

Title 1

ZONING REGULATIONS

[HISTORY: Adopted by the Board of County Commissioners of Worcester County on _____, 200_ as Title 1 of Bill No. ____ -____.]

SUBTITLE I General Provisions

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SUBTITLE I
General Provisions

§ ZS 1-101. Purpose.

- (a) Comprehensive Plan. This Title has been prepared in accordance with the County's Comprehensive Plan and with reasonable consideration, among other things, to the character of the land, its suitability for particular uses and orderly development.
- (b) Public health, safety, morals and welfare. The purpose of this Title is to promote and protect the health, safety, morals and general welfare of the community; to prevent congestion in the streets; to secure the public safety; to promote the conservation and wise utilization of natural resources; to prevent pollution; to affect the concentration but avoid the congestion of population; to preserve the cultural heritage; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public requirements.
- (c) Public projects and plans. It is also the purpose of this Title to bring about the coordination of public and private development in the County by hereafter requiring, unless specifically excepted herein, all County agencies and lands, structures, buildings and uses thereof to be subject to the provisions of this Title and to require all County agencies to submit their facility projects and development plans to the County Planning Commission for its review, recommendation and record.
- (d) Citing. This Title may be cited as the "Worcester County Zoning Ordinance."
- (e) Authority. In addition to any other authority, this Title is specifically authorized by Article XI-F of the Constitution of Maryland and Articles 25A and 25B of the Annotated Code of Maryland, as from time to time amended. It is subject to limitations and requirements of Article 66B of the Annotated Code of Maryland, as from time to time amended, only where specifically set forth.

§ ZS 1-102. Repeal of conflicting ordinances; severability.

- (a) Repeal of conflicting ordinances. All ordinances or parts of ordinances in conflict with this Title are hereby repealed to the extent necessary to give this Title full force and effect. This shall specifically repeal the Worcester County Zoning Ordinance (Title 1 of Bill 91-14, adopted March 10, 1992, as amended) and the former Worcester County Zoning Ordinance, subject to the terms hereof, but not repeal the existing Zoning Maps or classifications, unless specifically provided for in § ZS 1-109 hereof. The existing Zoning Maps are deemed to remain in full force and effect until changed pursuant hereto. Where necessary for the regulation of nonconforming uses as herein permitted, such prior ordinances and enactments shall remain in full force and effect.
- (b) Severability. Should any Section or provision of this Title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Title as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§ ZS 1-103. Definitions.

- (a) General interpretations. For the purposes of this Title, certain terms or words used herein shall be interpreted as follows:
 - (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

- (2) The masculine shall include the feminine and the feminine shall include the masculine.
 - (3) The present tense includes the future tense.
 - (4) The singular number includes the plural; the plural number includes the singular.
 - (5) The words "shall", "WILL" or "must" are mandatory; the words "should" or "may" are permissive.
 - (6) The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."
- (b) Definitions of words and phrases. For the purposes of this Title, the following definitions shall apply:

ACCESSORY APARTMENT -- A room or set of rooms fitted with housekeeping facilities.

ACCESSORY USE OR STRUCTURE -- A use or structure which:

- (1) Is clearly incidental to and customarily found in connection with the principal use or structure;
- (2) Is subordinate to and serves the principal use or structure;
- (3) Is located on the same lot as the principal use or structure; and
- (4) In the case of a structure, is not attached by any common wall or by a common roof to the main structure.

ADULT BOOK OR VIDEO STORE -- An adult oriented business, whether or not containing viewing booths, theaters, or other performance viewing space, that involves the sale, rental, transfer, loan, dissemination, distribution, provision or promotion of adult entertainment or material in the form of books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, or other electronic recordings, or in the form of merchandise, objects, items or devices.

ADULT ENTERTAINMENT OR MATERIAL -- Any performance, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

- (1) In which an individual or individuals appear in the state of nudity or partial nudity; or
- (2) That consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - A. Human genitals in a discernable state of sexual stimulation or arousal; or
 - B. Any act, whether real or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic abuse, physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
- (3) That consists of sexual contact with animals or inanimate objects; or

- (4) Any merchandise, object, item, or device that is designed and/or marketed with the intention of causing, or that reasonably may be expected to cause, sexual stimulation, sexual excitement or sexual gratification.

ADULT ORIENTED BUSINESS -- Any business, operation, or activity a significant amount of which consists of:

- (1) The conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, dry nightclub, modeling studio, bar, restaurant, club, lodge, or similar establishment; or
- (2) The sale, rental, transfer, loan, dissemination, distribution, provision or promotion of adult entertainment or material, in any format, form or medium, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, other electronic recordings, and/or coin operated or pay-per-view devices, including but not limited to, the operation of an adult book or video store or viewing booth.

AGRICULTURAL PROCESSING PLANT -- A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to packing houses, cold storage houses, fruit dehydrators, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto. Agricultural processing shall not include wineries or **COMMERCIAL** manufacturing of secondary products using agricultural products, such as ~~commercial~~ kitchens, bakeries, breweries, woodworking and wood processing plants, or biofuel processing.

AGRICULTURE -- The use of land, buildings and structures for forestry, dairying, pasturage, crop growth, horticulture, floriculture, viticulture, the raising of livestock and poultry for sale and including other conventional agriculture uses and structures such as farm offices, commercial and non-commercial greenhouses and nurseries, non-commercial fertilizer storage, non-commercial maintenance, storage and repair facilities, farm ponds, non-commercial grain dryers, barns, poultry and hog houses and the storage and application of manure produced by farm animals or poultry. The term "agriculture" shall not include commercial grain dryers or dwellings and shall not include the storage or application of sewage sludge. See definition of "farm."

AGRITAINMENT FACILITY -- A farm enterprise wherein activities are conducted on a working farm and offered to the public for the purpose of recreation, education, or active involvement in the farm operation and for promotion of farm products and traditional rural living. These activities must be related to agriculture, natural resources or traditional rural living and be incidental to the primary operation of the site as a farm. The term includes but is not limited to farm tours; pumpkin hunts; hay rides; crop mazes; hay tunnels; petting, feeding and viewing of farm animals; horse or pony rides; farm equipment rides; festivals; informational displays or activities; classes or demonstrations related to agricultural products or skills; and other similar activities or uses. As uses incidental to the aforementioned uses, the agritainment facility may include a restaurant and retail sales of items typically sold at roadside stands and garden centers.

AIRFIELD -- See § ZS 1-345 hereof.

AISEWAY -- See "vehicular travelway."

ALLEY -- A right-of-way over land affording a secondary means of access to abutting properties.

AQUACULTURE -- The use of land, buildings and structures for the farming, hatching, cultivating, planting, feeding, raising, shedding, harvesting and culturing of finfish, shellfish, crustaceans, mollusks, amphibians, reptiles or other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, ponds and other natural, artificial or manmade enclosed or impounded ponds, water bodies or water-containing structures. Cultivation methods include, but are not limited to, seed or larvae development and grow-out facilities, fish pens, shellfish floats or rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas.

ARCHITECTURAL REVIEW -- Regulations and procedures requiring the exterior design of structures to be suitable, harmonious and in keeping with the general appearance, historic character and/or style of Worcester County's architectural traditions. A process used to exercise control over a building's design, location and other characteristics along with its setting.

ASSISTED LIVING FACILITIES -- A facility based either in a residence or a stand-alone facility that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of such services to meet the needs of residents who are unable to perform, or who need assistance in performing, the activities of daily living in a way that promotes optimum dignity and independence of the residents. For the purposes of this Article, an assisted living facility shall not be construed to mean a nursing facility or home.

BAR -- An establishment or portion of an establishment used primarily for the sale or dispensing of alcoholic beverages by the drink.

BASEMENT -- That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

BED-AND-BREAKFAST -- A single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis AND BREAKFAST PROVIDED to transients. See § ZS 1-340 hereof.

BERM -- An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise or provide a buffer from adjoining uses.

BILLBOARD -- An off-premise sign used, intended or designed for commercial advertising located on a parcel other than the parcel upon which the activity, product or service to which the sign attracts attention or which it advertises is located. See § ZS 1-324 hereof.

BOARD -- The Worcester County Board of Zoning Appeals.

BOARDER OR LODGER -- A person who receives meals and/or lodging for compensation in a single-family or two-family dwelling and who is not a part of the resident family.

BOARDING OR LODGING HOUSE -- A single-family or two-family dwelling or part thereof where lodgings and/or meals are provided for compensation for persons not members of the resident family who owns and resides in the house.

BOAT HOUSE -- A single-story structure limited to the storage of boats and/or boat equipment and constructed over the water.

BOAT LANDING -- An area, ramp or hoist, including incidental bulkheading and parking, designed to launch and recover watercraft.

BODY PIERCING ESTABLISHMENT -- Any facility performing a skin penetrating

body adornment procedure as defined by § PH 1-107 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, as from time to time amended.

BUFFER -- An area provided to reduce the conflict between two different land uses. Buffers are intended to mitigate undesired views, reduce noise and glare and provide greater privacy to neighboring land uses. Typical buffers consist of plant materials, walls, fences, earthen berms and/or significant land area to separate the uses.

BUILDING -- Any structure which is designed, built or occupied as a shelter for persons, animals or property. The term "building" shall include tents, roadside stands, mobile homes, recreational trailers, vehicles and other similar objects when used as a permanent shelter and shall also include any part thereof.

BUILDING ENVELOPE -- The portion of a lot remaining for the construction of a principal structure or dwelling once adjusted by all minimum yard setbacks.

BUILDING FACE, FRONT -- Any building face which can be touched by a line drawn perpendicular to the road (public or private but not an interior vehicular travelway) which the property borders.

BUILDING, HEIGHT OF -- The height for buildings and structures shall be measured as the vertical distance from the average finished grade at the base of the building to the highest point of the coping of a flat roof or the ridge of a gable, hip, mansard, gambrel or other pitched roof.

BUILDING OR YARD SETBACK LINES -- Those lines which describe the required front, rear, side and other setbacks as prescribed in the district regulations. See § ZS 1-305 hereof.

BUILDING PERMIT -- A written statement issued by the Department authorizing the erection, expansion or alteration of a building or structure.

BUILDING SUPPLIES -- Lumber, hardware, hand tools, paint, prefabricated doors and window frames, roofing supplies and other materials directly associated with building construction, but excluding bulk concrete or asphalt.

BULK -- The total volume of a structure.

CAFETERIA -- A dining facility characterized by the customer passing through a serving line whereby food is selected and taken to a table or off-site for consumption. May also include dining halls or canteens.

CAMPGROUNDS, ~~RENTAL~~ -- See § ZS 1-318 hereof.

CANDELA -- THE STANDARD INTERNATIONAL BASE UNIT OF LUMINOUS INTENSITY OR THE POWER EMITTED BY A LIGHT SOURCE IN A PARTICULAR DIRECTION WEIGHTED BY THE STANDARDIZED SENSITIVITY OF THE HUMAN EYE.

CERTIFICATE OF OCCUPANCY OR USE -- A written statement issued by the Department authorizing the occupancy or use of lands, buildings, structures or combinations thereof consistent with the terms of this Title. The "certificate of occupancy or use" shall also be construed to mean a zoning certificate and shall serve as such. See § ZS 1-115 hereof.

CHURCH, TEMPLE OR MOSQUE -- A building used for religious services or worship by a group of people.

CLEAR SIGHT TRIANGLE -- A triangular shaped area of land at the intersection of roads, or a road and a driveway, within which nothing may be erected, planted, placed, or allowed to grow in such a manner which will obstruct the vision of motorists entering or leaving the intersection. The triangular area shall be that area bounded by the road right-of-way lines of two or more roads or by the road right-of-way line and the edge of any driveway surface and a straight line joining points on said right-of-way or driveway lines thirty feet from the intersection. Nothing shall exceed forty-two inches in height (at maturity if plant materials) above the established street grade where erected, planted, or placed within this clear sight triangle.

CLUSTERED HOUSING -- See § ZS 1-307 hereof.

COCKTAIL LOUNGE -- A room or other portion of a restaurant which serves alcoholic beverages and is accessory to the principal use as a restaurant.

COFFEE SHOP -- An establishment having as its principal business the preparation and sale of nonalcoholic beverages and limited amounts of food. In a coffee shop the principal method of operation is not characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed but is instead characterized by a posted menu and customers placing and receiving their order at a counter, for off-premise consumption or consumption at a table on-premises. In establishments where internet service is provided by means of hardwired terminals, a maximum of six computer terminals for customer use are permitted. A coffee shop is allowed in all zoning districts which permit a restaurant.

COMMERCIAL -- Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. Agricultural and home occupations, as defined herein, shall not be considered "commercial" enterprises.

COMMUNITY SPACE -- An area devoted to the public as an amenity. The space can include covered areas, drinking fountains, sitting benches, water features, plazas, courtyards, etc. It shall not include storage or display areas for merchandise or other service/utility areas.

COMPREHENSIVE PLAN -- The Worcester County Comprehensive Plan, adopted March 7, 2006, including future amendments thereto.

COMPREHENSIVE (SECTIONAL) RECLASSIFICATION -- A major reclassification covering an entire geographic region of the County, initiated by the Planning Commission or County Commissioners.

CONSERVATION AREA -- An area protected and maintained generally in its natural condition in which disruption from development (other than for trails) and/or active recreational activities are prohibited. Areas in which vegetation is reestablished following disruption and otherwise meeting the previous conditions are also considered "conservation areas."

CONSOLIDATED DEVELOPMENT RIGHTS SUBDIVISION -- THE SUBDIVISION OF A SINGLE PARCEL OR TRACT OF LAND IN THE A-2 OR E-1 DISTRICTS WHERE THE RESULTANT NUMBER OF LOTS CREATED EXCEEDS THAT PERMITTED BY THE TYPICAL MINOR SUBDIVISION REGULATIONS AS CONTAINED IN § ZS 1-311 AS A RESULT OF THE TRANSFER OF SUBDIVISION RIGHTS FROM ADJOINING PROPERTIES HELD IN COMMON OWNERSHIP AS OF THE EFFECTIVE DATE OF THIS ARTICLE. SEE § ZS 1-309.

CONSTRUCTION, BEGINNING OF -- The placement of construction materials in a permanent position and fastening them in a permanent manner on the site as a part of the proposed structure. Completion and approval by the Department of the building

foundation shall be considered "beginning of construction."

CONSTRUCTION, SUBSTANTIAL COMPLETION -- The placement of at least seventy-five percent of the necessary construction materials in a permanent position and fastening them in a permanent manner on the site as a part of the proposed structure. Relative to the construction of a building, completion and approval by the Department of the exterior of the structure, including the roof, windows, doors and siding, shall be considered "substantial completion of construction."

CONTIGUOUS -- Sharing an edge or boundary.

CONTRACTOR SHOP -- An establishment used for the repair, maintenance, or storage of a contractor's vehicles, equipment, or materials and the fabrication of related products. A contractor's shop may include the contractor's business office and incidental retail sales where specifically permitted.

CONVENIENCE FOOD STORE -- An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises and where no seating is provided.

COOPERATIVE CAMPGROUND -- ~~See § ZS 1-318 hereof.~~

COOPERATIVE MOBILE OR MANUFACTURED HOME PARK -- A mobile or manufactured home park wherein the property in its entirety is under collective ownership by a corporation whose shareholders participate in the benefits of said collective ownership and shares of the corporation are owned, entitling an owner or owners to occupancy of a portion of real estate owned by the corporation. Cooperative mobile or manufactured home parks are intended and designed to be occupied by mobile or manufactured homes, as defined in § ZS 1-103 hereof. A cooperative mobile or manufactured home park shall furthermore mean one established pursuant to Subtitle VI of the Corporations and Associations Article of the Annotated Code of Maryland, as from time to time amended, and which is known as the "Maryland Cooperative Housing Corporation Act."

COUNTRY INN -- ~~An inn~~ A LODGING FACILITY of traditional architectural style, so as to be compatible with the rural landscape, for transient overnight guests with incidental dining facilities.

COUNTY COMMISSIONERS -- The County Commissioners of Worcester County, Maryland.

CUL-DE-SAC -- The circular terminus of a public road or approved private road.

DAY-CARE CENTER -- A nursery school or caretaking facility providing adult supervision and care for not fewer than three persons not members of the caregiver's family in the caregiver's home or in a building outside of the home. A "day-care center" does not include a day-care home as herein defined.

DAY-CARE HOME -- A dwelling unit or manufactured or mobile home in which daytime adult supervision is provided for up to eight children not members of the caregiver's family under the age of sixteen and in which the caregiver regularly resides.

DEPARTMENT -- The County department designated by the County Commissioners to administer and enforce this Title. See § ZS 1-111 hereof.

DEPARTMENT OF THE ENVIRONMENT -- The Maryland Department of the Environment, including the local official having delegated authority.

DISTRICT -- A portion of the unincorporated territory of the County, unless modified by § ZS 1-107 hereof, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Title.

- (1) The term "A District" shall mean either the A-1 or A-2 District.
- (2) The term "E District" shall mean the E-1 District.
- (3) The term "V District" shall mean the V-1 District.
- (4) The term "R District" shall mean any R-1, R-2, R-3 or R-4 District.
- (5) The term "C District" shall mean any C-1, C-2 or C-3 District.
- (6) The term "I District" shall mean either I-1 or I-2 District.
- (7) The term "CM District" shall mean the CM District.
- (8) The term "RP District" shall mean the RP District.

DOCK -- Any facility, including piers and boat slips but excluding boathouses, for the mooring, berthing, wet storage or securing of watercraft.

DORMITORY -- A building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, or is intended to provide housing for employees of an off-site business. Such structures may include incidental kitchen facilities and common gathering rooms for social purposes.

DRAINAGEWAY -- A MINOR WATERCOURSE THAT IS DEFINED EITHER BY THE PRESENCE OF INTERMITTENT OR PERENNIAL STREAMS OR TOPOGRAPHY THAT INDICATES A SWALE WHERE SURFACE SHEET FLOWS JOIN, INCLUDING THE LAND, EXCEPT WHERE AREAS ARE DESIGNATED AS FLOODPLAIN, ON EITHER SIDE OF AND WITHIN FIFTY FEET OF THE CENTER LINE OF ANY INTERMITTENT OR PERENNIAL STREAM SHOWN ON THE UNITED STATES GEOLOGICAL SERVICE'S SEVEN-AND-ONE-HALF-MINUTE QUADRANGLE SHEETS COVERING THE UNINCORPORATED AREAS OF THE COUNTY.

DREDGE SPOIL DISPOSAL SITE -- A site used for the disposal of material dredged from off-site tidal or non-tidal waters or streams (except such material from an approved surface mining operation) and transported to the site by any means, excluding the disposal of dredge spoil material disturbing less than five thousand square feet of land area and containing less than one hundred cubic yards of dredge spoil material, and excluding of dredge spoil in open water or tidal wetlands as part of a shoreline protection, wetland restoration or island creation project, and excluding the disposal of dredge spoil material on any of the lands of the County Commissioners of Worcester County, Maryland, established, by resolution, as a central disposal site.

DRIVE-THROUGH WINDOW/AREA -- An opening in the wall of a building or structure intended to be used to provide for sales and/or service to patrons who remain in their vehicles.

DRY NIGHTCLUB -- An establishment in which the primary use is as a gathering place for people regardless of age limitations for purposes of entertainment, dancing, social discourse and other social activities in the nature of those generally associated with social clubs, nightclubs, dance halls and after hours clubs as American culture has defined by historical experience and having hours of operation during the period between 5:00 p.m. and 5:00 a.m. but not including theaters, schools, bonafide service clubs, veteran's organizations or churches and establishments holding alcoholic beverage licenses. The

Department shall make the determination of which establishments constitute a dry nightclub.

DUPLEX -- See "dwelling, two-family."

DWELLING OR DWELLING UNIT -- Any building or portion thereof occupied or intended to be occupied for residential purposes by a single family or housekeeping unit, but not including a watercraft, tent, seasonal cabin, recreational vehicle or trailer, ~~mobile home~~, assisted living unit or a room in a hotel, motel or boardinghouse, and having at least five hundred square feet of livable gross floor area.

DWELLING, MULTI-FAMILY -- A building containing three or more dwellings designed for or used exclusively for residential purposes. For purposes of this Title, a townhouse shall not be considered a "multifamily dwelling."

DWELLING, SINGLE-FAMILY -- A detached dwelling unit designed for use or used exclusively for residential purposes by one family or housekeeping unit, having at least five hundred square feet of livable gross floor area and, except where specifically permitted by the primary district regulations, only one single-family dwelling may be located on an individual lot or parcel.

DWELLING, TWO-FAMILY -- A detached building containing two dwelling units and used exclusively for residential purposes by not more than two families or housekeeping units, each of which shall have at least five hundred square feet of livable gross floor area. The terms "two-family dwelling" and "duplex" are synonymous.

EASEMENT -- The right to use a specifically identified portion of a lot for a specifically identified purpose without having title to the land.

ENVIRONMENTALLY SENSITIVE AREAS -- Site areas comprised of wetlands, stream beds, floodplains, forested areas, threatened and endangered species habitat, and areas designated Green Infrastructure by the Comprehensive Plan.

ESSENTIAL SERVICES -- See § ZS 1-121 hereof.

EXISTING SIGNIFICANT TREES -- Trees existing on the site that are six inches in caliper (diameter) or greater measured at four and one-half feet above existing grade.

FACADE -- The portion of any exterior building elevation extending from grade to the top of the parapet, wall or eaves and extending the entire width of the building.

FACADE, FRONT -- Those portions of a facade which can be touched by a line drawn perpendicular to the road (public or private but not an interior vehicular travelway) which the property borders.

FACADE, PUBLIC -- Any building side that is visible from public or private rights-of-way and/or the faces that contain a public entry.

FAMILY OR HOUSEKEEPING UNIT -- An individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit. Immediate family shall be restricted to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children.

FARM -- A lot or parcel of five or more acres which is conscientiously and consistently managed for bona fide agricultural purposes.

FARM BUILDING GROUP -- One or more principal and accessory buildings located on a farm and used for residential or agricultural purposes. To be located in the "farm building group" is to be in, among or immediately adjacent to such group.

FAST-FOOD RESTAURANT -- An establishment whose principal business is the sale of previously prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises.

FENCE -- A fixed structure designed to prevent escape or intrusion or to define property.

FLAG LOT -- A polygonal-shaped lot that has the appearance of a "flag with staff" or "panhandle" in which the handle OR STAFF PROVIDES THE REQUIRED MINIMUM ROAD FRONTAGE AND WHICH MAY BE USED AS THE POINT OF ACCESS TO A STREET OR ROAD. The terms "flag lot" and "panhandle lot" are synonymous.

FLOATING ZONE -- A zoning district of undetermined location in which the proposed kind, location, size and form of structures must be preapproved and which is legislatively predeemed compatible with the areas in which it may be located, provided that specified standards are gratified and actual incompatibility is not revealed. A "floating zone" district consists of a prescribed set of permissible land uses that are not attached in advance to any particular geographic area but are allowed to "float" over the entire area until located or "anchored" upon a specific property.

FLOODPLAIN -- A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation, or any area subject to the unusual and rapid accumulation or runoff of surface waters from tidal action or from any source, specifically including those areas subject to flooding by the waters of the one-hundred-year flood as shown on the United States Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Maps for the County.

FLOODWAY -- THE DESIGNATED AREA OF A FLOODPLAIN REQUIRED TO CARRY AND DISCHARGE FLOODWATERS OF THE ONE-HUNDRED-YEAR FLOOD AS DEFINED IN THE DEFINITION OF "FLOODPLAIN" HEREIN.

FOREST -- A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS COVERING A LAND AREA OF ONE ACRE OR MORE. THIS ALSO INCLUDES "FORESTS" THAT HAVE BEEN CUT BUT NOT CLEARED.

FLOOR AREA, GROSS -- The total area of all floors or portions of floors in a structure and measured from the outside to the outside of exterior walls.

FLOOR AREA, PUBLIC -- The total area of all floors or portions of floors in a structure or exterior use area and measured from the inside wall or dimension to the inside wall or dimension of the public use area used for commercial purposes and does not include attic space providing headroom of less than seven feet, storage areas, work areas, refuse areas, exterior steps, stairways, fire escapes, rest rooms, utility areas or other similar areas not normally accessible to customers or to the general public.

FORESTRY -- The growing and management of trees for cutting and/or sale.

FRONTAGE -- The dimension of a lot measured at the front lot line along a public or approved private road or, if the front lot line is curved, along the chord of the arc.

GARAGE -- A structure for the storage, sale, hire, care or repair of vehicles. A private "garage" is one intended for and used only for the storage of private motor vehicles or personal property of persons residing upon the premises.

GLARE -- The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRAIN DRYER -- A facility for drying grain.

- (1) A commercial "grain dryer" is one in which the grain dried is primarily grown by sources other than the owner and/or operator of the facility.
- (2) A noncommercial "grain dryer" is one in which the grain dried is primarily grown by the owner and/or operator of the facility.

GRANDFATHERING -- A PROVISION WHEREBY CERTAIN TYPES OF PRIOR APPROVALS REMAIN VALID DESPITE CHANGES TO REGULATIONS WHICH WOULD NEGATE OR LIMIT THOSE APPROVALS. SEE § ZS 1-126.

GREENHOUSE -- A structure designed or intended for the enclosed growing of shrubs, flowers, vegetables or other plants.

GROUP HOME -- A State-licensed community residential facility housing and providing habilitative services to eight or fewer developmentally disabled persons, not including staff, and functioning as a single household under staff supervision.

HEALTH DEPARTMENT -- The County Health Department.

HEIGHT -- See "building, height of."

HISTORIC INN -- An existing historic or architecturally significant dwelling which is converted into an inn for transient overnight guests. To be considered historic, a dwelling must be on the National Register of Historic Places.

HOME OCCUPATION -- A business conducted in a dwelling or a single accessory building in accordance with the provisions of § ZS 1-339 hereof.

HOTEL OR MOTEL -- An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including a hotel, motor hotel, motor lodge, tourist park, tourist court, cottage court and similar establishments, but not including a boarding- or lodging house.

HVAC -- HEATING, VENTILATING, AND AIR CONDITIONING.

INCIDENTAL -- Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

INTERPARCEL CONNECTOR -- A road or travelway designed and/or constructed within a development OR ON A PARCEL AND intended to provide for present or future access to adjacent properties or developments.

JUNKYARD (INCLUDING SALVAGE YARD) -- Any land or building used for the storage, keeping, collecting, salvage, sale, exchange, disassembling, wrecking, baling, recycling or handling of paper, rags, wood, scrap metals or other scrap or discarded materials, including automobiles or other vehicles and equipment not in operable condition, but does not include pawn shops and buildings for the sale, purchase or storage of used furniture and household equipment or land or buildings used for the sale of used cars or other machinery in operable condition or the processing of used or salvaged materials as part of manufacturing operations. Recycling dropoff centers shall not be considered as "junkyards."

LANDSCAPING -- The combination of natural elements such as trees, shrubs, ground covers, vines, or other organic and inorganic materials which are installed for purposes of creating an attractive and pleasing environment, softening building views, screening unsightly views, reducing environmental impacts, filtering air pollution, and minimizing noise.

LENGTH -- The horizontal long axis of an element.

LIGHT TRESPASS -- Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

LIVESTOCK HANDLING OR CONTAINMENT AREA -- Any barn, shed, stable, kennel, paddock, corral, pen, yard or similar structure or area used to accommodate three or more head of livestock for the purpose of commercially breeding, feeding or boarding or experimentation with such livestock.

LOADING SPACE, OFF-STREET -- Space designed for bulk pickups and deliveries by highway transport or delivery vehicles and accessible to such vehicles when off-street parking spaces are filled.

LOT -- A plot or parcel of land having at least the minimum area required by this Title for a lot in the district in which such lot is situated and having its principal frontage on a public road, approved private road, or right-of-way or access easement for lots approved as a rural cluster subdivision. Parcels in single ownership separated by a road shall be considered as separate parcels. A lot of record shall be considered a "lot." See § ZS 1-305 hereof for other lot definitions and methods of measurement.

LOT AREA, GROSS -- The gross area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines.

LOT AREA, NET -- The net area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines, except that the public and private rights-of-way, State wetlands and the area of the strip connecting to the road in the case of a panhandle or flag lot shall not be included as part of the "net lot area" unless specifically permitted for the structure or use involved. Easements other than required road widening strips may be included in the "net lot area," and private wetlands and easements may be included as part of any yard setback unless otherwise prohibited.

LOT OF RECORD -- A plot or parcel of land delineated upon the land records of the County as of July 27, 1965, or any validly recorded platted lot of a subdivision or parcel of land which, at the time of its recording, complied with all applicable laws, ordinances and regulations.

LUMEN -- A MEASUREMENT OF REFLECTED LIGHT USED TO DESCRIBE PROJECTION DEVICES. A LUMEN IS THE AMOUNT OF LIGHT ENERGY REFLECTING OFF ONE SQUARE METER AREA AT A CONSTANT DISTANCE OF ONE METER FROM A ONE CANDELA LIGHT SOURCE.

MANUFACTURED HOME -- A factory built structure which is manufactured or constructed after June 15, 1976 under authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards Act of 1974, as from time to time amended, and designed to be used as a single family residential dwelling with or without a permanent foundation and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent location and which does not have any wheels or axles permanently attached to its body or frame. The placing of a "manufactured home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such "manufactured home." Recreational trailers and vehicles and modular homes are not considered as "manufactured homes."

MANUFACTURED OR MOBILE HOME PARK -- Any area or tract of land designed or used for the parking or other type of installation of manufactured or mobile homes on spaces or lots offered for lease, rent or use, with or without compensation, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development. A "manufactured or mobile home park" does not include sales lots on which unoccupied manufactured homes are parked for inspection or sale or to manufactured or mobile homes used as farm dwellings or accessory structures or for seasonal use as permitted herein.

MARINA -- A facility for the launching, recovery, berthing, mooring or securing of watercraft and shall include boat landings and ramps.

MASS, BUILDING -- The three dimensional bulk of a structure, defined by its height, width and depth.

MASSING -- Provision of architectural features giving a structure a sense of depth or three-dimensional characteristic.

MINIATURE GOLF -- A novelty golf game played with a putter on a miniature course having tunnels, bridges, sharp corners or other similar obstacles.

MOBILE HOME -- A detached residential or business unit manufactured prior to June 15, 1976 and not required to be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 and which contains not less than five hundred square feet of gross livable floor area in the original manufactured unit and was designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. The placing of a "mobile home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such "mobile home." Recreational trailers and vehicles and modular homes are not considered as "mobile homes."

MODULAR HOME -- A detached residential or business unit, built to the specifications of a recognized building code, containing not less than five hundred square feet of gross livable floor area in the original manufactured unit and designed and intended for delivery by transportation on the highway for permanent assembly on a permanent and separately constructed foundation. A "modular home" may be considered a single-family dwelling. A modular home must meet the requirements and definitions of the Maryland Industrialized Buildings and Mobile Homes Act as in effect as of the date of the passage of this Title.

MODULE -- A visually distinct section of a larger building. Individual modules are characterized by offsets or changes in roofline from the adjoining module and may have color, trim or other distinguishing characteristics.

MONOLITHIC GLASS UNITS -- Doors or windows made of a large pane of glass.

MOTEL -- See "hotel."

NATURALLY VEGETATED -- A landscaped area planted with species of which at least seventy-five percent are native to Worcester County. These areas are planted according to the afforestation or reforestation standards of the County's current Forest Conservation program.

NEIGHBORING -- Buildings within one-half mile or within three adjacent properties in either direction along the property's road frontage, whichever is less, and including

properties along both sides of the roadway.

NIGHTCLUB -- An establishment in which the primary use is the sale of alcoholic beverages and which provides entertainment and/or an area for dancing.

NIT -- A MEASUREMENT OF DIRECT LIGHT USED TO DESCRIBE THE BRIGHTNESS OF A DISPLAY. A NIT IS EQUAL TO ONE CANDELA PER SQUARE METER MEASURED PERPENDICULAR TO THE RAYS FROM THE SOURCE.

NON-COMMERCIAL -- Any activity conducted for personal use or enjoyment without the intent of realizing a profit through the sale of goods or services, or any use or activity conducted by a nonprofit organization.

NON-CONFORMING USE OR STRUCTURE -- See § ZS 1-122 hereof.

NON-POINT-SOURCE POLLUTION -- Pollution consisting of constituents such as sediment, nutrients and organic and toxic substances from diffuse sources, such as runoff from agricultural and suburban or rural land development and use.

NONREFLECTIVE GLASS -- Glass through which the viewer can clearly and equally see objects on the other side from both sides of the glass. Such glass does not produce a mirror image of its surroundings.

NUDITY --

- (1) The showing of the human male or female genitals, pubic area, anus or buttocks with less than fully opaque covering;
- (2) The showing of the female breast with less than a fully opaque covering over any part below the top or uppermost part of the nipple; or
- (3) The showing of the covered male genitalia in a discernibly turgid state.

NURSERY, PLANT -- The growing and/or selling of trees, shrubs and other plants.

NURSERY SCHOOL -- An educational organization presenting formal instruction, maintaining a regular faculty and curriculum, having a regularly enrolled body of students less than six years of age and having a place where its educational activities are carried on.

NURSING FACILITY OR HOME -- A facility, other than one which offers domiciliary or personal care, which offers non-acute in-patient care to patients suffering from a disease, condition, disability or advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent services, restorative services, or rehabilitative services. For the purposes of this Article, a nursing facility or home shall not be construed to be an assisted living facility.

OBSTRUCTION -- Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, wire, fence, stockpile, refuse, fill, vegetation, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFFICE -- A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

OFFICE, PROFESSIONAL -- Professional or government offices including accounting, auditing, bookkeeping services, advertising agencies, architectural, engineering, planning, surveying, attorneys, counseling services, court-reporting services, data-processing and computer services, detective agencies, educational, scientific and research organizations, employment, secretarial and word-processing, consulting services, and the like.

OPEN SPACE -- Land intended for active or passive recreation or the growing of trees, vegetable, field or nursery crops or for purposes of conservation of natural resources and free of residential, service, business or industrial structures and uses.

OVERLAY ZONE -- A special zoning district, which overlays a primary and/or floating zoning district, in which the regulations for the overlay district are supplemental to the primary and/or floating zoning district regulations.

PANHANDLE LOT -- See "flag lot."

PARAPET -- The portion of a wall that extends above the roofline.

PARKING LOT -- A surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to customers or clients.

PARKING SPACE, OFF-STREET -- A designated space reserved for the parking of an automobile, which is located in such a way that no parking or maneuvering incidental to parking shall be on any public street, road, sidewalk or alley and which is so designed that any automobile may be parked or unparked without moving another.

PARTIAL NUDITY -- A state of dress in which opaque clothing or material covers primarily and little else other than:

- (1) The human male or female genitals, pubic area, anus, or buttocks; or
- (2) The female breasts below the top or uppermost part of the nipple.

PATHWAY -- A cleared way for pedestrians and/or bicycles that is made of pervious materials and in a more informal manner.

PEDESTRIAN ORIENTED DEVELOPMENT -- Development which is designed with a primary emphasis on the street sidewalk or connecting walkway access to the site and building, rather than on auto access and parking lots. In pedestrian-oriented developments, buildings are typically placed relatively close to the street and the main entrance is oriented to the street sidewalk or a walkway. Although parking areas and garages may be provided, they are not given primary emphasis in the design of the site.

PERMITTED PRINCIPAL USE AND STRUCTURE -- Subject to applicable district and other regulations, such use or structure may be conducted or erected on any legal lot within the districts so specified without the prior approval of the County Commissioners, Planning Commission or Board of Zoning Appeals, with the exception of "permitted principal uses" requiring site plan review in accordance with § ZS 1-325 hereof..

PERSONAL SERVICE ESTABLISHMENT -- An establishment providing non-medically related services, including banks, savings and loan, beauty and barber shops, clothing rental, shoe repair shops, tanning salons, chiropractic clinics, garment repair, photographic studios and the like.

PLANNING COMMISSION -- The Worcester County Planning Commission.

PLANT NURSERY -- See "nursery, plant."

PLEASURE CRAFT -- A watercraft used for noncommercial recreational purposes.

POULTRY HOUSE -- A chicken house, poultry farm or hatchery or any combination of such structures or areas for the commercial hatching, raising, breeding or feeding of fifty or more chickens, turkeys, pheasants, ducks or similar fowl at any one time. "Poultry houses" shall not include any food processing of fowl.

PREMISES -- A tract of land, including the structures and buildings thereon.

PRINCIPAL USE OR STRUCTURE -- The primary activity or structure for which a site is used. A "principal use or structure" may be either a permitted principal or a special exception use or structure.

PRIVATE -- Any land or structure not owned and operated by a public or quasi-public jurisdiction or organization.

PROPERTY LINE -- The boundary of a lot or group of lots used in combination.

PROPORTION -- The geometric relationship of a structure's vertical and horizontal elements, as conveyed by that structure's height, width and depth, as well as the relationship of its elements (windows, doors, detailing and other surface features). Proportion is essentially a perception, i.e., what is visible.

PUBLIC -- Any land or structure owned and operated by a public or quasi-public jurisdiction or agency for the public benefit.

QUALIFIED PROFESSIONAL -- A person or firm who, by reason of training and/or experience, is qualified, as determined by the Department, to perform the function required.

RECLASSIFICATION -- The changing of the zoning classification which applies to a particular area of land. Also known as a "rezoning."

RECREATION, ACTIVE -- Recreational uses, areas or activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools and golf courses are examples of "active recreation uses."

RECREATIONAL VEHICLE, RECREATIONAL TRAILER OR RECREATIONAL PARK TRAILER -- See § ZS 1-318 hereof.

RECREATION, PASSIVE -- Recreational uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. Trails and areas for hiking, picnicking and bird-watching are examples of "passive recreation" uses.

RECYCLING DROP-OFF CENTER -- A facility in which the sole purpose is the collection and temporary storage of recyclable materials from the general public and which are to be regularly picked up for transportation to an intermediate processing center. Examples of recyclable materials include glass containers, aluminum cans, wastepaper and plastic.

REFLECTIVE GLASS -- Glass which is opaque or nearly opaque, producing a mirror image of its surroundings by transmitting nearly all light back from its surface regardless of the angle of the viewer.

RETAIL ESTABLISHMENT -- A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. RETAIL ESTABLISHMENTS INCLUDE BUT ARE NOT LIMITED TO HARDWARE, GROCERY, DRUG, FLOWER, CLOTHING, DRY GOODS,

VARIETY, LIQUOR, CRAFTS, ANTIQUES, GIFTS, FURNITURE AND APPLIANCES.

RESIDENTIAL PLANNED COMMUNITY -- See § ZS 1-315 hereof.

RESTAURANT -- Any establishment where food and drink are prepared, served and consumed and whose design or principal method of operation is characterized by customers being provided with an individual menu and being served their food and drink by a restaurant employee at the same table or counter at which said items are consumed.

RIGHT-OF-WAY -- A land or water area legally separated from abutting properties, used for travel, access, utility location or other purposes.

RIGHT-OF-WAY, PUBLIC/PRIVATE -- Any public or private road or access easement intended to provide public access to any lot/development but excluding any internal vehicular travelways or aisles within parking lots.

ROAD -- Includes street, avenue, drive, circle, square, court, lane, highway, cul-de-sac or any other term of general usage describing a right-of-way intended for vehicular use.

ROAD, ACCESS -- A road providing a single point or limited points of connection to a higher-order road and intended to provide for direct ingress and egress to adjacent properties or developments fronting thereon.

ROAD, APPROVED PRIVATE -- A road which meets the right-of-way requirements of a public road, is approved by the County Commissioners, provides a means of private access to abutting properties and is privately owned and maintained.

ROAD LINE -- The existing or proposed right-of-way line of any road.

ROAD, PUBLIC -- A public right-of-way listed in the inventory of public roads of Worcester County which provides a means of public access to abutting properties.

ROAD, SERVICE -- A road generally aligned parallel to a higher-order road with limited access to such higher-order road and intended to provide for direct ingress and egress to adjacent properties or developments fronting thereon.

ROADSIDE STAND -- A stand, vehicle or structure used or designed to be used for the display or sale of agricultural products.

ROOF PITCH -- The angle of roof slope defined by the change in rise in inches over the run of twelve inches.

ROOF, PITCHED -- A roof with a pitch of no less than three inches of rise in twelve inches of run, typically referred to as a "three in twelve pitched roof."

ROOF SHAPE -- The pitch, slope and configuration of a roof. The most common examples are gable and shed roofs.

RURAL CLUSTER SUBDIVISION -- A group of two to six lots created from one or more parcels of land where the lots do not front on a public or approved private road but connect to such a road by a private right-of-way or access easement and where each lot other than the first or last lot shares at least two lot lines in common with other lots in the same cluster. See § ZS 1-308.

SADOMASOCHISTIC ABUSE -- Any act or depiction of nude or partially nude humans engaged in:

(1) Flagellation or torture, whether real or simulated, by or upon an individual; or

- (2) The condition of being, or causing oneself or another to be, fettered, bound, or otherwise physically restrained.

SALES, RETAIL -- The sale of commodities or goods in small quantities to ultimate consumers.

SALES, WHOLESALE -- The sale of merchandise (commodities or goods) to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

SCALE OF DEVELOPMENT -- The relationship of a particular project or development, in terms of its size, height, bulk, intensity, and aesthetics, to its surroundings.

SCALE, BUILDING -- The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

SCALE, HUMAN -- The proportional relationship of buildings and spaces to people. A human scale gives users of the built environment with a sense of comfort and security by utilizing site and building design elements corresponding in size to the human body. Also see "Scale, pedestrian."

SCALE, PEDESTRIAN -- The proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian. Also see "Scale, human."

SCHOOL -- An educational organization that has the primary function of presenting formal instructions, normally maintains a regular faculty or curriculum, has a regularly enrolled body of students and has a place where its educational activities are carried on. The term "school" includes primary, secondary, preparatory, trade, vocational and high schools and colleges and universities but does not include nursery schools.

SCREEN -- The sole purpose of a screen is to block views. A screen should be constructed of opaque materials and of such height as to be effective in obstructing unwanted views.

SEASONAL CABIN -- A cabin designed for and utilized for seasonal, periodic, transient occupancy and not as a permanent residence. The term "seasonal cabin" shall include "summer cabin" wherever it appears herein and vice versa.

SELF-STORAGE -- A BUILDING OR GROUP OF BUILDINGS SEPARATED INTO SELF-CONTAINED COMPARTMENTS LEASED TO INDIVIDUALS, ORGANIZATIONS OR BUSINESSES FOR SELF-SERVICE STORAGE OF PERSONAL OR BUSINESS PROPERTY.

SEPTAGE -- The liquid and solid material pumped or removed from chemical toilets, septic tanks, seepage pits, privies, cesspools or holding tanks when the system is cleaned and maintained.

SEWAGE -- Any human or animal excretion, domestic waste or industrial waste.

SEWAGE SLUDGE -- Any thickened liquid, suspension, settled solid, incinerator ash or dried residue that a sewage treatment plant extracts from sewage, regardless of its classification under any other law or regulation.

SIDEWALK -- An improved surface made of impervious or pervious materials that is used as a pedestrian walkway and typically separated from a roadway.

SIGN -- Any device designed to inform or attract or having the effect of informing or

attracting the attention of persons on or not on the premises on which the device is located by use of words, numbers, symbols, emblems, trademarks, devices, images, pictorial presentations, illustrations, or graphics. Signs are intended to convey a directional, informational or commercial marketing message and include displays on trailers or vehicles primarily situated or used to serve the purpose of a sign rather than incidental to the transportation function of the vehicle. Signs may be fixed, portable, on a structure, be flags, pennants, banners or inflatable devices, be affixed to utility poles or be suspended from balloons, kites or other airborne devices. Signs affixed to airplanes in operation in the air are not considered signs for the purpose of this Title. The definition of a "sign" shall not include any site decoration which does not include a commercial marketing message. See § ZS 1-324 hereof.

SIGN FACE AREA -- The area of a sign including the copy area. It is measured to the outside of the sign's edge or frame but shall not include mountings.

SIGN, MONUMENT -- A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles and where the base of the sign structure is on the ground or a maximum of twelve inches above the adjacent grade.

SIGNIFICANT AMOUNT (as relates to adult entertainment or materials) --

- (1) At least twenty percent of the stock in the establishment or on display consists of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- (2) At least twenty percent of the usable floor area is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or materials; or
- (3) At least twenty percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

SINGLE-FAMILY DWELLING -- See "dwelling, single-family."

SOLID WASTE DISPOSAL SITE -- Landfills and other areas where waste, refuse, discarded or other materials are abandoned. See § ZS 1-329 hereof.

SOURCE WATER -- Untreated water from streams, rivers, lakes or underground aquifers that is used to provide drinking water as well as to supply private wells used for human consumption.

SPECIAL EXCEPTION, USE OR STRUCTURE -- A use or structure that would not be appropriate generally or without restriction throughout a district but which, if controlled as to number, area, location or relation to the surrounding land, could be appropriate within that district. Such uses and structures may be permitted as special exceptions only if specific provision for such use or structure is made in the applicable district regulations. See § ZS 1-116 hereof.

STACKING LANE -- A surface designed to accommodate a motor vehicle waiting for entry to any drive-in facility or auto-oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed.

STORY -- That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, then the space between such floor and the ceiling next above it. The first "story" shall be considered the lowest "story" of which the ceiling is seven feet or more above the average finished grade. Furthermore, there shall be no habitation permitted within any space above the highest "story" permitted

as specified in §§ ZS 1-201 through ZS 1-215 hereof.

STREAM -- A stream shown as perennial or intermittent on the most recent seven-and-five-tenths-minute topographic quadrangle published by the United States Geological Survey.

STREETSCAPE -- A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, sidewalks, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground or a building as defined herein. "Structures" include walls, fences and signs.

STRUCTURE, TEMPORARY -- A temporary building or structure, including a mobile home or recreational vehicle, erected or placed on a site which is incidental to construction work on the premises or for the purpose of providing emergency housing for displaced occupants of a damaged or destroyed dwelling and in conformance with the provisions of § ZS 1-334 hereof.

SUBDIVISION, MAJOR OR MINOR -- See § ZS 1-311 hereof.

SWIMMING POOL -- A permanent manmade structure intended for swimming, located either indoors or outdoors.

TATTOO ESTABLISHMENT -- Any facility performing tattooing as defined by § PH 1-103 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, as from time to time amended.

TELECOMMUNICATION FACILITIES -- A structure, device or apparatus consisting of antennas (including, but not limited to, panels, dishes, whips and omnidirectionals), mounting hardware, and all related equipment necessary to operate various telecommunications systems including personal communications services (PCS) and cellular transmitting and receiving sites, as well as monopoles, freestanding towers, guyed towers, and other support and elevational assisting devices. For purposes of this Title, telecommunications uses shall also include television and radio broadcasting facilities.

TOWNHOUSE -- A single-family dwelling unit constructed as part of a series of three or more attached single-family dwelling units separated from one another by vertical party walls and having at least five hundred square feet of livable gross floor area each.

TRANSIENT -- When referring to a person, a person occupying or intending to occupy a unit, room or lodging on a temporary basis not to exceed thirty consecutive days.

TRANSPORTATION PLAN -- The official Transportation Plan for Worcester County.

TWO-FAMILY DWELLING -- See "dwelling, two-family."

UNIFIED DEVELOPMENT -- Projects which are designed and constructed under a comprehensive and coordinated plan of development approved by the Planning Commission or Board of Zoning Appeals. It is the intent of a "unified development" to permit greater design flexibility by applying the lot, road frontage, parking and other requirements of this Title to the development as a whole rather than to each individual building, even though such individual buildings may be subdivided from the rest of the parcel. Only construction of townhouses, construction of multi-family housing, residential planned communities, commercial or industrial developments or parks, and planned senior developments may be determined to be "unified development."

USE -- Any purpose for which any structure or tract of land may be used, occupied or maintained; also, any activity, occupation, business or operation carried on or intended to be carried on in a structure or on a tract of land.

UTILITY, PUBLIC -- Any use or structure, except essential services as defined in § ZS 1-121 hereof, which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.

VARIANCE -- See § ZS 1-116 hereof.

VEHICULAR TRAVELWAY -- Any area upon which vehicles travel to access a property, parking areas or spaces, structures and uses, or any combination thereof. Vehicular travelways" include "aisleways" and "driveways" but do not include any public or approved private roads.

VIEWING BOOTH -- A space or area in which a display device is located for purposes of viewing pictures, films, videotapes, or other images.

WALKWAY, INTERNAL -- All pedestrian walkways located within a site.

WALKWAY, PEDESTRIAN -- A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle. They provide connectivity and interconnectivity to and through a development for pedestrians. Walkways are made of pervious or impervious materials.

WALL WASHER -- A wall-mounted light fixture, the sole purpose of which is to project its light onto the building in a fan-like effect.

WASTEWATER -- Any liquid waste substance, including sewage, derived from industrial, commercial, municipal, residential, agricultural, recreational or other operations or establishments and other liquid waste substance containing liquid, gaseous or solid matter and having characteristics which have the potential of polluting any ground or surface water.

WASTEWATER TREATMENT FACILITY -- See § ZS 1-328 hereof.

WATER PARK -- An amusement park consisting of multiple recreational attractions involving water, including pools, slides, fountains, and other water dependent amusements.

WATERCRAFT -- Any vessel that is used, is capable of being used or was originally designed to be used as a means of transportation on water.

WATERCRAFT, PERSONAL -- A small vessel that uses an outboard motor or an inboard motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

WATER-DEPENDENT FACILITY -- Any development of land that must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to:

- (1) Ports.
- (2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers.

- (3) Marinas and other boat docking structures.
- (4) Beaches and other public water-oriented recreation areas.
- (5) Fisheries or other marine resources facilities.

WETLANDS BOUNDARY LINE --

- (1) In the case where land abuts tidal waters, the boundary line between wetlands and fastlands as defined by the Maryland Wetlands Act, as from time to time amended, and as shown in the Official Wetlands Boundary Maps of the State Department of Natural Resources as the same may be adjusted in the field.
- (2) In the case where land abuts nontidal waters, the boundary line between regularly flooded freshwater marsh and fastlands or the boundary line between freshwater and fastlands. Farm ponds, manmade freshwater lakes, wastewater lagoons, intermittently flowing streams, upland wetlands and drainage ditches and floodplains thereof shall not be considered wetlands and are not subject to the "wetlands boundary line" provisions of this Title.

WETLANDS, NONTIDAL -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." "Nontidal wetlands" are identified by the most recent Federal definition and guidelines for identifying and delineating jurisdictional wetlands.

WETLANDS, PRIVATE -- Any land not considered "State wetland," bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth. This includes wetlands transferred by the State by a valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred.

WETLANDS, STATE -- Any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the State by a valid grant, lease, patent or grant confirmed by Article 5 of the Declaration of Rights of the Constitution shall be considered private wetlands to the extent of the interest transferred.

WETLANDS, TIDAL -- Include all private and State wetlands as defined herein.

WINERY -- An agricultural processing facility used for the commercial purpose of processing grapes and other fruit products to produce wine or similar non-distilled spirits.

XERISCAPING -- Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

YARD DEFINITIONS AND MEASUREMENTS -- See § ZS 1-305 hereof.

YARD SALE -- The temporary display and sale of personal property along any public or approved private road. See § ZS 1-341 hereof.

ZONING CERTIFICATE -- A written statement issued by the Department authorizing the use of lands, buildings, structures or combinations thereof consistent with the terms of this Title. The "zoning certificate" shall also be construed to mean a permit for occupancy or use and shall serve as such. See § ZS 1-115 hereof.

ZONING MAPS -- The Official Zoning Maps of the County, together with all

amendments subsequently adopted thereto.

§ ZS 1-104. County projects, plans and regulations.

- (a) Applicability of Title. Except as hereinafter set forth, all County agencies and land, structures and the use thereof shall be subject to this Title, including the procedures for applications, reviews and approvals. All County agencies shall submit their proposed facility projects, including new construction and major expansion or renovation, and their proposed facility development plans to the Planning Commission for review and comment. Failure to allow sufficient time for the review process shall not be cause for a waiver of this Subsection except as provided in Subsection (b) hereof.
- (b) Procedure for review and approval. The Planning Commission shall review and comment on submitted proposals within thirty days, unless an extension is mutually agreed to by the Planning Commission and the submitting agency. The Planning Commission's comments shall only be advisory and shall be made on behalf of the County in its proprietary and not regulatory capacity. No such proposal shall be approved or adopted by any County agency until the Planning Commission's comments have been received and made a part of the proposal file, except that the County Commissioners, by a majority vote, may permit a waiver of the requirements of this Subsection where an unreasonable delay in approval or adoption would adversely affect the health and safety of the County. Under such circumstances, the Planning Commission shall receive the submission as soon after the approval or adoption as practical.
- (c) Applicability. Except in the event of an exemption pursuant hereto, this Title shall apply fully to all public projects over which the County Commissioners have jurisdiction.
- (d) Exemptions. The County Commissioners may, by resolution, exempt any County-owned or -operated project, land use, structure, facility, development or activity from the provisions of this Title and from each and every provision as the Commissioners may determine necessary and appropriate to carry out the purposes of this Title or as the Commissioners may determine are in the best interests of the health, safety, morals and general welfare of the community. The County Commissioners may also provide such exemptions for Federal Aviation Administration required airport outer markers and non-directional beacons owned and operated by other governmental units or agencies. In making such determination to exempt a project under this Subsection, the Commissioners shall consider the good of the community and the County in general, the purposes of this Title, the nature of the project exempted and its needs and importance to the community. In the case of exemption, the County Commissioners shall notify the Planning Commission of their intentions prior to acting on the resolution for exemption. The Planning Commission shall subsequently review the plans for such County-owned or -operated project, land use, structure, facility, development or activity in an advisory capacity only and shall submit its comments to the County Commissioners for their consideration within the time limit established by the County Commissioners. The decision of the Commissioners with regard to exemption under this Subsection shall be final and shall not be subject to appeal to any court. The County Commissioners may hold a public hearing or provide for public comment prior to adoption of the resolution. For the purpose of this Subsection, "County project, land use, structure, facility, development or activity" shall be defined as those projects, land uses, structures, facilities, developments or activities which are either controlled, operated, managed, owned, leased or principally financed by the County Commissioners.

§ ZS 1-105. Interpretation and application of Title.

- (a) Generally. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals

and general welfare. Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or those imposing the higher standards shall govern. Enforcement under this Title shall, however, be limited to enforcement of the terms of this Title, as well as regulations, requirements, conditions and restrictions adopted or imposed pursuant hereto. Only those covenants, deed restrictions or provisions which are required by the Planning Commission, the County Commissioners or agency thereof as a condition of approval obtained hereunder and are clearly indicated as so required upon a document recorded among the land records of the County, unless otherwise required by law, shall be enforceable by the County Commissioners or any agency thereof under the provisions of this Title.

- (b) Uses not specifically permitted. Uses not specifically permitted by the district regulations are prohibited unless authorized by special exception upon a determination by the Board of Zoning Appeals that the use is of the same general character as a permitted use in the particular district, is not specifically mentioned in another district and is compatible with the general character and intent of the district for which the determination is made.
- (c) Uses permitted in all districts. Although not specifically mentioned in the district regulations, the following uses shall be permitted in all primary districts subject to the limitations contained herein:
 - (1) Raising of vegetable, field and nursery crops. No lot requirements shall apply for crops.
 - (2) Timber growing and harvesting. No lot requirements shall apply.
 - (3) Drainage structures and similar works for flood prevention and erosion control. No lot requirements shall apply.
 - (4) Directional signs, subject to the provisions of §§ ZS 1-116(c)(3) and ZS 1-324(d)(2) hereof.
 - (5) Transient uses, subject to the provisions of §§ ZS 1-116(c)(3) and ZS 1-337 hereof.

§ ZS 1-106. Fees and expenses.

The County Commissioners shall establish a schedule of fees, charges and expenses and a collection procedure for applications for special exceptions, variances, amendments, appeals, zoning certificates, building permits and other matters pertaining to this Title. Such schedule shall be conspicuously posted in the office of the Department and may be altered or amended only by the County Commissioners. Until all applicable fees, charges and expenses have been paid in full, no action shall be required on any application or appeal pertaining to this Title.

§ ZS 1-107. Territory affected.

- (a) Generally. This Title shall apply to all lands, structures, waters and properties within the County, including all submerged lands, water areas and islands, but not including lands, structures, waters and properties lying within the zoning jurisdiction of the County's incorporated municipalities unless a municipality has, by resolution, requested the County to exercise such authority over its jurisdiction and the County Commissioners, by Public Local Law, have accepted such authority, in which case this Title shall also apply to all lands, structures, waters and properties within such requesting municipality., ~~and except in the case of the Planning Commission's review of public County projects pursuant to §§ ZS 1-101(c) and ZS 1-104 hereof.~~ AS SET FORTH IN § ZS 1-104(A) HEREOF, ALL COUNTY-

OWNED OR COUNTY-CONTROLLED LAND AND THE USE THEREOF SHALL BE SUBJECT TO THIS TITLE, INCLUDING THE PROCEDURES FOR APPLICATIONS, REVIEWS AND APPROVALS, UNLESS EXEMPTED PURSUANT TO § ZS 1-104(D) HEREOF.

- (b) Federal and State lands. This Title shall be fully applicable to all Federal and State lands to the extent permitted by law. This Title shall be fully applicable to privately owned, leased or operated facilities or land uses on Federal or State lands.
- (c) Municipally owned lands. This Title shall be fully applicable to all municipally owned lands outside of municipal corporate limits.

§ ZS 1-108. Establishment of zoning districts.

- (a) Primary districts. The unincorporated area of the County is hereby divided into the following primary zoning districts: A-1 Agricultural District, A-2 Agricultural District, E-1 Estate District, V-1 Village District, R-1 Rural Residential District, R-2 Suburban Residential District, R-3 Multifamily Residential District, R-4 General Residential District, C-1 Neighborhood Commercial District, C-2 General Commercial District, C-3 Highway Commercial District, I-1 Light Industrial District, I-2 Heavy Industrial District, RP Resource Protection District, and CM Commercial Marine District.
- (b) Supplementary districts. The unincorporated area of the County is hereby divided into the following supplementary zoning districts: HP Historic Preservation District, AP Airport Protection District and CA Commercial Airport District.

§ ZS 1-109. Official Zoning Maps.

- (a) Establishment, identification and location. The boundaries of the districts are shown on the Official Zoning Maps of the County, which, together with all notations and explanatory matter thereon, are hereby made a part of this Title. The Official Zoning Maps shall be properly identified and, together with amendments thereto, shall remain on file at the office of the Department.
- (b) Changes. If, in accordance with the provisions of this Title, changes are made in district boundaries or other matter portrayed on the Official Zoning Maps, such changes shall be made by the Department promptly after the amendment has been approved by the County Commissioners. No changes of any nature shall be made on the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this Title. Any intentional unauthorized change of whatever kind by any person shall be a misdemeanor, punishable by six months in jail or a fine of one thousand dollars, or both.
- (c) Replacement. In the event that any or all of the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of their illegibility, nature or number of changes and additions, the County Commissioners may, by resolution, adopt a new Official Zoning Map or Maps. The new Official Zoning Map or Maps may correct drafting or other errors or omissions in the prior Official Zoning Map or Maps, but no such correction shall make a substantive change in the Official Zoning Maps. The new Official Zoning Map or Maps shall be properly identified, and a notation of the date of adoption shall be entered on the map or maps. Unless the prior Official Zoning Map or Maps have been lost or totally destroyed, the prior map or maps and any significant parts thereof remaining shall be preserved, together with all available records pertaining to the adoption and amendment of the prior map or maps.

§ ZS 1-110. Application and interpretation of district regulations.

- (a) Conformance required. Except as hereinafter specified, no land, building, structure or premises shall hereafter be occupied or used and no building, other structure or part thereof shall be located, erected, reconstructed, extended, moved, enlarged, converted or altered, nor shall foundation excavation be started for such building, structure or part thereof, except in conformity with the district regulations hereinafter provided.
- (b) Rules for interpretation. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of existing or proposed streets, highways, alleys or waterways shall be construed as following such center lines.
 - (2) Boundaries indicated as approximately following property lines or tax district boundary lines shall be construed as following such property lines or tax district boundary lines.
 - (3) Boundaries indicated as approximately following the corporate limits of municipalities shall be construed as following such corporate limits.
 - (4) Boundaries indicated as approximately following County boundary lines shall be construed as following such County boundary lines.
 - (5) EXCEPT AS MODIFIED IN § ZS 1-305(M) HEREOF, ~~Whenever land abuts a wetlands boundary line, as defined in § ZS 1-103 hereof, the landward zoning district, unless clearly denoted otherwise, shall be deemed to extend to such wetlands boundary line, and all other land and water areas beyond the boundary line, unless clearly denoted otherwise, shall be deemed to be in the RP Resource Protection District. ; except farm ponds, man-made freshwater lakes, wastewater lagoons, intermittently flowing freshwater streams and drainage ditches, which shall be zoned as indicated on the Official Zoning Maps, and except as modified in § ZS 1-305(m) hereof.~~ HOWEVER, FARM PONDS, MANMADE FRESHWATER LAKES, WASTEWATER LAGOONS, INTERMITTENTLY FLOWING FRESHWATER STREAMS AND DRAINAGE DITCHES SHALL BE ZONED AS INDICATED ON THE OFFICIAL ZONING MAPS.
 - (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (b)(1) through (5) hereof shall be construed as being parallel to or extensions of such features.
 - (7) Where a boundary line is indicated as obviously not coinciding with property lines, center lines, municipal, corporate or jurisdictional limits, wetlands boundary lines or other features as indicated in Subsections (b)(1) through (6) hereof, the boundary shall be determined by the scale of the map or notes thereon.
- (c) Interpretation by Board of Zoning Appeals. Where natural or manmade features existing on the ground are in dispute with those shown on the Official Zoning Map or under circumstances not covered under this Section, the Board of Zoning Appeals shall interpret the district boundaries upon the application of the Department on behalf of the affected property owners.
- (d) Parcels divided by district boundary lines. Where a district boundary line divides a parcel which was in single ownership at the effective date of this Title, the Board of Zoning Appeals may permit, as a special exception in accordance with the procedures of § ZS 1-116 hereof, the extension of the district regulations for either portion of the parcel not to exceed fifty feet beyond the district line into the remaining portion of the parcel.
- (e) Territory not specifically included within district. In case any territory has not been specifically included within a district or where territory becomes a part of the

unincorporated area of the County by detachment from any municipality or the dissolution thereof, such territory shall automatically be classified in the most restrictive abutting district until otherwise classified. In the case of the creation of new land by accretion, such new land shall be zoned the same as the adjoining land.

§ ZS 1-111. Administration and enforcement.

- (a) Responsibility. The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may be provided with such personnel and resources as the County Commissioners may direct. The Department may delegate to its own personnel and to other persons such duties and responsibilities in connection with the administration and enforcement of this Title as are appropriate in the Department's judgment. If the Department shall find that any of the provisions of this Title are being violated, it shall notify, by certified mail, by posting the property or by other appropriate method, the person responsible for such violation and the property owner, if different, indicating the nature of the violation and ordering the action necessary to correct it within a reasonable period of time as determined by the Department. If, at the conclusion of such reasonable period, the violation has not, in the judgment of the Department, been satisfactorily corrected, the Department shall order or seek an injunction to bring about the correction of such violation, including the removal or discontinuance of illegal buildings or structures, of illegal additions, alterations or structural changes or of any illegal work, use or activity being done, or shall take any other action authorized by law to ensure compliance with this Title and prevent violation of its provisions.
- (b) Violation notices and stop-work orders. The Department may issue violation notices and stop-work orders on forms prescribed by the Department in any case of a violation hereof. Such notice or order shall reasonably identify the violation and applicable code sections. It shall identify the officer issuing it and shall notify the person cited that and what corrective action must be taken and within what time period. Failure to comply with such a notice or order shall constitute a violation hereof. This provision shall not prohibit the issuance of a citation for a violation hereof in addition to the stop-work order or violation notice.
- (c) Duties of Department. Included among the duties of the Department under this Title are the following:
 - (1) Posting in its office the fees and charges schedule as prescribed in § ZS 1-106 hereof.
 - (2) Maintaining in its office the up-to-date Official Zoning Maps as prescribed in § ZS 1-109(a) hereof.
 - (3) Administering and enforcing this Title as prescribed in this Section.
 - (4) Assisting in such investigations with regard to zoning amendment applications as the Planning Commission may request, as prescribed in § ZS 1-113 hereof.
 - (5) Issuing zoning certificates, certificates of use and occupancy, and building and zoning permits as prescribed in § ZS 1-115 hereof and any other permits required by any other Article of the County Code as designated by the County Commissioners.
 - (6) Posting in its office the calendar of the Board of Zoning Appeals as prescribed in § ZS 1-116(f) hereof.
 - (7) Reviewing essential service structures as prescribed in § ZS 1-121(b) hereof.

- (d) Right of entry to inspect. When in the administration and/or enforcement of this Title it is required that the Department or other County employee vested with the authority to administer and/or enforce the provisions of this Title physically inspect a property or building, the Department and/or employee shall have the right of entry onto private property for the purpose of inspection and determination of compliance with the provisions herein contained. Anyone filing any type of application, appeal or request shall be deemed to have granted such right of entry.
- (e) Conformance. All departments, officials and employees of the County that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall not issue any permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Title. Furthermore, no permit or approval shall be granted under this Title which is in violation of any other County regulation. Any permit or approval issued under this Title and in conflict with the provisions of this Title or other County regulations shall be null and void.

§ ZS 1-112. Planning Commission and Technical Review Committee.

- (a) Planning Commission establishment; composition; appointment and removal; compensation. The County Planning Commission (hereinafter known as the "Planning Commission") is hereby established and shall consist of seven members appointed by the County Commissioners for staggered five-year terms or until a successor takes office. Members may, after a public hearing, be removed from office by the County Commissioners for inefficiency, neglect of duty or malfeasance in office. The County Commissioners shall file a written statement of reasons for such removal. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term by the County Commissioners. Members may serve with such compensation as the County Commissioners may deem appropriate. The Planning Commission shall be supplied with such staff and resources as the County Commissioners may deem appropriate.
 - (1) The Planning Commission shall elect a Chairman from its membership. The Chairman's term shall be one year with eligibility for reelection. The Planning Commission shall hold at least one regular meeting each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.
 - (2) Duties generally. Included among the duties of the Planning Commission under this Title are the following:
 - A. All the powers and duties as provided by law.
 - B. Making such investigations and recommendations with regard to zoning amendment applications as directed by the County Commissioners, as prescribed in § ZS 1-113 hereof.
 - C. Recommending conditional rezoning as prescribed in § ZS 1-113 hereof.
 - D. Making recommendations to the Board of Zoning Appeals as prescribed in § ZS 1-116(g) hereof.
 - E. Prescribing the form in which applications for amendments to this Title shall be filed as prescribed in § ZS 1-113 hereof.
 - F. Reviewing public projects, proposed facility development plans, regulations and standards in accordance with § ZS 1-104 hereof.
 - G. Reviewing and approving site plans in accordance with the provisions of §

ZS 1-325 hereof.

- H. Reviewing and making recommendations or approvals on residential planned communities, planned senior developments, unified developments and other development plans requiring Planning Commission approval.
- I. Reviewing and approving subdivision plats (minor/major) in accordance with the provisions of § ZS 1-324 hereof and Title 2, Subdivision Regulations.

