COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

ORDINANCE #2014-1

INTRODUCED BY: COMMISSIONERS GHRIST, PORTER, & LEVENGOOD, JR.

INTRODUCED ON: JUNE 17, 2014

ATTEST: _____
JEFFERSON L. GHRIST, PRESIDENT

PUBLIC HEARING: JULY 15, 2014; BEGINNING AT 9:00 AM; COURTHOUSE, 109 MARKET STREET, ROOM 106, DENTON, MARYLAND

THIRD READING:

ENACTED:

EFFECTIVE:

Chapter 175 – Zoning

AN Act concerning Zoning in Caroline County, Maryland;
FOR the purpose of revising the Zoning chapter by including criteria regarding solar power plants; adding and revising definitions and provisions; eliminating certain criteria generally relating to townhouses, the R-3 multiple family residential, and H C highway commercial districts; and by revising tables and attachments to the Zoning chapter;
BY repealing and reenacting, with amendments, Chapter 175 – Zoning of the Code of Public Local Laws of Caroline County, Maryland.

Short Title
This Act may be referred to as Chapter 175 – Zoning.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under the Land Use Article of the Annotated Code of Maryland to enact and administer zoning and land use ordinances; and

WHEREAS, the County Commissioners have performed a comprehensive rezoning, which includes the creation of certain new zoning districts, the elimination of certain zoning districts, and necessary or recommend textual changes to Chapter 175 to effectuate the goals and objectives of such rezoning; and

WHEREAS, the County Commissioners, having received the positive recommendation of the Caroline County Planning Commission ("Planning Commission") and the staff of the Caroline County Department of Planning and Codes regarding the textual amendments proposed in this Ordinance, as reflected herein; and

WHEREAS, the County Commissioners have determined this Ordinance is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents; and

WHEREAS, this Bill shall also been known by its short title "Chapter 175 – Zoning."

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. Chapter 175 – Zoning of the Code of Public Local Laws of Caroline County, Maryland is hereby amended and restated as follows:

Chapter 175
ZONING

ARTICLE I
General Provisions

§ 175-1. Short title; contents.

This chapter shall be known as the "Caroline County Zoning Ordinance." The Zoning Ordinance includes both the text and the Official Zoning District Maps herein adopted, together with the table of uses.

§ 175-2. Statutory authority.

This chapter is established and continued in accordance with the provisions of former Article 66B, now the land use article, of the Annotated Code of Maryland.

§ 175-3. Applicability.

The provisions of this chapter shall apply to the unincorporated territory of Caroline County, Maryland.

§ 175-4. Purpose and intent.

This Zoning Ordinance is adopted in accordance with the Caroline County Comprehensive Plan to promote and protect, in accordance with present and future needs, the safety, health, morals and general welfare of the citizens of Caroline County; to promote the conservation of natural resources, including the preservation of productive agricultural land; to protect the environment; to effect the concentration of, but avoid the congestion of population; to provide adequate light and air; to prevent congestion in the streets; to ensure the appropriate use and occupancy of land and buildings; to preserve and enhance the attractiveness of the community; to preserve the cultural heritage of the community; to provide for efficiency and economy in the process of development; to provide for good civic design; to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks and other public utilities, services and facilities; to preserve the character of the land and its suitability for particular uses; to conserve the value of property and buildings; and to encourage the orderly development and the most appropriate use of land throughout the jurisdiction.

§ 175-5. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

§ 175-6. Conflicting regulations; determination of applicable provision.

Whenever any provision of this chapter conflicts with any other provisions of law, whether set forth in this chapter or contained in any law, rule, regulation, ordinance, deed restriction or covenant covering any of

the same subject matter, that provision which is more restrictive or imposes the higher standard or requirement shall govern.

§ 175-7. Conformance required.

No building, structure, land or part thereof shall hereafter be used, occupied, altered, erected, constructed or reconstructed unless in conformity with this chapter.

ARTICLE II
Definitions

§ 175-8. Word usage; terms defined.

A. Word usage.

(1) The words "shall" and "will" are mandatory.

(2) Unless the context otherwise specifies, words used in the present tense shall include the future; words used in the singular number include the plural; and words in the plural number include the singular.

(3) The word "building" or "structure" includes the other and any part thereof.

(4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, an unincorporated association, a limited liability company, a trust, or any other entity.

(5) The phrase "used for" includes "arranged for," "designed for," "intended for, maintained for" or "occupied for."

(6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either .... or," the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions or events may apply separately or in any combination.

(c) "Either .... or" indicates that the connected items, conditions, provisions or events shall apply separately but not in combination.

(7) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(8) All terms defined in the Caroline County Subdivision Regulations shall have the same meanings in this chapter unless specifically defined in this chapter.

(9) Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings.

(10) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative table, the text will control.

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT

Separate living quarters within the principal dwelling or in a detached accessory structure containing its own kitchen, living and sleeping areas.

ACCESSORY STRUCTURE OR USE

A subordinate structure or use which is clearly incidental to and customarily found in connection with the principal structure or use and is located on the same lot as the principal structure or use.

ACRE

A commonly referred to measure of area which equals 43,560 square feet.

ADMINISTRATIVE VARIANCE

A variance to any numerically specified or determined criterion set forth in this chapter as applied to residential properties.

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

(1) 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:

(a) In which an individual or individuals appear in a state of nudity or partial nudity; or

(b) That consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:

[1] Human genitals in a discernable state of sexual stimulation or arousal; or

[2] 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 Activity,

physical contact or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or

(c) Consists of contact with animals or inanimate objects; or

(2) 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, nightclub, modeling studio, bar, restaurant, club, lodge, retail establishment, or other 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-view viewing devices, including, but not limited to, the operation of an adult book or video store or viewing booth.

AGRICULTURAL & FISHERY PRODUCTS PROCESSING PLANTS

A facility that involves the operation(s) of processing, preparing or packaging agricultural or fishery products which are not grown or harvested on the site, but rather brought to the site for processing from one or more sources.

AGRICULTURAL PRODUCTION

The use of land for agricultural purposes, including farming, cultivation of the soil, crop raising, dairying, pasturing, apiculture, horticulture, floriculture, viticulture, **VERMICULTURE,** fish culture, fur-bearing animal raising, horse raising, forestry, tree farming and animal and poultry husbandry, and the necessary accessory uses for primary packing, treating or storing of the produce **AND OTHER USES THAT SUPPORT THE PRIMARY AGRICULTURAL USE OF THE PROPERTY**; provided, however, that the operation of any accessory use shall be secondary to that of normal agricultural activities. The commercial slaughtering and processing of livestock, poultry or fish, or meat processing is excluded.

AGRICULTURAL TOURISM

The act of visiting a commercial agricultural enterprise for the purpose of enjoyment, education or active involvement in the activities of the farm, ranch or agricultural operation **INCLUDING BUT NOT LIMITED TO U-PICK OPERATIONS, ON-SITE TOURS, ON-SITE AGRICULTURAL INSTRUCTION OR DEMONSTRATIONS, LECTURES OR CLASSES ABOUT AGRICULTURE RELATED TOPICS AND PARTICIPATION IN AGRICULTURAL OPERATIONS ON THE PREMISES.**

AIRPORT **OR LANDING FIELD**

A permanent installation or facility from which aircraft may take off or land, discharge or receive cargo or passengers, be repaired, take on fuel or be stored, including hangars, terminals or accessory activities.

AMEND OR AMENDMENT

Any change, addition or modification to the provisions of this chapter or to the Official Zoning District Maps which is adopted by the County Commissioners pursuant to the procedures set forth in Article XXII of this chapter.

ANIMAL HUSBANDRY

The raising, boarding and/or sale of domestic animals other than dogs or cats.

APARTMENT

A part of a building containing cooking facilities, consisting of a room or group of rooms intended, designed and used as a residence by an individual or a single family.
APARTMENT HOUSE

See "dwelling, multiple-family dwelling."

AREA, GROSS

All the area within a development plan or plat, including area intended for residential use, steep slopes, local access streets or alleys, off-street parking spaces, recreation areas or floodplains.

AUCTION OR SALE BARN

A building, land area, or areas within a building used for the public sale of new and used goods, wares, merchandise, or equipment to the highest bidder. Merchandise may be sold at retail to the public but said sales must be in addition to the scheduled auction activities. This definition excludes an "auto auction" or "livestock auction."

AUCTION, AUTOMOBILE ~~AUCTION~~

A facility where automobiles are offered for sale to persons who competitively bid on the vehicles offered for sale.

AUCTION, LIVESTOCK

A FACILITY TO WHICH THE PUBLIC MAY CONSIGN LIVESTOCK FOR SALE BY AUCTION OPEN TO PUBLIC BIDDING OR SOLD ON A COMMISSION BASIS WHICH MAY INCLUDE LIVESTOCK HOLDING AND SORTING PENS, LOADING AND UNLOADING FACILITIES, TEMPORARY STORAGE OF ANIMAL FEED AND BEDDING, A BUILDING WITH OFFICES AND AUCTION ARENAS WITH SEATING. IT DOES NOT INCLUDE AUCTION SALES CONDUCTED IN CONJUNCTION WITH COUNTY, STATE OR PRIVATE FAIRS OR AUCTION SALES CONDUCTED BY OR FOR A PERSON AT WHICH LIVESTOCK OF SUCH PERSON'S OWNERSHIP ARE SOLD ON PREMISES OF THE PERSON.

AUTOMOBILE FILLING STATION

Any building, structure or area of land used for the retail sale of automobile fuels, oils and accessories and where repair service, if any, is incidental and where no junked automobiles or other motor vehicles shall be stored on the premises.

AUTOMOBILE REPAIR OR SERVICE SHOP

Any building, structure or area of land used for major automobile repair, body work or servicing, including the sale of fuels, oils or parts, and where no more than five junked automobiles or other motor vehicles shall be parked or otherwise stored on the premises, and each for no longer than 60 days.

BAKERY – RETAIL

An establishment for preparing, baking and selling baked goods and products for consumption off-site. The products may be prepared either on or off site.

BANKS AND FINANCIAL INSTITUTIONS

An establishment for the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, brokerage offices and other similar financial institutions, including on-site automatic teller machines.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the "one-per-cent-annual-chance (one-hundred-year) flood."

BASEMENT OR CELLAR

Any area of a building having its floor subgrade (below ground level) on all sides.

BED-AND-BREAKFAST

A single-family dwelling, owner- or operator- occupied, which is used for the overnight lodging accommodations, which may also provide meals for transient guests only.

BILLBOARD

See "sign, general advertising sign."

BOARD

The Board of Zoning Appeals of Caroline County, Maryland.

BOARDINGHOUSE

A building in which lodging and meals will be provided for compensation to at least three but not more than 20 permanent residents or to at least two but not more than four transient guests. A "boardinghouse" shall not be considered a home occupation, group home or domiciliary care home.

BOARD OF ZONING APPEALS

The Board established by the County Commissioners which is authorized to grant special use exceptions and variances and to hear appeals from administrative decisions as provided in this chapter.

BREEZEWAY

A structure entirely open, except for roof, supporting columns or screening, which connects a principal building and an accessory building on the same lot.

BUFFERYARD

An area of land, together with a specified type and amount of plantings and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING

Any structure having a roof and designed for shelter or enclosure of any person, animal or property of any kind.

(1) COMPLETELY ENCLOSED BUILDING – Any building having no outside openings other than ordinary doors, windows and ventilators.

(2) PRINCIPAL BUILDING – Any building in which is conducted or in which is intended to be conducted the main or principal use of the lot on which it is located.

BUILDING ENVELOPE

The area formed by the front, side and rear building restriction or setback lines of a lot within which the principal buildings must be located.

BUILDING RESTRICTION LINE OR BUILDING SETBACK LINE

A line on a lot, generally parallel to a lot line or road right-of-way, located a sufficient distance therefrom to provide the minimum yards required by this chapter and beyond which the foundation walls, enclosed porch, vestibule or other enclosed portion of a building or structure shall not project.

BUILDING-SUPPORTED SMALL WIND-ENERGY SYSTEM

A small wind-energy system placed on, or supported in whole or in part by, a building structure and having a rated nameplate capacity of 10 kilowatts or less, and not exceeding a height of more than eight feet above the highest point of the structure.

BULK PLANT

Any premises where flammable, corrosive or combustible liquids are received from bulk shipping systems, including tank vessel, pipelines, tank car or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by bulk shipping systems, including tank vessel, pipelines, tank car, tank vehicle or container, to retail or wholesale customers. This definition does not include automobile filling and service stations or automobile repair and service shops.

CAMPGROUND

Any area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

CAR WASH FACILITY

A facility for the washing, detailing, waxing or steam cleaning of automobiles or similar light-duty motor vehicles. A car wash may be a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only; or a tunnel type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

CEMETERY OR MEMORIAL GARDEN

Any land or structure dedicated to and used or intended to be used for interment of human and/or pet remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof. **INCIDENTAL USE FOR MONUMENT AND MEMORIAL STONE PRODUCTION AND SALES IS PERMITTED.**

CIRCUS OR CARNIVAL

A traveling amusement show or festival usually including rides, games, and sideshows for a period of time not to exceed 30 days.

CLINIC

An office building or a group of offices for one or more physicians, surgeons, dentists or other medical practitioners engaged in treating outpatients only.

CLUB, PRIVATE

Buildings, facilities and/or property owned, leased, or operated by a corporation, association, nonstock association, person or persons for a social, educational or recreational purpose, but not primarily for profit which accrues to any individual and not primarily to render a service which is customarily carried on as a business.

COLLECTION SITE

An area of land, structures and/or facilities that accepts solid waste, such as: household solid waste, household hazardous waste, recyclable paper, plastic, glass or metal wastes; used oil; used appliances or furnishings; and/or yard wastes only from individuals who transport such self-generated waste to the collection site in a car or truck with a capacity of one ton or less for transfer to a permitted solid waste processing or disposal facility.

COMMERCIAL

A type of activity where goods or services are sold or traded with the expectation of profit or gain.

COMMERCIAL AMUSEMENTS, OUTDOOR

An open area offering entertainment or games of skill or sport to the general public. This includes, but is not limited to, such activities as golf driving range, pitch and putt course, archery, miniature golf, carnivals,

paintball, swimming pools, baseball/softball fields and similar outdoor activities but not including go-cart racing, drag strips or auto racing. **THE GROSS FLOOR AREA DEVOTED TO INCIDENTAL RETAIL SALES SHALL NOT EXCEED TEN PERCENT (10%) OF THE GROSS FLOOR AREA OF THE PRINCIPAL USE OR 1,000 SQUARE FEET, WHICHEVER IS LESS.**

COMMERCIAL AMUSEMENTS, INDOOR

A facility wholly enclosed in a building that offers entertainment or games of skill or sport to the general public. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades. **THE GROSS FLOOR AREA DEVOTED TO INCIDENTAL RETAIL SALES SHALL NOT EXCEED TEN PERCENT (10%) OF THE GROSS FLOOR AREA OF THE PRINCIPAL USE OR 1,000 SQUARE FEET, WHICHEVER IS LESS.**

COMMERCIAL RETAIL

A retail store that sells general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

COMMERCIAL, TRADE OR BUSINESS SCHOOLS

An educational facility, structure or building or part thereof operated as a business enterprise offering instruction or training in the trades or industrial arts such as welding, brick laying, machinery operation, cooking, printing or similar trades or industrial arts, but not including educational facilities.

COMMON AREA

An area within a designated development which is designed and intended for the use of all lot owners and residents of the development.

COMMUNICATIONS TOWER

A tower site and structure, including antennas, equipment shelters, parking and other accessory devices or structures, associated with telecommunication services for the broadcasting, transmitting, receiving or relaying of communications signals for television, radio, satellite, wireless, cable, microwave, cellular, personal communications services, etc.

COMMUNITY SEWERAGE FACILITIES

Any system, whether publicly or privately owned, serving two or more individual lots for the collection and disposal of sewerage or industrial wastes of a liquid nature, including various devices for the treatment of such sewerage and industrial wastes. See Chapter 173.

COMMUNITY WATER SUPPLY FACILITIES

A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving two or more individual lots. See Chapter 173.

COMPOSTING FACILITY

An area of land, structures and/or facilities where organic wastes are biologically decomposed into compost that may be safely applied to land, excluding any individually owned compost operation that does not accept waste or materials generated by persons not related to such individual or generated on premises not owned, used or operated by such individual.

COMPREHENSIVE PLAN

A document consisting of written and mapped information, adopted by the County Commissioners, and intended to guide the physical development of Caroline County, including all changes and additions known as the "Comprehensive Plan of Caroline County, Maryland."

CONCRETE OR ASPHALT RECYCLING

Process of grinding or pulverizing old concrete, asphalt, brick masonry or rock into aggregate using a specialized machine to be used as base gravels, building pads, structural fills and backfill.

CONDOMINIUM

An ownership arrangement as defined in the Annotated Code of Maryland.

CONTRACTOR STORAGE YARD

A place where heavy equipment, vehicles, construction equipment, or any material commonly used in the erection of any structure is stored. Projects with active permits involving the materials on site shall not be considered a contractor's storage yard.

COTTAGE INDUSTRY

The use of a portion of a residential structure, accessory structure, or a portion of the lot or parcel on which such residence is located, involving the offering of a service, the conduct of a business, or the production of handicrafts on a qualifying parcel. a cottage industry has the potential for greater impacts on nearby properties compared to a home occupation.

COUNTRY CLUB

A private recreational facility operated for bona fide members paying annual dues for the use of a golf course, tennis courts, swimming pool and/or other similar recreations, and ancillary uses such as restaurants (including the sale of alcoholic beverages), temporary residential uses for guests, managers and other employees, but not including commercially operated stand alone driving ranges or miniature golf courses.

COUNTRY INN

A ~~bed and breakfast~~ facility which is used for prearranged lodging accommodations and meals.

COUNTY

Caroline County, Maryland.

COUNTY COMMISSIONERS

The County Commissioners of Caroline County, Maryland.

COUNTY ENGINEER

The person, if any, designated by the County Commissioners to carry out engineering duties as specified in this chapter.

COUNTY PLANNER

The person designated by the County Commissioners as the Director of the Department of Planning and Codes Administration, which person shall also serve as Executive Secretary to the Planning Commission and to carry out such duties as specified in this chapter.

COUNTY ROAD

A road which the easement for use or title is vested with the County Commissioners by grant, condemnation, or prescriptive easement and for which the County Commissioners has accepted maintenance responsibility.

COURT

An unoccupied open space, other than a yard, which is bounded on two or more sides by the walls of a building.

DAYCARE CENTER, FAMILY

A home or facility, registered with the state, where care is given in lieu of parental care, for a part of a twenty-four-hour day, to not more than two children under the age of two years or to not more than eight children under the age of 16 years of whom no more than two may be under the age of two years. A family daycare provider's own children under the age of two years shall be counted as children served.

DAYCARE CENTER, GROUP

An agency or institution, licensed by the state, where care is given in lieu of parental care, for a part of a twenty-four-hour day, to nine or more children or to more than two children under the age of two years and which operates on a regular schedule more than once a week.

DELICATESSEN

A retail food store selling ready to eat food products such as cooked meats, sandwiches, prepared salads or seafood, health food or other specialty food items.

DENSITY

The number of principal buildings allowed per acre of gross area of a development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to any construction, reconstruction, modification, extension or expansion of buildings or other structures, placement of fill or concrete, construction of new or replacement infrastructure, dumping, mining, dredging, grading, paving, drilling operations, storage of materials, land excavation, land clearing, land

improvement, landfill operation or any combination thereof. This term shall also include the subdivision of land.

DOMICILIARY CARE FACILITY

Any institution which admits four or more nonrelated aged or disabled persons, maintains the necessary facilities and provides a protective institutional home-type environment to persons of advanced age or mental or physical disability.

DRIVE-IN

An establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

DWELLING

Any building or portion thereof designed and used for residential purposes.

(1) SINGLE-FAMILY DWELLING – A dwelling designed for or occupied exclusively by one family.

(2) TWO-FAMILY DWELLING – A dwelling designed for or occupied exclusively by two families living independently of each other, including duplexes.

(3) MULTIPLE-FAMILY DWELLING – A dwelling designed for or occupied exclusively by three or more families living independently of each other.

~~(4) TOWNHOUSE DWELLING – One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls which are without openings from the lowest floor level to the highest point of the roof.~~

DWELLING UNIT

A room or group of rooms located within a dwelling, occupied or intended to be occupied as separate living quarters by one family.

EDUCATIONAL FACILITIES

Structures and/or tracts of land designed, constructed, or used for the conduct of educational or instructional activities in any branch of knowledge. Uses include but are not limited to: public or private college, junior college, university or professional schools; elementary schools; secondary schools; and specialized education and training schools. The term excludes commercial trade or business schools.

ELECTRONIC MESSAGE BOARD

ANY SIGN THAT USES LIGHTS THAT CHANGE TO FORM A SIGN MESSAGE OR MESSAGES WHEREIN THE SEQUENCE OF MESSAGES AND THE RATE OF CHANGE IS ELECTRONICALLY PROGRAMMED AND CAN BE MODIFIED ELECTRONICALLY.

ELEVATION CERTIFICATE

FEMA Form 81-31 (or similar or subsequent fema form or certificate), on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a licensed professional land surveyor or a licensed professional engineer, as specified by the floodplain administrator. When used to document the height above grade of buildings in special flood hazard areas for which base flood elevation data are not available, the elevation certificate shall be completed in accordance with the instructions issued by FEMA.

EQUIPMENT RENTAL

The use of a building or land for the purpose of providing tools, implements, or other articles to individuals or businesses on a temporary basis for a specified fee. This term use does not include the rental of automobiles or trucks.

ESSENTIAL SERVICES

Facilities, such as wires, lines, poles, fire hydrants, cables, pipes or similar apparatus, which may be reasonably necessary for the furnishing of adequate water, sewer, gas, electric, telecommunication or similar services to adjacent customers. "Essential services" do not include any cross-county electric transmission lines, telephone trunklines, including microwave, or any cross-county transmission pipeline.

FAMILY

One or more persons related by blood, marriage, adoption or guardianship, including not more than two persons not so related, occupying a dwelling unit and living together as a single housekeeping unit or not more than four persons not all so related occupying a dwelling unit and living together as a single housekeeping unit.

FARM

A parcel of land not less than 20 acres in size used for ~~agriculture~~ **AGRICULTURAL PRODUCTION** as defined in this subsection.

FARMERS MARKET

A retail market selling predominately locally produced fruits, vegetables, crafts and meats.

FEEDLOT

Any tract of land or structure, pen or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FENCE OR WALL

A barrier, other than natural vegetation, intended to prevent intrusion or escape, to mark a boundary or to enclose an area to provide screening or privacy.

FISHERY ACTIVITY FACILITY

commercial water-dependent fisheries, including structures for packing, processing, canning or freezing of fin fish, crustaceans, mollusks, amphibians and reptiles, and also including related activities such as

wholesale, product storage, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquaculture operations.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters; and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN

Any land area susceptible to being inundated by water from any source (See "flood" or "flooding.")

FLOODPROOFING or FLOODPROOFED

Any combination of structural and nonstructural additions, changes, or adjustments to buildings or structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents, such that the buildings or structures are watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

FLOOR AREA

(1) For commercial, business, agricultural and industrial buildings or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including attic space providing headroom of less than seven feet, basement space used only for storage or utilities, uncovered steps or fire escapes, accessory water towers or cooling towers, accessory off-street parking spaces and accessory off-street loading berths.

