provided in the Buffer for two times the area of impervious surface added. A five to ten year site plan indicates a five to ten year future for a given site. The five to ten year site plan shall be submitted for review by the Department of Planning and Zoning as a Concept Plan in accordance with Article 6 of this Ordinance.
- b. Any activity structure of works permitted within the underlying zone, as set forth in Schedule 50.4 and permitted in the Critical Area Overlay Zone may be approved as a water-dependent facility if the applicant demonstrates that the activity, structure, or works:
- (1) Cannot exist outside the Critical Area Buffer; and
- (2) Is dependent on the water by reason of the intrinsic nature of its operation.
- c. Private, non-commercial piers having four or fewer slips, private non-commercial ramps or railways, and structures for shore erosion control do not require a water-dependent facility designation. Development of these waterfront facilities shall conform to County requirements for shoreline structures and the County use regulations.
3. **Requirements for the Selection/Approval of Areas and Sites.** The following basic criteria and requirements must be met for all new or expanded water-dependent facilities:
- a. New or expanded development activities may not be allowed in those portions of the Critical Area Buffer that fall in Resource Conservation Areas unless they are water-dependent facilities for: public beaches; other public, water-oriented recreation or education; publicly-owned launching and docking facilities; fishing piers; research facilities or activities; or fisheries and aquaculture facilities, and it can be shown that:
- (1) Adequate sewage disposal facilities exist; and
- (2) Non water-dependent facilities are located outside the Buffer to the extent possible; and
- (3) Permeable surfaces are used to the extent practicable; and
- (4) Disturbance to natural vegetation is minimized; and
- (5) Design and location criteria are such that the proposed activity will have minimal individual and cumulative impact on water quality and fish, wildlife and plant habitats in the Critical Area; and

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(6) A fuel spill protection system will be installed.

b. Within the RCA overlay, any proposal seeking designation as a water-dependent facility for a commercial, industrial, institutional or recreational use other than those permitted in paragraph a, above, must concurrently seek and obtain growth allocation to reclassify the property as LDA or IDA.

c. New or expanded water-dependent development activities may be permitted in the Critical Area Buffer in Intensely Developed and Limited Development areas for industrial and port-related facilities, marinas and commercial maritime facilities, community piers and noncommercial boat docking and storage facilities, public beaches, or other public water-oriented recreational or educational facilities, including publicly owned launching and docking facilities and fishing piers, research facilities or activities, fisheries, and aquaculture facilities provided that it can be shown that:

(1) That they are water-dependent;

(2) The project meets a recognized private right or public need;

(3) Adverse effects on water quality; tidal flow; and fish, plant, and wildlife habitat are avoided or mitigated;

(4) Non-water dependent structures or operations associated with water-dependent projects or activities are located outside the Critical Area Buffer; and

(5) The facilities are consistent with the Comprehensive Plan.

4. *Site Development Standards for Specific Water-Dependent Facilities.*

a. Development of water-dependent facilities shall conform to the criteria of Section 71.9 Standards for Shoreline Resources.

b. Additional site development standards for specific water-dependent uses are hereby incorporated by reference as set forth in Chapter 51.

c. If community piers, slips, or moorings are provided as part of a new development, private piers in the development are not allowed. The number of slips, piers or mooring buoys permitted at a community facility shall be the lesser of (1) or (2), below:

(1) One slip for each 50 feet of shore line in the subdivision in the Intensely Developed Areas and Limited Development Areas and one slip for each 300 feet of shoreline in the Resource Conservation Area Critical Area according to the following schedule:

(2) A density of slips, piers or mooring buoys to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

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1 5. **Conditions of Approval.**

- 2 a. Growth allocation awards shall remain in effect so long as progress is made toward
3 completion of approved development, such as recordation of a subdivision plat or
4 approval of a site plan. Should such progress not occur within three years of growth
5 allocation award, a hearing may be held by the Planning Commission and Board of
6 County Commissioners to withdraw the award and return the acreage to the County's
7 growth allocation allotment. All procedures for a zoning map amendment shall be
8 followed with the County in the role of applicant for notice and posting.
- 9 b. A growth allocation award may be conditioned to be valid only for a specific project.
10 Any award that is so conditioned must be based on the concept approval of a site plan or
11 subdivision plan (including up to a six-year phasing plan). The growth allocation shall
12 remain valid as long as the project is completed within the allotted time or makes regular
13 and continued progress toward completion. If project approvals lapse, the growth
14 allocation shall be withdrawn at a public hearing to rezone the area to the overlay
15 designation in existence prior to the growth allocation award. An applicant for any
16 project for which approvals lapse, who desires to reinstate the growth allocation on the
17 site, is required to reapply. The project will be reviewed de novo and shall be subject to
18 the standards of the ordinance and regulations in effect at the time of reapplication.
- 19 c. Growth allocation that is not conditioned to be valid only for a specific project may
20 continue in effect even if the project for which the growth allocation was granted is
21 discontinued. Any new or substantially altered project located within an area that has
22 received such a Growth Allocation shall meet or exceed the resource and habitat
23 protection measures, water quality protection measures, and the growth allocation
24 standards of the originally approved project.

25 6. **Computing the Use of the Growth Allocation.** Growth Allocation acreage shall be computed as
26 follows:

- 27 a. Parcels of land that were recorded as of December 1, 1985, and classified as RCA or
28 LDA, where all or part of the parcel is identified by the County as a growth allocation
29 area, shall result in the acreage of the entire parcel not in state wetlands being deducted
30 from the St. Mary's County growth allocation allotment, unless the development
31 envelope concept outlined below is used.
- 32 b. On an RCA parcel proposed for use of growth allocation, a single development envelope
33 may be specified, whereupon the acreage of the development envelope rather than the
34 entire parcel shall be deducted from the County's growth allocation allotment if the
35 development meets the following criteria:
- 36 (1) The development envelope includes individually owned lots, required buffers
37 (including the 100-foot Critical Area Buffer, 25-foot nontidal wetlands buffers,
38 and any zoning buffers), impervious surfaces, roads, utilities, stormwater
39 management measures, on-site sewage disposal measures, any areas subject to
40 human use such as active recreation areas, and any additional acreage needed to
41 meet the development requirements of this Ordinance; and
- 42 (2) Only one development envelope is established per parcel of land; and
- 43 (3) If fewer than 20 acres remain outside the development envelope, the residue is
44 contiguous to a 20 acre or larger area of land with an RCA designation, and the
45 land is permanently protected (i.e. by easement).
- 46 c. For growth allocation areas proposed in the RCA, a 300-foot naturally vegetated buffer
47 provided on a growth allocation site is not required to be deducted from the County's
48 allocated growth allocation, even if the buffer does not meet the 20-acre requirement. If
49 the 300-foot buffer area is not deducted, a deed restriction and easement identifying the
50 activities and management practices, if any, allowed in the buffer area must be approved

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

| Use Type | Description | Use Intensity | Zoning Districts | | | | | | | | | | | | | | | | Critical Area Overlay |
|---|--|---------------|------------------|-----|-----|----|----|-----|-----|-----|-----|-----|-----|----|---|-----|----|-------------------|-----------------------|
| | | | RPD | RSC | RCL | RL | RH | RNC | RMX | VMX | TMX | DMX | CMX | CC | I | ORP | CM | | |
| Marine Use Classifications | | | | | | | | | | | | | | | | | | | |
| 95. Boatel (multi-level watercraft storage rack building). | 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. Boatyard. | 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. Charter fishing facility. | This classification includes any facility that berths more than one vessel for hire carrying more than 6 passengers regardless of whether inspection is required pursuant to US Coast Guard regulations governing passenger vessels OR more than three vessels for hire meeting the requirements as an "Uninspected vessel under 100 gross tons" pursuant to US Coast Guard regulations and accommodating 6 or fewer passengers each, for three or more charter fishing boats or that accommodate more than 18 customers. | Low | C | - | C | - | - | C | - | - | C | - | - | - | - | - | P | RCA LDA IDA | |
| 98. Commercial dock | 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. Dock, ramp and/or railway, public. | Public facility for launching, mooring, or securing watercraft, and where overnight berthing is prohibited. | Low | P | - | - | P | - | L | - | - | P | - | - | - | - | - | P | RCA LDA IDA | |
| 100. Marina. | 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 | |

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

| Use Type | Description | Use Intensity | Zoning Districts | | | | | | | | | | | | | | | | Critical Area Overlay |
|--------------------------------------|--|---------------|------------------|-----|-----|----|----|-----|-----|-----|-----|-----|-----|----|---|-----|----|-------------------|-----------------------|
| | | | RPD | RSC | RCL | RL | RH | RNC | RMX | VMX | TMX | DMX | CMX | CC | I | OBP | CM | | |
| 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 activities best accommodating a maximum of 12 customers berthed and operated at a private pier that is an accessory use to residential use providing berthing and facilities for one vessel capable of carrying more than 8 and less than 25 passengers and meeting the requirements for a "Small Passenger Vessel (under 100 gross tons) pursuant to US Coast Guard regulations OR no more than three uninspected vessels capable of carrying 8 or fewer passengers for hire each meeting the requirements as an "Uninspected vessel under 100 gross tons" pursuant to US Coast Guard regulations. Generation of revenue from fishing operations 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 | |
| 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. 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 | |

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

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

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

19 **51.3. Specific Regulations and Standards.**

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

21 1. **Agricultural Industry, Major**

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

27 2. **Agricultural Industry, Minor**

- 28 a. **General Standards. (reserved)** In the RCA, the uses must be associated with an
29 agricultural use on the same property.