(b) Technical Review Committee; establishment and composition. A Technical Review Committee is hereby established and shall consist of the following or their representatives: Zoning Administrator, Building Administrator, Natural Resources Administrator, Environmental Programs Director, Public Works Director, Soil Conservation District, Fire Marshal and one member of the Planning Commission. The following may also be members if invited by the Zoning Administrator: Board of Education, Health Department, State Highway Administration, utility companies and any other governmental agency having jurisdiction. The Technical Review Committee shall be supplied with staff and resources from the Department.

- (1) The Zoning Administrator shall be the Chairman of the Technical Review Committee. ~~In the absence~~ AT THE DIRECTION of the Zoning Administrator, another representative of the Department ~~shall~~ MAY serve as Chairman. The Technical Review Committee shall hold at least one regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. The rules of the Technical Review Committee shall be approved by the Planning Commission. The function of the Technical Review Committee shall be advisory except where specifically provided otherwise. Any dispute in the operation of the Technical Review Committee shall be settled by the Director of the Department.
- (2) The Technical Review Committee shall have such advisory duties as may be given under this Title.
- (3) Appeal from decision. Any person aggrieved of any decision of the Technical Review Committee, whose decision is required pursuant to this Title, may, within thirty days of such decision, appeal and have a determination made by the Planning Commission.

§ ZS 1-113. Amendments.

(a) Generally. The regulations, restrictions, definitions, districts, classifications and boundaries set forth in this Title may, from time to time, be amended, supplanted, modified or repealed by the County Commissioners. Amendments to the text of this Title shall be passed as Public Local Laws by the County Commissioners. The reclassification of any property or the relocation of any district boundary shall be by resolution of the County Commissioners.

(b) Text amendments.

- (1) Proposals for amendments to the text of this Title may be made by any interested person who is a resident of the County, a taxpayer therein or by any governmental agencies of the County. Such proposals for text amendments shall be in the form as prescribed by the Planning Commission and shall be addressed to and filed with the County Commissioners.

- (2) Text amendments shall be passed by the County Commissioners as Public Local Laws according to legally required procedures, with the following additional requirements: Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation to the County Commissioners within a reasonable time after receipt of the proposed amendment. If, after receipt of the recommendation of the Planning Commission, no County Commissioner is willing to introduce the proposed amendment as a bill, it need not be considered. If one or more County Commissioners does introduce the proposed amendment as a bill, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in the County in accordance with the provisions of § ZS 1-114 hereof.

(c) Map amendments.

(1) Application.

A. Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the current property owner, contract purchaser, option holder, lessee, his attorney or the agent of the property to be directly affected by the proposed amendment. Applications filed by persons other than the current property owner must be co-signed by the property owner or the property owner's attorney at law or in fact. Such proposals for map amendments shall be in the form as prescribed by the Planning Commission and shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps. Such plat shall not be required for sectional or comprehensive reclassification. Applications for map amendments shall be addressed to and filed with the office of the County Commissioners. Applications shall be considered thrice annually in order to consider the collective effect of such applications. Application shall only be accepted from January 1 to January 31, May 1 to May 31, and September 1 to September 30 of any calendar year. Every such application shall contain the following information:

1. If the applicant is a corporation, the names and residences of the officers, directors and all stockholders owning more than twenty percent of the capital stock of the corporation.
2. If the applicant is a partnership, whether a general or limited partnership, the names and residences of all partners who own more than twenty percent of the interest of the partnership.
3. If the applicant is an individual, his name and residence.
4. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and residences of all persons holding an interest of more than twenty percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

- (2) Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it

deems appropriate or necessary and, for the purpose of its review, may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgement. The Planning Commission shall formulate its recommendation on such amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within ninety days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners. After receiving the recommendation of the Planning Commission concerning any such amendment to this Title and before adopting or denying the same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing in accordance with the provisions of § ZS 1-114 hereof. Two legible full and complete copies of all exhibits, including electronic media, to be introduced by the applicant at any rezoning hearing as well as any proposed conditions of any rezoning shall be delivered to the Department at least thirty days prior to any rezoning hearing. The exhibits delivered shall be introduced by the applicant into evidence at the public hearing. No other exhibits other than rebuttal shall be permitted to be introduced by the applicant without specific permission of the County Commissioners given at the public hearing. The entire file and record of the staff and Planning Commission shall be incorporated in the record of the hearing and considered by the County Commissioners. Except as hereinafter provided, a simple majority vote of the entire Board of County Commissioners shall be required to pass any map amendment to this Title. However, a five-sevenths majority vote of the entire Board of County Commissioners shall be required to pass any map amendment to this Title which represents a substantial change in or departure, as determined by a majority of the County Commissioners, from a proposed map amendment as favorably recommended by the Planning Commission or to pass a proposed map amendment which has received an unfavorable recommendation from the Planning Commission. Failure to obtain the aforesaid required majority shall constitute a denial. For the purposes of this Section, the "entire Board" shall mean all members eligible to vote on any proposed amendment. A complete record shall be kept of the public hearing and the votes of all members of the County Commissioners in deciding all questions relating to the proposed map amendment.

- (3) Where the purpose and effect of the proposed amendment is to change the zoning classification of the property, the County Commissioners shall make findings of fact in each specific case, including but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, the recommendation of the Planning Commission and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located since the last zoning of the property or that there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan. The County Commissioners may adopt the findings or portions of the findings of the Planning Commission as the findings of the County Commissioners. Individual County Commissioners may make separate findings, but such separate findings considered as a whole must support the action taken. The findings may include reasonably drawn conclusions. The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth in this Title shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.
- (4) No application for a map amendment shall be accepted for filing by the office of

the County Commissioners if the application is for the reclassification of the whole or any part of land for which the County Commissioners have denied reclassification within the previous twelve months as measured from the date of the County Commissioners vote for denial. However, the County Commissioners may grant reasonable continuances for good cause. In addition, the County Commissioners may allow an applicant to withdraw an application for a map amendment at any time, provided that, if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within twelve months following the date of such withdrawal, unless the Commissioners specify by formal resolution that the time limitation shall not apply.

- (5) The County Commissioners, upon the rezoning of any land or lands, may impose such restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements and may, upon the zoning or rezoning of any land or lands, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands. In the event of a conditional map amendment, the restrictions, conditions and limitations shall be reduced to the form of an agreement signed by the owner and all lien holders and recorded among the land records at the expense of the owner. Restrictions, conditions or limitations may be recommended by the Planning Commission and shall be advertised verbatim or in summary form in the notice of the public hearing on the map amendment. Such recommended restrictions, conditions or limitations shall be considered a part of the Planning Commission's recommendation and subject to the five-sevenths majority vote provisions hereof. If there are no proposed restrictions, conditions or limitations at the time of the advertisement prior to the rezoning hearing, the Commissioners may state in the notice that restrictions, conditions or limitations will be considered at the hearing and may, subsequent to the hearing, without additional advertisement or hearing, impose any such restrictions. A restriction, condition or limitation imposed on an amendment, supplement or change in this Title shall become a part of this Title, and violation thereof shall be deemed to be a violation of this Title.
- (6) Comprehensive (sectional) reclassification map amendments.
 - A. Comprehensive (sectional) reclassifications may only be initiated by the Planning Commission or the County Commissioners.
 - B. The Planning Commission shall review the proposed comprehensive reclassification and make a recommendation to the County Commissioners. In the case of a comprehensive (sectional) reclassification initiated by the County Commissioners, the Planning Commission shall make a recommendation to the County Commissioners within one hundred twenty days after its first review by the Planning Commission, unless an extension of time is granted by the County Commissioners. The Planning Commission may make such studies as it deems necessary and appropriate.
 - C. After receiving the recommendation of the Planning Commission, the County Commissioners may require further studies and shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. Public notice of such hearing shall be given in accordance with the provisions of § ZS 1-114 hereof.
 - D. Comprehensive (sectional) reclassifications shall be by resolution of the County Commissioners.

- E. Notification of property owners and neighboring property owners and the posting of the property, as required in piecemeal rezonings, shall not be required when the property is the subject of the comprehensive (sectional) reclassification.
- F. Findings of fact as required in piecemeal rezonings shall not be required for comprehensive (sectional) reclassifications.
- G. In the case of a comprehensive (sectional) rezoning, conditions placed upon a property by virtue of a prior conditional rezoning shall be null and void unless specifically carried forward by the County Commissioners upon a finding that the reasons for which the conditions were originally imposed are still valid.

§ ZS 1-114. Requirements for public notice.

- (a) Generally. Unless otherwise expressly provided by law, all notices to the general public required by the terms of this Title shall be made as follows:
 - (1) By the posting of a reasonably sized sign upon the property which is the subject of the proceedings as follows:
 - A. The sign shall be of sufficient size to reasonably advise the public of the fact of the public hearing and shall be posted not less than fifteen days prior to the public hearing. The sign shall be posted (to the extent possible) within a reasonable distance of a public road serving or near the property so as (to the extent possible) to be reasonably visible to the public. Posting requirements shall be subject to the following modifications and provisions:
 - 1. Except in the case of the fifteen-day requirement, reasonable, good-faith compliance with the above requirements, as determined by the hearing agency, shall be sufficient.
 - 2. Where the property lines are difficult to ascertain, posting on an adjacent property may be found to be sufficient.
 - 3. Evidence of posting shall be provided at the public hearing, but no evidence that the sign remained standing during the period of posting shall be required. When a posted sign is destroyed or removed, the property shall be reposted but the date of posting shall be the date of original posting.
 - 4. The hearing agency shall have the authority to determine whether or not a good-faith effort to comply with the posting requirements is sufficient to satisfy the intent of such requirements so as to reasonably advise the public of the pending proceeding.
 - B. Any applicant and/or owner of the property subject to the proceedings shall be deemed to have consented to the entry upon the property by any County staff or board members to examine the property with respect to the specific request and by the public for the purpose of viewing any sign.
 - C. Posting shall not be required for proposed sectional or comprehensive map amendment procedures or for proposed amendments to the text of this Title.
 - (2) All proceedings under the terms of this Title requiring a public hearing shall be

advertised at least once in one newspaper of general circulation in the County not less than fifteen days prior to the date such proceeding is scheduled for hearing, which advertisement shall state the following:

- A. The date, time and place of such hearing.
 - B. A summary of the purpose of the proceeding in sufficient detail to inform the public of the nature of the proceeding and the relief sought by the initiator of the proceeding.
 - C. The location of the property involved, if any, the name of the owner and the file or case number of the proceeding and the name of the governmental body before which such proceeding is to be conducted.
 - D. Any other information deemed necessary to adequately inform the public of the proceeding.
- (3) Whenever the application of this Title requires the holding of a public hearing, a notice of the time and place of such hearing shall be mailed to the initiator of the proceeding, to each incorporated municipality within one mile of the property affected by the proposed change, to the owners of all property contiguous to the property with which the hearing is concerned and to all properties opposite the property with which the hearing is concerned. Opposite properties are measured at right angles to the center line of any intervening roads. Such mailed notices shall be sufficient if directed to such qualifying property owners as shown on the tax records of the County, at the address to which the real estate tax bill on the property is sent, and as shown on the current property tax records for the County. Such notice shall contain the same information as the published notice required by this Subsection and shall be mailed not less than fifteen days prior to the date of the hearing. An affidavit of compliance with this Section shall be made a part of the record. Posting or notification of property owners shall not be required for proposed sectional or comprehensive map amendment procedures or for proposed amendments to the text of this Title.
- (b) Responsibility for public notice. It shall be the responsibility of the Department to ensure that the provisions of Subsection (a)(1) hereof are fully complied with for all matters that come before the Board of Zoning Appeals, the Planning Commission or the County Commissioners relative to matters regulated by this

§ ZS 1-115. Permits and zoning/occupancy certificates.

- (a) Permit. It shall be unlawful to:
- (1) Erect or locate or begin the construction, reconstruction, extension, renovation, demolition or alteration, including the excavation thereof, of any building or structure until a permit for such work shall have been issued by the Department; or
 - (2) Construct a well or sewage disposal system, including the reconstruction, replacement or extension of an existing well or sewage disposal system, until a permit for such work shall have been issued by the Department of the Environment.
- (b) Zoning/occupancy certificate. It shall be unlawful to:
- (1) Use a building or structure or part thereof, erected or located after the effective date of this Title, until a zoning/occupancy certificate for such use shall have been issued by the Department; or

- (2) Change the use of any land, building or structure, after the effective date of this Title, until a zoning/occupancy certificate for such change in use shall have been issued by the Department.
- (c) Application. Applications for any permit or zoning/occupancy certificate shall be on forms as prescribed by the Department and shall contain such additional information as may be necessary to provide for the Department's thorough evaluation of the particular permit or zoning/occupancy certificate requested. At a minimum the application shall be in accordance with the following:
- (1) Applicant. Applications may only be filed by the property owner, contract purchaser, option holder, lessee or his attorney, contractor or agent. If the application is made by a person other than the property owner, the application shall be cosigned by the property owner or the property owner's attorney at law or in fact. Application for a permit for a bulkhead or other shoreline protection structure may be filed by the owner of a legally enforceable easement or right-of-way permitting the construction applied for, who shall be considered the property owner for the purposes of this Subsection, and shall be fully liable for the execution of the construction in compliance with all applicable laws, regulations and permit conditions.
- (2) Site plan. Applications for a permit shall be accompanied by a site plan or plat of the lot drawn to scale and accurately showing the property lines, required setbacks, the location and use of existing buildings and structures and the design, location and height of the proposed construction work or land use. All lot dimensions shall be based on actual measurement or deed description. For applications for permits or zoning/occupancy certificates, the Department may require such information as it deems necessary to ensure that the proposed construction and use comply with the provisions of this Title and other applicable regulations. Therefore, depending upon the particular type of application requested, additional information may be necessary for the Department to thoroughly evaluate the application, including but not limited to information regarding drainageways, driveways, parking areas, well location, wastewater treatment and disposal or septic areas, impervious surfaces, forested areas, wetlands, and limits of disturbance.
- (3) Water supply and wastewater disposal. No permit shall be issued until the proposed water supply system and wastewater disposal system have been approved by the Department of Environmental Programs. Furthermore, in all cases other than individual commercial projects that when complete will serve only one property and be under the sole operation and control of the property owner and not further subdivided in any manner, the collection and distribution lines and laterals for sewer and water must have been constructed and approved, bonded to the County and/or constructed to the extent that Department of Environmental Programs approval can be given for the issuance of the permit, and the cost of installation of the water pits and meters is paid to the County Commissioners.
- A. Notwithstanding the provisions contained in Subsection (c)(3) hereof, permits for no more than four model homes may be issued for any subdivision where the proposed water supply system and/or wastewater disposal system have been approved by the Department of Environmental Programs but not constructed, subject to the following:
1. The water supply system and/or wastewater disposal system have been bonded in their entirety to the satisfaction of the County Commissioners.
 2. There shall be no water supply extended to the model homes.

3. All plumbing shall terminate at the building foundation.
 4. Model home owners/developers shall utilize the model homes only for display purposes and they must not be either sold or occupied for any purpose until the water supply system and/or sewage disposal system are available to serve them. Agreements to this effect must be signed by all owners/developers, contractors and lienholders and recorded in the land records of Worcester County.
- (4) Access and drainage. No permit shall be issued until the proposed location and design of any driveway, drainageway and drainage structure and any signs connected with, located within or adjacent to the right-of-way of any public road have been approved by the County Department of Public Works or the State Highway Administration, whichever has jurisdiction. Additionally, any required bonds or other financial securities shall be posted prior to permit issuance.
- (5) Construction on bonded roads. A permit may be issued subject to the following conditions:
- A. The permit application shall be cosigned by the developer bonded to the County for road construction within the subdivision.
 - B. The road clearing, base and stabilization must be completed and approved by the County prior to the issuance of a permit.
 - C. Drainage structures within driveways and other proposed entrances located in the road right-of-way which provide access to and from the bonded road must be with the approval of and be installed by the Roads Division of the Department of Public Works, at the applicant's expense, prior to issuance of the zoning certificate or occupancy permit.
- (6) Stormwater and sediment and erosion control. Where necessary no permit shall be issued until the proposed stormwater management and sediment and erosion control plans have been approved by the appropriate agency. Additionally, depending upon the particular permit requested, the construction of such facilities or the posting of bonds or other financial securities may be required prior to permit issuance.
- (7) Issuance. The Department shall not be required to issue a permit or certificate until the applicant has corrected any violations of the Code of Public Local Laws of Worcester County, Maryland and has provided all requested information and the Department has determined that the proposed construction and/or use complies with the provisions of this Title and other applicable County regulations, including the receipt of approvals and permits required by such other regulations.
- (d) Temporary occupancy certificates. Notwithstanding any other provision of this Section, upon the request of the holder of a permit, a temporary certificate of occupancy may be issued before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely prior to full completion of the structure without endangering life or public welfare. Temporary occupancy certificates shall not be issued until any required stormwater management measures have been completed, inspected and approved by the Department, including receipt of all certifications and notices pursuant to County and State law. Any occupancy permitted to continue during the work shall be discontinued within thirty days after completion of the work unless a certificate of occupancy is issued by the Department. The issuance of temporary certificates of occupancy is solely at the discretion of the Department and other pertinent governing agencies.

- (e) Zoning/occupancy certificates in combination with building permits. Application for a zoning/occupancy certificate may be made to the Department coincident with the application for a permit. Notwithstanding any other provision of this Subsection, Section or Title, the Department may issue a zoning/occupancy certificate for a lot in a subdivision having bonded streets in accordance with § ZS 1-306(a)(8)D hereof, provided that all other construction work required by this Title and other regulations has been completed, inspected, and approved by the Department or other agencies having jurisdiction. In all other cases, the zoning/occupancy certificate shall not be issued until all construction work required by this Title and other regulations has been completed, inspected, and approved by the Department or other agencies having jurisdiction. Buildings, structures and surrounding lands shall not be occupied or used until a zoning/occupancy certificate has been issued.
- (1) No occupancy permit or zoning certificate may be issued in conjunction with a permit for a structure on a bonded road until the road has been approved and accepted by the County. However, in the event that the road construction is complete except for the application of the final wearing surface (top coat), an occupancy permit or zoning certificate may be issued if a bond for this work is posted with the County in accordance with the provisions of §§ ZS 1-125(b) and (c) hereof.
- (2) If the final wearing surface (top coat) bonded pursuant to the provisions of this Section is not completed, accepted, and approved by the County within six months after the issuance of the first occupancy permit or zoning certificate within the bonded area, the bond shall be automatically forfeited to the County. The County Commissioners may grant a one-time extension of the six-month completion requirement up to an additional six months upon written request by the applicant showing just cause, which request must be received by the County Commissioners at least thirty days prior to the expiration of the original time limit. In granting the extension, the County Commissioners may require that the bond be increased to cover the cost of application of the final wearing surface (top coat) and all necessary repairs to the road.
- (f) Issued permits. Nothing contained herein shall require any change in the overall layout, plans, construction, size, location or designated use of any building or structure or part thereof for which a valid permit has been granted before the effective date of this Title or amendment thereto, provided that:
- (1) The construction conforms to such permit.
- (2) Construction shall have been started within twelve months after the effective date of this Title.
- (3) Completion thereof is achieved in a timely manner.
- (g) Expiration. If the work described in any permit has not begun within twelve months from the date of issuance thereof, such permit shall thereupon expire. Thereafter, work shall not begin or continue until the applicant has filed for and received a new permit. If the work described in any permit has not been substantially completed within twenty-four months of the date of issuance thereof, such permit shall expire unless good cause can be shown to extend the same. The Department may grant a single twelve-month extension if such extension is justified. Expired permits shall become null and void.
- (h) Construction and use to be as provided in plans and applications. Permits issued on the basis of plats, plans and applications approved by the Department shall authorize only the use, arrangement and construction set forth in such plats, plans and applications and shall not authorize any other use, arrangement or construction. In such cases as are appropriate, the Department may require a location survey of the foundation or footings of any

building or structure at any point in the construction thereof. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Title and punishable as provided in § ZS 1-120 hereof.

- (i) Special provisions for areas of limited sewer availability. The County Commissioners may, by resolution, determine areas of limited sewer availability. In addition to all other provisions of this Section, the provisions of this Subsection shall apply to all permits issued in such areas where the construction or land use proposed requires new or increased sewer allocations. Where the provisions of this Subsection are inconsistent with the balance of this Section, the provisions of this Subsection shall govern. In areas of limited sewer availability, the following provisions shall apply:
 - (1) The approval of the Department of the Environment required by Subsection (c) hereof shall be dated not more than thirty days prior to the approval of the permit.
 - (2) The property owner shall file an affidavit with the permit application, on forms prescribed by the Department, certifying that the applicant intends to commence construction forthwith, has sufficient funding to complete construction, has a contractor or the ability to expeditiously complete the structure, has all other required approvals from all utilities and has all enforceable approvals required by any other governmental agencies and pursuant to private deed covenants or restrictions.
 - (3) All site preparation shall be completed and the foundation shall be completed within ninety days of the issuance of the permit. The shell of the building must be completely erected within two hundred forty days from the issuance of the permit. The "shell" shall mean all walls, roofs, windows, siding and exterior doors.
 - (4) The County Commissioners may, by resolution, impose limits on the issuance of permits for multifamily or commercial structures upon a finding that such limitation is needed to promote the orderly growth of the area and for the purposes of this Title.
- (j) Revocation of permit or zoning/occupancy certificate. Any permit or zoning/occupancy certificate issued pursuant to any false affidavit filed pursuant hereto shall be deemed null and void from its initial submission and shall be revoked.

§ ZS 1-116. Board of Zoning Appeals.

- (a) Establishment; composition, appointment and removal; vacancies; compensation; staff and resources. A Board of Zoning Appeals is hereby established (hereinafter called the "Board"). The Board shall consist of seven members appointed by the County Commissioners for staggered three-year terms or until a successor takes office. Members may, after a public hearing, be removed from office by the County Commissioners for inefficiency, neglect of duty or malfeasance in office. The County Commissioners shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the County Commissioners. Members may serve with such compensation as the County Commissioners deem appropriate. The Board may be supplied with such staff and resources as the County Commissioners deem appropriate.
- (b) Organization; voting; meetings; rules and records; assistance. The Board shall elect a Chairman from its membership. The Chairman's term shall be twelve months with eligibility for reelection. The Board shall have at least four members present and voting to conduct business. A majority of the members present and voting must vote in favor of any matter in order for it to be approved. Failure to obtain such affirmative vote of a majority of the members present and voting shall constitute a denial. After voting upon an

application the Board shall not rehear, reconsider or reopen such matter except in accordance with Subsection (i) hereof. However, prior to a vote being taken the Board may continue any case solely for the purposes of obtaining additional evidence or testimony deemed necessary by the Board to reach a proper conclusion, allowing time for studies or surveys to be performed to provide additional information to the Board or enabling applicants or protestants to prepare responses to issues that develop that could not have been reasonably foreseen. A continuance shall not be granted to the applicant simply for additional preparation time or the presence of opponents. The Board shall adopt rules for the transaction of business, which shall be posted in the office of the Department and be available to the public in written form. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep written records of its resolutions, transactions, testimonies, findings, decisions, determinations and other official actions, which records shall be a public record. Where specific findings are required or criteria apply, separate written findings shall be made on each of the criteria or findings. The Board may call upon any County official or department for assistance in the performance of its duties, and it shall be the duty of such officer or department to render such assistance to the Board as may reasonably be required.

- (c) Powers with respect to zoning matters. The Board shall have the following powers and functions:
- (1) To hear and decide appeals where it is alleged that there is an error in the application of the law (but not in discretionary judgment) in any order, requirement, decision or determination made by the Department in the administration or enforcement of this Title or in the decision of the hearing official relative to administrative adjustments considered pursuant to § ZS 1-117(f) hereof. There shall be no appeal to the Board from a decision of the Planning Commission.
 - (2) To determine, consistent with the provisions of § ZS 1-110(c) hereof, the boundaries of districts.
 - (3) To hear and decide only such special exceptions as the Board is specifically authorized to pass on according to the provisions of this Title and to decide such questions as are involved in determining whether special exceptions should be granted.
 - A. A special exception may be granted only when the Board finds, from a preponderance of the evidence of record, that the proposed use or structure:
 1. Will be in conformance with the County's Comprehensive Plan.
 2. Will be in harmony with the general character of the neighborhood considering population density, the design, scale and bulk of any proposed new structures, the intensity and character of activity, traffic and parking conditions or the number of similar uses.
 3. Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhoods; will cause no objectionable noise, vibration, fumes, odors, dust, glare or physical activity; and will not have a detrimental effect on ground- or surface water quality.
 4. Will have no detrimental effect on vehicular or pedestrian traffic.

5. Will not adversely affect the health, safety, morals, security or general welfare of residents, workers or visitors in the area.
 6. Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, medical facilities, water, sanitary sewers, public roads, storm sewers, drainage and other public improvements.
 7. ~~Meets~~ WILL MEET the definitions and specific standards set forth elsewhere in this Title for such use.
- B. The applicant for a special exception shall have the burden of proof in addressing the criteria set forth in Subsection (c)(3)A hereof and the burden of providing the evidence necessary on all questions of fact which are raised by the Board.
 - C. Any special exception approved by the Board must be unconditionally accepted as approved, in writing, to the Board by the applicant requesting such use within ninety days after such special exception has been approved by the Board. Failure to so accept in writing, as herein provided, any such special exception so approved by the Board shall be considered a rejection and abandonment by the applicant of any such special exception so approved, and thereafter any such special exception so approved shall be null and void and of no effect whatsoever.
 - D. Unless otherwise designated by the Board, any special exception shall be implemented within twelve months from its approval. If it has not been so implemented, it shall be considered abandoned and shall terminate.
 - E. In the event that any special exception which has been implemented is abandoned or ceased for a period of twelve consecutive months, it shall be considered abandoned and shall terminate.
- (4) To authorize, upon appeal, in specific cases such variances from the setback or area provisions of this Title as will not be contrary to the public interest where, owing to special or unique conditions, a literal enforcement of the provisions of this Title would result in unnecessary hardship of other than a financial nature.
- A. A variance from the terms of this Title shall not be granted unless and until the applicant has demonstrated each of the following:
 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
 2. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
 3. The special conditions or circumstances did not result from actions of the applicant.
 4. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.
 - B. A variance shall only be granted which modifies the setback, area or lot

width provisions of this Title and the Board shall be without authority to grant a variance which would allow a use not otherwise permitted under the terms of this Title in the district involved. The Board may not grant a variance to a definition.

- C. Variances may be granted only for individual lots pursuant to specific applications. No "blanket" variance is permitted.
- (5) To grant the expansion of the area of nonconforming uses and structures upon a single lot in accordance with the provisions of § ZS 1-122 hereof.
 - (6) To prescribe, in the granting of any variance or special exception or expansion of a nonconforming use or structure appropriate conditions and safeguards in conformity with this Title and other regulations. Violations of such conditions and safeguards, when made a part of the terms under which the variance or special exception is granted, shall be deemed a violation of this Title and shall be punishable under the provisions of § ZS 1-120 hereof and, at the discretion of the Board after notice and hearing, shall be grounds for termination or revocation of the variance or special exception itself.
 - (7) To reverse, affirm, wholly or in part, or modify the order and render the decision as ought to be made, the actions of the Department and to that end shall have the powers of the Department so long as such action is in conformity with the terms of this Title.
 - (8) To have continuing jurisdiction, without time limitation, over all special exceptions, variances and expansions of nonconforming uses and structures granted by the Board and may, from time to time, review such cases to ensure compliance with this Title. Should the Board find noncompliance, it may request that the Department pursue the complaint as provided in § ZS 1-111 hereof, or it may rehear the case following the procedures prescribed by this Title for an original case, including required public notice and a public hearing. Upon rehearing the case, the Board may attach additional conditions or limitations to ensure future compliance, or it may revoke the original grant and may order the special exception, variance or expansion removed and the site restored to its prior condition. A special exception, variance or expansion of a nonconformity granted by the Board shall authorize only such structures and uses as specified in the approval and is subject to all conditions or plans attached thereto. No future changes or expansion of a special exception, variance or nonconformity shall be made without the prior approval of the Board.
 - (9) To require a bond to its satisfaction in cases where it deems such to be appropriate.
- (d) Who may file an appeal or application; forms; time for action; site plan.
- (1) Applications for special exceptions, variances, expansions of a nonconformity and interpretation of district boundaries consistent with the provisions of § ZS 1-110(c) hereof may be filed only by an aggrieved governmental agency or the owner, contract purchaser, option holder or lessee of the property to be affected or by his attorney or agent. Applications filed by persons other than the property owner must be cosigned by the property owner or the property owner's attorney at law or in fact. Appeals to the Board for administrative review may be filed by any person or governmental agency who is directly aggrieved by the order, requirements, decision or determination from which the appeal is taken. Appeals and applications shall be made on forms provided by the Department. Such appeals or applications shall be acted upon within a reasonable time not to exceed ninety days or such lesser period as may be provided by the rules of the Board. Appeals

and applications accompanied by the required fees as established by the County Commissioners shall be filed with the Department. In the case of appeals, the Department shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

- (2) In the case of special exceptions, variances and expansions of nonconformities, every application shall be accompanied by a site plan meeting the following requirements:
 - A. Drafting standards. The site plan and all supporting drawings shall be prepared on one or more reproducible sheets. Applications with drawings larger than eleven by seventeen inches in size shall provide additional copies for review as may be required. The plan may be prepared at any conventional scale, provided that all information is clear and legible. The plan shall contain sufficient detail, labeling and dimensions to be easily understood. All lot dimensions shall be based on actual measurement or deed description. All exhibits must be easily removable from any mounting or frame. The Department may require submission of the exhibits in electronic format.
 - B. General data. The site plan shall identify the name and address of the property owner and the applicant if not the same, the general location of the property by use of an insert vicinity map, North arrow, scale, date and zoning classifications. The plan shall also bear the signatures of the applicant, the property owner or his attorney in fact or at law and bear the name of the person who prepared the site plan.
 - C. Layout. The plan shall show all property lines, structures, use areas, roads, access points, vehicular circulation, parking areas, pedestrian circulation, signs, yard setbacks, drainageways, utility lines, easements, landscaping, exterior lighting, fences, walls and other physical features. Both existing and proposed features shall be shown and labeled as such.
 - D. Elevations. The plan shall show typical schematic elevations of the major buildings and structures and of any freestanding signs. The elevations shall indicate the type of construction and basic exterior materials and color treatment.
 - E. Relationship to abutting roads and properties. The plan shall show the location of abutting roads, structures, use areas, parking lots, fences, walls, signs and other significant physical features within one hundred feet of the property line.
 - F. General description. Accompanying the site plan shall be a written description of the project and its intended use or operation. Such description shall be typed on sheets eight and one-half by eleven inches in size.
- (3) The Board may waive any of the ~~above~~ requirements CITED IN SUBSECTION (d)(2) HEREOF where it finds them nonessential for rendering its decision. The Board may adopt policies to be used for waivers. The Board or Department may require such additional data, drawings or documentation as it deems necessary to adequately review the application for compliance with the intent and provisions of this Title. The Board may continue any case in order to obtain additional data, drawings or documentation.
- (4) The Board's granting of a special exception, variance or expansion of a nonconforming use or structure shall authorize, without deviation, only the uses

and structures as shown on the site plan as approved, including any modifications that the Board may have incorporated in its approval. Deviation from such approved site plan or attached modifications shall be considered a violation of this Title.

- (e) Hearing; notice. The Board shall fix a reasonable time for the hearing of appeals and applications, consistent with its rules of practice and procedure. Public notice shall be given by the Board for all hearings relating to zoning matters in accordance with the procedures set forth in § ZS 1-114 hereof.
- (f) Calendar of the Board. A calendar of the Board showing the times and dates of hearings relating to zoning matters shall be maintained and posted in a conspicuous location in the office of the Department. The Board shall assure that a current copy of the calendar is provided to the Planning Commission.
- (g) Advice of Planning Commission.
 - (1) The Board shall provide the Planning Commission with a copy of its agenda at least fifteen days prior to each of its meetings. The Planning Commission may comment on or appear at the hearing on any matter pending before the Board. Such comments shall be considered by the Board but shall not be binding upon the Board.
 - (2) The Board may request from the Planning Commission or Technical Review Committee such technical service, data or factual evidence as will further assist the Board in reaching decisions, and any such information forwarded by the Planning Commission shall be incorporated into the public record and shall be made available to the applicant if requested.
- (h) Stay of proceedings. An appeal to the Board shall stay all proceedings, time requirements and approval periods by all agencies and by all persons affected by the action appealed from, including the applicant, unless the Department certifies to the Board that, by reason of facts stated in the certificate, a stay would, in the Department's opinion, cause imminent peril to life or property, in which case the Board may, by written order, permit such proceedings to go forward, in whole or in part, under such restrictions as the Board may deem appropriate. This Section shall not be construed to permit the continuance of any action constituting or compounding a violation hereof, it being the intent that all agencies and persons, including the applicant and the Department, involved in the matter cease all actions affecting the same (unless exception is made as herein provided) until the Board has decided the matter.
- (i) Repeated application for special exception, variance or expansion of nonconforming use or structure. No application for a special exception, variance or expansion of a nonconforming use or structure shall be accepted by the Department if the application is for substantially the same proposal on the same property as an application denied by the Board within the previous twelve months as measured from the date of the Board's vote for denial. However, the Board may allow an applicant to withdraw an application at any time, provided that, if the request for withdrawal is made after publication of the notice of public hearing, no similar application shall be allowed within twelve months following the date of such withdrawal. The Board may specify by formal resolution that the time limitation shall not apply in such cases where the Board finds that the applicant is unable to attend the advertised hearing for any of the following reasons:
 - (1) A death in the immediate family of the applicant or his/her attorney.
 - (2) A serious illness on the part of the applicant or his/her attorney which requires the treatment or supervision of a medical doctor.

- (3) The incarceration or criminal detention of the applicant or his/her attorney.
 - (4) Any other like circumstance that the Board determines to be of such a serious nature as to prohibit the attendance of the applicant or his/her attorney.
- (j) Limitation of authority of Board.
- (1) Nothing contained in this Section shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision or determination which conforms to the provisions of this Title and which is therefore not erroneous or to authorize the Board to validate, ratify or legalize any violation of law or of the provisions of this Title.
 - (2) The Board shall not amend any of the provisions of this Title, including the Official Zoning Maps, except as specifically authorized in Subsection (c)(2) hereof.
- (k) Powers with respect to forest conservation matters. The Board shall have only the following powers and functions:
- (1) To hear and decide appeals from an applicant where it is alleged that there is an error in the application of the law (but not in discretionary judgment), in any order, requirement, decision or determination made by the Department in the administration or enforcement of the Worcester County Forest Conservation Law.
 - (2) To hear and decide applications from an applicant for adjustments and exceptions to the requirements of the Worcester County Forest Conservation Law in accordance with the provisions thereof.
 - (3) Decisions of the Board with respect to such matters shall be made after a hearing following the same procedures established for a zoning case in Subsections (d)(2) and (d)(3) and Subsections (e), (f), (h) and (i) hereof.
- (l) Powers with respect to the Chesapeake Bay Critical Area. In accordance with the provisions of Section § NR 3-211 of the Worcester County Natural Resources Article, as from time to time amended, the Board shall have the power to authorize upon appeal in specific cases variances to the terms of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, Title 3, Subtitle II, Worcester County Chesapeake Bay Critical Area Ordinance.
- (m) Powers with respect to the Atlantic Coastal Bays Critical Area. The Board shall have only the following powers and functions with respect to the Atlantic Coastal Bays Critical Area:
- (1) In accordance with the provisions of Section § NR 3-111 of the Worcester County Natural Resources Article, as from time to time amended, the Board shall have the power to authorize upon appeal in specific cases variances to the terms of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, Title 3, Subtitle I, Atlantic Coastal Bays Critical Area Ordinance.
 - (2) In accordance with the provisions of any buffer management plans adopted by resolution of the County Commissioners in accordance with the provisions of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, Title 3, Subtitle I, Atlantic Coastal Bays Critical Area Ordinance, the Board shall have the power to review the decision of the Department with respect to the denial of requests for payment in lieu for required mitigation or bufferyard establishment.

§ ZS 1-117. Administrative adjustments.

- (a) Authority and designation. Pursuant to the provisions of Article 66B, Section 4.05(D) of the Annotated Code of Maryland, as from time to time amended, the County Commissioners may designate the Director of the Department or other appropriate individual as the administrative hearing official to provide for certain administrative adjustments from the requirements of this Title in accordance with the provisions of this Section.
- (b) Who may file an application for administrative appeal. Applications for administrative appeal may ~~only~~ be filed by ONLY the owner, contract purchaser, option holder or lessee of the property to be affected or by his attorney or agent. Applications filed by persons other than the property owner must be cosigned by the property owner or the property owner's attorney at law or in fact.
- (c) Forms, time for action, site plans. Applications shall be made on forms provided by the Department. Applications shall be accompanied by the required fees as established by the County Commissioners and shall be filed with the Department. The application shall also be accompanied by a site plan prepared in accordance with the standards cited in § ZS 1-116(d)(2) hereof, except where the administrative hearing official finds them nonessential for rendering a decision, and by any additional information necessary to review the request as determined by the Department.
- (d) Fees. The County Commissioners shall by resolution establish a fee schedule for applications requesting administrative adjustments.
- (e) Limitations and standards. Administrative adjustments may only be made in the following cases and subject to the standards contained herein
 - (1) A proposed encroachment into a required yard setback which is less than or equal to twenty percent of the required setback where the applicant has affirmatively demonstrated each of the following:
 - A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.
 - B. Literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Title.
 - C. The special conditions or circumstances did not result from actions of the applicant.
 - D. The condition or circumstance is not one that could be reasonably provided for under legislation of general applicability within the zoning district and shall be granted only on account of the uniqueness of the situation.
 - E. The granting of the administrative adjustment would not be contrary to the public interest and there is an unnecessary hardship of other than a financial nature.
 - (2) An after-the-fact encroachment into a required yard setback which is less than or equal to five percent of the required yard setback, but in no case greater than one foot, where in addition to the criteria contained in Subsection (e)(1) hereof the applicant has affirmatively demonstrated that the encroachment resulted from an error in the layout or construction of the structure which was indeterminate until the time of final inspection.

- (3) A reduction in the off-street parking requirements contained in § ZS 1-320 hereof of not greater than twenty percent where, on a case by case basis, it is demonstrated that due to the particular nature of a use or business, the condition, shape or size of a particular property, or a special circumstance as determined by the administrative hearing official that such reduction is appropriate.
- (4) A modification of the off-street parking requirements contained in this Title with respect to the layout, arrangement, separation, or setback, but not with regard to number of parking spaces, where such modification serves to reduce an environmental impact or to achieve greater compliance with the provisions of this Title for an existing nonconforming use or structure.
- (f) Procedure. Within thirty days of receipt of a complete application, site plan and the required fee the Department shall review the application and accompanying documentation. If the application is found to be deficient it shall be returned to the applicant with an explanation of its deficiencies in writing. If found to be complete the Department shall notify in writing the owners of all properties, as shown on the tax records of the County, contiguous and opposite to the property that is the subject of the application. Opposite properties are measured at right angles to the centerline of any intervening road. The notification shall be sent to the address to which the tax bill is sent and shall include a copy of the application, an explanation as to its nature, and a form, to be completed and returned to the Department within fifteen calendar days of the original mailing of notice, which shall be used by the recipient to request an opportunity to be heard if they so desire. The subsequent procedure shall be as follows:
 - (1) Should the Department fail to receive a request to be heard within the fifteen day time period the Department shall schedule a time for the administrative hearing official's consideration and decision on the applicant's request within twenty-one calendar days. The applicant may request to be present during the consideration and offer additional information, testimony or exhibits.
 - (2) Should the Department receive a request to be heard by a notified individual it shall schedule a time within thirty calendar days of the request to consider the application and to take any testimony and evidence. The date and time shall be during normal business hours. The applicant and all notified property owners shall receive notice as to the day and time of consideration. Requests for postponement of consideration of the application may be filed by the applicant or protestants but shall only be granted by the administrative hearing official in extreme cases. The administrative hearing official shall establish reasonable rules of procedure, which shall be informal in nature, for the consideration of the request, including the receipt of testimony, evidence and exhibits. Prior to a decision on the application the administrative hearing official may continue the case solely for the purpose of obtaining additional evidence or testimony or for the administrative hearing official to seek information or advice from other departments. A continuance shall not be granted to either the applicant or protestants simply to provide for additional preparation time.
 - (3) All decisions on applications for administrative adjustment shall include written findings of fact and shall be made available within fifteen calendar days of the final decision.
- (g) Appeals. The applicant or any person notified pursuant to Subsection (f) hereof may appeal the decision of the administrative hearing official to the Board of Zoning Appeals. All such appeals to the Board of Zoning Appeals shall be conducted as an entirely new case.

§ ZS 1-118. Powers and duties of Department, Board of Zoning Appeals, County

Commissioners and courts on matters of appeals and enforcement.

- (a) Enforcement by Department; appeals to Board of Zoning Appeals. It is the intent of this Title that all questions of interpretation and enforcement shall be first presented to the Board of Zoning Appeals only on appeal from the decision of the Department and that recourse from the decision of the Board of Zoning Appeals shall be the Circuit Court of the County.
- (b) Powers of County Commissioners. It is further the intent of this Title that the duties of the County Commissioners in connection with this Title shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this Title, the County Commissioners shall have only the following duties:
 - (1) Considering and adopting or rejecting proposed amendments to the text and the maps or the repeal of this Title as stated in § ZS 1-113 hereof.
 - (2) Establishing a schedule of fees, charges and expenses as stated in § ZS 1-106 hereof.
 - (3) Creation of the Planning Commission and appointment of its members as stated in § ZS 1-112 hereof.
 - (4) Creation of the Board of Zoning Appeals and appointment of its members as stated in § ZS 1-116 hereof.
 - (5) Creation of the Historic District Commission and appointment of its members as stated in § ZS 1-301 hereof.
 - (6) The imposition of moratoria by resolution in order to accomplish the purposes of the Comprehensive Plan and the intent of this Title and to safeguard the planning processes and provide for smooth transitions and protection of the health, safety and welfare of the population.
 - (7) Imposing impact fees and exactions as appropriate and necessary.
 - (8) Considering and acting upon overlay zones and residential planned communities (RPCs) and Historical/Cultural/Agricultural Floating Zones (HCAs).
 - (9) Adopting development standards.
 - (10) Exercising such other powers and duties as are provided for specifically by law.
 - (11) Adopting plans, including comprehensive development plans, transportation corridor plans and any plans necessary for the purposes of this Article, by resolution after public hearing pursuant to § ZS 1-114 hereof.

§ ZS 1-119. Appeals to courts.

- (a) Who may appeal. The Planning Commission, the County Commissioners or any person with standing aggrieved by any decision of the Board of Zoning Appeals or by a zoning district reclassification by the County Commissioners may appeal the same to the Circuit Court of the County. The County Commissioners shall be considered to have standing in all decisions of the Board of Zoning Appeals and may appeal any such decision in accordance with this Section.
- (b) Time for appeal. The time for appeal shall be governed by the Maryland Rules of Procedure, as from time to time amended, and shall run from the date of the mailing of the

decision and findings of fact to the applicant and all other parties who have requested the findings and decision in writing at the hearing. In the event that a decision of the Board of Zoning Appeals is announced prior to such mailing or delivery, a permit may be issued based on such decision, but the permittee shall take the same at his own risk.

- (c) Record. The appellant shall pay all costs of preparing the record.
- (d) Costs against Board of Zoning Appeals. Costs shall not be allowed against the Board of Zoning Appeals unless it shall appear to the Circuit Court that the Board acted with gross negligence, in bad faith or with malice in making the decision appealed from.
- (e) Decision of Circuit Court; appeal to other courts; costs. An appeal may be taken to the Court of Special Appeals or the Court of Appeals, within such time and in the manner prescribed by the Maryland Rules of Procedure, from any decision of the Circuit Court. In such cases, the award of costs shall be subject to the discretion of the Appellate Court.

§ ZS 1-120. Violations and penalties.

- (a) Complaints regarding violations. Whenever a violation of this Title occurs or is alleged to have occurred, any person may report the same, either verbally or in writing, to the Department. Complaints shall be filed immediately in a permanent file by the Department, which shall then immediately investigate and take action thereon as provided by this Title.
- (b) Penalties for violations.
 - (1) Unless otherwise specified in this Article, violations of the provisions of this Title or failure to comply with any of its requirements shall constitute a civil infraction.
 - (2) The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
 - (3) To the maximum extent reasonable, the court shall order the violation removed or corrected and may issue such additional orders as the court may deem appropriate to safeguard against future violations of this Title.
 - (4) Nothing herein contained shall prevent the County from withholding the issuance of a permit or from revoking an issued permit, special exception, variance or approval from the offender or from taking such other lawful action as is necessary to prevent or remedy any violation of this Title.
- (c) Misdemeanor violations. Where a violation of this Article is specified to be a misdemeanor, then it shall be enforced pursuant to the provisions of § ZS1-101(e) hereof and § 7.01(a)(2) of Article 66B of the Annotated Code of Maryland, as from time to time amended, regarding enforcement and remedies.

§ ZS 1-121. Essential services exempted.

- (a) "Essential Services" defined. Essential services shall be defined as facilities such as wires, lines, cables or pipes and supporting structures thereof that are reasonably necessary to provide individual properties or lots with water, sewer, gas, electric, telecommunications or similar services. Such facilities may be located in public rights-of-way, in special easements or on private property. Essential services shall not include wastewater treatment facilities or water supply systems as defined in § ZS 1-328 hereof or any cross-County electric transmission lines, telephone trunk lines, microwave stations, transmission

pipelines, trunk water lines, interceptor sewer lines, sewage pumping stations, water treatment facilities, water well sites, water storage tanks, radio or television transmission or receiving structures, and telecommunications facilities.

- (b) Exemption. Such essential services shall be permitted in any district, it being the intent hereof to exempt such essential services from the application of this Title, provided that all such essential services which involve the construction of an above-grade building or structure twenty square feet or greater in horizontal area and four feet or greater in height above the surrounding grade shall be subject to the review and approval of the Department. In conducting such review, the Department shall assure that the structure proposed is compatible with the surrounding area and presents no safety or health hazard. To such end, it may prescribe such conditions and safeguards as may be appropriate.

§ ZS 1-122. Nonconformities.

- (a) Statement of intent. Unless otherwise specifically provided in this Title, within the districts and under the provisions established by this Title and amendments hereto, there may exist lots, structures, uses of land and uses of structures and land in combination which were lawful when established but which are prohibited or restricted under the terms of this Title or future amendment. It is the intent of this Title to permit these nonconformities to continue yet encourage their conformance with current regulations whenever possible. It is further the intent of this Title that nonconformities shall not be altered, reconstructed, relocated, enlarged upon, expanded or extended except as herein provided.
- (b) Nonconforming lots as a result of government action. From time to time, lots legal under this Title and future amendments may become nonconforming in lot area, depth or width as a result of government action, including such action as the acquisition of additional road right-of-way. Such nonconforming lots shall, without further action, be considered conforming, except that encroachment of required setbacks for uses and structures shall be permitted only by approval of the Board as a variance in accordance with the provisions of § ZS 1-116 hereof, unless grandfathered under the provisions of § ZS 1-126 or § ZS 2-113 hereof.
- (c) Single-family dwellings and manufactured and mobile homes on nonconforming lots of record. In any district in which single-family dwellings or manufactured or mobile homes are permitted, a single-family dwelling or manufactured or mobile home and customary accessory buildings may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this Title, provided that a single-family dwelling or manufactured or mobile home could have been lawfully erected on such lot immediately prior to the effective date of this Title, subject to the following provisions:
 - (1) Setbacks shall be established as follows:
 - A. For lots platted prior to July 27, 1965, the least restrictive of the following shall apply:
 - 1. In no case shall any one side yard setback be less than ten percent of the width of the lot or six feet, whichever is the greater. The depth of the rear yard setback on such lot shall be thirty percent of the depth of the lot, but in no case shall it be less than fifteen feet. In cases where the right-of-way of the road on which the lot fronts is less than fifty feet in width, the depth of the front yard setback shall be the front yard setback required by the district regulations plus twenty-five feet measured from the center line of the right-of-way. The front yard depth shall be further increased to comply with the provisions of § ZS 1-305(b) hereof if applicable.

2. As established by current district regulations.
- B. For lots platted on or after July 27, 1965, the least restrictive of the following shall apply:
1. Setbacks as established for the zoning district in which the lot was located at the time of recordation of the plat;
 2. As established by current district regulations.
- (2) In cases where the lot does not front on a public or approved private road, a single-family dwelling, or no more than one farm building group, may be situated on a lot which is served by a deeded right-of-way of not less than fifteen feet in width, or a legally established easement or right-of-way not less than fifteen feet in width, satisfactorily proven by probative documentary evidence, which may include an opinion from an attorney at law licensed to practice law in the State of Maryland.
 - (3) The water supply and sewage disposal system for the lot shall be approved by the Department of Environmental Programs.
 - (4) MANUFACTURED AND mobile homes permitted by special exception in any district shall comply with the provisions of § ZS 1-116(c)(3) hereof.
- (d) Nonconforming uses of structures, land or structures and land in combination. If a lawful use involving structures, land, or structures and land in combination existed at the effective date of adoption or amendment of this Title that would not be allowed in the district under the terms of this Title or amendment, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) Without prior approval of the Board of Zoning Appeals as a special exception, on any single lot of record, the noncomplying portion of any such structure shall not be:
 - A. Enlarged or extended. The Board of Zoning Appeals shall have no authority to grant approval of any enlargement or extension which expands by more than fifty percent of the original gross floor area and cubic content of the noncomplying portion of the structure at the time it became nonconforming; or
 - B. Reconstructed; or
 - C. Moved; or
 - D. Structurally altered.
 - (2) No nonconforming use of land shall be enlarged in area or moved to a new location except by action of the Board of Zoning Appeals as a special exception. The Board may grant an expansion not to exceed fifty percent of the original land area used in a nonconforming manner at the time it became a nonconforming use. The Board shall have no authority to grant an expansion exceeding fifty percent of the original land area used in a nonconforming manner at the time it became a nonconforming use.
 - (3) Any nonconforming use may be extended throughout the remaining parts of the building in which it is located, provided that such parts were manifestly arranged or designed for such use at the time of adoption or amendment of this Title. Board action is not required.

- (4) Any structure, land, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.
 - (5) When a nonconforming use of a structure, land, or structure and land in combination is abandoned for twelve consecutive months, the structure, land, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - (6) Notwithstanding any other provisions of this Title, any nonconforming structure lawfully existing at the time of the adoption or amendment of this Title which shall be destroyed to any extent by forces of nature or casualty may be repaired or reconstructed at its prior location without Board action, provided that such structure is reconstructed within two years from the date of destruction. Destruction by forces of nature or casualty shall not include demolition or destruction by neglect or failure to maintain.
- (e) Repairs and maintenance.
- (1) Ordinary repairs and maintenance may be performed on any nonconforming structure.
 - (2) If a nonconforming structure or portion thereof becomes physically unsafe or unlawful to occupy due to lack of repairs or maintenance and is declared by any duly authorized official to be unsafe or unlawful for occupancy by reason of physical condition, it shall not thereafter be restored or rebuilt except in conformity with this Section.
- (f) Uses and structures allowed under special exception provisions. Any use or structure which exists at the effective date of this Title or amendment thereto which is permitted by this Title as a special exception in the district where such use or structure is located shall not be deemed a nonconforming use or structure in such district but shall without further action be considered a conforming special exception. Such use or structure, however, shall be subject to the jurisdiction of the Board of Zoning Appeals as a special exception and shall not be expanded or otherwise modified or enlarged except upon Board hearing and approval.
- (g) Existing one- and two-family dwellings. A lawfully existing one- or two-family dwelling or a lawfully existing manufactured or mobile home utilized as a residence on a single lot, including their customary incidental uses and accessory structures, are exempt from the provisions of this Section, provided that:
- (1) Such structures are nonconforming as to their use under current zoning district regulations; and,
 - (2) Such structures comply with the least restrictive height and setback requirements for the zoning district in which located; and,
 - (3) If abandoned, use of the dwelling or manufactured or mobile home as an occupied dwelling is resumed within two years of the date of abandonment.

§ ZS 1-123. Approved private roads.

- (a) Application. Proposals for approved private roads shall be made by petition to the County Commissioners. The petition must be signed by all record owners of all lands to be served by the proposed road. In the event that the proposal is in conjunction with a map

amendment or residential planned community application, the petition may accompany the map amendment application, residential planned community application or application for public easement road designation. Every petition shall be in a form prescribed by the County Commissioners and shall be accompanied by a plat, drawn to scale, showing property lines, the existing and proposed district boundaries, the general location of the proposed private road, the construction and maintenance standards of the proposed private road and such other information as the County Commissioners may deem appropriate in order to properly review the petition. The petition shall include information as to the proposed method of payment for maintenance of the road and assurances to the County Commissioners that such road shall be properly maintained so long as necessary.

- (b) Planning Commission review. The County Commissioners shall refer the petition to the Planning Commission for its review and report. The Planning Commission shall review the petition at a regularly scheduled meeting and shall provide the applicant with an opportunity to be heard.
- (c) Planning Commission report. After receipt of the Planning Commission's report, the County Commissioners shall schedule a meeting with the applicant, at which time the applicant shall have the opportunity to provide additional information or to answer questions with regard to the proposal. The County Commissioners may but shall not be required to hold a public hearing with respect to the application in such cases where the County Commissioners determine that the approval of the private road shall have an impact on the public generally.
- (d) Criteria. The County Commissioners shall, in making a determination as to whether or not to approve the private road, consider the following:
 - (1) Its relationship to existing and planned public roads of the County.
 - (2) The nature of the area to be served by the road.
 - (3) The desirability or necessity of public access to the areas to be served by the road.
 - (4) Whether or not the construction and maintenance of the road is financially feasible.
 - (5) Proposed construction and maintenance standards.
 - (6) The proposed maintenance plan.
- (e) Determination. The County Commissioners shall, by resolution, approve or disapprove the proposed private road. In the event that the road is approved, the resolution shall be recorded among the land records of Worcester County, Maryland, and be indexed at the expense of the applicant under the name of all property owners served by the road.
- (f) Plats and covenants. Any plats showing an approved private road shall contain an appropriate notation indicating that the road is an approved private road and the date or recording reference of the resolution. The County Commissioners may, as a condition to approval, require a recorded deed covenant running with the land, in such form as may be satisfactory to the County Commissioners, indicating and acknowledging the existence of the approved private road and establishing a procedure for collection of fees for maintenance thereof.
- (g) Construction and maintenance standards. The County Commissioners may, by resolution, establish or adopt construction and maintenance standards for approved private roads.

§ ZS 1-124. Expiration of approvals and permits.

Any permit or approval granted pursuant to this Title shall expire one year from the date of approval unless a different date for expiration is specified herein or as a condition of such permit or approval. In the event of a bona fide appeal of an approval or permit or other bona fide litigation, then the running of the time before the expiration of the permit or approval shall be extended until the final determination of the appeal or litigation by action of the Board of Zoning Appeals or the court. The approving agency or body may extend the one-year limitation for up to one additional year in the case of unique circumstances where bona fide hardship would result if such extension were not given, provided that the application for extension is filed prior to the expiration date of the permit or approval.

§ ZS 1-125. Bonding procedures.

- (a) General. Bonds posted in conjunction with subdivision approval, site plan approval or issuance of a permit or zoning/occupancy certificate or to otherwise meet the requirements of this Title or the Natural Resources Article shall be in conformance with this Section.
- (b) Types of bonds. Only cash bank deposits in Federally insured institutions, certified or cashiers checks, irrevocable letters of credit issued by Federally insured institutions or corporate surety bonds with sureties approved by the County Commissioners shall be accepted as bonds. No property bonds shall be accepted.
- (c) Amount of bond. The bond amount shall be one hundred twenty-five percent of the estimated cost of completion, as approved by the County Commissioners, of the items for which the bond is posted.
- (d) Bond agreement. The person requesting any approval that requires that a bond be posted shall execute an agreement with the County agreeing to complete those items for which the bond is posted and shall execute a separate bonding instrument.
- (e) Reduction of bond. The County Commissioners reserve the right to reduce the bond amount upon proof of satisfactory completion of work items covered under the bond. However, the bond amount shall not be reduced below one hundred twenty-five percent of the estimated cost of completion, as approved by the County Commissioners, of the remaining items for which the bond is posted. In addition, no more than three bond reductions shall be approved for any project in any twelve-month period.

§ ZS 1-126. Grandfathering.

- (a) Purpose and intent. It is the general intent of the County Commissioners to permit the continuation of projects for which plan approval has been given prior to the adoption date hereof under certain prior requirements, so as not to cause undue hardship upon developers and to promote orderly development of projects as previously approved.
- (b) Definitions. For the purpose of this Section, the following definitions shall apply:

EFFECTIVE DATE OF THIS ARTICLE -- _____, 2009.

PLAN APPROVAL -- Issuance of a permit, special exception approval, site plan approval, preliminary plat approval, final plat approval, record plat approval, residential planned community Step I approval, residential planned community Step II approval, planned commercial development plan approval or any other plan approval which is determined by the Department to be one of such similar nature so that the purpose and intent of this Section is fulfilled.

PROJECT -- Any proposed subdivision, development or redevelopment of land or buildings within the County.

REQUIREMENT -- Any regulation, law, requirement, criteria, standard or other regulatory imposition.

- (c) Grandfathering provisions. Transitional provisions to be known as "grandfathering" provisions are hereby adopted. Such provisions shall be limited as follows and shall provide for the continuance of development under certain prior requirements of projects:
- (1) Grandfathering provisions shall apply only to projects for which plan approval has been granted and shall be limited to:
 - A. Density requirements.
 - B. Bulk requirements.
 - C. Use requirements.
 - D. Lot requirements.
 - E. Landscaping requirements.
 - F. Off-street parking requirements.
 - (2) All unexpired plan approvals granted pursuant to the provisions of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland in effect at the time of said plan approval shall be considered to have received approval on the effective date of this Title with respect to the expiration of such plan approvals. Expiration of said plan approvals shall be as specified in the following sections of the Zoning and Subdivision Control Article:
 - A. § ZS 1-115(f), Building permits.
 - B. § ZS 1-116(c)(3), Special exceptions, with the exception that such approvals shall not be required to be accepted in writing by the applicant.
 - C. § ZS 1-124, Expiration of approvals and permits.
 - D. § ZS 1-315(k)(2)A.5., Step I approval of residential planned communities.
 - E. § ZS 1-315(k)(2)B.8., Step II approval of residential planned communities.
 - F. § ZS 1-325(g)(5), Site plans.
 - G. § ZS 1-337, Transient uses.
 - H. § ZS _____, Preliminary subdivision plats.
 - I. § ZS _____, Construction plans.
 - J. § ZS _____, Final subdivision plats.
 - (3) Project development may proceed in accordance with the plan approval unless such approval shall expire. In the case of expiration, reapproval shall be in conformance with all provisions of the Zoning and Subdivision Control Article in effect at the time of reapplication.
- (d) Effect of previous regulations. To the extent necessary to implement the grandfathering provisions adopted hereunder, the provisions of the Zoning and Subdivision Control Article in effect at the time of plan approval shall remain in full force and effect applicable

to projects subject to any grandfathering provisions so adopted.

- (e) Grandfathering of billboards. There shall be no grandfathering provisions for billboards in this Section, but any billboard required by the governing body to be removed, except in the case of destruction pursuant § ZS 1-324(d)(5) hereof, shall be subject to the provisions of Article 25, § 122E of the Annotated Code of Maryland, as from time to time amended.

SUBTITLE II
Primary District Regulations

- § ZS 1-201. **A-1 Agricultural District.**
 (pg. 58)
- § ZS 1-202. **A-2 Agricultural District.**
 (pg. 64)
- § ZS 1-203. **E-1 Estate District.** (pg. 72)
- § ZS 1-204. **V-1 Village District.** (pg.
 76)
- § ZS 1-205. **R-1 Rural Residential**
 District. (pg. 80)
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 Commercial District. (pg.
 96)
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 District. (pg. 126)
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 District. (pg. 130)

SUBTITLE II
Primary District Regulations

§ ZS 1-201. A-1 Agricultural District.

- (a) Purpose and intent. This district is intended to preserve, encourage and protect the County's farms and forestry operations and their economic productivity and to ensure that agricultural and forestry enterprises will continue to have the necessary flexibility to adjust their production as economic conditions change. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare. This district is also intended to protect the land base resources for the County's agricultural and forestry industries from the disruptive effects of major subdivision or nonagricultural commercialization.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-1 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, poultry and hog houses and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.
 - (2) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (3) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also sold provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-325 and 1-322 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (5) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (6) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (7) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
 - (8) Divisions of land for agricultural purposes IN ACCORDANCE WITH THE PROVISIONS OF § ZS 1-311(b)(4)., ~~which as herein used shall mean the division of land, not a minor subdivision, for bona fide general agriculture purposes only. Such division~~

~~shall be subject to Planning Commission review and approval in the same manner as a major subdivision. The provisions of this Subsection are in no way intended to allow circumvention of the intent of this Title. Any parcels so created shall not be used for residential purposes in any fashion, either as a permitted use, a special exception use or as an accessory use. The Planning Commission or Department may place restrictions on the use of any land so divided to ensure compliance with the intent hereof.~~

- (9) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (10) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Department of the Environment approval.
- (11) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
- (12) Landing strips in accordance with the provisions of § ZS 1-345(a)(2) hereof
- (13) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (14) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
- (15) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (16) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
 - (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
 - (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.

- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock and plants but not including gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritainment facilities. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Furthermore, the total gross floor area, including storage, of all buildings and structures used for restaurant and retail sales establishments within the agritainment facility shall not exceed five thousand square feet. Festivals may be permitted up to four times per year. For purposes of this Section, a "festival" is an event conducted at an agritainment facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm- related education or recreation.
- (10) Wineries as a part of a producing vineyard. Wineries include crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, warehousing and shipping facilities. Retail sales and tasting facilities of wine and

related promotional items may be permitted as an incidental use as part of the winery operations and shall be limited to a total gross floor area of two thousand five hundred square feet. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.

- (11) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all State and County health regulations shall be met.
- (12) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-1 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (13) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (14) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (15) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (16) Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- (17) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (18) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with THE intent of the A-1 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (19) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-305(r) hereof.

- (20) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
 - (21) ~~Noncommercial~~ Gun clubs, archery ranges and shooting ranges. Minimum lot requirements shall be: lot area, ~~fifty~~ ONE HUNDRED acres; lot width, one thousand feet; front yard setback, ~~one~~ THREE hundred feet; each side yard setback, ~~one~~ THREE hundred feet; and rear yard setback, ~~one~~ THREE hundred feet; and subject to the provisions of § ZS 1-325 hereof.
 - (22) Public and private noncommercial cultural, social and recreational areas and centers, including parks and playgrounds but not including community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (23) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (24) Wastewater and water treatment facilities, ~~with the exception of sewage sludge disposal areas,~~ in accordance with the provisions of § ZS 1-328 hereof.
 - ~~(26)~~ Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
 - ~~(25)~~ Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
 - (27) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (28) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (29) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
 - (30) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (31) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-1 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be

permitted in the A-1 District:

- (1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-1 District.
 - (2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.
 - (3) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
 - (4) The keeping of not more than two roomers or boarders.
 - (5) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (7) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
 - (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with Worcester County Environmental Programs approval, subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.
 - (11) Yard sales, subject to the provisions of § ZS 1-341 hereof.
 - (12) NONCOMMERCIAL PRODUCTION OF BIOFUELS ON A FARM AS A USE INCIDENTAL TO THE FARM OPERATION.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet,

and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

- (f) Other regulations. The uses and structures permitted in the A-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

ZS 1-202. A-2 Agricultural District.

- (a) Purpose and intent. This district is intended to foster the County's agricultural heritage and uses while also accommodating compatible uses of a more commercial nature that require large tracts of land. The A-2 District ~~is also intended to serve as a place marker for future municipal annexations and~~ MAY ALSO BE USED for limited residential development through consolidated development rights AND AS A PLACE MARKER FOR FUTURE ANNEXATIONS ONLY WHERE ADJACENT TO EXISTING MUNICIPALITIES. Furthermore, it is the intent that in this district there shall be no basis, under this Title, for recourse against the effects of any normal farming or forestry operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.
- (b) Permitted principal uses and structures. The following uses and structures shall be permitted in the A-2 District:
- (1) Agriculture, including feeding lots, dairy barns, stables, agricultural lagoons, poultry and hog houses and noncommercial grain dryers. No lot requirements shall apply for field, vegetable and nursery crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. See § ZS 1-305(r) hereof.
 - (2) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (3) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Processed agricultural and seafood products may also sold provided such sales are incidental to the sales of fresh products. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (5) Manufactured homes in accordance with § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (6) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.

- (7) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
 - (8) Consolidated development rights subdivisions in accordance with the provisions of § ZS 1-309 hereof.
 - (9) Divisions of land for agricultural purposes IN ACCORDANCE WITH THE PROVISIONS OF § ZS 1-311(b)(4)., ~~which as herein used shall mean the division of land, not a minor subdivision, for bona fide general agriculture purposes only. Such division shall be subject to Planning Commission review and approval in the same manner as a major subdivision. The provisions of this Subsection are in no way intended to allow circumvention of the intent of this Title. Any parcels so created shall not be used for residential purposes in any fashion, either as a permitted use, a special exception use or as an accessory use. The Planning Commission or Department may place restrictions on the use of any land so divided to ensure compliance with the intent hereof.~~
 - (10) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for buildings only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (11) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to Department of Environmental Programs approval.
 - (12) Fishing, trapping, hunting, hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (13) Landing strips in accordance with the provisions of § ZS 1-345(a)(2) hereof.
 - (14) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (15) Monopoles and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (16) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (17) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the A-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Commercial grain dryers, feed mills, grain, fertilizer, feed, seed, implement and other agricultural storage and repair and sales facilities. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear

yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. Facilities for the bulk handling of grain, fertilizer and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.

- (2) Agricultural processing plants, storage, and wholesale or retail sale of locally grown vegetables and field crops. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet.
- (3) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (4) Commercial repair of seafood harvesting and agricultural equipment (not including general highway vehicles). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided that all work and storage areas are enclosed within a building or screened from public view.
- (5) Landing, storage and processing facilities for seafood, including sales of the seafood landed or processed on site. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Aquaculture processing facilities, including freezing, packing, canning, processing, storage and shipping facilities and wholesale and retail sales. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (7) Roadside stands and garden centers offering for sale fresh agricultural products, fresh seafood, nursery stock, plants, gardening supplies and equipment, lawn ornaments, and similar items. Minimum lot requirements shall be: lot area, three acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Sawmills and the manufacturing or processing of wood products. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet; each side yard, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof. No logs, lumber or by-products shall be stored in any required yard setback, and all power-driven machinery shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
- (9) Agritainment facilities. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322, ZS 1-323 and ZS 1-325 hereof. Furthermore, the total gross floor area, including storage, of all buildings and

structures used for restaurant and retail sales establishments within the agritainment facility shall not exceed five thousand square feet. Festivals may be permitted up to four times per year. For purposes of this Section, a "festival" is an event conducted at an agritainment facility for up to three consecutive days for the purpose of promoting products grown on the farm or farm- related education or recreation.