(2) For residential buildings, the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, unfinished basements or attics and open porches, measured from the exterior faces of the exterior walls.

FRONTAGE

The distance between the two side lot lines measured at the front building restriction line.

(1) STREET FRONTAGE — All of the property on one side of a street between two intersecting streets, either crossing or terminating, measured along the line of the street or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

(2) LOT FRONTAGE — The distance for which the front boundary line of the lot and the street right-of-way line or waterway are coincident.

FUNERAL SERVICES OR CREMATORIES

All functions pertaining to or connected with the preparation of human bodies for interment or cremation, together with any of the rights, services, or ceremonies usually attendant with such interment or cremation.

GARAGE

A building, accessory to a residence, for the storage of one or more motor vehicles, not including buildings in which fuel is sold or commercial repair or other services are performed.

GARAGE OR YARD SALE

A public sale conducted by an individual on his or her own premises for the purpose of selling personal property, provided that no more than one sale is conducted for a period not to exceed 14 consecutive days in any one calendar year. Personal property shall be items which are owned by an individual or his family and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

GOLF COURSE

A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

GRADE

The average elevation of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

GREEN AREA

An area of land associated with and located on the same tract of land as a principal building or group of buildings in relation to which it serves to provide light and air or scenic, recreational or similar purposes. "Green areas" may include but not be limited to lawns, decorative plantings, sidewalks, walkways and active and passive recreational areas, including playgrounds, fountains, swimming pools, wooded areas and watercourses, but shall not include streets, parking and loading areas or accessory structures.

GREENHOUSE OR NURSERY (RETAIL)
A structure or facility designed and used for growing and selling plants, shrubs or trees and other articles or implements that are displayed or sold to the general public on the site or at wholesale.

GROUP HOME

A place, home or institution which is licensed to provide board, shelter and personal services to not more than eight persons, regardless of age, who have a need for supervision or assisted community living based on emotional, mental, physical, familial or social differences. Examples of such persons shall include but not be limited to mentally retarded persons, physically handicapped persons, alcoholics, elderly persons, drug-dependent persons and juveniles under the jurisdiction of the courts, the Department of Social Services or the Juvenile Services Administration, but shall not include public or private schools organized, operated or approved under Maryland laws, persons related by blood marriage within the third degree to the custodial person or churches or other religious or public institutions caring for such persons within the institutional building while parents or other custodial persons are attending services, activities or meetings.

GUEST HOUSE

Living quarters within a detached accessory building located on the same premises with the principal residence for use by transient nonpaying visitors of the occupants of the principal residence. A "guest house" shall have no separate utility meters or separate water and sewerage systems and shall not be rented or otherwise used as a separate dwelling.

GUN CLUB

Any private club, nonprofit entity, for-profit entity, or any person or persons operating in any manner, form, or structure, any premises, building, facility and/or property for the purposes of or otherwise engaging in gun club activities.

GUN CLUB ACTIVITIES

Gun, trap, skeet, rifle, shooting, and target ranges, clubs, or activities, including, but not limited to the discharge of any weapon, machine, or device employing any propellant or explosive material or device (other than only human effort); including, but limited to, pistols, rifles, shotguns, cannons, or other firearms, whether conducted, performed, carried out, or participated in by one or more individuals. The term "gun club activities" does not include the discharge of any such weapon, machine, or device lawfully and directly in the hunting of animals.

HABITABLE AREA

The space in a structure used for living, sleeping, eating or cooking, including closets, bathrooms, **UTILITY ROOMS** and toilet compartments. Open, unenclosed porches, platforms, patios, decks, basement or attic storage spaces, ~~utility rooms~~ or attached garages are not considered "habitable areas."

HAZARDOUS WASTE

Solid waste that is considered to be:

(1) Hazardous waste as that term is defined and used in the federal Resource Conservation and Recovery Act and its implementing regulations.

(2) A regulated hazardous material or controlled hazardous substance under Title 7 of the Environment Article of the Maryland Annotated Code and its implementing regulations.

(3) A hazardous substance as that term is defined under the federal Comprehensive Environmental Response Compensation and Liability Act and Superfund Amendments and Reauthorization Act and its implementing regulations.

HEIGHT

The vertical distance from the highest point of a structure, except a chimney or antenna on a structure, to the average ground level of the grade where the walls or other structural elements intersect the ground.

HOME OCCUPATION

Any occupation or business conducted entirely within a dwelling or accessory structure, and which is clearly incidental and secondary to the residential use of the premises; provided that not more than one (1) non-resident at any time may work at a home occupation business.

HOMEOWNER'S ASSOCIATION

A nonprofit corporation of property owners which administers and enforces deed restrictions and maintains common areas and facilities.

HOSPITAL

Any institution which receives inpatients and provides medical, psychological, surgical or similar care of sick or injured humans and which may include related facilities such as laboratories, an outpatient department, training facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

HOTEL

A building in which lodging or boarding and lodging are provided for more than four persons, primarily transient, offered to the public for compensation and in which access to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boardinghouse or an apartment house. A "hotel" may include therein restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms, otherwise in accordance with applicable law.

HOUSEHOLD HAZARDOUS WASTE

Household hazardous waste as defined in Subtitle 18 of Title 9 of the Environment Article of the Maryland Annotated Code.

ILLUMINATION

Direct artificial lighting or indirect artificial lighting designed to reflect light from light sources erected for the purposes of providing light to a sign or other structure.

INDUSTRIAL PARK

A tract of land which is subdivided and developed according to an overall plan for occupancy by a group of industries and is provided with roads and necessary utilities.

JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, trash, tires, rubber debris, waste, iron, steel and other scrap or discarded material or machinery, including wrecked, abandoned, scrapped or dismantled motor vehicles or motor vehicle parts.

KENNEL

(1) COMMERCIAL KENNEL – Any land or structures used for the sale, rental, boarding, breeding or training of domestic animals, primarily dogs and cats, for compensation or profit.

(2) NONCOMMERCIAL KENNEL — Any land or structures used for the boarding, breeding or care of dogs, cats or other domestic animals belonging to the owner of the kennel and kept for purposes

of show, hunting or as pets. **THE SALE OF NOT MORE THAN 2 LITTERS PER CALENDAR YEAR, IS PERMITTED.**

KITCHEN

A room used for preparation of food. A complete kitchen contains a sink, refrigerator, stove or range top, and oven or microwave. A partial kitchen is missing one of the above components.

LIVESTOCK

BISON, BUFFALO, CATTLE, HORSES, PIGS, SHEEP, GOATS, LLAMAS, EMUS, OSTRICHES, DONKEYS, MULES, GOATS, CHICKENS, DUCKS, GEESE, AND OTHER FOWL, RABBITS, MINKS, FOXES AND OTHER FUR OR HIDE-BEARING ANIMALS CUSTOMARILY BRED OR RAISED IN CAPTIVITY, WHETHER KEPT FOR PLEASURE, UTILITY OR SALE.

LIVE/WORK BUILDING

A BUILDING COMPRISED OF MIXED-USE UNITS CONSISTING OF RESIDENTIAL AND COMMERCIAL OR OFFICE FUNCTIONS. NON-RESIDENTIAL FUNCTIONS MAY BE LOCATED ANYWHERE IN THE UNIT.

LOADING SPACE

A space within the principal building or on the same lot providing for the standing, loading or unloading of vehicles.

LOT

A contiguous area of land separated from other areas of land by separate description in a recorded deed or plat or a parcel of land, which may include one or more platted lots, occupied or intended for occupancy by a single principal use or establishment.

(1) CORNER LOT — A lot located at the intersection of two or more roads. A lot abutting on a curved street or streets shall be considered a "corner lot" if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.

(2) INTERIOR LOT— A lot, other than a corner lot, with only one street frontage and no frontage on a tidal wetland or tidal waterway.

(3) PANHANDLE LOT — A polygonal shaped lot with the appearance of a frying pan or flag with staff in which the handle is most often used as the point of access to a street or road. The handle, when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required lot area or delineating the minimum required building envelope. The handle shall not be less at any point than the required minimum at the point of access.

(4) REVERSED FRONTAGE LOT — A lot in which the frontage is at right angles to the general pattern in the area involved. A "reversed frontage lot" may also be a corner lot or an interior lot.

(5) THROUGH LOT — A lot where both the front and rear yards adjoin a road or where either the front or rear yard adjoins a tidal wetland or tidal waterway. The determination of which yard of a

"through lot" is the front yard shall be made by the Zoning Administrator based on the prevailing yard pattern in the neighborhood. Unless circumstances specifically indicate the contrary, the front yard of a waterfront lot is the yard facing the tidal wetland or tidal waterway.

LOT AREA

The total horizontal area of a lot as determined by the closure of the rear, side and front lot lines.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT LINE

The boundary line of a lot.

(1) FRONT LOT LINE — A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way, tidal wetland or tidal waterway.

(2) REAR LOT LINE — A line connecting the rearmost points on the side lot lines.

(3) SIDE LOT LINE — A line defining the boundary of a lot other than the front and rear lot lines.

LOT OF RECORD

Any validly recorded lot which, at the time of its recordation, complied with all applicable laws, ordinances and regulations.

LOT WIDTH

The distance between the side lot lines measured at the front building restriction line. See also "frontage."

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement) of a building or structure; the floor of an enclosure below the lowest floor is not the lowest floor, provided the enclosure is constructed in accordance with this chapter. The lowest floor of a manufactured home is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

LUMBER AND OTHER BUILDING MATERIALS DEALERS

A business that sells building materials and/or lumber in large quantities, and includes a significant portion of its product storage outdoors or in warehouse portions of a building.

MAJOR HIGHWAY

Specifically includes the following state roads: Maryland Route 454, Maryland Route 311, Maryland Route 313, Maryland Route 312, Maryland Route 480, Maryland Route 404, Maryland Route 328, Maryland Route 16, Maryland Route 578, Maryland Route 331 and Maryland Route 318 from the Delaware line to Federalsburg.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

MARINA

An establishment providing docking, moorage space and activities relating to the maintenance and minor repair of pleasure boats and yachts

MASSAGE

Any method of treating, or attending to, the external parts of the human body (other than the scalp) by touching, rubbing, stroking, kneading, tapping or vibrating with the hand, arm, foot or other body part, or by instrument or device, applied by a massage technician, for compensation, or without compensation and in connection with or related to any other service, sale, transaction, or exchange for compensation.

MASSAGE ESTABLISHMENT

Any establishment, building, structure, premises, room, or other location or site where a massage technician administers a massage to another person. "Massage establishment" does not include a hospital, nursing home, medical clinic or other establishment, building, structure, premises, room, or other location or site where massages are administered by any individual who is a medical practitioner, a massage therapist, or a massage practitioner.

MASSAGE PRACTITIONER

A registered massage practitioner as that term is defined by § 3-5A-01 of the Health Occupations Article of the Annotated Code of Maryland, or a person excepted from the requirement to be certified or registered before practicing massage therapy or nontheraputic massage pursuant to an exception set forth in § 3-5A-05(a)(2) of the Health Occupations Article of the Maryland Annotated Code who is practicing massage under the limited circumstances allowed in § 3-5A-05(a)(2).

MASSAGE TECHNICIAN

An individual who administers a massage to another individual. "Massage technician" does not include:

(1) A massage practitioner;

(2) A massage therapist; or

(3) A medical practitioner.

MASSAGE THERAPIST

A certified massage therapist as that term is defined by § 3-5A-01 of the Health Occupations Article of the Annotated Code of Maryland.

MEDICAL PRACTITIONER

A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, or other similar health professional licensed and/or certified by the state.

MOBILE HOME

A dwelling or structure manufactured and designed to be transportable on one or more permanent, integral chassis and designed to be used with or without a permanent foundation, regardless of whether or not wheels, axles, hitch or other appurtenances of mobility are removed; the nature of the foundation provided; whether or not all utilities, plumbing, electrical wiring, kitchen or bathing facilities are disconnected or removed; and its actual use. A travel trailer or recreational vehicle shall not be construed to be a "mobile home" or vice versa. A single-chassis mobile home is commonly known as a "single-wide or straight mobile home," and a multiple-chassis mobile home is commonly known as a "double-wide or multisection mobile home."

MOBILE HOME PARK

A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with all the requirements of this chapter to provide accommodations for two or more mobile homes as living quarters, and includes all structures, vehicles, accessories and appurtenances used or intended as equipment in such a park. This definition does not include mobile homes used for farm laborer housing.

MOBILE HOME SUBDIVISION

A residential subdivision planned and developed for mobile homes in accordance with this chapter and the Caroline County Subdivision Regulations.

MODULAR DWELLING OR BUILDING

A dwelling or building consisting of a system of building subassemblies, including the necessary facilities and other service systems, manufactured in its entirety or in substantial part off-site and transported to the point of use for installation or erection as a finished building or as part of a finished building, designed for use only on a site-built permanent foundation and not designed for ready removal to another site and not constructed on a permanent, integral chassis. A "modular dwelling or building" shall not be distinguished from a conventionally or site-built dwelling or structure.

MONUMENTS AND MEMORIAL STONES AND MARKERS

A burial vault, sepulcher, edifice, item, identifying marker, or similar item intending to mark the location of an interment, butial site, or to identify a particular site on which a particular event occurred of to honor a specific person or persons.

MOTEL

A building or group of buildings in which lodging is provided for more than four transient guests, offered to the public for compensation and in which access to and from each room or unit is through an exterior door. As such, it is open to the public in contradistinction to a boardinghouse or an apartment house.

MOTOR VEHICLE DEALER

A building, structure or area of land used for the storage or display for sale of motor vehicles but not used for the storage of dismantled or wrecked motor vehicles.

MUSEUM

A building serving as a repository for a collection of natural, scientific, historic, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include the sale of goods and meeting facilities as accessory uses.

NATURAL WOOD WASTE RECYCLING FACILITY

An area of land, structures and/or facilities where natural wood waste (i.e., trees, tree stumps, brush, limbs, root mats, logs and other natural vegetative wastes) are processed into reusable materials and/or materials that may be safely applied to land, excluding any individually owned natural wood waste recycling/reprocessing operation that does not accept natural wood waste generated by persons unrelated to such individual or generated on premises not owned, used or operated by such individual.

NONCONFORMITY OR NONCONFORMING

A lot, structure or use lawfully existing before the effective date of this chapter or a previous Zoning Ordinance which does not conform to the current regulations of the zoning district in which it is located.

NONHAZARDOUS SOLID WASTE

Solid waste that is not hazardous waste.

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 depiction of covered male genitalia in a discernibly turgid state.

NURSING HOME

A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries who do not require extensive or intensive care such as is normally provided in a general or other specialized hospital, including rest homes, convalescent homes and homes for the aged. A "nursing home" does provide medical, nursing, convalescent or chronic care in addition to room and board.

OCCUPANCY, CERTIFICATE OF

A written statement, issued by the Zoning Administrator to the applicant for a zoning certificate and/or building permit after completion of the final inspection, which states that the structure, building or use conforms to the provisions of this chapter, the terms of the zoning certificate and/or building permit and other related applicable laws, rules and regulations, including but not limited to plumbing, grading, sediment control, water supply, sewerage, electrical, stormwater management, premise address, fire code and building code.

OFF-PREMISES SIGN

A sign that advertises a business, product, service or event or directs persons to a different location from where the sign is installed.

ON-PREMISES SIGN

A sign that is located on the same premises with the person, business, event, property, service or situation advertised or identified.

OWNER

The person, partnership, corporation, company or other legal entity holding current legal title to a lot, tract or parcel of land.

PARKING SPACE, OFF-STREET

An all-weather surfaced area, not within a road right-of-way, permanently reserved for the temporary storage of one motor vehicle and connected with a road by an all-weather surfaced driveway which affords satisfactory access for motor vehicles.

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.

PAVED ROAD

A road covered with either a rigid or flexible pavement such as bituminous surface treatment, asphalt concrete or Portland cement concrete.

PERMANENT CONSTRUCTION

Any structure built or placed on a site for more than 90 consecutive days.

PET SERVICES

The retail sale of animals customarily used or kept as domesticated household pets and/or the provision of veterinary grooming totally within a building. This use includes pet stores and pet grooming shops, but excludes uses for livestock or other animals.

RELIGIOUS FACILITIES

A building or premises where persons regularly assemble for religious worship and/or training including those accessory activities customarily associated therewith, and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship. Uses include, but are not limited to, churches, synagogues or temples, parsonage or rectory, convent or monastery or novitiates, and religious retreat facility.

PLANT

The total floor area of an enclosed building used for manufacturing, assembly or warehousing, plus the total area of the accessory structures.

PORTABLE STORAGE UNIT, TEMPORARY
A container for the temporary storage or warehousing of merchandise, personal property, or excess materials for 120 days or less. Portable storage units are generally 10 to 40 feet long and generally up to 8.5 feet high, and of metal or durable plastic construction, and have access doors.

PREMISES

A lot, together with all buildings and structures thereon.

PRODUCE STAND

AN AREA AND/OR STRUCTURE FOR THE PRIMARY DISPLAY AND SALE OF AGRICULTURAL PRODUCTS PROCESSED AND GROWN LOCALLY (ON THE DELMARVA PENINSULA) AND THE INCIDENTAL SALE OF PRODUCTS PRODUCED ON THE PREMISES SUCH AS JAMS, JELLIES, PRESERVES, HONEY AND BAKED GOODS.

PUBLIC UTILITIES

Uses or structures for the public purpose of power transmission and distribution, but not power generation; natural gas transmission and distribution, but not manufacturing or storage; water treatment and distribution; sewage collection and treatment; telephone service facilities; radio and television facilities, not including broadcasting studios; and rail or road rights-of-way, not including stations or terminals.

RACETRACK

A measured course where animals or machines are entered in competition against one another or against time, not including tracks that are used only in the training of animals.

RECREATIONAL EQUIPMENT, MAJOR

Mobile apparatus specifically designed for temporary habitation or recreational activities, including travel trailers, pickup campers, motorized dwellings, tent trailers, boats, boat trailers, houseboats or storage containers used for transporting recreational equipment.

RENEWABLE ENERGY SOURCE

Any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy, and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes. **ALSO SEE "SOLAR ENERGY SYSTEMS, ACCESSORY", "SOLAR POWER PLANT" AND "SMALL WIND-ENERGY SYSTEM."**

RESCUE AND SANCTUARY FACILITIES

An animal welfare facility that provides humane care for domestic animals, primarily dogs, cats and small household pets, and livestock and provides adoption services for adoptable animals. Livestock includes cattle, equine, sheep, goats and swine. This use does not include buying, selling or intentional breeding or trading of animals for commercial purposes. Individual residences that serve as foster homes for animals are not considered animal rescue and sanctuary facilities.

RESIDENTIAL TRUCKING OR SERVICE BUSINESS

A business where drivers and other employees report to a residential lot to pick up a vehicle or trailer for use in a business which transports goods from one point to another off-site, or which provides services at off-site locations, and in which goods are not regularly stored on the residential lot.

RESOURCE RECOVERY FACILITY

A nonhazardous solid waste waste-to-energy incinerator permitted pursuant to Title 2 and/or Title 9 of the Environment Article of the Maryland Annotated Code.

RESTAURANT

An establishment in which food or beverages are cooked or prepared to order and offered for sale and where consumption is permitted on the premises at tables or booths whether or not entertainment is offered, and includes establishments commonly known as grills, and cafes.

RESTAURANT, FAST FOOD

A building or part of a building used to furnish food and beverages in disposable containers to the public where customers place their orders at an inside service counter or drive-thru window for consumption either indoors, outdoors, or off-site.

RESTAURANT, DRIVE-IN

Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building, or off-site.

RIGHT-OF-WAY

A strip of land designated for the use of a road, highway, driveway, alley or walkway or for any drainage or public utility purpose or other similar use.

ROAD

A way for vehicular traffic which provides primary access to abutting properties, including the rights-of-way. "Roads" may be classified as follows:

(1) MAJOR ARTERIAL ROAD — A road intended to carry large volumes of traffic, with an average daily traffic of 1,000 or more vehicles per day, usually a state road.

(2) ARTERIAL ROADS — Segments of the County roads system which carry moderate traffic and act as feeders to state highways or major arterial roads and all roads in subdivisions which provide access or may in the future provide access to 50 or more lots.

(3) COLLECTOR ROADS — Segments of the County roads system which carry light traffic, are nonconducive to through traffic and serve primarily local traffic and all roads in subdivisions which provide access or in the future may provide access to fewer than 50 lots.

(4) CUL-DE-SAC ROAD — A short road having but one end open for vehicular traffic, the other being permanently terminated by a turnaround for vehicles.

~~PRODUCE STAND~~

~~An area and/or structure for the primary display and sale of agricultural products processed and grown locally (on the Delmarva Peninsula) and the incidental sale of products produced on the premises such as jams, jellies, preserves, relishes, pickles, salad dressing, honey and baked goods.~~

RAILROAD SIDING

A SHORT STRETCH OF RAILROAD TRACK USED TO STORE ROLLING STOCK OR ENABLE TRAINS ON THE SAME LINE TO PASS.

ROTOR DIAMETER

The cross-sectional dimensions of the circle swept by the rotating blades.

SADOMASOCHISTIC ABUSE

(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, WHOLESALE

The sale of goods, merchandise and commodities for resale, not for direct consumption.

SALES, RETAIL
The sale of goods, merchandise and commodities to the consumer for direct consumption and not for resale.

SALVAGE OR JUNK YARD

Any land or structure used for the collecting, storage, salvaging or sale of junk or for the collecting, storing, dismantlement or salvage of more than two unregistered, inoperative motor vehicles, trailers or semi-trailers or the sale of parts thereof.

SAWMILL

A facility where raw timber is cut or stripped to produce lumber or wood products, not including the cutting of timber for use on the same lot by the owner or resident of that lot.

SERVICES, GENERAL

An establishment primarily engaged in selling services, as opposed to products, to the general public or businesses. Direct service stores include tailors, dressmakers, dry cleaners, equipment rentals, laundromats, blacksmiths, barbers, beauty salons, day spas, tanning salons, copy centers, taxidermy, photography studios and shops for the repair of clothing, shoes or household items.

SERVICES, PROFESSIONAL

Rooms and/or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, architects, engineers, psychologists, real estate brokers, insurance brokers or other similar professional person, and any office used primarily for bookkeeping, correspondence, research, editing or administration.

SETBACK

The minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line boundary of a County or state road right-of-way.

SEWAGE SLUDGE

The accumulated semiliquid suspension or settled solids or dried residue of these solids or suspension that is deposited from sewage in a wastewater treatment plant, whether or not these solids or suspensions have been chemically treated.

SHOPPING CENTER

An integrated development of multiple, commercial, retail or service establishments sharing common parking facilities and common access.

SIGN

Any structure or device, in whole or in part, which uses symbolic representations to direct attention, to identify or to advertise any activity, person, group of people or thing.

(1) GENERAL ADVERTISING SIGN — A sign used for any activity, person, group of people or thing not located on the premises upon which the sign is located, including billboards.