30 3. **Animal Husbandry.**

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

- 36 b. **Limited Standards. (reserved)**

37 4. **Aquaculture.**

- 38 a. **General Standards:**
- 39 (1) Minor site plan approval is required.
- 40 (2) Land and water-based aquaculture activities that are not operated for profit e.g.
41 ponds stocked for private fishing, oysters grown in floats at private piers for
42 consumption by the landowner, etc - are not regulated and may occur in any
43 district.

1 c. **Conditional Standards:**

- 2 (1) The facility shall meet limited standards.
- 3 (2) Applicant must provide evidence to demonstrate the use will not cause negative
- 4 impacts to the adjacent neighborhood because of traffic, noise, or the number of
- 5 patients or people being cared for.

6 18. **Single Room Occupancy Units.**7 a. **General Standards:**

- 8 (1) Accommodations for each eight persons shall constitute an equivalent dwelling
- 9 unit for purposes of determining residential density and adequate facilities. The
- 10 floor area ratio for all structures located on the parcel shall not exceed that
- 11 permitted in the zone in which the structure is located.

12 19. **Burial Grounds.**13 a. **General Standards:**

- 14 (1) Site Plan approval shall be required.
- 15 (2) Burial plots shall be located at least 20 feet from any property line.
- 16 (3) Arrangements for perpetual maintenance of burial grounds shall be required and
- 17 a maintenance agreement, approved by the County Attorney, shall be recorded
- 18 with the Clerk of the Court.
- 19 (4) In the RCA new uses shall be limited to 20,000 square feet of impervious
- 20 surface area of 15% of the site, whichever is less. The area of individual head
- 21 stones or grave markers shall not be included in the calculation for
- 22 impervious surface. In the RCA, expansion of existing uses shall be governed
- 23 by the provisions of Chapter 52, except that a variance shall be required when
- 24 expansion allowed by that chapter would exceed the impervious surface limits
- 25 for the Resource Conservation Area Overlay.

26 b. **Accessory Standards:**

- 27 (1) Existing family burial grounds in any zone may continue in use. Such burial
- 28 grounds may not be operated for profit. Access to the site shall be provided
- 29 (2) New burial grounds may be approved as accessory uses provided such burial
- 30 grounds are not operated for profit and a permanent easement for access to the
- 31 site from a public road is provided.

32 20. **Clubs or Lodges.**

- 33 a. **General Standards.** Services such as a restaurant, tavern, retail sales, recreation and
- 34 entertainment for other than members and their guests shall require zoning permit
- 35 approval as a principal use.
- 36 b. **Accessory Standards.** In the CM, the facility must be accessory to a conforming Marina
- 37 use.
- 38 c. **Conditional Standards.** In the RNC, the creation of such a use after the effective date of
- 39 this Ordinance is prohibited unless it can be demonstrated to the satisfaction of the Board
- 40 of Appeals that similar legally created uses currently exist in the RNC neighborhood
- 41 surrounding the proposed use.

42 21. **Cultural Institution.**43 a. **General Standards:**

- 44 (1) The facility may consist of one or more buildings or structures that shall be
- 45 devoted entirely to the furtherance of the arts or culture.

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

- 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 (6) The industrial activities shall be incidental to a primary water-dependent fishery
- 16 activity.

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b. *Limited Standards:*

- 18 (1) In an RPD zone, a permanent structure for the display and sale of locally
- 19 produced fishery products no larger than 750 square feet may be constructed.
- 20 Site plan approval is required.
- 21 (2) In an RNC zone, the use is prohibited unless it can be demonstrated that similar
- 22 legally created uses currently exist in the RNC neighborhood surrounding the
- 23 proposed use.
- 24 (3) A minimum "A" buffer yard shall be provided between the adjoining property
- 25 zoned for residential use and any structure built for use in the seafood
- 26 production activity.

104. *Accessory Dwelling Unit.*

a. *Accessory Standards:*

- 29 (1) An accessory dwelling unit may be located either in the principal dwelling unit
- 30 or in an accessory structure.
- 31 (2) The minimum floor area for an accessory dwelling unit within a principal
- 32 dwelling shall be 300 square feet but in no case shall it exceed 30 percent of the
- 33 gross floor area of the dwelling in which it is located. For accessory units
- 34 located in accessory structures, the minimum floor area shall be 300 square feet;
- 35 the accessory unit shall have no more than two bedrooms and shall not occupy
- 36 more than 50 percent of the accessory structure.
- 37 (3) There shall be no more than one accessory dwelling unit per lot or parcel.
- 38 (4) If an accessory dwelling unit is located in the principal dwelling building, the
- 39 entry to such unit and its design shall be such that the building retains the
- 40 appearance of a single-family residential structure. No external entrance to the
- 41 accessory unit will face the street.
- 42 (5) An additional, independently accessible parking space shall be provided for the
- 43 accessory dwelling unit.

105. *Automated Teller Machine (ATM).*

a. *Accessory Standards:*

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109. **Dock, Ramp and/or Railway.**a. **Accessory Standards:**

(1) Private water-dependent facilities may provide mooring, docking, or berthing of more than four but less than 10 vessels on tidal navigable waters subject to Section 41.8.4, Water Dependent Facilities, and must meet the following:

(a) Private facilities shall not be used for commercial purposes (rental of slips to persons not living on the property is expressly prohibited).

(b) Non-water dependent activities parking, storage, etc. shall be located entirely outside the Critical Area Buffer.

(c) New or expanded community marinas and other noncommercial boat docking and storage may be permitted in the Buffer provided that:

i. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities; and

ii. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision; and

iii. The facilities are associated with a residential development approved by the County for the Critical Area and consistent with all the Critical Area provisions of this Ordinance; and

iv. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities.

(2) A site having facilities for mooring, docking, or berthing of 10 or more vessels on tidal navigable waters shall be regulated as a Marina.

110. **Drive-Through Services.**a. **Accessory Standards:**

(1) Drive-through lanes shall provide sufficient queuing space for anticipated volume over the peak 15-minute period (based on an analysis of the anticipated drive-through traffic volume submitted by the applicant). Sufficient stacking shall be provided for at least five vehicles for each drive-through lane in order to prevent overflow onto parking lot circulation aisles and public streets.

(2) Drive-through lanes shall be incorporated into the overall parking lot layout.

(3) Drive-through lanes shall have a layout that does not impede normal traffic in the parking lot or on adjacent service roads.

(4) The stacking lane shall be physically separated from the adjoining parking lot or street property line by at least a seven-foot planting strip.

(5) Drive-through facilities located adjacent to any residential district shall include screening of the talk box by a wood or masonry fence with 100 percent capacity to serve as a sound barrier.

111. **Home Occupation.**a. **Accessory Standards:**

(1) There shall be no stock-in-trade other than products fabricated on the premises.

(2) A home occupation may be conducted entirely within a dwelling or within an accessory structure. A home occupation may not exceed 200 square feet in residential or mixed use districts or 500 square feet in the RPD or RSC.

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- 1 (3) No outdoor storage of equipment used for the home occupation shall be
- 2 permitted in areas visible from adjoining roadways or parcels in residential use.
- 3 (4) There shall be no change in the outside appearance of the building or premises
- 4 and the existence of a home occupation shall not be apparent beyond the
- 2/2/02 5 boundaries of the site except for one sign which shall not exceed 6 square feet.
- 6 (5) The maximum number of persons other than residents of the dwelling who can
- 7 be employed on-site or report to work at the site in the conduct of a home
- 8 occupation is two in residential or mixed use districts or three in RPD or RSC
- 9 zones.
- 10 (6) No more than 10 off-street parking spaces may be provided.
- 11 (7) No equipment or process shall be used that creates noise, vibration, glare, fumes,
- 12 odors, or electrical interference detectable beyond the boundaries of the lot.
- 13 (8) Any authorized County employee may inspect the premises of a home
- 14 occupation at any reasonable time to ascertain compliance with these conditions
- 15 and any requirements of this Ordinance. The Planning Director shall revoke the
- 16 certificate for a home occupation that is not operated in compliance with these
- 17 provisions 30 days written after written notice has been served on the owner or
- 18 occupant of the property unless the home occupation is brought into compliance.
- 19 (9) Funeral homes, motor vehicle repair, auto body work, animal sales and services
- 2/2/02 20 (except animal grooming conducted within the home) and food and beverage
- 21 sales shall not be permitted as home occupations.