- (10) Wineries as a part of a producing vineyard. Wineries include crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery, warehousing and shipping facilities. Retail sales and tasting facilities of wine and related promotional items may be permitted as an incidental use as part of the winery operations and shall be limited to a total gross floor area of two thousand five hundred square feet. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (11) Farm labor camps for temporary occupancy. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet. Furthermore, such camps shall be limited to no more than fifteen units with a maximum capacity of six persons per unit, provided that all State and County health regulations shall be met.
- (12) Marine yards for the construction and major repair of watercraft, including marine railways, general marine activities and incidental retail sales of parts and accessories. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Storage yards and buildings for storage of watercraft and recreational vehicles. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (14) Structures and storage yards for contractors shops, equipment and material storage yards, such as electrician, carpenter, plumber, ~~heating~~ HVAC, sheet metal, sign painting, printing, upholstery, furniture painting or interior decorating, merchandise fabrication and repair, but not including any retail sales. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet, and subject to the provisions of § ZS 1-325 hereof. In addition, such structures and storage yards shall be screened on all sides in accordance with the provisions of § ZS 1-322 hereof.
- (15) Veterinary clinics and kennels for the raising, breeding and boarding of household pets. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all outside pens and runways shall be at least two hundred feet from any perimeter property line or public road right-of-way.
- (16) Fairgrounds and racetracks (but not including noncommercial racetracks). Minimum lot requirements shall be: lot area, one hundred acres; lot width, one

thousand feet; front yard setback, two hundred feet; each side yard setback, two hundred feet; and rear yard setback, two hundred feet.

- (17) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (18) Golf teaching facilities, which may include golf driving ranges, golf holes, clubhouses and incidental retail sales. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (19) Rental campgrounds, membership campgrounds and cooperative campgrounds in accordance with the provisions of §§ ZS 1-318, ZS 1-322 and ZS 1-325 hereof.
- (20) Manufactured homes for nonresidential use. Use of a manufactured home for other than residential purposes shall be limited to uses permitted in the A-2 District and shall meet the lot requirements specified for such use, subject to the provisions of § ZS 1-314 hereof. See § ZS 1-305(r) hereof.
- (21) Correctional, detention and penal institution, firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (22) Schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (23) Hospitals for inpatient and outpatient medical treatment. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (24) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (25) Day-care centers. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (26) Conversion of an existing historic or architecturally significant dwelling into an inn of a type compatible with the character of the neighborhood but not for use as a nightclub, tavern or roadhouse. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Historic inns shall be established only with Health Department approval and shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof. To be considered "historic," a dwelling must be on or eligible for inclusion on the National Register of Historic Places. Existing inactive inns may be reactivated

under the provisions of this Section. The dwelling may not be enlarged to the extent that the public areas of the inn constitute an addition of more than fifty percent of the first floor area of the original dwelling. Dining facilities are permitted, but dining areas may not exceed fifty square feet per sleeping room. Required parking shall be the same as required for hotels/motels. No external architectural modifications which alter the original character of the dwelling shall be permitted.

- (27) Country inns for transient overnight guests. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Country inns shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof. Country inns shall contain a minimum of seven sleeping rooms and a maximum of twenty sleeping rooms. Required parking shall be the same as required for hotel/motels.
- (28) Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
- (29) Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- (30) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (31) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with intent of the A-2 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (32) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (33) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- ~~(34) Gun clubs, archery ranges and shooting ranges. Minimum lot requirements shall be: lot area, fifty acres; lot width, one thousand feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof.~~
- (345) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, fraternal lodges, country clubs, swimming pools, summer camps, and racetracks. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent

deck and patio areas, locker areas, summer camp lodgings, and racetracks shall be at least two hundred feet from any perimeter property line and public road rights-of-way.

- (356) Public and private (commercial and noncommercial) marinas, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition and light maintenance facilities for hull, deck and interior repairs and painting. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (367) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (378) Wastewater and water treatment facilities, ~~with the exception of sewage sludge disposal areas,~~ in accordance with the provisions of § ZS 1-328 hereof.
 - ~~(3840)~~ Sewage sludge disposal site areas subject to the provisions of § ZS 1-328 hereof.
 - (39) Solid waste disposal sites in accordance with the provisions of § ZS 1-329 hereof.
 - ~~(401)~~ Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (412) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (423) Monopoles and freestanding towers over one hundred fifty feet in height and guyed towers, subject to the provisions of § ZS 1-343 hereof.
 - (434) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (445) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the A-2 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the A-2 District:
- (1) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the A-2 District.

- (2) Noncommercial private residential parking garages and areas, noncommercial buildings for farm animals, swimming pools and other customary residential outbuildings and structures for the use of residents. Buildings for farm animals shall be at least fifty feet from any perimeter property line or public road right-of-way.
- (3) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
- (4) The keeping of not more than two roomers or boarders.
- (5) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (6) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
- (7) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
- (8) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
- (9) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with Worcester County Environmental Programs approval, subject to the provisions of § ZS 1-314(a) hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.
- (11) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (12) At the site of a fairground or racetrack as specified in Subsection (c)(16) hereof, on-site housing for owners or employees may be provided. The total amount cannot exceed one single-family residential unit and bunkhouses with a maximum of twenty-five beds with shared kitchen, bathroom and living facilities to be located in not more than five buildings. All bunkhouses must be located not more than two hundred feet from the main buildings associated with the fairground or racetrack. The one single-family residential unit may exceed the limitation of two hundred feet in separation.
- (13) NONCOMMERCIAL PRODUCTION OF BIOFUELS ON A FARM AS A USE INCIDENTAL TO THE FARM OPERATION.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of

thirty-five feet, no pitched-roof principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.

- (f) Other regulations. The uses and structures permitted in the A-2 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-203. E-1 Estate District.

- (a) Purpose and intent. At the time of its original adoption in 1992, this district was intended to protect and preserve the open character of the rural areas and the environmentally sensitive areas of the County and to enhance the estate character of these neighborhoods. However, advancements in technology have allowed for more in depth analysis of the lands' suitability for development. This technology shows that approximately eighty percent of the current E-1 Estate District lands lie in a hurricane inundation zone. Hazard mitigation planning calls for development to be located outside such areas. Additionally, much of the zoning district borders roadways that will require extensive improvements to maintain adequate levels of service if the properties are developed. For lands zoned E-1 Estate District on the effective date of these regulations it is the intent of these regulations to allow for their orderly development until these regulations are amended to reflect changes in the Comprehensive Plan resulting from its next State-mandated periodic review. It is further the intent of this Section that no additional lands shall be included in this zoning district either by a comprehensive rezoning or individual application and that the district shall be eliminated subsequent to the next State-mandated review of the Comprehensive Plan.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the E-1 District:
- (1) Agriculture, including feeding lots, dairy barns, agricultural lagoons, poultry and hog houses, noncommercial grain dryers, the raising of livestock, farm offices, commercial and noncommercial greenhouses and nurseries and noncommercial maintenance, storage and repair facilities, excluding commercial grain dryers. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. See § ZS 1-305(r) hereof.
 - (2) Aquaculture. Minimum lot requirements shall apply for structures only and shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
 - (3) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Single-family dwellings. Minimum lot requirements shall be: lot area, eighty thousand square feet; maximum density, one unit per two net acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet.

- (5) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, eighty thousand square feet; maximum density, one unit per two net acres; lot width, two hundred feet; front yard setback, fifty feet; each side yard setback, fifty feet; and rear yard setback, fifty feet.
 - (6) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (7) Rural cluster subdivisions in accordance with the provisions of § ZS 1-308 hereof.
 - (8) Consolidated development rights subdivisions in accordance with the provisions of § ZS 1-309 hereof.
 - (9) Major cluster subdivisions in accordance with the provisions of §§ ZS 1-307 and ZS 1-311 hereof.
 - (10) Golf courses, including golf driving ranges but not miniature golf courses, subject to the provisions of § ZS 1-325 hereof.
 - (11) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (12) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (13) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (14) Monopoles up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (15) Small and medium wind energy conversion systems up to a maximum of one hundred feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (16) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the E-1 District in accordance with the provisions of § ZS 1-116(c) hereof.
- (1) Firehouses and other public buildings, structures and uses. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
 - (2) Schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
 - (3) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, eighty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.

- (4) The conversion of an existing historic or architecturally significant dwelling into an inn of a type compatible with the character of the neighborhood but not for use as a nightclub, tavern or roadhouse. To be considered "historic," a dwelling must be on or eligible for inclusion on the National Register of Historic Places. Existing inactive inns may be reactivated under the provisions of this Section. The dwelling may not be enlarged to the extent that the public areas of the inn constitute an addition of more than fifty percent of the first floor area of the original dwelling. Dining facilities are permitted, but dining areas may not exceed fifty square feet per sleeping room. Required parking shall be the same as required for hotels/motels. No external architectural modifications which alter the original character of the dwelling shall be permitted. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Historic inns shall be established only with Health Department approval, shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (5) Country inns for transient overnight guests. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Country inns shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof. Country inns shall contain a minimum of seven sleeping rooms and a maximum of twenty sleeping rooms. Required parking shall be the same as required for hotel/motels.
- (6) Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
- (7) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (8) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
- (9) Cemeteries, including family burial grounds, chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (10) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, country clubs, swimming pools and golf courses but excluding summer camps, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, and locker areas shall be at least two hundred feet from any perimeter property lines and public road rights-of-way.
- (11) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand

square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.

- (12) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (13) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (14) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (15) Monopoles over one hundred fifty feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred fifty feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (16) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (17) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the E-1 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the E-1 District:
- (1) Noncommercial private residential parking garages and areas, stables for horses or ponies, swimming pools and other customary nonresidential outbuildings and structures for the use of residents. Stables shall be at least fifty feet from any perimeter property line or public road right-of-way and at least two hundred feet from any existing dwelling on adjoining properties.
 - (2) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
 - (3) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (5) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (6) Temporary buildings and structures, subject to the provisions of § ZS 1-334

hereof.

- (7) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (8) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (9) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the E-1 District.
- (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with Worcester County Environmental Programs approval, subject to the provisions of § ZS 1-314 hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the E-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-204. V-1 Village District.

- (a) Purpose and intent. This district is intended to protect and preserve the unique MIXED USE character and historical charm of the existing crossroads villages of the County. New development within this district should be of an appropriate scale and use so as to be compatible with the existing pattern of development. In addition, new development is intended to be channeled into effective service areas to permit the efficient provision of public services.
- (b) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the V-1 District:
 - (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, eight thousand square feet; maximum density, five units per net acre; lot width, sixty feet; front yard setback, fifteen feet; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.
 - (2) Single-family dwellings. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, five units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.
 - (3) Two-family dwelling units. Minimum lot requirements shall be: lot area, ten

thousand square feet per unit [see § ZS 1-305(l) hereof]; maximum density, five units per net acre; lot width, eighty feet per unit; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.

- (4) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, five units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.
- (5) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
- (6+1) Churches, temples and mosques. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifteen feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (7+2) Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
- (8+3) Public and quasi-public buildings and structures of a recreational, conservation, cultural and public-service type, including fire houses, subject to the provisions of § ZS 1-325 hereof. The yard and setback requirements of a single-family dwelling shall apply.
- (9+4) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (10+5) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (11+6) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the V-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
 - (1) General stores for the sale of groceries, dry goods and hardware, provided that the total gross floor area shall not exceed five thousand square feet. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof.
 - (2) Curio shops, craft shops and similar uses consistent with the character of the village shall be limited to a gross floor area of one thousand square feet. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof.

- (3) Fuel sales in connection with a store permitted under this Section, provided that all fuel storage must be underground, and subject to the provisions of § ZS 1-325 hereof.
- (4) Professional offices not meeting the requirements for home occupations but limited to no more than four employees. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof.
- (5) Restaurants for on-premises food consumption provided that the total gross floor area shall not exceed three thousand five hundred square feet. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof.
- (6) Special bake shops with a commercial kitchen, provided that the total gross floor area of the bake shop, kitchen and associated uses shall not exceed five thousand square feet. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof.
- (7) PERSONAL SERVICE ESTABLISHMENTS, PROVIDED THAT THE TOTAL GROSS FLOOR AREA SHALL NOT EXCEED TWO THOUSAND FIVE HUNDRED SQUARE FEET. MINIMUM LOT REQUIREMENTS SHALL BE: LOT AREA, SIX THOUSAND SQUARE FEET [SEE § ZS 1-305(L) HEREOF]; LOT WIDTH, SIXTY FEET; FRONT YARD SETBACK, TWENTY-FIVE FEET [SEE § ZS 1-305(B) HEREOF]; EACH SIDE YARD SETBACK, SIX FEET; AND REAR YARD SETBACK, TWENTY FEET, AND SUBJECT TO THE PROVISIONS OF § ZS 1-325 HEREOF.
- (78) Roadside stands offering for sale fresh agricultural products, fresh seafood and processed dairy products from locally raised livestock, operated by the property owner or tenant of the premises upon which such stand is located. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-322 and 1-325 hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (89) Day-care centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifteen feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.
- (910) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, eighty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (1011) Boarding- or lodging houses limited to six boarders or roomers in addition to the resident family and in accordance with the Worcester County Rental Housing Code, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each

side yard setback, eight feet; and rear yard setback, thirty feet.

- (~~11~~12) Country inns for transient overnight guests shall contain a minimum of seven rooms and a maximum of twenty rooms. Required parking shall be the same as required for hotels/motels. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Country inns will be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (~~12~~13) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof and no group home shall be located within one thousand feet of any other group home.
- (~~13~~14) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (~~14~~15) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
- (~~15~~16) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (~~16~~17) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (~~17~~18) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (~~18~~19) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the V-1 District.
- (d) Existing commercial or industrial uses and structures in the V-1 District. It is the intent of this Section to provide for the continued existence and operation of commercial or industrial uses and structures which exist in the V-1 zoned areas of the County, provided that such uses or structures do not constitute a nuisance or a source of significant environmental pollution. It is not the intent hereof to allow the creation of new commercial or industrial uses which are not allowed under this Section, but rather to protect those enterprises which exist in the villages on the effective date of this Title.
- (e) Accessory uses and structures. The following accessory uses and structures shall be permitted within the V-1 District:

- (1) Uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
 - (2) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (3) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (4) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
 - (5) Uses and structures customarily associated with and directly incidental to the uses and structures permitted by special exception only after such special exception has been granted by the Board of Zoning Appeals.
 - (6) Noncommercial private residential parking garages and parking areas, swimming pools and other customary residential outbuildings and structures for the use of residents.
 - (7) Yard sales, subject to the provisions of § ZS 1-341 hereof.
 - (8) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
 - (9) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (10) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (11) Stables and pastures for horses and ponies as an accessory use only. Stables and pastures shall be prohibited on lots less than five acres in size. ~~and, where~~ WHERE permitted, STABLES shall be at least one hundred feet from any perimeter property line or public road right-of-way and at least two hundred feet from any existing dwelling on adjoining properties.
- (f) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (g) Other regulations. The uses and structures permitted in the V-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-205. R-1 Rural Residential District.

- (a) Purpose and intent. This district is intended to protect and preserve the low-density rural residential areas of the County which are not generally planned for substantial population

growth and for which limited public services are available or planned. Low-density residential development is permitted in this district while relatively low-intensity uses necessary to serve the needs of the local population may also be compatible. Cluster development and ~~planned~~ residential PLANNED communities are encouraged in this district in order to preserve and maintain the open space and natural environment currently present in these areas.

(b) Permitted principal uses and structures. The following uses and structures are permitted in the R-1 District:

- (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, eight thousand square feet; maximum density, one unit per net acre; lot width, sixty feet; front yard setback, fifteen feet; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.
- (2) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; maximum density, one unit per net acre; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet.
- (3) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, eight thousand square feet; maximum density, one unit per net acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, fifty feet.
- (4) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
- (5) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, eighty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (7) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
- (8) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (9) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (10) Monopoles up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
- (11) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.

(c) Special exceptions. The following principal uses and structures may be permitted by

special exception in the R-1 District in accordance with the provisions of § ZS 1-116(c) hereof:

- (1) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Any boarding facilities shall be two hundred feet from any perimeter property line or public road right-of-way.
- (2) Day-care centers. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifteen feet; and rear yard setback, fifty feet.
- (3) Nursing facilities and assisted living facilities. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
- (4) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.
- (5) Group homes. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof and no group home shall be located within one thousand feet from any other group home.
- (6) Firehouses, governmental offices and other public buildings, structures and uses. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
- (7) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
- (8) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (9) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (10) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, country clubs, and swimming pools but excluding summer camps, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, and locker areas shall be at least two hundred feet from any perimeter property lines and public road rights-of-way.

- (11) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use or structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the requirement of contiguousness, but in no event shall the marina, boat storage, launching or maintenance facility be permitted more than two hundred feet from the lot or from one of the lots served.
 - (12) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (13) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (14) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (15) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (16) Monopoles over one hundred feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (17) Heliports for emergency and law enforcement aircraft only subject to the provisions of § ZS 1-345 hereof.
 - (18) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the R-1 District.
- (d) Accessory uses and structures. The following uses and structures shall be permitted in the R-1 District:
- (1) Noncommercial private residential parking garages and areas, swimming pools and other customary residential outbuildings and structures for the use of residents.

- (2) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
- (3) The keeping of not more than two roomers or boarders.
- (4) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
- (5) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
- (6) Stables and pastures for horses and ponies as an accessory use only. Stables and pastures shall be prohibited on lots less than five acres in size. ~~and, where~~ WHERE permitted, STABLES shall be at least one hundred feet from any perimeter property line or public road right-of-way and at least two hundred feet from any existing dwelling on adjoining properties.
- (7) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
- (8) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
- (9) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
- (10) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the R-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-206. R-2 Suburban Residential District.

- (a) Purpose and intent. This district is primarily intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. Furthermore, as contemplated by the Comprehensive Plan, this district can serve as an intermediate band of a traditional neighborhood development as it transitions from a higher density core to a much lower density edge. The Comprehensive Plan recommends that designated growth areas be developed as traditional neighborhoods. Projects of GREATER THAN twenty dwelling units ~~or greater~~ which are proposed after the effective date of this Title are required to be developed as ~~planned~~ residential PLANNED communities in order to encourage traditional neighborhood development and utilization of conservation design principles. Therefore, new development in this district may be at densities higher than that cited below as the

maximum density provided adequate sewer service is available while infill development in existing developed areas shall be at densities consistent with those allowed by the primary district regulations.

- (b) Permitted principal uses and structures. The following uses and structures are permitted in the R-2 District:
- (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; maximum density, four units per net acre; lot width, fifty feet; front yard setback, fifteen feet; each side yard setback, five feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.
 - (2) Single-family dwellings. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, four units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.
 - (3) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, four units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.
 - (4) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (5) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof and no group home shall be located within one thousand feet from any other group home.
 - (6) Firehouses, governmental offices and other public buildings, structures and uses. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
 - (7) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers, country clubs, and swimming pools provided as an amenity to a use allowed as a permitted principal use or structure but excluding summer camps, fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, and locker areas shall be at least two hundred feet from any perimeter property lines and public road rights-of-way.
 - (8) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply only to structures and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback,

twenty feet; and rear yard setback, twenty feet.

- (9) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (10) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (11) Monopoles up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (12) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the R-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.
 - (2) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (3) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Any boarding structures shall be at least two hundred feet from any perimeter property line or public road right-of-way.
 - (4) Day-care centers. Minimum lot requirements shall be: lot area, twenty thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (5) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
 - (6) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks are required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
 - (7) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
 - (8) Public and private noncommercial cultural, social, and recreational areas and centers, including fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All swimming pools and locker areas shall be

at least two hundred feet from any perimeter property lines and public road rights-of-way.

- (9) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use of a structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the requirement of contiguousness, but in no event shall the marina, boat storage, launching or maintenance facility be permitted more than two hundred feet from the lot or from one of the lots served.
 - (10) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (11) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (12) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (13) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (14) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (15) Monopoles over one hundred feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (16) Heliports for emergency and law enforcement aircraft only. See § ZS 1-345 hereof.
 - (17) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character of the R-2 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-2 District:

- (1) Noncommercial private residential parking garages and areas, swimming pools and other customary residential outbuildings and structures for the use of residents.
 - (2) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 ~~HEREOF~~.
 - (3) The keeping of not more than two roomers or boarders.
 - (4) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
 - (5) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (6) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (7) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (8) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
 - (9) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the R-2 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-207. R-3 Multifamily Residential District.

- (a) Purpose and intent. This district is intended to protect and preserve existing residential subdivisions throughout the County and to provide for compatible infill development in those areas. Furthermore, as contemplated by the Comprehensive Plan, this district can serve as the core of a traditional neighborhood development, where the highest densities are desired. The Comprehensive Plan recommends that designated growth areas be developed as traditional neighborhoods. Projects of MORE THAN twenty dwelling units ~~or greater~~ which are proposed after the effective date of this Title are required to be developed as ~~planned~~ residential PLANNED communities in order to encourage traditional neighborhood development and utilization of conservation design principles. Therefore, new development in this district may be at densities higher than that cited below as the maximum density provided adequate sewer service is available while infill development in existing developed areas shall be at densities consistent with those allowed by the primary district regulations.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the R-3 District:
- (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, six

thousand square feet; maximum density, six units per net acre; lot width, fifty feet; front yard setback, fifteen feet; each side yard setback, five feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.

- (2) Single-family dwellings. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (3) Manufactured homes in accordance with § ZS 1-314(b) hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (4) Two-family and multi-family dwellings. Minimum lot requirements shall be: lot area, twenty-four thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; rear yard setback, thirty feet; and subject to the provisions of § ZS 1-312 hereof.
- (5) Townhouses. Minimum lot requirements shall be: lot area, two thousand square feet [see § ZS 1-305(l) hereof]; maximum density, six units per net acre; lot width, eighteen feet for interior units and twenty-six feet for end units; front yard setback, fifteen feet [see § ZS 1-305(b) hereof]; each side yard setback, zero feet if joined by a party wall to another unit and eight feet if not; and rear yard setback, fifteen feet; and subject to the provisions of § ZS 1-313 hereof.
- (6) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
- (7) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof, and no group home shall be located within one thousand feet from any other group home.
- (8) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type which serve the needs of the local community only. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (9) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers and swimming pools provided as an amenity to a use allowed as a permitted principal use or structure but excluding summer camps, fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, and locker areas shall be at least one hundred feet from any perimeter property lines and public road rights-of-way.

- (10) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (11) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (12) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (13) Monopoles up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (14) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the R-3 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.
 - (2) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (3) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
 - (4) Day-care centers. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
 - (5) Churches, temples and mosques. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet.
 - (6) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks required unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
 - ~~(7) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.~~
 - (87) Public and private noncommercial cultural, social, and recreational areas and centers, including fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one

hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All swimming pools and locker areas shall be at least two hundred feet from any perimeter property lines and public road rights-of-way.

- (98) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use or structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the requirements of contiguousness, but in no event shall the marina, boat storage, launching or maintenance facility be permitted more than two hundred feet from the lot or from one of the lots served.
- (~~1~~09) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (~~1~~10) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
- (~~1~~21) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (~~1~~312) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (~~1~~413) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (~~1~~514) Monopoles over one hundred feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
- (~~1~~615) Heliports for emergency and law enforcement aircraft only and subject to the provisions of § ZS 1-345 hereof.
- (~~1~~716) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in

another district and compatible with the general character and intent of the R-3 District.

- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-3 District:
- (1) Noncommercial private residential parking garages and areas, swimming pools and other customary residential outbuildings and structures for the use of residents.
 - (2) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
 - (3) The keeping of not more than two roomers or boarders.
 - (4) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
 - (5) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (6) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (7) Temporary buildings and structures as provided for and regulated by § ZS 1-334 hereof.
 - (8) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the R-3 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-208. R-4 General Residential District.

- (a) Purpose and intent. This district is intended to protect the existing residential subdivisions throughout the County that are currently developed in accordance with its provisions while also providing for compatible infill development. Additionally, this district is meant to accommodate the most diverse housing types and range of affordability. Projects of GREATER THAN twenty dwelling units or greater which are proposed after the effective date of this Title are required to be developed as ~~planned~~ **planned** residential PLANNED communities in order to encourage traditional neighborhood development and utilization of conservation design principles. While this district can serve as the core of a traditional neighborhood development, it is not limited to usage only in areas designated for growth by the Comprehensive Plan.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the R-4 District:
- (1) Single-family clustered housing. Minimum lot requirements shall be: lot area, five

thousand square feet; maximum density, eight units per net acre; lot width, fifty feet; front yard setback, fifteen feet; each side yard setback, five feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-307 hereof.

- (2) Single-family dwellings. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; maximum density, eight units per net acre; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (3) Two-family and multi-family dwellings. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; maximum density, eight units per net acre; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; rear yard setback, twenty feet; and subject to the provisions of § ZS 1-312 hereof.
- (4) Townhouses. Minimum lot requirements shall be: lot area, two thousand square feet [see § ZS 1-305(l) hereof]; maximum density, eight units per net acre; lot width, eighteen feet for interior units and twenty-four feet for end units; front yard setback, fifteen feet [see § ZS 1-305(b) hereof]; each side yard setback, zero feet if joined by a party wall to another unit and eight feet if not; and rear yard setback, fifteen feet; and subject to the provisions of § ZS 1-313 hereof.
- (5) Manufactured homes in accordance with Section § ZS 1-314(a) hereof. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; maximum density, eight manufactured homes per net acre; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (6) Manufactured home parks and cooperative manufactured home park subdivisions in accordance with the provisions of §§ ZS 1-314, ZS 1-322 and ZS 1-325 hereof.
- (7) Major and minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
- (8) Assisted living facilities provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, ten thousand square feet; lot width, eighty feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (9) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof, and no group home shall be located within one thousand feet from any other group home.
- (10) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type which serve the needs of the local community only. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (11) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, community centers and swimming

pools provided as an amenity to a use allowed as a principal use or structure but excluding summer camps, fraternal lodges, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (12) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (13) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (14) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (15) Monopoles up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (16) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the R-4 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Boarding- and lodging houses. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot area per boarder or lodger, two thousand square feet; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
 - (2) Nursing facilities and assisted living facilities. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (3) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.
 - (4) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet
 - (5) Day-care centers. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
 - (6) Churches, temples and mosques. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.

- (7) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks shall apply unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- ~~(8) Golf courses, including golf driving ranges but not including miniature golf courses, in accordance with the provisions of §§ ZS 1-322 and ZS 1-325 hereof.~~
- (98) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use or structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the requirements of contiguousness, but in no event shall the marina, boat storage, launching or maintenance facility be permitted more than two hundred feet from the lot or from one of the lots served.
- (+09) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (+10) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
- (+211) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (+312) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (+413) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (+514) Monopoles over one hundred feet in height, but not exceeding one hundred ninety-nine feet, and freestanding towers up to one hundred feet in height, subject to the provisions of § ZS 1-343 hereof.
- (+615) Heliports for emergency and law enforcement aircraft only, subject to the provisions of § ZS 1-345 hereof.

- (16) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the R-4 District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the R-4 District:
- (1) Accessory apartments, pursuant to the provisions of § ZS 1-338 hereof.
 - (2) Noncommercial private residential parking garages and areas, swimming pools and other customary residential outbuildings and structures for the use of residents.
 - (3) Customary incidental home occupations, SUBJECT TO THE PROVISIONS OF § ZS 1-339 HEREOF.
 - (4) The keeping of not more than four roomers or boarders.
 - (5) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (6) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (7) Temporary buildings and structures, as provided for and regulated by § ZS 1-334 hereof.
 - (8) Yard sales, subject to the provisions of § ZS 1-341 hereof.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Other regulations. The uses and structures permitted in the R-4 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-209. C-1 Neighborhood Commercial District.

- (a) Purpose and intent. This district is intended to provide for convenient commercial areas strategically based to serve the day to day shopping and service needs of the local neighborhood. Designed to serve populations of one thousand or more within an APPROXIMATE five to ten minute travel time, this district shall be limited to small scale commercial operations of far less intensity than those provided for in the C-2 General Commercial District and C-3 Highway Commercial District. The scale and design of these neighborhood commercial uses should complement the scale and design of the existing neighborhood in which they are located and blend visually into the surrounding community.
- (b) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the C-1 District:

- (1) Neighborhood retail and service establishments.
 - A. These include:
 1. Retail businesses.
 2. Personal service businesses.
 3. Professional offices.
 4. Automobile service stations for light repair and retail sales of motor vehicle fuels and automobile parts.
 5. Self service or full service car washes.
 - B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet. Furthermore, the gross floor area, including storage, for each business establishment shall not exceed two thousand five hundred square feet and no more than two establishments shall be situated on any single lot, subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (2) Schools, including boarding schools. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet.
- (3) SINGLE-FAMILY OR MULTI-FAMILY DWELLING UNITS CONTAINED IN, AS A PART OF OR ATTACHED TO A PRINCIPAL COMMERCIAL STRUCTURE. MINIMUM LOT REQUIREMENTS SHALL BE AS ESTABLISHED FOR THE PRINCIPAL COMMERCIAL STRUCTURE. THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE. SUBJECT TO THE PROVISIONS OF § ZS 1-325 HEREOF.
- (34) Assisted living facilities. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (45) Day-care centers. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (56) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type which serve the needs of the local community only. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (67) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback,

twenty feet; and rear yard setback, twenty feet.

- (78) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (89) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (910) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the C-1 District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the C-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Neighborhood restaurants, bars and nightclubs but not including dry nightclubs. Minimum lot requirements shall be: lot area, six thousand square feet; [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, the gross floor area, including storage, shall not exceed two thousand five hundred square feet.
 - (2) Warehousing complexes not to exceed five thousand square feet in gross floor area, with individual units not exceeding two hundred square feet in size each and not to be utilized for commercial storage or other commercial purposes. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (3) Veterinary clinics and kennels for the raising, breeding and boarding of household pets. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all pens and runways shall be enclosed within a permanent building.
 - (4) Churches, temples and mosques. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (5) Public, private and commercial cultural, social and recreational areas and centers, including community centers, fraternal lodges, country clubs, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. Marinas shall include only fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, if screened from adjoining public road rights-of-way and properties, and light maintenance facilities for minor hull, deck and interior repairs and painting.
 - (6) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the

provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.

- (7) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (8) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (9) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (10) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (11) Heliports for emergency and law enforcement aircraft only, subject to the provisions of § ZS 1-345 hereof.
 - (12) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the C-1 District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the C-1 District:
- (1) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (2) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (3) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (4) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (5) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no principal structure shall exceed either four stories or forty-five feet in height and no accessory structure shall exceed either two stories or twenty-five feet in height.

- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the C-1 District:
- (1) All business, processing, repair work and fabrication activities shall be conducted wholly within completely enclosed buildings, except for the retail sale of fuels and lubricants and incidental services at service stations and marinas and the sale of nursery products. Storage shall be within completely enclosed buildings or visually screened on all sides from adjacent properties and public road rights-of-way by a solid wall or solid fence and shall be landscaped in accordance with § ZS 1-322 hereof. No storage shall be located in any required yard setback other than a rear yard.
 - (2) Processes and equipment employed and goods processed, stored or sold shall be limited to those which are not objectionable by reason of light trespass, hazard, fire, odor, dust, smoke, cinders, gas, noise, vibration, radiation, refuse matter, water-carried waste or other nuisance.
 - (3) All commercial uses and structures shall be subject to the provisions of §§ ZS 1-322 and 1-325 hereof.
 - (4) Any side yard setback for a commercial building in the C-1 District may be reduced to zero where a party wall is provided.
 - (5) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this Title may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed commercial use of the property.
- (g) Other regulations. The uses and structures permitted in the C-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-210. C-2 General Commercial District.

- (a) Purpose and intent. This district is intended to provide for more intense commercial development serving populations of three thousand or more within ~~about a~~ AN APPROXIMATE ten to twenty minute travel time. These commercial centers generally have higher parking demand and greater visibility. Consequently, design standards and careful attention to signage, landscaping, perimeter buffers, site layout and architectural design are imperative. Commercial structures and uses must be compatible with the community and the County's character. Strip commercial forms of development are strongly discouraged.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the C-2 District:
- (1) Motels and hotels. Minimum lot requirements shall be: lot area, forty thousand square feet [see § ZS 1-305(l) hereof]; lot area per unit, one thousand square feet; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (2) Retail or service establishments.

- A. These include:
1. Retail businesses.
 2. Personal service businesses.
 3. Restaurants, fast-food restaurants, convenience food stores, bars and nightclubs, including entertainment and dancing, but not including dry nightclubs.
 4. General and professional offices.
 5. Indoor commercial recreation establishments, such as bowling alleys, arcades and theaters.
 6. Doctors offices and clinics for human outpatient medical treatment.
 7. Bakery, laundry OR dry-cleaning ~~or dyeing~~ establishments
 8. Veterinary clinics or kennels, including outside pens and runways.
 9. Self service or full service car washes.
 10. Funeral homes
 11. Body piercing or tattoo establishments.
 12. Commercial parking lots and parking garages.
- B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet. Furthermore, the gross floor area, including storage, for any single business establishment shall not exceed sixty thousand square feet and the total gross floor area of all business establishments on the parcel shall not exceed one hundred thousand square feet, subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.

(3) Contractors' shops, wholesale establishments, warehousing, and storage.

- A. These include:
1. Contractors shops, equipment and material storage yards, such as electrician, carpenter, plumber, ~~heating~~ HVAC, sheet metal, sign painting, printing, upholstery, furniture, painting or interior decorating, including retail sales, merchandise fabrication and repair.
 2. Wholesale businesses, including packaging, warehousing, storage and distribution but excluding fuels and other flammable liquids or explosives.
 3. Self-storage centers.
- B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear

yard setback, twenty feet and subject to the provisions of § ZS 1-325 hereof. Furthermore, with the exception of warehousing, the gross floor area, including storage, for any single business establishment shall not exceed fifteen thousand square feet and the total gross floor area of all business establishments on the parcel shall not exceed one hundred thousand square feet. For warehousing the total square footage shall not exceed one hundred thousand square feet in gross floor area. Any outdoor areas devoted to storage, repair, fabrication, display, and similar uses shall not exceed two acres and shall be buffered from adjoining properties in accordance with § ZS 1-322(e)(2) hereof. See additional provisions in Subsection (f) of this Section.

- (4) Vehicle, watercraft and equipment sales and service establishments.
 - A. These include:
 - 1. Automotive, farm implement, manufactured home, recreational vehicle, watercraft, truck or equipment sales, service or rental establishments, including fuel and parts sales.
 - 2. Sale and repair of agricultural and seafood implements and supplies, fertilizer, grain and feed. Facilities for the bulk handling of fertilizer, grain and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
 - B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet and subject to the provisions of § ZS 1-325 hereof. The total square footage shall not exceed fifty thousand square feet in gross floor area and any outdoor areas devoted to storage, repair, fabrication, display, and similar uses shall not exceed four acres. Furthermore, other than display areas such outdoor uses shall be buffered from adjoining properties in accordance with § ZS 1-322(e)(2) hereof. Display areas shall be landscaped in accordance with § ZS 1-322(e)(3) hereof. See additional provisions in Subsection (f) of this Section.
- (5) Manufactured homes for nonresidential uses, limited to the uses permitted in the C-2 District and subject to the lot requirements specified for such uses, subject to the provisions of §§ ZS 1-314 and ZS 1-325 hereof.
- (6) Nursing facilities and assisted living facilities. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty feet; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (7) Day-care centers. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.
- (8) Churches, temples and mosques. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (9) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot

area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (10) Public, private and commercial cultural, social and recreational areas and centers, including community centers, fraternal lodges, country clubs, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (11) Public and private (commercial and noncommercial) marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, if screened from adjoining public road rights-of-way and properties, maintenance facilities for all types of hull, deck and interior repairs and painting and boat construction. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (12) Biodiesel facilities, including compounding, blending and processing of biodiesel fuel within an enclosed structure not to exceed five thousand square feet in gross floor area but not including any other refining or processing of byproducts or ingredients. Bulk storage and wholesaling of biodiesel fuel is permitted as an incidental use to the biodiesel facility. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Conversion of buildings or structures lawfully existing as of the date of this amendment to biodiesel facilities, including compounding, blending and processing of biodiesel fuel but not including any other refining or processing of byproducts or ingredients. Such converted buildings or structures shall not have an enclosed area exceeding five thousand square feet devoted to this use. Bulk storage and wholesaling of biodiesel fuel is permitted as an incidental use to the biodiesel facility. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (14) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (15) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (16) The addition to existing structures of telecommunications facilities that do not

increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.

- (17) Freestanding towers up to one hundred fifty feet and monopoles up to one hundred ninety-nine feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (18) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (19) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the C-2 District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the C-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Outdoor commercial recreation establishments.
 - A. These include:
 - 1. Swimming pools and water slides but excluding water parks.
 - 2. Miniature golf and golf driving ranges.
 - 3. Batting cages.
 - 4. Boat and personal watercraft rentals.
 - 5. Skating rinks and skateboard parks.
 - 6. Playing fields.
 - 7. Racket clubs.
 - B. Minimum lot requirements shall be: lot area, one acre, with a maximum lot area of five acres;[see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof. Such establishments shall be screened in accordance with § ZS 1-322(e)(1) hereof and located at least one hundred feet from any E, R or V District.
 - (2) Drive-in theaters, provided that the screen is located so that the picture shall not be visible from any public road right-of-way and such that the screen shall be at least one hundred feet from any perimeter property line or public road right-of-way and further provided that no drive-in theater shall air, display, show, or provide any adult oriented entertainment or material on any theater screen at any time nor shall any drive-in theater air, display, show, or provide any adult oriented entertainment or material in any other manner unless the property on which said theater is located is within a district in which an adult oriented business is allowed and which meets all applicable requirements for an adult oriented business. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet, front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (3) Dry nightclubs. Minimum lot requirements shall be: lot area, six thousand square

feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof and § PH 1-108 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland..

- (4) Landing, storage and processing facilities for seafood. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (5) SINGLE-FAMILY OR MULTI-FAMILY DWELLING UNITS CONTAINED IN, AS A PART OF OR ATTACHED TO A PRINCIPAL COMMERCIAL STRUCTURE. MINIMUM LOT REQUIREMENTS SHALL BE AS ESTABLISHED FOR THE PRINCIPAL COMMERCIAL STRUCTURE. SUBJECT TO THE PROVISIONS OF § ZS 1-325 HEREOF AND TO THE FOLLOWING LIMITATIONS:
 - A. WHERE THE AREA DEVOTED TO COMMERCIAL USE IS TEN THOUSAND SQUARE FEET OR LESS, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
 - B. WHERE THE AREA DEVOTED TO COMMERCIAL USE IS GREATER THAN TEN THOUSAND SQUARE FEET BUT LESS THAN FIFTY THOUSAND SQUARE FEET, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED FIFTY PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
 - C. WHERE THE AREA DEVOTED TO COMMERCIAL USE EXCEEDS FIFTY THOUSAND SQUARE FEET, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED TWENTY-FIVE PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
- (56) Dormitories. Minimum lot requirements shall be: lot area, forty thousand square feet [see § ZS 1-305(l) hereof]; lot area per sleeping room, one thousand square feet; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (67) Hospitals, sanatoriums and other institutions for human medical treatment. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (78) Bulk storage or wholesaling of fuels and other flammable liquids. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. The Board shall require construction and/or additional setbacks to adequately protect the public from hazard.
- (89) Transportation stations or terminals (including truck, rail or watercraft). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each

side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (910) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
- (~~10~~11) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (~~11~~12) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
- (~~12~~13) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (~~13~~14) Heliports, subject to the provisions of § ZS 1-345 hereof.
- (~~14~~15) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the C-2 District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the C-2 District:
 - (1) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (2) For motel/hotel developments: parking garages and areas, swimming pools, recreation facilities and other customary accessory uses and structures for the use of guests only.
 - (3) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (5) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (6) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no principal OR ACCESSORY structure shall exceed either four stories or forty-five feet in height.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the C-2 District:

- (1) Processes and equipment employed and goods processed, stored or sold shall be limited to those which are not objectionable by reason of LIGHT TRESPASS, hazard, fire, odor, dust, smoke, cinders, gas, noise, vibration, radiation, refuse matter, water-carried waste or other nuisance.
 - (2) All commercial uses and structures shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
 - (3) Any side yard setback for a commercial building in the C-2 District may be reduced to zero where a party wall is provided.
 - (4) No active outdoor commercial activity, including, without limitation, sales, amusements, entertainment, processing or fabrication, except for the acceptance of deliveries, shall be permitted between the hours of 2:00 a.m. and 6:00 a.m..
 - (5) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this Title may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed commercial use of the property.
- (g) Other regulations. The uses and structures permitted in the C-2 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-211. C-3 Highway Commercial District.

- (a) Purpose and intent. This district is intended to provide for the largest and most intense commercial development and thus function as regional centers serving populations of twenty-five thousand or more within an APPROXIMATE thirty minute travel time. Such uses shall be limited to sites with appropriate access to arterial highways. Because of the extreme visibility of the sites, appropriate setbacks, landscaping, lighting, signage, screening and other site and architectural standards shall guide the location and development of these centers. Use of service roads and interparcel connectors are necessary to mitigate transportation impacts.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the C-3 District:
 - (1) Motels and hotels. Minimum lot requirements shall be: lot area, forty thousand square feet [see § ZS 1-305(l) hereof]; lot area per unit, one thousand square feet; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (2) Retail or service establishments.
 - A. These include:
 1. Retail businesses.
 2. Personal service businesses.
 3. Restaurants, fast-food restaurants, convenience food stores, bars and nightclubs, including entertainment and dancing, but not

including dry nightclubs.

4. General and professional offices.
5. Indoor commercial recreation establishments, such as bowling alleys, arcades and theaters.
6. Doctors offices and clinics for human outpatient medical treatment.
7. Bakery, laundry, dry-cleaning or dyeing establishments
8. Veterinary clinics or kennels, including outside pens and runways.
9. Self service or full service car washes.
10. Funeral homes
11. Body piercing or tattoo establishments.
12. Commercial parking lots and parking garages.

B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.

(3) Contractors' shops, wholesale establishments, warehousing, and storage.

A. These include:

1. Contractors shops, equipment and material storage yards, such as electrician, carpenter, plumber, ~~heating~~ HVAC, sheet metal, sign painting, printing, upholstery, furniture, painting or interior decorating, including retail sales, merchandise fabrication and repair.
2. Wholesale businesses, including packaging, warehousing, storage and distribution but excluding fuels and other flammable liquids or explosives.
3. Self-storage centers.

B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet and subject to the provisions of § ZS 1-325 hereof. Any outdoor areas devoted to storage, repair, fabrication, display, and similar uses shall be buffered from adjoining properties in accordance with § ZS 1-322(e)(2) hereof. See additional provisions in Subsection (f) of this Section.

(4) Vehicle, watercraft and equipment sales and service establishments.

A. These include:

1. Automotive, farm implement, manufactured home, recreational vehicle, watercraft, truck or equipment sales, service or rental

establishments, including fuel and parts sales.

2. Sale and repair of agricultural and seafood implements and supplies, fertilizer, grain and feed. Facilities for the bulk handling of fertilizer, grain and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.

B. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet and subject to the provisions of § ZS 1-325 hereof. Furthermore, other than display areas such outdoor uses shall be buffered from adjoining properties in accordance with § ZS 1-322(e)(2) hereof. Display areas shall be landscaped in accordance with § ZS 1-322(e)(3) hereof. See additional provisions in Subsection (f) of this Section.

(5) Outdoor commercial recreation establishments.

A. These include:

1. Swimming pools, water slides and water parks.
2. Miniature golf and golf driving ranges.
3. Batting cages.
4. Boat and personal watercraft rentals.
5. Skating rinks and skateboard parks.
6. Playing fields.
7. Racket clubs.
8. Paint ball and laser tag facilities.
9. Go-cart tracks
10. Amusement parks.

B. Minimum lot requirements shall be: lot area, one acre [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet, and subject to the provisions of § ZS 1-325 hereof. Such establishments shall be screened in accordance with § ZS 1-322(e)(1) hereof and located at least one hundred feet from any E, R or V District.

(6) Drive-in theaters, provided that the screen is located so that the picture shall not be visible from any public road right-of-way and such that the screen shall be at least one hundred feet from any perimeter property line or public road right-of-way and further provided that no drive-in theater shall air, display, show, or provide any adult oriented entertainment or material on any theater screen at any time nor shall any drive-in theater air, display, show, or provide any adult oriented entertainment or material in any other manner unless the property on which said theater is located is within a district in which an adult oriented business is allowed and which meets all applicable requirements for an adult oriented business. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet, front yard

setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (7) Dry nightclubs. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof and § PH 1-108 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland..
- (8) Manufactured homes for nonresidential uses, limited to the uses permitted in the C-3 District and subject to the lot requirements specified for such uses, subject to the provisions of §§ ZS 1-314 and ZS 1-325 hereof.
- (9) SINGLE-FAMILY OR MULTI-FAMILY DWELLING UNITS CONTAINED IN, AS A PART OF OR ATTACHED TO A PRINCIPAL COMMERCIAL STRUCTURE. MINIMUM LOT REQUIREMENTS SHALL BE AS ESTABLISHED FOR THE PRINCIPAL COMMERCIAL STRUCTURE. SUBJECT TO THE PROVISIONS OF § ZS 1-325 HEREOF AND TO THE FOLLOWING LIMITATIONS:
 - A. WHERE THE AREA DEVOTED TO COMMERCIAL USE IS TEN THOUSAND SQUARE FEET OR LESS, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
 - B. WHERE THE AREA DEVOTED TO COMMERCIAL USE IS GREATER THAN TEN THOUSAND SQUARE FEET BUT LESS THAN FIFTY THOUSAND SQUARE FEET, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED FIFTY PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
 - C. WHERE THE AREA DEVOTED TO COMMERCIAL USE EXCEEDS FIFTY THOUSAND SQUARE FEET, THE TOTAL GROSS SQUARE FOOTAGE OF ALL RESIDENTIAL UNITS SHALL NOT EXCEED TWENTY-FIVE PERCENT OF THE TOTAL GROSS SQUARE FOOTAGE OF THE BUILDING AREA DEVOTED TO COMMERCIAL USE.
- (910) Dormitories. Minimum lot requirements shall be: lot area, forty thousand square feet [see § ZS 1-305(l) hereof]; lot area per sleeping room, one thousand square feet; lot width, sixty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~10~~11) Hospitals, sanatoriums and other institutions for human medical treatment. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~11~~12) Nursing facilities and assisted living facilities. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty feet; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~12~~13) Day-care centers. Minimum lot requirements shall be: lot area, six thousand square feet [see § ZS 1-305(l) hereof]; lot width, sixty feet; front yard setback, twenty-

five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof.

- (~~13~~14) Churches, temples and mosques. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (~~14~~15) Firehouses, governmental offices and other public buildings, structures and uses of an administrative or public-service type. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~15~~16) Public, private and commercial cultural, social and recreational areas and centers, including community centers, fraternal lodges, country clubs, marinas and boat landings. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~16~~17) Public and private (commercial and noncommercial) marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, if screened from adjoining public road rights-of-way and properties, maintenance facilities for all types of hull, deck and interior repairs and painting and boat construction. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~17~~18) Biodiesel facilities, including compounding, blending and processing of biodiesel fuel within an enclosed structure not to exceed five thousand square feet in gross floor area but not including any other refining or processing of byproducts or ingredients. Bulk storage and wholesaling of biodiesel fuel is permitted as an incidental use to the biodiesel facility. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~18~~19) Conversion of buildings or structures lawfully existing as of the date of this amendment to biodiesel facilities, including compounding, blending and processing of biodiesel fuel but not including any other refining or processing of byproducts or ingredients. Such converted buildings or structures shall not have an enclosed area exceeding five thousand square feet devoted to this use. Bulk storage and wholesaling of biodiesel fuel is permitted as an incidental use to the biodiesel facility. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (~~19~~20) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning

Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.

- (2021) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (2122) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (2223) Freestanding towers up to one hundred fifty feet and monopoles up to one hundred ninety-nine feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (2324) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (2425) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the C-3 District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the C-3 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Light manufacturing and repair establishments not involving the processing of raw materials.
 - A. These include:
 - 1. Printing and publishing plants.
 - 2. Building products, excluding sawmills and asphalt plants.
 - 3. Stone and monument works.
 - 4. Bottling and distribution of beverages.
 - 5. Electrical appliances and equipment.
 - 6. Metal, plastic, cloth, wood, rubber, glass and ceramic products.
 - 7. Automotives, trucks, manufactured homes, prefabricated structures, watercraft, recreational vehicles, farm implements, construction equipment or similar items.
 - B. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (2) Bulk storage or wholesaling of fuels and other flammable liquids. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of

§ ZS 1-325 hereof. The Board shall require construction and/or additional setbacks to adequately protect the public from hazard.

- (3) Transportation stations or terminals (including truck, rail or watercraft). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (4) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (5) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (6) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (7) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (8) Heliports, subject to the provisions of § ZS 1-345 hereof.
 - (9) Active outdoor commercial activity between the hours of 2:00 a.m. and 6:00 a.m., subject to the provisions of § ZS 1-325 hereof.
 - (10) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the C-3 District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the C-3 District:
- (1) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (2) For motel/hotel developments: parking garages and areas, swimming pools, recreation facilities and other customary accessory uses and structures for the use of guests only.
 - (3) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (5) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (6) Generally, uses and structures customarily associated with and directly incidental

to the permitted principal uses and structures.

- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no principal OR ACCESSORY structure shall exceed either four stories or forty-five feet in height.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the C-3 District:
 - (1) Processes and equipment employed and goods processed, stored or sold shall be limited to those which are not objectionable by reason of LIGHT TRESPASS, hazard, fire, odor, dust, smoke, cinders, gas, noise, vibration, radiation, refuse matter, water-carried waste or other nuisance.
 - (2) All commercial uses and structures shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
 - (3) Any side yard setback for a commercial building in the C-3 District may be reduced to zero where a party wall is provided.
 - (4) No active outdoor commercial activity, including, without limitation, sales, amusements, entertainment, processing or fabrication, except for the acceptance of deliveries, shall be permitted between the hours of 2:00 a.m. and 6:00 a.m., except by special exception.
 - (5) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this Title may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed commercial use of the property.
- (g) Other regulations. The uses and structures permitted in the C-3 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-212. I-1 Light Industrial District.

- (a) Purpose and intent. This district is intended to provide for certain types of business and industry, characterized by light manufacturing, fabricating, warehousing and wholesale distribution, which are relatively free from offense and which, with proper landscaping and buffering, will not detract from the residential or commercial desirability of adjacent properties. It is intended that such districts be located with access to major thoroughfares or other major modes of transportation, depending upon the specific demands of the industry being served. Industrial parks are encouraged in this district to provide for industrial uses with common access and infrastructure, as well as the provision of open space and adequate buffering to adjacent noncompatible uses.
- (b) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the I-1 District:
 - (1) Wholesale or service establishments.
 - A. These include:
 - 1. Automotive, farm implement, manufactured or mobile home,

recreational vehicle, watercraft, truck or equipment service.

2. Contractors shops, equipment and material storage yards, such as electrician, carpenter, plumber, ~~heating~~ HVAC, sheet metal, sign painting, printing, upholstery, furniture painting or interior decorating, merchandise fabrication and repair.
3. Wholesale bakery, dyeing establishments, laundry, excluding laundromats, or dry cleaning, excluding dry-cleaning pickup establishments.
4. Wholesale businesses, including warehousing, storage and distribution but excluding fuels and other flammable liquids or explosives.
5. Repair of agricultural and seafood implements and the wholesale of supplies, fertilizer, grain and feed. Facilities for bulk handling of fertilizer, grain and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.

B, Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.

- (2) Transportation stations or terminals (including truck, rail and watercraft). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (3) Processing and packing of locally harvested agricultural, seafood and poultry products for human consumption. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section. This provision shall not permit the processing, packing, storage or rendering of any product which is unfit for human consumption, condemned by the United States Department of Agriculture or other appropriate regulatory agency or not intended for ultimate human consumption, except storage incidental to an operation permitted by the first sentence hereof.
- (4) Light manufacturing and repair establishments not involving the processing of raw materials.

A. These include:

1. Printing and publishing plants.
2. Building products, excluding sawmills and asphalt plants.
3. Stone and monument works.
- 4.. Bottling and distribution of beverages.

5. Electrical appliances and equipment.
 6. Metal, plastic, cloth, wood, rubber, glass and ceramic products.
 7. Automobiles, trucks, manufactured homes, prefabricated structures, watercraft, recreational vehicles, farm implements, construction equipment or similar items.
- B. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (5) Chemical, physical and biological laboratories, excluding the processing and storage of radioactive, toxic or flammable substances, except for incidental testing purposes. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (6) Commercial marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, if visually screened from adjoining public road rights-of-way and properties, maintenance facilities for all types of hull, deck and interior repairs and painting and boat construction. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, ten feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (7) Aquaculture, including the following related activities: wholesale, processing, packing, canning, freezing, storage and shipping facilities. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (8) Facilities for the landing, raising, harvesting, packing, processing, storage, shipping, freezing and wholesale or retail sale of seafood. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, forty feet; front yard setback, twenty feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, ten feet; and subject to the provisions of § ZS 1-325 hereof.
 - (9) Biodiesel facilities, including compounding, blending and processing of biodiesel fuel but not including any other refining or processing of byproducts or ingredients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Compounding, blending and processing activities may be located outdoors, provided that vegetated screening of thirty-feet or more in width in accordance with § ZS 1-322(e)(1) hereof is provided in that portion of the setback closest to the use area.
 - (10) Surface mining in accordance with the provisions of §§ ZS 1-325 and ZS 1-330 hereof.

- (11) Firehouses and correctional, detention and penal institutions. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (12) Manufactured homes for nonresidential uses, limited to the uses permitted in the I-1 District and subject to the lot requirements specified for such uses, subject to the provisions of §§ ZS 1-314 and ZS 1-325 hereof.
- (13) Industrial parks, subject to the provisions of §§ ZS 1-311 and ZS 1-317 hereof.
- (14) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (15) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (16) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
- (17) Freestanding towers, guyed towers and monopoles up to one hundred ninety-nine feet, subject to the provisions of § ZS 1-343 hereof.
- (18) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
- (19) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
- (20) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the I-1 District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the I-1 District in accordance with the provisions of § ZS 1-116(c) hereof:
 - (1) Bulk storage or wholesaling of fuels and other flammable liquids. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. The Board shall require construction and/or additional setbacks to adequately protect the public from hazard.
 - (2) Biodiesel facilities, including refining and processing of byproducts or ingredients

of biodiesel fuels. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. The Board of Zoning Appeals may require additional buffers or setbacks to adequately protect the public from hazard.

- (3) Concrete- and asphalt-mixing plants, including the compounding of building materials from cement. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; and all front, side and rear yard setbacks, one hundred feet; and subject to the provisions of § ZS 1-325 hereof.
 - (4) Solid waste transfer facilities, including compactors and necessary leachate collection and treatment facilities (not including an aboveground disposal site for leachate) and resource recovery and recycling facilities, subject to the provisions of Subsection (f) of this Section. All facilities and storage areas shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way. Setbacks shall be fully vegetated or landscaped pursuant to an approved site plan in accordance with § ZS 1-325 hereof. All facilities, buildings and storage areas shall be surrounded by a perimeter security and containment fence no less than six feet in height above the ground surface which shall be designed to prevent airborne movement of solid waste from the site. No solid waste shall remain on the site for more than twenty-four hours. All vehicles utilizing the facility must be of the compactor type or otherwise fully enclosed or covered when en route to or from the facility. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet [see § ZS 1-305(b) hereof]; each side yard, two hundred feet; and rear yard setback, two hundred feet; and subject to the provisions of § ZS 1-325 hereof.
 - (5) Outside principal uses other than accessory outside uses, subject to the provisions of § ZS 1-325 hereof.
 - (6) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (7) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (8) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (9) Freestanding towers, guyed towers and monopoles over one hundred ninety-nine feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (10) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (11) Heliports and airfields, subject to the provisions of §§ ZS 1-325 and ZS 1-345 hereof.
 - (12) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the I-1 District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be

permitted in the I-1 District:

- (1) Retail sales incidental and subordinate to permitted principal or special exception uses and structures provided that the gross floor area of such incidental retail sales does not exceed ten percent of the gross floor area of the structure containing the permitted principal or special exception use or the area devoted to outdoor uses.
 - (2) Cafeterias, dining halls, canteens, or company stores for the ~~sole~~ use of the employees of the establishment OR THE COMPLEX.
 - (3) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (4) On-site employee housing for the employees, including the immediate families of the employees, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof.
 - (5) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (6) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (7) Temporary buildings and structures, as provided for and regulated by § ZS 1-334 hereof.
 - (8) Generally, uses and structures customarily associated with or directly incidental to the permitted principal uses or structures, including the sale of items manufactured on the premises.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no structure shall exceed either four stories or forty-five feet in height, except that the Board of Zoning Appeals, as a special exception, may authorize a structure of greater height. In granting such a special exception, the Board may impose such conditions, including increased yard setbacks and construction provisions, as it deems necessary to protect the general character of the I-1 District, as well as the public health, safety and general welfare.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the I-1 District:
- (1) Except as specifically permitted herein, all manufacturing, processing, repair work and fabrication activities shall be conducted wholly within completely enclosed buildings, unless permitted by special exception by the Board of Zoning Appeals. Storage shall be within completely enclosed buildings or visually screened on all sides from adjacent properties and public rights-of-way by a solid wall or solid fence and shall be landscaped in accordance with § ZS 1-322 hereof. No storage shall be located in any required yard setback other than a rear yard.
 - (2) Processes and equipment employed and goods processed, stored or sold shall be limited to those which do not create LIGHT TRESPASS, odor, dust, smoke, cinders, gas, noise, vibration, radiation, refuse matter or water-carried waste.

- (3) All commercial and industrial development shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
- (4) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this Title may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed industrial use of the property.
- (g) Other regulations. The uses and structures permitted in the I-1 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-213. I-2 Heavy Industrial District.

- (a) Purpose and intent. This district is intended to provide for a variety of heavy-industrial-type uses which may not be compatible with residential or commercial development due to some potential nuisance or hazard. It is intended that such districts be located with access to major thoroughfares or other major ~~nodes~~ MODES of transportation, depending upon the specific demands of the industry being served. Industrial parks are encouraged in this district to provide for industrial uses with common access and infrastructure, as well as the provision of open space and adequate screening between adjacent ~~noncompatible~~ INCOMPATIBLE uses.
- (b) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the I-2 District:
 - (1) Wholesale or service establishments.
 - A. These include:
 - 1. Automobiles, trucks, manufactured homes, prefabricated structures, watercraft, recreational vehicles, construction equipment or similar items.
 - 2. Contractors shops and equipment and material storage yards, such as electrician, carpenter, plumber, ~~heating~~ HVAC, sheet metal, sign painting or interior decorating, including merchandise fabrication and repair.
 - 3. Repair of agricultural and seafood implements and the wholesale of supplies, fertilizer, grain and feed. Facilities for bulk handling of fertilizer, grain and other materials shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way.
 - 4. Wholesale bakery, dyeing establishments, laundry, excluding laundromats, or dry cleaning, excluding dry-cleaning pickup establishments.
 - 5. Wholesale businesses, including warehousing, storage and distribution.
 - 6. Concrete- and asphalt-mixing plants, including the compounding of building materials from cement and asphalt.

- B. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (2) Transportation stations or terminals (including truck, rail and watercraft). Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (3) Manufacturing and repair establishments.
 - A. These include:
 - 1. Printing and publishing plants.
 - 2. Building products, including sawmills and lumberyards.
 - 3. Stone and monument works.
 - 4. Bottling and distribution of beverages.
 - 5. Electrical appliances and equipment.
 - 6. Metal, plastic, cloth, wood, rubber, glass and ceramic products.
 - 7. Automotives, trucks, manufactured homes, prefabricated structures, watercraft, recreational vehicles, farm implements, construction equipment or similar items.
 - 8. Food and feed products, including commercial grain drying, blending and storage, the processing of seafood and agricultural products.
 - B. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (4) Chemical, physical and biological laboratories, excluding the processing and storage of radioactive, toxic or flammable substances, except for incidental testing purposes shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (5) Bulk storage or wholesaling of fuels and other flammable liquids. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (6) Commercial marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, if visually screened from

adjoining public road rights-of-way and properties, maintenance facilities for all types of hull, deck and interior repairs and painting and boat construction. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, ten feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (7) Aquaculture, including the following related activities: wholesale, processing, packing, canning, freezing, storage and shipping facilities. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (8) Livestock purchase and sales yards. Minimum lot requirements shall be: lot area, ten acres; lot width, five hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, all buildings and yards designed for the concentrated containment of animals shall be located at least two hundred feet from any perimeter property line or public road right-of-way.
- (9) Biodiesel facilities, including compounding, blending and processing of biodiesel fuel, including other refining or processing of byproducts or ingredients. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.
- (10) Solid waste transfer facilities, including compactors and necessary leachate collection and treatment facilities (not including an above ground disposal site for leachate) and resource recovery and recycling facilities, subject to the provisions of § ZS 1-212(f) hereof. All facilities and storage areas shall be located at least two hundred feet from all perimeter property lines and public road rights-of-way. Setbacks shall be fully vegetated or landscaped pursuant to an approved site plan in accordance with § ZS 1-325 hereof. All facilities, buildings and storage areas shall be surrounded by a perimeter security and containment fence no less than six feet in height above the ground surface which shall be designed to prevent airborne movement of solid waste from the site. No solid waste shall remain on the site for more than twenty-four hours. All vehicles utilizing the facility must be of the compactor type or otherwise fully enclosed or covered when en route to or from the facility. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, two hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, two hundred feet; and rear yard setback, two hundred feet; and subject to the provisions of § ZS 1-325 hereof.
- (11) Surface mining in accordance with the provisions of §§ ZS 1-325 and ZS 1-330 hereof.
- (12) Firehouses and correctional, detention and penal institutions. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
- (13) Manufactured homes for nonresidential uses, limited to the uses permitted in the I-2 District and subject to the lot requirements specified for such uses, subject to the provisions of §§ ZS 1-314 and ZS 1-325 hereof.

- (14) Industrial parks, subject to the provisions of §§ ZS 1-311 and ZS 1-317 hereof.
 - (15) Public and private conservation areas, including wildlife reservations, arboretums and demonstration forests. Minimum lot requirements shall apply to structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (16) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (17) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (18) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (19) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (20) Freestanding towers, guyed towers and monopoles up to one hundred ninety-nine feet, subject to the provisions of § ZS 1-343 hereof.
 - (21) Small and medium wind energy conversion systems up to a maximum of one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (22) Spray irrigation fields and storage lagoons for Class II effluent in accordance with the provisions of § ZS 1-328(g) hereof.
 - (23) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the I-2 District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the I-2 District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Rendering plants and slaughterhouses. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. THE BOARD SHALL REQUIRE CONSTRUCTION AND/OR ADDITIONAL SETBACKS TO ADEQUATELY PROTECT THE PUBLIC FROM HAZARD.
 - (2) Junkyards and salvage operations in accordance with the provisions of §§ ZS 1-325 and ZS 1-331 hereof.
 - (3) Adult entertainment businesses. Minimum lot requirements shall be: lot area, forty

thousand square feet; lot width, one hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. Furthermore, the following provisions shall apply:

- A. The closest portion of a building or structure in which an adult oriented business is located shall not be within one thousand two hundred feet from the closest boundary of a parcel containing a school, place of worship, public library, park or recreation facility, day care center, day care home, or group home.
- B. The closest portion of a building or structure in which an adult oriented business is located shall not be within six hundred feet of an arterial highway or the boundary of any parcel in an E, V, R, or RP zoning district provided, however, that when the distance from a building or structure in which an adult oriented business is located is being measured with respect to a parcel containing a residential structure within an A District, the closest portion of the building or structure in which an adult oriented business is located shall not be less than three hundred feet from the boundary of such parcel or, failing such separation, shall not be less than six hundred feet from the closest portion of any building or structure used principally as a residential dwelling.
- C. The closest portion of a building or structure in which an adult oriented business is located shall not be less than one thousand two hundred feet from the closest portion of any other building or structure containing an adult oriented business.
- D. The closest portion of a building or structure in which an adult oriented business is located shall be at least one thousand two hundred feet from the closest portion of any building or structure where alcoholic beverages are sold for on-premises consumption.
- E. An adult oriented business may not have displayed on or about the exterior of any building or premises in which the adult oriented business is located any sign, advertisement or depiction visible to the general public, wheresoever located, containing any adult oriented entertainment or material.
- F. The owner or operator of an adult oriented business shall submit an application to the Department, which includes a site plan that:
 - 1. Contains and depicts all of the information required pursuant to the Code; and
 - 2. Contains and depicts all of the information necessary to determine compliance with § PH 1-109 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland; and
 - 3. Compliance with the requirements of subsections (c)(3)A through (c)(3)D hereof shall be determined as of the date of submittal of an application pursuant to Subsection (c)(3)F hereof and any changes to the use of adjoining or neighboring property or to the size, type, number or location of structures or buildings on adjoining or neighboring property applied for, or, if no application is necessary, made after the date of submittal of an application pursuant to Subsection (c)(3)F hereof shall be of no effect and shall not be given any consideration in determining compliance with the

requirements of subsections (c)(3)A through (c)(3)D hereof.

- (4) Airfields and heliports in accordance with the provisions of § ZS 1-345 hereof.
 - (5) Treatment of hazardous waste generated in Worcester County, Maryland, only, subject to the provisions of § ZS 1-325 hereof.
 - (6) Solid waste disposal sites. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of §§ ZS 1-325 and ZS 1-329 hereof.
 - (7) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (8) Freestanding towers, guyed towers and monopoles over one hundred ninety-nine feet in height, subject to the provisions of § ZS 1-343 hereof.
 - (9) Small and medium wind energy conversion systems over one hundred fifty feet in height, subject to the provisions of § ZS 1-344 hereof.
 - (10) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the I-2 District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the I-2 District:
- (1) Retail sales incidental and subordinate to permitted principal or special exception uses and structures provided that the gross floor area of such incidental retail sales does not exceed ten percent of the gross floor area of the structure containing the permitted principal or special exception use or the area devoted to outdoor uses.
 - (2) Cafeterias, dining halls, canteens, or company stores for the ~~sole~~ use of the employees of the establishment OR THE COMPLEX.
 - (3) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (4) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (5) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (6) Temporary buildings and structures, as provided for and regulated by § ZS 1-334 hereof.
 - (7) Generally, uses and structures customarily associated with or directly incidental to the permitted principal uses or structures.

- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no structure shall exceed either four stories or forty-five feet in height, except that the Board of Zoning Appeals, as a special exception, may authorize a structure of greater height. In granting such a special exception, the Board may impose such conditions, including increased yard setbacks and construction provisions, as it deems necessary to protect the general character of the I-2 District, as well as the public health, safety and general welfare.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the I-2 District:
 - (1) All business, processing, repair work, fabrication and storage activities may be conducted indoors or outdoors but shall not occupy any required yard setback unless fencing is provided along its perimeter property line. Furthermore, storage shall be prohibited within the front yard setback or in front of the principal structure.
 - (2) The best practicable means available shall be employed for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, LIGHT TRESPASS, vibration, radiation or similar nuisance and protection against fire and explosion.
 - (3) For all I-2 uses, the Planning Commission reserves the right to require construction and/or additional setbacks to adequately protect the public from hazard.
 - (4) All commercial and industrial development shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
 - (5) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this Title may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed industrial use of the property.
- (g) Other regulations. The uses and structures permitted in the I-2 District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-214. CM Commercial Marine District.