(2) PUBLIC SERVICE SIGN – A SIGN BY A RECOGNIZED PUBLIC SERVICE ORGANIZATION FOR THE PURPOSE OF IDENTIFYING A GEOGRAPHICAL AREA OR COMMERICAL FACILITIES LIMITED TO THE INDIVIDUAL NAME(S) OR SYMBOLS(S) OF SUCH COMMERICAL FACILITIES.

(3) **BYWAY SIGN – INFORMATIONAL SIGNAGE FOR SCENIC BYWAYS, ALL-AMERICAN ROADS, ETC. RECOGNIZED BY THE FEDERAL, STATE OR COUNTY GOVERNMENT.**

SIGN AREA

That area enclosed by the periphery connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign are to be included in determining "sign area." On a two-sided sign, only one face is counted in computing the sign's area, provided that the faces are located not more than two feet from each other.

SIGNIFICANT AMOUNT

(1) At least 20% 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 20% 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 material; or

(3) At least 20% of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.

SITE PLAN, **MAJOR**

A drawing or plat which describes and locates required improvements of a development tract **THAT ARE TWENTY THOUSAND (20,000) SQUARE FEET OR GREATER OF DISTURBANCE** in accordance with the provisions of Article XIV of this chapter.

SITE PLAN, MINOR

A DRAWING OR PLAT WHICH DESCRIBES AND LOCATES REQUIRED IMPROVEMENTS OF A DEVELOPMENT TRACT THAT ARE LESS THAN TWENTY THOUSAND (20,000) SQUARE FEET OF DISTURBANCE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE XIV OF THIS CHAPTER.

SMALL WIND-ENERGY SYSTEM

A wind-energy system that 1) is used to generate electricity; 2) has a rated nameplate capacity of 100 kilowatts or less; and 3) has a total height, as defined in this Chapter 175, of not more than 199 feet.

SMALL WIND-ENERGY SYSTEM OWNER

The person that owns the real property upon which a small wind-energy system will be operated. For purposes of the provisions in this Chapter 175, the small wind-energy system itself may be leased or owned. Ownership of the real property may include occupancy pursuant to a lease with the consent of the lessor of the real property.

SOLAR ENERGY SYSTEMS, ACCESSORY

INCLUDES ANY PHOTVOLTAIC, CONCENTRATED SOLAR THERMAL, OR SOLAR HOT WATER DEVICES THAT ARE ACCESSORY TO, AND INCORPORATED INTO THE DEVELOPMENT OF AN AUTHORIZED USE OF THE PROPERTY, AND WHICH ARE DESIGNED FOR THE PURPOSE OF REDUCING OR MEETING ON-SITE ENERGY NEEDS.

SOLAR POWER PLANT

A MID- OR UTILITY-SCALE COMMERCIAL FACILITY COMPRISED OF ONE OR MORE FREESTANDING, GROUND MOUNTED DEVICES THAT CONVERTS SUNLIGHT INTO ELECTRICITY, WHETHER BY PHOTOVOLTAICS (PV), CONCENTRATING SOLAR THERMAL DEVICES (CST) OR VARIOUS EXPERIMENTAL SOLAR TECHNOLOGIES, FOR THE PRIMARY PURPOSE OF WHOLESALE OR RETAIL SALES OF GENERATED ELECTRICITY.

(1) CONCENTRATING SOLAR THERMAL DEVICES – ALSO KNOWN AS "CONCENTRATED SOLAR THERMAL POWER (CST) ARE SYSTEMS THAT USE LENSES OR MIRRORS, AND OFTEN TRACKING SYSTEMS, TO FOCUS OR REFLECT A LARGE AREA OF SUNLIGHT INTO A SMALL AREA. THE CONCENTRATED ENERY IS ABSORBED BY A TRANSFER FLUID OR GAS AND USED AS A HEAT SOURCE FOR EITHER A CONVENTIONAL POWER PLANT, SUCH AS A STEAM POWER PLANT, OR A POWER CONVERSION UNIT, SUCH AS A STERLING ENGINE.

(2) PHOTOVOLTAICS – A TECHNOLOGY THAT CONVERTS LIGHT DIRECTLY INTO ELECTRICITY. PHOTOVOLTAIC (PV) SYSTEMS AND CONCENTRATED PHOTOVOLTAIC (CPV) SYSTEMS ARE INCLUDED WITHIN THIS DEFINITION.

SOLID WASTE

Garbage, refuse, debris or material that is discarded, abandoned or disposed by its original generator, excluding sewage discharged to a lawfully operated sewage treatment facility and/or irrigation return flows.

SOLID WASTE DISPOSAL FACILITY

Any facility, other than a resource recovery facility, for the disposal of nonhazardous solid waste that is permitted pursuant to Title 9 of the Environment Article of the Maryland Annotated Code, including a municipal sanitary landfill, rubble landfill, an incinerator, or a medical waste disposal facility.

SOLID WASTE PROCESSING FACILITY

An area of land, structures and/or facilities for the processing and/or transfer of nonhazardous solid waste that is authorized and, if necessary, permitted pursuant to Title 9 of the Environment Article of the Maryland Annotated Code, including: a construction and demolition debris recovery and/or sorting facility; a rubble processing, recovery and/or sorting facility; a scrap tire processing facility; a transfer station; a used oil collection facility; a white goods reprocessing facility. The following sites do not come within the definition of solid waste processing facility for purposes of this chapter:

(1) Collection sites serving rural residential areas, provided that solid waste is not transferred from solid waste collection vehicles (e.g., garbage trucks or roll-off container transport trucks) to another transportation unit.

(2) A site where a person processes solid waste generated on the premises and reuses any by-product of such waste processing on the premises or delivers and/or disposes of such solid waste at an authorized or permitted site.

(3) An individually owned composting operation and/or natural wood waste recycling operation that is excluded from the definition of compost facility or natural wood waste recycling facility; and

(4) Agricultural waste processing and/or disposal that is conducted pursuant to State laws and regulations that govern agricultural operations and businesses.

SPECIAL USE EXCEPTION

Permission by the Board of Zoning Appeals to establish a specific use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would comply with the purpose and intent of this chapter. Such uses may be approved within a zoning district if specific provision for such a "special use exception" is made in this chapter.

STABLE

(1) NONCOMMERCIAL STABLE — Any building, structure, or land, accessory to the principal use of the premises as a residence, used for the shelter or care of horses or similar animals kept for the exclusive use of the occupants of the premises or any building or land where horses are bred, raised or trained on a farm by the occupants for pleasure, show or racing. A stable may include an indoor riding area or other amenities directly associated with the care of horses or similar animals.

(2) COMMERCIAL OR CLUB STABLE — Any building or land used for the shelter or care of horses or similar animals that are kept for hire, sale, boarding, riding or show. A stable may include an indoor riding area or other amenities directly associated with the care of horses or similar animals.

STORY

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor or ceiling next above it.

(1) HALF STORY — A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, when not more than 60% of said floor area is used for rooms, baths or toilets. A "half-story" containing an independent apartment or living quarters shall be counted as a full story.

STREAM, BUFFER

An area established or managed with appropriate vegetation to protect aquatic, wetland, shoreline and terrestrial environments by minimizing man-made disturbances.

STREAM, INTERMITTENT

A stream in which surface water is absent during part of the year as shown on the most recent 71/2 Minute USGS Topographic Quadrangle Maps or as determined by field verification confirmed by the Natural Resource Conservation Service.

STREAM, PERENNIAL

A stream containing surface water throughout an average rainfall year, as shown on the most recent 71/2 Minute USGS Topographic Quadrangle Maps or as determined by field verification confirmed by the Natural Resource Conservation Service.

STREET

See "road."

STRUCTURE

Anything constructed or erected which requires location on or in the ground or attachment to something having a location on or in the ground. By way of example and not limitation, private or commercial pipe lines, in-ground swimming pools and related apparatus, underground vaults for storage or safety, photovoltaic solar systems and similar items are included in the term.

STUDIO

An instructional facility specializing in the instruction of a limited number of groups or individuals in a specific task or skill including but not limited to art, music, dance, drama, crafts, martial arts and physical education. These facilities shall generally conduct business by appointment or based on a regular class schedule and shall not include dance halls or similar businesses.

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 transfer of ownership or building development of the land or territory subdivided.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to the submission of an application for a permit and which are the minimum necessary to assure safe living conditions.

TAVERN, BAR, NIGHTCLUB, LOUNGE

An establishment where the primary activity is the sale and consumption on the premises of alcoholic beverages and where food service is secondary to the sale of alcoholic beverages and which may offer entertainment or dancing.

TEMPORARY DEVELOPMENT

Any building, construction, and/or assemblage of structures such as construction sheds, seats, canopies, tents and fences used in construction work for temporary purposes, such as reviewing stands, fairs, carnivals or flea markets, which are completely removed upon the expiration of 90 days or less as stated in the permit.

TOTAL HEIGHT

For vertical blade systems, the vertical distance measured from ground level to the tip of a wind generator blade when the tip is positioned at its highest vertical point, and for horizontal blade systems, to the tallest point of the system. This definition excludes building-supported small wind-energy systems.

TOWING SERVICE AND WRECKED VEHICLE STORAGE

A service to tow motor vehicles which cannot be moved under their own power, such business shall include vehicle storage lot to store motor vehicles involved in accidents which cannot otherwise move under their own power. In no event shall any single stored vehicle remain on such storage lot for a period in excess of ninety (90) days. no wrecking, salvage dismantling or sales of used auto parts shall be conducted from towing or wrecker service premises, or from the premises on which such vehicles are stored. additionally, should any such vehicles remain on such lot for a period in excess of ninety (90) days, such lot shall be deemed to be a "salvage or junk yard" under the provisions of this zoning ordinance.

TRUCKING OR SERVICE BUSINESS

A business where drivers and other employees report to a business or commercial lot to pick up a vehicle or trailer for use in a business which transports goods from one point to another off-site, or which provides services at off-site locations, and in which goods are not regularly stored on lot.

TRUCK TERMINAL

A FACILITY FOR HANDLING DISPATCH OPERATIONS AND/OR IN WHICH FREIGHT BROUGHT BY MOTOR TRUCK IS ASSEMBLED, STORED AND/OR TRANSFERRED FOR SHIPMENT BY MOTOR TRUCK.

USE

The purpose or activity for which land or any building thereon is designed, arranged or intended or for which it is occupied or maintained.

(1) PRINCIPAL USE — The specific primary purpose for which a premises is used.

VARIANCE

A modification of the terms of this chapter with regard to height, area and size of structures or size of yards and open spaces.

VETERINARY HOSPITAL OR CLINIC

A building or premises for the medical or surgical treatment of domestic animals or pets.

VIEWING BOOTH

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

VISITOR CENTER

A building offering information and services to visitors on the area's attractions, lodgings, brochures, maps and directions and may be located at a historical or archaeological site, park, or nature reserve. It may also offer guided tours, educational exhibits, artifact displays (natural or cultural history), ~~and~~ restrooms **AND INCIDENTAL SALES OF SNACKS, BEVERAGES, SOUVENIRS AND RELATED ITEMS.**

WAREHOUSES, MINI-STORAGE

A building or group of buildings which are composed of contiguous individual units which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

WAREHOUSING AND STORAGE

Buildings used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management.

WASTEWATER TREATMENT FACILITY

Any facility or plant for the treatment, storage or disposal of waterborne or industrial wastes, including but not limited to sewage treatment plants, land application of waste products or effluent, lagoons, accessory sludge storage and disposal facilities for sludge produced on site and sludge incinerators. This definition does not include the seasonal land application of sewage sludge or other waste products to agricultural, forest or marginal land where no permanent distribution facilities are installed and where the loading rate is limited by the nutrient requirements of the crop or cover vegetation as recommended by the Department of Agriculture. This definition also does not include any facility used exclusively by a private residence, any facility utilizing septic tanks and subsoil absorption, the disposal of septage pumpings in locations licensed by the County Health Department or the disposal of sewage sludge in a licensed sanitary landfill.

WATER SUPPLY TREATMENT FACILITY

A facility for the storage, distribution, chemical coagulation, settling, filtration, disinfection, fluoridation, aeration or any combination thereof of a water supply for human consumption or industrial use. This definition includes water storage tanks or towers but not wells or reservoirs.

WILD GAME PROCESSING FACILITY

A facility for the custom processing (skinning, boning, cutting, grinding and wrapping) of wild game. Game includes small and large animals such as birds, rabbits, squirrels, pheasants, quail, dove, ducks, deer, turkey and geese.

WILDLIFE REHABILITATION FACILITIES

A facility that has a state-licensed wildlife rehabilitator license to rehabilitate orphaned, injured, sick, or otherwise debilitated wildlife to a physical condition where they can be restored to the wild. Wildlife includes wild mammals, wild birds (including their nests and eggs), reptiles, amphibians, mollusks, crustaceans, and fish. The term "wildlife" includes both resident and migratory wild animal species, whether they are native to the state or introduced. Feral animals are not considered wild animals.

WIND-ENERGY SYSTEM

Equipment, including equipment necessary thereto, that converts and then stores or transfers energy from wind into usable forms of energy. Such equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, guy wire, or other component used in such system.

WIND GENERATOR

The blades and associated mechanical and electrical conversion components mounted on the top of a wind tower.

WIND TOWER

The monopole, freestanding, or guyed structure that supports a wind generator.

WINERY

An establishment engaged in the production of wine made from locally harvested fruit (on the Delmarva Peninsula) for wholesale distribution including a tasting room to provide for the incidental retail sale of wines produced on site.

YARD

An open space, other than a court, on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter; the area between a lot line and the building line.

(1) FRONT YARD — A yard extending across the front of a lot between the side lot lines and being the horizontal distance between the front lot line and the principal building or any projections thereof, other than uncovered steps, balconies, terraces or unenclosed porches. On corner lots, the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension.

(2) REAR YARD — A yard extending across the rear of the lot between the side lot lines and being the horizontal distance measured between the rear lot line and the rear of the principal building or any projection, other than uncovered steps, balconies, terraces or unenclosed porches.

(3) SIDE YARD — A yard between the principal building and the side line of the lot and extending from the front yard to the rear yard and being the horizontal distance between the side lot line and side of the principal buildings or any projection, other than steps, balconies, terraces or unenclosed porches.

ZONING ADMINISTRATOR

The zoning administrative officer or an authorized representative designated by the County Commissioners to carry out duties as specified in this chapter.

ZONING CERTIFICATE AND/OR BUILDING PERMIT

A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

ZONING DISTRICT

An area within which certain uses of land and structures are permitted and certain others are prohibited, yards and other open spaces are required, and minimum lot areas and dimensions and other requirements are established.

ARTICLE III
Zoning Districts; Zoning Map

§ 175-9. Zoning districts established.

The following zoning districts are hereby established for Caroline County, Maryland:

R, Rural District

R-1, Single-Family Residential District

R-2, Single-Family and Two-Family Residential District

~~R-3, Multiple-Family Residential District~~

~~HC, Highway Commercial District~~

C-1, Neighborhood Commercial District

C-2, General Commercial District

I-2, Light Industrial District

MH, Mobile Home District

VC, Village Center District

VN, Village Neighborhood District

§ 175-10. Zoning District Maps.

A. The official boundaries of the zoning districts shall be shown on the Maps, each designated as a "Zoning District Map of Caroline County, Maryland," dated and signed by the President of the County Commissioners of Caroline County and attested by the Clerk to the County Commissioners, upon adoption. The Official Zoning District Maps, together with all explanatory matter thereon, are adopted by reference and declared to be part of this chapter. Amendments to zoning district boundaries or other matter portrayed on the Official Zoning District Maps shall be promptly recorded on the Maps after approval by the County Commissioners. No changes in zoning district boundaries shall be made on the Official Zoning District Maps except in conformity with this chapter.

B. Regardless of the existence of copies of the Official Zoning District Maps which may from time to time be made or published, the Official Zoning District Maps shall be located in the office of the County Planning Department and shall be the final authority as to the current zoning status of any property within the County's jurisdiction.

§ 175-11. District boundaries; rules of interpretation.

A. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Maps or under circumstances not covered under this section, the Planning Commission shall interpret the location of the zoning district boundaries.

B. The location of zoning districts, as determined from an Official Zoning District Map, are subject to the following rules of interpretation:

(1) The regulations pertaining to a zoning district shall extend throughout the whole area bounded by the zoning district lines.

(2) Where a boundary line is shown to be located within a street, alley, railroad track, stream, pond or other physical feature, it shall be deemed to be in the actual center of said feature.

(3) Where a boundary line is shown as being located a specific distance from a street or other physical feature, this distance shall control and shall be measured from the center of the feature.

(4) Distances not specifically indicated on the Official Zoning District Maps shall be determined by the scale of the Map.

§ 175-12. Purpose and intent of zoning districts.

A. R, Rural District. This primary zoning district is intended to protect and preserve areas of the county which are presently rural or agricultural in character and use. The purpose of this zoning district is to provide for a full range of agricultural activities; to provide for the location of agribusiness uses; and to allow limited low-density residential development in minor subdivisions, and rural major subdivisions not exceeding 50 lots in size in the county's transferable development rights receiving area. This zoning district is also intended for purposes of protecting watersheds and water supplies; to provide for spacious development; to protect forest, wetland and scenic areas; to conserve fish and wildlife; to promote forestry, the growing of crops and grazing; and to prevent untimely scattering of more dense urban development. Furthermore, it is intended that in this zoning district there shall be no basis, under this chapter, for recourse against the effects of any normal farming operation as permitted in this zoning district, and conducted in accordance with good husbandry practices, including but not limited to noise, odor, vibration, fumes, dust or glare.

B. Residential districts. These primary zoning districts are intended to provide for residential development, together with such public buildings, schools, churches, public recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) R-1, Single-Family Residential District. This zoning district is intended to provide the principal location for single-family residential development of medium density. R-1 Districts should be located in the vicinity of the incorporated towns, in and immediately contiguous to the unincorporated villages and in established residential areas.

(2) R-2, Single-Family and Two-Family Residential District. This zoning district is intended to provide for single-family and two-family residential development of high density where public water and sewerage facilities are available.

~~(3) R-3, Multiple Family Residential District. This zoning district is intended to provide for high density single family and multiple family residential development, including apartments, two family dwellings and townhouses, where public water and sewerage facilities are available.~~

~~C. HC, Highway Commercial District. This primary zoning district is intended to provide specialized retail establishments and commercial services for use by the traveling public on or near the major arterial and arterial roads in the county and at the same time to maintain the appearance of these highways and their access points by limiting outdoor advertising and establishing high standards for development.~~

~~C~~D. C-1, Neighborhood Commercial District. This primary zoning district is intended to provide for a variety of commercial retail stores, businesses and personal services which serve primarily the needs of the adjacent neighborhood. Furthermore, the size of any permitted commercial, retail or personal service establishment in this zoning district shall be limited to a maximum gross floor area of 3,000 square feet, unless a variance is granted by the Board of Zoning Appeals.

~~D~~E. C-2, General Commercial District. This primary zoning district is intended to provide for a wide variety of commercial retail stores, businesses and personal services of any size serving a large geographic area. Furthermore, the size of any commercial wholesaling and warehousing establishment in this zoning district shall be limited to a maximum gross floor area of 20,000 square feet, unless a variance is granted by the Board of Zoning Appeals.

~~E~~F. I-2, Light Industrial District. This primary zoning district is intended to provide for a wide range of industrial uses that are compatible with adjacent uses to the extent that any adverse effects on health, safety or welfare are minimized and, to the extent reasonably practicable, are avoided. This primary zoning district is further intended to prohibit any new residential uses, and to prohibit any discontinued or abandoned residential uses previously existing within this primary zoning district. This primary zoning district is further intended to allow the establishment of an adult-oriented business consistent with the requirements of § 175-42 of this Zoning Code, and any other applicable laws or regulations. This zoning district is intended primarily for light manufacturing, fabricating, warehousing, wholesale distribution, and adult-oriented businesses in low buildings with off-street loading and parking and with access by major thoroughfares or railroads. Light industries include those that manufacture, process, store, package or distribute goods and materials and are, in general, dependent on raw materials refined elsewhere. Any other industrial use not of the character described above may be permitted if approved as a special use exception by the Board of Zoning Appeals. An adult-oriented business use in this primary zoning district shall not require a special use exception and is a permitted use if it can be implemented in compliance with the requirements of § 175-42 of this Code. Proposed industrial, commercial or adult-oriented business uses in this primary zoning district shall be permitted only in accordance with an approved site plan and approval from the Health Department of sufficient water supply and sanitary/sewer/septage services.

~~F~~G. Rural Village districts. These primary zoning districts are intended to provide for low- or moderate-intensity residential and commercial uses. This district may contain a mixture of residential, commercial, and maritime/agricultural service uses within and near existing rural development centers. The commercial uses primarily serve residents and those in the vicinity. Development is directed to this district so that more-rural areas' environment and natural resources are protected and preserved. These districts may have public water and/or sewer service and relatively small lots and higher densities.

(1) VC, Village Center District. This zoning district is intended to provide a mixed use of low to moderate intensity commercial and residential development. The commercial uses primarily serve the residents and those in the vicinity.

(2) VN, Village Neighborhood District. This zoning district is intended to provide for low- or moderate-density residential use. Residential development is directed to this district so that more-rural areas' environment and natural resources are protected and preserved. These districts may have public water and/or sewer service; however, services should not be the basis for new development inconsistent with the existing scale or character.

G~~I~~. MH, Mobile Home District. This zoning district is intended to provide for the development of planned mobile home parks and subdivisions which are designed to provide an appropriate, safe, sanitary and attractive living environment.

H~~J~~. Critical area zoning districts.

(1) The regulations and requirements set forth in this Article, set forth elsewhere in this chapter or set forth in the document, "Critical Area Program for Caroline County," are the regulations that govern properties in critical area zoning districts. The "Critical Area Program for Caroline County" and all subsequent amendments and revisions thereto approved by the Chesapeake Bay Critical Area Commission is hereby adopted by reference and declared to be a part of this chapter and shall be administered and enforced as part of this chapter. The purpose of these zoning districts is to control development and activities in the critical area so as to:

(a) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have run off from surrounding lands.

(b) Conserve fish, wildlife and plant habitat.

(c) Accommodate growth but also address the fact that, even if pollution is controlled, the number, movement and activities of persons in the critical area can create adverse environmental impacts.

(2) The boundaries of the critical area zoning districts are established as part of the Official Zoning District Maps. and are in addition to the existing underlying zoning districts shown on the Official Zoning District Maps, and, as such, the Regulations for properties in the critical area zoning districts shall be supplementary to the underlying zoning district regulations.

(3) The official boundary of the critical area has been established by including:

(a) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide, as indicated on the state wetlands maps, and all state and private wetlands designated under Title 9, Natural Resources Article, Annotated Code of Maryland.

(b) All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9, Natural Resources Article, Annotated Code of Maryland.

(4) Where there happens to be any conflict between the regulations or provisions of the critical area zoning districts and those of an underlying zoning district, the more restrictive regulations and/or those pertaining to the critical area zoning district shall apply.

(5) RCD, Critical Area Resource Conservation District. This district includes those areas characterized by nature-dominated environments (i.e., wetlands, forests, abandoned fields) and resource utilization activities (i.e., agriculture, forestry, fisheries activities or aquaculture).

(6) LDD, Critical Area Limited Development District. This district includes those areas which are currently developed in low or moderate intensity uses. It also contains areas of natural plant and animal habitats, where the quality of runoff from these areas has not been substantially altered or impaired.