112. *Live Entertainment.*

a. *Accessory Standards:*

- 24 (1) Applicant must provide evidence to demonstrate that the use will not negatively
- 25 affect the adjacent neighborhood because of traffic, noise, and number of people
- 26 attending the facility.
- 27 (2) Adequate parking as required by this Ordinance shall be provided, and overflow
- 28 on-street parking shall not cause a hazard or nuisance for residents of the
- 29 neighborhood.

113. *On-site Workers' Housing.*

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

a.b. *Accessory Standards:*

- 38 (1) Workers housing shall meet the appropriate standards for modular homes,
- 39 mobile homes, multi-family residences, or institutional residences based on type
- 40 of units proposed.
- 41 (2) Housing that exceeds base zone density shall be vacated and removed if the
- 42 agricultural, commercial or industrial operation employing the workers ceases
- 43 for one year, regardless of any intention to abandon or resume such activities.

114. *Accessory, General.*

a. *Accessory Standards. (reserved).*

CHAPTER 52 NONCONFORMING USES, STRUCTURES, AND SIGNS

Sections:

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

52.1. Specific Purpose.

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

52.2. Continuation and Maintenance.

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

52.3. Alterations and Enlargements.

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

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3. **Required Referral Comments.**

a. Comments from all relevant federal and state agencies are required as part of the local environmental review process. These agencies may include:

- (1) Maryland Department of the Environment (MDE).
- (2) Maryland Department of Natural Resources (DNR).
- (3) Maryland Department of Agriculture (MDA).
- (4) The local Soil Conservation District office (SCD).
- (5) The U. S. Fish and Wildlife Service (USFWS).
- (6) The U. S. Army Corps of Engineers (ACOE).

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b. The County shall send copies of applications for all developments, subdivisions, and site plans wholly or partially within the Critical Area to the Critical Area Commission in accordance with the provisions of COMAR 27.01.01.03.

4. **Application Requirements.** A sensitive areas plan shall show a vicinity map, property boundaries, existing and proposed topography using minimum five-foot contours, existing development, proposed development and sensitive areas including:

a. Tributary streams and their buffers delineated from the top of the normal bank at each side of the stream, including:

- (1) Outside the Critical Area measured 50 feet from each bank for intermittent streams, or
- (2) For all perennial streams and for intermittent streams inside the Critical Area measured 100 feet from each bank ~~and if present, from adjacent slopes greater than 15 percent or from wetlands or hydric soils~~ and expanded, if necessary, in accordance with the Buffer expansion provisions of 71.8.3.(a)(1).

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b. Jurisdictional non-tidal wetlands delineated based on 1987 ACOE manual plus a 25-foot buffer delineated from edge of the non-tidal wetlands; and

c. Wetlands of special state concern plus their 100-foot buffers delineated from the edge of such a wetland.

d. A 100-year floodplain, floodway, and coastal high hazard area boundary using the identified 1929 NGVD contour elevation provided on the official floodplain maps.

e. Hydric soils, soils with hydric inclusions, highly erodible soils (k value of .35 or more).

- (1) Slopes of 15 percent to 25 percent gradient; and
- (2) Slopes of 25 percent gradient or greater.

f. Chesapeake Bay Critical Area boundary.

(1) ~~The Critical Area-100-foot Critical Area Buffer with expanded, if necessary, for contiguous steep slopes, hydric and highly erodible soils, expansion for adjacent slopes of 15 percent gradient or greater, hydric and erodible soils, and non-tidal wetlands in accordance with the provisions of 71.8.3.2(a)(1) and their buffers.~~

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g. Habitat Protection areas including:

- (1) Forest interior dwelling species habitat; and
- (2) Habitats of rare, threatened, and endangered species; and
- (3) Colonial water bird nesting sites; and
- (4) Water fowl staging and concentration areas; and

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2 e. Silvicultural and horticultural activities may be undertaken if they are part of an approved
3 forest management plan and if they are undertaken to:
4 (1) Preserve the forest from extensive pest or disease infestation or threat from fire;
5 or
6 (2) Maintain the health of the forest or individual trees, shrubs, and plants.

71.4. **Stream Resource Protection Standards.**

1. **Applicability.** The standards of this section shall be applied to protect:

- 8 a. Perennial streams as designated on current edition of United States Geological Survey
9 7.5-minute quadrangle maps or as modified by presentation of site survey or engineering
10 data that delineates stream presence and location; and
11 b. Intermittent streams as designated on current edition of United States Geological Survey
12 7.5-minute quadrangle maps of the area or as modified by presentation of site survey or
13 engineering data that delineates stream presence and location.

2. **Site Development Standards for Streams.**

- 15 a. A buffer shall be preserved along each side of perennial or intermittent streams measured
16 from the top of the bank of the stream as follows:
17 (1) Outside the Critical Area measured 50 feet from each bank for intermittent
18 streams, or
19 (2) For all perennial streams and for intermittent streams inside the Critical Area
20 measured 100 feet from each bank expanded, if necessary, in accordance with
21 the provisions of 71.8.3.2(a)(1) and if present, from adjacent slopes greater than
22 15 percent or from wetlands or hydric soils.
23 b. Natural vegetation shall be maintained in stream buffer areas. Where natural vegetation
24 does not exist, and conditions for replanting are suitable, high priority shall be given to
25 planting vegetation in the buffer area to stabilize banks and to enhance resource
26 protection and preservation.
27 c. All development activities in the LDA and RCA that must cross or affect streams shall be
28 designed to:
29 (1) Reduce flood frequency and severity that are attributable to development; and
30 (2) Retain tree canopy so as to maintain stream water temperature within normal
31 variation; and
32 (3) Provide a natural substrate for streambeds; and
33 (4) Minimize adverse water quality and quantity impacts of stormwater.
34 d. The buffer within floodplains shall be maintained in natural vegetation to prevent erosion
35 in this area. Where natural forest vegetation does not exist along the water course, and
36 conditions for replanting are suitable, high priority shall be given to planting trees in the
37 setback area to stabilize banks and to enhance aquatic resources.
38 e. Channelization or other physical alterations shall not change the course or circulation of
39 the stream so as to interfere with fish movement.
40 f. Rip-rap or other artificial surfaces shall not be installed in stream channel or stream
41 buffers as part of a development application unless the applicant has provided evidence
42 that water quality and fisheries habitat can be improved.
43 g. Existing vegetation shall be maintained to the extent practicable on the developed site
44 during construction to mitigate potential adverse impacts to watersheds within the
45 Critical Area with drain to endogenous fish spawning streams.

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1 71.5. Wetlands and Hydric Soils Resource Protection Standards.

2 1. *Applicability.* The standards of this section shall be applied to protect:

3 a. Tidal wetlands as officially mapped by the Department of Natural Resources (DNR), or
4 as field delineated onsite and confirmed by the Tidal Wetlands Division of Maryland
5 Department of the Environment (MDE) or the U.S. Army Corps of Engineers; and

6 b. Non-tidal wetlands as delineated using methods established in the Federal Manual for
7 Identifying and Delineating Jurisdictional Wetlands, 1987.

8 (1) A 25-foot buffer shall be preserved from the edge of non tidal wetlands and shall
9 be expanded up to 100 feet to include areas of adjoining hydric soils.

10 c. Wetlands of Special State Concern as determined by DNR.

11 2. *Site Development Standards for Wetlands Resources.*

12 a. A 100-foot buffer shall be preserved from the landward edge of tidal wetlands and shall
13 be expanded, if necessary, in accordance with the provisions of 71.8.3.2(a)(1) for
14 adjacent steep slopes, hydric soils and nontidal wetlands.

15 b. A 25-foot buffer shall be preserved from the edge of non-tidal wetlands and shall be
16 expanded up to 100 feet to include areas of adjoining hydric soils.

17 c. A 100-foot buffer shall be preserved from the edge of wetlands of special state concern.

18 d. For projects in the Critical Area, new development activities may not be permitted in the
19 100-Buffer and expanded Buffer unless the project is a water-dependent facility or a
20 variance is granted in accordance with the provisions of Chapter 24 and the mitigation
21 requirements below.

22 3. *Mitigation.*

23 a. Mitigation shall be required to offset unavoidable and necessary impacts to the wetlands
24 set forth above.