- (a) Purpose and intent. This district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effects of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in the CM District:
 - (1) Retail, wholesale or service establishments catering to marine activities.
 - A. These include:

1. Retail businesses catering to marine activities, such as marine equipment and supplies, bait and tackle stores, and seafood sales.
 2. Service businesses for watercraft and marine equipment.
 3. Watercraft sales, service and rental establishments, including equipment, supplies and retail fuel sales.
 4. Wholesale businesses, including warehousing, storage and distribution of marine related items but excluding fuels and other flammable liquids or explosives.
- B. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
- (2) Manufacturing and repair establishments for watercraft and marine equipment. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (3) Public and private (commercial and noncommercial) marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats in operable condition, maintenance facilities for all types of hull, deck and interior repairs and painting and boat construction. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (4) Aquaculture or other facilities for the landing, raising, harvesting, packing, canning, processing, storage, shipping, freezing and wholesale or retail sale of seafood. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (5) Transportation stations and terminals (including truck, rail or watercraft). Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (6) Public and private conservation areas. Minimum lot requirements for structures shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet.
 - (7) Firehouses, governmental offices and other public or quasi-public buildings, structures and uses of an administrative or public service type. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-

305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.

- (8) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, five thousand square feet; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
- (9) Major and minor subdivisions for those uses listed as permitted principal uses and structures or as special exceptions in the CM District only, in accordance with the provisions of § ZS 1-311 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the CM District in accordance with the provisions of § ZS 1-116(c) hereof:
 - (1) Bulk storage or wholesaling of fuels and other flammable liquids. Minimum lot requirements shall be: lot area, five thousand square feet; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet; and subject to the provisions of § ZS 1-325 hereof. The Board shall require construction and/or additional setbacks to adequately protect the public from hazard. See additional provisions in Subsection (f) of this Section.
 - (2) Restaurants, convenience food stores, cocktail lounges, bars and nightclubs, including entertainment and dancing. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (3) Retail businesses. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (4) Personal watercraft rental establishments. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § 1-305(b)]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. See additional provisions in Subsection (f) of this Section.
 - (5) Public, private and commercial cultural, social and recreational areas and centers, including community centers, fraternal lodges, country clubs, marinas and boat landings. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, fifty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof.
 - (6) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with § ZS 1-328 hereof.

- (7) Active outdoor commercial activity between the hours of 2:00 a.m. and 6:00 a.m. other than those activities associated with commercial fishing or aquaculture operations, subject to the provisions of § ZS 1-325 hereof.
 - (8) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (9) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the CM District, subject to the provisions of § ZS 1-325 hereof.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the CM District:
- (1) On-site housing for the owner, caretaker or employees, including their immediate families, of the principal business on the site, subject to the provisions of § ZS 1-325 hereof. Such on-site housing may include accessory apartments in accordance with § ZS 1-338 hereof and manufactured homes in accordance with § ZS 1-314(b) hereof.
 - (2) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (3) Waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (4) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (5) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no structure shall exceed either four stories or forty-five feet in height.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the CM District:
- (1) With the exception of commercial fishing and aquaculture operations, processes and equipment employed and goods processed, stored or sold shall be limited to those which do not create odor, dust, smoke, cinders, gas, noise, LIGHT TRESPASS, vibration, radiation, refuse matter, water-carried waste or other nuisance.
 - (2) All development shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.
 - (3) Any side yard setback for a commercial building in the CM District may be reduced to zero where a party wall is provided.
 - (4) Any dwelling unit or manufactured home for residential purposes legally existing as of the effective date of this regulation may be subdivided from the main parcel, provided that the newly created parcel meets all of the lot requirements for such dwelling unit or manufactured home as specified in the R-4 General Residential

District (see § ZS 1-208 hereof) and the remaining portion of the main parcel meets all of the lot requirements for the existing or proposed commercial marine use of the property.

- (5) Except where adjacent to water, all storage and construction yards shall be completely enclosed by a fence no less than eight feet in height.
- (g) Other regulations. The uses and structures permitted in the CM District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

§ ZS 1-215. RP Resource Protection District.

- (a) Purpose and intent. This district is intended to preserve the environmentally significant areas of the County and to protect its natural resources in all areas. The district includes those areas of the County which pose constraints for development or where development could have a substantially adverse environmental effect. This district serves to maintain the environmental functionality of the landscape by avoiding or minimizing disturbance of sensitive areas which generally include tidal and nontidal wetlands, State-owned natural areas, selected riparian corridors, conservation areas, and muck and alluvial soils. Development potential within this district is severely limited; however, some minor development may be carried provided it is done a manner sufficiently sensitive to the existing natural environment and visual character of the site.
- (b) Permitted principal uses and structures. The following principal uses and structures are permitted in the RP District:
 - (1) Structures for public and private conservation areas and educational sites of local archaeological and historical interest, including wildlife reservations, arboretums, demonstration forests and nature trails, picnic and walking areas and activities featuring art, music and living history. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (2) Private noncommercial cabins, tents, recreational vehicles or manufactured or mobile homes for seasonal and not permanent or year-round occupancy. Minimum lot requirements shall be: lot area, five acres; lot area per cabin, tent, recreational vehicle or manufactured or mobile home, five acres, limited to not more than five such units; lot width, four hundred feet; front yard setback, one hundred feet [see § ZS 1-305(b) hereof]; each side yard setback, one hundred feet; and rear yard setback, one hundred feet. Such structures need not be located on a lot which abuts upon a road but are subject to approval by the Department of Environmental Programs.
 - (3) Fishing, trapping and hunting blinds and wildlife observation structures. No lot requirements shall apply.
 - (4) Boundary line adjustments and minor subdivisions for conservation purposes. New lots shall be deeded to a legitimate conservation organization, ~~such as the Nature Conservancy~~, within six months of recordation.
 - (5) Aquaculture, including the following related activities: wholesale and retail sales, freezing and product storage and shipping facilities. Minimum lot requirements shall apply for structures only and shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet;

and subject to the provisions of § ZS 1-325 hereof.

- (6) Landing, raising, harvesting, packing, processing, storage, wholesale and retail sale of seafood. Minimum lot requirements shall be: lot area, five thousand square feet [see § ZS 1-305(l) hereof]; lot width, forty feet; front yard setback, twenty feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, ten feet; and subject to the provisions of § ZS 1-325 hereof.
 - (7) The addition to existing structures of telecommunications facilities that do not increase the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (8) Small wind energy conversion systems up to a maximum of seventy-five feet in height, subject to the provisions of § ZS 1-344 hereof.
- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the RP District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Single-family dwellings. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet.
 - (2) Manufactured homes for residential use. Minimum lot requirements shall be: lot area, forty thousand square feet; lot area per manufactured home, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, fifty feet, and subject to the provisions of §§ ZS 1-305(r) and § ZS 1-314 hereof. See additional provisions in Subsection (f) hereof.
 - (3) Minor subdivisions in accordance with the provisions of § ZS 1-311 hereof.
 - (4) Agriculture, including feeding lots, dairy barns, agricultural lagoons, poultry and hog houses and noncommercial grain dryers. No lot requirements shall apply for field crops and grazing pastures. For other activities and principal structures, minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet. All grain dryers, feeding lots, dairy barns, lagoons, poultry and hog houses and other uses involving the concentrated handling or containment of animals or fowl shall be located at least two hundred feet from any property line or public road right-of-way.
 - (5) Public and private (commercial and noncommercial) marinas, including facilities for boat fueling, launching, recovery and dockage. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
 - (6) Public and private noncommercial cultural, social and recreational areas and centers, including parks, playgrounds, beaches, country clubs, boat landings, swimming pools, golf courses, including golf driving ranges, and summer camps. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; and subject to the provisions of § ZS 1-325 hereof. All outdoor swimming pools, including adjacent deck and patio areas, locker areas and summer camp lodgings shall be at least two hundred feet from any perimeter property line and public road rights-of-

way.

- (7) Gun clubs and shooting ranges. Minimum lot requirements shall be: lot area, fifty acres; lot width, one thousand feet; front yard setback, one hundred feet; each side yard setback, one hundred feet; and rear yard setback, one hundred feet; and subject to the provisions of § ZS 1-325 hereof.
 - (8) Customary incidental home occupations.
 - (9) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.
 - (10) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.
 - (11) Dredge spoil disposal sites. Lot requirements for dredge spoil disposal sites, special conditions of operation and conditions regarding reclamation of sites shall be as specified by the Board of Zoning Appeals.
 - (12) The addition to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, subject to the provisions of § ZS 1-343 hereof.
 - (13) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above permitted use, not specifically mentioned in another district and compatible with the general character and intent of the RP District.
- (d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the RP District:
- (1) Noncommercial private residential parking garages and areas, stables for horses or ponies, swimming pools and other customary residential outbuildings and structures for the use of residents. Stables shall be at least fifty feet from any perimeter property line or public road right-of-way.
 - (2) Roadside stands not to exceed a maximum one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (3) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Private waterfront structures, subject to the provisions of Section § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.

- (5) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
- (6) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with Worcester County Environmental Programs approval and subject to the provisions of § ZS 1-314 hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure. Such uses shall also be required to provide a shoreline protection setback and buffer in accordance with the provisions of § ZS 1-305(s) hereof, notwithstanding the provisions of § ZS 1-305(s)(7) hereof.
- (7) Generally, uses and structures customarily associated with and directly incidental to the permitted principal uses and structures.
- (e) Height regulations. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no flat-roofed principal structure shall exceed a height of thirty-five feet, no pitched-roofed principal structure shall exceed a height of forty-five feet, and no flat- or pitched-roofed principal structure shall exceed four stories. In addition, no accessory structure shall exceed either two stories or twenty-five feet in height.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the RP District:
 - (1) The location of existing natural resources on the site, including but not limited to tidal and nontidal wetlands, perennial and intermittent streams, special habitats, and the one-hundred-year floodplain and alluvial and muck soils, must be shown on all site plans. In addition, the applicant must demonstrate that he has taken appropriate steps to minimize the potentially adverse impacts of the proposed development on these natural resources.
- (g) Other regulations. The uses and structures permitted in the RP District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.

SUBTITLE III
Supplementary Districts and
District Regulations

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| <p>§ ZS 1-301. HP Historic Preservation District. (pg. 135)</p> <p>§ ZS 1-302. AP Airport Protection District. (pg. 138)</p> <p>§ ZS 1-303. CA Commercial Airport District. (pg. 139)</p> <p>§ ZS 1-304. HCA Historical/Cultural/ Agricultural Floating Zone. (pg. 143)</p> <p>§ ZS 1-305. Lot requirements generally. (pg. 147)</p> <p>§ ZS 1-306. Access to structures. (pg. 153)</p> <p>§ ZS 1-307. Single-family clustered housing. (pg. 154)</p> <p>§ ZS 1-308. Rural cluster subdivisions. (pg. 156)</p> <p>§ ZS 1-309. Consolidated development rights subdivisions. (pg. 157)</p> <p>§ ZS 1-310. Two-family dwelling subdivisions. (pg. 159)</p> <p>§ ZS 1-311. Major and minor subdivisions. (pg. 160)</p> <p>§ ZS 1-312. Two-family and multifamily development. (pg. 163)</p> <p>§ ZS 1-313. Townhouses. (pg. 164)</p> <p>§ ZS 1-314. Manufactured and mobile homes and manufactured and mobile home parks. (pg. 166)</p> <p>§ ZS 1-315. RPC residential planned communities. (pg. 175)</p> <p>§ ZS 1-316. Planned senior developments. (pg. 187)</p> <p>§ ZS 1-317. Commercial development, industrial development and industrial parks. (pg. 190)</p> <p>§ ZS 1-318. Campgrounds. (pg. 191)</p> <p>§ ZS 1-319. Access and traffic circulation requirements. (pg. 206)</p> <p>§ ZS 1-320. Off-street parking areas. (pg. 207)</p> <p>§ ZS 1-321. Off-street loading spaces. (pg. 220)</p> | <p>§ ZS 1-322. Landscaping, buffering and screening requirements. (pg. 220)</p> <p>§ ZS 1-323. Exterior lighting. (pg. 225)</p> <p>§ ZS 1-324. Signs. (pg. 226)</p> <p>§ ZS 1-325. Site plan review. (pg. 234)</p> <p>§ ZS 1-326. Classification of highways. (pg. 243)</p> <p>§ ZS 1-327. Additional setbacks from drainage ditches and stormwater management facilities. (pg. 244)</p> <p>§ ZS 1-328. Wastewater and water treatment facilities. (pg. 245)</p> <p>§ ZS 1-329. Solid waste disposal sites. (pg. 252)</p> <p>§ ZS 1-330. Surface mining. (pg. 253)</p> <p>§ ZS 1-331. Wreck vehicles, junk and salvage operations and vehicle storage yards. (pg. 257)</p> <p>§ ZS 1-332. Unsafe buildings and storm damage. (pg. 257)</p> <p>§ ZS 1-333. Moved structures. (pg. 257)</p> <p>§ ZS 1-334. Temporary structures. (pg. 258)</p> <p>§ ZS 1-335. Waterfront structures. (pg. 259)</p> <p>§ ZS 1-336. Conversion of buildings to dwellings. (pg. 260)</p> <p>§ ZS 1-337. Transient uses. (pg. 260)</p> <p>§ ZS 1-338. Accessory apartments. (pg. 261)</p> <p>§ ZS 1-339. Home occupations. (pg. 262)</p> <p>§ ZS 1-340. Bed-and-breakfast establishments. (pg. 263)</p> <p>§ ZS 1-341. Yard sales. (pg. 264)</p> <p>§ ZS 1-342. Occupancy of watercraft. (pg. 264)</p> <p>§ ZS 1-343. Antennas, towers and telecommunications uses. (pg. 265)</p> <p>§ ZS 1-344. Alternative energy facilities. (pg. 268)</p> <p>§ ZS 1-345. Airfield and heliport provisions. (pg. 270)</p> <p>§ ZS 1-346. Noise level limits. (pg. 271)</p> <p>§ ZS 1-347. Right to Farm Law. (pg. 272)</p> |
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§ ZS 1-301. HP Historic Preservation District.

- (a) Purpose and intent. It is the intent hereof to provide for the preservation of structures and places in the County which have historic value, together with their appurtenances and environmental settings, in order to:
 - (1) Safeguard the heritage of the County by preserving the districts therein which reflect elements of its cultural, social, economic, political or architectural history.
 - (2) Stabilize and improve property values within such districts.
 - (3) Foster civic beauty.
 - (4) Strengthen the local economy.
 - (5) Promote the use and preservation of Historic Districts for the education, welfare and pleasure of the residents of the County.
- (b) Power to establish district. For the purposes of this Section, the County Commissioners may establish, change, lay out and define districts which are deemed to be of historic or architectural value, following the procedures which are set forth in this Title for the reclassification of zoning. Such districts may include structures, lots and tracts of land, as well as portions thereof.
- (c) Provisions in addition to other district provisions. The provisions of this Section are in addition to the provisions of this Title regarding other districts. In all cases of conflicting requirements, the provision which represents the greater restriction or higher standard shall govern.
- (d) Power to establish Historic District Commission. The County Commissioners may create a commission to be called the "Historic District Commission." The Historic District Commission shall have a membership of seven persons, all of whom are qualified by special interest, knowledge or training in such fields as history, architecture, preservation or urban design and agree to serve on this Commission and all of whom are residents of the County. The members may serve with compensation and shall be appointed for terms of three years, except that, in making the initial appointments, two shall be for one year, two shall be for two years, and three shall be for three years. Members of the Historic District Commission shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled by the County Commissioners for the unexpired term of the particular position. The County Commissioners may consult private societies or agencies to request the names of possible members of the Historic District Commission. The Historic District Commission shall have the right to accept and use grants and gifts from whatever source for the exercise of its functions.
- (e) Architectural easements. The Historic District Commission may purchase architectural easements in connection with structures located in or adjacent to any Historic District. Such easement shall grant to the Historic District Commission, the residents of the Historic District and the general public the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect or to facilitate the restoration, if necessary, of the exterior appearance of the structure to a character which is compatible with the architectural period or with its surroundings.
- (f) Application for permission to build, alter, etc. Before the construction, alteration, reconstruction, moving or demolition of any structure is made within the HP District, if any changes are involved which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public road in the district, the person proposing to make the construction or change shall file with the Historic District Commission an

application for permission to build, alter, reconstruct, move, demolish or make the addition. Every such application shall be referred to and considered by the Historic District Commission and accepted or rejected by such Commission. No building permit for any such change shall be granted until the Historic District Commission has acted thereon as hereinafter provided. Applicants shall submit the following data with the application for final review:

- (1) Every application for review involving alterations and/or additions to existing structures in the Historic District shall be accompanied by drawings signed by the preparer and submitted in triplicate for the proposed alterations, additions or changes and for new construction of buildings or property use. As used herein, "drawings" shall mean plans and exterior views drawn to scale with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of buildings, including samples of materials or color samples and the plot plan or site layout, including all improvements affecting appearances, such as walls, walks, terraces, plantings, accessory buildings, signs, lights and other elements. Such documents shall be filed with the Department, which shall cause such documents to be made available to the Historic District Commission.
 - (2) In the case of application for the demolition of a structure within the Historic District, the applicant shall submit legible photographs of all sides of the building under consideration and photographs showing contiguous properties.
 - (3) In the case of application to repair, alter or make additions to a structure within the Historic District, the application shall be accompanied by legible photographs of all sides of the structure.
 - (4) In the case of application to construct a new building situated within the Historic District, the application shall be accompanied by legible photographs of the adjoining properties.
- (g) Factors for consideration in reviewing plans for construction or change. In reviewing plans for any such construction or change, the Historic District Commission shall give consideration to:
- (1) The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
 - (2) The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area.
 - (3) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used.
 - (4) Any other factors, including aesthetic factors, which the Historic District Commission deems to be pertinent.
- (h) Only exterior features to be considered. The Historic District Commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the Historic District Commission shall not disapprove an application except with respect to the several factors specified in Subsection (g) hereof.
- (i) Strictness and leniency in judgment of plans; limiting architectural style to one period. The Historic District Commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The Historic District Commission shall be lenient in its judgment of plans for structures of little historic value or of plans involving new construction, unless such plans would seriously impair the historic or architectural value of structures of the

surrounding area. The Historic District Commission is not required to limit new construction, alteration or repairs to the architectural style of any one period; however, the proposed architectural style must be generally compatible with the surrounding area.

- (j) Application for reconstruction, alteration, etc., of unusual importance. Application shall be made to the Historic District Commission for permission to undertake any proposed reconstruction or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure if it has been designated as of unusual historic or architectural value under the provisions of Subsection (b) hereof. Unless the Historic District Commission is satisfied that the proposed work or changes will not materially impair the historic or architectural value of the structure, the Historic District Commission shall reject the application, filing a copy of its rejection with the Planning Commission. The application shall not be renewed in less than one year from the date of such rejection. Prior to any such rejection, the Historic District Commission shall attempt, with the owner of the structure, to formulate an economically feasible plan for its preservation. Should the Historic District Commission conclude that no economically feasible plan can be formulated, it shall have ninety days from the time it so concludes to negotiate further with the owner and other parties in an effort to find a means of preserving the building or structure.
- (k) Approval under certain circumstances. In the case of a structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Historic District Commission may approve the proposed reconstruction, demolition or alteration, despite the fact that the changes come within the provisions of Subsection (i) hereof, if:
 - (1) The structure is a deterrent to a major improvement program which will be of substantial benefit to the County;
 - (2) Retention of the structure would cause undue financial hardship to the owner; or
 - (3) Retention of the structure would not be in the best interest of a majority of persons in the community.
- (l) Commission meetings to be public; right to appear and be heard; records of Commission. All meetings of the Historic District Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Historic District Commission before it reaches a decision on any matter. The Historic District Commission shall keep an open record of its resolutions, proceedings and actions, which shall be kept available for public inspection during reasonable business hours. The Historic District Commission shall not reject the application without first providing notice to the applicant of its intention to do so and providing the applicant the opportunity to appear before the Historic District Commission and be heard.
- (m) Certificate of approval, modification or rejection of application and plans. The Historic District Commission shall file with the Planning Commission a certificate of its approval, modification or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and no building permit for such change or construction shall be issued unless and until such a certificate of approval has been received. The failure of the Historic District Commission to act upon a pending application within forty-five days from the date the application was filed shall be deemed to constitute automatic approval of the proposed change unless an extension of this forty-five-day period is agreed upon mutually by the applicant and the Historic District Commission.
- (n) Inspection of work after issuance of permit. After a permit has been granted by the Department in accordance with the procedures prescribed herein, the Department shall, from time to time, inspect, in the field, the construction, reconstruction, alteration,

maintenance or repair so authorized and shall take such action as is necessary to assure compliance with the approved application.

- (o) Ordinary maintenance not affected; completion of work under prior permit. Nothing in this Section shall be taken or construed to prevent work and repairs on any structure coming under the heading of ordinary maintenance. Nothing in this Section shall affect the right to complete any work covered by a permit issued prior to the date upon which such Historic Districts may be established.

§ ZS 1-302. AP Airport Protection District.

- (a) Purpose and intent. This district is intended to preserve and protect the safe and efficient use of airspace in the vicinity of the County and municipal airports of Worcester County. This district identifies appropriate standards for determining obstructions in navigable airspace and prohibits uses which may be hazardous to air navigation.
- (b) Provisions in addition to other district provisions. The provisions of this Section are in addition to the provisions of this Title regarding other districts. In all cases of conflicting requirements, the provision which represents the greater restriction or higher standard shall govern.
- (c) Delineation. This district is established as those areas beneath the approach, conical, horizontal, primary and transitional surfaces as established in Title 14 of the Code of Federal Regulations, Subchapter E -- Airspace, Part 77 -- Objects Affecting Navigable Airspace, Section 77.25 -- Civil Airport Imaginary Surfaces, as may from time to time be amended, and administered by the Federal Aviation Administration.
- (d) Airport elevation and type of approach. In order to determine the imaginary surfaces for the civil airports in Worcester County, the following information is given:
 - (1) Airport elevation, Ocean City Municipal Airport: Eleven feet above mean sea level.
 - (2) Type of approach, Ocean City Municipal Airport:
 - A. Runway 02: Non-precision instrument approach utility runway.
 - B. Runway 20: Visual approach utility runway.
 - C. Runway 02/20: Non-precision instrument approach utility runway.
 - D. Runway 14: Non-precision instrument approach runway with visibility minimums greater than three-fourths of a mile.
 - E. Runway 32: Visual approach runway (larger than utility).
 - F. Runway 14/32: Non-precision instrument approach runway with visibility minimums greater than three-fourths of a mile.
- (e) Prohibited uses. Except as otherwise provided in this Title, the following are prohibited uses in the AP Airport Protection District:
 - (1) Overhead high-power transmission lines in excess of sixty-nine kilovolts.
 - (2) Manufacturing establishments or other uses if they produce smoke which could interfere with the use of the airport.
 - (3) Rifle ranges and private landing fields which could interfere with the health, safety

and general welfare of the public in the use of the airport.

- (4) All businesses or structures of every kind which emit or discharge smoke, gases and odors that would or may interfere with the health, safety and general welfare of the public in the use of the airport.
- (5) Any use which would create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and other lights, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.
- (f) Height regulations. The following height regulations shall apply to the AP District: Notwithstanding any other provisions of this Title, no building, structure, tree or any object of natural growth shall be erected, altered, allowed to grow or maintained to a height which would penetrate the approach, horizontal, transitional or conical surfaces as referenced herein.

§ ZS 1-303. CA Commercial Airport District.

- (a) Purpose and intent. This district is intended to provide for areas of adequate size in appropriate locations for the development of municipal or County airports by or with the approval of the County or municipal governing body. It is the purpose of this district to recognize the municipal or County airports as commercial operations and land uses, to protect the users of the airports and to prevent any unreasonable limitation or impairment of the use and expansion of the airports and the public investment therein.
- (b) Location and area requirements. The CA Commercial Airport District is hereby established as a floating zone and may be permitted in accordance with the provisions hereof, upon review of the Planning Commission and approval by the County Commissioners, in the A-1, A-2, I-1 and I-2 Districts. Land zoned RP District which is within the boundaries of the property subjected to a CA District may be included within the CA District boundaries. The minimum required land area shall be fifty acres, EXCLUSIVE OF ANY LANDS ZONED RP DISTRICT. In siting new CA Districts, consideration shall be given to the surrounding land uses and conditions may be placed on the approval in order to better provide for the safety of the neighboring residents.
- (c) Permitted principal uses and structures. The following principal uses and structures shall be permitted in the CA Commercial Airport District:
 - (1) Municipal or County airports, including runways, taxiways, aircraft parking areas, hangars, terminals and support buildings.
 - (2) Buildings and structures necessary for communications, navigation or the collection and dissemination of weather and other flight information.
 - (3) Restaurants, lounges and gift shops incidental and subordinate to the operation of the airport and intended primarily for the use and enjoyment of airport patrons.
 - (4) General offices.
 - (5) General warehousing and storage.
 - (6) Signs (except billboards), including all types and classifications of signs as defined and regulated in § ZS 1-324 hereof.
 - (7) Governmental and other public buildings, structures and uses of a public-service

type but not including recreational facilities such as tennis courts, swimming pools, marinas and boat landings, parks, playgrounds, golf courses, including driving ranges, and other similar activities.

- (d) Special exceptions. The following principal uses and structures may be permitted by special exception in the CA Commercial Airport District in accordance with the provisions of § ZS 1-116(c) hereof:
- (1) Governmental and other public buildings, structures and uses of a public-service type., ~~including recreational facilities such as tennis courts, swimming pools, marinas and boat landings, parks, playgrounds, golf courses, including driving ranges, and other similar activities operated exclusively for the public and not for commercial purposes or for multifamily housing as defined in § ZS 1-103(b) hereof.~~
 - (2) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use and compatible with the general character and intent of the CA Commercial Airport District.
- (e) Accessory uses and structures. The following accessory uses and structures shall be permitted in the CA Commercial Airport District:
- (1) One accessory apartment for persons primarily engaged on the premises, subject to the provisions of § ZS 1-338 hereof.
 - (2) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (3) Generally, accessory structures and uses customarily associated with and directly incidental to the permitted principal uses and structures.
- (f) Additional provisions. The following additional provisions shall apply to all uses and structures in the CA Commercial Airport District:
- (1) All uses and structures shall be subject to the provisions of § ZS 1-302 hereof.
 - (2) All facilities and uses shall be subject to the provisions of § ZS 1-325 hereof.
- (g) Other regulations.
- (1) All airports and facilities shall be designed, constructed, maintained and utilized so that they shall comply with all Federal and State regulations pertaining to such operations, and the same shall be utilized in accordance therewith.
 - (2) The uses and structures permitted in the CA Commercial Airport District shall be subject to the applicable regulations contained in Subtitle I, General Provisions, and Subtitle III, Supplementary Districts and District Regulations, of this Title.
- (h) Lot, road and parking requirements. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, road frontage, landscaping or buffering requirements. Such standards shall be as approved by the Planning Commission in approving the site plan under the provisions of § ZS 1-325 hereof. No structure or group of structures shall be erected within ten feet of any other structure or group of structures. All roads, parking areas and access points shall meet County standards.
- (i) Review and approval procedure. Review and approval of the CA Commercial Airport District designation shall be as follows:

- (1) Step 1: Concept plan and district designation. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee, Planning Commission and the County Commissioners. Review and approval shall take place in three sequential steps. Each step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the next step. The County Commissioners shall have the authority to either approve or disapprove the concept development plan and the establishment of the CA Commercial Airport District.

A. The concept plan and application for district designation shall include the following:

1. A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and manmade features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
2. A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, and a forest stand delineation.
3. A conceptual schematic plan generally identifying the type, location, acreage, and proposed phasing, if any, of all proposed land uses.
4. A schematic plan generally identifying the zoning, as well as the existing and any proposed land use for which approval has been granted, for all properties within one mile of the boundaries of the proposed CA District.
5. A schematic plan generally identifying the proposed drainage pattern and potential stormwater management and minimization of impervious surfaces.
6. A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production.
7. Such other information as the Technical Review Committee, Planning Commission or County Commissioners may require.
8. A written statement covering the considerations listed under Subsection (i)(1)B hereof.

B. The following items shall be considered in the reviews by the Technical Review Committee, Planning Commission and County Commissioners:

1. The commercial airport's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines.

2. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the commercial airport's compatibility with those land uses.
 3. The availability and adequacy of public facilities and services to meet the needs of the commercial airport and the long term implications the project would have on subsequent local development patterns and demand for public facilities and services.
 4. The relationship of the commercial airport's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities and services necessary to serve the project.
 5. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
 6. The availability and suitability of vehicular access.
- C. The applicant shall meet first with the Technical Review Committee, then with the Planning Commission and then with the County Commissioners.
1. The Technical Review Committee shall meet with the applicant and shall review the applicant's submission. The Technical Review Committee shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its recommendations to the applicant and to the Planning Commission. Its findings and recommendations shall be reduced to writing in a report known as the "Technical Review Committee Report." The Technical Review Committee may solicit other agency comments prior to making its report and may require additional information, studies or reports. The Technical Review Committee shall review the submission and present its report within sixty days after receipt of the applicant's submission and complete application.
 2. The Planning Commission shall meet with the applicant to review the applicant's submission and review the Technical Review Committee Report. Such meeting shall be open to the public. The Planning Commission shall produce findings based on the items considered under Subsection (i)(1)B hereof. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the CA Commercial Airport Floating District application, which may address the areas identified in the Technical Review Committee Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall meet with the applicant, review the Technical Review Committee Report and submit its recommendation within sixty days after receipt of the Technical Review Committee Report, UNLESS IT IS DETERMINED THAT ADDITIONAL TIME IS NEEDED TO ADEQUATELY REVIEW THE SUBMISSION.
 3. The County Commissioners shall consider the application and recommendation and hold a public hearing. The hearing shall have

the same procedural formalities and notice requirements as a rezoning (map amendment) hearing. The County Commissioners shall review the Technical Review Committee Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the CA Commercial Airport Floating Zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial of the application. In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the CA Commercial Airport District. In addition, the Commissioners may require independent reports of consultants, at the expense of the applicant, prior to approval. The County Commissioners shall review the Technical Review Committee Report and Planning Commission's recommendation and hold a public hearing within ninety days of receipt of the Planning Commission's recommendation. Failure, however, to meet such time limits shall not constitute an approval.

- D. The Department shall delineate and designate approved CA Commercial Airport Districts on the Official County Zoning Maps for informational and reference purposes.
 - E. Step I approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.
- (2) Step II: Site plan review. Upon completion of Step I, an applicant shall develop and submit to the Technical Review Committee and the Planning Commission site plans for any or all portions of the proposed development, in accordance with the provisions of § ZS 1-325 hereof and subject to any conditions specified in conjunction with Step I approval. No grading permits, building permits or use of land permits shall be issued by the Department prior to site plan approval for such activity.

§ ZS 1-304. HCA Historical/Cultural/Agricultural Floating Zone.

- (a) Purpose. The purpose of this Section is to provide for attractions and facilities which are re-creations of historic, cultural or agricultural periods that would be of interest to residents and tourists by utilizing the natural rural setting, crafts, culture and history of Worcester County and to provide for the establishment of such uses that will attract tourism to the County without impacting negatively on the rural character of the agricultural areas of the County.
- (b) Location and area requirements. The HCA Zone is hereby established as a floating zone and may be permitted in accordance with the provisions hereof, upon recommendation of the Planning Commission and approval by the County Commissioners, in the A-1 and A-2 Agricultural Districts. Land zoned RP Resource Protection District which is a part of the property subjected to an HCA may be included within the HCA for the property. The required land area shall be a minimum lot area of fifty acres. The ratio between developed and undeveloped land shall be at least thirty acres of agricultural fields or woodlands for each acre of land devoted to nonagricultural attractions, structures, exhibits, commercial uses and transient residential uses. Vehicular travelways, parking areas and wastewater disposal areas shall not be considered as developed land for the purposes of this Section.
- (c) Permitted uses and structures. In the HCA Floating Zone, the following uses and structures are permitted:

- (1) Private and commercial historic, cultural or agricultural theme parks, recreation areas, villages or guest farms, featuring attractions, exhibits, buildings, demonstration workshops and apprenticeship schools all being incidental to the operation of the park, area, village or farm, and crafts and craft making of local historical, cultural or agricultural interest, but not including mechanical or electronic amusement rides or devices and subject to the following:
 - A. The density and intensity of land use within the HCA shall approximate those of the historical site or period sought to be re-created by the theme park, village or recreational area.
 - B. All interior roads and parking areas and all access points to the public road system shall be reviewed and approved by the County Commissioners in accordance with the approved HCA development plan. Parking may be grouped and located in common areas and shall be completely hidden from the park, adjoining properties and County roads through the use of natural or manmade landscaping, which may include a wall or fence, providing complete and total screening and serving as a visual barrier.
 - C. Overnight accommodations, such as guest cottages and bed-and-breakfast inns, incidental to the park, area, village or farm are permitted at the ratio of one guest unit per each ten acres of total lot area.
 - D. Restaurant facilities incidental to the park, area, village or farm are permitted with seating capacity at the ratio of one seat per each one acre of total lot area. Construction of restaurant facilities will be directly proportional to the construction of the developed area of the park.
- (d) Other regulations.
 - (1) No manufactured homes shall be permitted in the HCA except as otherwise permitted in the A-1 or A-2 Agricultural Districts.
 - (2) There shall be no more than four dwelling units on the site of the HCA, including that occupied by the landowner and family.
 - (3) There shall be no commercial sales within the HCA other than products that were generally available for purchase locally during the historical period represented by the theme park, area or village, except that one building not exceeding one thousand square feet in gross floor area may be utilized for sales of sundries, notions, curios, film, souvenirs and similar items for the convenience of customers.
 - (4) When a matter is not specifically regulated by this Section, then other provisions of this Title and of the A-1 and A-2 Agricultural Districts shall apply.
- (e) Review and approval procedure. Review and approval of the HCA will take place in accordance with the following:
 - (1) The applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee, Planning Commission and the County Commissioners. The Planning Commission shall review the proposal, make findings with regard to the criteria and then make a recommendation to the County Commissioners as to approval or disapproval of the HCA.
 - (2) The following submission shall be made to the Department at the time of application:

A. A plat to scale of the area showing:

1. A land use and development plan identifying natural and manmade features, existing zoning, vicinity map, the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable, and the type, location, acreage, quantity, design and density of all land uses and structures for specific sections of the project and the project in total.
2. A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, a forest stand delineation, greenways, areas of critical habitat, and proposed methods for protection of important environmental features.
3. A drainage and stormwater management plan providing for the control of drainage and runoff, both on the site and off the site, created as a result of the development. The Planning Commission may require contour or grading information at any interval to accurately determine proper drainage and stormwater management both on and off the site.
4. A street and parking layout design plan, including proposed construction standards. An adequate parking area, as determined by the County Commissioners, with emphasis on remoteness, screening and buffering shall be provided.
5. A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production.
6. If applicable, a phasing plan for the construction of the HCA, showing geographical coverage of future sections and their approximate sequence of submission and construction.
7. A written statement of intent for the project, outlining the proposed park theme and including architectural renderings of the types of proposed structures evidencing their representation of and consistency with the historical site or period to be re-created by the HCA.
8. Such other information as the Technical Review Committee, Planning Commission or County Commissioners may require.

B. A written statement addressing the considerations listed under the criteria in Subsection (e)(3) hereof.

(3) The Technical Review Committee, Planning Commission and the County Commissioners, in their respective reviews of the proposed HCA, shall consider all of the following criteria to determine whether the project should be approved or disapproved:

- A. The HCA's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines.

- B. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the HCA's compatibility with those land uses and the HCA's impact on the environment and the agricultural community.
 - C. The availability and adequacy of public facilities and services to meet the needs of the HCA and the long term implications the project would have on subsequent local development patterns and demand for public facilities and services.
 - D. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
 - E. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
 - F. The HCA's proposed construction schedule.
 - G. The consistency of the activities to be conducted, structures to be built and usage of the facility with the time period and setting being portrayed, their compatibility with existing land uses in the vicinity, and the preservation and promotion of agricultural traditions.
- (4) The Technical Review Committee shall meet with the applicants and shall review the HCA application. The Technical Review Committee shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The Technical Review Committee may solicit other agency comments prior to making its report and may require additional information, studies or reports. The Technical Review Committee shall review the submission and present its report within ninety days after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.
- (5) The Planning Commission shall then meet with the applicant to review the submission and the Technical Review Committee Report. The Planning Commission shall produce findings based on the items considered under Subsection (e)(3)A through (e)(3)G hereof. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the HCA application, which may address the areas identified in the Technical Review Committee Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety days after receipt of the Technical Review Committee Report, unless extended by the County Commissioners.
- (5) The County Commissioners shall consider the application and recommendation and hold a public hearing within ninety days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners. The hearing shall have the same procedural formalities and notice requirements as a rezoning (map amendment) hearing. The County Commissioners shall review the

application, Technical Review Committee Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the HCA floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial of the application. In its review, the County Commissioners may request changes or additional information as they may deem necessary. The County Commissioners may attach conditions concurrent with approval of the HCA. Approval of the HCA development plan by the County Commissioners is conditional upon retention of the HCA development plan as approved upon transfer of the property. Approval by the County Commissioners of the establishment of the HCA floating zone shall be considered a reclassification and subject to appeal as such.

- (6) Setbacks will be binding as shown on the approved plan, and agricultural setbacks pursuant to § ZS 1-305(r) hereof shall apply.
- (7) Amendments or changes to the approved HCA development plan may not require an additional public hearing but shall require the review and approval of both the Planning Commission and the County Commissioners. Such plan amendments and additions will be signed and retained in the same manner as the original development plan.

§ ZS 1-305. Lot requirements generally.

- (a) Definitions. For the purposes of this Title, the following definitions shall apply:

DENSITY, MAXIMUM -- The maximum number of dwelling units or manufactured homes permitted per given unit of lot area as prescribed for residential development in each zoning district. "Maximum yield" shall be computed as the total net lot area multiplied by the "maximum density" permitted.

DENSITY, PROPOSED -- Computed as the total number of dwelling units or manufactured homes proposed for the entire project divided by the total net lot area of the project.

LOT AREA -- Refers to "net lot area" unless specifically stated otherwise.

LOT AREA, BUILDABLE -- That portion of the net lot area remaining for building purposes once adjusted to subtract out the area of all easements, required yard setbacks, septic disposal areas, private wetlands and nontidal wetlands AND THEIR BUFFERS. Every lot must have a buildable area of not less than two thousand five hundred square feet of contiguous area with usable access.

LOT AREA, GROSS -- The gross area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines.

LOT AREA, NET -- The net area of a lot, parcel or other piece of land shall be calculated as the area bounded by the property lines, except that the area of public and private rights-of-way and State wetlands and the area of the strip connecting to the road in the case of a flag lot shall not be included as part of the "net lot area" unless specifically permitted for the structure or use involved. Easements other than required road widening strips may be included in the lot area, and private wetlands and easements may be included as part of any yard setback unless otherwise prohibited.

LOT, CORNER -- A lot abutting two or more public or approved private roads at their intersection or two parts of the same road and in either case forming an interior angle of less than one hundred thirty-five degrees. A "corner lot" shall provide a front yard along

all property lines abutting a public or approved private road. A "corner lot" need not provide a rear yard but must provide side yards along all other lot lines.

LOT, FRONT OF -- The side or sides of a lot which abut a public road, approved private road, or right-of-way or, in the case of a rural cluster subdivision or landlocked parcel, an access easement established to serve the subdivision or landlocked parcel.

LOT LINE, FRONT -- The property line running along the front of the lot, separating it from the public road, approved private road, or right-of-way or access easement established to serve a rural cluster subdivision.

LOT LINE, REAR -- The lot line or lines generally opposite or parallel to the front lot line, except that, on a corner lot or a through lot, there is not a rear lot line. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, such rear lot line is assumed to be a line not less than ten feet long, lying wholly within the lot, parallel to the front lot line or, in the case of a curved front lot line, parallel to the chord of the arc of such curved front lot line.

LOT LINE, SIDE -- Any lot line other than a front lot line or rear lot line.

LOT, THROUGH -- A lot, other than a corner lot, with frontage on more than one public road and/or approved private road. A "through lot" shall have a front yard abutting all roads. All other lot lines are considered as side yards.

YARD, FRONT -- The area bounded by the front yard setback line, the front lot line and the side lot lines.

YARD, REAR -- The area bounded by the rear lot line, the rear yard setback line and the side lot lines.

YARD, SIDE -- The area bounded by the front setback line, the rear yard setback line, the side lot line and the side yard setback line. For a corner lot, the "side yard" shall be the area bounded by the front setback lines, the side lot lines and the side yard setback lines.

- (b) Determination of front yard setback line. The front yard setback line shall be a line parallel to the front lot line, intercepting opposite side lot lines, no point of which lies closer to the front lot line than the required minimum front yard setback. If the length of the front yard setback line does not meet the minimum lot width requirements, the front yard setback line shall be moved toward the rear of the lot until the lot width requirement is met.
- (1) In any district, on any lot which fronts on a road having a right-of-way less than fifty feet wide, all structures and uses shall be located at a distance from the center line of such road right-of-way not less than the depth of the front yard setback otherwise required in the district plus twenty-five feet.
 - (2) In any district, where a lot abuts an arterial or collector highway as designated in § ZS 1-326 hereof, the minimum front yard setback shall be as follows, except that, in all cases of conflicting requirements, the provision which represents the greater restriction or higher standard shall govern, unless specifically stated otherwise:
 - A. On an arterial highway: one hundred feet.
 - B. On a collector highway: fifty feet.
 - (3) For any lot abutting MD Route 589 or located within the geographical parameters of the MD Route 589 Transportation Corridor Planning Area, all yard setbacks shall be measured from the proposed right-of-way as specified in the MD Route 589 Transportation Corridor Plan and on the associated maps adopted by the

County Commissioners in accordance with the provisions of § ZS 1-118(b)(11) hereof. No structure, well, or wastewater system shall be located within the proposed right-of-way.

- (4) For any lot located within the geographical parameters of the Northern U.S. Route 113 Transportation Corridor and Access Control Area, all yard setbacks shall be measured from the proposed right-of-way as specified in the Transportation Corridor and Access Control Plan for U.S. Route 113 - Northern Segment and on the associated maps adopted by the County Commissioners in accordance with the provisions of § ZS 1-118(b)(11) hereof. No structure, well, or wastewater system shall be located within the proposed right-of-way.
- (5) For any lot located within the geographical parameters of the Central U.S. Route 113 Transportation Corridor and Access Control Area, all yard setbacks shall be measured from the proposed right-of-way as specified in the Transportation Corridor and Access Control Plan for U.S. Route 113 - Central Segment and on the associated maps adopted by the County Commissioners in accordance with the provisions of § ZS 1-118(b)(11) hereof. No structure, well, or wastewater system shall be located within the proposed right-of-way.
- (c) Determination of rear yard setback line. The rear yard setback line shall be a line parallel to the rear lot line, intercepting opposite side lot lines, no point of which lies closer to the rear lot line than the required minimum rear yard setback.
- (d) Determination of side yard setback line. The side yard setback line shall be a line parallel to the side lot line from which it sets back, no point of which lies closer to such side lot line than the required minimum side yard setback. Any yard that is not a front or rear yard shall be a side yard, and side yard setbacks shall apply.
- (e) Determination of setback lines other than front, side and rear yard. Setbacks or buffer strips required by this Title, other than front, side and rear yard setbacks, shall be measured as the shortest distance between the point or line measured from any point on the use or structure subject to such setback requirement.
- (f) Traffic visibility on corner lots. In any district, on any corner lot, no structure, fence, planting, parking space, vehicle or other visual obstruction above forty-two inches in height from the established street grade that would interfere with traffic visibility across the corner shall be erected, permitted, planted or maintained within thirty feet of the intersection of the road right-of-way lines.
- (g) Measurement of lot width. Lot width shall be measured along the front yard setback line.
- (h) Requirement for and use of required yard setbacks. Unless otherwise indicated, all lots shall have front, side and rear yards.
 - (1) No principal building or structure or part thereof and, when specified, no principal use of land shall occupy any required yard or other setback, except:
 - A. As provided in Subsections (j) and (m) hereof.
 - B. As a variance granted by the Board in accordance with the provisions of § ZS 1-116 hereof.
 - (2) No accessory building or structure or part thereof and, when specified, no accessory use of land shall occupy any required yard setback other than a rear yard, except:
 - A. Temporary roadside stands, which shall be removed at the end of the

season.

- B. Freestanding signs in accordance with § ZS 1-324 hereof.
- C. Bus shelters for school bus passengers or clustered mail box facilities serving residential developments may occupy any otherwise required yard but shall be located a minimum of fifteen feet from any road right-of-way.
- C. As provided in Subsections (j) and (m) hereof.
- D. As a variance granted by the Board in accordance with the provisions of § ZS 1-116 hereof.

(i) Lots used in combination. When two or more contiguous lots are in single ownership, they may be considered as a single lot for purposes of calculating lot and setback requirements, provided that a declaration of consolidation is duly executed and recorded in the land records of Worcester County to show that such lots may be transferred only as a unit unless authorized by the Department.

(j) Required yard not to be reduced. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Title, and if already less than the minimum required, such yard or open space shall not be further reduced, except by approval of the Board of Zoning Appeals in accordance with the provisions of § ZS 1-116 hereof. No part of a yard or other open space provided around any building, structure or use for the purposes of complying with the provisions of this Title shall be considered as part of a yard or other open space required under this Title for another building, structure or use, except in the case of unified developments and the extension of uses and structures into wetlands as provided in Subsection (m) hereof.

(k) Yard setback modifications.

- (1) In any district, the following architectural features may project into any required front yard or rear yard setback as hereinafter set forth. Subject to the conditions specified, the following features may project into any required side yard a distance not to exceed one-fifth of the width of such required side yard:
 - A. Cornices, eaves or other architectural features, not walls, may project a distance not exceeding three feet.
 - B. Fire escapes may project a distance not exceeding six feet.
 - C. An unenclosed landing not to exceed twenty-five square feet with necessary stairs or ramp may project a distance not to exceed six feet. Such features may be covered with a roof but not enclosed except by railings.
 - D. Bay windows, balconies and chimneys may project a distance not to exceed three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the wall on which they are located.
 - E. An unenclosed handicapped ramp not exceeding the minimum standards to provide safe access as set forth in the current Maryland Accessibility Code and the International Building Code, or their successors, may project a distance not to exceed ten feet into the ordinance required front yard setback. The handicapped ramp may project any distance into the rear yard setback. However, in no event can a handicapped ramp be closer than fifteen feet to the landward edge of any pier, dock, bulkhead, rip-rap, etc. Such feature may be covered with a roof but not enclosed except by railings.

- (2) In the case of townhomes and two-family dwellings where units share a common property line, cornices, eaves, exterior wall finishes or other related architectural features may project a distance not to exceed two feet across the property line provided that appropriate easements or deed restrictions pertaining to such encroachments are provided.
- (3) Fences and walls may be located in a required yard, subject to the following:
 - A. Fences and walls not exceeding four feet in height above the elevation of the ground may be located in a front yard setback, except agricultural fences, which may not exceed six feet in height, and except as in accordance with the provisions of Subsection (f) hereof.
 - B. Fences and walls not exceeding six feet in height above the elevation of the ground may be located in any rear yard or side yard setback, except that, in the C, I and CM Districts, security fences located in such yards may not exceed ten feet in height.
 - C. In any district, the Planning Commission may require as a condition of any approval or the Board of Zoning Appeals may permit as a special exception the location of a fence or wall and associated landscaping in accordance with § ZS 1-322 hereof in any required setback and to any height, provided that such is reasonably necessary and will not adversely affect the use, enjoyment or value of surrounding property.
- (l) Minimum lot area and lot width requirements for lots with private well and/or septic. In any district where central water but not central sewerage, where central sewerage but not central water or where neither central water nor central sewerage systems are provided, the district's specified lot area and lot width requirements, where less than the following, shall be increased as follows:
 - (1) Lot area shall be the minimum needed to provide for a dwelling unit or manufactured home to be served by a well and/or septic system as determined by the Worcester County Environmental Programs Department and in compliance with the Worcester County Groundwater Protection Report.
 - (2) Lot width: one hundred feet.
- (m) Extension of uses and structures to wetlands boundary line and beyond. In any district, the Board of Zoning Appeals may permit as a special exception principal or accessory uses and structures to be located up to the wetlands boundary line and over adjacent wetlands or water areas (including otherwise required yard setbacks) where it is demonstrated that such uses or structures are reasonably necessary to the function of the uses and structures on the abutting fastland. Such uses and structures shall be limited to permitted special exceptions and accessory uses and structures specified for the district in which the abutting fastland is located.
- (n) Structures permitted above height limit.
 - (1) The Board of Zoning Appeals may, as a special exception in the case of a nonresidential structure, increase the permitted height or number of stories to the maximum prescribed in each district if, in the view of the Board, such increase is reasonably necessary for the proposed purpose and no neighborhood adverse effects or safety hazards will be created. In the case of structures other than buildings, such as radio towers, which, by the nature of the structures and their function, are required to be of great height, the Board may, by special exception, permit such structures to exceed the maximum permitted height.

- (2) The following structures are not subject to the district height regulations, except for the AP District, and do not require Board approval, except as otherwise provided:
- A. Farm buildings and structures, except dwelling units.
 - B. Fire walls, cupolas, steeples, flagpoles, silos, smokestacks, masts, water tanks or other nonhabitable roof superstructures.
 - C. Roof structures for housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, provided that all such structures above the height otherwise permitted in the district shall not occupy more than twenty-five percent of the ground area of the building.
 - D. Any building or structure in an I District if more than two hundred feet distant from any A, E, V, R or RP District, provided that, for each three feet by which the height of such building or structure exceeds the maximum height otherwise permitted in the district, its front, side and rear yard setbacks shall be increased in width or depth by an additional one foot over the yard setbacks required for the highest building otherwise permitted in the district and provided that the height of such building or structure shall not exceed four hundred feet.
- (o) Distance between structures.
- (1) Where more than one principal structure is located on a single lot, there shall be not less than ten feet between such structures. This provision shall apply in addition to and not in lieu of any other provisions of this Title.
 - (2) In a farm building group, except for a dwelling, no minimum distance between structures shall apply.
- (p) Limitations on accessory uses and structures.
- (1) Accessory structures shall not cover more than thirty percent of the required rear yard.
 - (2) Accessory buildings shall be at least six feet from any other building on the same lot, from any right-of-way and from lot lines of adjoining lots which are in any A, E, V, R or RP District.
 - (3) No accessory use or structure shall be permitted on a lot unless the principal use or structure was in existence previously or until construction of the principal structure is diligently pursued; provided, however, that a single customary residential accessory structure less than five hundred square feet in area, a single private dock, boat ramp or pier abutting a single-family lot may be constructed for the exclusive, personal use of the lot owner.
- (q) Recreational vehicles and watercraft. In all districts, it shall be permissible to store recreational vehicles and watercraft owned by the property owner or resident of the premises out of doors as an accessory use and subject to the provisions of § BR 3-106 of the Building Regulations Article and § PH 1-104 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland.
- (1) Recreational vehicles may not be occupied unless specifically allowed by the district regulations and in accordance with Health Department regulations.

(r) Agricultural protection setback for all districts.

- (1) All dwellings, manufactured homes, manufactured home park sites, schools, churches, rest homes, hospitals and day-care centers shall be located at least two hundred feet from any preexisting grain dryer, feeding lot, dairy barn, agricultural lagoon, poultry or hog house or other use or structure involving the concentrated handling or containment of animals or fowl located on another lot, provided that this provision shall not be applied to prohibit such construction on any residential building lot platted among the land records of the County as of September 23, 1978.
- (2) All grain dryers, feeding lots, dairy barns, agricultural lagoons, aquaculture ponds, poultry and hog houses and other uses involving the concentrated handling or containment of animals or fowl shall have a front yard setback of at least fifty feet and shall be located at least two hundred feet from any:
 - A. E, V, R or RP District boundary line.
 - B. Preexisting dwelling, manufactured home, manufactured home park site, school, church, assisted living facility, hospital or day-care center located on another lot.

§ ZS 1-306. Access to structures.

- (a) Frontage. Every building erected, located, converted, enlarged or altered shall be located on a lot having a front lot line not less than thirty-five feet in length on a public road or approved private road and have access to such road, except:
- (1) Lots approved as part of a unified development by the Planning Commission or Board of Zoning Appeals.
 - (2) Agricultural structures (excluding farm dwellings) and noncommercial cabins, manufactured homes, recreational vehicles and trailers for seasonal use only as permitted in the A and RP Districts.
 - (3) Farm dwellings, provided that they shall be connected with a public road or approved private road by a right-of-way of not less than twenty feet in width which serves not more than four farm building groups nor serves any major subdivision.
 - (4) Lots approved as a rural cluster subdivision in the A-1, A-2, or E-1 Districts. A maximum of six lots may be connected to a public road or approved private road by a right-of-way or access easement of not less than twenty feet in width. Any right-of-way or access easement created to serve such lots shall be constructed and stabilized in such a manner as to provide for safe access for emergency vehicles. The lot owners served by such a right-of-way or access easement shall execute appropriate agreements to provide for the continued maintenance of the right-of-way or access easement by the lot owners. These executed agreements shall be approved by the Department and recorded among the land records of Worcester County prior to or simultaneously with the recordation of the subdivision plat.
 - (5) Lots approved as a consolidated development rights subdivision in the A-2 and E-1 Districts. A maximum of six lots may be connected to a public road or approved private road by a right-of-way or access easement of not less than twenty feet in width. Such subdivisions containing more than six lots may be connected to a public road or approved private road by a right-of-way, access easement or approved private road of not less than twenty-four feet in width. Any right-of-way

or access easement created to serve such lots shall be constructed and stabilized in such a manner as to provide for safe access for emergency vehicles. The lot owners served by such a right-of-way or access easement shall execute appropriate agreements to provide for the continued maintenance of the right-of-way or access easement by the lot owners. These executed agreements shall be approved by the Department and recorded among the land records of Worcester County prior to or simultaneously with the recordation of the subdivision plat.

- (6) A front lot line of a lesser amount, but in no event less than twenty feet, as a variance by the Board of Zoning Appeals in accordance with the provisions of § ZS 1-116 hereof for parcels having frontage on a public or approved private road.
- (7) A front lot line of a lesser amount as a variance by the Board of Zoning Appeals in accordance with the provisions of § ZS 1-116 hereof for parcels not having frontage on a public or approved private road where the applicant submits probative documentary evidence, which may include an opinion from an attorney at law licensed to practice in the State of Maryland, that a legally established easement or right-of-way, recorded in perpetuity, of sufficient width to provide for vehicular access and connecting the parcel to a public or approved private road will be provided. The Board of Zoning Appeals shall not grant a variance to permit the subdivision of a lot of record as of July 25, 1967, into more than two divisions (residue included). Furthermore, the lot of record cannot have been the subject of any prior subdivision application.
- (b) Parking and vehicle access. In all events, all buildings shall be provided with adequate off-street parking and loading and shall be located so as to provide safe and recognizable access for fire protection and other public safety equipment. In order to provide for adequate vehicle access the thirty-five foot minimum lot width shall be maintained continuously from the public road or approved private road to the front yard setback line of the lot.

§ ZS 1-307. Single-family clustered housing.

- (a) Purpose and intent. Clustering of single-family dwelling units is encouraged in order to provide for and maintain large open space areas which may in turn provide for the recreational needs of the residents, as well as buffering of sensitive natural habitats, and the protection and improvement of water quality. In addition, clustering provides a more efficient use of land and may require less area to be used for the construction of roads, utilities and other public facilities. Cluster subdivisions are permitted in the E, V and R Districts, subject to Planning Commission approval.
- (b) General design standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply:
 - (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, flood plains, source water and aquifer recharge protection areas, areas of critical habitat and other important environmental features. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
 - (2) Cluster residential land uses to minimize the consumption of vacant land, maximize open space and reduce impervious surfaces.
 - (3) Limit the use of culs-de-sac and dead end streets and instead promote street, trail

and sidewalk connectivity to reduce vehicle miles traveled and improve community walkability.

- (4) Preserve existing forested areas and natural areas as greenways within and around developments for environmental and recreational purposes and to blend the manmade and natural environments.
- (c) Specific standards. The following specific standards shall apply to single-family clustered housing:
- (1) The minimum land area for a cluster subdivision shall be four contiguous acres.
 - (2) The maximum density permitted for a clustered housing subdivision shall be one and thirty-five hundredths times the density allowed for a conventional single-family subdivision in that zoning district. Major fractions of units shall be counted as a full unit.
 - (3) The project as a whole shall provide a minimum road frontage of thirty-five feet, lot width of one hundred feet, front yard setback of thirty-five feet and all other yard setbacks of twenty feet.
 - (4) Individual lots within the subdivision shall comply with the lot area, lot width and setback requirements listed for single-family clustered housing within that zoning district.
 - (5) All interior roads and parking areas and all access points to the public road system shall be designed and constructed to County road standards.
 - (6) All cluster subdivisions shall provide a minimum of fifty percent of the land area to be retained in permanent open space in accordance with the following provisions:
 - A. Further subdivision of open space or its use for other than active or passive non-commercial recreation, conservation or agriculture (except for easements for underground utilities) shall be prohibited. This restriction shall be included on the record plat or approved site plan as well as recorded in a open space easement. Structures and buildings accessory to active or passive non-commercial recreation, conservation or agriculture may be erected on open space, subject to the provisions of § ZS 1-325 hereof.
 - B. A maximum of fifty percent of the required open space may be comprised of wetlands.
 - C. Active and passive recreation areas are to be easily accessible to all residents of the development.
 - D. Open space used for other than conservation shall be appropriately maintained. The developer shall provide copies of deeds, deed covenants or conservation easements to the Planning Commission describing land management practices and responsibilities (including collection of fees where appropriate) to be followed by whichever party or parties are responsible for maintenance. Where required by the Planning Commission, a homeowners association shall be established for the purpose of permanently maintaining all open space and recreational facilities. Such homeowners association agreements, guaranteeing continuing maintenance, shall be submitted to the County prior to the issuance of any building permits and are subject to the approval of the County Attorney for legal sufficiency. Copies of recorded documents shall be provided by the

developer to the Department upon recording. The covenants shall contain a provision for maintenance of such open space by the County Commissioners at their option where a responsible party fails to properly maintain such open space. Any funds expended for such maintenance by the County Commissioners shall be assessed pro rata against benefitted lot or dwelling unit owners and shall be a lien and collectable in the same manner as real estate taxes.

- (d) Planning Commission review. In order to receive approval for a cluster subdivision, the applicant must first submit a sketch plan as provided for in Title 2, Subdivision Regulations. The Planning Commission shall review the sketch plan for compliance with the provisions and intent of this Title and the provisions of Title 2, Subdivision Regulations. In reviewing the sketch plan, the Planning Commission may recommend such additional conditions or modifications to the project as it deems necessary to ensure full compliance with the provisions and intent of this Title. No permit shall be issued nor construction begun until the project has fully complied with all provisions of Title 2, Subdivision Regulations.

§ ZS 1-308. Rural cluster subdivisions.

- (a) Purpose and intent. Rural cluster subdivisions are encouraged in order to preserve agricultural lands by grouping residential uses more closely together. This will reduce fragmentation and inefficient utilization of farm land, prevent stripping of lots along roadways, and preserve the open vistas and rural character of the landscape. To promote use of this subdivision technique, an additional lot for residential purposes beyond that permitted as a minor subdivision will be allowed subject to the standards and requirements contained herein. Rural cluster subdivisions are permitted in the A and E Districts.
- (b) Standards. The following standards shall apply to rural cluster subdivisions:
- (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, flood plains, source water and aquifer recharge protection areas, areas of critical habitat and other important environmental features. ~~Where possible, those~~ ~~THOSE~~ areas contained in the one-hundred-year floodplain should be ~~dedicated as open space or recreational areas~~ AVOIDED. THEY MAY BE INCLUDED IN THE LOT AREA OF AN INDIVIDUAL LOT BUT NOT WITHIN ITS BUILDABLE AREA UNLESS THE ENTIRE PROPERTY IS LOCATED WITHIN THE ONE-HUNDRED-YEAR FLOODPLAIN.
 - (2) All rural cluster subdivisions shall be designed in a single compact arrangement where each lot other than the first or last lot shares at least two lot lines in common with other lots in the same cluster. The reference to “first or last lot” shall be construed to be the orientation of the lots rather than their order of creation.
 - (3) Except as provided herein no lot in a rural cluster subdivision may have a lot area less than forty thousand square feet or greater than ~~eighty~~ NINETY thousand square feet.
 - (64) WHERE THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS PERMITS SEPTIC DISPOSAL AREAS TO BE LOCATED REMOTE FROM THE LOT, THE MINIMUM LOT REQUIREMENT MAY BE REDUCED TO TWENTY THOUSAND SQUARE FEET.
 - (45) No boundary line of any RESIDENTIAL lot in a rural cluster subdivision shall be located closer than two hundred feet to any public or approved private road.

- (56) For the purposes of this Section the lots shall be connected to a public road or approved private road by a right-of-way or access easement of not less than twenty feet in width. Any right-of-way or ~~access~~ easement created to PROVIDE ACCESS, DRAINAGE AND INSTALLATION OF UTILITIES TO serve such lots shall be constructed and stabilized in such a manner as to provide for safe access for emergency vehicles AND SHALL BE SUFFICIENT TO SERVE ALL OF THE LOTS FOR AS LONG AS THE SUBDIVISION EXISTS OR THE ACCESS IS REPLACED BY OTHER MEANS. The lot owners served by such a right-of-way or ~~access~~ easement shall execute appropriate agreements to provide for the continued maintenance of the right-of-way or access easement by the lot owners. These executed agreements shall be approved by the Department and recorded among the land records of Worcester County prior to or simultaneously with the recordation of the subdivision plat.
- ~~(6) Where the Department of Environmental Programs permits septic disposal areas to be located remote from the lot, the minimum lot requirement may be reduced to twenty thousand square feet.~~
- (7) All rural cluster subdivisions shall be reviewed and approved in accordance with the plat procedures for minor subdivisions as contained in Subtitle III, Sections §§ ZS 2-301 through 2-304.
- (8) The provisions of this Section shall not apply to parcels of land where three or more lots which do not comply with the provisions of this Section have previously been subdivided and recorded among the land records of Worcester County from what was a single parcel of land as it existing on July 25, 1967.

§ ZS 1-309. Consolidated development rights subdivisions.

- (a) Purpose and intent. Consolidated development rights subdivisions are intended to allow landowners, particularly farmers, to share in the economic benefits of development while more importantly preserving one of Worcester County's most traditional and important ways of life, farming. This technique will enable subdivision rights to be transferred to sites where the development would be most appropriate from the viewpoints of both wastewater disposal and neighborhood compatibility. It will reduce fragmentation and inefficient utilization of farm land, prevent stripping of lots along roadways, and preserve the open vistas and rural character of the landscape. The intent is to allow for some consolidation of development rights otherwise permitted on separate parcels. It is not the intent to facilitate sprawl via large subdivisions in rural areas and thus create conflicts between land uses and inefficient use of resources.
- (b) General design standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply:
- (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, flood plains, source water and aquifer recharge protection areas, areas of critical habitat and other important environmental features. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
- (2) Cluster residential land uses to minimize the consumption of vacant land, maximize open space and reduce impervious surfaces.
- (3) Limit the use of culs-de-sac and dead end streets and instead promote street, trail and sidewalk connectivity to reduce vehicle miles traveled and improve community

walkability.

- (4) Preserve existing forested areas and natural areas as greenways within and around developments for environmental and recreational purposes and to blend the manmade and natural environments.
- (c) Specific standards. The following standards shall apply to consolidated development rights subdivisions:
 - (1) Subdivision development rights may be transferred between contiguous parcels in the A-2 and E-1 Districts which are under the same ownership as of the effective date of this Section.
 - (2) Notwithstanding limitations imposed by other laws or regulations regarding the suitability or availability of land for development, the density permitted in the A-2 District shall be equal to the sum total of the gross number of divisions remaining for each parcel as solely determined by the definition of “subdivision, minor” as contained in § ZS 1-311 hereof but shall in no case exceed a maximum of twenty lots. The density permitted in the E-1 District shall be the maximum permitted by the district regulations.
 - (3) The applicant shall record among the land records of Worcester County an instrument acceptable to the County Attorney which shall perpetually extinguish the right to any future subdivision of the transferring properties.
 - (4) All subdivisions created under the terms of this Section shall be designed in a single compact arrangement where each lot other than the first or last lot shares at least two lot lines in common with other lots in the subdivision. The reference to “first or last lot” shall be construed to be the orientation of the lots rather than their order of creation.
 - (5) Except as provided herein no lot created as part of a consolidated development rights subdivision may have a lot area less than forty thousand square feet or greater than eighty thousand square feet. Notwithstanding the provisions of § ZS 1-116(c)(4) hereof the maximum lot area of ~~eighty~~ NINETY thousand square feet cannot be increased by action of the Board of Zoning Appeals.
 - (6) WHERE THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS PERMITS SEPTIC DISPOSAL AREAS TO BE LOCATED REMOTE FROM THE LOT, THE MINIMUM LOT REQUIREMENT MAY BE REDUCED TO TWENTY THOUSAND SQUARE FEET.
 - (67) No boundary line of any RESIDENTIAL lot created as part of a consolidated development rights subdivision shall be located closer than two hundred feet to any public or approved private road.
 - (78) Where a consolidated development rights subdivision contains six or fewer lots, it shall be connected to a public road or approved private road by a right-of-way or access easement of not less than twenty feet in width. Where a consolidated development rights subdivision contains more than six lots, it shall be connected to a public road or approved private road by a right-of-way, access easement or approved private road of not less than twenty-four feet in width. Any right-of-way, ~~access~~ easement or approved private road created to PROVIDE ACCESS, DRAINAGE AND INSTALLATION OF UTILITIES TO serve such lots shall be constructed and stabilized in such a manner as to provide for safe access for emergency vehicles AND SHALL BE SUFFICIENT TO SERVE ALL OF THE LOTS FOR AS LONG AS THE SUBDIVISION EXISTS OR THE ACCESS IS REPLACED BY OTHER MEANS. The lot owners served by such a right-of-way, ~~access~~ easement or approved private road shall execute appropriate agreements to provide for the continued maintenance of

the right-of-way, access easement or approved private road by the lot owners. These executed agreements shall be approved by the Department and recorded among the land records of Worcester County prior to or simultaneously with the recordation of the subdivision plat.

- ~~(8) — Where the Department of Environmental Programs permits septic disposal areas to be located remote from the lot, the minimum lot requirement may be reduced to twenty thousand square feet.~~
- (9) All consolidated development rights subdivisions containing six or less lots shall be reviewed and approved in accordance with the plat procedures for minor subdivisions as contained in Subtitle III, Sections §§ ZS 2-301 through 2-304. All consolidated development rights subdivisions containing more than six lots shall be reviewed and approved in accordance with the platting procedures for major subdivisions as contained in Subtitle III, Sections §§ ZS 2-401 through 2-408.

§ ZS 1-310. Two-family dwelling subdivisions.