K. Additional standards for business/commercial operations, including cottage industries, in all districts. These standards are intended to establish higher safety, aesthetic, and design standards for business or commercial properties. These standards shall apply to all business/commercial uses (irrespective of zoning district) and to all cottage industry uses. All properties are subject to the requirements of the Maryland State Highway Administration, if applicable. Additionally, the following development standards apply:

(1) Mechanical equipment: All ground-mounted mechanical equipment shall be screened from view by the use of walls, fences or landscaping. All roof-mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.

(2) Building facades: Buildings which have their back or side facing a road or highway shall be designed and constructed to avoid lengthy, unbroken facades with no scale, detailing or fenestration or they shall be required to plant shade or evergreen trees on twenty-five (25) foot centers within twelve (12) feet of the rear or side of the building, except in front of entrances or signage. In the area in front of wall signs, there shall be a row of hedges a minimum of eight (8) feet on center.

(3) Service, loading and equipment storage areas: Service areas including storage, special equipment, maintenance, and loading areas shall be screened with landscaping and/or architectural treatment so as not to be visible from a road or highway. Refuse collection areas shall be visually screened with a solid perimeter wall consisting of materials and colors compatible with those of the adjacent structure and shall be roofed if the contents are visible from a road or highway.

(4) Signage: all signage located shall comply with county and state requirements as applicable. Additionally, all signage shall comply with the Caroline County table of permitted and regulated signs.

(5) Lighting: Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Site lighting shall be from a concealed light source fixture and with effective provisions made to avoid spill-over into adjoining properties, roadways or in any way interfere with the vision of motorists. Exterior lighting shall not emit any light above a horizontal plane. Searchlights, laser source lights or any similar high intensity light for advertising purposes shall be prohibited.

(6) Anything herein to the contrary notwithstanding, the above provisions (1) through (5) shall not apply to any cottage industry that can substantiate that it is not visible from a road or neighboring property.

ARTICLE IV
District Regulations

§ 175-13. Use regulations.

Tables listing the permitted uses in each zoning district, the type of review and approval required and additional regulations are included at the end of this chapter.

§ 175-14. General design regulations.

A table listing the minimum lot area, width, depth, yards and maximum density and building height allowed for permitted uses in each zoning district is included at the end of this chapter.

§ 175-15. Use and general design regulations in critical area zoning districts.

Use regulations, general design regulations, type of review and approval required in the critical area zoning districts are contained in the document, "Critical Area Program for Caroline County."

[§§ 175-16 THROUGH 175-20 RESERVED.]

ARTICLE V
Supplementary Regulations

~~§ 175-21. Townhouses.~~ [§ 175-21 RESERVED.]

~~The following regulations shall apply to townhouses:~~

~~A. Length. There shall be no more than 10 and no less than three attached townhouses in a row.~~

~~B. Yards.~~

~~(1) Front yard. Each townhouse shall have a front yard of 25 feet in depth. Townhouses may be arranged to face onto a common open area or parking lot. With such an arrangement, the front yard requirement may be reduced to 10 feet.~~

~~(2) Side yards. A side yard at least 10 feet in width shall be provided at each end of every row of townhouses. When an end unit abuts a street, the side yard shall have a minimum width of 25 feet from the road pavement or surface.~~

~~(3) Rear yard. Each townhouse shall have a rear yard at least 20 feet in depth.~~

~~C. Accessory buildings. One accessory building may be located in a rear yard area of each townhouse.~~

~~D. Access drives and off-street parking. Pedestrian and vehicular access shall be improved in accordance with the Caroline County Design Standards and Specifications or other specifications approved by the County Engineer. Off-street parking facilities shall be provided in accordance with Article XII; however, no required off-street parking area shall be further than 100 feet from the principal entry point of the townhouse served to the nearest point of the parking area. For nonprofit~~

~~housing corporations, as defined in Article 44A, § 1-103, of the Annotated Code of Maryland, or townhouses designated for special populations (i.e., elderly, handicapped), the required off-street parking spaces may be reduced to no less than one and one half (11/2) per townhouse, provided that the developer submits sufficient information, acceptable to the County Engineer and Planning Director, that the reduced number of parking spaces will adequately accommodate the vehicles of residents and guests.~~

~~E. Maintenance of common land and facilities. If the townhouse development provides for common area, property or facilities, they shall be conveyed to an incorporated nonprofit homeowners' association created under recorded land agreements through which each lot is automatically subject to a charge for a proportionate share of common property maintenance. Other arrangements may be acceptable if they provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers.~~

~~F. Architectural treatment. The appearance of townhouses in a row shall be varied by changed front yards or variation in materials or design so that no more than three abutting townhouses shall have the same front yard depth and the same or essentially the same architectural treatment of facades and roof lines.~~

§ 175-22. Farm laborer housing.

A. Farm laborer housing shall:

(1) Be provided for seasonal or year-round occupancy for farm laborers.

(2) Be located only on a farm as defined in § 175-8B of this chapter.

(3) Be located at least 200 feet from all property lines.

(4) Be limited to no more than 15 housing units with a maximum capacity of six persons per unit for seasonal occupancy and no more than four units with a maximum total capacity of 24 persons for year-round occupancy.

(5) Satisfy all requirements of the Department of Health and Mental Hygiene.

B. If the farm laborer housing is to include mobile homes, they shall meet all of the specifications of § 175-72 of this chapter.

C. The year-round occupants of the farm laborer housing shall derive their principal source of income from employment on the farm where the housing is located.

D. The housing of farm laborers shall be permitted only as long as the principal use of the property on which the housing is located is agricultural.

§ 175-23. Campgrounds.

The following regulations shall apply to campgrounds:

A. Size. The entire development tract shall be at least 10 acres in size.

B. Density. A maximum of 10 campsites per acre of gross area shall be permitted.

C. Recreation area. A minimum of 30% of the development tract area shall be reserved for open space and recreational area, exclusive of areas required for individual campsites, roads or service areas.

D. Interior roads. Interior road surfaces shall be a minimum of 20 feet in width and may be paved or unpaved.

E. Bufferyard. All campgrounds shall be effectively screened by a planting of a type, height and spacing to screen campground activity from adjoining properties. Existing natural vegetation, if appropriate, may be utilized to satisfy this requirement.

F. Site area. Each campsite shall contain a stabilized vehicular parking pad of shell, marl, paving or other suitable material. Exposed ground surfaces in all parts of the campground shall be paved, covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and capable of eliminating objectional dust.

G. Parking. There shall be at least three parking spaces designated for each two campsites. Such parking may be provided in common parking areas or on individual campsites.

H. Sanitary facilities. Each campground shall make available an adequate potable water supply, sewage disposal system, refuse collection system and other facilities for sanitary and health purposes in accordance with regulations of the County Health Department.

I. Maintenance. All campgrounds, including all facilities, roads and landscaping, shall be maintained in a neat, orderly and attractive appearance.

J. Commercial uses. Commercial uses shall be permitted but shall be limited to grocery stores and laundry establishments to serve only the users of the campground. No commercial establishment shall be larger than five square feet for each campsite, with a total maximum size limit of 3,000 square feet.

§ 175-24. Swimming or tennis clubs.

The following regulations shall apply to swimming or tennis clubs:

A. Any pumps and filters which are located above ground shall be at least 50 feet from adjoining properties.

B. The dispensing of food, beverages, candy and tobacco shall be by coin-operated machines only.

C. All lights shall be shielded to reflect or direct light away from adjoining property.

D. The parking layout and surfacing shall be approved by the County Engineer.

§ 175-25. Drive-in theaters.

The following regulations shall apply to drive-in theaters:

A. No structure, other than an enclosure fence, shall be located within 50 feet of any lot line. The theater screen shall be located not less than 100 feet from any County or state road or property in a residential zoning district and shall not face such road or residential property unless the face of the screen is not visible therefrom because of natural or artificial barriers.

B. The theater shall have direct entrance or exit on a major arterial or arterial road, and not more than two exits shall be provided to each access road.

C. Sufficient area shall be provided between each road and the viewing area to provide waiting space for vehicles equal to not less than 25% of theater capacity, and of that waiting space so provided, not less than 10% of the theater capacity shall be provided between the road and the ticket booths. In all cases, sufficient waiting space shall be provided so that vehicles will not back up onto the traveled way of the road. Waiting area shall be calculated on the basis of one space per 25 lineal feet of waiting lane.

D. The theater shall have individual car sound speakers, but low volume horns may supply sound to refreshment stands and other service areas, and may have accessory uses and structures incidental to the theater operation, including refreshment stands and toilet facilities, provided that they serve only the patrons while within the theater enclosure. Speakers and horns shall not be audible beyond the boundaries of the theater property.

E. 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.

§ 175-26. Performance standards for industrial uses.

Site plans for industrial uses shall be submitted and approved in accordance with Article XIV of this chapter and if all of the following conditions are met:

A. The maximum allowable plant size shall be 500,000 square feet, unless a special use exception is granted by the Board of Zoning Appeals.

B. Employees. The total number of employees per plant shall not exceed 500, unless a special use exception is granted by the Board of Zoning Appeals.

C. Storage. Outdoor storage within 500 feet of a residential zoning district boundary shall be effectively screened by a wall, fence or planting so that the materials will not be visible from the residential zoning district.

D. Manufacture of certain products limited. The manufacture of materials or products which decompose by detonation is limited to five pounds per year; however, such materials may be stored or utilized in any quantity. Such materials shall include but are not limited to all primary explosives; all high explosives; propellants and components thereof; blasting explosives; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in a concentration greater than 35%; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

E. Fire hazards.

(1) Solid materials. Solid materials susceptible to fire hazards shall be subject to the following:

(a) The storage, utilization or manufacture of solid materials which are active to intense burning shall be contained within walls having a fire resistance of no less than two hours or shall be protected by an automatic fire-extinguishing system, or the building shall be no less than 40 feet from all lot lines.

(b) The outdoor storage of such materials shall be permitted no closer than 50 feet to all lot lines.

(2) Flammable liquids or gases.

(a) The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 60 gallons or less, which shall be unrestricted.

(b) The total storage capacity of flammable liquids shall not exceed 120,000 gallons.

(c) The total storage capacity of flammable gases shall not exceed 300,000 SCF stored above ground or 600,000 SCF stored below ground. [SCF equals standard cubic feet at 60° F. and 29.92 inches of mercury (Hg)].

(d) The following setback requirements will apply to the location of any container which holds flammable liquids or gases:

Liquid Capacity Per Container (gallons)	**Container Setback Underground (feet)**	**From Lot Lines Above Ground (feet)**	**Distance Between Aboveground Containers**
0 to 2,000	25	25	3 feet
2,001 to 30,000	50	50	5 feet
30,001 to 60,000	50	75	1/4 the sum of the diameters of adjacent containers
In excess of 60,000	75	100	1/4 the sum of the diameters of adjacent containers

F. Compliance with other regulations. Approval must be received from all appropriate local, state and federal authorities before development may commence.

G. Protection of surrounding neighborhood. Each industrial establishment shall be designed, operated and maintained so as to offer reasonable protection to the surrounding neighborhood and the environment, particularly with regard to fire, explosion, odor, noise, dust, vibration, glare and the use of residential streets for access.

§ 175-27. Sand, gravel and mineral extraction facilities.

The following regulations shall apply to sand, gravel and mineral extraction facilities:

A. Accessory uses permitted.

(1) The following accessory uses may be permitted:

(a) The storage, stockpiling, distribution and sale of sand, gravel, earth, clay and similar products extracted on the premises.

(b) The crushing, treating, washing, mixing or processing of materials extracted on the premises.

(2) The bringing of material from off premises for mixing or similar purposes shall be permitted in the I-2 Zoning District only.

B. Control standards for excavation site. The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing, unsightly, hazardous or wasteful condition of the land.

§ 175-28. Composting facilities, natural wood waste recycling facilities, resource recovery facilities, solid waste disposal facilities and solid waste processing facilities.

A. Special use exception. A collection site, composting facility, natural wood waste recycling facility, resource recovery facility, solid waste disposal facility or solid waste processing facility may be permitted as a special use exception in the zoning districts as designated in the Table of Use Regulations and in addition subject to the requirements of this section, Article XIV and Article XVI of this chapter.

B. Minimum setbacks. The following minimum setbacks shall be required:

(1) Solid waste disposal facility:

(a) Six hundred feet between any driveway, parking area, private road, structure or active recreation area of any church, golf course, park or recreation complex, daycare, hospice or health care facility, public library, public or private school and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.

(b) Six hundred feet between any driveway, dwelling, parking pad, patio, pool, porch or similar structure of any dwelling or residential facility and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.

(c) One hundred feet between any intermittent or perennial stream, tidal or non-tidal wetlands or one-hundred-year floodplain and any solid waste deposit or disposal area of the solid waste disposal facility.

(d) Fifty feet between any public road and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.

(e) Fifty feet between any adjoining property line and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.

(2) Compost facility, natural wood waste recycling facility, resource recovery facility and solid waste processing facility:

(a) One hundred feet between any intermittent or perennial stream, tidal or nontidal wetlands or one-hundred-year flood plain and any solid waste deposit area of such facilities.

(b) Fifty feet between any public road and any driveway, parking area, private road, structure or solid waste deposit area of such facilities.

(c) Fifty feet between any adjoining property line and any driveway, parking area, private road, structure or solid waste deposit area of such facilities.

C. Height.

(1) The maximum height of any landfill shall be 40 feet.

(2) The maximum height of any stockpile of material shall be 20 feet.

(3) The maximum height of any structure or building shall be the maximum height permitted in the zoning district.

D. Screening. All activities shall be appropriately and effectively screened from public view, in light of existing or planned surrounding land uses, by any combination of structural, topographical or vegetative means. The Board may require a monetary guarantee that all screening will be established and maintained.

E. Fencing. Every facility shall install a perimeter security fence that is at least six feet in height. The fence shall be constructed to effectively prohibit entrance at unauthorized times and locations. The fence shall be of sturdy construction and unobtrusively painted or finished and shall be maintained in good condition at all times.

F. Lighting. Adequate low mast lighting shall be provided for each site for nighttime security. Lighting shall be shielded from adjoining properties.

G. Access.

(1) Access roads should be a minimum of 20 feet in width, with adequate drainage. Access roads shall be hard surfaced a minimum distance of 500 feet from the public road entrance.

(2) No vehicular access to any facility may be gained from or through any residential subdivision or residential neighborhood. Whenever possible, access shall occur by way of arterial or major arterial roads.

(3) Applicant shall submit a traffic and road condition study to determine off-site road and intersection impacts, adequacy of off-site roads and intersections, adequacy of on-site access roads and parking areas, adequacy of the public road network and other infrastructure serving the site to safely accommodate traffic, including truck traffic, to be generated by the facility and adequacy of existing infrastructure, including traffic control devices, to protect the traveling public. Applicant shall provide, at its expense, necessary infrastructure improvements to maintain vehicular traffic at its current level of service or no less than a B level of service as defined in the most recent edition of Highway Capacity Manual, Transportation Research Board.

(4) Applicant shall provide a map showing the geographic areas to be served by the facility and the anticipated routes of ingress and egress to the facility. Applicant shall pay for any signs deemed necessary to direct vehicular traffic accessing the facility to use approved routes of ingress and egress.

(5) The Board may require applicant to provide a monetary guarantee and/or may require applicant to deposit funds sufficient to pay for all required access improvements and any other infrastructure improvements necessary to meet and maintain the adequacy standards of all existing public roads.

H. Emergency services. Applicant shall submit the proposed operational plan, including all precautions being undertaken to minimize the chance of fire and other potential emergency situations, to the Board and to the Director of the Caroline County Department of Emergency Management. The Director of the Caroline County Department of Emergency Management shall advise the Board as to whether local emergency response agencies will have adequate equipment and personnel for any reasonably anticipated emergency at the site.

I. Additional criteria. The Board shall also consider:

(1) The noise generated by the vehicular traffic entering and exiting the site and the machinery that will be operated at the site on a regular basis. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate noise shall be made conditions to any special use exception granted by the Board;

(2) The dust and particulate matter that will be generated by operations at the site. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate dust or particulate matter shall be made conditions to any special use exception granted by the Board;

(3) The mud and debris that may be deposited on public roads by vehicles entering and exiting the site. Any wheel washer, road sweeper, road cleaner, policing or other devices or procedures that will be used to maintain the integrity of public roads shall be made conditions to any special use exception granted by the Board;

(4) The visual impact of the facility and proposed operations on surrounding properties. Any buffers, setbacks, screens, earth berms, vegetative plantings and other devices or structures

that applicant represents will be used to make the site and the operations at the site compatible with adjacent and adjoining lands shall be made conditions to any special use exception granted by the Board;

(5) The noxious odors that may emanate from the site and any facility or operations at the site. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate noxious odors shall be made conditions to any special use exception granted by the Board; and

(6) The rodents, insects or other vectors that may populate or escape the site. Any technology, devices and procedures that will be utilized to prevent and control rodents, insects and other vectors shall be made conditions to any special use exception granted by the Board.

J. Site plan. The application for a special use exception shall be accompanied by a site plan that complies with this section and Article XIV of this chapter.

K. Additional site plan requirements. The required site plan shall include the following additional information. If any of the following are inapplicable to the proposed facility, the applicant shall provide descriptive explanation for exclusion with the site plan:

(1) Types, origin and anticipated quantities of materials to be accepted for disposal and/or processing;

(2) Types of materials not to be accepted and procedures to be utilized to determine whether unacceptable materials are received and the procedures that will be followed in the event unauthorized materials are received;

(3) Days and hours of operation;

(4) The location and acreage of the property to be excavated in conjunction with any landfill operations;

(5) Existing and proposed topographic contours;

(6) Stockpile areas, including the size and height of any stockpiles, any breaks in stockpiles and procedures that will be employed to control the spread of fire, in the event of fire;

(7) Major items of equipment, including manufacturer, type, model, capacity, noise levels and number of units;

(8) Noise control devices and procedures;

(9) Devices and procedures used to control the escape of dust and particulates;

(10) A descriptive statement of all operational processes to be used, including all devices and procedures, to maintain the cleanliness of public or private roads and to preclude vehicles parking along or clogging public or private roads prior to the daily opening of the facility;

(11) All devices that will be used to control windblown debris and matter from leaving the site;

(12) All technologies, devices and procedures that will be utilized to prevent and control rodents, insects and other vectors from populating or escaping from the site;

(13) The zoning districts of all adjoining property;

(14) The size and location of any driveways, roads, structures or buildings on adjoining properties;

(15) The location of any property containing a church, dwelling, residence, daycare, hospice or health care facility, library, park, golf course, active recreation complex or school that is within 1,500 feet of any boundary of the site;

(16) Any stormwater management plan required in accordance with Chapter 158 of the Caroline County Code; and

(17) Any forest conservation plan required in accordance with Chapter 109 of the Caroline County Code.

L. Conformity with the Solid Waste Management Plan. In reviewing a special use exception application filed pursuant to this section, the Board shall consider the criteria in the Caroline County Solid Waste Management Plan. If a facility is in conformance with the Plan, the Board shall so find. If the facility is not in conformity with the Plan, and conditions may be imposed that will bring the facility into conformance with the Plan, the Board shall impose those conditions necessary to bring the facility into conformance with the Plan. If conditions cannot be imposed to bring the facility into conformance with the Plan, a special use exception shall be denied, and the Board shall find that the facility is not in conformance with the Solid Waste Management Plan.

M. Permission to operate. Approval by the Board of a special use exception does not confer permission to operate. Prior to operation, a facility shall meet all standards of this chapter and all applicable local, state and federal regulations.

N. Hazardous waste disposal facility. A hazardous waste disposal facility is not a permitted use in any area of the County subject to this chapter.

O. Monetary guarantee. The Board may require applicant to post a performance bond, a letter of credit and/or any other monetary guarantee that the Board deems necessary to guarantee and to secure the performance of any and all conditions and undertakings required of applicant to comply with the requirements and conditions of this section of the Zoning Code and/or any conditions lawfully imposed by the Board pursuant to any special use exception granted by the Board.

§ 175-29. Wastewater treatment facilities.

A. Wastewater treatment facilities shall render wastewater fit for disposal on the premises or, as an alternative, shall render wastewater fit for discharge in such state or condition:

(1) As not to result in pollution, as defined by § 8-101(i) of the Natural Resources Article of the Annotated Code of Maryland, of any waters of this state.

(2) As not to create any odors or other air pollution which carry beyond the property lines.

(3) That the effluent shall conform in all respects with the applicable standards of the water quality control agencies having jurisdiction.

B. Wastewater treatment facilities shall be located not less than 100 feet from any adjoining property lines or public ways; provided that the Board of Zoning Appeals affirmatively finds that such facilities will not adversely affect any other property and any waters of this state.

§ 175-30. Home occupations.

A. Home occupations shall:

(1) Be located in the principal residence or in a single accessory building, or portion thereof, no larger than 1200 square feet. A special use exception shall be required to exceed the 1200 square feet limit.

(2) Not change the residential character and outside appearance of the premises.

(3) No more than one nonresident employee shall report to a home occupation site at any time.

B. No goods for sale, lease or rent shall be stored on the property in a manner so as to be seen from off the premises.

C. Agriculture is not a home occupation.

§ 175-31. Bed-and-breakfast.

The following regulations shall apply to bed-and-breakfast facilities:

A. The bed-and-breakfast shall be located in the principal residence and no more than one accessory structure and consist of no more than five guest rooms, excluding the owner/operator quarters.

B. Meals for guests shall be limited to breakfast and shall be provided in a common area of the dwelling such as in a dining room.

C. There shall be no area for food preparation within the individual units.

D. The bed-and-breakfast shall not substantially detract from the single-family characteristics of the property by size, design or appearance.

E. Exterior changes or alterations should be minimized. Extensions or enlargements of the existing structure should not exceed 50% of the gross floor area of the existing structure at the time of the adoption of these regulations.

F. A site plan and architectural drawing shall be submitted with the application.

G. Adequate parking shall be located towards the rear of the site. The required number of parking spaces shall be determined by the Table of Parking Regulations. The parking area should be screened from adjoining properties. Parking and screening shall be shown on the site plan as required by Article XIV, § 175-121.

H. The bed-and-breakfast must meet all applicable fire, safety and health codes and regulations.

§ 175-32. Country inns.

The following regulations shall apply to country inn facilities:

A. The country inn shall consist of no more than 12 guest rooms, excluding the owner/operator quarters.

B. Meals shall be provided in a dining facility. The dining facility shall be limited to a maximum seating capacity of 60 persons. Such dining facility may provide service to patrons other than guests.

C. There shall be no area for food preparation within the individual guest rooms.

D. The minimum lot size for any parcel providing such facilities shall be five acres.

E. The country inn shall maintain the rural and historic characteristics of the property and surrounding area by design and appearance.

F. A site plan and architectural drawing shall be submitted with the application.

G. Adequate parking for the country inn shall be provided. The number of parking areas shall be determined by the Table of Parking Regulations. The parking area shall be screened from adjoining properties. Parking and screening shall be shown on the site plan as required by Article XIV § 175-121.

H. The country inn must meet all applicable fire, safety and health codes and regulations.

I. Minimum setbacks from all property lines are 200 feet.

§ 175-33. Cottage industry.