25 (1) The plan must specify mitigation measures that will provide water quality
26 benefits and plant and wildlife habitat equivalent to the wetlands altered and
27 shall be accomplished, to the extent possible, on-site or near the affected
28 wetland. This may include payment in lieu of on-site mitigation.

29 71.6. Floodplain Resource Protection Standards.

30 1. *Applicability.* The standards of this section shall be applied to protect the 100-year floodplain
31 including, but not limited to, non-tidal floodplains, tidal floodplains and Coastal High Hazard
32 Areas.

33 2. *Site Development Standards for Floodplain Resources.*

34 a. No building or grading permit for work within a floodplain shall be issued before the
35 applicant has obtained a waterway construction permit from the appropriate state or
36 federal authorities.

37 b. Development in floodways is prohibited except that additions to existing structures may
38 be approved according to the provisions of Section 76.6.5.

39 c. A 50-foot buffer shall be preserved around all floodplains. This buffer may be reduced to
40 25 feet when a water quality protection plan, using approved BMPs, is proposed and,
41 later, implemented.

42 d. Building sites on all new lots shall be outside the 100-year floodplain except for water
43 dependent facilities.

44 e. All floodplains, or portions of floodplains, on a project site shall have a floodplain
45 easement established around the floodplain limits, as established by the FEMA map, or

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c. Installation of shore erosion control measures may occur in areas with steep slopes provided the measures are recommended, reviewed, and approved by the Soils Conservation District and the Maryland Department of the Environment or the U.S. Army Corps of Engineers.

d. Areas of hydric soils or inclusions of hydric soils that are not associated with tidal, non-tidal wetlands, or vernal pools.

3. *Site Development Standards for Protection of Lands with Steep Slopes.*

a. Disturbance to slopes in excess of 25 percent is prohibited in a Rural Preservation District.

b. The clearing of natural vegetation shall be minimized and shall use the best available technology to control erosion and sedimentation to reduce and/or mitigate the potential associated water quality impacts.

c. In areas of slopes with greater than 15 percent grade, the project shall:

(1) Maintain or improve the stability of the slope as determined by an engineered site design approved by the SCD prior to grading or construction anywhere on the site; and

(2) Maintain or, if possible, improve the quality of runoff entering the Chesapeake Bay and its tributaries.

~~b.d.~~ Disturbance to slopes greater than 15 percent in the Critical Area may be approved only if the applicant can demonstrate that the disturbance is a best management practice and is the only effective way to maintain or improve the stability of the slope, ~~or to prevent erosion of highly erodible soils.~~ Otherwise, disturbance to slopes of 15 percent or greater in the Critical Area are required to obtain a variance. ~~in addition to meeting the following standards:~~

~~(1)e.~~ For slopes greater than 6 percent, the 25-foot vegetated filter strip required for agricultural uses in the 100-foot Critical Area buffer must be expanded four feet for every 1 percent slope.

~~(2)f.~~ Areas along shorelines and streams where slope is within 20 degrees of vertical with a height in excess of 20 feet are at risk for erosion/collapse and shall be subject to a minimum 100-foot buffer that shall be:

~~(a)(1)~~ Expanded by three feet for each one foot of height in excess of 20 feet, or

~~(a)(2)~~ Protected by an approved shore erosion protection measure at the toe of the cliff designed for the 45-year storm event and installed prior to construction of principal structures on the site.

~~e.~~ The clearing of natural vegetation shall be minimized and shall use the best available technology to control erosion and sedimentation to reduce and/or mitigate the potential associated water quality impacts.

~~f.g.~~ Grading of a site to cut or fill areas of steep slopes within 50 feet of streams is prohibited within stream buffers and within the Critical Area.

~~g.~~ In areas of slopes with greater than 15 percent grade but less than 25 percent grade, the project shall:

~~(1)~~ Maintain or improve the stability of the slope as determined by an engineered site design approved by the SCD prior to grading or construction anywhere on the site; and

~~(2)~~ Maintain or, if possible, improve the quality of runoff entering the Chesapeake Bay and its tributaries.

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4. Site Development Standards for Protection of Highly Erodible Soils.

a. The following best management practices shall be used on sites with the proposed disturbance of highly erodible soils as determined by the SCD through environmental review:

- (1) Infiltration of run-off on-site (basins, trenches, dry ponds); or
- (2) Flow attenuation by use of open vegetated swales and natural depressions; or
- (3) Stormwater retention structures; or
- (4) Stormwater detention structures.

b. Development proposals located on lands in the Patuxent River watershed shall be required to design and implement the following additional measures to prevent severe erosion of highly erodible soils located on and off-site from the effects of altered of drainage patterns and discharge of concentrated runoff:

- (1) Any concentration of runoff that will flow across highly erodible soils located between the point of concentration of the runoff to the point of entry of the runoff into a perennial stream or other waters of the state shall be managed using both structural and nonstructural best management practices (BMPs) on-site and off-site.
- (2) Provisions for access, installation, and maintenance of the BMPs shall be required for both on site and off-site measures.

c. Wetland or stream buffer areas shall be expanded to include adjacent areas of highly erodible soils.

71.8. Habitat Protection Standards.

1. The following areas shall be designated as habitat protection areas:

- a. The Chesapeake Bay Critical Area 100 foot buffer.
- b. Forest interior dwelling species (FIDS) habitat.
- c. Habitats of rare, threatened, and endangered species or species in need of conservation.
- d. Colonial water bird nesting sites.
- e. Historic waterfowl concentration areas.
- f. Designated Natural Heritage Areas, areas identified by state and federal agencies as important plant or wildlife habitat areas, and areas of plant and wildlife habitat of local significance.
- g. Anadromous fish propagation waters.

2. Forest Interior Dwelling Species (FIDS) habitat, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, important habitats designated by State or federal agencies, and plant and wildlife habitats of local significance shall be conserved and protected in accordance with the provisions of COMAR 27.01.09.04.

2.3. The 100-foot Critical Area Buffer. A 100-foot Critical Area buffer is hereby established shall be established a minimum of 100-feet landward from the mean high water line of tidal waters, tidal wetlands and tributary streams in the Critical Area. The Buffer shall be established or managed to perform the functions set forth in COMAR 27.01.09.01.B.

a. Modifications to the 100 foot Buffer:

- (1) The 100-foot buffer shall be expanded to include contiguous steep slopes, hydric soils whose development or disturbance may impact streams, wetlands or other aquatic environments, and highly erodible soils pursuant to Section 71.7.1. In

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the case of contiguous slopes of 15 percent or greater, the Critical Area Buffer width shall be increased four (4) feet for every 1 percent of slope above 15 percent or to the top of the slope, whichever is greater in extent. Buffer expansion for steep slopes is not required when the slopes are wholly within the Critical Area Buffer.

(2) The 100-foot buffer will not be required for agricultural drainage ditches when the adjacent agricultural land has in place best management practices as required by Chapter 73, Agricultural Resources in the Critical Area.

b. Regulation of Activities in the Buffer.

(1) No new impervious surfaces, sewage reserve easements, septic system, development activities, mining or related facilities shall be permitted in the 100-foot buffer, unless:

- (a) The activity is a water dependent facility pursuant to Section 41.8; or
- (b) The site is within a designated Buffer Management Overlay (see Section 41.7); or
- (c) The applicant obtains a variance pursuant to Article 2.

(2) See Chapter 73 for regulations for agricultural activities in the Critical Area Buffer.

(3) The commercial harvesting of trees within the Critical Area buffer shall be allowed in accordance with Chapter 72, Forest and Woodland Resources in the Critical Area.

(4) Installation of shore erosion control measures and other permitted shoreline protections within the Critical Area buffer shall be allowed only in accordance with Section 71.9.

c. Guidelines for Maintaining Vegetation in the Buffer. Natural vegetation shall be maintained or enhanced in the Critical Area buffer subject to the following:

(1) Planting diverse non-invasive vegetation in the buffer is encouraged and does not require a permit.

(2) An existing grandfathered lot buffer without natural vegetation in the Buffer may be retained in its current state except:

(a)(3) Areas, including fallow agricultural fields, that have been maintained for five or more years such that woody vegetation (tree seedlings, saplings, shrubs and native vines) is growing on the site, shall be considered to be forest and shall be subject to the Forest and Woodland Protection Standards set forth in Chapter 72.

(b)(4) Where agricultural use of land within the Critical Area Buffer ceases or and the lands are proposed to be converted to other uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions as set forth in the policies embodied in the regulations of this Chapter.

(3)(5) For any development or disturbance in the buffer, a planting agreement shall be executed in accordance with the provisions of Chapter 72, Forest and Woodland Resources in the Critical Area. Planting shall be required to be placed in the buffer as a condition of approval for a Buffer variance or other approved disturbance in the buffer.