- (a) Defined. A two-family dwelling subdivision shall be the subdivision of a two-family dwelling structure and the land on which it is erected into two separate lots, each improved by a portion of the two-family dwelling structure having a common vertical wall or walls dividing such structure from the basement to the roof, and shall be permitted as herein set forth.
- (b) Two-family dwelling subdivision permitted. Two-family dwelling subdivision shall be permitted as herein set forth:
 - (1) A two-family dwelling subdivision is only permitted in those zoning districts which allow a two-family dwelling to be constructed.
 - (2) The subdivision requirements of Title 2, Subdivision Regulations, of this Article shall apply to two-family dwelling subdivisions. A two-family dwelling subdivision shall be processed as a subdivision.
 - (3) All two-family dwelling subdivisions containing a total of twenty or more residential units shall be subject to and developed as major residential planned communities in accordance with the provisions of § ZS 1-315 hereof. Subdivisions of less than twenty residential units may be developed as a minor residential planned community in accordance with the provisions of § ZS 1-315 hereof.
 - (4) Each half of the structure shall be considered as a dwelling unit to determine density and lot area per unit; however, all other lot requirements shall apply to the structure in lieu of the individual dwelling units.
 - (5) In a series of two or more abutting two-family subdivisions, the Planning Commission may require common street entrances and cross-easements on each property and may also limit street access points in cases where the Planning Commission determines that lot access should be controlled to facilitate traffic flow and general safety.
 - (6) Accessory structures shall be permitted, subject to the regulations of this Title. In the case where an accessory structure is divided by the same common property line which divides the two-family dwelling, the setback from the common property line shall be zero feet.
 - (7) There shall be recorded with every two-family dwelling subdivision plat a declaration, signed by all owners and lienholders of the property subdivided,

containing covenants governing the use of the dwellings, which said covenants shall include at least the following:

- A. An agreement pertaining to mutual access.
- B. An agreement pertaining to common insurance or liabilities.
- C. An agreement pertaining to the right of lateral support.
- D. An agreement pertaining to any shared facilities or shared utilities.
- E. An agreement pertaining to required exterior maintenance or aesthetics.
- F. An agreement pertaining to the collection of funds for and the making of common repairs.
- G. An agreement pertaining to remedies in the event of encroachment by STRUCTURAL settlement.

- (c) Plat. For the purposes of subdivision, a two-family dwelling subdivision preliminary plat shall be approved by the Planning Commission prior to the construction of a two-family dwelling EXCEPT AS PROVIDED IN SUBSECTION (1) HEREOF. A two-family dwelling subdivision final plat shall not be approved by the Department until the two-family dwelling is completely constructed and a zoning certificate is issued for same in accordance with the provisions of this Title.

- (1) A TWO-FAMILY DWELLING MAY BE SUBDIVIDED SUBSEQUENT TO ITS CONSTRUCTION AND ISSUANCE OF A ZONING CERTIFICATE PROVIDED IT MEETS THE CRITERIA CONTAINED IN THIS SECTION.

§ ZS 1-311. Major and minor subdivisions.

- (a) Definitions. For the purpose of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this Subsection:

DIVISIONS OF LAND FOR AGRICULTURAL PURPOSES -- THE SUBDIVISION OF A FARM PARCEL INTO SMALLER PARCELS WHICH WILL ONLY BE USED FOR BONA FIDE AGRICULTURAL PURPOSES.

RESUBDIVISION -- Any further division or modification, including a boundary line adjustment, of an existing recorded subdivision .

SUBDIVISION -- ~~The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development, including resubdivision. Building development to constitute division of land into separate lots, sites, parcels or other types of division, regardless of ownership, may constitute a "subdivision." When appropriate to the context, the term "subdivision" or "resubdivision" shall relate to the process of subdividing or resubdividing land, as well as to the land or territory subdivided. The creation of a condominium under the provisions of the Horizontal Property Act (Title 11 of the Real Property Article of the Annotated Code of Maryland), where land is divided into parcels or lots or the condominium units constitute parcels or lots, either actually or constructively, other than the division of only a building or buildings into units, shall constitute a "subdivision."~~ THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO TWO OR MORE LOTS, PLATS, SITES OR OTHER DIVISIONS OF LAND FOR THE PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR OF BUILDING DEVELOPMENT, INCLUDING RESUBDIVISION. DEVELOPMENT WHICH CONSTITUTES A DIVISION OF LAND INTO SEPARATE LOTS, SITES, PARCELS OR OTHER TYPES

OF DIVISION, REGARDLESS OF OWNERSHIP, MAY CONSTITUTE A SUBDIVISION. WHEN APPROPRIATE TO THE CONTEXT, THE TERM "SUBDIVISION" OR "RESUBDIVISION" SHALL RELATE TO THE PROCESS OF SUBDIVIDING OR RESUBDIVIDING LAND AS WELL AS TO THE LAND OR TERRITORY SUBDIVIDED. THE CREATION OF A CONDOMINIUM UNDER THE ~~HORIZONTAL PROPERTY~~ MARYLAND CONDOMINIUM ACT (TITLE 11 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND), WHERE LAND IS DIVIDED INTO PARCELS OR LOTS OR THE CONDOMINIUM UNITS CONSTITUTE PARCELS OR LOTS, EITHER ACTUALLY OR CONSTRUCTIVELY, OTHER THAN THE DIVISION OF ONLY A BUILDING OR BUILDINGS INTO UNITS, SHALL CONSTITUTE A SUBDIVISION. A LEASE OR CREATION OF A TERM OF YEARS WHERE LAND IS DIVIDED INTO PARCELS OR LOTS FOR A PERIOD OF TWELVE YEARS OR MORE, INCLUDING RENEWALS, SHALL CONSTITUTE A SUBDIVISION, EXCEPT FOR LEASES FOR INDIVIDUAL COMMERCIAL UNITS OR PARCELS WITHIN A PLANNED COMMERCIAL DEVELOPMENT. THE WIDENING OF A PUBLIC ROAD OR THE CREATION OF A WIDENING STRIP FOR A PUBLIC ROAD SHALL NOT CONSTITUTE A SUBDIVISION. THE CREATION OF A LOT, TRACT OR PARCEL WHICH, AT THE TIME OF ITS CREATION, IS TRANSFERRED IN PERPETUITY TO THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, THE STATE OF MARYLAND OR THE UNITED STATES OF AMERICA, WHERE THE RESIDUE MEETS THE DEFINITION OF A LOT, SHALL NOT CONSTITUTE A SUBDIVISION. ~~WHEN COUNTING THE NUMBER OF LOTS FOR PURPOSES OF DETERMINING THE NUMBER OF LOTS CREATED, A PARCEL OF LAND OWNED IN FEE SIMPLE BY A BONA FIDE, PERPETUAL CONSERVATION ENTITY, AS DETERMINED BY THE DEPARTMENT, SHALL NOT BE COUNTED AS A LOT IN DETERMINING THE NUMBER OF LOTS, PROVIDED THAT SUCH LOT HAS BEEN CREATED OR TRANSFERRED FOR CONSERVATION PURPOSES AND IS REQUIRED TO PERPETUALLY REMAIN AS A CONSERVATION AREA. IT IS NOT REQUIRED THAT AT THE TIME OF ITS CREATION, IT BE TRANSFERRED TO A BONA FIDE CONSERVATION ENTITY PROVIDED THAT BETWEEN THE TIME OF ITS CREATION AND THE TIME OF ITS TRANSFER TO THE BONA FIDE CONSERVATION ENTITY, NO DEVELOPMENT OF ANY KIND HAS TAKEN PLACE THEREON OTHER THAN CONSERVATION.~~ ANY UNDEVELOPED LOT TRANSFERRED AT ANY TIME TO A BONA FIDE CONSERVATION ENTITY FOR THE PURPOSE OF PERPETUAL PROTECTION, AS DETERMINED BY THE DEPARTMENT, SHALL NOT BE COUNTED AS A LOT WHEN DETERMINING THE NUMBER OF SUBDIVISIONS OF A PROPERTY.

SUBDIVISION, MAJOR – Any subdivision of land which creates six or more lots in total, regardless of size, out of what was a single parcel as of July 25, 1967. A series of separate subdivisions out of the same original parcel shall be considered a "major subdivision" when the cumulative effect of such separate subdivisions meet the criteria of a "major subdivision." For the purposes of this Article a rural cluster subdivision as defined in § ZS 1-103 hereof shall not be considered a major subdivision. ~~When counting the number of lots for purposes of determining the number of lots created, a parcel of land owned in fee simple by a bona fide, perpetual conservation entity, as determined by the Department, shall not be counted as a lot in determining the number of lots, provided that such lot has been created or transferred for conservation purposes and is required to perpetually remain as a conservation area. It is not required that at the time of its creation, it be transferred to a bona fide conservation entity provided that between the time of its creation and the time of its transfer to the bona fide conservation entity, no development of any kind has taken place thereon other than conservation.~~ ANY UNDEVELOPED LOT TRANSFERRED AT ANY TIME TO A BONA FIDE CONSERVATION ENTITY FOR THE PURPOSE OF PERPETUAL PROTECTION, AS DETERMINED BY THE DEPARTMENT, SHALL NOT BE COUNTED AS A LOT WHEN DETERMINING THE NUMBER OF SUBDIVISIONS OF A PROPERTY.

SUBDIVISION, MINOR -- Any subdivision which is not a major subdivision as herein defined and which creates up to but not more than five lots out of what was a single parcel of land as of July 25, 1967. For the purposes of this Article a rural cluster subdivision as defined in § ZS 1-103 hereof shall be considered a minor subdivision. ~~When counting the number of lots for purposes of determining the number of lots created, a parcel of land owned in fee simple by a bona fide, perpetual conservation entity, as determined by the Department, shall not be counted as a lot in determining the number of lots, provided that such lot has been created or transferred for conservation purposes and is required to~~

~~perpetually remain as a conservation area. It is not required that at the time of its creation, it be transferred to a bona fide conservation entity, provided that between the time of its creation and the time of its transfer to the bona fide conservation entity, no development of any kind has taken place thereon other than conservation.~~ ANY UNDEVELOPED LOT TRANSFERRED AT ANY TIME TO A BONA FIDE CONSERVATION ENTITY FOR THE PURPOSE OF PERPETUAL PROTECTION, AS DETERMINED BY THE DEPARTMENT, SHALL NOT BE COUNTED AS A LOT WHEN DETERMINING THE NUMBER OF SUBDIVISIONS OF A PROPERTY.

SUBDIVISION REGULATIONS -- The Worcester County Subdivision Regulations, as may be in effect.

(b) Review procedure.

- (1) Subdivisions as permitted uses. Subdivisions listed as permitted principal uses in the district regulations are subject to and reviewed under the provisions of Title 2, Subdivision Regulations.
- (2) Subdivisions as residential planned communities. All subdivisions containing more than twenty residential units shall be subject to and developed as major residential planned communities in accordance with the provisions of § ZS1-315 hereof. Subdivisions of twenty or fewer residential units may be developed as a minor residential planned community in accordance with the provisions of § ZS 1-315 hereof.
- (3) Subdivisions as special exceptions.
 - A. Subdivisions listed as special exceptions shall be reviewed under both this Title and Title 2, Subdivision Regulations. In such cases, the subdivision shall first be reviewed under this Title as a special exception by the Board of Zoning Appeals in accordance with the provisions of § ZS 1-116 hereof.
 1. In addition to the requirements of § ZS 1-116 hereof, the applicant shall submit a site plan showing the following information:
 - (i) General data: the name of the subdivision, name and address of the property owner, total acreage, North arrow, scale and present zoning classification.
 - (ii) Vicinity map: the location of adjoining properties, location of adjoining roads, bodies of water, towns and other significant physical features within not more than one mile.
 - (iii) General layout: tract boundaries, the location of existing and proposed roads, the layout and size of proposed lots, easements, drainage courses, general topography, utility service, vegetation, means of providing water and sewage disposal service and other significant features of the proposed project.
 2. The applicant shall also submit a written statement explaining how the subdivision meets the review standards of § ZS 1-116(c)(3) and Subsection (b)(3)B hereof.
 - B. The Board shall not grant a special exception unless it finds that the subdivision meets each of the following criteria:
 1. The review standards specified in § ZS 1-116(c)(3) hereof.

2. That it is unlikely for the subdivision to be adversely affected by normal agricultural or timbering operations or conservation practices in the area, including the effects of odor, noise, dust, glare, etc., as may be generated by the farming or timbering operations.
3. That it is unlikely for agriculture, timbering, conservation or permitted agricultural, timbering or conservation activities in the area to be adversely affected or restricted by virtue of the subdivision.
4. That the subdivision would not take a significant amount of valuable conservation, farm or timber land out of production.
5. That the subdivision would not seriously detract from the area's rural, natural or open space character by the intrusion of residential, commercial or industrial development.

C. The Board of Zoning Appeals approval of a subdivision as a special exception shall be conditional upon the applicant's submitting the subdivision to the ~~Planning Commission~~ DEPARTMENT for review under Title 2, Subdivision Regulations, and ~~receipt of the Planning Commission's final approval of such subdivision~~ RECORDATION OF THE SUBDIVISION PLAT within two years from the date of the Board's granting the conditional approval. However, the Board may authorize a single one-year extension of the time limit upon the written request of the applicant. Failure of the applicant to ~~secure Planning Commission final approval~~ RECORD THE PLAT within the allotted time period shall render the Board's conditional approval of the special exception void and further consideration shall require a reapplication.

(4) DIVISIONS OF LAND FOR AGRICULTURAL PURPOSES ARE SUBJECT TO AND REVIEWED UNDER THE PROVISIONS OF TITLE 2, SUBDIVISION REGULATIONS, UNLESS EXEMPTED PURSUANT TO THE PROVISIONS OF § ZS 2-201(B)(1) HEREOF. FURTHERMORE, SUCH DIVISIONS SHALL CREATE NO MORE THAN FIVE PARCELS, NONE OF WHICH CAN BE LESS THAN FIVE ACRES IN SIZE, INCLUDING THE REMAINING PORTION OF THE ORIGINAL PARCEL. ANY PARCELS SO CREATED SHALL NOT BE USED FOR RESIDENTIAL PURPOSES IN ANY FASHION, EITHER AS A PERMITTED USE, A SPECIAL EXCEPTION USE OR AS AN ACCESSORY USE. THE PLANNING COMMISSION OR DEPARTMENT MAY PLACE RESTRICTIONS ON THE USE OF ANY LAND SO DIVIDED TO ENSURE COMPLIANCE WITH THE INTENT OF THIS TITLE.

(c) Requirement for subdivision approval and compliance with regulations. Major and minor subdivisions are permitted only as set forth in this Title and, unless specifically permitted, are prohibited. Where any use is permitted in this Title, it is permitted subject to subdivision requirements and approval where required hereby or by Title 2, Subdivision Regulations.

§ ZS 1-312. Two-family and multifamily development.

(a) Generally. When more than one two-family or multifamily building is constructed on a lot, the applicable lot, road frontage and off-street parking requirements may be applied to the development as a whole. Any two-family and multifamily development containing twenty or fewer dwelling units shall be subject to the provisions of § ZS 1-325 hereof but may be developed as a minor residential planned community in accordance with the provisions of § ZS1-315 hereof. Those containing more than twenty residential units shall be subject to and developed as a major residential planned community in accordance with the provisions of §

ZS 1-315 hereof.

- (b) Additional provisions. In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all two-family and multifamily developments:
- (1) All ~~resident~~ parking areas AND WALKWAYS ~~for five or more vehicles~~ shall be lighted.
 - (2) Landscaped open space equal to not less than thirty percent of the total lot area of the development shall be provided. Such open space may be composed of both individual and common open space but shall not include utility and other service areas, roads and off-street parking and loading areas, except underground utility areas. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas. Within such landscaped open space there shall be provided commonly owned areas to serve as recreational areas for games, sports, social gatherings, etc. This recreational area shall be not less than three hundred square feet per dwelling unit for the first fifty units; an additional two hundred square feet per dwelling unit shall be provided for any units in excess of fifty units. No recreational area shall be required to exceed thirty percent of the total area of the development. Such recreational areas shall consist of contiguous lands not containing any wetlands, tidal or nontidal, and be of sufficient configuration as determined by the Planning Commission that they can suitably function for the purpose stated herein. All recreational areas shall be separated from any adjacent vehicular travelway or parking area by a vegetated or manmade barrier. Proposed recreational areas must be specified on the site plan for review and approval by the Planning Commission.
 - (3) Landscaping of setback areas and buffering of perimeter property lines shall be in accordance with the provisions of § ZS 1-322 hereof.
 - (4) No principal building shall be located less than ten feet from any other principal building, and no accessory building shall be located less than six feet from any principal or other accessory building.
 - (5) All interior roads and parking areas and interior collector roads, as determined by the Planning Commission, and all access points to the public road system shall be in accordance with County road standards.
 - (6) In granting site plan approval under § ZS 1-325 hereof, the Technical Review Committee or Planning Commission may require such additional conditions or make such modifications to the project as deemed necessary to ensure full compliance with the provisions and intent of this Title.
 - (7) If the project is to be subdivided, no building permit shall be issued nor construction begun until the project has fully complied with the provisions of Title 2, Subdivision Regulations. The ~~Planning~~ Department may accept the submission required under § ZS 1-325 hereof in lieu of the sketch plan submission provided for in Title 2, Subdivision Regulations.
 - (8) In the case of phased projects, each phase shall stand on its own in terms of compliance with this Title.

§ ZS 1-313. Townhouses.

- (a) Generally. The following general provisions shall apply to all townhouse developments:

- (1) The lot, road frontage and off-street parking requirements for townhouses may be applied to the townhouse development as a whole, except that no principal structure shall be located within twenty-five feet of any perimeter property line or public road right-of-way.
 - (2) Any townhouse development containing twenty or fewer dwelling units shall be subject to the provisions of § ZS 1-325 hereof but may be developed as a minor residential planned community in accordance with the provisions of § ZS1-315 hereof. Those containing more than twenty residential units shall be subject to and developed as a major residential planned community in accordance with the provisions of § ZS 1-315 hereof.
- (b) Additional provisions. In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all townhouse developments:
- (1) No series of attached townhouse units shall contain more than ten such units nor exceed two hundred feet in length.
 - (2) Maximum lot coverage for a townhouse unit and all improvements within the building envelope shall not exceed sixty percent of the lot area.
 - (3) ~~When more than one series of attached townhouse units is constructed, external~~ Walkways and parking areas shall be lighted.
 - (4) When more than one series of attached townhouse units is constructed, no series shall be located less than ten feet from any other principal building.
 - (5) No townhouse unit shall be permitted to have direct access to any public road.
 - (6) Parking areas may be provided along the private interior roads of the development, but in no case shall any parking space be designed to permit backing into any public road right-of-way.
 - (7) All interior roads and parking areas and all access points to the public road system shall be reviewed in accordance with County road standards.
 - (8) Landscaped open space equal to not less than thirty percent of the total lot area of the development shall be provided. Such open space may be composed of both individual and common open space but shall not include utility and other service areas, roads and off-street parking and loading areas, except underground utility areas. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas. Within such landscaped open space there shall be provided commonly owned areas to serve as recreational areas for games, sports, social gatherings, etc. Such recreational areas shall consist of contiguous lands not containing any wetlands, either tidal or nontidal, and be of sufficient configuration as determined by the Planning Commission that they can suitably function for the purpose stated above. All recreational areas shall be separated from any adjacent vehicular travelway or parking area by a vegetated or manmade barrier. Proposed recreational areas must be specified on the site plan for review and approval by the Planning Commission and shall be in accordance with the following ratios for the cumulative total of dwelling units within the development:
 - A. For one to five dwelling units, at least one thousand square feet of recreational area shall be required.
 - B. For six to ten dwelling units, at least two thousand five hundred square feet of recreational area shall be provided.

- C. For eleven to twenty dwelling units, at least seven thousand five hundred square feet of recreational area shall be provided.
 - D. For twenty-one to thirty-five dwelling units, at least ten thousand square feet of recreational area shall be provided.
 - E. For thirty-six to fifty dwelling units, at least fifteen thousand square feet of recreational area shall be provided.
 - F. For fifty-one or more dwelling units, at least fifteen thousand square feet of recreational area plus two hundred square feet per dwelling unit in excess of fifty shall be provided.
 - G. No recreational area shall be required to exceed twenty-five percent of the total area of the development.
- (9) Landscaping of setback areas for the development and buffering of perimeter property lines shall be in accordance with the provisions of § ZS 1-322 hereof.
 - (10) In granting site plan approval under § ZS 1-325 hereof, the Planning Commission may attach such additional conditions or make such modifications to the project as it deems necessary to ensure full compliance with the provisions and intent of this Title.
 - (11) If the project is to involve subdivision, no building permit shall be issued nor construction begun until the project has fully complied with the provisions of Title 2, Subdivision Regulations. The Planning Commission may accept the submission required under § ZS 1-325 hereof in lieu of the sketch plan submission provided for in Title 2, Subdivision Regulations.

§ ZS 1-314. Manufactured and mobile homes and manufactured and mobile home parks.

- (a) Manufactured and mobile homes generally. No manufactured or mobile home, whether placed singly upon an individual lot or placed in a manufactured or mobile home park, shall be located in any district except in conformity with the following provisions:
 - (1) No manufactured or mobile home, wherever located, shall be used as a residence except in compliance with all requirements as to water supply and wastewater disposal.
 - (2) The use of manufactured or mobile homes is prohibited except where specifically ~~mentioned~~ ALLOWED in the district regulations.
 - (3) Any portion of a manufactured or mobile home, excluding the tongue, shall not be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.
 - (4) Only one manufactured or mobile home may be placed on any lot, unless otherwise specifically provided herein.
 - (5) All manufactured or mobile home units shall be securely anchored to the ground and fully skirted with a durable material as approved by the Department.
 - (6) No manufactured or mobile home shall be parked overnight on any public road, public park, public boat landing or other public place, except in an emergency or in areas specified for such use.

- (7) No person shall place, replace or enlarge a manufactured or mobile home on an individual lot or in a manufactured or mobile home park without first securing a building permit authorizing such placement or replacement.
 - (8) All manufactured or mobile home units shall be subject to the off-street parking provisions of § ZS 1-320 hereof.
 - (9) No manufactured or mobile home or addition thereto for nonresidential purposes shall exceed either fifteen feet or one story in height.
- (b) Standards for manufactured homes. Where a manufactured home is allowed as a principal permitted use by the district regulations in accordance with this Subsection it must meet the following criteria:
- (1) The manufactured home must be comprised of multiple sections and have at least one thousand square feet in gross floor area and a minimum depth of at least twenty feet as measured from front outside wall to rear outside wall.
 - (2) The manufactured home must be placed on a continuous foundation constructed of concrete masonry units, brick or poured concrete without any openings other than those required for access, ventilation or flood equalization by the terms of the building code.
 - (3) The minimum pitch of the main roof shall not be less than five inches of rise for every one foot of horizontal run and shall have a minimum of a twelve inch overhang beyond all exterior walls. Any roofing material commonly used for site built dwellings shall be acceptable.
 - (4) The manufactured home shall have siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit down to the top of the perimeter foundation. The exterior siding must have the same appearance and be constructed of the same materials and systems commonly used for site built dwellings. The manufactured home shall not have siding composed of metal panels or sheets installed in a vertical orientation.
 - (5) All transportation equipment, including hitches, tongues, axles and wheels, shall be removed upon delivery of the manufactured home to the site.
- (c) Manufactured and mobile home parks generally. In addition to the provisions of Subsection (a) hereof, all manufactured and mobile home parks, regardless of their form of ownership, shall conform to the following additional provisions:
- (1) Every application for a manufactured or mobile home park shall be subject to review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof.
 - (2) Minimum lot requirements for the manufactured or mobile home park shall be: lot area, eighty thousand square feet; maximum density, six manufactured or mobile homes per net acre; lot width, two hundred feet; front yard setback, thirty-five feet (see § ZS 1-305(b) hereof); and each side yard and rear yard setback, fifty feet if abutting an A, E, V, R or RP District or thirty feet if abutting a C, I or CM District, except that the thirty feet may be reduced to fifteen feet if the manufactured or mobile home park is screened from abutting property by a solid fence or solid wall at least six feet high [see limiting provisions of § ZS 1-305(k)(3) hereof] and landscaped in accordance with the provisions of § ZS 1-322 hereof.
 - (3) Required yards for the manufactured or mobile home park shall be landscaped with trees, shrubs, ornamental walls or fences in accordance with § ZS 1-322 hereof.

- (4) Each manufactured or mobile home site, plot or location shall meet the following minimum requirements:
- A. For any manufactured or mobile home or addition thereto not exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard and rear yard setback, five feet.
 - B. For any manufactured or mobile home or addition thereto exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; each side yard, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.
- (5) Accessory buildings may not be located in the front yard setback nor less than six feet from any other property line nor separated by less than six feet from any other manufactured or mobile home or structure on the same lot or any other lot. ~~No AN accessory building may~~ SHALL NOT be used for human habitation or sleeping quarters. ~~No accessory building may~~ AND SHALL NOT contain ANY plumbing or plumbing fixtures.
- (6) Only amenities which are noncommercial and purely incidental and subordinate to the operation of the manufactured or mobile home park and intended only for its occupants shall be permitted.
- (7) In a manufactured or mobile home park, not less than twenty-five percent of the park shall be devoted to common use open space and recreational areas. Such areas must be landscaped in accordance with § ZS 1-322 hereof and may include recreational facilities but shall not include utility and other service areas, roads and off-street parking and loading areas, except underground utility areas. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas. Within such common use open space there shall be provided commonly owned areas to serve as recreational areas for games, sports, social gatherings, etc. for residents of the park. One recreational area shall be required for each ~~fifty~~ TWENTY-FIVE manufactured or mobile home sites or fraction thereof within the park. Recreational areas shall be a minimum of five thousand square feet in area each. Where more than one recreational area is required, they may be consolidated. Such recreational areas shall consist of contiguous lands not containing any wetlands, tidal or nontidal, and be of sufficient configuration as determined by the Planning Commission that they can suitably function for the purpose stated above. All recreational areas shall be separated from any adjacent vehicular travelway or parking area by a vegetated or manmade barrier. Proposed recreational areas must be specified on the site plan for review and approval by the Planning Commission.
- (8) Boundary lines for the manufactured or mobile home park and the boundary lines for the individual manufactured or mobile home sites shall be monumented in accordance with the provisions of Title 2, Subdivision Regulations.
- (9) All enlargements or extensions to existing manufactured or mobile home parks shall require site plan review and approval in accordance with § ZS 1-325 hereof. The

Planning Commission may require the existing portion of the park to comply with all or part of the provisions of this Title if the Planning Commission deems such to be desirable and economically feasible.

- (10) Approved water supply and wastewater disposal systems shall be provided to each manufactured or mobile home site.
- (11) Prior to site plan approval for a manufactured or mobile home park, the Department of Public Works has reviewed and approved the proposed design and construction of the park's roads and the associated drainage facilities. All roads in manufactured or mobile home parks shall comply with the roads standards for campground subdivisions.
- (12) In the approval of a site plan for a manufactured or mobile home park, the Planning Commission may require special conditions to be met, such as additional setback requirements, additional landscaping, sidewalks, drainage facilities, traffic control and deed restrictions, in order to safeguard the general health, safety and welfare of the public.
- (d) Park trailers in existing manufactured and mobile home parks. Where the area and/or dimensions of a lot or lots within a manufactured or mobile home park which has existed since prior to the adoption date of this Title would preclude the use of the lot by any current commercially available manufactured or mobile home as determined by the Department, a park trailer which measures four hundred square feet or greater, exclusive of any additions, may be permitted to be placed on the lot.
- (e) Existing nonconforming manufactured and mobile home parks. Within the district and under the provisions established by this Title there may exist manufactured and mobile home parks which were lawful when established but which are prohibited or restricted under the terms of this Title. It is the intent of this Title to permit these existing nonconforming manufactured and mobile home parks to continue subject to the following provisions:
 - (1) Lawfully existing manufactured or mobile homes in the park shall not be deemed nonconforming structures in such district but shall without further action be considered conforming structures.
 - (2) A manufactured or mobile home may be placed or replaced on any previously approved manufactured or mobile home site within the park. However, where the replacement manufactured home exceeds fifteen feet or one story in height, it must be in accordance with the provisions of Subsection (c)(4)B hereof.
 - (3) Customary incidental accessory structures may be erected on any previously approved manufactured or mobile home site within the park.
 - (4) Manufactured or mobile homes within the manufactured or mobile home park shall comply with the provisions of Subsections (a) and (c)(4)B hereof.
- (f) Cooperative manufactured and mobile home parks.
 - (1) No new cooperative manufactured or mobile home parks shall be permitted except as provided for in Subsections (f)(3) and (f)(4) hereof.
 - (2) In addition to the provisions of Subsections (a) and (c) hereof, the following provisions apply to all cooperative manufactured and mobile home parks:
 - A. Words as used herein where defined in § 5-6B-01 of the Corporations and Associations Article of the Annotated Code of Maryland, as from time to

time amended, shall be defined as therein set forth.

- B For any manufactured or mobile home or addition thereto the following requirements shall apply:
1. Where the manufactured or mobile home or addition thereto does not exceed fifteen feet or one story in height in a nonconforming manufactured or mobile home park, no portion of a manufactured or mobile home, excluding the tongue, shall be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.
 2. Where the manufactured or mobile home or addition thereto does not exceed fifteen feet or one story in height in a conforming manufactured or mobile home park, the minimum lot requirements shall be: Manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and side and rear yard setback, five feet.
 3. For any manufactured or mobile home or addition thereto exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; each side yard, five feet; and rear yard setback, twenty feet. In addition, all manufactured or mobile home park roads and incidental drainage must comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Adequate easements or rights-of-way for utilities shall be provided.
- C. Cooperative manufactured and mobile home parks shall comply with all Department of Health and Mental Hygiene and Department of Development Review and Permitting regulations and other requirements prescribed by law or regulations for such use.
- D. All cooperative manufactured and mobile home parks must have a central sewage collection and disposal system. Sewage effluent disposal fields and adequate reserve areas must be provided for in the common areas. In no case shall a subsurface disposal field or reserve area be contained within the boundaries of any lot.
- E. The documents establishing the cooperative manufactured or mobile home park shall provide for a managing person or board having the authority to assess the units in the project for the purpose of raising the necessary funds to maintain the common areas and common improvements within the boundaries of the cooperative manufactured or mobile home park, including without limitation all improvements, recreational facilities, wastewater systems, water systems, streets, and roads, the authority to collect such assessments and the responsibility to maintain any such amenities.
- F. It is the intent of this Section to provide a mechanism whereby those manufactured or mobile home parks permitted to be established as cooperative manufactured or mobile home parks herein and which have some degree of nonconformity enjoy the benefit of § ZS 1-122 hereof and be entitled to retain the benefits of such Section despite their formation into cooperative manufactured or mobile home parks and further to ensure

compliance with the provisions of this Subsection to provide for the health, safety and welfare of the people of Worcester County and the occupants of such manufactured or mobile home parks.

- G. Cooperative manufactured and mobile home parks shall be inspected annually to determine compliance with the provisions hereof. Any violations on individual lots shall be deemed to be the responsibility of both the cooperative shareholder and the collective ownership organization and enforcement actions against both may be taken.
- H. Prior to the occupancy or use of any lot or unit in a cooperative manufactured or mobile home park, a zoning certificate certifying that all of the requirements of this Section have been fully and completely complied with must be obtained from the Department. Any such zoning certificate shall be for the entire park, including all lots or units within the park, and may be revocable at any time as to any lot or unit in the park or as to the entire park upon not less than ten days written notice, providing an opportunity to be heard, given, in the case of an individual lot or unit, to the owner or, in the case of an entire park, to the authority responsible for the park. Upon revocation of the zoning certificate, the lot or unit or, in the case of an entire park, the park may no longer be used as a cooperative manufactured or mobile home park until it is in full compliance and a new zoning certificate is issued.

(3) Conversion of existing rental manufactured and mobile home parks.

- A. A rental manufactured or mobile home park legally existing as of October 19, 2004 may be converted to a cooperative manufactured or mobile home park in accordance with the procedures and requirements of this Title.
 - 1. Unless expanded pursuant to this Title, the rental manufactured or mobile home park cannot contain more sites than those legally existing as of October 19, 2004.
 - 2. When the area and/or dimensions of a lot or lots within a manufactured or mobile home park which has existed since prior to the adoption date of this Title would preclude the use of the lot by any current commercially available manufactured or mobile home as determined by the Department, a park trailer which measures four hundred square feet or greater, exclusive of any additions, may be permitted to be placed on the lot.
 - 3. Within the district and under the provisions established by this Title there may exist manufactured or mobile home parks which were lawful when established but which are prohibited or restricted under the terms of this Title. It is the intent of this Title to permit these existing nonconforming manufactured or mobile home parks to be converted to cooperative manufactured or mobile home parks subject to the following provisions:
 - (i) Lawfully existing manufactured or mobile homes in the cooperative manufactured or mobile home park shall not be deemed nonconforming structures in such district but shall without further action be considered conforming structures WITH RESPECT TO THEIR USE ONLY.
 - (ii) A manufactured or mobile home may be placed or replaced on any lot within the cooperative manufactured or mobile

home park in accordance with the provisions of Subsections (c)(4)A and (c)(4)B hereof.

- (iii) Customary incidental accessory structures may be erected on any lot within the cooperative manufactured or mobile home park.

- 4. At the time of conversion to a cooperative manufactured or mobile home park, the manufactured or mobile home park must possess all required permits, approvals and licenses from the Maryland Department of Health and Mental Hygiene, the Worcester County Health Department and the Department of Development Review and Permitting.

- B. The procedure for the approval of the conversion of an existing rental manufactured or mobile home park into a cooperative manufactured or mobile home park shall be as follows:

- 1. The developer shall submit a recordable plat along with two copies thereof to the Department and pay a fee as established by the County Commissioners. The plat shall include a boundary survey of the proposed cooperative manufactured or mobile home park in its entirety, a boundary survey of the individual lots which are intended to be the units thereof, and a location survey of all improvements, including recreational facilities, streets and roads, and, schematically, any proposed improvements not yet constructed within the proposed cooperative manufactured or mobile home park. It shall also comply with the following:

- (i) It shall be drawn on sheets not smaller than eight and one-half inches by eleven inches and not larger than twenty-four by thirty-six inches. If more than one sheet is used, an index sheet or key map shall show the entire proposed cooperative manufactured or mobile home park, with individual sheets keyed in numerical order.
- (ii) It shall be prepared by a professional land surveyor or property line surveyor registered in the State of Maryland and shall be drawn to scale.
- (iii) It shall contain the following information:
 - a. The name of the cooperative manufactured or mobile home park, which may not be identical to or confusingly similar to the name of any existing subdivision or manufactured or mobile home park in the County.
 - b. The signatures and names of all owner(s), said names to be printed below the signature line(s).
 - c. The signature, name, registration number, seal and mailing address of the surveyor responsible for the plat.
 - d. The date of the original preparation of the plat and dates of any revisions.

- e. A North arrow, such that it is oriented towards the top of the page.
- f. A graphic scale.
- g. A vicinity map with appropriate data identifying the general location of the park.
- h. The pertinent Chesapeake or Atlantic Coastal Bays Critical Area designation AND THE DELINEATION OF THE ONE-HUNDRED-YEAR FLOODPLAIN, if applicable.
- i. The boundary lines for each lot, unit or lot created, including the gross area. Boundary lines shall be drawn to scale and shall be marked, locatable and maintained in the field. Adequate control points shall be provided on the ground such that the boundaries of each site are verifiable. In no case shall such control points be located more than three hundred feet apart.
- j. The names of abutting roads or rights-of-way, if any, including the right-of-way width as listed with the Worcester County Department of Public Works, Roads Division, or the Maryland State Highway Administration.
- k. The location, width, use and ownership of any rights-of-way or easements within the cooperative manufactured or mobile home park.
- l. The deed reference for the parcel being converted.
- m. The tax map and parcel number of the parcel being converted.
- n. The following statement shall appear on the plat:
"Based upon the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel Number 240083-_____, dated _____, this property is located in zone _____."
- o. The following statements, either on the plat or attached to the plat, shall be provided and signature blocks and statements of public agencies shall also be provided where required:
 - i. "The grant of a permit or approval of this park shall not constitute a representation, guaranty or warranty of any kind by Worcester County or by any official or employee thereof of the practicability, buildability or safety of any occupancy of the proposed use and shall create no liability upon the County, its officials or employees."
 - ii. "Any approval by the Department of the Environment of any sewer or water system or

suitability thereof is based upon State and County standards existing as of the date of approval. Such standards are subject to change and current standards must always be met for occupancy."

2. The developer shall submit a set of the proposed documents establishing the cooperative housing corporation and the cooperative manufactured or mobile home park to the Department.
 3. The Department shall review the submittals and if the plat contains the information required herein and the cooperative manufactured or mobile home park complies with the requirements herein, the Department shall sign the plat as approved. The plat shall also be submitted by the Department to the Department of Environmental Programs for approval pursuant to the Department of Health and Mental Hygiene regulations. Upon approval it shall be signed by the Director of Environmental Programs evidencing approval of the sewer and water system.
 4. Once approved and signed by the Department and by the Department of Environmental Programs, the plat shall be recorded among the land records of Worcester County at the time of the establishment of the cooperative manufactured or mobile home park and a copy as recorded with recording references shall be delivered to the Department by the developer. The aforementioned signatures shall be sufficient to constitute County approval for purposes of recording.
 5. The units of the cooperative manufactured or mobile home park shall be the lots as shown on the plat. Lot lines of the lots shall be as delineated on the plat and shall be clearly marked and maintained in the field.
- (4) Expanded or enlarged cooperative manufactured or mobile home parks.
- A. All expansions or additions to existing cooperative manufactured or mobile home parks shall comply the following regulatory requirements, in addition to those contained in Subsections (f)(1) and (f)(2) hereof, shall apply.
 - B. Where manufactured or mobile home parks are allowed by special exception and for all expansions or enlargements of an existing nonconforming cooperative manufactured or mobile home park pursuant to § ZS 1-122 hereof, the special exception application shall be accompanied by a conceptual site plan as required in § ZS 1-116 hereof. The Board of Zoning Appeals shall review the application for special exception in concept only. In granting a special exception for an expansion or addition of a cooperative manufactured or mobile home park, the Board of Zoning Appeals may require that the existing portion of the manufactured or mobile home park comply with all or some of the provisions imposed on the expanded or added area as part of the approval.
 - C. All expanded or enlarged cooperative manufactured or mobile home parks shall be subject to site plan review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof. In the approval of a site plan for a cooperative manufactured or mobile home park, the Planning Commission may require special conditions to be met, such as additional setback requirements, additional landscaping, sidewalks, drainage

facilities, traffic control and deed restrictions, in order to safeguard the general health, safety and welfare of the public.

- D. Once the aforementioned site plan has been reviewed and approved by the Planning Commission, the developer shall submit a recordable plat and the proposed documents establishing the cooperative manufactured or mobile home park, said plat and documents to be in accordance with Subsection (f)(3)B hereof and to follow the same procedural format.
- E. No site plan or plat approval for a cooperative manufactured or mobile home park shall be granted until the Department of Public Works, Roads Division, has reviewed and approved the proposed design and construction of the park's roads, parking and drainage facilities and the placement of the manufactured or mobile home units in relation to such facilities. All roads in cooperative manufactured or mobile home parks shall comply with the roads standards for campground subdivisions. All roads in cooperative manufactured or mobile home parks shall be private and shall not be accepted by the County Commissioners for maintenance. Adequate easements or rights-of-way for utilities shall be provided.

§ ZS 1-315. RPC residential planned communities.

- (a) Purpose and intent. Residential planned communities are intended to encourage the best possible design of building forms and site planning for tracts of land under a unified plan of development. Holistic control over an entire development, rather than lot-by-lot regulation, and flexibility in requirements is intended to produce a well-designed development that will provide a variety of housing types, preserve open space and natural vegetation for scenic and recreational uses, reduce impervious surfaces, and have a beneficial effect upon the health, safety and general welfare of the people of the County. The regulations established in this Section allow flexibility and thus permit and encourage more imaginative and environmentally sensitive development. To ensure that a residential planned community shall conform to the character and nature of the District in which it is located, achieve a maximum of coordination between the residential planned community and neighboring land uses, promote the intent and purposes of this Title and encourage the most appropriate use of land within the area of the residential planned community, specific and additional standards are established as set forth in this Section.
- (b) Classification, location and area requirements. Residential planned communities shall be reviewed and approved by the pertinent body and shall be designated as either minor or major. Major residential planned communities shall be established as floating zones by the County Commissioners. Minor residential planned communities shall be defined as those having twenty or fewer residential units while major residential planned communities shall be those having more than twenty residential units. A series of separate minor residential planned communities created from the same parcel as it existed on the effective date hereof shall be considered a major residential planned community when the cumulative effect of such separate residential planned communities meets the criteria of a major residential planned community. Residential planned communities may be permitted in accordance with the provisions hereof in the E-1, V-1, R-1, R-2, R-3 and R-4 Districts. Land zoned RP which is within the boundaries of the property subjected to a residential planned community may be included within the residential planned community boundaries. Land within the boundaries of the residential planned community which is located in any C or CM District may be included in the residential planned community if the area of the C or CM District does not exceed five percent of the area of the residential planned community.
- (c) Permitted uses and structures. The following uses and structures may be permitted in a residential planned community:

- (1) Minor residential planned communities: Permitted principal uses and structures shall be limited to the permitted principal uses and accessory uses allowed by the district regulations of the underlying zoning district. Any use allowed by special exception is permitted in a minor residential planned community provided the approval of the Board of Zoning Appeals is obtained. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal uses cited in the C-1 Neighborhood Commercial District regulations.
 - (2) Major residential planned communities: Permitted principal uses and structures shall be the permitted principal uses, special exception uses and accessory uses allowed by the R-4 General Residential District, regardless of the underlying zoning district. Residential units may be located in, over or as a part of buildings or structures also used for commercial purposes. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal and special exception uses cited in the C-2 General Commercial District regulations. Uses cited as special exceptions uses shall not require approval by the Board of Zoning Appeals.
 - (3) Any use or structure which is determined by the County Commissioners to be of the same general character as the above-permitted uses or accessory uses not specifically mentioned in another district but are deemed by the County Commissioners to be compatible with the character and intent of the residential planned community.
- (d) Area limitations for uses. Within a residential planned community, the following percentages of the total gross lot area [as defined in § ZS 1-305(a) hereof] but excluding State wetlands [as defined in § ZS 1-103(b) hereof] shall be devoted to the following uses:
- (1) For minor residential planned communities:
 - A. Retail and service uses: A maximum of five percent and limited to the permitted principal uses cited in the C-1 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
 - B. Common use open space and recreational areas: While a minimum percentage is not required, common use open space and recreational areas are encouraged. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
 - C. Residential uses: There is no maximum percentage. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or groups of residences.
 - (2) For major residential planned communities:
 - A. Retail and service uses: A maximum of twenty percent and limited to the permitted principal and special exception uses cited in the C-2 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
 - B. Common use open space and recreational areas: A minimum of thirty percent and in accordance with the following provisions and requirements:
 1. Open space shall be limited to such items as conservation, agricultural and timber growing areas. Where possible, those areas

contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.

2. Recreational areas shall be limited to public and private noncommercial social and recreational areas, public and private (commercial and noncommercial) golf courses, private (noncommercial) marinas and playgrounds.
3. The terms "open space" and "recreational areas" shall not include space devoted to roads and parking.
4. Reasonable restrictions and fees may be placed upon the use of active recreation areas.
5. Requirements for open space and recreational areas shall be as follows:
 - (i) A minimum of fifty percent of the required open space and recreational area must be perpetual open space.
 - (ii) A minimum of twenty percent of the required open space and recreational area must be for active recreation.
 - (iii) A minimum of ten percent of the required open space and recreational area must be for passive recreation.
 - (iv) A maximum of fifty percent of the required open space and recreational area may be private wetlands.
 - (v) Active and passive recreation areas must be dedicated and developed as such.

C. Residential uses: A maximum of seventy percent. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or groups of residences but may not include usable open space or recreational areas.

(e) Residential density. The maximum number of residential units which may be permitted in a residential planned community in areas other than those designated as Growth Areas by the Land Use chapter of the Comprehensive Plan shall be as follows. Major fractions of units may be counted as a full unit.

- (1) In the E-1 District, one unit per two acres of the total gross lot area exclusive of any land in the RP, C or CM Districts.
- (2) In the V-1 District, five units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
- (3) In the R-1 District, one unit per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
- (4) In the R-2 District, four units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
- (5) In the R-3 District, six units per one acre of the total gross lot area exclusive of any

land in the RP, C or CM Districts.

- (6) In the R-4 District, eight units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
- (7) Land in the RP, C or CM Districts may be included within the residential planned community in accordance with (b) hereof but the acreage of such land may not be included within the total lot area used for the calculation of permitted density.
- (f) Residential planned communities in areas designated as Growth Areas by the Land Use chapter of the Comprehensive Plan. Such projects shall promote mixed-use community centers with declining density toward the perimeter, thus creating a center, an edge and a variety of housing types in between. The average residential density shall be no less than three and one-half dwelling units per acre of the total lot area used for residential, open space and recreation purposes. The core should provide a maximum density of up to ten dwelling units per acre and mixed uses to provide commercial services to meet the residents' and visitors' needs and various housing types. Maximum lot sizes at the project's core shall not exceed five thousand square feet. Residential densities shall decrease as one moves away from the core, to a perimeter density of not more than one dwelling unit per acre. Maximum lot sizes at the project's perimeter shall not exceed twenty thousand square feet. A surrounding natural forested or agricultural greenway should be the outermost perimeter of the residential planned community in order to blend into the surrounding landscape.
- (g) Lot, road and parking requirements. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission. No structure or group of structures, such as semidetached dwellings or a row of townhouses, shall be erected within ten feet of any other structure or group of structures. The supplemental regulations contained in Subtitle III hereof shall apply. All roads, parking areas and access points shall meet County standards. However, in those areas designated for commercial uses, the parking space dimensions of not less than sixty percent of the required parking shall measure not less than ten feet in width and eighteen feet in length. The parking space dimensions of not more than forty percent of the required parking shall measure not less than nine feet in width and eighteen feet in length.
- (h) Height regulations. Buildings and structures within two hundred feet of the development perimeter shall be limited to the maximum height permitted by the underlying zoning district. All other buildings in the residential planned community shall be limited to a maximum height of ~~eight~~ SIX stories and ~~one hundred~~ SEVENTY feet. No accessory structure shall exceed either two stories or twenty-five feet in height.
- (i) Other regulations. In regulating the development of a residential planned community, the provisions of this Section shall first apply. When a matter is not specifically regulated by this Section, the other provisions of this Title and of the underlying zoning district in which the residential planned community is located shall apply.
- (j) General design standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply to all residential planned communities:
 - (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, flood plains, source water and aquifer recharge protection areas, areas of critical or special habitat and other important environmental features.
 - (2) Particularly for major residential planned communities, provide clustered, mixed use

(where appropriate), pedestrian-scale development, preferably taking its design guidance in terms of scale, layout, uses, architectural style and landscaping from existing County towns and villages, to allow convenient access to products and services, improve community vitality and diminish the need for vehicle trips.

- (3) Cluster residential and commercial land uses to minimize the consumption of vacant lands, maximize open space and reduce impervious surfaces.
- (4) Limit the use of culs-de-sac and dead end streets and instead promote street, trail and sidewalk connectivity to reduce vehicle miles traveled and improve community walkability.
- (5) Preserve existing forested areas and natural areas as greenways within and around developments for environmental and recreational purposes and to blend the manmade and natural environments.

(k) Review and approval procedure.

- (1) For minor residential planned communities: Review and approval shall take place in two steps. The first step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the second step.

A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee and Planning Commission and this submission shall constitute the residential planned community application.

1. The Step I concept plan shall include the following:

- (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and manmade features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
- (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, and a forest stand delineation, particularly existing significant trees.
- (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
- (iv) A requested land use density for the total project.
- (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management measures.
- (vi) The proposed method and adequacy of wastewater disposal and potable water supply.
- (vii) A written statement addressing the residential planned community's consistency with the Comprehensive Plan, zoning regulations and other established development policy

guidelines, its topography and relationship to existing natural and manmade features, both on site and in the immediate vicinity, efforts to adequately protect sensitive areas, the availability and suitability of vehicular access, and the availability and adequacy of water and sewer facilities.

- (viii) Such other information as the Technical Review Committee or Planning Commission may require.
 - 2. The Technical Review Committee shall meet with the applicant to review the Step I concept plan and shall subsequently in writing identify areas of concern and issues to be addressed by the Planning Commission. The Technical Review Committee may solicit other agency comments prior to making its recommendation and may require additional information, studies or reports.
 - 3. The Planning Commission shall then meet with the applicant to review the Step I concept plan and the Technical Review Committee's comments and recommendations. The Planning Commission shall address the areas identified by the Technical Review Committee and such other areas of concern and such requirements as it may deem necessary and appropriate. The Planning Commission shall take action to either approve, with or without conditions, or disapprove the Step I concept plan and thus the residential planned community application. Alternatively, the Planning Commission may remand the residential planned community application back to the Technical Review Committee for further review and refinement and then subsequently consider and act upon the revised application. The Planning Commission's findings and decision shall be made in writing and made a part of the record. Once the Planning Commission has approved the Step I concept plan, the applicant may proceed with seeking approval of the Step II implementation plan.
- B. Step II implementation plan. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate.
- 1. The Step II implementation plan consists of detailed subdivision plats or site plans which shall be submitted for review and approval in the manner specified in the subdivision and site plan regulations as applicable. All such plats or plans shall conform to Step I concept plan approvals. The Technical Review Committee or Planning Commission may request such information and details on the plats or plans as is determined necessary. Any construction shall comply with the approved Step II implementation plan.
 - 2. Requirements relative to action by the Planning Commission on the Step II implementation plan shall be those specified in the subdivision or site plan regulations as applicable.
 - 3. Expiration of subdivision plats or site plans approved as part of the Step II implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step II approval, all previous residential planned community approvals, including the Step I concept plan approval, are rendered null and void.

- (2) For major residential planned communities: Review and approval shall take place in three sequential steps. Each step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the next step.
- A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee, Planning Commission and the County Commissioners and this submission shall constitute the residential planned community application.
1. The Step I concept plan shall include the following:
- (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and manmade features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
 - (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, a forest stand delineation, greenways, areas of critical or special habitat, source water and aquifer recharge protection areas, and proposed methods for protection of important environmental features.
 - (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
 - (iv) A requested land use density for the total project.
 - (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management and minimization of impervious surfaces.
 - (vi) A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production.
 - (vii) The existing and proposed circulation patterns for vehicles, pedestrians and bicycles, both internal and external to the project, and a preliminary capacity analysis of the existing road network's ability to serve the project without undue detriment to Levels of Service.
 - (viii) Such other information as the Technical Review Committee, Planning Commission or County Commissioners may require.
 - (ix) A written statement addressing the following:
 - a. The residential planned community's conformance with the goals, objectives and recommendations of

the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines AND WITH THE COMPREHENSIVE PLAN, ZONING REGULATIONS, DEVELOPMENT POLICY GUIDELINES AND ANNEXATION POLICIES, OF ANY MUNICIPALITY WITHIN ONE MILE OF THE PROPOSED PROJECT'S BOUNDARIES.

- b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
 - c. The availability and adequacy of public facilities, ~~and~~ services AND UTILITIES to meet the needs of the residential planned community and the long term implications the project would have on subsequent local development patterns and demand for public facilities and services.
 - d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
 - e. The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, ~~and~~ services AND UTILITIES necessary to serve the project.
 - f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
 - g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
2. The Technical Review Committee shall meet with the applicants and shall review the residential planned community application, including the Step I concept plan and required written statement. The Technical Review Committee shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The Technical Review Committee may solicit other agency comments prior to making its report and may require additional information, studies or reports. The Technical Review Committee shall review the submission and present its report within ninety days

after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.

3. The Planning Commission shall then meet with the applicant to review the submission and the Technical Review Committee Report AND MAY AS A GROUP VISIT THE SITE OF THE PROPOSED PROJECT. The Planning Commission shall produce findings based on the items considered under Subsections (k)(2)A.1.(ix)a through (k)(2)A.1.(ix)g hereof. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the residential planned community application, which may address the areas identified in the Technical Review Committee Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety days after receipt of the Technical Review Committee Report, unless extended by the County Commissioners.
4. The County Commissioners shall consider the application and recommendation and hold a public hearing within ninety days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners. THE HEARING SHALL HAVE THE SAME PROCEDURAL FORMALITIES AS A MAP AMENDMENT AS DESCRIBED IN § ZS 1-113(C) HEREOF. Notice of such public hearing shall be as required in § ZS 1-114 hereof. The County Commissioners shall review the application, Technical Review Committee Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the residential planned community floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial of the application. In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the residential planned community. In addition, the County Commissioners may require independent reports of consultants, at the expense of the developer, prior to Step I concept plan approval. Any residential planned community approved by the County Commissioners must be unconditionally accepted as approved, in writing, by the applicant requesting such use within ninety days after approval by the County Commissioners. Failure to so accept, in writing, any such residential planned community so approved by the County Commissioners shall be considered a rejection and abandonment by the applicant of the approval, and thereafter any such residential planned community so approved shall be null and void and of no effect whatsoever. Any transfers of the property shall be subject to the approved plan. Step I concept plan approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.
5. Step I approval shall automatically expire and terminate unless the Step II approval is obtained within one year from the date of Step I approval. The County Commissioners may extend the Step I approval for a maximum of one additional year provided the one year extension is ~~granted~~ REQUESTED NOT LESS THAN SIXTY DAYS prior to the expiration of the Step I approval AND GRANTED PRIOR TO EXPIRATION AS WELL.

- B. Step II master plan approval. Upon completion of Step I, an applicant will develop and submit to the Technical Review Committee and the Planning Commission a detailed plan which shall serve as a master plan for the entire project and which shall be in accordance with the Step I approval.
1. The applicant shall meet with the Technical Review Committee and Planning Commission in that order. The Planning Commission shall have the authority to approve or disapprove the application.
 2. The master plan shall conform to the regulations as set forth in this Title and include any details and specifications as may be required by the Technical Review Committee and the Planning Commission. The master plan shall include, at a minimum, the following:
 - (i) An accurate topographic and boundary line survey of the project site, including the survey location of the perimeter of all forested areas, existing significant trees, the one-hundred-year floodplain line, the Critical Area boundary line, where applicable, the tidal and nontidal wetland lines and their buffers, location of important habitat or sensitive areas, and source water and aquifer recharge areas and a location map showing its relationship to surrounding properties.
 - (ii) Proposed extent of forest clearing, wetland and buffer impacts, Critical Area buffer impacts or variances, and the proposed percentage of impervious area.
 - (iii) The use, type, size and location of proposed structures, particularly with regard to the provision of mixed uses and clustering.
 - (iv) The general size, arrangement and location of any lots and proposed building groups.
 - (v) The pattern of existing and proposed access points, public and private roads, vehicular travelways, parking, pedestrian and bicycle paths, internal and external circulation and connectivity, particularly to surrounding residential, commercial and recreational development and uses, and the intended design and construction standards.
 - (vi) The general location, type and size of proposed landscaping.
 - (vii) The location of existing and proposed water and wastewater facilities, including how and when such facilities are to be provided.
 - (viii) Architectural drawings, ELEVATIONS, sketches or models illustrating the general design, character and pedestrian scale of the proposed structures and a written description of how they relate to the architectural style and landscape design in the existing County towns, villages, and surrounding development.
 - (ix) The general location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, community centers, libraries, fire stations and park sites, and any open space to be owned and maintained by a

property owners association. Areas proposed for active and passive recreation shall be shown, along with a description of the facilities and equipment to be provided in these areas.

- (x) The existing topography and drainage pattern and the proposed stormwater management system showing basic topographic changes.
 - (xi) Statistical data on the total size of the project area, density computations, proposed number of residential units by type, compliance with area limitations and requirements for uses, area in streets, area in parking and parking tabulation and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (xii) A detailed time schedule for the implementation and construction of the development and, if appropriate, a plan for phasing the construction of the residential planned community, showing the general geographical coverage of future plats or plans, their approximate sequence of submission, each of which must meet pertinent requirements either on their own or in conjunction with prior phases.
3. The Technical Review Committee will meet with the applicant and review the Step II master plan and any associated documents. The Technical Review Committee shall, within ninety days after the submission of a complete application, submit its written findings and recommendation to the Planning Commission. In the review of the application, the Technical Review Committee and, subsequently, the Planning Commission shall be guided by the standards set forth in this Title and principles of good planning and shall also give consideration to whether:
- (i) The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development.
 - (ii) The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and nontidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas.
 - (iii) The residential planned community's design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale, layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments.
 - (iv) The residential planned community's design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space.
 - (v) The project's layout and design promotes street, trail and

sidewalk connectivity within the project and to and through adjoining properties and neighborhoods.

- (vi) The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
 - (vii) The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County.
4. The Planning Commission will meet with the applicant and review the Step II master plan, any associated documents and the Technical Review Committee's recommendations. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the case of approval, the Planning Commission may attach conditions concurrent with the approval of the residential planned community and impose time limits on the development.
 5. Substantial modification of the plan, as determined by the Department, may only be processed as a new Step II master plan in accordance with the provisions hereof and shall require Planning Commission review and action. Any significant modification to the detailed time schedule will require Planning Commission approval upon a showing of reasonable cause by the developer filed in writing. Minor modifications to the Step II master plan may be approved by the Department when limited to the layout, road alignment, landscaping, and stormwater management. Other amendments to the Step II approval and any conditions which may be imposed thereon may be granted by the Planning Commission upon the request of the applicant. Changes in the density or bulk of the residential planned community's structures may only be approved by the County Commissioners as an amendment to the approved Step I concept plan after a duly advertised public hearing where they determine the change to be of such significance that a public hearing is necessary.
 6. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a particular project may be cause for cancellation of the approval for said project.
 7. All approvals shall be in writing. An applicant may withdraw an application for a residential planned community at any time within sixty days after Step II master plan approval. In the event of withdrawal, the Step I concept plan and Step II master plan approvals shall be rendered null and void.
 8. Step III implementation plan approval must be obtained within three years from the date of the Step II master plan approval or the Step I concept plan and Step II master plan approvals shall automatically expire. Provided that a request for extension is made in writing no

less than sixty days prior to the expiration, the Planning Commission may grant a single one year extension to the Step II master plan approval. For the purposes of this Subsection Step III implementation plan approval shall be construed to be obtaining the approval of final plats or site plans, as appropriate, for no less than twenty percent of the residential units or residential lots in the residential planned community.

9. The Department shall delineate and designate approved residential planned communities on the Official County Zoning Maps for informational and reference purposes.

C. Step III implementation plan approval. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate, and the project shall be subject to all procedures and requirements as contained therein. All subdivision plats, site plans or other necessary documents submitted as part of the Step III implementation plan shall be in accordance with the approved Step II master plan.

1. Detailed implementation plans consisting of subdivision plats or site plans, as appropriate, shall be submitted to the Technical Review Committee and Planning Commission for review and approval. All such plans shall conform to the approved Step II master plan.
2. Construction shall not commence until all required approvals and permits have been obtained and all construction must be conducted in accordance with the approved subdivision plats, site plans or other necessary documents that serve as the approved Step III implementation plan.
4. Limitations on review time and the expiration of subdivision plats or site plans approved as part of Step III implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step III implementation plan approval, all previous residential planned community approvals, including the Step I concept plan and Step II master plan, are rendered null and void.

- (l) Appeals. There shall be but one opportunity for appeal to the Circuit Court from a decision of the County Commissioners or Planning Commission under this Section. That appeal shall be from the action of the County Commissioners or Planning Commission in granting, conditioning or denying the Step I concept plan application for a major or minor residential planned community, respectively, and shall be subject to appeal in the same manner as a map amendment.

§ ZS 1-316. Planned senior developments.

- (a) Purpose. The purpose and intent of this Section is to encourage the best possible design of planned senior developments (PSD), under a unified plan of development intended to provide comprehensively planned housing for senior citizens over the age of fifty-five years and to provide those services necessary for the community's residents to allow those individuals to function despite declining mobility, perception and cognition which may occur with aging. The regulations established in this Section are intended to provide a variety of housing types and care facilities and to preserve open space and natural vegetation for scenic and recreational uses, thereby contributing to the health, safety and general welfare of the residents within a neighborhood that is compatible in terms of land

use, building type and population mix. Unitary control over the entire process is intended to foster a comprehensive design of the planned senior development, utilizing the site's potential for privacy, recreation, socialization, transportation and other beneficial living activities for the community's residents.

- (b) Resident limitations. At least one person in each dwelling unit or assisted living unit must be at least fifty-five years of age, and no more than three persons may reside in a dwelling unit or assisted living unit.
- (c) Location and area requirements. The planned senior development is permitted as a special exception in the R-1, R-2, R-3 and R-4 Districts, upon review and approval by the Board of Zoning Appeals and Planning Commission. The minimum required lot area for a planned senior development shall be ten acres in all districts.
- (d) Permitted uses and structures. The following uses and structures may be permitted in a planned senior development:
 - (1) Single-family and two-family dwellings.
 - (2) Multi-family dwellings.
 - (3) Residential structures which may contain independent living units, assisted living units, adult day-care facilities and/or nursing care units which may have interconnecting walks, breezeways, corridors or similar connecting structures which constitute a single operating unit.
 - (4) Rest homes, nursing homes, assisted living facilities, and adult day-care facilities.
 - (5) Public and private noncommercial cultural, social and recreational areas and centers, provided that such areas and centers shall primarily serve the residents of the planned senior development.
 - (6) Incidental retail and commercial service establishments which provide services and retail facilities primarily for the residents of the planned senior development and which are located within the principal multi-family residential or institutional structure, including the following:
 - A. Convenience good stores, gift shops, coffee shops, personal services, professional services, restaurants, health services and medical clinics.
 - (7) Accessory uses to the planned senior development specifically restricted to serve only the residents of the planned senior development and their guests and which are located within the principal multi-family residential or institutional structure, including the following:
 - A. Central dining and food preparation facilities.
 - B. Auditoriums, activity rooms, multi-purpose rooms, craft rooms, library, lounges and similar facilities.
 - C. Indoor recreational facilities, churches and temples.
 - (8) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as the above-permitted uses and any accessory uses or structures which, in the Board's opinion, are incidental and subordinate to any permitted principal use.
- (e) Area limitations for uses. Within a planned senior development, the following percentages

of the total gross lot area [as defined in § ZS 1-305(a) hereof] shall be devoted to the following specific uses:

- (1) A minimum of thirty percent for common use open space and recreational area. A maximum of fifty percent of the required open space may be wetlands. OPEN SPACE AND RECREATIONAL AREAS SHALL NOT INCLUDE SPACE DEVOTED TO ROADS AND PARKING. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
- (f) Permitted density. The maximum number of dwelling units in a PSD shall be ten units per gross acre of lot area. For the purposes of a PSD, one unit shall be the equivalent of either three assisted living units or four nursing care beds.
- (g) Lot and road frontage requirements. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. No principal building shall be constructed closer than fifty feet to the perimeter property line of the PSD.
- (h) Parking requirements. Parking for individual uses within the PSD shall be in accordance with the provisions of § ZS 1-320 hereof. The Planning Commission may reduce the required parking requirements for the area within the PSD up to fifty percent of the amount set forth in § ZS 1-320 hereof if it believes, based upon evidence presented by the applicant and its own investigations, that such a reduced capacity will still adequately meet the needs of the PSD and the general public.
- (i) Height. Except for certain other buildings, structures or parts thereof as provided in § ZS 1-305 hereof, no structure shall exceed either ~~four~~ SIX stories or ~~fifty-five~~ SEVENTY feet in height.
- (j) Review and approval procedure. The PSD application shall first be reviewed as a special exception use by the Board of Zoning Appeals pursuant to this Section and the provisions of § ZS 1-116(c)(3) and (c)(4) hereof. After obtaining use of land approval from the Board of Zoning Appeals, the PSD application shall be reviewed by the Technical Review Committee and the Planning Commission pursuant to the provisions of § ZS 1-325 hereof and this Section. Construction and development of the PSD shall be in accordance with the site plan as approved by the Planning Commission pursuant to § ZS 1-325 hereof.
- (k) Planning Commission criteria. The Planning Commission shall not approve a planned senior development until it shall find that each of the following criteria have been met:
 - (1) The proposed development is sufficient in size to provide adequate senior living facilities and services for the community which may be expected to use the development OR THE PROJECT IS LOCATED IN CLOSE PROXIMITY TO THOSE NECESSARY FACILITIES AND SERVICES.
 - (2) The proposed development is at a location where traffic congestion does not exist on the roads to be used for access to the development or where such congestion will be obviated by committed public road improvement projects or by projects to be undertaken by the applicant at his expense.
 - (3) The proposed development will consist of structures of an integrated and harmonious design, provided with adequate vehicular, pedestrian and bicycle circulation, parking, service, utility services and landscaping.
- (l) Other regulations. In regulating the development of planned senior developments, the provisions of this Section shall first apply, but when a matter is not specifically regulated by this Section, then the other provisions of this Title and of the district in which the

development is located shall apply.

- (m) Site plan review and required information. The applicant shall prepare a site plan meeting the requirements of § ZS 1-325 hereof for submission to the Technical Review Committee and the Planning Commission for review of the proposed development. In addition, the applicant shall submit the following:
 - (1) An outline of the proposed protective covenants, lease and management and maintenance agreements by which the applicant proposes to operate the development.
 - (2) Evidence that the proposed development will not be detrimental to or endanger the public health, safety or general welfare and is consistent with the goals and objectives of the Comprehensive Plan. This evidence shall take the form of a community impact statement covering such topics as highway capacity and traffic congestion, the capacity and availability of public services, including water and sewer service, air and water pollution, the effect on County revenues and expenditures, jobs created and such additional information as may be requested to adequately understand and review the application.
- (n) Permits. No permit shall be issued for any work in connection with a planned senior development until the Planning Commission shall have reviewed and approved the planned senior development.

§ ZS 1-317. Commercial development, industrial development and industrial parks.

- (a) Commercial and industrial development generally. In addition to the standards and provisions contained elsewhere in this Title, all commercial and industrial development shall be subject to the provisions of § ZS 1-325 hereof and to the additional standards as contained herein.
 - (1) All commercial or industrial development shall be subject to the provisions of the Worcester County “*Design Guidelines and Standards for Commercial Uses.*”
 - (2) New development shall be encouraged as commercial or industrial centers or parks, where uses are designed to be served by common access and common facilities and grouped near natural activity centers. Such projects should be of a unified form of development, with complementary architecture and uses and designed under a comprehensive and coordinated plan. Highway strip development shall be avoided.
 - (3) All internal roads, vehicular travelways, and parking areas and all access points to the public road system shall be in accordance with County development standards.
 - (4) Adequately surfaced and lighted onsite parking shall be provided in accordance with the provisions of § ZS 1-320 hereof.
 - (5) Commercial and industrial development shall be landscaped and buffered from surrounding noncompatible uses in accordance with the provisions of § ZS 1-322 hereof.
- (b) Development standards for industrial parks. In addition to the standards and provisions contained elsewhere in this Title, new industrial development, particularly light industrial development, shall be encouraged to locate in industrial parks where industries are designed to be served by common access and common facilities. The following standards shall guide the layout and development of industrial parks within the County:
 - (1) Landscaping shall be in accordance with the provisions of § ZS 1-322 hereof.