A. Uses appropriate as cottage industries include but are not limited to:

(1) Craftsman (cabinetmaker, furniture maker, saddler, etc.)

(2) Farm equipment services and repairs.

(3) Firewood harvesting and sales.

(4) Vehicle and boat repair, detailing or painting conducted exclusively inside an accessory structure.

(5) Welding and fabrication.

B. Standards for cottage industries:

(1) Minimum lot size is five acres.

(2) The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure, or in a combination of accessory structures. A special use exception shall be required to exceed 3,000 square feet.

(3) No more than one cottage industry per residence or lot is permitted.

(4) The property used for the cottage industry shall contain the primary residence of the proprietor.

(5) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided.

(6) All outdoor storage associated with the cottage industry, equipment, and work areas shall be screened from adjacent properties and public ways. Equipment does not include properly licensed and tagged vehicles.

(7) No more than five nonresident employees shall report to a cottage industry site at any given time.

(8) Employees shall not report prior to 7:00am or leave after 9:00pm. A special use exception approval shall be required for extended employee hours.

(9) On premise retail sales of any item related to a cottage industry shall require special use exception approval.

C. **POSTING OF PROPERTY. THE ZONING ADMINISTRATOR SHALL PLACE A SIGN ON THE PROPERTY INVOLVED FOR AT LEAST 10 DAYS FOLLOWING SUBMITTAL OF THE REQUIRED SITE PLAN. SUCH SIGN SHALL BE PLACED WITHIN 25 FEET OF THE BOUNDARY LINE OF SAID LAND WHICH ABUTS THE MOST TRAVELED COUNTY OR STATE ROAD AND, IF NO COUNTY OR STATE ROAD ABUTS THEREON, THEN FACING IN SUCH A MANNER AS MAY BE MOST READILY SEEN BY THE PUBLIC. THE SIGN SHALL BE REMOVED BY THE ZONING ADMINISTRATOR AFTER THE SITE PLAN IS APPROVED.**

§ 175-34. Agricultural and fishery products processing plants.

When permitted in the R, Rural Zoning District, the following additional regulations for agricultural and fishery products processing plants shall apply:

A. Any flour, feed and grain packaging, blending, storage and milling shall be located at least 500 feet from all lot lines.

B. Any commercial slaughtering or processing of farm animals, fish, or seafood shall be located at least 500 feet from all lot lines.

C. Any rendering of animal by-products shall be located at least 1,000 feet from all lot lines.

§ 175.35. Fishery activity facilities.

When permitted in the VC, Village Center, VN, Village Neighborhood, R, Rural or R-1, Single Family Residential zoning districts, the following additional regulations for fishery activity facilities shall apply:

A. Owner/operator must maintain an active commercial fishing license with the state of Maryland department of natural resources.

B. Wholesale and/or retail sales are permitted provided that the majority of products sold are harvested by the owner/operator.

C. Retails sales space is limited to 750 square feet.

§ 175-36. Temporary structures.

A. Temporary structures incidental to construction operations shall:

(1) Be located on the same premises as the construction.

(2) Be removed within 30 days following the completion or abandonment of construction, when the zoning certificate and/or building permit expires or is revoked or in 24 months from the date of placement or erection of the temporary structures, whichever comes first. The two-year time limitation may be extended by the granting of a special use exception by the Board of Appeals.

B. Temporary mobile homes. Temporary mobile homes shall be subject to the provisions of § 175-70 of this chapter.

§ 175-37. Sewage sludge storage and mixing facilities.

The following regulations shall apply to sewage sludge storage and mixing facilities:

A. Such facilities shall be only for the seasonal storage and mixing of sewage sludge prior to land application, i.e., the facilities may be used for sewage sludge storage and mixing only during the period when sewage sludge is actually being applied to the land.

B. No distribution or transfer of the sewage sludge from the storage facility to other farms or properties shall be permitted.

C. A site plan must be submitted and approved in accordance with Article XIV of this chapter.

D. The Maryland Department of Health and Mental Hygiene must issue a sewage sludge utilization permit for the site.

E. This section does not apply to the storage, treatment and disposal of sewage sludge as an on-site accessory use to a wastewater treatment facility.

§ 175-38. Development rights in R, Rural District.

A. Minor subdivisions. For each original lot, tract or parcel of land in the R, Rural District, a minor subdivision consisting of not more than four lots may be created in conformance with this chapter and the Caroline County Subdivision Regulations.

(1) The overall gross density of the subdivision shall not exceed one lot per acre.

(2) All lots, plats, sites or other divisions of land recorded after November 30, 1972, from a lot, tract or parcel of land described in the land records of Caroline County as of said date shall be counted in determining the number of lots in the minor subdivision and the overall density.

(3) Each minor subdivision plat shall contain a statement assigning any remaining minor subdivision rights to one or more of the minor subdivision lots or to the residue parcel of the original lot, tract or parcel.

(4) Land transferred to a lot, tract or parcel as an addition or lot revision may not be used to increase the number of minor subdivision lots permitted on the original lot, tract or parcel.

B. Density rights. A rural major subdivision in the R, Rural District consisting of five or more lots but not more than 50 lots may be created only in a designated receiving area in conformance with this chapter and the Caroline County Subdivision Regulations. The rural major subdivision may contain minor subdivision lots, lots allowed by the overall gross density standard, or lots from an approved transfer of development rights, or any combination thereof up to a maximum of 50 lots.

(1) Lots or density rights allowed by the overall gross density standard shall not exceed one lot or development right per 15 acres.

(2) Lots or density rights allowed by overall gross density shall be determined by the number of full fifteen-acre increments in the parcel. Partial or fractional increments of less than 15 acres shall not be used to determine overall gross density.

(3) Lots or density rights allowed by overall gross density shall be determined using the area of the parcel less the area contained in any minor subdivision lots.

(4) All lots, plats, sites or other divisions of land using density recorded on or after January 1, 1990, and any transferred development rights from a lot, tract or parcel of land described in the land records of Caroline County as of said date, shall be counted in determining the overall gross density.

(5) Overall gross density shall be determined for each individual lot, tract or parcel of land described in the land records of Caroline County on or after January 1, 1990, and not for combinations or groupings of lots, tracts or parcels combined after January 1, 1990.

(6) If a rural major subdivision is proposed for a parcel of land which has minor subdivision potential, then all such potential minor subdivision lots shall be included in the rural major subdivision. Potential minor subdivision lots shall not be retained for the parcel after the approval of the rural major subdivision.

C. Residue. The residual or remaining portion of a lot, tract or parcel of land being subdivided shall be counted as one of the lots, plats, sites or other divisions of land created if it is less than 20 acres in area. At least one development right, either minor or density right, shall remain with the residual portion of the parcel unless the residual parcel is added to an adjoining parcel.

D. Groundwater protection. In addition to any state or federal regulations, the number and density of lots in any subdivision shall be restricted by groundwater quality impacts in conformance with the Caroline County Groundwater Protection Report (as contained in the Caroline County Comprehensive Water and Sewerage Plan) regarding the gross density or hydrogeologic study criteria for the area in which the subdivision is located. The design and layout of the subdivision shall consider the impact upon the quality of the local water resources.

§ 175-39. Marinas.

The following regulations shall apply to marinas:

A. New and existing marinas shall meet the sanitary requirements of the State Department of the Environment.

B. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.

C. New marinas and expanding marinas shall provide pump-outs for boat holding tanks. Adequate signs shall be posted to make boaters aware of the service availability.

D. New marinas and expanding marinas shall provide facilities for recycling or proper disposal of oil, antifreeze, paint thinner and other toxic or hazardous substances associated with the type of facility being developed.

E. Activities will not significantly alter existing water circulation patterns or salinity regimes.

F. The water body upon which these activities are proposed has adequate flushing characteristics in the area.

G. Disturbances to wetlands, submerged aquatic plant beds or other areas of important aquatic habitats will be minimized.

H. Shellfish beds will not be disturbed or be made subject to discharge that will render them unsuitable for harvesting.

I. Dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the critical area, generally.

J. Dredged spoil will not be placed within the critical area buffer or elsewhere in that portion of the critical area which has been designated as a habitat protection area, except as necessary for:

(1) Backfill for permitted shore erosion protection measures.

(2) Use in approved vegetated shore erosion projects.

(3) Placement on previously approved channel maintenance spoil disposal areas.

(4) Beach nourishment.

K. Interference with the natural transport of sand will be minimized.

L. New and expanding marinas shall comply with all state, federal and local requirements and shall be in compliance with the "Critical Area Program for Caroline County."

§ 175-40. Streams and stream buffers.

The following regulations shall apply to streams and stream buffers:

A. For perennial streams there shall be one-hundred-foot buffers required, and for intermittent streams there shall be twenty-five-foot buffers required measured landward from the edge of each side of the stream.

B. The buffer shall be expanded to include steep slopes 15% or greater.

C. No new development shall occur within a stream buffer except as provided below.

D. The following uses or activities shall be permitted within the stream or stream buffer:

(1) Agricultural practices, consistent with an approved soil, conservation and water quality plan or nutrient management plan or as approved by the Natural Resource Conservation Service.

(2) Maintenance, construction and repairs of drainage ditches consistent with approved plans and permits.

(3) Transportation facilities (e.g., road crossings), and/or utility transmission lines, when no practical or feasible alternative exists for locating structures outside the stream buffer and the disturbances proposed are the minimum necessary for such facilities.

(4) Forestry or timber harvesting, subject to an approved forest management or timber harvest plan.

(5) Appropriate maintenance of vegetation.

E. Limited cutting or clearing of individual trees within the stream buffer shall be permitted as recommended by the Maryland Forest Service for the following purposes and shall be replaced and maintained on a one-to-one ratio:

(1) Personal use, provided that the buffer functions are not impaired.

(2) To maintain the health of individual trees.

(3) To protect trees from pests or disease infestation as approved by the Maryland Forest Service.

(4) To prevent trees from falling into and blocking streams, causing damage to structures or causing accelerated erosion.

(5) To install or construct an approved shore erosion protection device.

F. The following uses are not permitted in the stream buffer unless a variance is approved by the Board of Zoning Appeals:

(1) Erection of structures.

(2) Construction of new roads, parking areas or other impervious surfaces.

(3) Placement of new wells and sewage disposal systems.

(4) Clearing of existing natural vegetation not otherwise permitted by Subsections D or E above.

§ 175-41. Communications towers.

The following regulations shall apply to communications towers:

A. Siting. A communications tower facility shall be sited within or adjacent to mature dense tree growth and under-story vegetation that provides an effective year-round visual buffer and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Communications towers shall be prohibited in the Chesapeake Bay Critical Area and other sensitive areas, including but not limited to stream buffers, one-hundred-year-year floodplain and nontidal wetlands.

B. Design. A communications tower shall be a monopole structure, unless another design is specifically approved by the Board of Zoning Appeals.

C. Setbacks. The ground base of any communications tower structure, including fencing and equipment shelters, shall be set back from any property line, road or public recreation area a distance at least equal to the height of the communications tower including antennas or other appurtenances. Any ice-fall or debris from tower failure shall be contained in the immediate tower area.

D. Landscaping. A professional landscaping plan shall be required that identifies:

(1) All existing vegetation, including species, size and location.

(2) All existing and proposed plant materials and specifications, including species, size and location, to be utilized for buffering and screening of the communications tower structure, equipment shelters and communications tower enclosure.

E. Fencing. A secure chain-link or stockade fence at least eight feet in height shall enclose the entire communications tower facility.

F. Maintenance.

(1) The communications tower structure and fencing shall be a galvanized steel finish or maintained in a neutral color with a flat finish to reduce visual impacts, unless such requirement conflicts with Federal Aviation Administration standards.

(2) All equipment shelters shall be maintained in neutral colors consistent with the natural landscape and designed to reduce visual impact.

(3) All required plantings shall be kept in a live, healthy condition, and any plants not in a live, healthy condition shall be replaced. A long-term maintenance agreement shall be recorded in the land records for preservation and protection of existing and proposed vegetation specified in the landscaping plan.

G. Lighting. Lighting of communications towers shall be prohibited unless required by the Federal Aviation Administration. Lighting of equipment shelters, if permitted, shall be shielded from adjoining properties and designed to cause the least amount of disturbance to adjacent properties and surrounding views.

H. Signs. Signs shall be limited to identify the property owner, emergency contact and phone number, and to warn of danger. Signs shall be affixed in accordance with Federal Communications Commission (FCC) regulations and only as necessary for the operation of the facility.

I. Site plan. The application for a special use exception shall be accompanied by a site plan in compliance with Article XIV of this chapter.

J. Professional engineer's report. The application for a special use exception shall be accompanied by a professional engineer's report. The purpose of the engineer's report is to collect key information regarding the communications tower applicant in order to justify the proposed application. The Caroline County Zoning Administrator and the Board of Zoning Appeals or their designee shall review all information, findings and recommendations written and described in the report. The designee will act as a third-party reviewer who will provide the Zoning Administrator and the Board of Zoning Appeals with an independent evaluation of the applicant's engineer's report. The applicant shall be responsible for all costs associated with the independent review of the engineer's report. As much information as possible shall be provided at the time of the special use exception application; all other information shall be required before a zoning certificate and/or building permit is issued. The required engineer's report shall include the following information:

(1) Background information.

(a) Name, address and telephone number of the company/applicant and the point of contact.

(b) Federal Communications Commission (FCC) license number and a copy of the FCC license.

(c) Date of Federal Communications Commission license issuance.

(d) Type of license (cellular, personal communications services, etc.).

(e) Service area (metropolitan, rural, major and/or basic).

(f) A master plan of the applicant's existing and proposed communications network for the entire county, including maps.

(2) Location information.

(a) Eight-digit UTM grid coordinate of proposed communications tower location.

(b) Latitude and longitude coordinates, in NAD27 and NAD83, of the proposed location.

(c) Ground elevation, in feet above mean sea level (AMSL), at the proposed location.

(d) Description of desired coverage area, or coverage goals, from the proposed location. Coverage maps showing the desired coverage as well as the current coverage available with existing towers, approved towers and other antennas and relevant structures shall be included.

(e) Siting elevations, existing photographs of the site and photo simulation of the proposed communications tower at the site from all directions.

(f) Description of existing towers within a five-mile radius of the proposed communications tower location to include the following information:

[1] Eight-digit UTM grid coordinate of existing tower locations.

[2] Latitude and longitude coordinates, in NAD27 and NAD83, of the existing locations.

[3] Ground elevation, in feet above mean sea level (AMSL), at the existing tower locations.

[4] Overall height of each existing tower, in feet above ground level (AGL).

[5] Height of available antenna locations on each existing tower, in feet above ground level.

[6] Name, address and telephone number of tower owner.

[7] Number of existing colocations on each tower.

[8] Structural capability of each tower to accommodate additional antennas, if available.

[9] Major use of each tower (i.e., cellular, PCS, etc.).

[10] Existing tower design (i.e., monopole, lattice, etc.).

[11] Detailed narrative of need for the proposed communications tower and why existing and approved towers and antennas cannot accommodate the proposed service coverage.

(3) Tower information.

(a) Proposed height of communications tower.

(b) Proposed height of antennas, in feet above ground level.

(c) Communications tower design (monopole, lattice, guyed, etc.).

(d) Number and types (i.e., cellular, PCS, etc.) of allowable colocates on proposed communications tower.

(e) Frequency of proposed transmission.

(f) Power of proposed facility in effective radiated power (ERP) and transmitting range.

(g) Type of antennas proposed for facility.

(h) Azimuth of antennas for proposed facility.

(i) Down-tilt of proposed antennas.

(j) Any calculations utilized to achieve design requirements (i.e., Okumura Study results etc.).

(k) Copies of any propagation analysis or drive test studies used for analysis.

(l) Type of coverage (i.e., single or system), including a coverage and interference analysis.

(m) Fate of communications tower if no longer being utilized, and the name, address, and telephone number of the entity responsible for its removal.

(n) List alternative locations of towers or lands analyzed for this application and provide a detailed narrative as to why those sites cannot be utilized.

(4) A narrative description of how the communications tower facility will not unreasonably interfere with the view of or from sites of significant public interest such as public parks, state-designated scenic highways, a site listed in Caroline County's historic sites inventory or the tributaries of the Chesapeake Bay.

(5) Copies of all reports required by or provided to the Federal Communications Commission, including but not limited to the environmental assessment, and National Environmental Policy Act review.

(6) Report from the Caroline County Department of Emergency Management with a finding of no impact of the proposed communications tower on emergency communications services.

K. Annual reports. Ninety days after the beginning of operations at the communications tower facility, and annually thereafter on or before January 30 of each year, the applicant shall submit a report to the Zoning Administrator listing the name, address, and telephone number of the current owner/operator and the carriers using the facility, the number of available colocation sites at the facility, and a statement of compliance with all conditions and terms of the special use exception and permits.

L. Continuous use; removal. The communications tower shall be used continuously. If the communications tower ceases to be used for a period of three years or if the approval period expires, the approval will terminate and within six months the communications tower, all other accessory structures, and foundations to three feet below grade shall be removed. If not removed, the Caroline County Commissioners may take any and all appropriate measures to have the communications tower removed, with all costs of the county to be reimbursed.

M. Proof of ownership. A copy of the communications tower site proof of ownership or lease agreement shall be provided to the Zoning Administrator before a certificate of occupancy is issued.

N. Standards compliance. The facility shall comply with all Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards.

§ 175-42. Adult-oriented businesses.

An adult-oriented business:

A. May be located only in the I-2 (Light Industrial) Zoning District.

B. In addition to any buffer, buffer yard, setback, or other design criteria generally applicable to a use in the I-2 Zoning District, must meet the following setback criteria:

(1) The closest portion of a building or structure in which an adult-oriented business is located (the "AOB structure") shall not be within 1,200 feet from the closest boundary of a parcel containing a school, place of worship, park or recreation facility, day-care center, family or day-care center group.

(2) The closest portion of an AOB structure shall not be within 600 feet of the boundary of any parcel in a residential zoning district (e.g., an R-1, R-2, R-3, ~~PD~~, or MH Zoning District); provided, however, that when the distance from an AOB structure is being measured with respect to a parcel containing a residential structure within a Rural (R) ~~or Agricultural (A)~~ Zoning District, the closest portion of the AOB structure shall not be less than 300 feet from the boundary of such parcel or, failing such separation, shall not be less than 600 feet from the closest portion of any building or structure used principally as a residential dwelling.

(3) The closest portion of an AOB structure shall not be less than 1,200 feet from the closest portion of any other building or structure containing an adult-oriented business.

(4) The closest portion of an AOB structure shall be at least 1,200 feet from the closest portion of any building or structure where alcoholic beverages are sold for on-premises consumption.

C. May not have displayed on or about the exterior of any building in, or premises on, which an adult-oriented business is located, any sign, advertisement or depiction visible to the general public, wheresoever located, containing any adult-oriented entertainment or material.

D. Application.

(1) The owner/operator of an adult-oriented business shall submit an application to the Planning and Codes Administration, which includes a site plan that:

(a) Contains and depicts all of the information required pursuant to §§ 175-121.A through 175-121.J, and, where applicable, the information required in § 175-121.L, of this Zoning Code;

(b) Contains and depicts all of the information necessary to determine compliance with § 72-5 of the Caroline County Code; and

(c) Is prepared and submitted as required by § 175-123 of this Zoning Code.

(2) Compliance with the requirements of Subsection B of this § 175-42 shall be determined as of the date of submittal of an application pursuant to Subsection D(1), 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 D(1) shall be of no effect and shall not be given any consideration in determining compliance with the requirements of Subsection B.

§ 175-43. Massage establishments.

Massage establishments, as defined in this chapter, are not permitted in any zoning district within Caroline County, Maryland, and no person shall operate, or be employed in or by, any massage establishment within Caroline County, Maryland, or act as or perform the service of a massage technician within Caroline County, Maryland.

§ 175-44. Transferable development rights.

A. Purpose. The transferable development rights (TDR) program in this chapter is provided as a means to further the objectives of the Comprehensive Plan. The TDR program allows the transfer of development rights from areas designated as sending areas to areas designated as receiving areas or municipal growth areas. The TDR program protects and preserves agricultural land and gives the owners of such property an equitable alternative to development, and provides an essential County-wide growth management tool.

B. Removing development rights from the land. Each landowner of a parcel in a sending area (transferor) has the right to remove one or more development rights from the parcel, and to hold, sell, trade or barter these rights to another person or legal entity (transferee).

C. Using development rights. The transferee may retire, resell, or apply the rights to land in a receiving area in order to obtain approval for development at a density greater than would otherwise be allowed on the land, up to the maximum density or intensity allowed.

(1) No development right may be used to increase density within the Chesapeake Bay Critical Area if such right is derived from a portion of a sending parcel that is outside the Critical Area, nor may a development right be transferred from land within an Intensely Developed District (IDD) or Limited Development District (LDD) to a Resource Conservation District (RCD), or from an IDD to an LDD, nor may any development right be transferred to land in the RCD from any RCD lot of record that is less than 20 acres in size.

(2) Lands under a recorded restrictive covenant or conservation easement, including, but not limited to, Maryland Agricultural Land Preservation Program, Maryland Rural Legacy

Program, Nature Conservancy, Maryland Environmental Trust, and Eastern Shore Land Conservancy are not eligible to transfer development rights and shall not be included in the acreage calculations for transferable development rights.

(3) No development right may be derived from land in a sending area that is part of a subdivision that has no available minor subdivision or density rights remaining on the residue or remainder of the original tract. Remaining development rights shall be assigned based on the unused minor subdivision rights or density rights available in the subdivision.

(4) A development right shall be created, transferred and extinguished only by means of documents approved by the Planning Commission and recorded among the land records of Caroline County.

D. TDR sending and receiving areas.

(1) Designation of sending areas. The R, Rural District shall be the TDR sending area and the receiving areas shall be specifically mapped, designated by the Planning Commission, and approved by the County Commissioners.

(2) Designation of receiving areas. The areas designated to receive the transferred development rights shall be known as "receiving areas." Receiving areas shall be located in the R, Rural District or in a municipality with an approved intergovernmental agreement between the County and municipality for use of transferred development rights (an "IGA area").

(a) Receiving areas shall be designated where the Planning Commission has determined that the predominate land use in the neighborhood is rural-residential, or an IGA area rather than agricultural, and where rural-major subdivisions are an acceptable land use and existing or planned public facilities and infrastructure are adequate.

[1] Each year in October, the Planning Commission shall review the TDR receiving area map to consider receiving area boundary line adjustments to be approved by the County Commissioners.

[2] Prior to adding to or removing properties from a receiving area, an advertised public hearing shall be held by the Planning Commission as prescribed by § 175-167 of this chapter.

[3] The public hearing notice shall contain a brief description sufficient to identify the properties involved, and the date, time and place of the public hearing.

[4] The County Planner shall mail copies of the public hearing notice by United States mail, first class postage prepaid, to all owners of property located within the proposed adjusted receiving area and to all immediately adjoining property owners. The notices shall be directed to the property owners as shown on the current real property tax records for Caroline County as of the date which is three days prior to the date of mailing.

(b) The County Planner shall maintain a map to show the designated TDR receiving areas as designated by the Planning Commission and approved by the County Commissioners.

E. Determination of legitimate development rights of sending parcel. It shall be the applicant's responsibility to prove to the satisfaction of the Planning Commission that the sending parcel has a legal potential for development with the number of lots proposed to be transferred.