(4)(6) An environmental permit is not required to:

- (a) Remove dead or dying trees that are in danger of falling and causing damage to structures, or resulting in accelerated shore erosion. Trees

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not meeting this standard shall be left standing for their habitat value;
or

(b) Prune trees as necessary to protect or stabilize the shoreline and to provide daylight to marsh grasses.

~~(5)~~(7) Individual trees may be harvested for personal use provided the cutting does not impair the water quality or existing habitat value or other buffer functions as set forth in COMAR 27.01.09.01.B, and a planting agreement is implemented to replace each tree harvested.

~~(6)~~(8) Horticultural practices may be used to maintain the health of individual trees.

~~(7)~~(9) Cutting of trees or removal of natural vegetation may be permitted where necessary to provide access to private piers, or to install or construct a shore erosion protection device or measure, or a water-dependent facility, providing the device, measure, or facility has received all necessary state and federal permits.

~~(8)~~(10) Other cutting techniques may be undertaken under the advice and guidance of the Maryland Departments of Agriculture and Natural Resources when recommended by the TEC to preserve the forest from extensive pest or disease infestation or threat from fire.

d. Buffer Management Plans. A Buffer Management Plan shall be required to establish the procedures and proposed planting for all alterations and cutting in the Buffer, development activities in the Buffer, and establishment of a vegetated buffer in areas of new development that are presently without a Buffer. A Buffer Management Plan shall be approved by the Department of Planning and Zoning and may include, but is not limited to, Planting Agreements, landscape plans, bonding instruments, and or fees-in-lieu agreements.

~~34.~~ Forest Interior Dwelling Species (FIDS) Habitat.

a. These habitats include:

(1) Upland Forests at least 50 acres in size dominated by trees five inches or more at breast height, with a closed canopy, that are at least 50 acres in size with 10 or more acres of forest interior habitat (i.e. forest width greater than 300 feet from the nearest forest edge), where the majority of the forest tract should be dominated by pole-sized or larger trees (5 inches or more in diameter at breast height), or have a closed canopy; and

(2) Riparian forests dominated by trees five inches or more at breast height, with a closed canopy, that are of at least 50 acres in size with an average total width of at least 300 feet. ~~The stream within the riparian forest should be perennial based on field surveys or as indicated on the most recent 7.5 minute USGS topographic maps.~~

(3) Other forests, regardless of size, that are utilized by forest interior dwelling species of birds and other wildlife may qualify.

b. For the purposes of determining forest size above, the size of the tract is based on entire forest area regardless of Critical Area boundary or property boundaries. Two forest tracts are unconnected when they are separated by existing nonforested habitat that creates a permanent 30-foot break in forest canopy.

c. The standards of this section shall be applied to areas meeting the above criteria unless the applicant demonstrates, using methods approved by the Department of Natural Resources, that FIDS are not present on the site.

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d. *Regulation of Activities in FIDS Habitat.* The following habitat protection and management measures are required for development activities regulated by this chapter if FIDS are found or are assumed to be present on a site because the area meets the criteria set forth above:

- (1) Applicants for projects in the Critical Area are required to use and follow the guidance publication on forest interior dwelling birds adopted by the Chesapeake Bay Critical Area Commission in June 2000 as amended.
- (2) Activities having an adverse impact upon habitats regulated under this chapter (e.g., use of off-road vehicles, intensive public use, timber harvesting, or development activities) shall be minimized during the April-May-August breeding season. This time restriction may be expanded from February to August if certain early-nesting FIDS are present.
- (3) Unavoidable development activities or other disturbances during the May-August breeding season shall be focused on the periphery of the area (i.e. roads, utility lines, corridors and structures).
- (4) Continuous cover of branches and foliage formed by the crowns of adjacent trees (forest canopy) and trees and shrubs underneath the canopy (understory vegetation) should be retained, insofar as practicable.
- (5) Standing dead trees (snag trees) should be retained for their value as bird nesting and feeding habitat insofar as possible.
- (6) The creation of small clearings that result in additional forest edge habitat should be minimized.
- (7) Where forest must be cleared, the cleared forest should be allowed or encouraged to return to native vegetation.
- (8) Disturbances adjacent to or near the Maryland Green Infrastructure network as prepared by the Department of Natural Resources in the County should be minimized insofar as possible.

e. *Regulation of Timber Management for FIDS Habitat.* The following techniques, or approved modification of the following techniques, shall be observed for timber harvests and shall be incorporated into forest management plans to maintain or improve habitat for FIDS:

- (1) Manage stands for regeneration of both hardwoods and pines.
- (2) Maintain four to eight snags per acre (especially snags of eight inches in diameter at breast height (DBH) or greater) in areas where seed tree, and shelter wood harvesting occurs and, where possible, retain snags in clumps of three to four.
- (3) Maintain at least 30 percent canopy cover in areas to be thinned.
- (4) Do not create any permanent forest openings. and
- (5) Wherever possible, design the shape of harvest areas to maximize the acreage of uncut forest interior habitat.
- (6) Retain native broad-leafed evergreen shrubs and trees whenever these are present.

4.5. Site Development Standards for Protection of Rare, Threatened and Endangered Species Habitat.

a. *Regulation of Activities Affecting Rare, Threatened And Endangered Species Habitats.* The following measures are required for development activities regulated by this chapter

1 for areas identified under Section 10-2A-01et seq. of the Natural Resources Article of the
2 Maryland Annotated Code as habitat for rare threatened or endangered species:

- 3 (1) Verification of the presence or absence of such habitats, the extent of the habitat
4 present, and the measures to be taken to protect the habitat shall be set forth in a
5 development application, with the concurrence of Maryland Department of
6 Natural Resources and the U.S. Fish And Wildlife Service.

7 5.6. *Site Development Standards for Protection of Colonial Water Bird Nesting Sites and*
8 *Waterfowl Staging and Concentration Areas.*

9 a. The following measures are required for all development activities regulated by this
10 section on lands utilized by colonial water birds and waterfowl for nesting and staging
11 areas, as mapped by the Maryland Department of Natural Resources:

- 12 (1) The applicant will be required to establish buffer areas for colonial water bird
13 (including, but not limited to, heron, egret, tern, and glossy ibis) nesting sites so
14 that these sites are protected from the adverse impacts of development activities
15 and from disturbance during breeding season.
16 (2) New water-dependent facilities shall be located so as to prevent disturbance to
17 colonial nesting sites and historic aquatic staging and concentration areas for
18 waterfowl.

19 6.7. *Site Development Standards for Protection of Natural Heritage Areas and Significant Habitat*
20 *Areas.*

21 a. Protect natural heritage areas from alteration due to development activities or cutting or
22 clearing so that the structure and species composition of the areas are maintained.

- 23 (1) The applicant shall contact the Maryland Department of Natural Resources to
24 identify the protection measures recommended. The applicant shall provide
25 copies to the Department of Planning and Zoning of correspondence with DNR
26 confirming the presence or absence of impact on the identified areas and the
27 recommendations for protection.
28 (2) Within the Critical Area, the applicant shall adhere to all recommendations.
29 (3) Outside of the Critical Area, the applicant shall minimize disturbance by
30 following the recommendations to the extent possible:
31 (a) At a minimum, applicants shall be required to cluster development, to
32 minimize clearing, to establish buffers or protection easements (having
33 a width as recommended by DNR) between development and areas of
34 natural heritage and/or significant habitat, and to install best
35 management practices for water quality protection.
36 (b) When development activities, or cutting and clearing of trees, occurs in
37 forested areas, corridors of existing forest or woodland shall be
38 maintained to provide connections between wildlife habitat areas. "The
39 Maryland Green Infrastructure" network prepared by the Department of
40 Natural Resources shall be consulted and utilized to identify areas, at a
41 minimum, where these corridors are to be maintained.

42 7.8. *Site Development Standards for Protection of Anadromous Fish Habitat.*

43 a. Areas designated by the Maryland Department of Natural Resources as anadromous fish
44 propagation waters shall be protected in accordance with COMAR 27.01.09.05.B. as
45 follows:

- 46 (1) Installation or introduction of concrete riprap or other artificial surfaces on the
47 bottom of natural streams is prohibited unless it can be demonstrated that water
48 quality and fisheries habitat can be improved by doing so.

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CHAPTER 72 FOREST AND WOODLAND RESOURCES IN THE CRITICAL AREA

Sections:

- 72.1 Intent.
- 72.2 Timber Harvests in the Critical Area.
- 72.3 Site Development Standards for Forest and Woodland Protection.
- 72.4 Fees-in-Lieu of In-Kind Replacement.
- 72.5 Mitigation Banking.

72.1. Intent.

- 1. To protect forested land while also meeting the needs of the growing population.
- 2. To maintain and increase the forested vegetation in the Chesapeake Bay Critical Area, (the "Critical Area") and, where possible, throughout the County.
- 3. To conserve forests and developed woodlands.
- 4. To maintain, to the extent possible, the protective values of wildlife, water quality, timber, recreation and other resources.