- (2) Roads within the industrial park shall be designed and constructed to County road standards and shall be of such design to accommodate the anticipated industrial traffic.
 - (3) Buildings within the industrial park shall be set back ~~from~~ no less than thirty-five feet from all adjacent roadways.
 - (4) Parking shall be concentrated along the rear and sides of the buildings and shall be kept to a minimum in front of the buildings in accordance with the standards set forth in the “*Design Guidelines and Standards for Commercial Uses*.”
 - (5) Loading docks and rail sidings shall generally be located on the rear or sides of buildings.
 - (6) IN ADDITION TO COMPLIANCE WITH THE PROVISIONS OF (A)(1) HEREOF, ~~T~~The developer of the industrial park shall impose reasonable controls on the architecture and construction of facilities within the development.
 - (7) Stormwater management, drainage facilities and other facilities serving the development shall be designed to serve the build-out conditions of the industrial park.
- (c) Additional powers of the Planning Commission. In addition to the standards and provisions contained elsewhere in this Title, the Planning Commission shall have the following powers and responsibilities:
- (1) The development standards specified in Subsections (a) and (b) hereof may be modified or waived by the Planning Commission where it is deemed that strict compliance would cause undue hardship on the applicant.
 - (2) In granting site plan approval under § ZS 1-325 hereof, the Planning Commission may attach such additional conditions or make such modification to the project as it deems necessary to ensure full compliance with the provisions and intent of this Title.
 - (3) If the project is to involve subdivision, no building permit shall be issued nor construction begun until the project has fully complied with the provisions of Title 2, Subdivision Regulations. The Planning Commission may accept the submission required under § ZS 1-325 hereof in lieu of the sketch plan submission provided for in Title 2, Subdivision Regulations.

§ ZS 1-318. Campgrounds.

- (a) Definitions. For the purposes of this Section, the following definitions shall strictly apply:

CABIN -- A structure built on a permanent foundation or attached to a permanent chassis and which meets all of the following criteria:

- (1) Is designed to provide seasonal or temporary living quarters for camping and which may be connected to utilities.
- (2) Does not exceed a total of four hundred square feet in gross floor area, including all additions, when set up for occupancy.
- (3) Plumbing fixtures and kitchen facilities may be provided.

CAMPGROUND SUBDIVISION -- A group of campsite lots, parcels or units which have

been subdivided in accordance with the provisions of this Section and Title 2, Subdivision Regulations, and which are intended and designed to be occupied by recreational vehicles, park trailers or manufactured homes, as defined in this Section.

CAMPSITE -- A space within a campground used exclusively for camping purposes. "Campsites" shall be occupied on a temporary or seasonal basis only.

COOPERATIVE CAMPGROUND -- A campground wherein the property in its entirety is under collective ownership by a corporation whose shareholders participate in the benefits of said collective ownership and shares of the corporation are owned, entitling an owner or owners to occupancy of a portion of real estate owned by the corporation. Cooperative campground are intended and designed to be occupied by recreational vehicles, recreational park trailers or cabins, as defined in this Section. A cooperative campground shall furthermore mean one established pursuant to Subtitle VI B of the Corporations and Associations Article of the Annotated Code of Maryland as amended from time to time and which is known as the "Maryland Cooperative Housing Corporation Act."

LICENSED VEHICLE -- A vehicle having a current registration and displaying current license plates pursuant to the Transportation Article of the Annotated Code of Maryland.

MANUFACTURED HOME -- A factory built structure which is manufactured or constructed after June 15, 1976 under authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards Act of 1974, as may be amended from time to time, and designed to be used as a single family residential dwelling with or without a permanent foundation and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent location and which does not have any wheels or axles permanently attached to its body or frame. The placing of a "manufactured home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such "manufactured home." Recreational trailers and vehicles and modular homes are not considered as "manufactured homes." For the purposes of this Section, a manufactured home cannot exceed seven hundred and fifty square feet in gross floor area, including any additions thereto.

MOBILE HOME -- A detached residential or business unit manufactured prior to June 15, 1976 and not required to be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 and which contains not less than five hundred square feet of gross floor area in the original manufactured unit and was designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. The placing of a "mobile home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such "mobile home." Recreational trailers and vehicles and modular homes are not considered as "mobile homes."

MEMBERSHIP CAMPGROUND -- A parcel of land improved or intended to be improved with campsites, and may also include bathrooms, showers, swimming pools, tennis courts, recreational buildings, camp stores and other amenities for the use only of the members of a nonstock corporation whose bylaws, rules and regulations give those members and the members of other membership campgrounds that are participants in a reciprocal-use program a nonexclusive right or license to use but do not assign a specific and fixed number of days or weeks when the members may use the campsites and related facilities. Such campgrounds shall be for transient use only, and no campsite shall be occupied as a place of primary residence or domicile. In addition, no campsite shall be permanently assigned to any member or user.

RECREATIONAL PARK TRAILER -- A vehicular unit capable of obtaining a state motor vehicle license and which meets all of the following criteria:

- (1) Is built on a single chassis permanently mounted on wheels.
- (2) Is designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for installed fixtures and appliances.
- (3) Does not exceed a total of four hundred square feet in gross floor area when set up for occupancy.

RECREATIONAL VEHICLE -- A vehicle initially designed as temporary living quarters for recreational camping or travel use which either has its own mode of power or is mounted on or drawn by another vehicle. "Recreational vehicles" include:

- (1) TRAVEL TRAILER -- A licensed vehicle, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use. This definition does not preclude telescoping additions, as long as a unit meets roadway requirements.
- (2) TRUCK CAMPER -- A portable enclosure, designed to be loaded onto or affixed to the bed or chassis of a truck which is a licensed vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) CAMPER TRAILER -- A licensed vehicle mounted on wheels, constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite and initially designed and constructed to provide temporary living quarters for recreational camping or travel use.
- (4) MOTOR HOME -- A licensed vehicle which has its own mode of power and which is designed and constructed as temporary living quarters for recreational, camping or travel use.

RENTAL CAMPGROUND -- A lot used or intended to be used for six or more occupied tents or recreational vehicles on campsites, in which campsites are not subdivided, sold or offered for dedication. The definition of "rental campground" shall not include sales lots for unoccupied recreational vehicles.

TENT -- A temporary shelter composed primarily of natural or synthetic fabric or film.

- (b) Limitations. No recreational vehicle shall be parked overnight on any public road, public park, public boat landing or other public place, except in an emergency or in areas specified for such use.

- (c) Rental campgrounds and membership campgrounds.

- (1) All rental and membership campgrounds shall conform to the following provisions:
 - A. Every special exception application for a rental campground or membership campground shall be accompanied by a conceptual site plan as required in § ZS 1-116 hereof. The Board of Zoning Appeals shall review the application for special exception in regard to the proposed use and general layout only. Once the special exception and use has been approved by the Board of Zoning Appeals, the application shall be subject to site plan review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof. The site plan submitted for review by the Planning

Commission must be in conformance with the special exception approval granted by the Board of Zoning Appeals and the general layout considered by that Board and also address any conditions imposed by the Board.

- B. Minimum lot requirements for rental campgrounds and membership campgrounds shall be: lot area, twenty-five acres; lot width, four hundred feet; front yard setback, two hundred feet; and each side yard setback and rear yard setback, one hundred feet. Perimeter property lines shall be permanently marked in the field to indicate the limit of the campground area. Screening along perimeter property lines shall be provided in accordance with an approved site plan. No campsite shall be located in any required yard, less than two hundred feet from any existing dwelling or public road or less than one thousand feet from the district line of any R District. With the approval of the Board of Zoning Appeals as a variance, the one-thousand-foot setback may be reduced to not less than five hundred feet, provided that the setback area contains screening in accordance with the provisions of § ZS 1-322 hereof. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
- C. Required yards referred to in Subsection (c)(1)B hereof shall be screened as approved by the Planning Commission and in accordance with the provisions of § ZS 1-322 hereof.
- D. There shall be at least ~~one and a half~~ TWO but not greater than two AND A HALF off-street parking spaces for each campsite, ~~one~~ TWO of which must be located on the campsite. Required parking spaces shall not be used for tenting areas or the placement of a recreational vehicle. If not provided on the campsite, any additional required parking shall be provided in common parking areas located within six hundred feet of the campsite. AT LEAST ONE BICYCLE RACK SHALL BE PROVIDED AT EACH AMENITY AREA, BATHHOUSE, STORE OR OTHER FACILITY WHICH IS COMMERCIAL IN NATURE.
- E. No retail business or merchandising, other than amenities which are purely incidental and subordinate to the operation of the campground and intended only for its occupants, shall be permitted.
- F. Rental and membership campgrounds SHALL ONLY BE PERMITTED TO OPERATE EIGHT CONSECUTIVE MONTHS IN ANY TWELVE MONTH PERIOD AND SHALL BE CLOSED FOR FOUR CONSECUTIVE MONTHS BETWEEN SEPTEMBER 1 AND APRIL 30 OF EACH TWELVE MONTH PERIOD. UNITS OR SITES IN A RENTAL OR MEMBERSHIP CAMPGROUND MAY BE OCCUPIED ONLY DURING THE PERIOD OF OPERATION OF THE CAMPGROUND. ~~may operate on a year-round basis~~ ~~but in~~ IN no event shall any campsite or unit thereon be occupied as a place of primary residence or domicile. A campground shall have bylaws, rules or regulations providing for such limited occupancy and such limitations on occupancy shall be clearly stated in any rental or membership agreement. UTILITIES, OTHER THAN THOSE REASONABLY NECESSARY FOR SECURITY AND CARETAKING PURPOSES AND FOR THE CAMPGROUND'S ADMINISTRATIVE OFFICE, SHALL BE SHUT OFF DURING THE PERIOD WHEN THE RENTAL OR MEMBERSHIP CAMPGROUND IS CLOSED. WATER AND SEWER FACILITIES TO ALL CAMPSITES AND AMENITIES SHALL BE AMONG THE UTILITIES SHUT OFF. THE DEPARTMENT SHALL BE NOTIFIED ON AN ANNUAL BASIS AS TO WHAT MONTHS THE RENTAL OR MEMBERSHIP CAMPGROUND SHALL BE OPERATIONAL AND WHAT MONTHS IT SHALL BE CLOSED.
- G. Each rental campground and membership campground shall comply with all pertinent regulations of the Maryland Department of the Environment and

Department of Environmental Programs as well as other State and County requirements prescribed by law or regulations for such use.

- H. All roads and incidental drainage shall comply and be constructed in accordance with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Adequate easements or rights-of-way for utilities shall be provided. All roads in campgrounds shall be private and shall not be accepted by the County Commissioners for maintenance.
 - I. In granting a special exception or site plan approval for a campground, the Board or Planning Commission may require additional special conditions to be met, such as additional setbacks, landscaping, traffic control or deed restrictions, in order to safeguard the general health, safety and welfare of the public.
 - J. Every enlargement or extension to an existing campground shall require application for a zoning certificate and Board and Planning Commission authorization as if it were a new establishment. The Board or Planning Commission may require the existing portion of the campground to comply with all or part of the provisions of this Section if the Board or Planning Commission deems such to be desirable and economically feasible.
- (2) Tenting areas. In addition to the provisions of Subsection (c)(1) hereof, tenting areas shall conform to the following provisions:
- A. Each tenting area shall contain not less than two thousand square feet of area, exclusive of the road right-of-way, and shall be not less than forty feet in width or depth. The maximum density shall be fifteen tenting campsites per gross acre of tenting area.
 - B. Tenting areas shall provide sanitary toilet facilities, showers or other commonly accepted bathing facilities and an adequate fresh water supply as approved by the County Department of Environmental Programs.
- (3) Recreational vehicle camping areas. In addition to the provisions of Subsection (c)(1) hereof, areas for travel trailers, truck campers, camper trailers, motor homes, other licensed recreational vehicles, cabins, and recreational park trailers shall conform to the following provisions:
- A. Each recreational vehicle campsite shall meet the following minimum requirements: campsite area, three thousand square feet, exclusive of the road right-of-way; frontage, twenty-five feet on a private roadway; front yard setback, ten feet; left side yard setback, seven feet; right side yard setback, three feet; and rear yard setback, five feet. Each campsite shall be so designed that a square of forty feet in width and depth can be located within the campsite boundary lines. The entire forty-foot-by-forty-foot square area on campsites designed for units not on permanent foundations must be stable and level. The maximum density shall be ten campsites per gross acre of the area devoted to campsites for recreational vehicles.
 - B. IF PROVIDED, "PULL THROUGH" CAMPSITES SHALL EACH BE AT LEAST SIXTY FEET IN DEPTH AND THIRTY FEET IN WIDTH. THE ANGLE OF ACCESS AND EGRESS TO EACH "PULL THROUGH" SITE SHALL BE NOT LESS THAN ONE HUNDRED TWENTY DEGREES NOR GREATER THAN ONE HUNDRED THIRTY-FIVE DEGREES. "PULL THROUGH" CAMPSITES SHALL BE DESIGNED SUCH THAT THE RECREATIONAL VEHICLE DOES NOT REQUIRE BACKING UP TO EITHER

ENTER OR EXIT THE CAMPSITE.

- (4) Rental and membership campgrounds shall provide the following facilities, as approved by the County Department of Environmental Programs:
 - A. An adequate fresh water supply to each campsite.
 - B. Adequate and safe electrical services to each campsite in accordance with the requirements of the National Electric Code, current edition, and the Worcester County Floodplain Management Law, as determined by the Department.
 - C. A sanitary toilet, lavatory and showers or other commonly accepted bathing facilities for the use of campers.
 - D. A fresh water supply and dump stations allowing the emptying of holding tanks for self-contained vehicles.
 - (5) Manufactured and mobile homes shall be prohibited in all rental and membership campgrounds.
 - (6) Up to twenty-five percent of the campsites in either a rental or membership campground may be occupied by recreational park trailers or cabins. Such units must be owned by the campground owner. Ownership of recreational park trailers or cabins by an individual tenant is prohibited and such units may only be occupied on a temporary basis and not as a place of primary residence or domicile.
 - (7) No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. The Board of Zoning Appeals shall have no power to grant variances to the maximum height or number of stories. Furthermore, no such structure shall contain any living space below or any attic space or loft above the first-floor elevation.
 - (8) Additions to recreational vehicles, recreational park trailers and cabins are prohibited in rental or membership campgrounds.
 - (9) No accessory buildings are permitted on individual campsites in rental or membership campgrounds.
 - (10) Structures or buildings which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.
 - (11) The TEMPORARY location or placement of a tent or recreational vehicle on a campsite in a rental or membership campground shall not require the issuance of a building permit or zoning certificate. The location of a recreational park trailer or cabin on a campsite in a rental or membership campground OR THE ELEVATION OF A RECREATIONAL VEHICLE ON A PERMANENT FOUNDATION shall require the issuance of a building permit and zoning certificate.
- (d) Campground subdivisions.
- (1) New campground subdivisions are prohibited. The following provisions shall apply to campground subdivisions in existence prior to the adoption date of this Title.
 - A. Minimum lot requirements shall be: lot area, twenty-five acres minimum and one hundred acres maximum; maximum density, ten campsites per gross acre; lot width, eight hundred feet; and front yard setback, each side yard

setback and rear yard setback, one hundred feet; provided that no campsite shall be located in any required setback, less than two hundred feet from any existing dwelling or public road or less than one thousand feet from the district line of any R District. With the approval of the Board of Zoning Appeals, the one-thousand-foot setback may be reduced to not less than two hundred fifty feet, provided that the setback area is screened in accordance with § ZS 1-322 hereof. The one-thousand-foot setback shall not apply to any campground adjacent to an R District for which all permits have been issued and construction has commenced at the time of the zoning of the area to an R District, provided that, in such case, the two-hundred-fifty-foot minimum setback referred to above shall apply.

- B. Each campsite shall be so designed that a rectangle of fifty feet in width and sixty feet in depth can be located within the campsite boundary lines. Each campsite shall have a minimum of twenty-five feet of frontage on a roadway. Minimum setbacks for each campsite shall be: front yard, ten feet; left side yard, seven feet; right side yard, three feet; and rear yard, five feet; provided, however, that the provisions of this Subsection requiring a fifty-by-sixty-foot rectangle shall not apply to any campground subdivision which has received preliminary plat approval from the Planning Commission prior to the date of passage, April 25, 1989.
- C. Campsites shall be occupied only by recreational vehicles, recreational park trailers or manufactured homes capable of connection to individual campsite sewer, water and electrical hookups. No more than one recreational vehicle, recreational park trailer or manufactured home shall occupy any one campsite at any one time. Tents are not permitted in campground subdivisions.
- D. No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. Furthermore, no such structure shall contain any living space below or any attic space or loft above the first-floor elevation.
- E. One detached accessory building, not to exceed eight feet by ten feet in size, may be located on each campsite in a campground subdivision. Accessory buildings may not be located in the front yard setback but are not subject to other setback requirements but shall be separated by not less than six feet from any other recreational vehicle, recreational park trailer, cabin or other structure on the same lot or any other lot. No accessory building may be used for human habitation or sleeping quarters. No accessory building may contain plumbing or plumbing fixtures.
- F. Required yards referred to in Subsection (d)(1)A hereof shall be wooded, densely landscaped, screened by earth or any combination thereof approved by the Planning Commission.
- G. There shall be at least two off-street parking spaces but no more than two and a half parking spaces for each campsite. At least two of the parking spaces must be provided on the campsite. Any additional parking may be provided in common parking areas located within six hundred feet of the campsite.
- H. No retail business or merchandising, other than amenities which are purely incidental and subordinate to the operation of the campground and intended only for its occupants, shall be permitted.
- I. Structures or buildings which serve as an amenity or are incidental and

accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.

- J. Units or sites in a campground subdivision shall be occupied only on a seasonal basis and shall not be occupied as a place of primary residence or domicile. Between September 30 of each year and April 1 of the succeeding year, units or sites shall not be occupied for more than thirty consecutive days or an aggregate of sixty days. Any condominium declaration or declaration of restrictions of a homeowners association shall include language providing for such limited occupancy.
- K. All campground subdivisions shall be subject to subdivision review and approval as required by Title 2, Subdivision Regulations.
- L. Each campground subdivision shall comply with all pertinent regulations of the Maryland Department of the Environment and Department of Environmental Programs as well as other State and County requirements prescribed by law or regulations for such use and shall be required to provide water and sewer utility hookups to each individual campsite.
- M. Campground subdivisions shall provide the following facilities:
 - 1. An adequate potable water supply to each campsite, as approved by the County Department of Environmental Programs.
 - 2. An adequate sewer connection to each campsite, as approved by the County Department of Environmental Programs.
 - 3. Adequate and safe electrical services to each campsite in accordance with the requirements of the National Electric Code, current edition, and the Worcester County Floodplain Management Law, as determined by the Department.
 - 4. A refuse collection, management and disposal system.
 - 5. The sewer system shall be connected to a public system and a public treatment plant or to a privately owned public utility system which complies with the requirements of the Worcester County Shared Facilities Law.
- N. All roads and incidental drainage shall comply and be constructed in accordance with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Drainage shall be provided in accordance with the provisions of the County road specifications for private campground subdivisions. Adequate easements or rights-of-way for utilities shall be provided. All roads in campground subdivisions shall be private and shall not be accepted by the County Commissioners for maintenance.
- O. Every campground subdivision shall have not less than twenty-five percent of its total area devoted to open space and/or recreation as a common area.
- P. All campground subdivisions shall establish a system of management and maintenance for the common areas and commonly owned improvements as may be required in conjunction with subdivision approval by the Planning Commission.

- Q. Placement of a recreational park trailer, cabin or accessory structure on a campsite in a campground subdivision shall require the issuance of a building permit and zoning certificate. The temporary placement on a campsite of a recreational vehicle bearing current valid registration or license plates shall not require the issuance of a building permit or zoning certificate. Placement of a recreational vehicle on a campsite in such a manner that its placement is not intended to be temporary or transient shall require the issuance of a building permit and zoning certificate.
- (2) Prior to the occupancy or use of any lot or unit in a campground subdivision, a zoning certificate certifying that all of the requirements of Subsection (d)(1) hereof have been fully and completely complied with must be obtained from the Department. Any such zoning certificate shall be for the entire subdivision, including all lots or units within the subdivision, and may be revocable at any time as to any lot or unit in the subdivision or as to the entire subdivision upon not less than ten days written notice, providing an opportunity to be heard, given, in the case of an individual lot or unit, to the owner or, in the case of an entire subdivision, to the authority responsible for the subdivision. Upon revocation of the zoning certificate, the lot or unit or, in the case of an entire subdivision, the subdivision may no longer be used as a campground subdivision until it is in full compliance and a new zoning certificate is issued.
- (3) The County Commissioners may, by resolution, adopt a procedure for the annual inspection of campground subdivisions to determine compliance with the provisions hereof, particularly the provisions of Subsection (d)(1) hereof. Such systems may include licensure and fees for such inspections.
- (e) Cooperative campgrounds.
- (1) No new cooperative campgrounds shall be permitted except as provided for in Subsections (e)(3) and (e)(4) hereof.
- (2) The following provisions apply to all cooperative campgrounds:
- A. Words as used herein where defined in § 5-6B-01 of the Corporations and Associations Article of the Annotated Code of Maryland, as from time to time amended, shall be defined as therein set forth.
- B. Cooperative campgrounds, for the purposes of this Title, shall not be considered rental campgrounds, membership campgrounds or campground subdivisions as governed by Subsections (c) and (d) hereof but shall be governed by this Subsection.
- C. Unless otherwise specified, minimum lot requirements shall be: lot area, twenty-five acres; lot width, eight hundred feet; front yard setback, two hundred fifty feet; and each side yard setback and rear yard setback, one hundred feet. Perimeter property lines shall be permanently marked in the field to indicate the limit of the cooperative campground area. Screening along perimeter property lines shall be provided in accordance with the approved site plan or plat. No campsite shall be located in any required yard, less than two hundred feet from any existing dwelling or public road or less than one thousand feet from the district line of any R District. With the approval of the Board of Zoning Appeals as a variance, the one-thousand-foot setback may be reduced to not less than five hundred feet, provided that the setback area contains screening in accordance with § ZS 1-322 hereof. The one-thousand-foot setback shall not apply to any campground adjacent to an R District for which all permits have been issued and construction has commenced at the time of the zoning of the area to an

R District, provided that in such case the five-hundred-foot minimum setback referred to herein shall apply.

- D. Campsites shall be occupied only by recreational vehicles, recreational park trailers or cabins capable of connection to individual campsite sewer, water and electrical hookups. No more than one recreational vehicle, recreational park trailer or cabin shall occupy any one campsite at any one time. Tents and tenting areas are not permitted in cooperative campgrounds.
- E. No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. Furthermore, no such structure shall contain any living space below or any attic space or loft above the first-floor elevation.
- F. No additions to recreational vehicles, recreational park trailers and cabins other than open decks and ~~screened~~ porches FITTED WITH INSECT SCREENING ONLY shall be permitted. Open decks and screened porches may only be permitted in conformance with the following:
 - 1. Such additions shall not be elevated any higher than the floor elevation of the recreational vehicle, recreational park trailer or cabin.
 - 2. Other than the wall adjacent to the recreational vehicle, recreational park trailer or cabin, the wall area of porches shall be enclosed by insect screening only. Porches shall not be enclosed with glass panels, PLASTIC FILM, ROLL PLASTIC OR PLASTIC SHEATHING, windows, solid walls or ANY other enclosure devices or methods.
 - 3. Additions to recreational vehicles, recreational park trailers and cabins shall not exceed a total of three hundred fifty square feet in area and in no case shall the main structure and any additions exceed a total of seven hundred fifty square feet in gross floor area.
 - 4. Additions shall not contain any HVAC, plumbing or plumbing fixtures and shall comply with all campsite setbacks.
- G. One detached accessory building, not to exceed eight feet by ten feet in size, may be located on each campsite in a cooperative campground. Accessory buildings may not be located in the front yard setback but are not subject to other setback requirements but shall be separated by not less than six feet from any other recreational vehicle, recreational park trailer, cabin or other structure on the same lot or any other lot. No accessory building may be used for human habitation or sleeping quarters. No accessory building may contain plumbing or plumbing fixtures.
- H. There shall be at least two off-street parking spaces but no more than two and a half parking spaces for each campsite. At least two of the parking spaces must be provided on the campsite. Any additional parking may be provided in common parking areas located within six hundred feet of the campsite. AT LEAST ONE BICYCLE RACK SHALL BE PROVIDED AT EACH AMENITY AREA, BATHHOUSE, STORE OR OTHER FACILITY WHICH IS COMMERCIAL IN NATURE.
- I. Only amenities which are noncommercial and purely incidental and subordinate to the operation of the campground and intended only for its occupants shall be permitted.

- J. Structures or buildings which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.
- K. No retail business or merchandising, other than amenities which are purely incidental and subordinate to the operation of the campground and intended only for its occupants, shall be permitted.
- L. Cooperative campgrounds shall only be permitted to operate for a period of eight consecutive months in any twelve-month period and shall be closed for four consecutive months between September 1 and April 30 of each twelve-month period. Units or sites in a cooperative campground may be occupied only during the period of operation. The documents establishing the cooperative as well as the leases for the units in the cooperative campground shall include language providing for such limited occupancy. Utilities, other than those reasonably necessary for security AND CARETAKING purposes AND FOR THE CAMPGROUND'S ADMINISTRATIVE OFFICE, shall be shut off during the period when the cooperative campground is closed. Water and sewer facilities TO ALL CAMPSITES AND AMENITIES shall be among the utilities shut off. The Department shall be notified on an annual basis as to what months the cooperative campground shall be operational and what months it shall be closed.
- M. All cooperative campground must have a central sewage collection and disposal system. Sewage effluent disposal fields and adequate reserve areas must be provided for in the common areas. In no case shall a subsurface disposal field or reserve area be contained within the boundaries of any campsite or lot.
- N. Cooperative campgrounds shall comply with all pertinent regulations of the Maryland Department of the Environment and Department of Environmental Programs as well as other State and County requirements prescribed by law or regulations for such use.
- O. Sanitary receptacles with animal-proof lids for the collection and storage of refuse shall be provided at convenient locations. Receptacles shall be emptied whenever necessary and the contents thereof disposed of in a fashion that complies with the County regulations pertaining to solid waste disposal.
- P. Cooperative campgrounds shall provide the following facilities, as approved by the Department of Environmental Programs:
1. An adequate fresh water supply to each campsite.
 2. A sanitary toilet, lavatory and showers or other commonly accepted bathing facilities for use of the campers.
 3. Dump stations allowing the emptying of holding tanks for self-contained vehicles.
- Q. Adequate and safe electrical services to each campsite in accordance with the requirements of the National Electric Code, current edition, and the Worcester County Floodplain Management Law, as determined by the Department.
- R. The documents establishing the cooperative campground shall provide for a managing person or board having the authority to assess the units in the

cooperative campground for the purpose of raising the necessary funds to maintain the common areas and common improvements within the boundaries of the cooperative campground, including without limitation all improvements, recreational facilities, wastewater systems, water systems, streets, and roads, the authority to collect such assessments and the responsibility to maintain any such amenities.

- S. It is the intent of this Section to provide a mechanism whereby those campgrounds permitted to be established as a cooperative campground herein and which have some degree of nonconformity enjoy the benefit of § ZS 1-122 hereof and be entitled to retain the benefits of such Section despite their establishment as cooperative campgrounds and further to ensure compliance with the provisions of this Subsection to provide for the health, safety and welfare of the people of Worcester County and the occupants of such campgrounds. However, notwithstanding the provisions of § ZS 1-122 hereof, existing individual nonconforming manufactured or mobile homes, recreational vehicles, recreational park trailers or cabins may not be enlarged or extended, reconstructed, structurally altered or moved.
- T. Placement of a recreational park trailer, cabin or accessory structure on a campsite in a cooperative campground shall require the issuance of a building permit and zoning certificate. The temporary placement on a campsite of a recreational vehicle bearing current valid registration or license plates shall not require the issuance of a building permit or zoning certificate. Placement of a recreational vehicle on a campsite in such a manner that its placement is not intended to be temporary or transient shall require the issuance of a building permit and zoning certificate.
- U. Cooperative campgrounds shall be inspected annually to determine compliance with the provisions hereof. Any violations on individual lots shall be deemed to be the responsibility of the both the cooperative shareholder and the collective ownership corporation and enforcement actions against both may be taken.
- V. Prior to the occupancy or use of any lot or unit in a cooperative campground, a zoning certificate certifying that all of the requirements of this Section have been fully and completely complied with must be obtained from the Department. Any such zoning certificate shall be for the entire cooperative campground, including all lots or units within the cooperative campground, and may be revocable at any time as to any lot or unit in the cooperative campground or as to the entire cooperative campground upon not less than ten days written notice, providing an opportunity to be heard, given, in the case of an individual lot or unit, to the owner or, in the case of an entire cooperative campground, to the authority responsible for the cooperative campground. Upon revocation of the zoning certificate, the lot or unit or, in the case of an entire cooperative campground, the cooperative campground may no longer be used as a cooperative campground until it is in full compliance and a new zoning certificate is issued.

(3) Conversion of existing rental campgrounds.

- A. A rental campground legally existing as of October 19, 2004 may be subdivided by the creation of a cooperative campground only where permitted by the Maryland Department of the Environment and in accordance with the procedures and requirements of this Title and the following:
 - 1. Unless expanded pursuant to this Title, the rental campground

cannot contain more sites than those legally existing as of October 19, 2004.

2. At the time of conversion to a cooperative campground, the campground must possess all required permits, approvals and licenses from the Maryland Department of Health and Mental Hygiene, the Worcester County Health Department and the Department of Development Review and Permitting.

B. The procedure for the approval of the conversion of an existing rental campground into a cooperative campground shall be as follows:

1. The developer shall submit a recordable plat along with two copies thereof to the Department and pay a fee as established by the County Commissioners. The plat shall include a boundary survey of the proposed cooperative campground in its entirety, a boundary survey of the individual lots or campsites which are intended to be the units thereof, and a location survey of all improvements, including recreational facilities, streets and roads, and, schematically, any proposed improvements not yet constructed within the proposed cooperative campground. It shall also comply with the following:
 - (i) It shall be drawn on sheets not smaller than eight and one-half inches by eleven inches and not larger than twenty-four by thirty-six inches. If more than one sheet is used, an index sheet or key map shall show the entire proposed cooperative campground, with individual sheets keyed in numerical order.
 - (ii) It shall be prepared by a professional land surveyor or property line surveyor registered in the State of Maryland and shall be drawn to scale.
 - (iii) It shall contain the following information:
 - a. The name of the cooperative campground, which may not be identical to or confusingly similar to the name of any existing subdivision or campground in the County.
 - b. The signatures and names of all owner(s), said names to be printed below the signature line(s).
 - c. The signature, name, registration number, seal and mailing address of the surveyor responsible for the plat.
 - d. The date of the original preparation of the plat and dates of any revisions.
 - e. A North arrow, such that it is oriented towards the top of the page.
 - f. A graphic scale.
 - g. A vicinity map with appropriate data identifying the general location of the cooperative campground.

- h. The property lines for each campsite, unit or lot created, including the gross area. Property lines shall be drawn to scale and shall be marked, locatable and maintained in the field. Adequate control points shall be provided on the ground such that the boundaries of each site are verifiable. In no case shall such control points be located more than three hundred feet apart.
 - i. The names of abutting roads or rights-of-way, if any, including the right-of-way width as listed with the Worcester County Department of Public Works, Roads Division, or the Maryland State Highway Administration.
 - j. The location, width, use and ownership of any rights-of-way or easements within the cooperative campground.
 - k. The deed reference for the parcel on which the cooperative campground is being established.
 - l. The tax map and parcel number of the parcel on which the cooperative campground is being established.
 - m. The following statement shall appear on the plat:
"Based upon the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel Number 240083-_____, dated _____, this cooperative campground is located in zone _____."
 - n. The following statements, either on the plat or attached to the plat, shall be provided and signature blocks and statements of public agencies shall also be provided where required:
 - i. "The grant of a permit or approval of this cooperative campground shall not constitute a representation, guaranty or warranty of any kind by Worcester County or by any official or employee thereof of the practicability, buildability or safety of any occupancy of the proposed use and shall create no liability upon the County, its officials or employees."
 - ii. "Any approval by the Department of the Environment of any sewer or water system or suitability thereof is based upon State and County standards existing as of the date of approval. Such standards are subject to change and current standards must always be met for occupancy."
2. The developer shall submit a set of the proposed documents establishing the cooperative housing corporation and the cooperative campground to the Department.

3. The Department shall review the submittals and if the plat contains the information required herein and the cooperative campground complies with the requirements herein, the Department shall sign the plat as approved. The plat shall also be submitted by the Department to the Department of Environmental Programs for approval pursuant to the Department of Health and Mental Hygiene regulations. Upon approval it shall be signed by the Director of Environmental Programs evidencing approval of the sewer and water system.
 4. Once approved and signed by the Department and by the Department of Environmental Programs, the plat shall be recorded among the land records of Worcester County at the time of the establishment of the cooperative campground and a copy as recorded with recording references shall be delivered to the Department by the developer. The aforementioned signatures shall be sufficient to constitute County approval for purposes of recording.
 5. The units of the cooperative campground shall be the lots or campsites as shown on the plat. Lot lines of the campsites shall be as delineated on the plat and shall be clearly marked and maintained in the field.
- (4) Expanded or enlarged cooperative campgrounds.
- A. All expansions or additions to existing cooperative campgrounds shall only be permitted by special exception and the following regulatory requirements, in addition to those contained in (e)(1) and (e)(2) hereof, shall apply:
 1. Every special exception application for a cooperative campground shall be accompanied by a conceptual site plan as required in § ZS 1-116 hereof. The Board of Zoning Appeals shall review the application for special exception in concept only. In granting a special exception for an expansion or addition of a cooperative campground, the Board of Zoning Appeals may require that the existing portion of the campground comply with all or some of the provisions imposed on the expanded or added area as part of the approval. Once the concept plan has been approved for special exception by the Board of Zoning Appeals, the application shall be subject to site plan review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof.
 2. Once the aforementioned site plan has been reviewed and approved by the Planning Commission, the developer shall submit a recordable plat and the proposed documents establishing the cooperative campground, said plat and documents to be in accordance with Subsection (e)(3)B hereof and to follow the same procedural format.
 3. Each new campsite shall meet the following minimum requirements: campsite area, three thousand square feet, exclusive of the road right-of-way; maximum density, ten campsites per gross acre; frontage, twenty-five feet on a private roadway; front yard setback, ten feet; left side yard setback, seven feet; right side yard setback, three feet; and rear yard setback, five feet. Each campsite shall be so designed that a square of forty feet in width and depth can be located within the campsite boundary lines.

4. Every expanded or enlarged cooperative campground shall have not less than twenty-five percent of its total area devoted to open space and/or recreation as a common area.
 5. Required yards shall be wooded, densely landscaped, screened by earth or any combination thereof approved by the Planning Commission.
 6. No new campsite shall be located in any required yard, less than two hundred feet from any existing dwelling or public road or less than one thousand feet from the district line of any R District.
 7. All roads and incidental drainage shall comply and be constructed in accordance with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Drainage shall be provided in accordance with the provisions of the County road specifications for private campground subdivisions. Adequate easements or rights-of-way for utilities shall be provided. All roads in cooperative campgrounds shall be private and shall not be accepted by the County Commissioners for maintenance.
- (f) Applicability to existing campgrounds. The provisions hereof shall, upon and after the effective date hereof, apply to all rental campgrounds, membership campgrounds, campground subdivisions and cooperative campgrounds. Any campground legally existing as of the date of adoption of this Title which does not conform to the respective requirements as contained in this Section shall be considered a nonconforming use or structure as appropriate and as such subject to the provisions of § ZS 1-122 hereof. However, notwithstanding the provisions of § ZS 1-122 hereof, existing individual nonconforming manufactured or mobile homes, recreational vehicles, recreational park trailers or cabins may not be enlarged or extended, reconstructed, structurally altered or moved.

§ ZS 1-319. Access and traffic circulation requirements.

- (a) Purpose and intent. It is the intent of this Title that adequate vehicular and pedestrian access and traffic circulation patterns be provided for all development projects.
- (b) Applicability. The provisions of this Section shall apply to all site plan approvals, subdivision approvals, residential planned community approvals, commercial and industrial development approvals, industrial parks, unified developments, special exception approvals and any other approval which is determined by the Department to be one of such similar nature that the adequate vehicular and pedestrian patterns are necessary.
- (c) Standards. The following standards shall govern the design of a development's access points to any arterial or collector road as defined in § ZS 1-326 hereof, unless otherwise permitted by the Maryland State Highway Administration with regard to access to State roadways, and to all internal vehicular travelways within the development:
 - (1) Access points shall be designed so as not to impede traffic flow on the public road. Acceleration and deceleration lanes may be required by the Planning Commission where deemed necessary along County roads to ensure safe ingress and egress.
 - (2) Access points shall be prohibited within two hundred feet of any public road intersection which involves an arterial or collector road as defined in § ZS 1-326 hereof.

- (3) Wherever possible there shall be a minimum of five hundred feet of separation between the development's access points from the roadway as well as from the nearest points of access serving adjacent or nearby sites. Access to parcels for which direct access to the arterial or collector highway is precluded by this spacing requirement or denied by the agency having jurisdiction shall have their access provided by way of service roads or interparcel connectors and such access shall be provided for by appropriate cross-access easements recorded in the land records of Worcester County, Maryland.
 - (4) Vehicular travelways within commercial and industrial developments shall be designed to provide interparcel connectors to all adjacent properties and to connect to all existing interparcel connectors provided by adjacent properties.
 - (5) EXCEPT FOR SINGLE-FAMILY RESIDENCES, ~~V~~vehicular travelways shall be required to the rear of all structures to provide access for fire-fighting equipment and in accordance with local fire code regulations. Such travelways shall be kept free of obstructions. Additionally, safe pedestrian access shall be provided to the rear of any structure which has an exit on the rear of the structure.
 - (6) Adequately surfaced and lighted on-site parking shall be provided in accordance with the provisions of §§ ZS 1-320 and ZS 1-323 hereof and with the *Worcester County "Design Guidelines and Standards for Commercial Uses."*
 - (7) Adequate pedestrian and bicycle pathways, sidewalks, etc. shall be provided onsite as determined by the Technical Review Committee or Planning Commission to accommodate the nonmotoring public and shall connect to adjacent properties and offsite circulation and transportation facilities and networks.
- (d) Dedications. In granting any approval to which this Section is applicable, the appropriate approving authority may require easements, widening strips, rights-of-way, additional setbacks and other reservations, dedications and agreements to provide for adequate vehicular, pedestrian and bicycle access and circulation to and from the property for which the approval is granted, as well as to and from adjacent and nearby properties and for the public generally. Such reservations, dedications and agreements may include, without limitation, those for:
- (1) Access roads.
 - (2) Service roads.
 - (3) Interparcel connectors.
 - (4) Road widening strips.
 - (5) Entrances.
 - (6) Sidewalks, bicycle paths, and other pathways for nonmotorized transportation.
 - (7) Utility rights-of-way.
 - (8) Public transportation facilities.
 - (9) Any other such reservations, dedications and agreements as deemed necessary by the approving authority so that the purpose and intent of this Section is fulfilled.

§ ZS 1-320. Off-street parking areas.

- (a) Off-street parking; required amounts. In every district, space for off-street parking of vehicles and bicycles shall be provided on the premises in accordance with the requirements of this Section, except as otherwise modified. Where the calculation of required parking spaces results in a fraction of less than one half, it shall be disregarded. Any fraction of one half or more shall be rounded up to the next whole number. Where required, a bicycle rack shall hold a minimum of five bicycles. Off-street parking areas may occupy all or a portion of any required yard, unless otherwise prohibited or specified, in accordance with the following schedule of minimum and maximum requirements:

Use Category	Minimum Motor Vehicle Spaces Required	Maximum Motor Vehicle Spaces Allowed	Bicycle Spaces Required
Household living:			
Manufactured/ MOBILE homes	2	N/A	N/A
Single family dwellings	2	N/A	N/A
Multifamily dwellings	1.5 2 per unit	2.5 per unit	1 rack per each 50 units or fraction thereof
Townhouses	1.5 2 per unit	2.5 per unit	1 rack per each 50 units or fraction thereof if units do not have garages
Accessory apartments	1 per unit	2 per unit	N/A
Group living:			
Group homes	0.25 per sleeping room plus 1 per each 2 staff persons	0.50 per sleeping room plus 1 per each staff person	1 rack
Nursing homes, rest homes, and dependent care living units	0.25 per bed plus 1 per each 2 staff persons	0.50 per bed plus 1 per each staff person	N/A
Assisted living residences	0.50 per living unit plus 1 per each 2 staff persons	1.50 per living unit plus 1 per staff person	N/A
Retail and service establishments:			
Funeral homes	1 per each 150 50 square feet of parlor space	1 per each 75 25 square feet of parlor space	N/A
Furniture, large equipment and machinery, large appliances	1 per each 600 square feet of gross floor area	1 per each 400 square feet of gross floor area	1 rack

Department/ discount stores/retail establishments	1 per each 300 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack per each 100 motor vehicle spaces or portion thereof
Shopping centers or other similar mixed use facilities having 10 or more establishments	1 per each 350 square feet of gross floor area	1 per each 250 square feet of gross floor area	1 rack per each 100 motor vehicle spaces or portion thereof
Grocery stores	1 per each 250 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack per each 100 motor vehicle spaces or portion thereof
Packaged liquor sales	1 per each 250 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack
Garden centers, greenhouses and roadside stands	5 plus 1 per each 300 square feet of gross floor area PLUS 1 PER EACH 1000 SQUARE FEET OF GREENHOUSE SPACE	5 plus 1 per each 300 150 square feet of gross floor area PLUS 1 PER EACH 500 SQUARE FEET OF GREENHOUSE SPACE	1 rack for garden centers and greenhouses; roadside stands, N/A
Book, art, gift, pet, music, craft, flower shops, and similar uses	1 per each 250 square feet of gross floor area	1 per each 150 square feet of gross floor area	1 rack per each 100 motor vehicle spaces or portion thereof
Convenience stores and gas stations	1 per each 200 square feet of gross floor area (parking spaces at gas pumps can be counted toward these requirements)	1 per each 100 square feet of gross floor area	1 rack
General offices	1 per each 350 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack per building
Doctor, dentist, and veterinarian offices	1 per each 250 square feet of gross floor area	1 per each 150 square feet of gross floor area	1 rack per building
Laundromats and dry cleaners	1 per each 300 square feet of gross floor area	1 per each 150 square feet of gross floor area	1 rack
Electronic and television repair shops, picture framing, copy service, and similar uses	1 per each 350 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack

OUTDOOR DISPLAY OR SALE AREAS ASSOCIATED WITH A RETAIL OR SERVICE ESTABLISHMENT	1 PER EACH 2,000 SQUARE FEET OF OUTDOOR DISPLAY OR SALES AREA	1 PER EACH 1,500 SQUARE FEET OF OUTDOOR DISPLAY OR SALES AREA	N/A
Banks, credit unions and related financial institutions:			
Drive through and/or walk-in facility	1 per each 300 square feet of gross floor area	1 per each 200 square feet of gross floor area	1 rack
Drive through only	2 plus 1 per each 2 employees	2 plus 1 per employee	N/A
Public accommodation:			
Boarding or lodging houses	2 plus 1 per guest room	2 plus 1.5 per guest room	1 rack
Hotels/motels	1 per each sleeping room plus 1 per 250 square feet of gross floor area in any restaurant, bar, entertainment facility or meeting room	1.5 per each sleeping room plus 1 per 100 square feet of gross floor area in any restaurant, bar, entertainment facility or meeting room	2 racks
Food and beverage service:			
Restaurants, sit down, including fast food, with or without a drive through	1 per each 125 square feet of gross floor area	1 per each 50 square feet of gross floor area	1 rack
Restaurants with incidental bars	1 per each 125 square feet of gross floor area	1 per each 50 square feet of gross floor area	1 rack
Carry-out only where public floor area is less than 200 square feet, with or without drive through	1 per each 200 square feet of gross floor area	1 per each 125 square feet of gross floor area	1 rack
Bars, nightclubs, taverns, dance halls, catering halls, pool halls and similar uses	1 per each 100 square feet of gross floor area	1 per each 50 square feet of gross floor area	1 rack
Ice cream parlors, coffee shops	1 per each 200 square feet of gross floor area	1 per each 100 square feet of gross floor area	1 rack

Motor vehicle and similar uses:			
Auto, manufactured home, boat and heavy equipment sales	1 per each 500 square feet of interior showroom gross floor area plus 1 per each 20,000 square feet of outdoor display lot	1 per each 250 square feet of interior showroom gross floor area plus 1 per each 10,000 square feet of outdoor display lot	N/A
Auto, manufactured home, boat and heavy equipment service	10 plus 1 space per each service bay	10 plus 2 spaces per each service bay	N/A
Schools, institutional, public and semi-public uses:			
Universities, colleges and junior colleges	1 per classroom plus 1 per every 5 classroom seats plus 1 per every 4 seats in an auditorium or assembly area	1 per classroom plus 1 per every 2 classroom seats plus 1 per every 2 seats in an auditorium or assembly area	1 rack per every 40 students and faculty
High schools, vocational schools and trade schools	5 per classroom or 1 per each 4 seats in an auditorium or assembly area, whichever is greater	10 per classroom or 1 per each 3 seats in an auditorium or assembly area, whichever is greater	1 rack per every 40 students and faculty
Elementary, middle and junior high schools	2 per classroom or 1 per each 5 seats in an auditorium or assembly area, whichever is greater	3 per classroom or 1 per each 3 seats in an auditorium or assembly area, whichever is greater	1 rack per every 40 students and faculty
HOSPITALS, WHICH MAY INCLUDE OUTPATIENT CLINICS AND MEDICAL TESTING FACILITIES	1 PER EVERY 3 EMPLOYEES PLUS 1 PER EVERY 4 INPATIENT BEDS PLUS 1 PER EACH 300 SQUARE FEET OF FLOOR AREA FOR CLINICS AND TESTING FACILITIES	125 PERCENT OF THE MINIMUM SPACES REQUIRED	1 RACK PER EACH 100 MOTOR VEHICLE SPACES OR PORTION THEREOF
CLINICS AND MEDICAL TESTING FACILITIES NOT CONTAINED WITHIN A HOSPITAL BUILDING	1 PER EACH 200 SQUARE FEET OF GROSS FLOOR AREA	1 PER EACH 100 SQUARE FEET OF GROSS FLOOR AREA	1 RACK PER BUILDING
Day-care centers and nursery schools	1 per 10 attendees plus 1 per employee	1 per 5 attendees plus 1 per employee	N/A

Churches, temples and mosques, with permanent seating	1 per each 3 seats in the sanctuary or primary assembly area	125 percent of the minimum spaces required where required parking is 100 spaces or less; 105 percent where required parking is 101 spaces or greater	1 rack per each 100 motor vehicle spaces or portion thereof
Churches, temples and mosques, without permanent seating	1 per each 50 square feet of floor area in the sanctuary or primary assembly area	125 percent of the minimum spaces required where required parking is 100 spaces or less; 105 percent where required parking is 101 spaces or greater	1 rack per each 100 motor vehicle spaces or portion thereof
Social or fraternal clubs	1 per each 150 square feet of gross floor area	1 per each 75 square feet of gross floor area	1 rack
Public buildings, post offices and indoor recreational facilities	1 per each 400 square feet of public floor area, with a minimum of 10 spaces	1 per each 200 square feet of public floor area, with a minimum of 10 spaces	1 rack
Theaters, cinemas and auditoriums	1 per every 4 seats	1 per every 3 seats	1 rack per each 100 motor vehicle spaces or portion thereof
Libraries, museums, art galleries and similar uses	1 per each 300 square feet of gross floor area	1 per each 150 square feet of gross floor area	1 rack per each 150 square feet of gross floor area
Fire stations with full-time staff	1 per each 2 employees	1 per each employee	N/A
Fire stations with voluntary staff	4 per each piece of apparatus	6 spaces per each piece of apparatus	N/A
Recreational uses:			
Amusement arcades	1 per each 125 square feet of gross floor area	1 per each 100 square feet of gross floor area	1 rack per each 20 motor vehicle spaces or portion thereof
Amusement parks	1 per each 6 persons of rated design capacity	1 per each 4 persons of rated design capacity	3 racks or 1 rack per each 100 motor vehicle spaces, whichever is greater

Athletic fields	8 per each acre of land or portion thereof for recreational use	12 per each acre of land or portion thereof for recreational use	3 racks or 1 rack per each 100 motor vehicle spaces, whichever is greater
Bowling alleys	4 per each alley or lane	6 per alley or lane	2 racks or 1 rack per each 100 motor vehicle spaces, whichever is greater
Golf driving ranges	5 spaces plus 1 per each 1.5 tees	5 spaces plus 1 per each 1 tee	1 rack
Miniature golf courses	5 spaces plus 1 per each 1.5 holes	5 spaces plus 1 per each 1 hole	1 rack
Golf courses	2 per hole plus 1 per employee	4 per hole plus 1 per employee	1 rack
Stadiums, coliseums and similar uses	1 per each 4 seats or per each 4 people of maximum design capacity	1 per each 2.5 seats or per each 2.5 people of maximum design capacity	3 racks or 1 rack per 100 motor vehicle spaces, whichever is greater
Horseback riding stables (commercial)	1 per each horse stabled at the facility	2 per each horse stabled at the facility	1 rack
Rental or membership campgrounds	1.5 2 per campsite, with at least 1 on each ON THE campsite	2 2.5 per campsite, with at least 1 2 on each campsite	N/A 1 RACK AT EACH AMENITY AREA, BATHHOUSE, STORE OR OTHER FACILITY WHICH IS COMMERCIAL IN NATURE
Campground subdivisions or cooperative campground subdivisions	2 per campsite, each on the campsite	2.5 per campsite, with at least two on the campsite	N/A FOR CAMPGROUND SUBDIVISIONS; 1 RACK AT EACH AMENITY AREA, BATHHOUSE, STORE OR OTHER FACILITY WHICH IS COMMERCIAL IN NATURE IN COOPERATIVE CAMPGROUND SUBDIVISIONS

Public swimming pools	1 per each 100 square feet of water surface area plus 1 for each 50 square feet of pool deck surface	1 per each 60 square feet of water surface area plus 1 for each 30 square feet of pool deck surface	3 racks or 1 rack per 100 motor vehicle spaces, whichever is greater
General outdoor recreational areas	2 per each of the first 10 acres plus 1 per each acre thereafter	4 per each of the first 10 acres plus 2 per each acre thereafter	2 racks
Amenity areas incidental to residential development (including pools, playgrounds, tennis courts, ball fields, etc. but not including marinas, golf courses and their club houses)	1 per each 20 residential units located wholly or partly within 1,500 feet of an amenity area and 1 per each 10 residential units located wholly or partly more than 1,500 feet from an amenity area	1 per each 10 residential units located wholly or partly within 1,500 feet of an amenity area and 1 per each 5 residential units located wholly or partly more than 1,500 feet from an amenity area	3 racks
Agritainment facilities and wineries	1 per each 300 square feet of building area open to the public plus 2 per acre for the first 10 acres of land open to the public plus 1 per acre thereafter	1 per each 150 square feet of building area open to the public plus 4 per acre for the first 10 acres of land open to the public plus 2 per acre thereafter	2 racks
Marinas:			
Public marinas and marine yards	1 per each 4 wet slips plus 1 for each 10 dry storage spaces plus 10 large enough to accommodate a vehicle and trailer for each boat ramp	1 per each 2 wet slips plus 1 for each 5 dry storage spaces plus 10 large enough to accommodate a vehicle and trailer for each boat ramp	2 racks
Private marinas incidental to residential development	1 per each 20 residential units located greater than 1,500 feet from the marina parking lot, with a minimum of 5, plus 5 large enough to accommodate a vehicle and trailer for each boat ramp, but in no case a number greater than that required for a public marina	1.5 per each 20 residential units located greater than 1,500 feet from the marina parking lot, with a minimum of 5, plus 10 large enough to accommodate a vehicle and trailer for each boat ramp, but in no case a number greater than that required for a public marina	2 racks
Industrial uses, contractors' shops, warehousing, etc.			

Self-storage centers	1 per each 40 storage units	1 per each 20 storage units	N/A
Wholesaling, warehousing, and contractors' shops (not including any retail sales)	1 per each 4,000 square feet of gross floor area, with a minimum of 2	1 per each 2,000 square feet of gross floor area, with a maximum of 5	N/A
Transportation and distribution	1 per each 4,000 square feet of gross floor area, with a minimum of 2	1 per each 2,000 square feet of gross floor area, with a maximum of 5	N/A
Manufacturing, assembly, processing plants and laboratories	1 per each 2 employees	1 per each employee	N/A
All other uses:			
Not specifically mentioned	As determined by the Department	As determined by the Department	As determined by the Department
Uses normally conducted indoors that are conducted outside	As determined by the Department	As determined by the Department	As determined by the Department

- (b) Parking space dimensions. Every off-street parking space, with the exception of parking spaces reserved for the handicapped, shall measure as follows:

Type of space	Width (feet)	Length (feet)
Typical space	10	20
Parallel space	10	23
For commercial facilities over 50,000 square feet in gross floor area and for park and ride facilities:		
Not less than 60 percent	10	18
Not more than 40 percent	9	18

- (1) The length of a typical parking space may be reduced from twenty feet in length to eighteen feet in length with a two-foot overhang into a landscaping strip at the head of the parking space, provided that the Department has determined that this landscaping is not necessary to meet the minimum requirements for landscaping as specified elsewhere in this Title and provided that the encroachment does not reduce the width of a buffer strip prescribed by this Title.
- (c) Vehicular travelway dimensions.
- (1) Vehicular travelways designed to permit vehicular travel on the site and to and from adjacent properties and parking areas shall be constructed as follows:

- A. For vehicular travelways with no adjacent parking spaces:

Circulation	Vehicular travelway width (feet)
One way	10
Two way	20

- B. For vehicular travelways adjacent to parking spaces:

Circulation	Vehicular travelway width (feet)	Curb to end of space (feet)	Angle of parking (degrees)	Size of parking spaces (feet)
One way	24	20	90°	10 X 20
One way	20	22	60°	10 X 20
One way	16	20	45°	10 X 20
One way	12	18	30°	10 X 20
One way (parallel)	12	10	N/A	10 X 23
Two way	24	20	90°	10 X 20

- (d) Parking spaces reserved for the handicapped. In all parking areas, except in the case of single-family, two-family and manufactured homes on single lots, parking spaces reserved for the handicapped shall be provided as specified in the Maryland Building Code for the Handicapped and the Uniform Federal Accessibility Standards, as from time to time amended, ~~and as follows~~. In the case of conflicting requirements, the higher standard or greater restriction shall apply. Reserved spaces may be credited toward compliance with the off-street parking requirements of this Section.
- (e) Stacking spaces for drive-through uses.
- (1) In addition to meeting the off-street parking requirements of this Section, drive-through facilities shall comply with the following minimum stacking space standards:

Type of use	Minimum stacking spaces	Measured from:
Bank, teller lane	4	Teller window
Bank, automatic teller machine	3	Teller machine
Restaurant, with drive-through	8	Order box
Car wash, UNATTENDED WITH automatic DRIVE-THROUGH	6 4	Bay entrance
Car wash, self-service	3	Bay entrance

Car wash, ATTENDED full-service	4	Bay entrance
Auto service station, gas pump island	30 feet from each end of island	N/A
Uses not specifically mentioned	As determined by the Department	As determined by the Department

- (2) Stacking spaces shall be a minimum of twenty feet in length and shall not block required parking, travelways or loading spaces.
- (f) Improvements and maintenance requirements for parking areas and vehicular travelways.
All required parking areas and vehicular travelways shall be designed, constructed and maintained in accordance with the following requirements:
- (1) All parking areas and vehicular travelways shall be constructed of materials that provide a hard and durable surface that precludes or limits particulate air pollution. Concrete, asphalt, tar and chip, brick, AND interlocking paving blocks or stones, including those semi-pervious systems that retain space for vegetation, are acceptable paving materials. Other paving materials and systems, including gravel, STONE, and stone dust and crushed oyster or clam shells may be permitted by the Planning Commission where these parking areas are supplied and maintained with a binding agent to stabilize the surface and prevent dust. All parking spaces and associated vehicular travelways provided above the minimum parking requirements established herein shall be constructed with a pervious paving system with not less than a twelve percent void rate as certified by a licensed design professional and approved by the Department.
 - (2) Every parking bay shall be constructed so that no vehicle, when parked, will overhang any property line or vehicular travelway.
 - (3) Interior vehicular travelways, driveways and parking bays are to be constructed in accordance with County standards and are to be congruous with the public street to which the travelways, driveways and parking bays are connected.
 - (4) All off-street parking spaces, except those serving single-family, two-family and manufactured OR MOBILE homes on single lots, shall be delineated by durable painted lines that meet the Manual of Uniform Traffic Control Devices (MUTCD) or its successor. This requirement may be modified by the Department or Planning Commission in the case of minor or major site plans, respectively, in individual cases based on the particular surface material used and other relevant factors. Any modification so granted shall employ other means to permanently delineate the parking spaces.
 - (5) Any parking bumpers or wheelstops at least five inches high and five inches wide shall be located no less than eighteen inches from the head of the parking space and shall be attached to the parking lot surface. Where parking spaces abut sidewalks, pathways, walls or fences, landscaped areas or public rights-of-way, parking bumpers, wheel stops or curbing shall be located not less than three feet from these features to prevent vehicles from obstructing areas of pedestrian travel or damaging landscaping or structures.
 - (6) All parking areas serving retail uses or any type of restaurant or bar use shall provide at least one litter receptacle within the parking area or at the building entrance. One additional litter receptacle for each seventy-five parking spaces located on the site shall be provided in the parking area or at the building entrance or adjoining sidewalk. Litter receptacles shall not obstruct vehicular travelways,

parking spaces or pedestrian walkways.

- (7) Any lighting used to illuminate any vehicular travelways or off-street parking areas, including any commercial parking lot, shall be arranged in accordance with § ZS 1-323 hereof so as to direct the light away from adjoining lots and public rights-of-way and shall not obstruct vehicular travelways, parking spaces or pedestrian walkways. Freestanding pole mounted fixtures may be located within parking spaces provided that they are positioned at the shared corners formed by the head and side lines of no less than two parking spaces.
- (8) Landscaping shall be provided within the parking area in accordance with the provisions of § ZS 1-322 hereof and any plan adopted by the County Commissioners pursuant to §§ ZS 1-118(b)(9) and (b)(11) hereof.
- (9) The edges of the parking area shall be curbed or buffered and the space between all parking areas, regardless of number of parking spaces, and the road or lot line shall be landscaped and maintained in an appropriate and appealing condition. Every off-street parking area for more than five vehicles, other than those associated with single-family, two-family and manufactured OR MOBILE homes on single lots, shall be ~~located~~ SEPARATED at least fifteen feet from every road line and six feet from every adjoining parcel zoned or used for residential purposes. Except as otherwise provided for in the Worcester County "*Design Guidelines and Standards for Commercial Uses*," where adjoining a road, such landscaping shall consist of grass, shrubs, trees and other appropriate plantings. Where adjoining an A, E, V, R or RP District, it shall include hedge of sufficient type, opacity and height (not less than thirty inches) or other appropriate plantings to protect and screen the adjoining property. At its discretion the Planning Commission or Department may, where deemed appropriate, permit a fence or wall of sufficient height and opacity in lieu of the hedge.
- (10) All parking areas and vehicular travelways shall be continually maintained in good order and free from potholes, areas of broken or missing surface treatment, weeds, dirt, trash and other debris.
- (11) All signs within the parking area and along vehicular travelways shall be approved by the Department.
- (12) Bicycle parking racks shall be located in a clearly designated ~~paved~~ DURABLY SURFACED area close to the building entrance and each bicycle parking space shall be at least two feet by six feet. All bicycle racks shall hold a minimum of five bicycles and shall be designed for use with U-shaped locks which enable at least one wheel and the frame of the bicycle to be fastened to the frame simultaneously. All racks shall be securely fastened to the ground.
- (13) On any site bordering a public road, in lieu of providing travelways that provide vehicular travel to and from adjacent property, the owner or developer may dedicate, where necessary, and construct a service road under County and State standards for such roads. In such event the setback requirements shall be no greater, if the service road is dedicated, than the setback required without dedication, except that in no instance shall a building be constructed closer than twenty feet to the nearest right-of-way line.
- (g) Joint use parking. The Planning Commission may at its discretion approve the joint use of required parking spaces when two or more uses on the same or adjacent properties are able to share parking due to variations in parking demand schedules. All requests for approval of joint parking shall be accompanied by a parking study which shall at a minimum include a site plan and description of the properties proposed for the joint parking arrangement. Each site plan and description shall contain a detailed calculation of the required and

provided parking, a listing of the peak hour(s) of parking demand for each property or site, a statement as to the nature of use of each site and its hours of operation, a statement as to the hours of service or resupply for the business located on each site, and any additional information required by the Planning Commission to effectively evaluate the request. In addition the applicants shall conduct no less than three site surveys, on different days and under different weather conditions, at least one of which shall be conducted on the busiest day of operation for each site, if one can be determined. The surveys shall depict the usage of the parking areas on an hourly basis for the times of normal business hours on each property. Joint parking may only be approved where:

- (1) The number of parking spaces credited to any property or use does not exceed what is reasonably anticipated to be available as may be determined by the Planning Commission.
 - (2) Any joint parking spaces intended to serve customers are located less than five hundred feet and spaces reserved for employees are located less than seven hundred fifty feet from the entrance of the building or use served by the joint parking. Distances shall be measured by the shortest walking path, using sidewalks and crosswalks, from the farthestmost point of the remote parking area.
 - (3) The joint parking area is not separated from the buildings or uses by an arterial or collector highway as listed in § ZS 1-326 hereof.
 - (4) Signage is provided that identifies the parking being jointly used, who those spaces are available to, and any restrictions that may apply.
 - (5) Prior to the issuance of any building or zoning permit all parties execute a written agreement, acceptable to the County Attorney, providing for the joint use of any parking. The agreement shall be executed by all parties concerned and shall provide for the continuing joint use of the parking area according to the terms and conditions as originally approved by the Planning Commission and shall be recorded in the land records of Worcester County. Any certificate of occupancy issued pursuant to a joint parking agreement shall be conditioned upon the continued availability of the required parking spaces. Any applicant and their successors shall annually provide the Department with certification that the required parking spaces are still available.
- (h) Off-premises parking. In a C, I or CM District and in a unified development located in any District, up to fifty percent of the parking required by Subsection (a) hereof may be provided off-premises, provided that:
- (1) It is not located greater than five hundred feet from the building or use served by any off-premises parking. Distances shall be measured by the shortest walking path, using sidewalks and crosswalks, from the farthestmost point of the off-premises parking area.
 - (2) The off-premises parking area is not separated from the buildings or uses by an arterial or collector highway as listed in § ZS 1-326 hereof.
 - (3) Prior to the issuance of any building or zoning permit for any use or structure utilizing off-premises parking the owners shall execute a written contract, easement or agreement, acceptable to the County Attorney, providing for the continued use of any off-premises parking and all terms and conditions as originally approved by the Planning Commission which shall be recorded in the land records of Worcester County. Any certificate of occupancy issued for any use or structure utilizing off-premises parking shall be conditioned upon the continued availability of the required parking spaces. Any applicant and their successors shall annually provide the Department with certification that the required parking spaces are still available.

- (i) Parking in other than commercial, industrial or commercial marine districts. Parking in the A, E, V, R or RP Districts shall be permitted only for uses permitted in those districts.

§ ZS 1-321. Off-street loading spaces.

- (a) Number of loading spaces. Any commercial, industrial, business or other use requiring the receipt or distribution of materials or merchandise by tractor and trailer vehicles during normal business hours shall be provided with off-street loading space(s) as follows:
 - (1) 5,000 to 50,000 square feet of gross floor area - 1 loading space required, with a maximum of 2 allowed.
 - (2) 50,001 to 100,000 square feet of gross floor area - 2 loading spaces required, with a maximum of 3 allowed.
 - (3) Greater than 100,000 square feet of gross floor area - 3 loading spaces required, with a maximum of 4 allowed.
- (b) Loading space size. Each loading space shall be not less than ten feet in width, sixty-five feet in length and fourteen feet in clear height.
- (c) Loading space location. Such space shall be located adjacent to the structure and may occupy part of any required yard except a front yard and shall not intrude into required landscape areas. They shall be designed to permit vehicle ingress and egress and required on-site turning of both delivery and customer vehicles without infringement on any public rights-of-way or other lot. Additionally, they shall not interfere with the access to or use of any required parking space or vehicular travelway. No loading area or space shall be located within twenty feet of any public street, public walkway or pedestrian walkway internal to a development OR WITHIN ANY REQUIRED OR DESIGNATED FIRE LANE.

§ ZS 1-322. Landscaping, buffering and screening requirements.

- (a) Purpose. The purpose and intent of this Section is to protect, preserve and promote the aesthetic appeal, scenic beauty, character and value of Worcester County; to promote the public health and safety through the reduction of noise pollution, flooding, stormwater runoff, air pollution, visual pollution or clutter, and light trespass or glare; to maintain, preserve and improve the appearance of the vehicular use areas and property abutting public rights-of-way; and to require buffering between incompatible land uses.
- (b) General standards. The following standards shall apply to all forms of development which are subject to this Section.
 - (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, existing significant trees, forested areas, flood plains, source water and aquifer recharge protection areas, areas of critical habitat and other important environmental features.
 - (2) Wherever possible existing forested areas and natural areas should be preserved as greenways within and around developments for environmental and recreational purposes and to blend the manmade and natural environments.
 - (3) Natural and landscaped areas on the site shall be coordinated and linked with natural and landscaped areas on adjacent properties.
 - (4) Landscape areas shall include all areas on the site that are not covered by buildings,

structures, paving or impervious surfaces.

- (5) At least seventy-five percent of the installed and replacement plant materials utilized shall be species native to Worcester County.
 - (6) Landscaping shall be arranged so as not to negatively impact the sight distance at any public road intersection or access point to a public road from the site. Plantings shall not exceed forty-two inches at maturity above the established street grade where planted within thirty feet of the intersection of the road right-of-way lines or pavement, whichever is greater.
 - (7) Each landscaped area must be readily accessible to a water supply. Unless xeriscaping plant material and technologies are employed, all landscaped areas shall provide an automatic irrigation systems with rain sensors. Drip irrigation systems are preferred. If an automatic system is not feasible, the Planning Commission at its discretion may approve an alternate watering system to maintain the plant material.
 - (8) All plantings shall be maintained in a healthy and suitably pruned state. Any landscape element that dies or is otherwise removed shall be replaced during the next planting season with the same variety of plant or, upon the Department's approval, one of similar height and texture as that originally planted.
 - (9) In phased construction, the first phase shall include the landscaping of property perimeters, entry drives, and stormwater management ponds as well as required parking lot and building landscaping.
- (c) Landscaping and landscaping plan required. Wherever in this Title landscaping or a landscaping plan is required, such plan shall be prepared by a landscape architect registered in the State of Maryland or other qualified professional as determined by the Department. Landscaping shall be installed and maintained in accordance with a landscaping plan approved by the Technical Review Committee or Planning Commission. Any subsequent changes to the placement, size, variety, etc. of required or approved vegetation must be submitted to the Department for approval.
- (d) Contents of plan. The landscaping plan shall include sufficient information to demonstrate the function and intent of the landscaping to be provided and its suitability for the zoning district in which it is located and the project for which it has been designed. The landscaping plan shall at the minimum include the following:
- (1) The location, general type, size and quality of existing vegetation, including specimen trees and existing significant trees.
 - (2) The existing vegetation to be retained.
 - (3) The methods and details for protecting existing vegetation during construction and the approved sediment and erosion control plan, if available.
 - (4) Location and variety of the proposed vegetation.
 - (5) Plant lists or schedules with the botanical and common name, required and proposed quantities, spacing, height and caliper of all proposed landscape material at the time of planting and at maturity.
 - (6) The location and description of other landscape improvements, such as earthen berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all

required standards.