(1) The Planning Commission may require reasonable proof of development potential of the sending parcel, including, but not limited to, percolation tests, hydrogeologic studies, topographic surveys, site and soils evaluations, and other studies or tests.

(2) The following documents and information to determine the legitimate potential for development and the number of development rights available are required:

(a) Completed County initial subdivision review form acceptable to the County Planner prior to submission of TDR application.

(b) Completed TDR application form.

(c) Tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.

(d) Zoning map of the property.

(e) Recent aerial photograph at a scale of one inch equals 600 feet or greater.

(f) Soils map or soils floating map.

(g) For properties of less than 50 acres, approval from the Caroline County Environmental Health Department for an individual well and on-site septic system for each development right that is intended for transfer, subject to the following:

[1] Health Department approval is not required, if:

[a] The property is 50 acres or greater in size; or

[b] Two or more contiguous properties totaling 50 acres or greater in size are acting as one sending parcel, provided all available development rights are transferred, except one per property.

[2] The words "property or properties" in this Subsection E(2)(g) are defined as a parcel or lot with a single tax account number as assigned by the Maryland Department of Assessments and Taxation.

[3] Acreage of property shall be in accordance with Caroline County tax records or recorded deed or plat. Proof of additional acreage will be required by submission of a survey plat recorded in the land records of Caroline County.

[4] Lands under a recorded restrictive covenant or conservation easement, including, but not limited to, Maryland Agricultural Land Preservation Program, Maryland Rural Legacy Program, Nature Conservancy, Maryland Environmental Trust, and Eastern Shore Land Conservancy are not eligible to transfer development rights and shall not be included in the acreage calculations for transferable development rights.

(3) Fractional parts of a development right shall be disregarded. No transfer shall include other than a whole number of development rights.

(4) Land located in a receiving area may be developed through the acquisition of TDRs, up to the maximum density indicated. One TDR shall equal one subdivision lot right for placement of one single-family dwelling unit. All other types of accessory dwelling units do not require a TDR.

(5) All development rights shall be transferable except for one right for each existing principle dwelling unit, provided that in no event shall less than one right be retained with the parcel.

F. Effect of transfer. After development density rights have been transferred by an instrument of original transfer:

(1) The sending parcel shall not be further subdivided or developed to a greater density or intensity of use than permitted by the remaining development right(s). Once one or more development rights have been transferred from a lot, tract or parcel of record, that lot, tract or parcel of record shall not later become a receiving parcel unless placed in a receiving area.

(2) The portion of the sending parcel from which development rights have been transferred shall not be used in connection with any determination of site area or site capacity, except as may be necessary to determine the number of development rights involved in the transfer.

(3) All development rights that are the subject of an instrument of original transfer, described in § 175-44.I, shall be deemed removed from the sending parcel when such rights have been severed from the property by recording of the instrument of original transfer in conjunction with a transfer document.

G. A transferee has only the right to use the development right to the extent authorized by all applicable laws, ordinances, and regulations in effect at the time when use of the development right for a specific receiving parcel is finally approved. No transfer shall be construed to limit or affect the power of the County Commissioners to amend, supplement or repeal any law, ordinance, or regulation, including provisions of this chapter or of the Code or construed to create any vested right in the transferor or transferee of a transferred development right.

H. Certification by Planning Commission.

(1) The Planning Commission shall certify that the development rights proposed for transfer are available for transfer from the sending parcel. No transfer shall be recognized under this chapter unless the instrument of original transfer contains the Planning Commission's certification.

(2) Application for certificate. An application for a certificate shall contain sufficient information as required by the Planning Commission identifying the area from which development rights are being removed. Application fees and any additional information the Planning Commission deems necessary to determine the number of development rights involved in the proposed transfer shall also be required.

(3) Responsibility. The transferor and the transferee named in an instrument of original transfer shall have sole responsibility for supplying all information required by this chapter, providing a proper instrument of original transfer, and paying, in addition to any other fees required by this chapter, all transfer taxes and recordation costs.

(4) Issuance of certificate. On the basis of the information submitted, the Planning Commission shall affix a certificate of its findings to the instrument of original transfer. The certificate shall contain a specific statement of the number, if any, of development rights that are derived from a Chesapeake Bay Critical Area within the sending parcel. The certificate will assign a serial number for each development right.

I. Instrument of transfer.

(1) An instrument of transfer shall conform to the requirements of this section. Any instrument of transfer shall contain:

(a) The names of the transferor and the transferee;

(b) A certificate of title for the rights to be transferred certified to by an attorney licensed to practice law in Maryland and in a form approved by the County;

(c) The serial number of each development right to be transferred;

(d) A covenant that the transferor grants and assigns to the transferee and the transferee's heirs, personal representatives, successors and assigns a specified number of development rights from the sending parcel;

(e) If any rights involved in the transfer are derived from the Chesapeake Bay Critical Area, a specific statement of the number of such rights included within the transfer;

(f) A covenant which acknowledges that the transferor has no further use or right of use with respect to the development rights being transferred as to the sending parcel;

(g) A statement of the rights of the transferee prior to final approval of the use of those development rights on a specific parcel, as set forth in §§ 175-38 and 175-44.K, except when the development rights are being transferred to the County Commissioners in accordance with this chapter; and

(h) A covenant that at the time when any development rights involved in the transfer are finally approved for use on a specific receiving parcel, such rights shall be transferred to the County Commissioners for extinguishment for no consideration.

(2) An instrument of original transfer, which is required when a development right is initially removed from a sending parcel, shall also contain:

(a) A covenant that the sending parcel may not be subdivided to a greater extent than permitted by the remaining development rights and that such subdivision shall be in accordance with the regulations in place at the time of the request for subdivision.

(b) A covenant that the sending parcel is restricted to and may be used only for such residential development as permitted by the remaining development rights.

(c) A covenant that all provisions of the instrument of transfer shall run with and bind the sending parcel and may be enforced by the County Commissioners, the Planning Commission and their respective designees.

(d) The certificate of the Planning Commission required by § 175-44.H.

(3) If the instrument is not an instrument of original transfer, it shall include:

(a) A statement that the transfer is an intermediate or final transfer of rights derived from a sending parcel described in an instrument of original transfer (which original instrument shall be identified by its date, and names of the original transferor and transferee and the book and page where it is recorded among the land records of Caroline County) and serial number of each development right transferred.

(b) Copies and a list of all previous intermediate instruments of transfer identified by their date, and the book(s) and page(s) where the documents are recorded among the land records of Caroline County.

J. Recordation of original or intermediate transfer. After it has been properly executed, any instrument of transfer shall be delivered to the County Planner, who shall deliver it to the Clerk of the Circuit Court, together with the required fees for recording.

K. Approval of the development using transferable development rights.

(1) Initial request for use of TDR in a development project. The request to use TDRs on a property in the receiving area shall be in the form of a concept or sketch subdivision plat, a site plan, or other application for development submitted in accordance with the requirements of this chapter and the Caroline County Subdivision Regulations. In addition to any other required information, the application shall be accompanied by:

(a) An affidavit of intent to transfer development rights to the property, and

(b) Such application fee as may be prescribed by the County Commissioners; and

(c) Either of the following:

[1] Original or certified copies of a recorded instrument of original transfer involving the development rights proposed to be used and any intermediate instruments of transfer through which the applicant became a transferee of those rights; or

[2] A signed, written agreement between the applicant and a proposed original transferor, which contains other information required by § 175-44.E and in which the proposed transferor agrees to execute an instrument of original transfer from the proposed sending parcel to the applicant at the time when the use of such rights on the proposed receiving parcel is finally approved.

(2) Preliminary approvals. The County may grant preliminary subdivision or site plan approval for the proposed development conditioned upon proof of ownership of TDRs prerequisite to final subdivision or site plan approval.

(3) Final subdivision or site plan approval of a development using TDRs.

(a) Proof of ownership of TDRs and proof of deed restriction. No final plat shall be approved and no permits shall be issued for development involving the use of TDRs until and unless the applicant has demonstrated to the County that:

[1] The applicant is the bona fide owner of all TDRs that will be used or redeemed for the construction of additional dwellings or the creation of additional lots;

[2] The transfer of each TDR has been recorded in the chain of title of the parcel of land from which the development right has been transferred and that such instrument restricts the use of that parcel in accordance with this chapter;

[3] TDRs proposed for the development have not been previously used.

(4) Required instruments. The following instruments, which may be required to effect transfer of those rights to the receiving parcel, shall be approved as to form and legal sufficiency by the County Attorney. Said instruments shall be recorded among the land records of Caroline County when the subdivision record plat is recorded or subsequent to final site plan approval but before construction permits are issued:

(a) An instrument of original transfer.

(b) An instrument of transfer to the owner of the receiving parcel.

(c) Instrument(s) of transfer between any intervening transferees.

(5) When completed. Transfer to a receiving parcel is final when the approved final subdivision plat or approved final site plan for the receiving parcel has been recorded in accordance with this chapter and when the development right has been transferred by a final instrument of transfer to the County Commissioners at no cost to the County.

L. Maintaining list of potential buyers and sellers of TDRs. The County Planner shall maintain a record of names and addresses of those persons interested in buying and selling TDRs (the "TDR Registry") in accordance with the following:

(1) Transfers of subdivision development rights are private transactions between a willing buyer and a willing seller.

(2) Names and addresses of persons interested in selling or buying developments rights shall be added or deleted from the TDR Registry only by request of the individual whose information is to be added or deleted.

(3) The TDR Registry will be maintained and made available to the public for review by the County Planner.

(4) The County shall not recommend to any person any other specific person for the purchase or sale of development rights, or otherwise show any favor with respect any person listed in the TDR Registry in responding to inquiries regarding available TDRs.

§ 175-45. Residential-based trucking and service businesses.

A. Permitted. Residential-based trucking and service businesses, as defined in Article I of this chapter are permitted subject to the terms, conditions, criteria, and processes set forth in this § 175-45, upon the grant of a special use exception granted pursuant Article XVI of this chapter.

B. Residency requirement. A residential-based trucking or service business shall be permitted on a residential lot located in the R, Rural Zoning District only if and only for so long as the majority owner of the business, or a member of the majority owner's immediate family who is employed in the business on a regular, full-time basis, resides on the residential lot. Notwithstanding the foregoing, a residential-based trucking or service business previously and continuously conducted on a specific property from December 8, 2008, may be owned and operated by a nonresident of the property, so long as the nonresident is the majority owner of the business and is a family member of the owner of the specific property on which such business is being conducted, and only for so long as the property-owning family member continues to own the property. The business shall otherwise be subject to and comply with all of the provisions of this § 175-45. Such business shall apply for a special use exception not later than six months from the effective date of this legislation.

C. An office or shop may be permitted on the residential lot as a permitted accessory building, subject to such size/area restrictions as may be determined by the Board of Zoning Appeals given the nature of the business, the size of the lot, the nature of use of the surrounding properties, and such other factors as the Board of Zoning Appeals, in its reasonable discretion, shall determine appropriate or necessary with respect any particular application.

D. Normal maintenance activities associated with the business shall be permitted on-site, provided that such activities are performed or carried out in an enclosed building or at a location on the site not visible from the road or from adjoining properties, and that all such maintenance is performed in conformance with applicable federal, state, and local law.

E. Requirements: existing businesses. The following requirements, terms, and conditions shall apply to all existing residential trucking or service business in the R, Rural Zoning District to be covered by this § 175-45.E:

(1) The business must have existed and operated as an ongoing business as of December 2, 2008.

(2) The business must file an application for a special use exception not later than the date which is five months from the effective date of the ordinance providing for such businesses in the R, Rural Zoning District.

(3) The business must submit together with the application described in § 175-45.E(2) a professionally prepared site plan showing the location of the business use on the property including the following information, and noting with respect to the same whether the item described or represented is currently existing or proposed:

(a) The boundaries of the lot or parcel.

(b) All structures located or to be located on the property, including, but not limited to:

[1] The residence.

[2] All sheds, outbuildings, parking areas (including surface types), screening, trees, and shrubbery.

[3] All maintenance facilities, including shops and work and repair areas.

[4] All recreational structure or facilities, including, but not limited to, youth recreation equipment and swimming pools (whether inground or above-ground.

(4) The business must submit a dust control plan.

(5) The business must consent to an annual visual inspection by the Department of Planning and Codes.

(6) The business must provide for, and present on the professionally prepared site plan, appropriate buffering or screening, natural or man-made, to shield neighboring properties. Natural screening or buffering shall consist of evergreen items. The Board may modify such requirements in determining whether to grant a special use exception.

(7) The business must specify on the application the then current number of vehicles owned or leased by the business, which number shall constitute the total number of trucks permitted on site. No increase in that number of vehicles shall be permitted except by application for, and the grant of, a supplemental special use exception.

(8) The business must provide in the site plan that exterior lighting is directed to the interior of the property only. Exterior lighting shall be allowed only to the extent required or permitted in the special use exception granted by the Board of Zoning Appeals.

(9) The business must obtain approval from the Caroline County Department of Public Works for any entrance from the lot or parcel onto a County road, which entrance approval shall include, but not be limited to, type of material, length, width, and related factors to insure that the business entrance will not damage or otherwise negatively impact the County road or the safety of the public traveling thereon.

F. Requirements: new business. Any residential trucking or service business in, or desiring to be in, the R, Rural Zoning District but not qualifying as an existing business pursuant to § 175-45.E(1) above, may apply for a special use exception subject to the following terms, conditions, and criteria:

(1) Such business shall meet all of the terms, conditions, and criteria set forth in § 175-45E(2) through (9).

(2) No more than five trucks and five trailers shall be permitted on the residential lot.

(3) All parking areas are to be buffered and/or enclosed within a fenced area so as not to be visible from roads and adjoining properties.

(4) Not more than one acre shall be permitted for business use on the site.

(5) All property areas used in the business shall be contiguous and not fragmented.

(6) Minimum zoning setback from property lines shall be 150 feet unless otherwise determined by the Board of Zoning Appeals based upon the following factors:

(a) Size and shape of the parcel or site.

(b) Nature of the uses on the neighboring properties.

(c) Nature of the contemplated business, and factors related thereto, including, but not limited to, types of vehicles to be operated from the site, hours of operation, anticipated noise levels, number of employees reporting to the site, and any other factor determined by the Board of Zoning Appeals to be relevant in determining an appropriate setback.

(7) Light maintenance and repairs shall be conducted within an enclosed area or building so as not to be visible from roads or neighboring properties.

(8) Goods on premises shall be permitted only on a temporary basis and must be stored within an enclosed area or building so as not to be visible from roads or neighboring properties.

(9) No such business shall be granted a special use exception in the R, Rural Zoning District if the lot or site upon which the business intends to operate is located in, adjacent to, or with 400 feet of a TDR receiving area, an R-1 Zoning District, a municipal boundary, or an approved major subdivision.

G. Nontransferability. Anything in the Code of Public Local Laws of Caroline County to the contrary notwithstanding, a special use exception granted in accordance with this § 175-45 is and shall not be transferable. A new owner must apply for and be granted a special use exception. If granted, all existing conditions will convey and transfer to the applicant.

H. Site plans required hereunder may be prepared by a licensed or certified architect, engineer, land surveyor, or a landscape architect.

I. Agricultural exclusion. These provisions shall not apply to trucks and vehicles used primarily in or for agricultural operations and activities conducted on or from agricultural use properties. This exclusion includes, but is not limited to:

(1) The use of such vehicles for moving or hauling of agricultural products or animals grown or raised on the site;

(2) The additional use of such vehicles for assisting other off-site agricultural operations in the moving or hauling of agricultural products or animals; and

(3) The occasional, limited use of such trucks and vehicles for limited hauling services for the property owner or others of nonagricultural products.

J. Residential-based trucking and service business operating in the R-1 Zoning District may continue to operate in such district provided that:

(1) The business has been previously and continuously conducted on a specific property from December 8, 2006; and

(2) The business shall otherwise be subject to and comply with all of the provisions of this § 175-45.

(3) Such business shall apply for a special use exception not later than six months from the effective date of this subsection.

[§§ 175-46 THROUGH 175-50 RESERVED.]

ARTICLE VI
Reserved

[§§ 175-51 THROUGH 175-55 RESERVED.]

Article VII
Reserved

[§§ 175-56 THROUGH 175-65 RESERVED.]

Article VIII
Mobile Homes

§ 175-66. Farm mobile homes.

Farm mobile homes shall:

A. Be located only on a farm as defined in § 175-8B of this chapter.

B. Be limited to one farm mobile home per farm. Additional farm mobile homes shall be allowed on a farm only after a special use exception is granted by the Board of Zoning Appeals in accordance with § 175-22 of this chapter.

C. Be located not more than 200 feet from the nearest farm building and not closer to any County or state road than the principal farm residence or building. If no buildings are presently located on the farm, the farm mobile home shall be located at least 200 feet from any County or state road.

D. Be located at least 100 feet from all property lines.

E. Be occupied by:

(1) The owner(s) of the farm;

(2) A person or persons employed to work an average of 40 hours per week on the farm and who derive more than half their income from employment on the farm. The farm owner may not receive any rent or other monetary compensation from the farm mobile home occupants; or

(3) A person or persons employed on the farm on a full-time or part-time basis and who do not derive more than half their income from employment on the farm, provided that a Special Use Exception is granted by the Board of Zoning Appeals. The Board of Zoning Appeals shall make findings that the need for the farm mobile home and the services to be provided by the occupants is justified for the effective security, maintenance and/or operation of the farm. The farm owner may not receive any rent or other monetary compensation from the farm mobile home occupants.

F. Be removed when no longer occupied as a residence by persons meeting requirements of Subsection E above or when the mobile home has been unoccupied for a continuous period of six months. The Zoning Administrator shall verify annually, by affidavit, that the occupants of the farm mobile home continue to meet the requirements of Subsection E above.

G. Have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 600 square feet.

H. Meet all of the additional requirements and standards for mobile homes as specified in § 175-72 of this chapter.

§ 175-67. Hardship mobile homes.

Hardship mobile homes may be approved by the Board of Zoning Appeals as a special use exception, provided that all of the following conditions are met:

A. The person in need of care, attention and supervision is a great-grandparent of the applicant, a grandparent of the applicant, a lineal descendant of a grandparent of the applicant or the spouse of such lineal descendant of a grandparent of the applicant.

B. The applicant for the special use exception will be responsible for the required care, attention and supervision.

C. The applicant has filed a certificate from at least one physician licensed to practice medicine in the United States who has examined the person in need of care, attention and supervision within 30 days prior to the filing of the application. The certificate shall state the date of the physician's last examination of said person; the nature of said person's disability; that, in the physician's best judgment, said person is mentally or physically incapable of self-care; and the probable duration of said person's disability.

D. The person in need of care, attention and supervision for practical reasons, financial or otherwise, cannot reside elsewhere and receive the same services.

E. The mobile home shall not be used as a profitable enterprise, but nothing contained herein shall preclude the applicant from receiving reimbursement for actual expense in providing the required care, attention and supervision to the person in need.

F. The applicant owns, resides or intends to reside on the premises on which the mobile home is to be located, and either the applicant or the person in need of care, attention and supervision may reside in the mobile home.

G. The mobile home shall be located within 200 feet of the principal residence on the premises.

H. The mobile home shall be removed within 60 days after the person in need of care, attention and supervision dies, permanently vacates the premises or becomes capable of self-care.

I. The mobile home shall have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 600 square feet.

J. The mobile home shall meet all of the additional requirements and standards for mobile homes as specified in § 175-72 of this chapter.

§ 175-68. Mobile home parks and subdivisions.

A. Approval procedures. The procedure for establishment of a mobile home zoning district shall be the same as the rezoning by application procedure in Article XXII of this chapter, except that the change or mistake rule in § 175-198.G of this chapter shall not apply.

(1) For a proposed mobile home park, a site plan shall be submitted with the rezoning application. Prior to establishment of a mobile home zoning district for a mobile home park, a final site plan shall be submitted to and approved by the Planning Commission.

(2) For a proposed mobile home subdivision, a preliminary major subdivision plat, prepared in accordance with the Caroline County Subdivision Regulations, shall be submitted with the rezoning application. Prior to establishment of a mobile home zoning district for a mobile home subdivision, a final major subdivision plat and other documents prepared in accordance with the Caroline County Subdivision Regulations shall be submitted to and approved by the Planning Commission and recorded, when required, in the Caroline County land records.

B. Mobile home parks. The following specifications shall apply to mobile home parks only:

(1) Community water and sewerage systems shall be provided to all individual mobile home sites and shall be in compliance with all requirements of the Caroline County Health Department.

(2) All utilities, including but not limited to electric and telephone lines, shall be placed underground in accordance with rules and procedures established by the Maryland Public Service Commission.

(3) Mobile home parks shall be surrounded by bufferyards measuring not less than 50 feet in depth on the front and not less than 25 feet in depth on the side and rear between the mobile home sites and adjoining property lines.

(4) Not less than 10% of the total area of a mobile home park, exclusive of bufferyards and road rights-of-way, shall be devoted to accessible open space and recreation areas. At least 50% of the recreational or open space land shall be of a character suitable for active recreation, such as playgrounds or ballfields.

(5) Interior access roads shall be at least 50 feet in width, with a paved surface at least 20 feet in width, and improved in accordance with specifications of the County Engineer.

(6) All access roads, parking areas and walkways within the park shall be illuminated at night so that the roads, areas and walkways are clearly visible.

(7) The owner or operator of a mobile home park shall be responsible for providing adequate refuse collection facilities.

(8) The mobile home park shall be in compliance with Article VII of the Caroline County Subdivision Regulations.

(9) Mobile home parks containing at least 100 mobile homes may include laundromats and similar commercial and service establishments intended to serve only persons within the mobile home park. Such establishments shall be designed, improved and located to protect the character of the mobile home park and the surrounding neighborhood and shall occupy, including a related parking area, not more than 5% of the area of the development.

(10) The mobile home park shall also be in compliance with all requirements and specifications of Subsection D below, and each individual mobile home shall be in compliance with § 175-~~41~~72 of this chapter.

C. Mobile home subdivisions. The following specifications shall apply to mobile home subdivisions only:

(1) In addition to any site plans or plats required for the establishment of a mobile home zoning district, the developer of a proposed mobile home subdivision shall comply with all of the requirements for a major subdivision as provided in the Caroline County Subdivision Regulations.

(2) The mobile home subdivision shall also be in compliance with all requirements and specifications of Subsection D below, and each individual mobile home shall be in compliance with § 175-72 of this chapter.

D. Additional requirements and specifications for mobile home parks and subdivisions. The following specifications shall apply to both mobile home parks and subdivisions:

(1) The minimum total required area for a mobile home park or subdivision shall be 10 acres.

(2) Where a mobile home zoning district is to contain both a mobile home park and subdivision, they may be contiguous but shall be separate from each other and shall each separately contain the minimum required area.

(3) All enlargements of or extensions to any existing mobile home park or subdivision shall meet all requirements of this section.

(4) No individual mobile home site or lot shall be designed for direct access to a County or state road.

(5) Recreational vehicles shall not be occupied as living quarters.

(6) Retail mobile home sales shall not be permitted; however, mobile homes may be sold on lots they occupy in residential use.