72.2. Timber Harvests in the Critical Area.

- 1. The following standards shall be followed for the harvest of timber in the Critical Area:
 - a. Forest management plans are required for all timber harvesting occurring on one or more acres in the Critical Area. In addition, a sediment control plan is required for all harvests of 5,000 square feet or more of disturbed area in the Critical Area.
 - b. All new harvesting operations are subject to the environmental review process.
 - c. Cutting or clearing of trees within the buffer is prohibited except in accordance with the provisions of an approved buffer management plan.
 - d. Lands subject to a timber harvest are required to remain in forest use, with regeneration by the method(s) approved in the timber harvest plan, for a minimum of five years from the date of the environmental permit issued approving the harvest. After five years from the date the harvest was completed, conversion to a new land use will require mitigation as provided in this Ordinance only for the area in which any cutting and clearing of the successional forest and regenerating growth has occurred.

72.3. Site Development Standards for Forest and Woodland Protection.

- 1. Development activities within the Critical Area shall comply with the following standards:
 - a. All Overlay Zones.
 - (1) Mitigation planting to offset adverse impacts associated with the clearing and cutting of trees is required in accordance with subsection 72.3.5 herein.
 - (2) An environmental permit is not required to remove dead or dying trees or to prune trees, however, standing dead and dying trees (snags) have significant habitat value for many species for food and shelter and should be left standing when they are not a hazard to persons or property.
 - (3) For the cutting or clearing of trees in forests or developed woodlands associated with the creation of new agricultural lands for bona fide agricultural uses, including the creation of farm ponds for irrigation and sediment collection, one to one mitigation shall be required that occurs within:
 - (a) 100 feet of perennial or intermittent streams; or
 - (b) (a) _____ 25 feet of the edge of non-tidal wetlands; or

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areas with non-farm use, shall be subject to the minimum forest coverage and afforestation requirements for the parcel.

2. ***In-Kind Forest and Developed Woodland Mitigation.*** The replacement or establishment of forests or developed woodlands shall assure a diversified plant community, but may include other types of woody plantings where necessary to correct an existing soil stabilization problem. Diverse forest plantings shall include a canopy layer, an understory layer, and a shrub layer. On wooded lots where a diverse forest does not exist, or diversity could be enhanced with understory trees and shrubs, addition of these shall be a preferred option over the use of fees-in-lieu.

3. ***Calculation of Mitigation Areas.*** Afforestation and reforestation areas shall be calculated as follows:

a. ***Forest Clearing.***

- (1) Mitigation in the IDA shall be based on a 1:1 basis for square feet cleared.
- (2) Mitigation in the LDA or RCA shall be based on the following required quantities:
 - (a) Equal area basis per square foot of clearing for clearing up to 20 percent of existing vegetative coverage; or
 - (b) One-and-one-half times the area basis per square foot of clearing for clearing between 20 and 30 percent of existing vegetative coverage; or
 - (c) Three times the area basis per square foot for unauthorized clearing in the 100-foot buffer or for clearing in excess of 30 percent of existing vegetative coverage.
- (3) Clearing before required permits have been obtained or clearing in excess of the amount approved by the permit shall be subject to a fine as specified in the schedule of fees, fines and penalties adopted by the County Commissioners, three times area mitigation and other civil penalties as allowed by this Ordinance.

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b. ***Removal of Individual Trees and Shrubs.*** Mitigation for removal of individual trees shall be on an equal area basis per square foot of disturbance outside the 100-foot buffer and three times the area basis per square foot of disturbance inside the 100-foot buffer.

c. ***Shore Erosion Control Projects.***

- (1) Mitigation shall be on an equal area basis for all forest, trees and shrubs removed to accomplish the project.
- (2) Mitigation shall be on an equal area basis for additional area of grading within the approved limits of disturbance.
- (3) Mitigation shall be increased to three times area basis for areas disturbed outside the approved disturbance and for the entire disturbed area when disturbance occurs prior to obtaining all necessary approvals.

4. ***Special Provisions.***

a. Implementation of mitigation measures for habitat protection areas that are recommended by the Department of Planning and Zoning or the TEC may, at the discretion of the approving authority, be required in addition to, or as an alternative to, the mitigation quantities calculated in this subsection.

b. Removal of invasive and noxious species by hand may be permitted without mitigation if the understory is allowed to naturally regenerate. There shall be no mitigation required for manual clearing or removal of noxious and invasive species. Within the Buffer, the removal of invasive and noxious species requires approval of a Buffer Management Plan in accordance with the provisions of Section 71.8.32.de-9. These species are identified in

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1 the Noxious and Invasive Species List prepared by the Department of Natural Resources
2 and included in the appendix of the Forest Conservation Manual, latest edition.

3 5. **Planting Specifications.** Where reforestation or afforestation is required, the following minimum
4 standards shall apply.

5 a. **Calculation of Required Planting:** Mitigation for disturbance to existing vegetative cover
6 or afforestation areas shall be determined and calculated at 400 square feet per six foot
7 tall, two inch diameter tree and 200 square feet per three gallon shrub planted.

8 b. **Species Type.**

9 (1) Unless otherwise approved by the Department of Planning and Zoning, tree
10 species shall be selected from the species list recommended by the Department
11 of Natural Resources and included in the appendix of the Forest Conservation
12 Manual latest edition.

13 (2) Plant materials shall meet or exceed the requirements of standard nurserymen
14 specifications. All plants shall be typical of the species and variety, shall have a
15 normal habit of growth, and shall be first quality, sound, vigorous, well-
16 branched, and with healthy, well-furnished root systems. They shall be free of
17 disease, insect pests, and mechanical injuries. Plants shall be nursery grown.
18 Heeled-in plants, plants from cold storage and non-nursery stock transplanted
19 from within the Critical Area are prohibited.

20 c. **Site Stocking.** Stocking for the areas required for reforestation or afforestation shall meet
21 the following density requirements summarized in Schedule 72.3.5. Plant installation
22 shall conform to the methods for seedlings and whips, container-grown stock, and balled
23 and burlapped trees, as recommended in the planting specifications of the Forest
24 Conservation Manual, latest edition.

25 (1) **Trees.** A minimum of 60 percent of the total required acreage of planted
26 mitigation shall be trees. For afforestation, at least 50 percent of the required
27 tree acreage should be canopy trees.

28 (a) **Minimum size of stock to be:**

29 i. Six feet tall by two-inch caliper or greater for canopy trees.

30 ii. Six feet tall or greater for evergreen trees.

31 iii. One inch caliper or greater for understory trees.

32 iv. Bare root seedlings and whip tree stock shall be allowed
33 pursuant to an approved planting plan only.

34 (2) **Shrubs.** A maximum of 40 percent of the total required acreage of planted
35 mitigation may be native, three gallon, shrubs.

36 (3) **Herbaceous Plants, Hydrophytic Plants, and Vines.** The Department of
37 Planning and Zoning may authorize use of alternative planting materials,
38 consistent with habitat protection area needs, special site conditions or
39 recommendations of the Maryland Department of Natural Resources. Stocking
40 levels for alternative plant materials shall be determined on a case by case basis
41 as part of the environmental review.

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SCHEDULE 72.3.5: CRITICAL AREA PLANTING SPECIFICATIONS

| Trees/Acre | Tree Size Average Spacing At Recommended Stocking Level* | Area Credited (Per Tree for Planted Mitigation) |
|------------|---|---|
| 400 | 2" caliper trees (20'x20' spacing*) | 400 square feet |
| 200 | 1" caliper trees (15'x15' spacing*) | 200 square feet |
| 350 | Hardwood seedlings or whips (11'x 11' spacing*) | 120 square feet |
| 700 | seedlings/acre (8'x8' spacing*) | 70 square feet |
| shrubs/200 | 3 gallon shrubs/15'x15' spacing* | 200 square feet |

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*Not to imply trees must be planted in a grid pattern

- d. **Supplemental Materials.** The Department of Planning and Zoning may require the use of supplemental planting materials when approving a Critical Area planting agreement or buffer planting agreement if soils or other site conditions warrant. These supplemental materials may include but shall not be limited to soil amendments, tree staking, or tree shelters.
- 6. **Critical Area Planting Agreement.** A Critical Area planting agreement consists of a signed agreement with a planting plan and, when required, a bond.
 - a. The planting agreement shall be signed by the property owner and a bond submitted in a form acceptable to the County, if required below, prior to final subdivision or site plan approval, or issuance of an environmental permit for development activity in the Critical Area.
 - b. Implementation of the planting agreement shall be required within two planting seasons. An extension of the planting agreement for one planting season may be obtained upon written request with accompanying justification demonstrating hardship or special conditions that prevented completion of the original planting agreement. Certificates of occupancy will not be issued without satisfactory implementation of the planting agreement or payment of a bond in the amount of the estimated cost of the required planting.
 - c. Applicants are required to notify the Department of Planning and Zoning when the planting required by the planting agreement is complete and to request an inspection to verify implementation of the planting agreement.
 - d. The Planting agreement shall include the proposed selection of plant types, which should be chosen from the recommended plant list available from the Department of Planning and Zoning and the planting schedule.
 - e. For the first two years after initial planting, competing vegetation shall be effectively controlled pursuant to the planting agreement approved by the Planning Director.
 - f. **Survivability.** All mitigation plantings shall be required to achieve a 60 percent survival rate after one year. Unsuccessful plantings below 60 percent after one year shall be replanted and the bond amount for those plantings held for another year.
 - g. **Bonds.**
 - (1) Execution of a planting bond for planting is required for all non-residential applications and for all other applications when total cumulative quantities of required mitigation on a parcel or lot exceed 4,000 square feet.