- (8) A maintenance plan describing irrigation, pruning, replacement of dead material and other care procedures.
- (e) Landscaping applicability. Landscaping shall be in accordance with the following provisions:
 - (1) Where the terms "screened," "visually screened," or "densely landscaped" appear in this Title in reference to landscaping for a particular use or structure, such landscaping shall be in accordance with the following provisions:
 - A. The vegetation shall be thickly planted and of such species that it will provide a complete visual barrier and thus obscure the use or structure from sight from adjacent properties once the vegetation reaches maturity or within five years, whichever comes first.
 - B. Planting shall be located in such a manner that the vegetation at maturity shall not encroach onto adjacent properties.
 - (2) Where the term "buffering" appears in this Title in reference to landscaping for a particular use or structure, such landscaping shall be in accordance with the following provisions:
 - A. Concentrated landscaping shall be provided to diminish the visual and physical impacts of the use or structure, both on the site and from adjacent properties.
 - B. Landscaping may be a mix of trees, shrubs and other vegetation and of such density that the view, while not obscured, is diffused.
 - (3) Where the terms "landscaping," "landscaped open space" or "ornamentally planted" appear in this Title in reference to landscaping for a particular use or structure or where a particular use is referenced to be "in accordance with the provisions of § ZS 1-322 hereof," such landscaping shall be in accordance with the following provisions:
 - A. Landscaping shall be provided throughout the site for aesthetic purposes and to soften the visual impact of the use or structure both on site and from adjacent properties.
 - B. Landscaping may be a mix of trees, shrubs and other vegetation and shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing hardscape impacts, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscaping area.
 - (4) In order to provide for visual screening between incompatible land uses, the following types of development shall provide landscaping in accordance with the provisions of Subsection (e)(1) hereof adjacent to properties which are zoned as specified in Subsections (e)(4)A through C hereof. The Planning Commission shall have the right to modify or waive the requirements specified herein where it deems appropriate due to special circumstances or conditions. In addition, the Planning Commission shall have the ability to require visual screening in conjunction with a plan of development which may not require such screening, based upon the provisions herein set forth, where a visual screen is deemed necessary to protect the health, safety and general welfare of the public.

A. Residential developments.

1. All major subdivisions, two-family, multi-family and townhouse developments, manufactured AND MOBILE home parks and residential planned communities shall be screened where adjoining the A-1 and A-2 Districts.
2. All campgrounds shall be screened where adjoining any District.

B. Commercial developments.

1. Uses permitted and located in the C-2 General Commercial and C-3 Highway Commercial Districts shall be screened where adjoining the A-1, A-2, E-1, V-1, RP and all R Districts.
2. Uses permitted and located in the CM Commercial Marine District shall be screened where adjoining the R Districts.

C. Industrial developments.

1. Uses permitted and located in the I-1 Light Industrial District shall be screened where adjoining the A-1, A-2, E-1, V-1, RP, all R and all C Districts.
2. Uses permitted and located in the I-2 Heavy Industrial District shall be screened where adjoining all other Districts except I-2.

- (5) In order to provide for buffering between generally incompatible land uses, the following types of development shall provide landscaping in accordance with the provisions of Subsection (e)(2) hereof adjacent to properties which are zoned as specified in Subsections (e)(5)A and B hereof. The Planning Commission shall have the right to modify or waive the requirements specified herein where it deems appropriate due to special circumstances or conditions. In addition, the Planning Commission shall have the ability to require buffering in conjunction with a plan of development which may not require such buffering, based upon the provisions herein set forth, where a landscaped buffer is deemed necessary to protect and/or preserve the health, safety and general welfare of the public.

A. Residential developments.

1. All major subdivisions, two-family, multi-family and townhouse developments, manufactured AND MOBILE home parks and residential planned communities shall be buffered where adjoining the RP District.
2. For multifamily and townhouse developments, buffering shall be required where adjoining the E-1, V-1 and all R Districts.

B. COMMERCIAL DEVELOPMENTS.

1. USES PERMITTED AND LOCATED IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT SHALL BE BUFFERED WHERE ADJOINING THE RP AND ALL R DISTRICTS.

BC. Industrial developments.

1. Uses permitted and located in the I-1 Light Industrial District shall be buffered where adjoining the C Districts.

- (6) The following types of development shall provide screening in all zoning districts along any arterial or collector road as defined in § ZS 1-326 hereof and in accordance with the provisions outlined in Subsection (e)(31) hereof: All major subdivisions, two-family, multi-family and townhouse developments, manufactured AND MOBILE home parks, residential planned communities, and industrial developments.
- (7) ~~The following types of COMMERCIAL, COMMERCIAL MARINE AND INDUSTRIAL development shall provide landscaping in all zoning districts along any arterial or collector road as defined in § ZS 1-326 hereof and in accordance with the provisions outlined in Subsection (e)(3) hereof: All commercial and commercial marine developments.~~
- (8) The landscaping criteria specified in Subsection (e) hereof may be modified or waived by the Planning Commission where it is deemed that strict compliance would cause undue hardship on the applicant.
- (f) Landscaping within parking areas. Landscaping shall be provided in all parking areas which serve more than five vehicles in accordance with the following provisions:
 - (1) Landscaping internal to parking areas shall consist of one tree planted for each six parking spaces. Trees shall be located in islands within the parking lot at intervals of ten contiguous parking spaces or less. Impervious surfaces shall be kept at least four feet away from the tree's trunk. The trees shall be at least ten feet in height and one and one-half inches in caliper and be planted in a minimum eight foot by twenty foot landscaped area.
 - (2) Planting areas shall be placed at each end of a parking row.
 - (3) Landscaping shall be used to delineate both vehicle and pedestrian circulation patterns.
 - (4) Landscaping internal to parking areas shall also include shrubs and other appropriate landscaping materials.
 - (5) The edges of the parking area shall be curbed or buffered and the space between all parking areas, regardless of number of parking spaces, and the road or lot line shall be landscaped and maintained in an appropriate and appealing condition. Every off-street parking area for more than five vehicles, other than those associated with single-family, two-family and manufactured OR MOBILE homes on single lots, shall be ~~located~~ SEPARATED at least fifteen feet from every road line and six feet from every adjoining parcel zoned or used for residential purposes. Except as otherwise provided for in the Worcester County "*Design Guidelines and Standards for Commercial Uses*," where adjoining a road, such landscaping shall consist of grass, shrubs, trees and other appropriate plantings. Where adjoining an A, E, V, R or RP District, it shall include hedge of sufficient type, opacity and height (not less than thirty inches) or other appropriate plantings to protect and screen the adjoining property. At its discretion the Planning Commission or Department may, where deemed appropriate, permit a fence or wall of sufficient height and opacity in lieu of the hedge.
- (g) Installation of landscaping; installation bond. Landscaping shall be installed in accordance with the approved landscape plan. Installation of the landscaping shall be complete or bonded in the same manner in which other site improvements are required to be installed or bonded prior to the approval of the subdivision plat or issuance of a zoning certificate or other approval. Prior to the occupancy of the structure or use requiring the landscaping a perpetual landscaping installation and maintenance agreement shall be executed and

recorded among the land records of Worcester County to guarantee the planting material's continued viability.

(h) Inspections and maintenance.

- (1) The owner shall be responsible for the continued proper maintenance and replacement, if necessary, of all landscaping materials.
- (2) Landscaping may be inspected periodically by the Department to ensure proper maintenance. If it is determined that the landscaping is not being properly maintained, the owner shall be so notified by the Department in writing. The owner shall have thirty days from the date of notification to replace unhealthy or dead plant material or restore it to a healthy condition. If this notification occurs during a season not appropriate for planting, the replacement or restoration shall be completed as soon as is determined reasonably possible by the Department.

§ ZS 1-323. Exterior lighting.

- (a) Generally. All lighting, including exterior lights, signs, building lighting, parking lot lighting, streetlights and lighting necessary for the safety and protection of property, shall be directed, controlled and focused within the site's property lines to minimize glare and illumination of neighboring properties and specifically to direct the light away from adjoining lots or roads. Light quality and intensity shall be controlled and shall not produce glare that reduces the visibility of the surrounding buildings. Light trespass (spillover lighting) onto adjacent properties and roadway glare are not permitted. This prohibition applies to all building and site lighting and shall be addressed through appropriate luminaire intensities, mounting heights, landscaping, and fixture shields.
- (b) Standards for multi-family, townhouse, commercial and industrial development. All exterior lighting shall comply with the provisions of the Worcester County "*Design Guidelines and Standards for Commercial Uses*" pertaining to lighting and with the following:
 - (1) An exterior lighting plan showing the site and building light fixtures and lighting levels as measured in watts and lumens shall be prepared and submitted for review and approval in conjunction with the site plan required by § ZS 1-325 hereof.
 - (2) Sodium vapor lights are prohibited. All exterior lights shall be metal halide or another type of white lighting.
 - (3) All exterior light fixtures, other than fixtures on the building facade, emitting two thousand fifty lumens or more shall be shielded as follows:
 - A. Within fifty feet of the property boundary, all exterior lighting shall be full-cutoff light fixtures. Such light fixtures are those designed such that no light is projected at or above a ninety degree plane running through the lowest point of the fixture where the light is emitted and less than ten percent of the rated lumens are projected between ninety and eighty degrees.
 - B. All other exterior lighting fixtures shall be semi-cutoff or full-cutoff light fixtures. Semi-cutoff light fixtures are those that project no more than five percent of the rated lumens above a ninety degree plane running through the lowest point on the fixture where the light is emitted and less than twenty percent of the rated lumens are projected between ninety and eighty degrees.
 - (4) The maximum heights for freestanding pole mounted fixtures shall be sixteen feet or less and thirty-five feet or less above grade for continuously energized and non-

continuously energized lights respectively. If a raised foundation is required in parking areas to protect the poles from automobile front bumpers, the raised foundation and pole may not exceed heights of eighteen and thirty-seven feet respectively. Any lighting used to illuminate any vehicular travelways or off-street parking areas, including any commercial parking lot, shall be arranged so as to direct the light away from adjoining lots and public rights-of-way and shall not obstruct vehicular travelways, parking spaces or pedestrian walkways. Freestanding pole mounted fixtures may be located within parking spaces provided that they are positioned at the shared corners formed by the head and side lines of no less than two parking spaces.

- (5) Lighting for canopies shall be restricted to lighting fixtures, including lenses, that do not project below the bottom of the canopy.
- (6) High intensity lighting shall be limited to utility areas and be located away from or screened from public use areas.
- (c) Nuisance lighting. Decorative or other forms of lighting, while not necessarily illuminating adjoining properties, shall not cause or create patterns, colors, intermittent lighting effects, or other lighting that is intentionally or unintentionally directed onto adjacent or nearby properties and which proves vexatious.

§ ZS 1-324. Signs.

- (a) Generally. Signs are any device designed to inform or attract or having the effect of informing or attracting attention of persons on or not on the premises on which the device is located. Messages displayed on vehicles or trailers shall constitute a sign when the vehicle or trailer is primarily situated or used to serve as advertisement rather than being incidental to the transportation function of the vehicle or trailer. Any site decoration which does not include a directional, informational or commercial marketing message shall not be considered a sign for the purposes of this Section. No sign, sign structure or part thereof shall be erected, enlarged or altered unless such sign shall be in compliance with the provisions of this Section. Signs visible from a public road shall not simulate traffic control or other official signs. No sign, sign structure or part thereof shall be located so as to obstruct or conflict with traffic sight lines or traffic control signs or signals. No lighting of signs shall be permitted which is of a flashing, rotating or other animated type which could tend to blind or unduly distract motorists, simulate an emergency vehicle, or which would shine directly onto any lot in the A, E, V, R or RP Districts. No sign shall be located on or project over a public right-of-way. No sign shall be attached to any tree, utility pole, shrub or other natural object except for owner-posted "no hunting" or "no trespassing" signs. As used in this Subsection "sign" shall include billboard. No sign may contain, depict, or simulate any adult oriented entertainment or material but an otherwise permissible sign may otherwise advertise the fact that adult oriented entertainment or material is available at or from the business so advertising.
- (b) Sign area. For the purposes of this Section, the area of signs made up of individual letters, figures or designs shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters, figures or designs. All backgrounds, edging and framing shall be included in the sign area, but not mountings. For freestanding signs, when the interior angle formed by the two faces of the sign is forty-five degrees or less, only one side shall be counted for the purpose of calculating sign area. Copy area of a sign shall include any area of the sign which is designed to inform or attract attention.
- (c) On-premises signs. In addition to the provisions of Subsection (a) hereof, the following shall apply to on-premises signs:
 - (1) One permanent sign not exceeding four square feet in area shall be permitted for

home occupations, as defined herein, in accordance with the district regulations herein. No yard setback shall be required.

- (2) One permanent sign not exceeding fifty square feet in area shall be permitted for roadside stands as defined herein and in accordance with the district regulations herein. No yard setback shall be required.
- (3) Temporary real estate signs advertising the property on which they are located for sale or lease, temporary construction signs located at the construction site, temporary project identification signs located at the proposed development site, signs used by churches to identify fund raisers, construction activities, special events, projects, etc., and temporary signs announcing the opening of a project shall be permitted, subject to the following provisions:
 - A. Such signs ten square feet or less in area and four feet or less in height shall be permitted without setback requirements.
 - B. Such signs greater than ten square feet in area or more than four feet in height shall be set back from all property lines at least a distance in feet equal to one-half the area of the sign measured in square feet, but in no case less than ten feet nor more than one hundred feet.
 - C. No such sign shall exceed fifty square feet in area.
 - D. Except as herein provided, all temporary construction and project identification signs shall be removed from the property or site within two years of their erection or within ten days after the sale or lease of the property or completion or abandonment of the construction work. The Department may grant extensions to the two-year term in increments of up to two years upon written request of the property owner.
 1. Temporary signs announcing the opening of a project shall be removed within thirty days of such opening.
 - E. Temporary signs used by churches to identify fund raisers, construction activities, special events, projects, etc. shall only comply with Subsections (c)(3)A through D hereof and shall be removed within ten days of the conclusion of the event, project or activity.
 - F. Prior to the erection of a temporary construction sign, temporary project identification sign or temporary sign announcing the opening of a project, the project must have received a valid building or zoning permit, a current special exception approval or a current site plan approval in accordance with § ZS 1-325 hereof.
- (4) Signs shall be permitted on the premises of lawfully conducted businesses to advertise only the business conducted and/or the products produced or sold on the premises, in accordance with the district regulations herein. Signs shall also be permitted on the premises for public or quasi-public uses conducted on the property of an educational, recreational, cultural, conservation, religious or public-service nature. Such signs may be illuminated in accordance with the provisions of this Section. The permissible area and location of such signs shall be determined according to the following:
 - A. Building signs. Signs mounted against a building wall or mounted upon the roof may contain, in the aggregate, up to two square feet of area for each lineal foot of principal building width fronting a public or approved private road. Permitted building sign area may be transferred to any side of the

building not fronting a public or approved private road. However, no sign shall exceed two hundred square feet in area. Building signs, including roof mounted signs, shall not extend over the highest point of the coping of a flat roof or the average point between eaves and ridge for gable, hip, mansard and gambrel roofs. No building sign shall be located in or project into any required yard setback.

B. Permanent freestanding signs. One permanent freestanding sign shall be permitted adjacent to each road frontage for each two hundred feet of road frontage or portion thereof, provided that no more than two such signs shall be permitted along each road frontage on a single lot and no sign shall be located closer than two hundred feet to any other sign on the same lot, regardless of the sign's frontage. Additionally, permitted sign area shall BE one and one-half square feet of copy area for each lineal foot of road frontage up to the maximum size for an individual sign as established herein. Furthermore, all such signs shall be monument signs except as herein provided and shall be in accordance with the following provisions:

1. Monument signs for individual establishments shall not exceed a total of seventy-five square feet in area regardless of road frontage and a maximum of seven feet in height, including the base and face. Where the new development grade is below the road centerline, the area in which the sign is situated may be bermed to the centerline grade. The provisions of this Subsection may not be increased or otherwise altered by the Board of Zoning Appeals.
2. Monument signs serving two or more individual establishments shall not exceed a total of one hundred square feet in area regardless of road frontage and a maximum of seven feet in height, including the base and face. Where the new development grade is below the road centerline, the area in which the sign is situated may be bermed to the centerline grade. The provisions of this Subsection may not be increased or otherwise altered by the Board of Zoning Appeals.
3. In developments containing three or more commercial or industrial establishments, where two freestanding signs are permitted adjacent to the same road right-of-way, the permitted copy area of both signs shall be combined and utilized on a single freestanding monument sign on that road frontage. Monument signs shall not exceed one hundred fifty square feet in area. Such combined sign shall be a maximum of nine feet in height if in a horizontal orientation where the width of the sign exceeds its height. Multi-user signs may be of a vertical orientation, where the height exceeds the width by a ratio of not less than two to one. Such signs may be a maximum of fourteen feet in height. Shared signs shall be located at the common access point regardless of whether the affected businesses are on one or more lots. Except as provided in Subsections (c)(3), (d)(1) and (d)(2) hereof regarding temporary freestanding, public event and directional signs, no other individual freestanding signs shall be permitted along this frontage. The provisions of this Subsection may not be increased or otherwise altered by the Board of Zoning Appeals.
4. The Board of Zoning Appeals may permit as a special exception a single non-monument freestanding sign adjacent to each road frontage provided such sign does not exceed ~~one hundred~~ SEVENTY-FIVE square feet in area nor thirty feet in height above the centerline of the adjacent road surface or above the grade of the surrounding

ground, whichever is higher.

5. Freestanding signs shall be permitted in any required yard setback but shall not be located on or project over any adjacent property or road right-of-way nor shall they be located within the clear sight triangle of any access point to the roadway.
 6. Signs may face in any direction.
 7. As a condition of sign permit approval, ornamental landscaping shall be required at the base of all permanent freestanding signs. The minimum area of required landscaping shall be twenty percent of the total proposed copy area of the sign. Such landscaping shall be a mix of planting materials and of varying heights. The height of landscaping shall be directly proportional to the height of the sign in order to visually ~~mitigate~~ MINIMIZE the sign's height.
 8. No on-premises freestanding sign shall be located on the same property as an existing off-premises billboard.
- C. Temporary freestanding signs. Temporary freestanding signs shall be permitted, provided that they are located so as to meet the minimum building setback requirements and in accordance with the following provisions:
1. Temporary freestanding signs shall be permitted under any fuel island canopy, provided that no such signs are suspended from the canopy.
 2. One temporary/movable A-frame sign with a maximum copy area of sixteen square feet shall be permitted on any private sidewalk abutting the principal building for each store within the principal building provided that such sign does not obstruct pedestrian access.
- D. Special exceptions. In any C, I or CM District the Board of Zoning Appeals, as a special exception, may permit one additional on-building sign not exceeding the permitted size for the principal on-building sign or, alternatively, an increase of not more than twenty percent in the area of a single on-building sign where the applicant can show that such increase is necessary owing to the unique nature of the site or the uses and/or structures located thereon. The Board shall permit such an increase only where it will not have an adverse effect on adjacent property and/or local traffic safety.
- (5) Farm signs identifying the name of the farm or estate, the name of the owner and the nature of the farm and its products shall be permitted in any district. Such signs shall be limited to one per farm or estate entrance and shall not exceed twenty square feet in area. No yard setback requirements shall apply.
 - (6) Historic markers erected by a Federal, State or County agency or quasi-public organization, not exceeding ten square feet in area, shall be permitted in every district. No yard setback requirements shall apply.
 - (7) Signs indicating the presence of a wildlife sanctuary or conservation area, signs identifying field crops and signs displaying "no hunting" or "no trespassing" or similar information, not exceeding ten square feet in area, shall be permitted in every district. No yard setback requirements shall apply.

- (8) Signs indicating alarm systems on a premises or providing information for emergency personnel, not exceeding one and one-half square feet in area, shall be permitted at the entrance from the road to the lot upon which the premises is located. Such sign may be affixed to any dwelling, manufactured home or commercial unit. However, there shall be no more than four such signs for each dwelling, manufactured home or commercial unit, and such signs shall contain no information tending to be contrary to information required under the County Uniform Property Numbering System. The sign may only contain the County uniform property number and the name of the security company. In addition, any sign affixed to a structure may also include the telephone number of the security company. For the purpose of this Subsection, "security company" shall mean one that provides a security service to the premises.
- (d) Off-premises signs. In addition to the provisions of Subsection (a) hereof, the following shall apply to off-premises signs:
- (1) Temporary public event signs. Temporary signs advertising places or events of a public or quasi-public nature shall be permitted in any district provided such signs shall not be illuminated and shall not exceed twenty square feet in area each. Political campaign signs shall be permitted in all districts and shall not be restricted as to number. All off-premises temporary public event and political campaign signs shall comply with the size and setback provisions applying to real estate and construction signs as specified in Subsection (c)(3) hereof. Except for political campaign signs, all temporary signs shall be removed within ten days after the event.
- (2) Directional signs.
- A. The Board of Zoning Appeals, as a special exception, may approve up to two directional signs in cases where the Board determines that such signs are necessary for directing motorists and are not for advertising. Only those directional signs which are reasonably necessary to guide the public shall be permitted. Such signs shall be limited to indicating a change in direction and may include the business name only; they shall not be used for advertising purposes. Signs containing the phrase "straight ahead" or other similar verbiage shall not be permitted. Such signs may be permitted for any business, institution, subdivision or other structure or use and shall not be more than four square feet in area nor more than fifteen feet in height. In the case of extreme circumstances where the public may not otherwise be able to locate such structure or use, the Board of Zoning Appeals may approve additional directional signs. Directional signs may be located in any district and shall be exempted from all setback requirements except those approved by the Board.
- B. One temporary directional sign to a private residence which is for sale shall be permitted by right in any district at the street end on which the residence is located, provided that permission is obtained from the owner of the property on which the sign is located, the sign is not placed within any public right-of-way and such sign does not exceed six square feet in area.
- C. Two directional signs for a bona fide church, temple or mosque shall be permitted by right in any district. Such signs may include times and days of regular services or special events. No such sign shall exceed eight square feet in area ~~nor more than~~ OR fifteen feet in height and may not be placed within any public right-of-way.
- (3) No new billboards shall be erected.

- (4) Existing billboards.
- A. Legally existing billboards may remain and be periodically maintained as permitted nonconforming structures and uses unless totally destroyed as specified in Subsection (d)(5) hereof. However, in no case may they be reconstructed, expanded or reerected.
 - B. No billboard shall have more than two hundred square feet of copy area per facing and the trim shall not exceed forty percent of the copy area. No such sign shall have an overall height of more than twenty-five feet above the ground level or twenty-five feet above the grade level of the adjacent road if higher. No more than one such billboard shall be erected at any one location and facing the same direction.
 - C. No billboard shall be located less than three hundred feet from any other billboard on the same side of the road, except when such sign is part of a double-faced or V-type structure where the interior angle of the "V" does not exceed forty-five degrees, nor shall any billboard be located less than one hundred feet from any R District or three hundred feet from any public or private school, park, library, church, historical shrine or other building or landmark maintained as such by a public or semipublic agency.
 - D. Billboards shall be set back at least as far as the required front yard depth for a principal building within the pertinent zoning district.
- (5) Any billboard or off-premises advertising structure which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions and may not be reerected. For the purposes hereof, "destruction" shall mean the rendering of the billboard element as unusable and the "facing" shall include the copy area and trim.
- A. Destruction of fifty percent or more of the supporting piles or structure;
 - B. Destruction of seventy-five percent or more of the facing; or
 - C. Destruction of twenty-five percent or more of the supporting piles or structure and fifty percent or more of the facing.
- (e) Electronic messaging signs. All signs employing electronic messaging shall be subject to this Section.
- (1) For purposes of this Section, the following definitions shall apply:
- A. Electronic changeable copy sign. A sign or portion thereof that displays electronic, nonpictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of ~~matrix~~ MATRIX elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
 - B. Electronic graphic display sign. A sign or portion thereof that displays electronic, static graphics or static pictures, with or without information, defined by a small number of ~~matrix~~ MATRIX elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or

dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

- C. Electronic messaging sign. An electronic changeable copy sign, an electronic graphic display sign, or video display sign.
 - D. Flashing sign. A directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling.
 - E. Shimmering sign. A sign which reflects an oscillating, sometimes distorted visual image.
 - F. Video display sign. A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.
- (2) Electronic messaging signs are subject to the following provisions:
- A. The size and location of the sign shall be in accordance with all other requirements of this Section.
 - B. The electronic display OF background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display, and as otherwise provided in this Section.
 - C. The electronic display OF background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display for advertising signs shall not change at intervals less than eight seconds.
 - D. The maximum duration of the transition of the electronic image or message change shall be no more than two seconds.
 - E. All electronic messaging signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
 - F. Electronic messaging signs must not exceed a maximum illumination of five thousand nits during daylight hours and a maximum illumination of five hundred nits between dusk to dawn as measured from the sign's face at maximum brightness.
 - G. Electronic messaging signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a

lower level for the time period between one-half hour before sunset and one-half hour after sunrise.

- H. Audio speakers are not allowed in conjunction with any electronic messaging sign.
- I. Any form of pyrotechnics is prohibited in association with an electronic messaging sign.
- J. Only one electronic messaging sign shall be allowed per parcel or lot.

(f) County signs. The County Commissioners may erect such signs for governmental purposes as they deem necessary and proper without complying with the terms of this Section and may permit municipalities to do the same where the Commissioners determine that such signs are necessary to promote local tourism.

(g) Community and geographic region identification signs. Community and geographic region identification signs may be permitted subject to the following provisions:

- (1) No more than two such signs shall be permitted for any community or geographic region. Signs shall be located within the boundaries of an established community or geographic region as shown on a site plan or subdivision plat approved by the Planning Commission.
- (2) Such signs may be located in any zoning district and shall be exempted from all setback requirements except that said sign cannot project over any property line or road right-of-way.
- (3) The message shall be restricted to only the identification of the community or geographic region
- (4) The sign must be of a monument design and shall not exceed fifty square feet in area or six feet in height.
- (5) The sign may face in any direction.
- (6) Any illumination of the sign must comply with § ZS 1-323 hereof regarding exterior lighting.
- (7) Landscaping shall be required in the vicinity of the base of the sign and be at least fifty square feet in area.
- (8) Electronic messaging signs are strictly prohibited.

(h) Lighting of signs. Except as provided in Subsection (e) hereof, all signs shall comply with the following provisions:

- (1) No sign shall be erected or maintained which contains, includes, or is illuminated by any flashing light, electronic change in message, electronic change in background color, electronic change in light intensity, or electronic video display, except those giving highway public service information such as lane closures, road closures, detours, and those giving time, date and temperature.
- (2) Light directed on, or internal to, any sign shall be shaded, shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or adjoining premises, nor adversely affect safe vision of operators of motor vehicles. Light shall not shine or reflect on, or into, residential structures.

- (3) No sign shall be erected or maintained which shall be so placed or illuminated that it interferes with the effectiveness OF or obscures any official traffic sign, device, or signal, or any otherwise official sign.
- (i) Sign permits. All signs, except temporary freestanding signs, security signs, temporary real estate, temporary signs announcing the opening of a project, political and construction signs, signs announcing a public or quasi-public event, and historic and conservation signs, shall be deemed permanent signs. No permanent sign shall be erected, enlarged or altered without a permit from the Department. The act of changing only the copy of a sign shall not be considered an alteration. Applications for permits shall be submitted to the Department on forms obtainable ~~at~~ FROM the Department. Each application shall be accompanied by drawings and written material showing the area, appearance and message of the sign, the method of illumination, the exact location and height of the proposed sign with regard to property lines, setbacks and structures, the method of support, attachment of such sign to the building if pertinent, and any required landscaping.

§ ZS 1-325. Site plan review.

- (a) Purpose and intent. The purpose of this Section is to encourage innovative and creative design and facilitate use of the most advantageous construction techniques in the development of land in the County. This Section is intended to ensure ample provisions for the efficient use of land while also protecting sensitive areas and to promote high standards in the layout, design, landscaping and construction of development to ensure public safety, environmental quality and compatibility with adjacent and nearby properties. This Section is intended to supplement those regulations and requirements contained elsewhere in this Title and is intended to further the purposes and provisions of the Comprehensive Plan, plus the standards and criteria for construction of facilities in the County.
- (b) Administrative procedures. In addition to the regulations contained in this Section, the Planning Commission may, subsequent to a public hearing held after notice pursuant to § ZS 1-114 hereof and with the approval of the County Commissioners, establish reasonable additional administrative procedures or adopt development standards dealing generally with construction of required site improvements, landscaping and other criteria applicable to site plan reviews.
- (c) Waiver of requirements. With the exception of the requirements of Subsection (g)(5) hereof, any requirement of this Section may be waived by the Planning Commission in specific cases where such requirement is deemed to be overly restrictive or unreasonable as applied to such case. In such case, a waiver shall not be adverse to the purpose of this Section. Where the Department may grant administrative waivers as set forth in Subsection (d)(2) hereof or where the site plan is determined to be a minor site plan as set forth in Subsection (f)(1) hereof, the Department or the Technical Review Committee, respectively, may grant the waiver permitted herein.
- (d) When site plan approval is required.
 - (1) Development subject to review. A site plan and approval is required when a use or structure is identified as being subject to the provisions of this Section. In addition, a site plan shall be submitted and approval required for the following:
 - A. Any single development with more than one establishment where the vehicle parking spaces are used in common by all of the establishments in the development.
 - B. When an existing residential use is proposed for change to a commercial, industrial or multifamily residential use.

- C. All public and semipublic buildings and institutions.
 - D. Any development or redevelopment, including subdivision, for which any portion of the development falls within the geographical parameters of a transportation corridor plan or other pertinent plan duly adopted by the County Commissioners.
 - E. Any use or structure which is cited in this Article as being subject to this Section.
- (2) Administrative waiver. The requirement to submit a site plan may be waived by the Department for commercial and industrial structures which do not exceed two thousand five hundred square feet of gross floor area or more than ten required parking spaces or constitute a minor conversion of use where there is sufficient information provided with the building permit application to ensure that all ordinance requirements are being met. The Department may, due to the complexity of the project and the need for a more comprehensive review by several departments or agencies, require that a site plan be reviewed by the Technical Review Committee.
 - (3) Structures exempt from site plan review. The Department may exempt any structure otherwise subject to this Section from the requirements hereof, provided that such structure:
 - A. Is an addition or accessory to a legally existing structure;
 - B. Is less than five hundred square feet in gross floor area;
 - C. Is no larger than the existing structure; and
 - D. Meets all other zoning requirements of this Title.
 - (4) Review required before issuance of permit. When a use or structure is identified as being subject to the provisions of this Section, no building permit shall be issued for any work in connection with the use or structure until a site plan has been reviewed and approved for such use or structure.
- (e) Preparation, contents and submission.
- (1) Generally. The following general regulations shall govern the preparation, contents and submission of site plans:
 - A. Site plans shall be prepared at a scale of one inch equals fifty feet or larger. No sheet shall exceed twenty-four by thirty-six inches in size.
 - B. A site plan may be prepared on one or more sheets to clearly show the information required by this Section and to facilitate the review and approval of the plan. Where multiple sheets are used, elements required to be shown on a site plan should be grouped in a logical and reasonable manner.
 - C. When more than one sheet is required to cover the entire project, a common sheet, general in nature, shall be provided, which shall show all individual sheets of an application in proper relationship to each other. If prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
 - D. Ten clearly legible copies of a proposed site plan shall be submitted to the

Department to be reviewed. Ink or pencil notations/revisions will not be accepted on prints. Once reviewed and approved, ten clearly legible copies of the approved site plan shall be submitted to the Department. IN THE EVENT THAT THE DEPARTMENT DETERMINES THAT A GREATER NUMBER OF SITE PLANS ARE REQUIRED TO ALLOW FOR ADEQUATE REVIEW, ADDITIONAL COPIES MAY BE REQUESTED. Those site plans pursuing an administrative waiver or exemption need only submit one copy of the site plan to the Department for evaluation and review unless advised otherwise by the Department.

- E. Profiles must be submitted on standard plan profile sheets or other format acceptable to the Department. Special studies, as required, may be submitted on standard cross-section paper and shall be at an appropriate scale. No sheet size shall exceed twenty-four by thirty-six inches in size.
 - F. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the closest ~~one-tenth~~ ONE-HUNDREDTH of a foot and all bearings in degrees, minutes and seconds ~~to the nearest ten seconds,~~ minimum accuracy., ~~and~~ ADDITIONALLY, ALL MAJOR SITE PLANS AS DEFINED HEREIN OR ANY SITE PLAN THAT RESULTS IN THE CREATION OF A NEW PUBLIC OR PRIVATE ROAD OR THE CREATION OF A NEW PROPERTY ADDRESS SHALL BE tied to the Maryland State Plane Coordinates AND SUBMITTED IN AN ELECTRONIC FORMAT.
- (2) Fee to be paid at time of submission. The County Commissioners shall establish a schedule of fees to alleviate the cost of reviewing the site plans described herein. Such fees shall be collected by the Department at the time of filing.
 - (3) Contents of site plan. All site plans shall at the minimum contain the following information, either on the site plan itself or as an additional submission:
 - A. An existing conditions plan identifying all key environmental features, including tidal and nontidal wetlands, waterways and drainageways, existing significant trees, forested areas, flood plains, source water and aquifer recharge protection areas, areas of critical or special habitat, the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, existing topography, with a maximum of two-foot contour intervals, and other important environmental features.
 - B. All property lines as surveyed by a registered property line surveyor or professional land surveyor of the State of Maryland. The requirement for the survey of all property lines as specified herein may be waived by the Department ~~to~~ FOR minor site plans and major site plans as defined in Subsection (f) hereof where alternative boundary information is determined to be acceptable.
 - C. The proposed finished grading, with a maximum of two-foot contour intervals.
 - D. An approved stormwater management plan or waiver, as applicable.
 - E. An approved sediment and erosion control plan.
 - F. The location and size of all recreation and open space areas.
 - G. The general location of the property by use of an insert vicinity map, the North arrow, the scale, the tax map, parcel and lot number information, the tax account identification number, the zoning classifications, and the date.

- H. The approximate location of abutting and nearby roads, structures, use areas, parking lots, fences, walls, signs, waterways and other significant physical features within one hundred feet of the property line and the location of all agricultural structures within two hundred feet of the property line. The plan shall also show the owners, zoning and present use of adjoining and nearby tracts, including those across roads or waterways.
- I. The total acreage of the tract and the acreage proposed for each type of use, the area of all structural improvements, including parking and incidental structures, the dimensions of the building footprint(s), and the floor area of each building, and the square footage of area dedicated for each use within each building. ~~and if~~ If the proposed structural improvements are a multifamily residential or townhouse building, the number of dwelling units in total and per building shall also be shown.
- J. The size, type and location of all structures, building entrances, outdoor storage or display areas, use areas, signs, minimum and proposed yard setbacks, waterways, drainageways, utility lines, easements, landscaping, exterior lighting and other physical features. Both existing and proposed features shall be shown and labeled as such.
- K. All vehicular ingress and egress to the site, vehicular travelways and circulation, off-street parking spaces, stacking spaces, parking bays, loading spaces, the dimensions of typical and handicapped parking spaces, the method of parking space demarcation, dimensions of vehicular travelways and proposed surface treatment, and clear sight triangles at intersections. Information relative to parking spaces, stacking spaces, and loading spaces shall indicate the number required and the number provided. Additionally, pedestrian walkways and bicycle paths and circulation shall be shown and described in detail.
- L. The location, type, size and height of all fencing, screening and retaining walls.
- M. The location, width, size and intended purposes of all easements and rights-of-way and whether they are to be publicly or privately maintained.
- N. The location, width, names, curve data, grades and sight distances at intersections for all existing and proposed streets.
- O. All existing and proposed wastewater facilities, indicating all pipe sizes, types, grades, invert elevations, location of manholes and such other data as may be deemed necessary by the Department. In the case of private, on-site treatment and disposal, the location and size of the initial and replacement septic areas shall be shown.
- P. All existing and proposed water facilities, including all wells, water mains and their sizes, valves and fire hydrant locations.
- Q. The location and size and the proposed method of any required screening or buffering of any existing and proposed service and utility areas for trash collection, compaction, recycling, utilities, mechanical equipment, delivery and loading. Such areas shall not conflict with normal traffic circulation on or off of the site.
- R. The names and mailing addresses of the property owner, the applicant, if different, and the person who prepared the site plan. The plan shall also bear

the original signatures of the property owner, applicant, if different, and the person who prepared the site plan.

- S. A signature panel with a space identified for the signature of the Chairman of the Planning Commission or the Department, as applicable.
 - T. Schematic elevations and floor plans drawn to scale for any freestanding signs and for all buildings or structures, including but not limited to building height, number of stories, type of construction, finish materials, colors, awnings, roof style and materials, architectural tradition or style, ~~and~~ mechanical equipment, AND THE SIZE AND LOCATION OF ANY ON-BUILDING SIGNS. The information provided in the elevations shall be of sufficient detail to assess compliance with the Worcester County "*Design Guidelines and Standards for Commercial Uses.*"
 - U. Such additional data, drawings or documentation as deemed necessary by the Department, Technical Review Committee or Planning Commission to adequately review the application for compliance with the intent and provisions of this Title.
- (4) The Department, Technical Review Committee or Planning Commission may, at its discretion, waive or modify the site plan standards of Subsection (e)(3) hereof when such standards are not necessary to conduct an adequate review of the application.
- (f) Classifications of site plans and review procedures.
- (1) A "minor site plan" shall be defined as a site plan for a building or buildings in which the cumulative gross floor area does not exceed a total of ten thousand square feet and the land area devoted to the use, including all structural improvements, parking, vehicular travelways, storage areas, stormwater management facilities and incidental facilities, does not exceed three acres, or, if no building or buildings will be constructed, a site plan for a use of land for which the total land area devoted to the use does not exceed three acres. All minor site plans shall be reviewed and approved by the Technical Review Committee, except that the Technical Review Committee shall have the authority to forward any application for a minor site plan to the Planning Commission for its review and final approval where the Technical Review Committee determines that the site plan has broad impact on the County, or where it is otherwise deemed appropriate.
 - (2) A "major site plan" shall be defined as any site plan which is not a minor site plan as herein defined. All major site plans shall be reviewed by the Technical Review Committee and reviewed and approved by the Planning Commission.
 - (3) The Technical Review Committee or the Planning Commission, as required, shall review the site plan for compliance with the County's Comprehensive Plan, this Title and other applicable regulations.
 - A. In its review, the approving body may request written opinions and/or decisions from other departments, divisions, agencies or authorities of the County government, from officials, departments or agencies of the State and from other qualified persons as may, from time to time, be retained.
 - B. The Department shall submit site plans to the local agent of the Maryland Department of the Environment for its review and recommendation relative to proposed wastewater disposal systems and water supply systems, including grading and drainage considerations related to the systems. No site plan shall be approved where individual or private shared/community water supply and/or wastewater disposal systems are proposed until written

approval has been secured from the local agent of the Maryland Department of the Environment. The local agent shall determine the suitability of the soil and topography for wastewater disposal systems with subsurface disposal and shall not approve such proposed development plans when satisfactory service is not reasonably anticipated.

- C. Final approval cannot be granted to a site plan by the Technical Review Committee nor can a site plan be submitted to the Planning Commission for its review and approval until wetland or buffer impacts have been approved by the appropriate governing agency.
- D. In reviewing a site plan, the Department, Technical Review Committee and/or Planning Commission shall consider and impose requirements, where deemed appropriate, with respect to the following:
 - 1. Protection of existing key environmental features and connectivity of such features to those on adjacent and nearby properties.
 - 2. Access to structures.
 - 3. Vehicular traffic flow.
 - 4. Access to public roads and streets.
 - 5. Pedestrian and nonmotorized access and circulation.
 - 6. Fire equipment access.
 - 7. Refuse removal.
 - 8. Existing and proposed vegetative cover.
 - 9. Source water protection and aquifer recharge areas.
 - 10. Drainage flows, structures and impacts, both on-site and off-site.
 - 11. The project's compatibility with the uses, structures or features of surrounding properties.
 - 12. Consistency with the Worcester County "*Design Guidelines and Standards for Commercial Uses*," any transportation corridor plans or other pertinent plans duly adopted by the County Commissioners.
- E. In conjunction with its review and approval, the approving body may require changes in the site plan or attach conditions or restrictions when such changes, conditions or restrictions protect key environmental features, coordinate the proposed development with surrounding properties or improve the protection of the public's health, safety and general welfare.
- F. The developer shall be advised as to the comments, requirements and decisions of the Department or approving body. Such notification shall be by formal letter or electronic communication and may include markings or notations on the site plan.

(g) Approval or disapproval generally.

- (1) The Department, the Technical Review Committee and the Planning Commission shall not be required to review site plans that are incomplete.

- (2) Approval or disapproval of a site plan by the approving body shall occur within sixty days of review of a complete application and site plan by the approving body. The applicant shall be responsible for making any revisions to the site plan necessary for its approval within sixty days of the review by the approving body or the site plan shall be denied. The applicant may request an extension of the sixty day time period where abnormal and unusual circumstances exist.
- (3) Approval shall be evidenced by the signature of the Department, Technical Review Committee Chairman, Planning Commission Chairman or his/her designee on the plan. No rights shall vest until such signature is affixed thereto.
- (4) The approval of the site plan, the bonding of all required public improvements and the receipt of all applicable permits and approvals shall constitute County authorization to proceed with construction of improvements within the area proposed and in accordance with the approved site plan.
- (5) No rights shall vest until approval of the site plan by the approving body. Approval of the site plan submitted under the provisions of this Title shall expire twenty-four months after the date of such approval unless building permits have been obtained for construction in accordance therewith. Site plan approval shall expire upon expiration of the building permit. A maximum of three individual one-year extensions may be given by the Department upon written request by the applicant to the Department made no less than sixty days before the expiration of the approved site plan, provided that the site plan is in accordance with all County plans and ordinances in effect at the time of the application for extension. Any bonds or other forms of financial surety must also be extended in conjunction with any building permit issued subsequent to site plan approval. Unless approval shall expire as specified herein, the approved site plan shall be considered to have vested rights with respect to all applicable County regulations in effect at the time of approval or reapproval. In considering a request for extension of site plan approval, the Department must find affirmatively all of the following:
 - A. The extension is desirable to promote the orderly development of the area where the project for which the extension is located.
 - B. Failure to grant the extension will result in an impractical situation with respect to future development in the area.
 - C. The granting of the extension is in keeping with sound zoning principles and the purposes of this Title.
 - D. The applicant has made a good faith effort to complete the project within the permit life.
 - E. The site plan is in accordance with all County plans and ordinances in effect at the time of the application for extension.

(h) Plan changes or revisions.

- (1) No change, expansion, contraction, revision, deletion, addition, erasure or other modification shall be made on any pending or approved site plan nor on any accompanying data sheets where approval has been endorsed on the plan or sheets unless authorization for such change is granted, in writing, by the approving body or its authorized agent.
- (2) Any revision to an approved site plan shall be processed in the same manner as the original approval. Minor and/or technical changes which do not substantially alter the original approved site plan may be authorized by the Department subject to the

following provisions:

- A. The Department shall determine whether a change is minor or major based upon the original approval criteria and consideration of the effect of the change on the design and function of the plan.
- B. In the case of a grandfathered or vested site plan, the Department shall consider whether the change results in the project having a greater degree of conformity with existing regulations in making the determination as to whether a change is minor or major.
- C. The Department shall have the authority to refer any change to the approving body for final determination.
- D. Approval of a revision to a site plan shall not be construed in any manner to extend the life of the original approval.

(i) Approval of site plan, issuance of permit and subsequent construction.

- (1) No construction or site improvement shall be initiated until the site plan has been approved and all proper permits issued.
- (2) No permit or plan approval shall be issued by any administrative offices or agent of the County for the construction of any building or improvement requiring a permit for any property covered by a site plan unless it is in conformity with the provisions of this Section and the duly approved site plan.
- (3) Approval of a site plan by the Department, Technical Review Committee or Planning Commission shall authorize construction only in accordance with the approved site plan. Deviation from the approved site plan or failure to abide by attached restrictions or conditions shall be considered a violation of this Title.

(j) Required standards and improvements generally. In addition to those improvements and standards specified in other sections of this Title, the following minimum standards and improvements shall also be required:

- (1) All improvements required by this Title shall be installed at the cost of the developer and in accordance with design and construction standards of the County. In cases where specifications have been established either by the County Commissioners or by this Title, such specifications shall be followed and the most restrictive specifications will prevail. Any bonds or other financial surety posted by the developer shall not be released until construction has been inspected and accepted by the appropriate County department.
- (2) Prior to the issuance of any building permit or use of land permit, the owner or developer shall execute an agreement with the County to construct required physical improvements that are located within public rights-of-way or easements or are connected to any public facility, said agreement to be in form and substance as approved by the County. The owner or developer shall also post a bond with surety, cashier's check or escrow account in the amount of one hundred and twenty-five percent of the estimated cost of the required improvements, as determined by the appropriate County department. The aforesaid agreement and bond shall be provided to guarantee completion of all work covered thereby within the time period to be determined by the County Commissioners. The time period may be extended by the County Commissioners upon written application by the owner or developer signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the County Commissioners or their designee.

- (3) When a site plan abuts one side of any public road which is in the existing County road system or is proposed to be added to the County road system, the owner or developer shall be required to dedicate at least one-half of the right-of-way necessary to make horizontal and vertical adjustments to such roadway. Any such right-of-way addition shall be dedicated for public use and recorded as such. All building setbacks shall be measured from the additional dedicated right-of-way.
- (4) All roadway construction standards and geometric design standards shall be in accord with those established in the pertinent adopted standards of the County.
- (5) On any site bordering a public road, in lieu of providing travelways that provide vehicular access and connectivity to and from adjacent property, the owner or developer may dedicate, where necessary, and construct a service road under County and State standards for such roads. In such event, the setback requirements shall be no greater, if the service road is dedicated, than the setback required without the dedication, except that in no instance shall a building be constructed closer than twenty feet to the nearest right-of-way line.
- (6) Interior travel lanes, vehicular travelways and parking bays are to be constructed in accordance with County standards and are to be congruous with the public street to which the travel lanes, vehicular travelways and parking bays are connected. Every parking bay shall be so constructed that no vehicle, when parked, will overhang property lines or moving travel lanes.
- (7) Adequate easements shall be provided for drainage and all utilities on any parcel or tract in accordance with County standards. Where multiple structures or pipes are installed, the easement shall extend at least five feet beyond the furthestmost limits of the utilities.
- (8) The owner or developer shall provide for all utilities and services required, including both on-site and off-site improvements. The owner or developer shall propose specific improvements for consideration, modification and approval by the appropriate County department. Any tests or studies necessary to provide for adequate utilities, services, roadways, and other site improvements shall be the responsibility of the owner or developer.
- (9) Landscape plantings, buffering, screening, fences, walkways, bicycle paths, curbs, gutters and other physical improvements, as required by this Title or other ordinances or plans of the County, shall be provided by the owner or developer.
- (10) Where central water is available, fire hydrants or other fire suppression methods served by an adequate water supply and distribution system will be provided by the owner or developer in the total area proposed for development in the locations as specified by the Worcester County Fire Marshal.
- (11) It shall be the responsibility of the owner or developer to provide adequate supervision on the site during the installation of all required improvements and to have a responsible superintendent or foreman, together with one set of approved plans, profiles and specifications, at the site at all times when work is being performed. It shall also be the responsibility of the owner to contact the County to request all pertinent inspections as required. The County may require the provision of third party inspectors at the expense of the owner or developer where specific site conditions, methods of construction, or timing of inspections warrant.
- (l) As-built survey of completed improvements. Upon the satisfactory completion of all required improvements shown on the approved site plan, the owner or developer shall submit to the Department two copies of a survey of as-built conditions prepared by a surveyor registered in the State of Maryland that accurately depicts the improvements as

they were actually constructed, installed or planted on the site. Such plan shall be submitted at least one week prior to the requested occupancy of any building for review by the Department to ascertain whether the as-built conditions are in conformity with the approved site plan and with the pertinent County regulations and to verify that the as-built plan accurately represents actual improvements on the site. No building shall be occupied until the as-built plan has been reviewed by the Department and the Department has verified that all requirements and conditions of site plan approval have been complied with or the completion thereof has, where allowed, been bonded to the County Commissioners or the building's occupancy has been otherwise provided for by the Department. The requirement for the as-built survey may be waived by the Department where the required improvements were minor in nature and the Department is able to ascertain compliance with the approved site plan through other means.

- (m) Use or occupancy certificate of approval for improvements. Upon satisfactory completion of the required improvements and the submission of an as-built survey or waiver of such requirement as set forth in Subsection (l) hereof, the Department shall furnish a use or occupancy certificate to the owner or developer covering all required improvements on the site. Such use or occupancy certificate may authorize the release of bonds which shall have been furnished for the guaranty of satisfactory installation of such improvements or parts thereof.
- (n) Acceptance of improvements for maintenance and dedication.
 - (1) The approval of the site plan or the installation of the improvements as required in this Title shall in no case serve to bind the County to accept such improvements for maintenance, repair or operation thereof. Acceptance of improvements shall be subject to applicable County or State regulations.
 - (2) No public easement, right-of-way or public improvement shall be accepted for dedication unless approved by the County Commissioners. Such approval shall not be given by the County Commissioners until any such easement, right-of-way or improvement complies with all the requirements set forth by the approving body, including such other requirements that the approving body might impose for public utilities, streets, roads, drainage, etc. All improvements accepted for dedication shall be depicted on an instrument to be recorded in the land records of Worcester County.

§ ZS 1-326. Classification of highways.

- (a) Arterial highways. The following highways are hereby classified as arterial highways in Worcester County:
 - (1) US 13 (Ocean Highway).
 - (2) US 50 (Ocean Gateway).
 - (3) MD 90 (Ocean City Expressway).
 - (4) US 113 (Worcester Highway).
- (b) Major collector highways. The following highways are hereby classified as major collector highways in Worcester County:
 - (1) MD 12 (Snow Hill Road).
 - (2) MD 376 (Assateague Road).

- (3) MD 589 (Racetrack Road).
- (4) MD 610 (Whaleyville Road).
- (5) MD 611 (Stephen Decatur Memorial Road).
- (c) Minor collector highways. The following highways are hereby classified as minor collector highways in Worcester County:
 - (1) MD 346 (Old Ocean City Road).
 - (2) MD 354 (Whiton Road).
 - (3) MD 364 (Dividing Creek Road and Nassawango Road).
 - (4) MD 365 (Public Landing Road and Bay Street).
 - (5) MD 366 (Stockton Road).
 - (6) MD 367 (Bishopville Road).
 - (7) MD 368 (Saint Martins Neck Road).
 - (8) MD 374 (Libertytown Road).
 - (9) MD 394 (Market Street).
 - (10) Beauchamp Road.
 - (11) Broad Street (Pocomoke).
 - (12) Golf Course Road.
 - (13) Harrison Road.
 - (14) Keyser Point Road.
 - (15) Nassawango Road.
 - (16) Old Bridge Road.
 - (17) Pocomoke Baby Beltway.

§ ZS 1-327. Additional setbacks from drainage ditches and stormwater management facilities.

- (a) Setback imposed. No structure shall be erected, located, converted, enlarged or altered or any fill deposited within twenty feet of the top of the slope, based upon the design, of any ditch or swale which is organized as a tax ditch, public drainage association or public watershed association, except such structure or fill which may be required as part of the construction, maintenance or operation of the ditch or swale.
- (b) Additional provisions for stormwater management facilities.
 - (1) A maintenance easement at least fifteen feet in width shall be provided along the top of the slope of a stormwater retention or detention pond, wet swale or ditch, rain garden or other feature constructed to address stormwater management quantity or

quality requirements. Such maintenance easement shall contain land which is reasonably flat and stabilized to provide clear access by maintenance equipment. Where vehicle mounted equipment is need for maintenance, access shall be provided to the stormwater management facility from the nearest public road.

- (2) The Department may waive or otherwise modify the stormwater maintenance easement requirement, by either increasing or decreasing the required easement, where it is determined that due to the specific nature of the site, proposed location of adjacent structures, topography, and the particular design and maintenance requirements of the stormwater facility, a waiver or modification is warranted.
- (3) Beyond the maintenance easement, all stormwater management retention or detention ponds shall be screened or ornamentally planted with landscaping in accordance with the provisions of § ZS 1-322 hereof.

§ ZS 1-328. Wastewater and water treatment facilities.

- (a) Definitions. In addition to the definitions provided in § ZS 1-103 hereof, for the purposes of this Section, the following definitions shall apply:

SPRAY IRRIGATION FIELD -- An area of land upon which wastewater is applied through a spray technique.

STRUCTURE FOR HUMAN OR ANIMAL HABITATION -- Any structure in which humans or animals normally reside, seek shelter or congregate on a regular basis. It shall not include any building which is periodically visited by humans or animals.

VEGETATED -- A growth of vegetation of such a height and density so as to, at all times of the year, provide a windbreak through which wastewater in spray form shall not penetrate under normal conditions.

WASTEWATER TREATMENT FACILITY -- Any device or system including, without limitation, a sewage lagoon, treatment plant, ridge and furrow system, sewage sludge disposal area, spray field, discharge outfall or area, injection well, or a lagoon or subsurface systems (including but not limited to drainfields, septic tanks, sand mounds, drip irrigation) or other facility, designed to render sewage, animal waste or waterborne wastes from processing, manufacturing or refining operations fit for disposal, but exclusive of: (1) any system serving only a single-family or two-family dwelling unit or manufactured or mobile home, or (2) any system ~~ON A FARM~~ consisting of the storage, application or a combination thereof ~~on a farm~~ of manure produced by farm animals or poultry, or (3) any subsurface system designed or used for less than five thousand gallons per day.

WATER SUPPLY SYSTEM -- A source and the surrounding area from which water is supplied for drinking or domestic purposes and any structure, channel or appurtenance used to prepare water for use or to deliver water to a consumer, including water treatment facilities, water well sites and water storage tanks. A "water supply system" does not include the plumbing system inside any building that is served by the water supply system.

WETTED PERIMETER -- The farthest extent of any spray from a spray nozzle or drip orifice in any spray irrigation field, based upon design criteria and normal wind conditions.

- (b) Requirements for wastewater treatment facilities. All wastewater treatment facilities, as defined herein, shall meet the general criteria in Subsections (b)(1) thru (b)(4) hereof and the specific criteria as outlined in Subsections (c) thru (f) hereof and shall render wastewater fit for discharge in such state or condition:

- (1) As not to result in pollution, as defined by applicable law or regulation, of any

surface or subsurface waters of the County.

- (2) As to conform, in all respects, to the most stringent applicable standards of the water quality control agencies having jurisdiction.
 - (3) As to meet all other standards imposed by Federal or State law or local law, regulation or resolution of the County Commissioners.
 - (4) As to minimize intrusion in the one-hundred-year floodplain. Preference shall be given to reasonably available sites outside the one-hundred-year floodplain.
- (c) Requirements for above ground wastewater treatment plants. All wastewater treatment plants having all or any portion of any structure, building, tank or component used for treatment, storage or flow equalization and extending greater than three feet above the surface of the surrounding grade shall be located not less than three hundred feet from any building not associated with the operation of the plant, road right-of-way or perimeter property line, other than those property lines established for the creation of the utility lot on which the treatment plant is located. The three hundred foot setback may be reduced to not less than one hundred feet by the Board of Zoning Appeals as a variance in accordance with the provisions of § ZS 1-116(c)(4) hereof where the Board determines that the reduced setback will not adversely affect any surface or subsurface waters of the County and will not be detrimental to the peaceful use and enjoyment of any residential properties in the area. In any case where the Board grants a variance to the required three hundred foot setback they may impose whatever conditions they find appropriate, including but not limited to, increased vegetated or landscaped buffers, fencing or walls, noise or odor control measures and restrictive easements on adjoining properties under joint control or ownership of the applicant or property owner to ensure compliance with the intent of this Section. All above ground wastewater treatment plants shall be densely landscaped in accordance with the provisions of § ZS 1-322(e)(1) hereof.
- (d) Requirements for below ground wastewater treatment plants. All wastewater treatment plants having all structures, buildings, tanks, or components used for treatment, storage or flow equalization extending less than three feet above the average grade, other than one building not exceeding five hundred square feet in gross floor area which is used strictly for control of the plant and/or chemical storage, shall be located not less than one hundred feet from any building not associated with the operation of the plant, road right-of-way or perimeter property line, other than those property lines established for the creation of the utility lot on which the wastewater treatment plant is located. All treatment plants so located shall be buffered in accordance with the provisions of § ZS 1-322(e)(2) hereof. The one hundred foot setback may be reduced to not less than fifty feet by the Board of Zoning Appeals as a variance in accordance with the provisions of § ZS 1-116(c)(4) hereof where the Board determines that the reduced setback will not adversely affect any surface or subsurface waters of the County and will not be detrimental to the peaceful use and enjoyment of any residential properties in the area. In any case where the Board grants a variance to the required three hundred foot setback they may impose whatever conditions they find appropriate, including but not limited to, increased vegetated or landscaped buffers, fencing or walls, noise or odor control measures and restrictive easements on adjoining properties under joint control or ownership of the applicant or property owner to ensure compliance with the intent of this Section. All below ground wastewater treatment plants with less than a one hundred foot setback shall be densely landscaped in accordance with the provisions of § ZS 1-322(e)(1) hereof.
- (e) Requirements for underground septic tanks, wastewater effluent drainfields, sand mound systems and drip irrigation systems. All subsurface septic tanks, wastewater effluent drainfields, (including sand mound systems), drip irrigation disposal areas, and any subsurface storage tanks for flow attenuation shall be set back fifty feet from any public road, fifty feet from any property line and one hundred feet from any perennial or intermittent stream. The setback for subsurface systems shall be measured from the edge of

the tank or drainfield line, from the toe of the berm of a sand mound system and the emitter of a drip irrigation system.

- (f) Requirements for sewage pumping stations, structures and associated equipment. All sewage pumping stations, structures, buildings and associated equipment shall be located so as to provide for an open and unencumbered use area of at least two thousand five hundred square feet in area, with a minimum setback distance equal to or greater than one and one half times the height of the tallest building, structure or equipment on the site but in no case less than thirty feet in all directions, and not less than thirty feet from any other building or structure not incidental to or part of the use as described above. All sewage pumping stations shall be buffered in accordance with the provisions of § ZS 1-322(e)(2) hereof.
- (g) Requirements for spray irrigation facilities disposing of Class II or better effluent. Notwithstanding any other provisions of this Title, in order to provide for the maximum utilization of highly treated wastewater effluent from wastewater treatment plants the following requirements shall govern the storage and disposal of effluent meeting or exceeding the standards as contained in this Subsection.
 - (1) In order to be regulated by this Subsection the following conditions must be met:
 - A. All effluent produced by the wastewater treatment facility shall be classified as Class II effluent or better and meeting all the standards as proscribed for reclaimed water as defined in the State Environmental Article, Section 9-301, as from time may be amended.
 - B. The wastewater treatment facility must at all times meet all of the standards as set forth in the wastewater discharge permit issued by the Maryland Department of the Environment and be operated by an individual licensed by the State of Maryland to operate a wastewater treatment facility.
 - C. Setbacks to the wetted perimeter of any spray irrigation system shall be as set forth in the wastewater discharge permit issued by the Maryland Department of the Environment.
 - D. For any irrigated area where the wetted perimeter is less than one hundred feet to a property line or a structure intended for human occupancy, the perimeter of the wetted area shall be conspicuously posted with signs to indicate that the property is irrigated with reclaimed wastewater.
- (h) Requirements for spray irrigation facilities disposing of any wastewater other than Class II or better effluent. In addition to the requirements of Subsection (b) hereof, the following requirements shall apply to any spray irrigation facility disposing of any wastewater other than Class II or better effluent.
 - (1) Unless modified by the Board of Zoning Appeals as set forth in Subsection (h)(2) hereof, the setback, measured from the wetted perimeter of the spray irrigation field to every road, structure for human or animal habitation on the same parcel, waterway, place of human congregation or perimeter property line, other than those property lines created for the establishment of a utility lot on which the water and/or wastewater treatment plant is located, shall be a function of the zoning district in which it is located and the sufficiency of the existing or proposed vegetative cover to serve as an effective windbreak and screen to prevent the spray from carrying onto adjacent properties. The setbacks are established as follows:
 - A. In the A-1, A-2 and RP Districts:
 - 1. On non-vegetated areas, two hundred feet, with the farthestmost one

hundred feet from the wetted perimeter planted to provide a future windbreak and screen.

2. On areas with a mature vegetated buffer, one hundred feet.

B. In all other Districts:

1. On non-vegetated areas, five hundred feet, with the farthestmost one hundred feet from the wetted perimeter planted to provide a future windbreak and screen.

2. On areas with a mature vegetated buffer, two hundred fifty feet.

C. Where perpetual easements in proper form are obtained on adjacent properties, such easement areas may be included within the setback provided that the requirements of the pertinent setback as cited above are complied with within the easement area.

- (2) The Board of Zoning Appeals may, as a special exception, modify the setbacks for spray irrigation fields disposing of treated wastewater other than Class II or better effluent. In no case, however, shall the setbacks be less than fifty feet to a perimeter property line and two hundred feet to a dwelling on an adjacent parcel, provided that the following criteria and conditions are affirmatively found by the Board of Zoning Appeals:

- A. The degree of treatment of the wastewater shall be such that a modification in the setback would not be detrimental to adjacent properties and land uses.
- B. Where possible, existing easements on adjacent properties have been provided which will enhance the effectiveness of the setback or will serve to enlarge it.
- C. Existing or planned land uses of adjacent properties will not be adversely affected.
- D. The spray irrigation facility will serve to eliminate or reduce the point of discharge of treated effluent into a watercourse.
- E. The modification in setbacks is reasonably necessary.
- F. Groundwater and surface water are adequately protected.
- G. Adjacent and nearby land uses and property values are adequately protected.
- H. Environmental impacts are reduced.
- I. Adequate assurances are available as to the continued safeguarding of the conditions of the application.
- J. Wildlife habitat and rare plants are protected.
- K. The type, size and maturity of vegetation in the setback shall be sufficient to serve as an effective screen.
- L. Surrounding properties shall be protected from runoff, spray and odors by the existing or proposed topography, landscaping, berms or swales.

- (3) The following activities are permitted in the setbacks:
- A. Field cropping.
 - B. Forestry operations beyond the requirements of the vegetated setback.
 - C. Open space.
 - D. Private roads and drives.
 - E. Utility lines and their supporting structures.
 - F. Structures and components serving the spray field.
 - G. Recreational uses, including golf courses and driving ranges.
 - H. Any other use not otherwise prohibited which would not interfere with the function of the setback.
- (4) The following uses and activities shall be strictly prohibited in the setback:
- A. Any use, feature, line or structure from which a setback is required.
 - B. Disturbance to any vegetation or alteration of any land in any manner that interferes with the function of the vegetated buffer.
- (5) The following uses shall be the only uses permitted within the wetted area of any spray irrigation field:
- A. Any piping, nozzles, pumps, lagoons and ancillary structures for the functions of the system.
 - B. Field cropping and forestry.
 - C. Open space and recreational uses, including golf courses, provided that use by humans during operational spray periods is not permitted.
 - D. Roads and drives serving the spray fields.
- (6) The Board of Zoning Appeals may, as a special exception, permit other uses in buffers and spray irrigation fields and vary the type and width requirements for vegetation contained in this Subsection. In no case, however, shall less than twenty-five feet of the required setback be vegetated to provide an effective windbreak and screen to prevent spray from carrying onto adjacent properties. If no natural vegetation exists within the setback which is sufficient to serve as an effective windbreak and screen, it shall be planted with a mix of native species in accordance with the provisions of § ZS 1-322(e)(1) hereof as from time to time amended.
- (i) Requirements for lagoons and ponds storing treated wastewater for spray irrigation systems. Only open lagoons or ponds whose contents are retained by the earth are subject to the provisions of this Subsection. All tanks used for the storage of treated effluent prior to disposal shall not be considered as lagoons or ponds but rather as part of the wastewater treatment plant and shall be subject to the provisions of Subsections (c) and (d) hereof. When a storage lagoon or pond is a required component of a spray irrigation facility it shall comply with the following:
- (1) It shall only be used for the storage of treated effluent.

- (2) It shall be enclosed with a fence not less than six feet in height. Any access gates shall be locked and secure from trespass at all times.
 - (3) It shall be set back AT LEAST fifty feet from every perimeter line. The setback shall be measured from the outside toe of the berm which contains the treated effluent.
- (j) Requirements for sewage sludge composting facilities and storage facilities. Sewage sludge composting and storage facilities shall be governed by and comply with all the following:
- (1) All other permits and approvals, other than those required by the Zoning and Subdivision Control Article, required by law for sewage sludge storage or composting shall be obtained prior to the granting of any required special exception.
 - (2) Sewage sludge storage facilities and sewage sludge composting facilities shall only be permitted by special exception on those lands zoned A-1 or A-2 District which lie outside of the boundaries of the Chesapeake and Atlantic Coastal Bays Critical Areas as described in Sections § NR 3-201(f) and § NR 3-101(f), respectively, of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland, as may from time to time be amended.
 - (3) In addition, in order to grant the special exception, the Board of Zoning Appeals must affirmatively find that the storage or composting site is located in a remote area at least one thousand five hundred feet from an occupied dwelling, any bay, creek, watercourse or stream, and any public right-of-way.
 - (4) In reviewing the special exception request the Board of Zoning Appeals shall consider the strength, content, state, type and volume of sludge, frequency of deposit, the type of containment facility, method of handling, the neighborhood, surrounding and nearby uses, routes of hauling, and the effect of the use on surrounding, neighboring and nearby properties.
 - (5) There shall be a thickly vegetated buffer of at least two hundred fifty feet in width protecting any bay, creek, watercourse or stream, in place and maintained during the life of the approval.
 - (6) Special exceptions shall be limited to a five year term subject to renewal by special exception upon reapplication and review and hearing as if a new case.
 - (7) No sewage sludge other than Class I sewage sludge as defined by State regulation shall be permitted for storage or composting. Every load delivered to a storage or composting site shall be accompanied by a certificate from the sludge generator certifying under oath that the sludge meets the requirements of the applicable State regulation. Certificates shall be provided to the County Health Officer and the County Environmental Programs Director at least twenty-four hours prior to the date of sludge deposit and shall be on forms as provided by the County and shall provide the origin of the sludge, date, time, and location of collection and proposed deposit.
 - (8) All loads of sewage sludge shall be subject to random inspection and testing at the expense of the hauler by the County Health Officer, the County Environmental Programs Director, or their designee, to ascertain that the sludge meets Class I standards. Tests shall be fairly conducted to ascertain that the sludge meets the criteria and standards set forth in the applicable State regulation to ensure compliance with all of the provisions of the permit and of the Environmental Article of the Annotated Code of Maryland. The sludge hauler may have similar tests conducted by an independent agency at his or her expense for consideration and review by the Health Officer and the County Environmental Programs Director.