(7) Outdoor storage areas, including those for recreational vehicles, shall be designed, improved and located so as to protect adjoining uses from adverse visual or other effects and shall occupy not more than 5% of the area of the mobile home development. Use of such area shall be limited to occupants of the mobile home park or subdivision.

(8) Each mobile home shall have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 600 square feet.

§ 175-69. Mobile homes for emergency housing.

If an occupied dwelling in any zoning district is damaged or destroyed by fire, flood or any other sudden catastrophe to a degree so as to make it unsafe or unhealthy for human occupancy, the Zoning Administrator may issue a zoning certificate and/or building permit for the placement of a mobile home on the premises for the purpose of providing emergency housing for the displaced occupants, provided that the mobile home shall:

A. Meet all of the additional requirements and standards for mobile homes as specified in § 175-72 of this chapter.

B. Be removed from the premises when the damaged dwelling is habitable or within six months, whichever comes first, unless the Board of Zoning Appeals shall grant a special use exception to extend the time limit to a total of not more than 12 months.

§ 175-70. Mobile homes for temporary dwellings or offices.

Mobile homes for use as temporary dwellings or offices shall be permitted in any zoning district, provided that all of the following conditions are met:

A. The placement of the mobile home is determined to be incidental to construction to be performed on the premises and the Zoning Administrator has issued a zoning certificate and/or building permit for said construction.

B. For any mobile home to be used as a temporary dwelling:

(1) The mobile home shall be occupied by the owner(s) of the property or a security guard.

(2) The mobile home shall meet all of the additional requirements and standards as specified in § 175-72 of this chapter.

(3) The Board of Zoning Appeals shall grant a special use exception for the placement of the temporary mobile home and shall specify a time limit for removal of the mobile home.

C. For any mobile home to be used as a temporary office:

(1) The mobile home shall be in compliance with the County Health Department's requirements as to water supply and sewage disposal if sanitary facilities are located with the mobile home.

(2) The mobile home shall be removed within 30 days following completion or abandonment of the construction, when the zoning certificate and/or building permit expires or is revoked or in 24 months from the date of placement, whichever comes first.

(3) The Zoning Administrator shall issue a zoning certificate and/or building permit.

§ 175-71. Single-wide and multisection mobile homes on individual lots.

A. A multisection mobile home shall also be permitted on any lot approved for a single-family dwelling, provided that all of the following conditions are met:

(1) The minimum width of the main structure unit of the mobile home, as originally manufactured for occupancy, shall be equal to or greater than 24 feet for a continuous distance of at least 40 feet.

(2) The mobile home shall have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 960 square feet.

(3) The mobile home shall meet all of the additional requirements and standards for mobile homes as specified in § 175-72 of this chapter.

(4) The placement of the mobile home shall comply with minimum required setbacks and any other provisions of this chapter in the same manner as for a single-family dwelling.

B. A single-wide mobile home or a multisection mobile home not meeting the floor area or dimension requirements of Subsection A above shall be permitted on any lot approved for a single-family dwelling, provided that all of the following conditions are met:

(1) No property owner whose property line is within 1,000 feet of the applicant's property line objects, in writing, within 30 days of receiving notice. The Zoning Administrator shall send the notices by certified mail, return receipt requested. The notices shall be directed to the names and addresses as shown on the most recently available quarterly subdivision listing for Caroline County published by the State Department of Assessments and Taxation.

(a) If an objection is received, then the applicant may apply to the Board of Zoning Appeals for a special use exception within six months of the end of the objection period.

(b) If no objections are received, then the applicant must obtain a zoning certificate and/or building permit within one year of the end of the objection period.

(2) The minimum width of the main structure unit of the mobile home, as originally manufactured for occupancy, shall be at least 12 feet.

(3) The mobile home shall have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 720 square feet.

(4) The mobile home shall meet all of the additional requirements and standards for mobile homes as specified in § 175-72 of this chapter.

(5) The placement of the mobile home shall comply with minimum required setbacks and any other provisions of this chapter in the same manner as for a single-family dwelling, except that:

(a) No mobile home permitted by Subsection B of this section may be placed within 1,000 feet of a major highway as defined in § 175-8.B of this chapter.

(b) No mobile home permitted by Subsection B of this section may be placed within 2,500 feet of the tidal mean high waterline of the Choptank River and Tuckahoe Creek.

§ 175-72. Mobile home construction standards; compliance with County requirements and guidelines.

Where required in this chapter, the following mobile home standards and requirements shall apply:

A. Mobile homes shall be certified and labeled as meeting the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development or they shall bear the insignia of the Maryland Department of Economic and Community Development in accordance with the Industrialized Building and Mobile Homes Act of 1971.

B. Mobile homes shall be erected, fully enclosed and finished in conformance with guidelines approved by the Zoning Administrator.

C. Mobile homes shall be in compliance with the County Health Department's requirements as to water supply and sewage disposal.

D. No mobile home shall be used for storage purposes only.

[§§ 175-73 THROUGH 175-80 RESERVED.]

ARTICLE IX
Accessory Structures and Uses

§ 175-81. Location.

A. Except as herein provided, no accessory building shall project beyond a required setback line along any County or state road.

B. No accessory building shall be erected within any required front yard, except as provided in this chapter.

C. Unless otherwise specified in this chapter, accessory buildings or structures less than 750 square feet in floor area may be placed or erected within the side and rear building setback lines but shall be no closer than five feet to the side or rear lot lines.

D. Accessory dwellings shall be located on a premise only as specifically provided in this chapter. Accessory dwellings shall be located within the building envelope and comply with all additional setback requirements.

§ 175-82. Fences and walls.

A. Fences and walls do not require a zoning certificate and/or building permit.

B. Fences and walls are not subject to setback requirements from ~~public ways and~~ adjoining lots.

C. A fence or wall not more than five feet in height may project into or enclose any required front yard. A fence or wall not more than eight feet in height may project into or enclose any required side or rear yard.

D. **ALL RESIDENTIAL SWIMMING POOLS, SPAS AND HOT TUBS MUST COMPLY WITH THE BARRIER REQUIREMENTS LOCATED IN APPENDIX G OF THE INTERNATIONAL BUILDING CODE AS ADOPTED UNDER CHAPTER 88.** ~~A secure fence at least four feet in height shall enclose any in-ground swimming pool constructed after the effective date of this chapter~~.

§ 175-83. Accessory dwelling units.

A. Accessory dwelling units shall be limited to one accessory dwelling unit per lot.

B. Accessory dwelling units shall be located within the principal dwelling or in an accessory structure. The total habitable area of the accessory dwelling shall be at least 400 square feet and shall not exceed 1,000 square feet. In addition, the total area of the accessory dwelling shall not be larger than 50% of the total area of the principal dwelling.

C. Mobile homes shall not be permitted as accessory dwelling units under this section, but may be permitted only in accordance with regulations in Article VIII, Mobile Homes.

D. Accessory dwelling units shall be located in a side or rear yard and no closer to the front lot line than the principal dwelling.

E. Accessory dwelling units shall be located not more than 100 feet from the principal dwelling if located in a detached accessory structure.

F. Accessory dwelling units shall be located within the building envelope and comply with all additional setback requirements.

G. Accessory dwelling units shall appear subordinate to the principal dwelling and shall not substantially detract from the single-family residential characteristics of the property by size, location, design or appearance.

H. Either the principal dwelling or the accessory dwelling shall be the residence of the property owner.

I. Accessory dwelling units shall not have separate water and sewerage facilities from the principal dwelling.

J. A site plan and architectural drawing for the accessory dwelling shall be submitted with the application.

K. An existing building may be converted to contain or become an accessory dwelling unit only if the existing building is at least five years old.

L. Adequate parking for the accessory dwelling and all other uses of the property shall be provided.

M. The principal and accessory dwellings shall remain in common ownership and shall not be subdivided from each other.

N. Accessory dwelling units shall be permitted if no property owner whose property line is within 500 feet of the applicant's property line objects in writing within 30 days of receiving notice. The Zoning Administrator shall send the notices by certified mail, return receipt requested. The notices shall be directed to the names and addresses as shown on the current real property tax records for Caroline County.

(1) If an objection is received, the applicant may apply to the Board of Zoning Appeals for a special use exception within six months of the end of the objection period.

(2) If no objections are received, then the applicant must obtain a zoning certificate and/or building permit within one year of the end of the objection period.

§ 175-84. Small wind-energy systems.

A. Permitted. Small wind-energy systems shall be permitted in all zoning districts subject to the conditions set forth in this § 175-84.

B. Limit. Only one small wind-energy system shall be permitted on a lot or parcel; provided, however, that lots or parcels on which an agricultural or business operation is otherwise permitted (other than home occupation businesses) may have up to two small wind-energy systems.

C. Setbacks. All small wind-energy systems shall be set back a minimum distance equal to total height plus 10% of the total height from:

(1) Any state, County, or municipal right-of-way, or nearest edge of a state, County, or municipal roadway, whichever is closer to the wind tower;

(2) Any right of ingress or egress of another on the small wind-energy system owner's property;

(3) Any overhead utility lines;

(4) All property lines;

(5) Any existing guy wire, anchor, or wind tower on the property; and

(6) Any structure used for occupancy, whether transient or otherwise, other than occupancy by the small wind-energy system property owner and such person's family.

(7) Exception: Building-supported small wind-energy systems shall comply with the same setback requirements as the structure upon or by which such systems are placed or supported. Any supporting structures for a building supported small wind-energy system shall be placed not more than five feet from the structure.

D. Access.

(1) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(2) The wind tower shall be designed and installed so as not to provide step bolts, a ladder, or other means of access for a minimum height of 12 feet.

E. Electrical wires. All electrical wires associated with a small wind-energy system, other than 1) wires necessary to connect the wind generator to the wind tower wiring, 2) wind tower wiring to a disconnect junction box; and 3) grounding wires shall be located underground.

F. Lighting. A wind tower and a wind generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of a small wind-energy system, such as appurtenant structures, shall be limited to that required for safety purposes and shall be shielded from neighboring properties.

G. Appearance, color, and finish. The wind generator and the wind tower shall be painted or treated with or in a nonreflective, nonobtrusive color, such as a manufacturer's default color option or a color that conforms to the environment and architecture of the surrounding area (unless otherwise required by the FAA). Color shall be approved by the Director of the Department of Planning, **AND** Codes ~~and Engineering~~. A small wind-energy system owner may appeal the denial of a requested color to the Board of Zoning Appeals in accordance with this Chapter 175.

H. Signage. All signage, other than the manufacturer's or installer's label and appropriate warning signs, visible from any public road or adjoining property is prohibited. No advertising shall be allowed on any small wind-energy system.

I. Code compliance. All small wind-energy systems shall comply with all applicable provisions of the County's Building and Electrical Codes. Notwithstanding any other provision of the Code of Public Local Laws of Caroline County, Maryland, to the contrary, wind generator blade tips shall at no time be closer to the ground than 15 feet. All small wind-energy systems shall be constructed, assembled, mounted, affixed or otherwise placed in accordance with manufacturer's recommended standards or practices and in compliance with all codes. To the extent that a manufacturer's recommended standards or practices differ from any applicable Code provision, the more strict provision shall apply.

J. Public service commission compliance. All small wind-energy systems shall comply with all requirements of the laws of Maryland and Maryland Public Service Commission rules and regulations. Any person seeking to construct a small wind-energy system shall apply to the Maryland Public Service Commission, in addition to applying for any County permit pursuant to

this Chapter 175. Utilities to which a small wind-energy system is to be connected shall be notified in accordance with applicable rules, regulations, and tariffs.

K. Separation. Except as provided for building-supported small wind-energy systems, small wind-energy systems shall not be attached to any other building or structure, including guy wires.

L. Permits. Any person desiring to erect, operate, or maintain a small wind-energy system shall apply for a permit from the Department, and shall submit with such application all material, drawings, specifications, and other information required or requested by the Director of the Department for the purpose of determining compliance with this Chapter 175. Fees for small wind-energy systems shall be determined by the County Commissioners from time to time by resolution.

M. Variances. Variances to the provisions of this § 175-84, including setback distances, shall not be permitted.

N. Noise. Small wind-energy systems shall comply with all County laws, ordinances, rules, and regulations regarding noise. If no County standards or restrictions are otherwise in effect, noise levels shall not exceed 55 dBA when measured at the property line of any property containing an occupied structure (excluding temporary excessive noise levels due to temporary utility outages and severe thunderstorms).

O. A violation of any provision of this § 175-84 shall be a Class A civil infraction under Chapter 92 of the Code of Public Local Laws of Caroline County, Maryland, and shall subject the small wind-energy system owner and the owner of the property on which the small wind-energy system is located to a civil penalty of $500 for the first offense and $1,000 for subsequent violations.

P. Abandonment.

(1) A small wind-energy system that is out-of-service, or not otherwise used, for a continuous period of 12 months shall be deemed to have been abandoned. The Director shall issue a notice of abandonment to the small wind-energy system owner, who shall then have 30 days to respond to the Director and to provide any information regarding the causes for nonoperation and any remedial or corrective action planned or being undertaken, which actions shall be undertaken and completed in a reasonable time, not to exceed 60 days. If such information is provided and remedial or corrective action is taken, the Director shall withdraw the notice.

(2) If a small wind-energy system is determined by the Director to be abandoned, the small wind-energy system owner shall remove the wind generator and the wind tower at such owner's expense within 90 days of the notice or, if later, within 60 days of the termination of any period for remedial or correction action or the failure of such actions. If the small energy system owner shall fail to do so, the County may cause the wind generator and the wind tower to be removed at such owner's expense. The County shall have to right to pursue all legal means of collection of any sums expended, and such sums shall constitute a lien against the property on which the small wind-energy system was located, enforceable and collectible as property taxes.

§ 175-85. SOLAR POWER PLANTS.

A. PERMITTED LOCATIONS. A SOLAR POWER PLANT THAT COMPLIES WITH THE PROVISIONS OF THIS SECTION MAY BE PERMITTED AS DESCRIBED IN § 175-13, TABLE OF USES.

B. DESIGN STANDARDS.

(1) MINIMUM LOT SIZE. NO CONCENTRATED SOLAR POWER PLANT SHALL BE ERECTED ON ANY LOT LESS THAN FORTY (40) ACRES IN SIZE. NO PHOTOVOLTAIC SOLAR POWER PLANT SHALL BE ERECTED ON ANY LOT LESS THAN TEN (10) ACRES IN SIZE.

(2) SITING. CONSIDERATIONS SHOULD BE MADE TO SITING SUCH AS AVOIDING AREAS/LOCATIONS WITH A HIGH POTENTIAL FOR BIOLOGICAL CONFLICT SUCH AS WILDERNESS STUDY AREAS, AREAS OF ENVIRONMENTAL CONCERN, COUNTY AND STATE PARKS, HISTORIC TRAILS, SPECIAL MANAGEMENT AREAS OR IMPORTANT WILDLIFE HABITAT OR CORRIDORS; AVOIDING VISUAL CORRIDORS THAT ARE PROMINENT SCENIC VIEWSHEDS, OR SCENIC AREAS DESIGNATED BY THE COUNTY; AVOIDING AREAS OF ERODIBLE SLOPES AND SOILS, WHERE CONCERNS FOR WATER QUALITY, SEVERE EROSION, OR HIGH STORM RUNOFF POTENTIAL HAVE BEEN IDENTIFIED; AND AVOIDING KNOWN SENSITIVE HISTORICAL, CULTURAL OR ARCHEOLOGICAL RESOURCES.

(3) TREE REMOVAL. THE STRUCTURES COMPRISING THE SOLAR FACILITY SHALL BE CONSTRUCTED AND LOCATED IN A MANNER SO AS TO MINIMIZE THE NECESSITY TO REMOVE EXISTING TREES UPON THE LOT, AND IN NO EVENT SHALL WOODED ACREAGE COMPRISING MORE THAN 2% OF THE DEEDED ACREAGE OF THE LOT OR PORTION OF THE LOT DEVOTED TO THE SOLAR FACILITY USE BE REMOVED WITHOUT DEMONSTRATING THAT SUCH REMOVAL IS NECESSARY FOR THE REASONABLE CONSTRUCTION AND EFFICIENT PERFORMANCE OF THE USE.

(4) SETBACKS. SOLAR SYSTEM STRUCTURES SHALL MEET THE MINIMUM ZONING SETBACK FOR THE ZONING DISTRICT IN WHICH LOCATED, OR TWENTY-FIVE (25) FEET, WHICHEVER IS GREATER. IN ADDITION, SOLAR POWER PLANT STRUCTURES MUST BE LOCATED AT LEAST ONE HUNDRED FEET FROM ALL RESIDENTIALLY ZONED LOTS AND EXISTING RESIDENCES. ADDITIONAL SETBACKS MAY BE REQUIRED TO MITIGATE NOISE AND GLARE IMPACTS, OR TO PROVIDE FOR DESIGNATED ROAD OR UTILITY CORRIDORS.

(5) HEIGHT. SOLAR POWER ELECTRIC GENERATION STRUCTURES SHALL NOT EXCEED THE HEIGHT OF FIFTEEN (15) FEET AS MEASURED FROM THE GRADE AT THE BASE OF THE STRUCTURE TO THE APEX OF THE STRUCTURE.

(6) UTILITY CONNECTIONS. REASONABLE EFFORTS SHALL BE MADE TO PLACE ALL UTILITY CONNECTIONS FROM THE SOLAR INSTALLATION UNDERGROUND, DEPENDING ON APPROPRIATE SOIL CONDITIONS, SHAPE, AND TOPOGRAPHY OF THE SITE AND ANY REQUIREMENTS OF THE UTILITY

PROVIDER. ELECTRICAL TRANSFORMERS FOR UTILITY INTERCONNECTIONS MAY BE ABOVE GROUND IF REQUIRED BY THE UTILITY PROVIDER. ALL ELECTRICAL INTERCONNECTIONS AND DISTRIBUTION COMPONENTS MUST COMPLY WITH ALL APPLICABLE CODES AND PUBLIC UTILITY REQUIREMENTS.

(7) VISIBILITY. SOLAR SYSTEMS SHALL BE DESIGNED TO BLEND INTO THE ARCHITECTURE OF THE BUILDING OR BE SCREENED FROM ROUTINE VIEW FROM PUBLIC RIGHT-OF-WAYS OR ADJACENT RESIDENTIALLY-ZONED PROPERTY. TO THE EXTENT REASONABLY POSSIBLE, USE MATERIALS, COLORS, AND TEXTURES THAT WILL BLEND THE FACILITY INTO THE EXISTING ENVIRONMENT.

(8) GLARE. NO SOLAR POWER PLANT SHALL PRODUCE GLARE THAT WOULD CONSTITUTE A NUISANCE TO OCCUPANTS OF NEIGHBORING PROPERTIES OR PERSONS TRAVELING NEIGHBORING ROADS.

(9) LIGHTING. LIGHTING OF THE SOLAR POWER PLANT AND ACCESSORY STRUCTURES SHALL BE LIMITED TO THE MINIMUM NECESSARY FOR SAFETY AND OPERATIONAL PURPOSES, AND SHALL BE REASONABLY SHIELDED FROM ABUTTING PROPERTIES.

(10) FENCING. A SECURE CHAIN-LINK FENCE AT LEAST SEVEN FEET IN HEIGHT SHALL ENCLOSE THE ENTIRE SOLAR FACILITY TO RESTRICT UNAUTHORIZED ACCESS.

(11) SCREENING. EVERY ABUTTING PROPERTY SHALL BE VISUALLY SCREENED FROM THE PROJECT THROUGH ANY ONE OR COMBINATION OF THE FOLLOWING: LOCATION, DISTANCE, PLANTINGS, EXISTING VEGETATION OR FENCING.

C. DECOMMISSIONING. THE SOLAR ELECTRICITY FACILITY SHALL BE COMPLETELY DECOMMISSIONED BY THE FACILITY OWNER WITHIN TWELVE (12) MONTHS AFTER THE END OF THE USEFUL LIFE, ABANDONMENT OR TERMINATION OF SUCH FACILITY. DECOMMISSIONING SHALL INCLUDE REMOVAL OF ALL SOLAR ELECTRIC SYSTEMS, BUILDINGS, CABLING, ELECTRICAL COMPONENTS, ROADS, FOUNDATIONS, PILINGS, AND ANY OTHER ASSOCIATED FACILITIES, SO THAT ANY AGRICULTURAL GROUND UPON WHICH THE FACILITY WAS LOCATED IS AGAIN TILLABLE AND SUITABLE FOR AGRICULTURAL USES. DISTURBED EARTH SHALL BE GRADED AND RE-SEEDED UNLESS THE LAND OWNER REQUESTS IN WRITING THAT THE ACCESS ROADS OR OTHER LAND SURFACE AREAS NOT BE RESTORED. THE OWNER OF THE FACILITY SHALL SECURE THE COSTS OF DECOMMISSIONING BY APPROPRIATE BOND, LETTER OF CREDIT, OR ESCROW AGREEMENT SATISFACTORY TO THE COUNTY AND SHALL INCLUDE A MECHANISM FOR CALCULATING INCREASED REMOVAL COSTS DUE TO INFLATION. SUCH ESTIMATE COSTS SHALL BE SUBMITTED BY THE OWNER AND SUBJECT TO APPROVAL BY THE COUNTY PRIOR TO ISSUANCE OF ANY PERMITS REQUIRED.

D. SIGNS. THE MANUFACTURERS' OR INSTALLERS' IDENTIFICATION AND 24-HOUR EMERGENCY CONTACT PHONE NUMBER SHALL BE PROVIDED ALONG WITH APPROPRIATE WARNING SIGNAGE SHALL BE POSTED AT THE SITE IN A CLEARLY VISIBLE MANNER.

E. INTERCONNECTION AGREEMENT. A COPY OF THE INTERCONNECTION AGREEMENT WITH THE LOCAL ELECTRIC UTILITY COMPANY MUST BE PROVIDED OR A WRITTEN EXPLANATION FROM THE UTILITY COMPANY OUTLINING WHY AN INTERCONNECTION AGREEMENT IS NOT NECESSARY FOR THE INSTALLATION OF AN INTERCONNECTED CUSTOMER-OWNED GENERATOR.

F. AGREEMENTS/EASEMENTS. IF THE LAND ON WHICH THE PROJECT IS PROPOSED IS TO BE LEASED, RATHER THAN OWNED, BY THE SOLAR ENERGY DEVELOPMENT COMPANY, ALL PROPERTY WITHIN THE PROJECT BOUNDARY MUST BE INCLUDED IN A RECORDED EASEMENT(S), LEASE(S) OR CONSENT AGREEMENT(S) SPECIFYING THE APPLICABLE USES FOR THE DURATION OF THE PROJECT.

G. PUBLIC SAFETY. IDENTIFY AND ADDRESS ANY KNOWN OR SUSPECTED POTENTIAL HAZARDS TO ADJACENT PROPERTIES, PUBLIC ROADWAYS, COMMUNITIES, AVIATION, ETC., WHICH MAY BE CREATED BY THE PROJECT.

H. FAA. MUST DEMONSTRATE COMPLIANCE WITH FEDERAL AVIATION ADMINISTRATION (FAA) REGULATIONS PERTAINING TO HAZARDS TO AIR NAVIGATION.

I. PROJECT RATIONALE. PROJECT RATIONALE, INCLUDING ESTIMATED CONSTRUCTION SCHEDULE, PROJECT LIFE, PHASING, AND LIKELY BUYERS OR MARKETS FOR THE GENERATED ENERGY MUST BE PROVIDED.