CHAPTER 73 AGRICULTURAL RESOURCES IN THE CRITICAL AREA.

Sections:

73.1 Purpose.

73.2 Performance Standards for Agriculture.

73.1. Purpose.

The Chesapeake Bay Critical Area Program and Ordinance is intended to preserve existing agricultural uses and provide for the management of these lands so that non-point source pollution resulting from agricultural activities is minimized and natural habitats are conserved. Further purposes include:

1. Managing agricultural activities to minimize pollutant loading to the Bay and its tributaries; and
2. Minimizing contamination of surface and groundwater from agricultural activities through the use of best management practices; and
3. Encouraging the performance of agricultural activities in accordance with soil conservation and water quality plans approved by the local Soil Conservation District; and
4. Assuring that the creation of new agricultural lands is accomplished in accordance with standards that protect wetlands, steep slopes, water quality, and plant and wildlife habitats.

73.2. Performance Standards for Agriculture.

1. Creation of new agricultural areas where none has existed for the previous five years, shall require an environmental permit.
2. New agricultural areas may not be created by any of the following means:
 - a. Diking, draining, or filling of any class or subclass of palustrine wetlands that have a seasonally flooded or wetter water regime, unless mitigation is accomplished; or
 - b. Clearing forests or woodlands on soils with a slope greater than 15 percent or on soils with a "K" value greater than 0.35 and a slope greater than 5 percent; or
 - c. Clearing that would adversely affect water quality or destroy designated plant and wildlife habitat protected by this Ordinance.
 - d. Clearing of existing natural vegetation in the Buffer.
3. Agricultural activities may be permitted in the Chesapeake Bay Critical Area buffer a minimum best management practice, a 25-foot vegetated filter strip measured landward from the mean high water line of tidal water or tributary streams (excluding drainage ditches), or from the edge of tidal wetlands, whichever is further inland, is established, and further provided that:
 - a. The filter strip shall be composed of either trees with a dense cover or a thick sod of grass; and
 - b. The filter strip shall be expanded by a distance of four feet for every 1 percent of slope for slopes greater than 5 percent; and
 - c. The 25-foot vegetated filter strip shall be maintained until such time as the landowner is implementing, under an approved soil conservation and water quality plan, a program of best management practices for the specific purposes of improving water quality and protecting plant and wildlife habitat that achieves the objectives of the 25-foot filter strip; and
 - d. The best management practices used in the buffer include a requirement for the implementation of a grassland and manure management program, where appropriate; and
 - e. Farming activities, including the grazing of livestock, are not permitted to disturb stream banks, tidal shorelines or other habitat protection areas occurring in the 100-foot buffer; and

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1 f. The feeding and watering of livestock does not occur within 50 feet of tidal waters, tidal
2 wetlands or tributary streams.

3 4. When agricultural uses within the buffer cease, the buffer shall be allowed to naturally regenerate
4 ~~in forest vegetation by the landowner established.~~ In establishing the Buffer, management
5 measures, including but not limited to, natural regeneration, shall be undertaken to provide natural
6 forest vegetation that assures the Buffer functions as set forth in COMAR 27.01.09 ~~this Ordinance~~
7 are met.

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8 5. Existing habitat protection areas in the Critical Area may not be disturbed, except as otherwise
9 provided herein.

10 6. All farms upon which agricultural activities occur in the Critical Area shall implement a soil
11 conservation and water quality plan that have been approved by the St. Mary's County Soil
12 Conservation District. The plans will be formulated to ensure the use of best management
13 practices for the control of nutrients, animal wastes, pesticides, and sediment runoff to protect the
14 productivity of the land and to enhance water quality. Landowners who have signed up as
15 conservation district cooperators, but who do not have a soil conservation plan prepared for them
16 by the district, may continue farming, provided the goals and all other requirements of this
17 Ordinance are being met.

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CHAPTER 74 SUPPLEMENTAL CRITICAL AREA RESOURCE STANDARDS.

Sections:

- 74.1 Purposes.
- 74.2 Performance Standards for Surface Mining in the Critical Area.
- 74.3 Performance Standards for Protecting the Seasonal High Water Table in the Critical Area.

74.1. Purposes.

1. This chapter is enacted to recognize that the extraction of mineral resources is an important natural resource activity permitted within the Chesapeake Bay Critical Area by COMAR 27.01.07-4-15-07, subject to reasonable regulation. This chapter shall:

- a. Assure that available measures are taken to protect the Critical Area from all sources of pollution from surface mining operations including, but not limited to, sedimentation and siltation chemical and petrochemical use and spillage; and storage of wastes, dusts, and spoils.
- b. Assure that mining is conducted in a way that permits reclamation of the site as soon as possible and to the extent possible.

2. This chapter is further intended to prevent leaching of septic fields into the water table, which may threaten the continued use of this ground water resource and which could result in additional adverse impacts throughout the County's Critical Area.

74.2. Performance Standards for Surface Mining in the Critical Area.

1. *Mineral Resource Extraction.* Generally, the extraction of mineral resources within the Critical Area may be permitted. However, all areas of proposed or active mining operations that exceed one acre in size in the Critical Area may not be permitted where:

- a. Threatened and endangered species, areas of scientific value, or rare assemblages of species per Maryland Annotated Code 10-2A occur;
- b. Highly erodible soils occur within the limits of all disturbance, or between the mining operations and jurisdictional waters of the state;
- c. The use of renewable resource lands would result in the substantial loss of long-range (i.e., 25 years or more) productivity of forest and agriculture, or would result in a degradation of water quality or a loss of vital habitat; or
- d. The lands are within 100 feet of the mean high water line of tidal waters or the edge of tributary streams.

2. *Wash Plants.* New wash plants, including ponds, spoil piles and equipment, may not be located in the buffer.

3. *Wash Ponds.* Wash ponds shall be reclaimed as soon as practicable after the cessation of on-site mining operations.

74.3. Performance Standards for Protecting the Seasonal High Water Table in the Critical Area.

1. In order to minimize the impacts of surface land use on the seasonal high water table, development that requires on-site septic systems in the Chesapeake Bay Critical Area shall be located away from areas susceptible to leaching because of topography and soils and areas where the depth of the seasonal high water table is between zero and three feet.