- (9) The Board of Zoning Appeals may place restrictions, limitations and conditions on any special exception approval and may require such geological or hydrological tests and reports as may be necessary to generate sufficient information on which to render a decision. The Board may also place time limits and operating hour restrictions on the usage of sewage sludge storage or composting areas and facilities.
- (10) The Board of Zoning Appeals must find that the conditions in this Subsection and any other conditions and time limits imposed by the Board can be fully complied with prior to granting special exception approval for a sewage sludge storage or composting facility.
- (11) Anyone found violating the provisions of this Subsection or any condition imposed by the Board of Zoning Appeals shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to imprisonment of up to six months and a fine of one thousand dollars for each offense. Each day that the violation continues shall be considered a separate offense. The fee simple owner of the sewage sludge storage or composting facility shall be held strictly liable for any violations hereof. In addition, the County Commissioners may in such cases order remediation, including removal of the sludge or non-complying material.
- (12) The provisions of this Subsection shall not apply to the activities of the Worcester County Commissioners or to activities on a legally existing site operated by a municipality where sludge has been applied as of March 8, 1994.
- (13) The Board of Zoning Appeals shall retain primary jurisdiction over any special exception for a sewage sludge storage or composting facility and shall review such special exceptions on a periodic basis as well as on a complaint basis and may revoke or modify the same for any violation or for a determination that the activity is detrimental to the health, safety and welfare of the people of the County or its environment after reasonable opportunity for the permittee to be heard in accordance with the provisions of § ZS 1-116(c)(8) hereof.
- (14) No septage or untreated sewage, other than animal manure for agricultural purposes, shall be composted or stored in any sewage sludge composting facility or sewage sludge storage facility.
- (15) The land application or storage of septage or untreated sewage, other than animal manure, for any purpose, is prohibited.
- (k) Requirements for the land application of sewage sludge. The land application of sewage sludge under authority of a current, valid, appropriate and required State permit issued pursuant to Public General Law and State regulation and strictly in accordance with this Article and the requirements of the permit and agricultural best management practices shall be considered as an agricultural practice to the same extent as the application of animal manure or chemical fertilizers provided, however, that the land application of sewage sludge is prohibited within the boundaries of the Chesapeake and Atlantic Coastal Bays Critical Areas as described in Sections § NR 3-201(f) and §NR 3-101(f), respectively, of the Worcester County Natural Resources Article as may from time to time be amended.
- (l) Requirements for certain components of water supply systems. Notwithstanding any other provisions of this Article the following requirements shall apply to certain components of water supply systems as follows:
 - (1) Water supply and service systems as described in this Subsection shall be served by an access easement of no less than twenty feet in width; said easement shall be improved in accordance with the minimum standards as set forth in the Department of Public Works - Water and Wastewater Services Division "Design Guidelines and

Construction Standards.” The use area as described herein shall be transferred to the County either by fee simple ownership or through a perpetual easement agreement approved and executed by the County Commissioners, said documents to be recorded in the land records for Worcester County.

- (2) Water treatment facilities, including all structures, equipment and fuel storage tanks, shall provide an open and unencumbered use area at least two thousand five hundred square feet in area with minimum setback distances to or exceeding one and one half times the height of the tallest structure on the site, but in no case less than fifteen feet in all directions, and no less than fifteen feet from any other structure or facility not incidental to the use described herein.
- (3) Water well sites, including wells, and pumping facilities but not including treatment facilities, shall provide an open and unencumbered use area at least two thousand five hundred square feet in area with minimum setback distances to or exceeding one and one half times the height of the tallest structure on the site, but in no case less than thirty feet in all directions, and no less than thirty feet from any other structure or facility not incidental to the use described herein.
- (4) Non-elevated water storage tanks shall provide an open and unencumbered use area at least one thousand square feet in area with minimum setback distances to or exceeding one and one half times the height of the tallest structure on the site, but in no case less than fifteen feet in all directions, and no less than fifteen feet from any other structure or facility not incidental to the use described herein.
- (5) Elevated water storage tanks and structures shall provide an open and unencumbered use area at least ten thousand square feet in area with minimum setback distances to or exceeding one and one half times the height of the tallest structure on the site, but in no case less than fifteen feet in all directions, and no less than fifteen feet from any other structure or facility not incidental to the use described herein.

§ ZS 1-329. Solid waste disposal sites.

- (a) Conformance with Title. No site shall be developed as a solid waste disposal site and no existing solid waste disposal site shall be enlarged, altered or changed in use except in conformity with the provisions of this Title.
- (b) Additional conditions. In addition to the provisions contained in other parts of this Title, the following shall apply to such sites:
 - (1) Disposal areas on every such site shall be set back from every public road right-of-way and every perimeter property line at least one hundred feet.
 - (2) The solid waste disposal area shall be effectively screened from public view by dense foliage, topography or fencing prior to use of the area as a solid waste disposal site. In addition, a security fence and gate at least six feet in height and of such length and construction to effectively control vehicular entrance to the disposal operation shall be constructed prior to the operation of the site. Such fence shall be visually screened along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.
 - (3) The burning of refuse or other waste material shall not be permitted at such sites, except by permission of the Department of the Environment and the Deputy State Fire Marshal.
 - (4) The solid waste disposal area shall not accept hazardous or toxic waste.

- (5) All solid waste disposal sites shall be subject to the provisions of § ZS 1-116 hereof.
- (6) The solid waste disposal area shall not be located over any aquifer.

§ ZS 1-330. Surface mining.

- (a) Defined. "Surface mining" shall mean the excavation, digging or dredging for sand, gravel, soil and other minerals. It shall include sand and gravel pits, borrow pits, clay pits, quarries, surface mines and the processing or compounding of products composed of on-site materials. It shall not include concrete- or asphalt-mixing plants or material removed from a development site as part of a normal cut-and-fill operation.
- (b) Lot requirements. The minimum lot requirements shall be: lot area, five acres; and lot width, five hundred feet. All setbacks shall be as set forth in Subsection (c) hereof.
- (c) Standards.
 - (1) All surface mining operations shall comply with the most current edition of the Maryland Standards and Specifications for Soil Erosion and Sediment Control, published by the Maryland Department of the Environment. All excavations shall be backfilled or graded to at least a one-to-four slope whenever operations are discontinued.
 - ~~(2) All surface mining operations shall be located such that they have direct access, without traveling on any public road right-of-way, to or are within fifteen hundred feet of an arterial highway or a major collector highway as defined in § ZS 1-326 hereof or a minor collector highway as defined herein (c)(2)A. through H. hereof. However, no surface mine shall be located at a site on or accessing the following said minor collector roads highways if there is an established residential neighborhood or major subdivision within one mile of the proposed site: Notwithstanding any other provisions of this Title, any presently approved and existing surface mine may be expanded to a contiguous parcel of land owned by the surface mine owner as of November 16, 2004 but only as approved as a special exception by the Board of Zoning Appeals:~~
 - ~~_____ A. MD 346 (Old Ocean City Road).~~
 - ~~_____ B. MD 354 (Whiton Road).~~
 - ~~_____ C. MD 364 (Dividing Creek Road and Nassawango Road).~~
 - ~~_____ D. MD 365 (Public Landing Road and Bay Street).~~
 - ~~_____ E. MD 366 (Stockton Road).~~
 - ~~_____ F. MD 367 (Bishopville Road).~~
 - ~~_____ G. MD 374 (Libertytown Road).~~
 - ~~_____ H. Nassawango Road.~~
 - ~~(3) Notwithstanding any other provisions of this Title, any presently approved and existing surface mine may be expanded to a contiguous parcel of land owned by the surface mine owner as of November 16, 2004 but only as approved as a special exception by the Board of Zoning Appeals.~~

- (2) SURFACE MINING OPERATIONS SHALL NOT CAUSE UNDUE DAMAGE TO ANY PUBLIC ROAD AND ITS ASSOCIATED DRAINAGE SYSTEM BEYOND THAT WHICH MAY BE REASONABLY EXPECTED TO OCCUR FROM ORDINARY TRAFFIC ON THAT ROADWAY. PRIOR TO THE ISSUANCE OF ANY ZONING CERTIFICATE UNDER THIS SUBTITLE FOR A SURFACE MINING OPERATION, THE OWNER AND OPERATOR SHALL PROVIDE A SATISFACTORY BOND OR GUARANTY TO THE COUNTY COMMISSIONERS TO ENSURE THAT ANY UNDUE DAMAGE TO THE PUBLIC ROAD OR ITS ASSOCIATED DRAINAGE SYSTEM IS REPAIRED TO THE SATISFACTION OF THE COUNTY.
- (3) All surface mining operations shall be restricted to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and to the hours of 7:00 a.m. to 12:00 noon on Saturdays. Such operations are prohibited on Sundays and on the following holidays: New Years Day; Good Friday; Memorial Day; July Fourth; Labor Day; Thanksgiving Day; and Christmas Day. For the purposes of this Section, "operations" shall constitute DEWATERING, excavation, extraction, processing, loading and distribution of materials.
- (4) All loaded trucks entering or exiting the site must be properly covered and provided with adequate wheel flaps.
- (5) All surface mining sites and haul roads must be sprayed with water whenever necessary to reduce dust.
- (6) The first two hundred feet of the haul road as measured from the public road right-of-way must be covered with stone or paved.
- (7) The public road must be swept whenever necessary to remove soil and debris.
- (8) The travel lane to the site must be stabilized to a minimum of twenty feet in width.
- (9) The entrance to the property from the highway must be secured by a chain, gate, cable or other appropriate means in order to prohibit vehicular access, except during hours of operation. During hours of operation the entrance must be properly marked with "Truck Entrance" caution signs.
- (10) All points of access to a public road from the site shall at a minimum be designed in accordance with the County's standards for commercial entrances with regard to acceleration and deceleration lanes. Additionally, the areas on either side of the access point to the public road right-of-way shall be cleared of vegetation, debris, etc. in order to provide adequate line-of-sight for vehicles traveling on the public road right-of-way as well as for vehicles utilizing the access point.
- (11) Structures and outdoor storage of materials and debris shall be screened from public road rights-of-way and adjacent residential uses by vegetation, walls or fences.
- (12) Clearing of existing forest vegetation shall be limited to areas needed for excavation, structures, unloading and loading areas, access roads, and parking areas.
- (13) Processing operations outside the pit perimeter shall be housed in a covered structure or screened unless the Board of Zoning Appeals determines that, because of site specific conditions, this is unnecessary based on the effects of the use on nearby properties.
- (14) Surface mining operations shall be located such that the line-of-sight to adjacent properties zoned for residential use or improved by a residential dwelling is obscured to the greatest extent possible.

- (15) No excavation shall take place within one hundred feet from any right-of-way line of any road.
- (16) No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred feet to any property line. This setback shall not apply where the adjoining property is used for surface mining.
- (17) Operation structures shall not be erected within two hundred feet of any property line or any public road right-of-way. The setback to adjoining property lines shall not apply where the adjoining property is used for surface mining.
- (18) All perimeter property lines shall be screened in accordance with § ZS 1-322 hereof or by an acceptable alternative as determined by the Board of Zoning Appeals.
- (19) Prior to the issuance of a zoning certificate, copies of all State of Maryland permits must be submitted to the Department so that any conditions placed on the State-issued permits can be incorporated into the conditions under which the zoning certificate is issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they should also be made conditions of the County approval.
- (20) The surface mining operations shall comply with all applicable Federal and State air pollution control laws and regulations. In the event of conflict between these laws and regulations the most restrictive legally applicable law or regulation shall apply. The operator shall control and contain dust to prevent visible emissions from crossing the boundary of the property.
- (21) The surface mining operations shall comply with all Federal, State and local laws regulating water resources management and protection. In the event of conflict between these laws and regulations the most restrictive legally applicable law or regulation shall apply.
- (22) Prior to the issuance of a zoning permit associated with a surface mining operation which is located within the Zone of Influence as designated by the State of any public water supply surface intake, public water supply well, or private water supply well, the operator shall provide a contingency plan for well replacement.
- (23) Prior to the issuance of any zoning certificate under this Subtitle for a surface mining operation, the owner and operator shall provide a satisfactory bond or guaranty to the County Commissioners to ensure compliance with this Subtitle and the provision of adequate landscaping, screening, fencing, AND health and safety safeguards and reclamation plans, including regrading, site access, and drainage. Provided that the County Commissioners are a party to the bond, the bond posted with the State of Maryland may suffice for this requirement. Said moneys shall not be released until such time as both the County and the State have been satisfied.

(d) Review procedure.

- (1) In conjunction with an application for a special exception, the applicant shall prepare a site plan meeting the requirements of § ZS 1-116(d)(2) hereof for submission to the Board of Zoning Appeals for its review.
- (2) In addition, the applicant shall submit the following:
 - A. A written description of the type and quantities of the materials to be excavated, type of extraction to be used, truck access and frequency of

trips, destination of materials, hours of operation, measures to be taken to protect the public and any other information necessary to adequately understand the operation.

B. A reclamation plan meeting the standards established by the State's Department of the Environment showing how the land is to be restored.

- (3) The Board may require that the applicant provide a bond or other satisfactory guaranty to insure that the terms of the special exception approval and State permit are fully complied with.

(e) Surface mines as dredge spoil disposal sites.

- (1) In conjunction with an application for a surface mine special exception, the applicant may request Board of Zoning Appeals approval to utilize the extracted areas of the surface mine as a dredge spoil disposal site.
- (2) The Board of Zoning Appeals may specify special conditions of operation and conditions regarding reclamation of the site.
- (3) The Board of Zoning Appeals may require assurances deemed necessary by the Board to protect the interests of the public-at-large and the natural resources of the County, including, but not limited to, requiring the applicant to test the dredge spoil material for hazardous materials in accordance with the Federal Resource Conservation Recovery Act, as from time to time amended, where there is suspicion of the presence of such hazardous materials due to previous activities in the vicinity of the proposed dredge area.
- (4) Existing active surface mines having a current and valid County operating permit as of December 1, 1995, may accept dredge spoil material without further action or approval of the Board of Zoning Appeals.

(f) Actions of the Board of Zoning Appeals.

- (1) The Board of Zoning Appeals has the authority to limit the term of approval. In the event the Board does not establish such a term of approval, the Board has the authority to revisit any application in accordance with § ZS 1-116(c)(8) hereof.
- (2) Notwithstanding any other provisions of this Title, the Board of Zoning Appeals shall not accept an application for a special exception to permit a new surface mining operation or any alteration or expansion of an existing surface mining operation for substantially the same proposal on the same property as an application previously denied by the Board of Zoning Appeals for two years following the Board's vote for a first denial, for five years following the Board's vote for a second denial, and for ten years following the Board's vote for a third and any subsequent denial.
- (3) The Board of Zoning Appeals has the authority to establish greater restrictions on a surface mining operation than those described above.
- (4) The Board of Zoning Appeals may require that the applicant provide a bond or other satisfactory guaranty to ensure that the terms of the special exception approval and State permit are fully complied with.
- (5) If the land for which the permit is sought has been identified by the County's Comprehensive Plan as an area suitable for surface mining, the Board of Zoning Appeals shall grant the special exception unless there is clear and convincing site-specific evidence that the operation will be detrimental to the health, safety and

welfare of the public.

§ ZS 1-331. Wreck vehicles, junk and salvage operations and vehicle storage yards.

- (a) Junk and salvage operations. In addition to the provisions contained in other parts of this Title, every junk or salvage operation shall either:
 - (1) Be completely enclosed within a building, in which case the minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet; or
 - (2) Be set back from every public road right-of-way or property line not less than one hundred feet and be completely fenced. Such fence shall be at least eight feet height and constructed so as to effectively screen the contents from public view. Additionally, such fences shall be visually buffered along the outside by landscaping in accordance with the provisions of § ZS 1-322 hereof.
- (b) Storage of wrecked or disabled vehicles. In addition to the provisions contained in other parts of this Title, every repair shop and towing service storing wrecked or disabled vehicles shall be subject to the following:
 - (1) Storage shall be temporary for a period not to exceed ninety days for each vehicle.
 - (2) All vehicles shall be held within a completely enclosed building or fenced in such a way as to be completely screened from public view. Such screening may be by a fence, by dense landscaping or by topography.
- (c) Screening required. In any case, no used parts, wrecked or disabled vehicles or other junk shall be kept or displayed outdoors in front of any required building, fence or screening or otherwise in public view.
- (d) Conformance with other provisions. All junk and salvage operations shall be subject to the provisions of § ZS 1-116 hereof.

§ ZS 1-332. Unsafe buildings and storm damage.

Nothing in this Title shall prevent the temporary strengthening to a safe condition of any part of any building or structure declared unsafe by proper authority, to protect from the elements a structure or building damaged by an act of nature or to protect from trespass until such time as it shall be restored or fully demolished in accordance with this Title.

§ ZS 1-333. Moved structures.

- (a) "Moved structure" defined. For the purposes of this Section, "moved structure" shall mean any structure which has been removed from its original location but shall not include a mobile or manufactured home or delivery and set up of prefabricated storage structures. It also shall not include the initial placing of a modular home upon a foundation at the time of delivery from the place of manufacture.
- (b) Permit for moved structures.
 - (1) It shall be unlawful to locate any moved structure within the County except by authority of a permit issued pursuant to this Section.

- (2) The Department shall authorize by permit, subject to the provisions hereof and all other applicable Sections of this Subtitle, the location and set up of a moved structure, provided that the Department finds that the following criteria are met:
- A. The location of the moved structure shall comply with all other zoning, subdivision and building code requirements.
 - B. The moving of the structure shall not cause damage to any County or State road.
 - C. The moving of the structure shall not cause any unreasonable interruption of utility services.
 - D. The moving of the structure shall in no way jeopardize free access and use of County and State roads.
 - E. The structure shall meet all applicable fire, safety and health requirements.
 - F. The structure shall, within a reasonable time specified in the permit, based upon the nature and scope of the project and work to be done, be made fit for habitation in the case of a residential structure or fit for its intended use in the case of any other type of structure. "Fit" shall include, without limitation, repair of all damage sustained during the moving, installation of the complete foundation and all utilities and sanitary facilities and the sealing of the exterior skin of the building, including replacement of all broken windows.
- (3) Prior to the issuance of a permit pursuant to this Section, the permittee shall be required to post a cash bond, bank deposit or letter of credit from a Federally insured institution with the County Commissioners in an amount as set in a schedule as adopted, from time to time, by the County Commissioners, to be forfeited to the County Commissioners for the repair of any unrepaired damages to public roads or for the removal of the structure or any part thereof which is left upon any public road in any one location for more than three hours. In addition, prior to the issuance of a permit, the permittee shall enter into an agreement in a form prescribed by the County Commissioners and post a cash bond, bank deposit or letter of credit from a Federally insured institution in an amount as set in a schedule as adopted, from time to time, by the County Commissioners, to be forfeited to the County Commissioners in the event that the structure is not fit for habitation or fit for its intended use, as required by this Section, within the time prescribed by the permit. The agreements shall permit the County Commissioners to perform those requirements of the permittee in the event of failure of the permittee to so do and upon forfeiture of the bond, deposit or letter of credit.

§ ZS 1-334. Temporary structures.

- (a) Temporary construction structures. Temporary buildings and structures, including mobile and manufactured homes and recreational vehicles, may be erected or placed on sites in all districts if such buildings or structures are incidental to construction work on the premises. Such temporary buildings or structures shall be placed on a construction site only after the Department has issued a building permit for the on-site construction to be performed. When such construction work is completed or abandoned or when the building permit expires or is revoked, whichever comes first, such structure or vehicle shall be removed, unless the Department grants an extension of the building permit.
- (1) Notwithstanding the limitations of Subsection (a) hereof, any temporary structure, recreational vehicle, OR manufactured or mobile home ~~or tent~~ serving or intending

to serve as living quarters or human shelter shall only be permitted coincident with the life of the permit for the principal construction on the site, in accordance with the provisions of § ZS 1-115(g) hereof. In no case shall such temporary structure, recreational vehicle, OR manufactured or mobile home ~~or tent~~ be permitted for more than the life of a single permit or in any case in excess of three years per lot or parcel.

- (b) Emergency housing. If an occupied single-family dwelling in any district shall burn, flood or be otherwise damaged or destroyed by any casualty to a degree so as to make it unsafe or unhealthy for human occupancy, nothing in this Title shall prohibit the placement of a mobile or manufactured home, recreational vehicle or recreational park trailer on the premises for the purpose of providing emergency housing for the displaced occupants, provided that the mobile or manufactured home or recreational vehicle shall be removed from the site when the damaged dwelling is restored or within twenty-four months, whichever first occurs, unless the Department grants an extension, which shall be limited to not more than an additional twelve months duration. In the case of widespread damage from natural disaster, the County Commissioners may provide for further twelve-month extensions by resolution.
- (c) Recreational vehicle parking and use. No recreational vehicle shall be parked overnight on any public road, public park, public boat landing or other public place, except in an emergency or in areas specified for such use. No recreational vehicle shall be used for overnight accommodations other than when located in accordance with the district regulations and all other pertinent regulations.

§ ZS 1-335. Waterfront structures.

- (a) Intent. In order to prevent the undue crowding and congestion of the County's waterways, to maintain the safety of boaters, to control pollution and to maintain the beauty of the waterfront, additional restrictions shall apply to waterfront structures.
- (b) Definition. Waterfront structures include, but are not limited to, docks, piers, boathouses, riprap, bulkheads, dikes, wharfs, piling, breakwaters, jetties, groins, levees, soft shoreline stabilization measures, and other similar unnatural alterations of the shoreline.
- (c) Extension into water area. Waterfront structures shall not extend into any body of water more than one-half the distance from the mean high-water line to the center line of the body of water upon which the structure is situated or one hundred twenty-five feet, whichever is less, except as a special exception by the Board of Zoning Appeals.
- (d) Shared docks, piers or boathouses. No private dock, pier, piling or boathouse shall be constructed closer than six foot to any side lot line, except that it shall be permissible for two adjacent waterfront owners to build a single shared dock, pier or boathouse, by agreement, beginning at their joint property line instead of individual private docks, piers or boathouses. The rights of access and maintenance responsibilities of such shared dock, pier or boathouse shall be spelled out in properly witnessed and recorded covenants.
- (e) Application of setback lines. For the purposes of this Section side lot lines shall be construed to project to the center of the adjoining water body and required side yard setbacks shall be measured from those projected side property lines. AS FOLLOWS:
 - (1) IN CASES WHERE PROPERTY LINES HAVE BEEN PLATTED INTO A BODY OF WATER THE SIDE LOT LINES, EVEN WITHIN THE BODY OF WATER, ARE AS SHOWN ON THE RECORD PLAT.
 - (2) IN CASES WHERE PROPERTY LINES HAVE NOT BEEN PLATTED INTO A BODY OF WATER THE FOLLOWING RULES SHALL BE USED TO ESTABLISH THE PROJECTIONS OF THE SIDE

LOT LINES INTO THE BODY OF WATER:

- A. WHERE THE SHORELINE IS APPROXIMATELY STRAIGHT AND THE PROPERTY LINES ARE RELATIVELY PARALLEL TO ONE ANOTHER AND PERPENDICULAR TO THE SHORELINE, THE PROJECTIONS OF THE PROPERTY LINES SHALL BE EXTENDED IN A STRAIGHT LINE INTO THE WATER.
- B. WHERE THE SHORELINE IS APPROXIMATELY STRAIGHT BUT THE PROPERTY LINES ARE NOT PARALLEL TO ONE ANOTHER, THE PROJECTIONS OF THE PROPERTY LINES SHALL BE EXTENDED INTO THE WATER PERPENDICULAR TO THE SHORELINE FROM A POINT AT THE INTERSECTION OF THE UPLAND PORTION OF THE PROPERTY LINE AND THE SHORELINE.
- C. WHERE THE SHORELINE IS NOT APPROXIMATELY STRAIGHT AND IS IRREGULAR, A BASE LINE SHALL BE DRAWN BETWEEN THE TWO POINTS OF INTERSECTION OF THE SIDE LOT LINES AND THE SHORELINE. THE PROJECTIONS OF THE PROPERTY LINES INTO THE WATER SHALL BE AT RIGHT ANGLES WITH THE BASE LINE. IF BY REASON OF THE CURVATURE OF THE SHORELINE THE PROJECTIONS OF THE SIDE PROPERTY LINES OF ADJOINING PROPERTIES DIVERGE FROM EACH OTHER THE AREA EXCLUDED BY BOTH LINES SHALL BE EQUALLY DIVIDED BETWEEN THE TWO ADJOINING PROPERTIES. IF BY REASON OF THE CURVATURE OF THE SHORELINE THE PROJECTIONS OF THE SIDE PROPERTY LINES OF ADJOINING PROPERTIES CROSS EACH OTHER THE AREA INCLUDED BETWEEN THE CROSSED LINES SHALL BE EQUALLY DIVIDED BETWEEN THE TWO ADJOINING PROPERTIES.

§ ZS 1-336. Conversion of buildings to dwellings.

The conversion of a building into a dwelling or an increase in the number of dwelling units within a building shall only be permitted in accordance with the district regulations of the particular district in which the building is located. Furthermore, any conversion must meet all other applicable regulations and codes.

§ ZS 1-337. Transient uses.

- (a) Generally. The Board of Zoning Appeals, as a special exception, may authorize in those districts where specified a transient and temporary use which does not otherwise conform to the district regulations, provided that such use does not involve the erection, placing or storage of substantial buildings or structures. Transient uses shall not be permitted for more than twelve months and shall be subject to such conditions and limitations as the Board deems appropriate to fulfill the intent of this Title.
- (b) Extensions of transient uses.
 - (1) Transient uses for other than medical purposes. Except in the case of transient uses for medical purposes, the Board may grant a single one-year extension of the special exception for a transient use upon formal application and in conformance with the provisions defined in Subsection (a) hereof; however, no such transient use shall be permitted to exist for more than two years.
 - (2) Transient uses for medical purposes. Where a special exception for a transient use is granted by the Board of Zoning Appeals for a bona fide medical purpose, the Department may authorize additional one-year extensions of the transient use upon application to the Department, provided that a current written statement of the medical condition is provided by the County Health Official with the annual application. Such special exception is nontransferable. At any time that conditions change such that the transient use is no longer required for a bona fide medical

purpose (i.e., death, relocation or recovery), the special exception shall immediately become null and void, and any buildings or structures shall be removed within three months of the change in conditions. Where removal of the buildings or structures within the specified three-month period would cause a hardship on the applicant, the Board of Zoning Appeals may grant an extension of up to twelve months for such removal.

- (3) Transient use of manufactured or mobile homes for residential purposes originally approved by the Board of Zoning Appeals prior to March 10, 1992. The Department may authorize additional one-year extensions of a special exception approval for a transient use manufactured or mobile home for residential purposes which was valid as of March 10, 1992, and which has not otherwise expired. Such extension may be granted upon formal application to the Department and such extension shall be subject to such conditions and limitations as originally imposed by the Board of Zoning Appeals.
- (c) Exemption for residential sales offices. Sales offices, including sales trailers and model homes used exclusively for the sale of improved or unimproved lots or units within the subdivision or other residential development in which the offices are located, shall be exempt from this Section; however, such offices shall be subject to the provisions of § ZS 1-325 hereof. In granting site plan approval, the Department, Technical Review Committee or Planning Commission shall place restrictions on its approval regarding the length of time which the sales office shall be considered valid.
- (d) Exemption for conservation ponds. Ponds of one acre or less in surface area for fish, wildlife, fire control, irrigation, scenic amenity, stock watering, recreation or other conservation use shall be exempt from the provisions of this Section, provided that a conservation plan has been approved by the Worcester County Soil Conservation District in accordance with pertinent review criteria and that no more than two such exemptions per property are permitted. A minimum setback of fifty feet from property lines is required, unless the pond is a cooperative effort between adjacent property owners and is to cross the mutual property line. In such cases no setback shall be required, provided that the mutual rights of access and maintenance responsibilities of such shared pond shall be described in properly witnessed and recorded cross-easements.

§ ZS 1-338. Accessory apartments.

- (a) Purpose and intent. It is the specific purpose and intent to allow no more than one accessory apartment per lot of record through conversion of existing residential structures or construction of new residential facilities so as to provide the opportunity and encouragement to meet the special housing needs of persons of low and moderate income as well as relatives of families currently residing in the County. It is furthermore the intent and purpose of this provision to allow the more efficient use of the County's existing housing stock in a manner consistent with land use objectives identified in the Worcester County Comprehensive Plan and to provide economic support for present resident families of limited income, while protecting and preserving property values and community character.
- (b) Standards. The following specific standards are set forth as conditions for such accessory uses:
 - (1) Accessory apartments shall only be permitted where adequate wastewater disposal capacity has been determined to be available by the County Department of Environmental Programs but, as accessory residential uses, shall not be counted against permitted density on any parcel with respect to the requirements of this Article. However, other regulations may stipulate that such accessory residential uses be considered when calculating permitted density.

- (2) The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
- (3) An accessory apartment may be located either in the principal dwelling unit or in an accessory building. Manufactured or mobile homes shall not be construed as an accessory apartment.
- (4) When located within an accessory building, the building shall be located so that its entire perimeter is within one hundred feet of the principal building on the property.
- (5) The minimum floor area for an accessory apartment within the principal building shall be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area, exclusive of any garage, of the dwelling in which it is located or nine hundred square feet, whichever is less. For accessory apartments located in an accessory building, the minimum floor area shall also be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area of the principal dwelling or nine hundred square feet, whichever is less. No accessory apartment shall contain more than two bedrooms.
- (6) There shall be no more than one accessory apartment permitted per existing single-family dwelling.
- (7) If an accessory apartment is located in the principal dwelling unit on the property, entry to the accessory apartment shall be designed such that the appearance of the building remains as a single-family dwelling. However, nothing herein shall be construed to require any entry to the accessory apartment to be confined to the side or rear of the structure.
- (8) Off-street parking for the accessory apartment shall be in accordance with § ZS 1-320 hereof and shall be in addition to any other parking required for other uses on the site.

§ ZS 1-339. Home occupations.

- (a) Provisions governing home occupations. All home occupations shall be in accordance with the following provisions:
 - (1) A home occupation may be conducted in a dwelling unit provided that such occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than twenty-five percent of the gross floor area of the dwelling unit shall be used for such occupation. Alternatively, a home occupation not exceeding six hundred square feet in gross floor area may be conducted in a single accessory building except as provided in (a)(9) hereof. Any outdoor storage, including storage of equipment or vehicles, shall not exceed ~~shall not exceed~~ three hundred square feet and shall be screened in accordance with § ZS 1-322 hereof.
 - (2) All persons engaged in such occupation, except for one outside employee, shall reside on the premises.
 - (3) Nothing, other than parts or supplies used in the occupation, shall be sold or stocked on the premises except what is produced on the premises or as permitted by special exception by the Board of Appeals.
 - (4) There shall be no visible change in the outside appearance of the building or premises, except for one sign as provided in § ZS 1-324 hereof.
 - (5) The occupation shall not create noise, vibration, glare, LIGHT TRESPASS, fumes,

odors or electrical interference which is objectionable to neighboring uses.

- (6) The use of the dwelling unit for such occupation shall not generate substantial amounts of vehicular or pedestrian traffic.
- (7) Off-street parking shall be provided in accordance with the provisions of § ZS 1-320 hereof.
- (8) The operation of a day-care home shall be considered a home occupation and shall not be subject to the six-hundred-square-foot gross floor area limitation as specified in this Section or to any off-street parking requirements.
- (9) In the A-1 and A-2 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may be increased by special exception of the Board of Zoning Appeals above the six-hundred-square-foot gross floor area limitation as specified in Subsection (a)(1) hereof. However, in no case shall the gross floor area used for a home occupation in a single accessory building constructed after September 23, 1978, exceed one thousand five hundred square feet.
- (10) A home occupation shall not be interpreted to include animal boarding facilities, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.
- (11) Engaging in agriculture shall not be considered a home occupation.

§ ZS 1-340. Bed-and-breakfast establishments.

- (a) Bed-and-breakfast defined. A bed-and-breakfast establishment shall be a single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients.
- (b) Restrictions on bed-and-breakfast establishments.
 - (1) No bed-and-breakfast facility shall contain more than six guest sleeping rooms. Only designated rooms shall be used for sleeping.
 - (2) A minimum of one full bathroom with a lavatory, toilet and shower or tub or combination thereof shall be available for every three guest rooms.
 - (3) No guest room shall contain more than two beds.
 - (4) Off-street parking shall be provided at the rate of one space per guest room and two spaces for the owner-occupant.
 - (5) No cooking facilities shall be permitted in any guest room.
 - (6) Upon conversion of an existing dwelling to a bed-and-breakfast facility, no additional entrance shall be permitted in the front facade.
 - (7) No guest shall be permitted in a bed-and-breakfast facility for more than fourteen consecutive nights.
 - (8) No more than four persons shall simultaneously occupy any one sleeping room in a bed-and-breakfast facility.

- (9) There shall be no more than two nonresident employees in or about the bed-and-breakfast facility.
- (10) No on-premises sign advertising the bed-and-breakfast facility shall exceed four square feet.
- (11) Meals shall be served only to overnight guests, owners, the owners' family or employees of the bed-and-breakfast facility.

§ ZS 1-341. Yard sales.

- (a) Generally. A yard sale may be conducted only pursuant to a permit issued by the Department, except as exempted in this Section.
- (b) Exemption. Two yard sales per calendar year may be conducted by the owners of a lot within the County on their lot and subject to the provisions stated in Subsection (c) hereof and such yard sales shall be exempted from the permit requirements of this Section. Any additional yard sales conducted on the premises shall be required to obtain a yard sale permit as described in this Section.
- (c) Requirements. The Department shall issue a permit for a yard sale meeting the following requirements:
 - (1) In addition to the two yard sales per calendar year which are exempt from the permit requirements as cited in Subsection (b) hereof, no more than three yard sale permits shall be issued for any one parcel in any one calendar year.
 - (2) Each yard sale permit shall be for a period not to exceed seventy-two consecutive hours.
 - (3) A yard sale permit may provide for alternative dates.
 - (4) The display area for any yard sale shall not exceed one thousand square feet.
 - (5) All display areas shall be set back fifteen feet from the abutting road right-of-way.
 - (6) All tables and other display racks shall be placed on the site not more than twenty-four hours prior to the day of the sale and removed within twelve hours after the sale.
 - (7) Wherever possible, access to the site and areas for parking on the site shall be arranged in such a way as to provide safe ingress, egress and pedestrian circulation.
 - (8) No advertising sign shall exceed four square feet in area and no advertising sign shall be placed on any road right-of-way. Signs shall be removed no later than twenty-four hours after the sale.

§ ZS 1-342. Occupancy of watercraft.

- (a) Purpose and intent. It is the purpose and intent of this Section to impose certain limitations on the use of watercraft as a temporary or permanent residence.
- (b) Additional standards. In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all watercraft:
 - (1) Occupancy of watercraft out of water. No watercraft either out of the water or not

floating on the water shall be used as a temporary or permanent residence.

- (2) Occupancy of watercraft floating on the water. No watercraft floating on the water shall be used as a temporary or permanent residence, except in a commercial or condominium marina.

§ ZS 1-343. Antennas, towers and telecommunications uses.

- (a) Purpose and intent. The purpose and intent of this Section is to provide for the effective management, control and review of telecommunications uses, including towers, antennas, and related wireless equipment and structures.
- (b) Provisions in addition to other district provisions. In addition to the standards and provisions contained elsewhere in this Title, the following additional provisions shall apply to all telecommunications uses.
 - (1) Applications for the addition of telecommunications equipment to existing structures or for new monopoles, freestanding towers, and guyed towers shall include the following:
 - A. A winds load analysis conducted by a qualified engineer.
 - B. A certificate by a qualified engineer attesting to the structural integrity of the existing structure and the projected effects resulting from the addition of the proposed equipment.
 - C. A certificate of compliance attesting to the fact that the proposed equipment meets or exceeds Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards on radiation emissions.
 - D. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.
 - E. A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating or buffering the effects of the proposed use on any area of local, regional or national historic or cultural significance.
 - F. Explanation of the necessity to place the facility in that particular location.
 - G. Supporting evidence regarding the proposed equipment's effects upon adjacent and adjoining property values.
 - H. A detailed description, assessing the impact that the proposed equipment will have upon aviation and overall visibility, including the following:
 1. A copy of all information required by, or submitted to, the Federal Communications Commission and Federal Aviation Administration (FAA) concerning the proposed use and the impact that it will have upon aviation or overall visibility.
 2. A copy of all plans and specifications required as a condition of approval by the FCC or FAA and an analysis of the impact that compliance with FCC or FAA mandates will have upon adjacent and adjoining land uses.

3. Proof of compliance with all FAA requirements relating to lighting, siting, height, and visibility shall be required prior to final permitting.
- I. For additions to existing structures of telecommunications facilities that have the effect of increasing the overall height of the existing structure, documentation that establishes that the applicant performed a diligent search for a suitable site that did not have the effect of increasing the height of existing structures.
 - J. For new monopoles, freestanding towers, and guyed towers, documentation that establishes that the applicant performed a diligent search for a suitable existing structure.
 - K. For new monopoles, freestanding towers and guyed towers, documentation that demonstrates that "approved County-owned sites" as designated by the County Commissioners by resolution, which may be amended from time to time, are unsuitable. Such documentation shall be subject to review and concurrence by the Department.
 - L. The provisions of Subsections (b)(1)H through (b)(1)K hereof shall not apply where additions to existing structures do not increase the overall height.
- (2) Standards. Monopoles, freestanding towers and guyed towers approved after the adoption of this Section shall comply with the following:
 - A. Minimum lot requirements. Lot area and lot dimensions shall be a function of the minimum setback required and are established as follows:
 1. For all monopoles and freestanding towers of one hundred ninety-nine feet in height or less which are concealed or camouflaged, the minimum structure setback shall be: front yard setback, fifty feet; and side and rear setbacks, twenty feet.
 2. For all non-concealed or -camouflaged monopoles of any height and any monopole of two hundred feet or greater in height, the minimum structure setback shall be equal to the height of the monopole plus fifty feet.
 3. For all towers up to one hundred ninety-nine feet in height, the minimum structure setback shall be one and one-quarter (1.25) times the height.
 4. For all towers two hundred feet in height or greater, the minimum setback shall be one foot of setback for every one foot of tower height up to two hundred feet plus one-and-one-half feet of setback for every one foot of tower height exceeding two hundred feet.
 - B. Siting requirements. There shall be a minimum separation distance of one thousand feet from the nearest existing or permitted residential structure on an adjacent parcel; two thousand feet from all existing or permitted schools, day-care centers, nursing homes and long-term care facilities; and five thousand feet from any property designated on the National Historic Register except for monopoles, towers or facilities one hundred ninety-nine feet or less in height and which are concealed. There shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection (b)(2)A hereof to any easement line of any overhead utility.

1. Notwithstanding the provisions of Subsection (b)(2)B hereof, the separation distance to an existing or permitted residential structure on an adjacent lot may be reduced to not less than five hundred feet by action of the Board of Zoning Appeals in conjunction with any required special exception for the placement of additional telecommunication facilities on a site having a legal nonconforming telecommunication facility and provided that the entire site is brought into conformance with the provisions of Subsection (b)(2)E hereof.
- C. Lighting requirements. No lighting shall be required or permitted, except what is specifically required by the FCC, FAA or another relevant State or Federal agency; additionally, in instances where the FCC or FAA require day time high intensity strobe lighting, a set of red marker lights shall be installed for nighttime use. All strobe lights shall be turned off at twilight.
- D. Lighting conversion. Except as otherwise required by the FCC, FAA or other relevant State or Federal agency, existing towers equipped with nighttime high-intensity strobe lighting shall be converted to red marker lights or alternating daytime strobe and nighttime red marker lights as described in Subsection (b)(2)C hereof not later than January 1, 2004.
- E. Screening and security requirements. A fence with a minimum height of twelve feet shall be installed around the perimeter of the tower base. All equipment shall be located within this fenced area. The fence shall have an access gate which shall be kept in a locked condition at all times, except when servicing is required. The fence shall be equipped with additional entrance prevention devices as necessary to prevent compound access by unauthorized personnel. Except for monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, there shall be an additional screening requirement consisting of a buffer at least twenty-five feet in width planted with native species trees capable of reaching not less than sixty feet in height when mature. For monopoles in the C-2 District and monopoles, freestanding towers and guyed towers in the I-1 and I-2 Districts, screening type landscaping in accordance with § ZS 1-322 hereof shall be provided around the exterior perimeter of the fence.
- F. Visibility. All telecommunications facilities and accessory structures shall be sighted in such a way as to have the least possible adverse effect on the visual environment. All non-concealed or -camouflaged facilities shall be of a galvanized finish or painted light gray or pale blue above any surrounding tree line while any portion below the tree line shall be painted gray, green, black or similar color and designed to blend into the natural environment or surrounding structures, unless otherwise required by the FAA. Furthermore, they shall be designed and sighted so as to avoid, wherever possible, application of FAA lighting and painting requirements. When located in any zoning district other than the I-1 or I-2 Districts, structures and facilities accessory to a monopole or tower shall use architecture, materials, colors and textures designed to blend with the natural environment and other structures in the general area. The concealment or camouflaging of monopoles, towers and other telecommunication facilities, using industry standard techniques and structures such as artificial trees, architectural features on buildings, flag poles and grain silos, among others, is highly recommended and should be used wherever possible.
- G. Additional provisions. All obsolete or unused towers and equipment shall be removed at the owner's expense within twelve months of the cessation of

use.

§ ZS 1-344. Alternative energy facilities.

- (a) Purpose and intent. The purpose and intent of this Section is to provide for the effective management, control and review of a variety of alternative energy facilities in a manner which facilitates their development while protecting the health, safety and welfare of the citizens of the County.
- (b) Definitions. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Subsection:

METEOROLOGICAL TOWER – Any tower and its supporting structure which holds or supports equipment and telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous information or to characterize long term trends in wind resources at a given location.

OVERSPEED CONTROL – A device or system designed and maintained to prohibit the uncontrolled rotation of the wind energy conversion system's rotors or blades beyond their operational limitations.

PASSIVE STALL REGULATION SYSTEM – A form of overspeed protection whereby the angle of attack of the blade airfoil is increased by the flexing of the blade from excessive wind speeds until the lift force on the blade stops acting and the blade's rotation is slowed or stopped or a system employing blades angled such that winds above a given speed create turbulence on the upwind side of the blade to limit or stop the blades' rotation.

ROTOR DIAMETER – The cross-sectional dimension of the circle swept by the rotating blades.

TOTAL HEIGHT – The vertical distance from the ground level to the tip of a wind generator blade at its highest point of rotation.

TOWER – The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

WIND ENERGY CONVERSION SYSTEM – An electrical generating facility consisting of a wind turbine, generator and other accessory structures and buildings, electrical infrastructure and other appurtenant structures and facilities. For the purposes of this Section, wind energy conversion systems shall be categorized as follows:

SMALL WIND ENERGY CONVERSION SYSTEM – A wind energy conversion system consisting of a single wind turbine, generators, a tower and associated controls which has a total rated capacity of twenty kilowatts or less and designed to supplement other electricity sources to buildings or facilities wherein the power generated is used primarily for on-site consumption.

MEDIUM WIND ENERGY CONVERSION SYSTEM – A wind energy conversion system consisting of one or more wind turbines, generators, towers and associated controls which have a total rated capacity of more than twenty kilowatts but not greater than one hundred kilowatts and designed to supplement other electricity sources to buildings or facilities wherein the power generated is used primarily for on-site consumption.

LARGE WIND ENERGY CONVERSION SYSTEM – A wind energy conversion system consisting of one or more wind turbines, generators, towers and associated controls which have a total rated capacity of more than one hundred kilowatts and

designed to provide electrical energy to the power grid as well as provide energy to the facilities wherein the system is located.

WIND TURBINE – Any machine that converts the wind's kinetic energy into rotary mechanical energy.

- (c) Wind energy conversion systems. Where wind energy conversion systems are allowed in accordance with the provisions of this Section, the following regulations shall apply:
- (1) Wind energy conversion systems shall only be allowed where specifically permitted and in strict conformance with the requirements as set forth herein. Notwithstanding the provisions of §§ ZS 1-116 and 1-117 hereof there shall be no variances or adjustments permitted to the setback or lot requirements established herein for wind energy conversion systems.
 - (2) Minimum lot requirements shall be as follows:
 - A. Small wind energy conversion systems: Lot area, no minimum established but instead shall be a function of the minimum setbacks; minimum setbacks in the A, E, C, I and CM Districts, one and one-half times the total height of the system to all property lines, overhead power lines, and public rights-of-way, and in the V, R and RP Districts, two and one-half times the total height of the system to all property lines, overhead power lines, and public rights-of-way.
 - B. Medium wind energy conversion systems: Lot area, five acres; minimum setbacks in the A and I Districts, one and one-half times the total height of the system to all property lines, overhead power lines, and public rights-of-way, and in the E, C and CM Districts, two and one-half times the total height of the system to all property lines, overhead power lines, and public rights-of-way.
 - C. Large wind energy conversion systems: Not permitted in any District.
 - (3) Anchor points for any guy wires supporting a wind energy conversion system shall be set back a minimum of twenty-five feet from all property lines.
 - (4) There shall be no more than one wind energy conversion system on any lot in any V, R or RP District and no more than two wind energy conversion systems on any lot in the A, E, C, I or CM Districts.
 - A. THE BOARD OF ZONING APPEALS AS A SPECIAL EXCEPTION MAY AUTHORIZE GREATER THAN TWO WIND ENERGY CONVERSION SYSTEMS ON ANY LOT IN AN A DISTRICT WHERE THE BOARD AFFIRMATIVELY FINDS THAT THE ADDITIONAL WIND ENERGY CONVERSION SYSTEMS WILL NOT HAVE A DETRIMENTAL EFFECT ON THE PEACEFUL ENJOYMENT OF THE SURROUNDING PROPERTIES.
 - (5) All wind energy conversion systems must be approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission or any other wind energy certification program recognized by the American Wind Energy Association or the United States Department of Energy. Home built, experimental and prototype wind energy conversion systems shall be allowed provided their safety is certified by a professional engineer licensed in the State of Maryland.
 - (6) All building permit applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the

tower, base, footings, and any accessory structures. An engineering analysis, prepared by a licensed professional engineer, of the tower and its supporting systems demonstrating compliance with the most current edition of the International Building Code shall also be provided.

- (7) All wind energy conversion systems shall be supplied with a redundant braking system to prevent overspeed rotation. The braking system shall include both aerodynamic overspeed controls, including variable pitch, tip brakes, and other similar systems, and a mechanical or electromechanical braking system. All mechanical brakes shall be operated in fail-safe mode. Passive stall regulation shall not be considered an approved braking system for overspeed protection.
- (8) All electrical wires associated with a wind energy conversion system, other than those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect or the junction box, or any required grounding wires, shall be located underground.
- (9) Wind energy conversion systems shall not be artificially lighted. If the proposed system is in such a location or of such a height that the Federal Aviation Administration would require lighting, the system shall ~~be~~ not BE permitted.
- (10) No part of any wind energy conversion system, including any guy wires supporting the system or the area swept by the rotors, shall be located upon, within or extend over a drainage, utility, access or other SIMILAR established easement. SYSTEMS OR COMPONENTS THEREOF MAY BE LOCATED WITHIN AGRICULTURAL LAND PRESERVATION EASEMENTS PROVIDED ALL PERTINENT REGULATORY AGENCIES AGREE TO SUCH LOCATION AND USE.
- (11) Audible noise due to a wind energy conversion system's operations shall not exceed the background noise levels as measured at the property line of the site on which the system is located by more than five decibels as measured on the decibel scale using sound weighting filter A (commonly known as the dB(A) scale).
- (12) The minimum distance between the ground and any part of the rotor blade for a small wind energy conversion system shall be twelve feet while for a medium wind energy conversion system it shall be thirty feet. Any tower climbing apparatus shall be at least twelve feet from the ground.
- (13) Wind turbines shall be painted a nonreflective, nonobtrusive color.
- (14) Where a wind energy conversion system has not generated any electricity for a period of twelve months or more, it shall be considered abandoned and, as such, shall be decommissioned and removed by the property owner. The decommissioning shall include removal of any wind turbine, its supporting tower or structure, buildings, cabling, electrical components, or any other part of the system that is at or above ground level. The property owner shall BE RESPONSIBLE FOR fully ~~complete~~ COMPLETING THE decommissioning within ninety days of abandonment.
- (15) Meteorological towers shall be subject to the same regulations and standards as a wind energy conversion system in the given zoning district.

§ ZS 1-345. Airfield and heliport provisions.

- (a) Definitions. For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Subsection:

AIRFIELD -- Any area for the landing and takeoff of fixed-wing and helicopter aircraft,

except:

- (1) Any County or municipal airport.
- (2) Any landing strip used for not more than seven consecutive calendar days solely for field seeding, spraying, dusting or similar agricultural activity. Such strip shall not be located within five hundred feet of any dwelling.

HELIPORT -- Any area for the landing and takeoff of helicopters only.

- (b) Required information. The developer shall be required to submit the following information to the Board of Zoning Appeals as part of the application for a special exception:
 - (1) A statement of the purpose of the facility, including the expected type of aircraft and frequency of use of the facility, services to be offered and instrumentation, lighting and communications to be provided.
 - (2) A conceptual site plan showing in general the proposed layout, including runways, taxiways, aircraft parking areas, hangars and other structures, automobile entrances, circulation and parking, landscaping and buffering, utility services, property lines, adjoining roads and other significant physical features, structures and uses on the site and within five hundred feet of the property line.
 - (3) An operations and safety plan showing graphically the airspace operational patterns for use of the facility, noise level contours for the loudest aircraft expected to use the facility and a list of the safety measures that will be taken to protect the general health, safety and welfare of the public.
- (c) Standards. In reviewing the application, the Board of Zoning Appeals shall consult with the State Department of Transportation concerning applicable State safety and noise regulations and with Federal Aviation Administration regulations. The Board shall specify such buffer zones and setbacks as the State Department of Transportation and Federal Aviation Administration shall suggest are appropriate to protect the public health, safety and general welfare.
- (d) Site plan review. Once the special exception has been approved, the required airfield or heliport site plan shall be subject to site plan review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof.

§ ZS 1-346. Noise level limits.

- (a) Noise level standards. In accordance with State law, the following maximum allowable noise levels in decibels are adopted:
 - (1) The maximum daytime decibel level shall be 75 in the I and CM Districts, 67 in the C Districts, and 65 in the E-1, V-1, and all R Districts.
 - (2) The maximum nighttime decibel level shall be 75 in the I and CM Districts, 62 in the C Districts, and 55 in the E-1, V-1, and all R Districts.
 - (3) There are no maximum decibel levels in the A or RP Districts.
- (b) Day and night defined. "Day" shall be defined as the time between 7:00 a.m. and 10:00 p.m. "Night" shall be defined as the time between 10:00 p.m. and 7:00 a.m. Noise levels shall be measured at the property line. Any alleged noise in excess of the above limits shall be investigated by the appropriate State agency or County department as the County Commissioners may designate.

§ ZS 1-347. Right to Farm Law.

- (a) Purpose and intent. It is the declared intent of Worcester County to preserve, protect and encourage the development and improvement of its agricultural land for the production of food, fiber and other agricultural and forestry products. When non-agricultural land uses extend into agricultural areas, agricultural and forestry operations can become the subject of lawsuits. As a result, agricultural and forestry operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural or forestry improvements to the detriment of the economic viability of the County's agricultural and forestry industries as a whole. It is the purpose of this Section to reduce the loss to the County of its agricultural and forestry resources or combinations thereof by limiting the circumstances under which agricultural and forestry operations may be deemed to constitute a nuisance, trespass, or other interference with the reasonable use and enjoyment of land, including, but not limited to smoke, odors, flies, dust, noise, chemicals or vibration and hours of operation; provided that nothing in this Section shall in any way restrict or impede the authority of the State and of the County to protect the public health, safety and welfare. It is in the public interest to promote a clearer understanding between agricultural and forestry operations and non-agricultural residential neighbors concerning the normal inconveniences of agricultural and forestry operations which follow generally accepted agricultural and forestry practices and do not endanger public health or safety.
- (b) Citation. This Section may be cited as the "Worcester County Right to Farm Law."
- (c) Interpretations. This Section is not intended to and shall not be construed as in any way modifying or abridging local, State or Federal laws, including, but not limited to, laws relating to public health, safety or welfare, trespass onto agricultural or forestry property, zoning, licensing requirements, environmental standards (including those standards which relate to air and water quality and pesticide use), and the like.
- (d) Applicability to conditions or actions which constitute nuisances.
 - (1) Nothing in this Section shall prohibit or affect any action brought under Subtitle I of Title 1 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland regarding environmental health hazards.
 - (2) In the event a condition or action is determined to be a nuisance under Subtitle I of Title 1 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland regarding environmental health hazards, then the procedures set forth therein shall govern and the provisions of this Section shall be inapplicable.
 - (3) Nothing, however, shall prohibit actions or complaints being initiated under both Subtitle I of Title 1 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland regarding environmental health hazards and under this Section until such time as a nuisance is declared under Subtitle I of Title 1 of the Public Health Article.
- (e) Severability. Should any provision, section, paragraph or subparagraph of this Section, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having competent jurisdiction, the same shall not affect 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.
- (f) Definitions. For the purposes of this Section, the following definitions shall apply:

AGRICULTURAL LAND -- All real property within the boundaries of Worcester County

that is: (1) zoned A-1 Agricultural District or A-2 Agricultural District; (2) zoned E-1 Estate District but which was zoned A-1 Agricultural District prior to March 10, 1992; (3) has an agricultural assessment on the tax rolls of the State Department of Assessments and Taxation as agricultural; or (4) all other parcels or combination of parcels in excess of five acres and that have been lawfully used as an agricultural or forestry operation continuously for one year.

AGRICULTURAL OPERATION -- Includes, but is not limited to, all matters set forth in the definition of "agricultural operation" in § 5-403(a) of the Courts and Judicial Proceeding Article of the Annotated Code of Maryland, as from time to time amended, except as hereinafter set forth; the production of all items encompassed within the definition of "farm product" as set forth in § 10-601(c) of the Agricultural Article of the Annotated Code of Maryland, as from time to time amended; the cultivation and tillage of the soil, including a combination of fields and forests; the spreading of manure, lime, fertilizer and the like; composting; spraying; production, harvesting and processing of agricultural crops; raising poultry and other fowl; production of eggs; production of milk and dairy products; production of livestock, including pasturage; production of bees and their products; production of fish; production of fruit, vegetables and other horticultural crops; production of aquatic plants; aquaculture; production and harvesting of timber; and any commercial agricultural procedure performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or of carriers for transportation to market; usage of land in furtherance of educational and social goals, (including, but not limited to, 4-H, Future Farmers of America, and similar organizations), and agri-tourism. This term shall not include processing facilities, rendering facilities, sludge disposal or dead animal disposal as it pertains to slaughterhouses.

FORESTRY OPERATION -- Includes, but is not limited to, silviculture and the cultivation, harvesting, and production of all items, products, and the like, derived from the practice of forestry, as encompassed within the definition of "forestry," as set forth in § 7-101(c) of the Business Occupations and Professions Article of the Annotated Code of Maryland, as from time to time amended.

GENERALLY ACCEPTED AGRICULTURAL OR FORESTRY PRACTICES -- Those methods used in connection with agricultural or forestry operations which do not violate applicable Federal, State or local laws or public health, safety and welfare and which are generally accepted agricultural or forestry practices in the agricultural or forestry industry. "Generally accepted agricultural or forestry practices" include practices which are recognized as generally accepted management practices and those methods which are authorized or recommended by governmental agencies, bureaus, and departments established for the promotion or regulation of such activities. If no generally accepted agricultural or forestry practice exists or there is no method authorized by those agencies mentioned herein which govern a practice, the practice is presumed to be a "generally accepted agricultural or forestry practice."

(g) Limitation of actions.

- (1) A private legal or administrative action other than an injunction issued on an emergency basis may not be maintained on account of an agricultural or forestry operation conducted on agricultural land on the grounds that the agricultural or forestry operation interferes or has interfered with the use or enjoyment of property, whether public or private, if the agricultural or forestry operation was, at the time the interference is alleged to arise, conducted substantially in accordance with generally accepted agricultural or forestry practices, zoning and other regulatory requirements until final judgment by the Agricultural Reconciliation Board and appeal to the Board of Zoning Appeals.
- (2) Notwithstanding any provision of this Section, no action alleging that an agricultural or forestry operation conducted in accordance with generally accepted

agricultural or forestry practices has interfered with the reasonable use or enjoyment of real property or personal well being shall be maintained if the plaintiff has not sought arbitration through the Agricultural Reconciliation Board and appeal to the Board of Zoning Appeals.

(h) Worcester County Agricultural Reconciliation Board.

- (1) There is hereby created and established the Worcester County Agricultural Reconciliation Board, which shall mediate and arbitrate disputes involving agricultural or forestry operations conducted on agricultural lands and issue opinions on whether such agricultural or forestry operations are conducted in a manner consistent with generally accepted agricultural or forestry practices and to issue orders and resolve disputes and complaints brought hereunder.
- (2) The Agricultural Reconciliation Board shall be composed of five persons, all County residents, and shall be appointed by the County Commissioners. Members of the Board shall serve four-year terms; however the initial appointments shall be as follows:
 - A. One member shall be chosen to serve a one-year term;
 - B. Two members shall be chosen to serve a two-year term;
 - C. Two members shall be chosen to serve a four-year term;
 - D. After these initial appointments, all terms shall be for a full four-year term.
- (3) Two members of the Board shall be chosen from nominees of the Worcester County Farm Bureau and one other member shall be chosen from nominees of the Worcester County Forestry Board.
- (4) Not less than two but not more than three members of the Board shall be engaged in the agricultural or forestry industries.
- (5) The Board may elect a chairman and adopt forms and procedures.
- (6) The Board shall be subject to the Worcester County Ethics Law and State Open Meetings Law.
- (7) The Board shall meet at least one time per year and members shall serve as volunteers, with no monetary compensation other than expense reimbursement as provided by the County Commissioners.
- (8) The County Agricultural Extension Agent or such Agent's designee may serve as a consultant to the Board.
- (9) In a hearing the Board shall first attempt to mediate and if that fails it shall arbitrate.

(i) Procedures for resolution of disputes regarding agricultural and forestry operations.

- (1) If any conflict cannot amicably be resolved regarding an interference with the use or enjoyment of property from agricultural or forestry operations conducted on agricultural or forestry land, the parties to that conflict shall seek mediation and shall submit the controversy to the Agricultural Reconciliation Board, in writing, through the Department authorized by the County Commissioners. The Director of the Department, or his designee, shall then notify all Board members and persons known to have an interest in writing at least thirty days prior to any scheduled hearing. Forms, if provided, shall be used. The fee shall be paid upon filing.

- (2) The Agricultural Reconciliation Board will conduct its proceeding in an informal manner and the rules of evidence shall not apply. The Board has the power to hold hearings and to compel testimony under oath and the production of documents. In each case before it the Agricultural Reconciliation Board shall make findings of fact and issue orders settling or otherwise resolving controversies arising out of agricultural or forestry operations. An order of the Board may be mandatory or directory. The Board shall have the right to issue opinions and make suggestions with respect to matters brought before it and shall have continuing jurisdiction to rehear any matter brought before it to make further findings or issue further orders with respect to the matter. The Board may, as a part of its proceedings, request a report from the County Agricultural Extension Agent, such agent's designee, or such other persons having expertise in the subject matter of the complaint as the Board may reasonably determine. Any cost, not to exceed an amount equal to the application fee, incurred in obtaining such report may be assessed against either party.
- (3) Three Agricultural Reconciliation Board members shall constitute a quorum.
- (4) If the hearing ends in a tie vote, no action shall be taken on the complaint that formed the basis of the hearing but the applicant shall be entitled to an appeal as if a new case to the Board of Zoning Appeals. No similar case may be brought upon the same set or essentially the same set of facts between the same parties once it has been decided by the Board of Zoning Appeals unless there is a significant change in conditions.
- (5) Where indicated, orders of the Agricultural Reconciliation Board shall be binding on the parties as a matter of law but their enforcement shall be suspended by operation of law if, within thirty days of the date of the Board's judgment, a party appeals such order to the Board of Zoning Appeals. Any appeal shall be heard de novo. In hearing the appeal, the Board of Zoning Appeals shall give deference to the decision of the Agricultural Reconciliation Board.
- (6) If the Agricultural Reconciliation Board or a court finds that the conduct of a party in bringing or maintaining an action in connection with an agricultural or forestry operation conducted on agricultural or forestry land was in bad faith or without substantial justification, the Agricultural Reconciliation Board or court may require that party to pay the owner of the agricultural or forestry operation (or any other party opponent) the costs of the proceeding and the reasonable expenses, including reasonable attorney's fees incurred by that party in defending against the action. The Agricultural Reconciliation Board, while finding for either party in a particular case may, in addition, make non-binding recommendations to the parties in an attempt to mediate the situation so that both parties can live and work in harmony in the agricultural area.
- (7) Upon the filing of the complaint, the Department charged with administering this law shall make an investigation of the complaint which may include a visit to the site, interviews with witnesses and parties and personal observations of the subject matter of the complaint. In the event the Department determines that there is no reasonable cause to proceed with a hearing before the Agricultural Reconciliation Board, because no condition exists for the Agricultural Reconciliation Board to resolve or that the complaint is frivolous, petty or unreasonable, the Department may dismiss the application. In the event of dismissal by the Department the applicant shall have the right to file an appeal of the decision of the Department to the Board of Zoning Appeals within fifteen days of notification of the dismissal pursuant to the provisions of § ZS 1-116(c)(1) hereof. All costs associated with such an appeal shall be borne by the applicant and shall be those fees as prescribed in the Board of Zoning Appeals fee schedule as may be amended from time to time.

- (8) The Agricultural Reconciliation Board shall have broad jurisdiction to resolve all matters relating to disputes involving agricultural or forestry operations conducted on agricultural lands that are brought before it regardless of the exact complaint filed. The Board shall attempt to resolve all issues between the applicant and the farmer or forester involved in the application. The Agricultural Reconciliation Board's determination with respect to an application may resolve the issues brought with respect to the dates upon which the controversies occurred and may resolve such issues for future occurrences.
- (j) Worcester County Agricultural Reconciliation Board standards.
- (1) Any action conducted in accordance with generally accepted agricultural or forestry practices and in accordance with all zoning and other regulatory requirements shall be considered lawful by the Board but the Board shall attempt, pursuant to its powers, to ameliorate any such condition or lessen its impact on neighboring properties.
 - (2) The Board shall consider the nature of the complaint (i.e., dust, odor, noise, drainage, or other complaint) in the light of the necessity, as a part of the agricultural or forestry operation, of creating such dust, noise, drainage, or other complaint.
 - (3) The intensity of the condition caused by the agricultural or forestry practices shall be considered as well as the physical characteristics of the land and improvements in the area of the agricultural or forestry operation condition complained of.
 - (4) Use and conditions of the land and improvements upon the taking of title to the real estate involved by all parties affected shall be considered.
 - (5) Difficulty or undue expense in making changes to the agricultural or forestry operation to mitigate the condition complained of shall be considered.
 - (6) Time of onset of such condition shall be considered.
 - (7) If a notice pursuant to Subsection (l) hereof was or should have been given it will be considered.
 - (8) Prior decisions of the Board shall be considered.
- (k) Additional Board requirements and procedures.
- (1) Standing. Any person filing a complaint before the Board must have standing and be aggrieved which for the purposes of this Section shall require that the person filing the complaint must regularly reside, own, or be engaged in work on a property adjacent to the agricultural or forestry operation or so near the property upon which the agricultural or forestry operation is conducted that an improperly conducted operation would have an undue and unwarranted adverse effect on the person's health, quiet enjoyment or property values. All complainants must be natural persons.
 - (2) Fees. The activities of the Agricultural Reconciliation Board shall, where practical, be paid for by application fees; it being the intent that the Board shall be essentially self-sufficient. The application fee shall be set by the County Commissioners by resolution. The applicant seeking relief before the Agricultural Reconciliation Board shall pay the application fee upon the filing of the application.
 - (3) Consolidation. The Agricultural Reconciliation Board may consolidate similar cases.

- (4) Complaints based upon substantially identical facts other than to enforce a finding or order of the Agricultural Reconciliation Board or Board of Zoning Appeals shall be dismissed by the Department pursuant to Subsection (i)(7) hereof.
- (5) Proceedings of the Agricultural Reconciliation Board shall be upon at least thirty days written notice to the parties involved in the proceeding. Notice shall be considered given if sent certified mail, return receipt requested, to the address of the applicant as given in the application and to the other parties as reflected by the County tax assessment records. Notice shall be considered given whether actually received or not, but in cases where the certified letter is returned the Department shall make at least two other attempts via other forms of communication to advise the party of the proceeding.
- (6) Upon request and for good cause shown the Department may reschedule a proceeding but new notices of the rescheduled time shall be given in the same manner as notices for an original proceeding. Any person actively engaged in an agricultural or forestry operation shall have the right to a continuance of sufficient time so that if requested, no proceeding of the Agricultural Reconciliation Board shall be held during the period of time from March 15 through May 15 or from September 15 through November 30; provided, however, that the Department may schedule a proceeding during that period of time where the Department determines that there is an emergency situation having a significant effect on the applicant's property rights or reasonable enjoyment of the applicant's property. Continuances must be requested in writing no less than fifteen days prior to the hearing.
- (l) Right to Farm notice. Prior to the execution of a contract of sale for the transfer of any real property which is agricultural land, a statement advising the purchaser of the existence of Worcester County Right to Farm Law shall be given by the seller to the buyer. The responsibility for giving the notice shall be that of the seller, but if a licensed real estate professional, including broker or salesman is involved in the transaction such licensed real estate professional shall also be charged with the responsibility of giving the notice. The notice shall be in a form prescribed by the County Commissioners and shall contain essentially the following information.
 - (1) The existence of the Worcester County Right to Farm Law.
 - (2) The existence of the Worcester County Agricultural Reconciliation Board.
 - (3) That the property is located in an area where agricultural and forestry activities are given priority over all other activities and considered the first permitted use.
 - (4) That agricultural and forestry operations regularly include:
 - A. Dust.
 - B. Odor.
 - C. Manure spreading and stock piling.
 - D. Spraying of pesticides including aerial spraying from low-flying aircraft.
 - E. Over-sized, slow moving vehicles.
 - F. Noise from equipment as well as poultry house fans.
 - G. Night time operations, including chicken catching.
 - H. Clear cutting of trees.

I. Agricultural and forestry operation run-off.

J. Wildlife management operations.

(5) All of the above conditions are included within generally accepted agricultural and forestry practices. What you observe in the area surrounding the property that you propose to purchase on the date of this notice may not be the activities that will be conducted during other seasons when planting and harvesting are underway.

(6) You have been warned.

Copy received this ____ day of _____, 20 ----

(7) The County Commissioners shall provide, free of charge, reasonable supplies of notices. A receipt for the notice shall be signed by the purchaser prior to signing the contract of sale. Failure to give or receive the notice shall in no way affect the validity of any contract as binding between the buyer and seller, but this provision shall not act as a bar for a damage claim against the seller or real estate professional by the buyer on account of failure to give the notice.