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Classification

- 1 municipality within the Chesapeake Bay Critical Area (whichever is less) where residential, commercial or
- 2 institutional land uses predominate and where very little natural habitat occurs.
- 3 **Intermittent Stream.** A stream in which surface water is absent during a part of the year as shown on the
- 4 most recent 7.5 minute topographic quadrangle map published by the United States Geologic Survey or as
- 5 modified by presentation of site survey or engineering data that delineates stream presence and location.
- 6 **Intrafamily transfer.** A "bona fide intrafamily transfer" means a transfer to a member of the owner's
- 7 immediate family of a portion of the owner's property for the purpose of establishing a residence for that
- 8 family member.
- 9 **Joint Use Facilities.** Any facilities owned and maintained in common by the inhabitants of the
- 10 development, including, but not limited to, drives, water systems, sewer systems, parking areas, open
- 11 space, and developed recreation areas.
- 12 **Junk (or Salvage) Yard.** An open area where waste or scrap materials (including but not limited to scrap
- 13 iron and other metals, paper, rags, rubber tires, and bottles) are bought, sold, exchanged, stored, baled,
- 14 packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not
- 15 include uses established entirely within enclosed buildings.
- 16 **K Value.** The soil erodability factor in the Universal Soil Loss Equation. It is a quantitative value that is
- 17 experimentally determined.
- 18 **Kitchen.** Any room or part of a room which is designed, built, used, or intended to be used for food
- 19 preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or
- 20 connected with a kitchen.
- 21 **Land Clearing.** Any activity that removes the vegetative ground cover.
- 22 **Land-Based Aquaculture.** The raising of fish or shellfish in any natural or man-made, enclosed or
- 23 impounded, water body.
- 24 **Landfills, Sanitary.** Any one of the types of landfills regulated by the Maryland Department of
- 25 Environment, including but not limited to municipal solid waste, industrial rubble, and land clearing debris
- 26 landfills.
- 27 **Landscape.** Any combination of trees, ground cover, shrubs, vines, flowers or lawn planted in the ground
- 28 or in ground level-containers.
- 29 **Landscaping Plan.** A plan, showing dimensions and details for planting in or reforesting an area. A
- 30 Landscaping Plan may be part of a forest conservation plan.
- 31 **Landscaping, Interior.** A landscaped area or areas within the shortest line defining the perimeter or
- 32 exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways
- 33 providing access to the facility (as applied to parking and loading facilities or to similar paved areas).
- 34 **Landscaping, Perimeter.** A landscaped area adjoining and outside the shortest line defining the exterior
- 35 boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing
- 36 access to the facility (as applied to parking and loading facilities or to similar paved areas).
- 37 **Level Of Service (LOS).** A measurement of roadway use based upon a specified design capacity. Level of
- 38 service including the following:
 - 39 **LOS A** represents free flow. Individual users are virtually unaffected by the presence of others in the
 - 40 traffic stream. Freedom to select desired speeds and to maneuver within the traffic stream is
 - 41 extremely high. The general level of comfort and convenience provided to the motorist, passenger, or
 - 42 pedestrian is excellent.
 - 43 **LOS B** is in the range of stable flow, but the presence of other users in the traffic stream begins to be
 - 44 noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in
 - 45 the freedom to maneuver within the traffic stream from LOS A. The level of comfort and
 - 46 convenience provided is somewhat less than LOS A, because the presence of others in the traffic
 - 47 stream begins to affect individual behavior.

- 1 all residents for whom the space is intended. Does not include street rights-of-way, public or private
2 surface easements, accessory buildings, open parking areas, driveways, and access ways for the
3 dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, or
4 required front or corner side yards. Also, does not include any space with a dimension of less than 6
5 feet in any direction or an area of less than 36 square feet. Suitable recreational structures designed to
6 be consistent with the intent of this definition may be considered usable open space.
- 7 **Outlot.** A piece or tract of land that remains within a subdivision but which does not meet the minimum
8 requirements of the Ordinance for a lot and is therefore not useable as a building site.
- 9 **Outparcel.** A tract of land designated on a subdivision plat for future development, or not designated for
10 any specific purpose, that has not been evaluated for compliance with the requirements of this Ordinance
11 for adequate facilities or zoning requirements and is therefore not useable as a legal building site.
12 Outparcels may be the subject of a record plat or resubdivided provided the lot(s) created meet all
13 requirements of the Ordinance prior to plat approval.
- 14 **Palustrine.** Nontidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses
15 or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is
16 below one-half part per 1,000 parts of water.
- 17 **Parcel.** In the context of subdivision platting, a parcel is either a tract of land platted for a designated purpose
18 other than as a legal building site (e.g. to meet the open space requirements of the Ordinance; to provide a well
19 site, to provide a sewerage disposal parcel,) or a tract of land that may meet zoning requirements for area,
20 width, depth, etc., but is not intended for development due to environmental constraints, density restrictions or
21 other legal encumbrances.
- 22 **Parcel of Land.** A contiguous legally-created lot, parcel, outlot, outparcel or residue owned and recorded
23 as the property of the same persons, or controlled by a single entity.
- 24 **Parcel of Record.** An individual parcel of land outside the Chesapeake Bay Critical Area (CBCA) recorded
25 separately in the land records of St. Mary's County, Maryland as of March 15, 1978, or an individual parcel
26 of land within the CBCA recorded separately in the land records of St. Mary's County, Maryland as of
27 December 1, 1985. Only county or state road rights-of-way that existed on March 15, 1978, shall be
28 considered parcels dividers which divide a parcel into two (2) or more parcels of record.
- 29 **Perennial Stream.** A stream containing surface water throughout an average rainfall year, as shown on the
30 most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey or as
31 modified by presentation of site survey or engineering data that delineates stream presence and location.
- 32 **Permit, Environmental.** A permit issued, or to be issued, by the County after approval by the
33 Environmental Planner, authorizing work of any type in resource protection areas, sensitive areas, the
34 Critical Area and tidal waters.
- 35 **Permits and Inspections, Director of.** The Director of the St. Mary's County Department of Permits and
36 Inspections or his designee.
- 37 **Person.** The federal government, the State, a county, municipal corporation, or other political subdivision
38 of the State, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator,
39 fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation,
40 or any of their affiliates, or any other entity.
- 41 **Phased Project.** A project developed pursuant to a subdivision or site plan, proposed to be developed in
42 sections.
- 43 **Physiographic Features.** The soils, topography, land slope and aspect, and local climate that influence the
44 form and species composition of plant communities.
- 45 **Pier.** Any fixed or floating pier, wharf, dock, walkway, or other similar water dependent structure
46 constructed on or over State or private tidal wetlands for the purpose of gaining access to the navigable
47 waters of the State.
- 48 **Planned Development or Planned Unit Development.** A parcel of land or contiguous parcels of land of a
49 size sufficient to create its own environment, controlled by a single landowner or by a group of landowners

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Str. Clarification

1 Dwelling Unit. One room, or rooms connected together, constituting a separate, independent
2 housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer
3 basis, and physically separated from any other rooms or dwelling units which may be in the same
4 structure, and containing independent cooking and sleeping facilities. This definition does not
5 include hotels, motels, or similar uses.

6 Efficiency Unit. A dwelling unit consisting of 1 principal room exclusive of bathroom, kitchen,
7 hallway, closets, or dining alcove directly off the Principal room providing such dining alcove does
8 not exceed 125 sq. ft. in area.

9 Garden Apartment. A type of multi-family housing. Dwelling units share a common outside access.
10 Ownership is not a factor in this type of unit, and may be either rental or condominium.

11 Manufactured Home. A manufactured structure for residential occupancy, lacking attached wheels,
12 but transportable in one or more sections and conforms to all applicable safety and construction
13 standards.

14 Residue. An obsolete term used on subdivision plats prior to March 1, 1994 to identify land that has not
15 been platted as a lot of record. However, given approval for access, water supply, sewage disposal and
16 environmental zoning permits, a "residue" may be used as a legal building site. A residue may be the
17 subject of a record plat to create additional building lots or be resubdivided provided the lot(s) created meet
18 all requirements of the Ordinance prior to plat approval.

19 Resource Conservation Area (RCA). An overlay classification mapped in accordance with Critical Area
20 Law. Generally, these areas are characterized by nature-dominated environments, such as wetlands and
21 forests or resource utilization activities such as agriculture, forestry, fisheries activities and aquaculture.

22 Resource Protection Areas. Those areas shown on the site analysis to be wetlands, floodplains,
23 drainageways, mature woodlands, steep slopes, soils classified as hydric or erosion hazard areas.

24 Riparian Habitat. A habitat that is strongly influenced by water and which occurs adjacent to streams,
25 shorelines, and wetlands.

26 Roadside Stand. A permanent structure used for the display and sale of locally produced agricultural and
27 fishery products.

28 Rubbish. Any combustible or noncombustible waste materials, except garbage, including but not restricted
29 to paper, rags, boxes, cartons, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans,
30 metals, mineral matter, glass, crockery, dust, and the residue from the burning of combustible materials.

31 SCD. St. Mary's County Soil Conservation District.

32 Seasonally Flooded Water Regime. A condition where surface water is present for extended periods,
33 especially early in the growing season, and when surface water is absent, the water table is often near the
34 land surface.

35 Sediment Control Permit. The authorization of an activity regulated under a sediment-control plan as
36 provided in the Environment Article, Title 4, Annotated Code of Maryland.

37 Sediment. Soils or other materials transported by wind or surface water as a product of erosion.

38 Seedling. An unbranched woody plant, less than 24 inches in height and having a diameter of less than 1/2
39 inch measured at 2 inches above the root collar.

40 Selection. The removal of single, scattered, mature trees or other trees from uneven-aged stands by
41 frequent and periodic cutting operations.

42 Selective Clearing. The careful and planned removal of trees, shrubs, and plants using specific standards
43 and protection measures under an approved forest conservation plan.

44 Sensitive Areas. Tributary streams and their buffers, nontidal wetlands, Wetlands of Special State
45 Concern and their Buffers, floodplains, floodways, coastal high hazard areas, hydric soils, soils with hydric
46 inclusions, highly erodible soils, the Chesapeake Bay Critical Area, Habitat Protection Areas, Natural
47 Heritage Areas, and forest and woodland cover.