J. SITE AND DEVELOPMENT PLANS. A SITE PLAN DRAWN AT AN APPROPRIATE SCALE SHALL BE PROVIDED IDENTIFYING THE FOLLOWING:

(1) PROPERTY LINES, SETBACKS AND PHYSICAL FEATURES INCLUDING ACCESS ROUTES AND PROPOSED ROAD IMPROVEMENTS;

(2) ALL EXISTING AND PROPOSED STRUCTURES INCLUDING IMPERVIOUS SURFACE CALCULATIONS;

(3) PROPOSED CHANGES TO THE LANDSCAPE OF THE SITE, GRADING, VEGETATION CLEARING AND PLANTING, EXTERIOR LIGHTING, AND SCREENING VEGETATION OR STRUCTURES;

(4) BLUEPRINTS OR DRAWINGS OF THE SOLAR INSTALLATION SHOWING THE PROPOSED LAYOUT OF THE SYSTEM AND ANY POTENTIAL SHADING FROM NEARBY STRUCTURES OR VEGETATION;

(5) ANY EXISTING RESIDENTIAL DWELLINGS WITHIN ONE-QUARTER MILE OF A PHOTOVOLTAIC SOLAR PROJECT OR ONE-HALF MILE OF A CONCENTRATED SOLAR PROJECT;

(6) **EXISTING UTILITIES AND TRANSMISSION LINES, PROPOSED UTILITY LINES, AND UTILITY AND MAINTENANCE STRUCTURES**

(7) **EXISTING TOPOGRAPHIC CONTOURS AND MAPPED SOILS;**

(8) **EXISTING VEGETATION (LIST TYPE AND PERCENT OF COVERAGE; I.E. GRASSLAND, PLOWED FIELD, WOODED AREAS, ETC.)**

(9) **REVEGETATION AREAS AND METHODS;**

(10) **DUST AND SEDIMENT AND EROSION CONTROL;**

(11) **PROPOSED STORMWATER MANAGEMENT MEASURES;**

(12) **ANY FLOODPLAINS OR WETLANDS; AND**

(13) **FENCING DETAILS**

(14) **TOTAL SITE ACREAGE;**

(15) **LANDSCAPE AND BUFFER AREAS;**

(16) **THE NUMBER OF PANELS TO BE INSTALLED, THE PROPOSED LOCATION AND SPACING OF SOLAR PANELS, AND LOCATION OF ANY ASSOCIATED ACCESSORY STRUCTURES**

(17) **AN OPERATION AND MAINTENANCE PLAN**

(18) **LANDSCAPE PLAN**

[§§ 175-86~~85~~ THROUGH 175-90 RESERVED.]

ARTICLE X
Yard and Area Regulations

§ 175-91. General regulations.

A. Every part of a required yard shall be open to the sky, except as otherwise authorized by this chapter and except ordinary projections of sills, belt courses, window air-conditioning units, chimneys, cornices and ornamental features, which may project to a distance not to exceed two feet beyond the required minimum setbacks.

B. Within any zoning district, the least dimension of a yard upon which the principal entrances or exits of a dwelling face shall be 20 feet **EXCEPT VC, VILLAGE CENTER WHICH IS 10 FEET.**

C. Open, unenclosed porches, platforms, patios or decks not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project beyond the required minimum front and side yard setbacks not more than six feet.

D. The buildable width of a lot of record as of October 1, 1967, should not be reduced by the Board of Zoning Appeals to less than 28 feet.

§ 175-92. Front yards.

A. Where a right-of-way has been established for the future widening or opening of a County, ~~or~~ State **OR PRIVATE** road upon which a lot abuts, then the depth of a front or side yard shall be measured from the nearest boundary of the right-of-way to the nearest point of the structure.

B. On through lots, at least the minimum required front yard shall be provided on each road or tidal waterway.

C. There shall be a front yard of at least 15 feet in depth on the side road of a corner lot in any zoning district. The Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which is the side road.

§ 175-93. Side yards.

A. Where dwelling units are erected above commercial structures in commercial zoning districts, the minimum side yard requirements shall be the same as required in the applicable zoning district regulations for a commercial building.

B. For the purpose of the side yard regulations, a group of commercial, residential or industrial buildings separated by common walls shall be considered as one building.

C. The minimum depth of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residential zoning districts shall be 25 feet, except that, when adjacent to a commercial or industrial zoning district, the minimum side yard shall be as required in the Table of General Design Regulations for the zoning district in which the building is located.

§ 175-94. Sight triangles.

A. In order to provide a clear view of intersecting roads to the motorist, there shall be a triangular area of clear vision formed by the intersecting roads or vehicular access drives. The size of the triangular area shall be determined by the road classifications as follows:

Road Classification	Distance from Road Center-Line Intersection (feet)
Cul-de-sac or private vehicular access	20
Arterial or collector	50
Major arterial	100

B. The triangular area shall be formed by a point on each road center line located 20, 50 or 100 feet from the intersection of the road center lines and a third line connecting the two points.

C. On any portion of a lot that lies within the triangular area, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three feet and 10 feet above the grade at the two road center lines. This rule shall not apply to existing trees.

§ 175-95. General lot requirements.

A. Except as provided herein, no more than one principal building shall be erected on a single lot.

B. On a farm, the principal residence shall be considered the principal building. If no dwellings are located on the farm, then more than one principal building may be located on the farm, provided that all minimum setback requirements are met for the zoning district in which the lot is located.

C. Where a lot is used for a commercial or industrial purpose, more than one principal building may be located on the lot, provided that all minimum setback requirements are met for the zoning district in which the lot is located.

D. In the event that a lot is to be occupied by a group of two or more related buildings to be used for multifamily residential, institutional, hotel or motel purposes, there may be more than one principal building on the lot when such buildings are arranged around a court having direct road access; provided, however, that the court between buildings shall have a minimum width of 40 feet and such buildings shall be no closer to each other than 15 feet.

E. A building or other improvements may be erected on any lot which was of record prior to October 1, 1967, even if the lot is a nonconforming lot, provided that the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this chapter.

F. The minimum yards, setbacks, parking spaces, open space and lot areas required by this chapter for each and every building existing at the time of passage of this chapter or for any building hereafter erected shall not be encroached upon or considered as required yard or open space for any other building.

G. Subdivision of existing lots is not permitted where the subdivision would create any lots which do not comply with all requirements of this chapter or where the subdivision would render any existing structure on a lot nonconforming.

[§§ 175-96 THROUGH 175-100 RESERVED.]

ARTICLE XI
Height Restrictions

§ 175-101. Nonapplicability of regulations.

Except within an area defined as an airport approach zone by the Federal Aviation Administration or other government agency, the height regulations as prescribed in this chapter shall not apply to the following:

A. Belfries.

B. Chimneys or smokestacks.

C. Church spires.

D. Conveyors.

E. Cooling towers.

F. Elevator bulkheads.

G. Fire towers.

H. Flagpoles.

I. Noncommercial grain elevators.

J. Ornamental towers and spires.

K. Public monuments.

L. Radio and television antennas.

M. Silos.

N. Water towers and standpipes.

O. Windmills (excluding small wind energy systems – see § 175-84).

§ 175-102. Height restrictions for certain public and semipublic uses.

Public or semipublic service buildings, hospitals, institutions, schools, churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one foot for every foot of additional building height above the height regulations for the zoning district in which the building is located.

[§§ 175-103 THROUGH 175-105 RESERVED.]

ARTICLE XII
Parking and Loading Requirements

§ 175-106. General regulations.

A. No structure shall be erected, structurally altered to the extent of increasing the floor area by more than 50% or changed in use unless permanent off-street parking and loading spaces have been provided and maintained in accordance with this chapter.

B. No part of any parking area shall be closer than 10 feet to a County or state road.

C. Parking requirements for two or more uses on the same lot shall be the sum of the individual requirements for each use.

D. Required off-street parking and loading spaces shall have unobstructed access to a County or state road.

E. All parking areas, loading areas and driveways in commercial and industrial zoning districts shall be constructed in accordance with specifications approved by the County Engineer and shall be graded and drained so as to properly dispose of surface water and comply with the County Erosion and Sediment Control Ordinance.

F. Interior driveways in commercial and industrial zoning districts shall measure not less than 12 feet for one-way traffic and not less than 20 feet for two-way traffic.

§ 175-107. Parking space requirements.

A. Each required parking space shall measure not less than nine feet in width and not less than 18 feet in length.

B. The parking space requirements for a use not specifically listed in the Table of Parking Regulations shall be the same for a listed use of similar characteristics as determined by the Zoning Administrator.

C. Required off-street parking spaces shall be provided on the same lot with the building or use served or within a walking distance of 300 feet measured from the principal entry point of the building or use to the nearest point of the parking area.

D. A solid fence or shrubbery shall be required to screen neighboring residences from all parking lots containing 10 or more spaces. The location and construction of such screening shall be shown on a site plan or, if no site plan is required, shall be approved by the Zoning Administrator.

E. Joint parking spaces are permitted, subject to the following conditions:

(1) The individual establishments sharing the joint parking spaces shall not normally be opened or used during the same principal operating hours.

(2) The establishments sharing parking spaces shall be bound by a written agreement, which shall be subject to approval by the County Attorney for legal sufficiency.

(3) Each joint parking space may fulfill the requirement for one off-street parking space required for each establishment bound by the written agreement.

§ 175-108. Loading space requirements.

When required, off-street loading spaces of a sufficient size and number shall be provided on the same lot for each separate occupancy requiring delivery of goods. Determination of sufficiency shall be made as part of a site plan review or, if no site plan is required, by the Zoning Administrator.

[§§ 175-109 & 175-110 RESERVED.]

ARTICLE XIII
Sign Regulations

§ 175-111. Purpose.

The purpose of this Article is to permit signs that will not, by reason of their size, location, construction or manner of display, endanger the public safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety, morals and general welfare; to permit and regulate signs in such a way as to support and complement land use objectives set forth in this chapter; to prevent the proliferation of signs which detract from the appreciation of the landscape; and to preserve and enhance the attractiveness of Caroline County.

§ 175-112. General regulations.

A. No sign shall be erected until a zoning certificate and/or building permit has been issued, except for those signs specifically exempted in this Article.

B. Interference; distracting signs.

(1) No sign shall by reason of intensity, color, location or movement interfere with traffic lights, signals or controls, obscure the view of a road or in any manner impair public safety.

(2) Flashing or animated signs are prohibited, except those elements of a sign displaying time or temperature.

(3) The light from any illuminated sign or from any light source illuminating a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Light shall not shine or reflect on or into residential structures and shall be directed away from neighboring properties and roads.

C. No sign, other than on official traffic sign, shall be located within the right-of-way of any road.

D. No sign shall be attached to a utility pole or any other unapproved supporting structure. No sign which requires a zoning certificate and/or building permit shall be attached to a tree.

E. These regulations do not apply to a sign on a **LEGALLY REGISTERED** truck, bus or other vehicle which identifies the product, service or activity for which the vehicle is used and which is incidental to the primary business use of the vehicle for transportation.

F. Any freestanding sign shall be set back from the side and front lot lines a distance at least equal to the height of the sign or a minimum distance of 10 feet, whichever is greater.

G. Each off-premises sign requiring a zoning certificate and/or building permit shall be clearly marked with the permit number and the name and address of the person or firm placing the sign on the premises.

H. 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.

§ 175-113. Political signs.

A. Political signs or posters may be erected upon private property, provided that such signs:

(1) Do not interfere with pedestrian or vehicular traffic or cause or enhance a danger thereto by interfereing with reasonable sight lines and distances; and

(2) Do not, as a result of size, construction, or placement, present a physical danger to others.

B. Political signs are not subject to application requirements of permit fees.

§ 175-114. ELECTRONIC MESSAGE BOARDS.

ELECTRONIC MESSAGE BOARD SIGNS, AS DEFINED IN ARTICLE I OF THIS CHAPTER ARE PERMITTED IN ACCORDANCE WITH THE FOLLOWING TERMS, CONDITIONS AND CRITERIA:

A. ELECTRONIC MESSAGE BOARDS ARE NOT PERMITTED IN THE R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS AND ONLY BY SPECIAL USE EXCEPTION IN THE VC AND VN RURAL VILLAGE ZONING DISTRICTS.

B. THE SURFACE AREA COPY MAY NOT CHANGE MORE FREQUENTLY THAN ONCE EVERY TWO (2) MINUTES.

C. THE CHANGE OF COPY SHALL OCCUR SIMULTANEOUSLY FOR THE ENTIRE ELECTRONIC SIGN FACE. THE TIME TO COMPLETE CHANGE FROM ONE MESSAGE TO THE NEXT IS A MAXIMUM OF ONE (1) SECOND.

D. ELECTRONIC MESSAGE BOARDS SHALL CONTAIN A DEFAULT MECHANISM THAT WILL CAUSE THE SIGN TO REVERT IMMEDIATELY TO A BLACK SCREEN IF A MALFUNCTION OCCURS.

E. ELECTRONIC MESSAGE BOARDS SHALL HAVE NO REVOLVING, FLASHING, MOVING, SCROLLING, ROTATING, OR SIMILAR INTERMITTENT LIGHTS OR FEATURES THAT SIMULATE MOVEMENT.

F. AN ELECTRONIC MESSAGE BOARD DISPLAY MAY NOT BE ANIMATED, PLAY VIDEO OR AUDIO MESSAGES OR BLINK IN ANY MANNER.

G. AN ELECTRONIC MESSAGE BOARD DISPLAY SHALL CONSIST ONLY OF ALPHABETIC OR NUMERIC CHARACTERS ON A PLAIN BACKGROUND AND MAY NOT INCLUDE ANY GRAPHIC, PICTORIAL OR PHOTOGRAPHIC IMAGES.

H. ELECTRONIC MESSGE BOARDS SHALL NOT EXCEED A MAXIMUM ILLUMINATION OF 5000 NITS DURING DAYLIGHT HOURS AND A MAXIMUM ILLUMINATION OF 500 NITS FOR THE TIME PERIOD BETWEEN ONE HALF-HOUR BEFORE SUNSET AND ONE-HALF HOUR AFTER SUNRISE AS MEASURED FROM THE SIGN'S FACE AT MAXIMUM BRIGHTNESS.

(1) THE APPLICANT SHALL PROVIDE WRITTEN CERTIFICATION FROM THE SIGN MANUFACTURER THAT THE LIGHT INTENSITY HAS BEEN FACTORY PRESET NOT TO EXCEED THE LEVELS SPECIFIED ABOVE, AND THE

INTENSITY LEVEL IS PROTECTED FROM END-USER MANIPULATION BY PASSWORD PROTECTED SOFTWARE OR OTHER APPROPRIATE METHODS.

(2) THE CHANGE FROM 5000 NITS TO 500 NITS SHALL BE CONTROLLED BY AN AUTOMATIC DIMMER CONTROL SYSTEM.

I. THERE SHALL BE ONLY ONE (1) ELECTRONIC MESSAGE BOARD ON EACH PARCEL OF LAND.

J. EACH ELECTRONIC MESSAGE BOARD SHALL BE PERMANENTLY INSTALLED OR LOCATED.

K. ELECTRONIC MESSAGE BOARDS SHALL NOT BE LOCATED WITHIN 300 FEET OF A TRAFFIC LIGHT.

L. ELECTRONIC MESSAGE BOARDS SHALL NOT EXCEED THIRTY PERCENT (30%) OF THE SIGN SURFACE UP TO A MAXIMUM OF 32 SQUARE FEET.

§ 175-114. Application; required information.

Every application for a sign permit shall be accompanied by plans drawn to scale and shall include the following:

A. The dimensions of the sign and its supporting structure. In addition, the dimensions of and location on the building wall surface shall be included when the sign is to be attached to a building.

B. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.

C. The wording or design to be carried on the sign.

D. The manner of illuminating and securing the sign to a building, structure or ground.

E. For all off-premises signs, written permission from the owner(s) of the property where the sign is to be erected.

F. Materials used in the construction of the sign.

§ 175-115. Removal of signs.

A. Any sign associated with an activity on a vacated premise shall be removed from the premises, altered or resurfaced by the owner or lessee within one year from the time such activity ceases so that the sign will not display letters, numerals, symbols, figures, designs or any other device for visual communications pertaining to the former activity.

B. All signs shall be maintained in good condition and appearance. The Zoning Administrator shall remove or cause to be removed any sign which shows gross neglect, becomes dilapidated or where the area around such sign is not well maintained.

C. The Zoning Administrator shall remove or cause to be removed any sign erected or maintained in conflict with this chapter if the owner or lessee of either the site or the sign fails to correct the violation within 30 days after receiving written notice of violation from the Zoning Administrator. Removal of a sign by the Zoning Administrator shall not affect any proceedings instituted prior to removal of such sign.

§ 175-116. Permitted signs.

Types of signs that are permitted in Caroline County and the specific regulations applicable to them are included in tables specifically concerning on-premises and off-premises signs found at the end of this chapter.

[§§ 175-117 THROUGH 175-120 RESERVED.]

ARTICLE XIV
Site Plans

§ 175-121. PURPOSE AND AUTHORITY.

M. THE SITE PLAN PROCESS ENSURES THAT PROPOSED DEVELOPMENT CONFORMS TO THE PURPOSES, STANDARDS AND REQUIREMENTS OF THIS CHAPTER AS WELL AS OTHER COUNTY, STATE AND FEDERAL REQUIREMENTS APPLICABLE TO THE USE AND DEVELOPMENT OF LAND.

N. THERE ARE TWO TYPES OF SITE PLANS: MAJOR AND MINOR.

(1) DECISIONS ON MAJOR SITE PLANS SHALL BE MADE BY THE PLANNING COMMISSION.

(2) DECISIONS ON MINOR SITE PLANS SHALL BE MADE BY THE PLANNING DIRECTOR. THE PLANNING DIRECTOR MAY REFER A MINOR SITE PLAN TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION.

§ 175-122. REVIEW PROCESS FOR MAJOR AND MINOR SITE PLANS.

A. THE TECHNICAL ADVISORY COMMITTEE (TAC) SHALL REVIEW ALL MAJOR AND MINOR SITE PLANS. TAC PROVIDES A VEHICLE FOR AGENCIES TO COORDINATE COMMENTS ON PLAN APPLICATIONS, TO JOINTLY REVIEW PLANS, AND TO RESOLVE ISSUES OF CONFLICT OR COMMON CONCERN. THE TAC REVIEWS PLANS FOR COMPLIANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.

B. THE PLANNING COMMISSION SHALL HOLD A PUBLIC MEETING ON MAJOR SITE PLAN APPLICATIONS.

C. THE PLANNING DIRECTOR SHALL PREPARE A REPORT TO THE PLANNING COMMISSION WHICH ADDRESSES THE FOLLOWING:

(1) COMPLIANCE WITH THE COMPREHENSIVE PLAN;

(2) COMPLIANCE WITH DESIGN STANDARDS;

(3) **ACCESS AND TRAFFIC CIRCULATION;**

(4) **EFFECTS ON SURROUNDING DEVELOPMENT;**

(5) **EFFECT ON COMMUNITY FACILITIES;**

(6) **IMPACT ON HISTORIC RESOURCES;**

(7) **OPEN SPACE; AND**

(8) **AVAILABLE UTILITIES.**

D. **THE PLANNING COMMISSION SHALL REVIEW THE APPLICATION AND THE PLANNING DIRECTOR'S REPORT AT A PUBLIC MEETING AND APPROVE, DISAPPROVE, OR APPROVE THE PLAN SUBJECT TO CONDITIONS. THE PLANNING COMMISSION MAY DEFER ACTION TO A SUBSEQUENT PLANNING COMMISSION MEETING TO ALLOW FURTHER REVIEW. THE PLANNING DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING OF THE PLANNING COMMISSION'S ACTION.**

§ 175-123~~121~~. Information required.

Site plans, when required according to the provisions of this chapter, shall provide the following information:

A. The size and arrangement of all buildings, including the proposed density of any residential units.

B. An open-space plan showing the location, dimensions, arrangements and proposed use of all open spaces, yards and bufferyards, including specification of all plant materials to be utilized in providing the bufferyards and landscaping required by this chapter.

C. The location, height and composition material of all walls, fences or other structures to be utilized in providing the bufferyards required by this chapter.

D. The location and dimension of all existing and proposed vehicular roads, drives, entrances, exits, traffic circulation patterns and acceleration and deceleration lanes.

E. The location and dimension of all existing and proposed pedestrian entrances, exits, sidewalks and walkways.

F. The location, size, arrangement and capacity of all areas to be used for off-street parking and off-street loading.

G. Provisions for the treatment and disposal of sewage and industrial wastes, water supply, drainage, grading and sediment control.

H. The location, size, height, composition material, illumination and orientation of all signs.

I. Location and design for outdoor lighting facilities.

J. For commercial or industrial uses, the site plan will also designate the following:

(1) The specific uses proposed.

(2) The number of employees for which buildings are designed.

(3) The type of power to be used for any manufacturing process.

(4) The type of wastes or by-products to be produced by any process and the proposed method of disposal of such wastes or by-products.

(5) Such other information as may be required to determine the impact of a particular use on the neighborhood and the environment, including, but not limited, to wetlands, streams, stream buffers and identified threatened and/or endangered species habitat that may be affected by construction or development.

(6) MEET ALL OF THE ADDITIONAL STANDARDS FOR BUSINESS/COMMERCIAL OPERATIONS, INCLUDING COTTAGE INDUSTRIES AS SPECIFIED IN § 175-12.K OF THIS CHAPTER.

K. Any other information deemed necessary by the Zoning Administrator or County Planner to determine the compliance of the proposed development with the terms of this chapter.

L. In addition to any site plan submission requirements contained in this chapter, proposed development in the critical area zoning districts shall require the submission, review and approval of site plans, management plans and mitigation plans in accordance with "Critical Area Program for Caroline County."

§ 175-124~~122~~. Phased development.

If the property is scheduled for phased development, the proposed layout of the total projected development shall be indicated, and each phase's projected scope and time period shall be indicated to the extent possible.

§ 175-125~~123~~. Preparation and submission.

Site plans shall be prepared and submitted over the certification of a registered professional engineer, architect, landscape architect or land surveyor, as appropriate.

§ 175-126~~124~~. Review and approval generally; appeal.

A. Unless otherwise specified in this chapter, all site plans shall be submitted to the **PLANNING DIRECTOR** ~~Zoning Administrator~~. ~~The Zoning Administrator and the County Planner shall jointly review the site plan~~. If all applicable provisions of this chapter are complied with, the **PLANNING DIRECTOR** ~~Zoning Administrator and County Planner~~ shall ~~both~~ approve and sign the site plan.

B. FOR A MAJOR SITE PLAN, AFTER THE PLANNING DIRECTOR NOTIFIES THE APPLICANT THAT THE PLAN IS IN COMPLIANCE WITH PLANNING COMMISSION

CONDITIONS OF APPROVAL, THE APPLICANT SHALL SUBMIT A FINAL SITE PLAN TO THE DEPARTMENT OF PLANNING AND CODES.

C. AFTER RECEIVING ALL REQUIRED MATERIALS, THE PLANNING DIRECTOR SHALL PROVIDE THE APPLICANT WITH A NOTICE OF APPROVAL OF THE SITE PLAN.

D~~B~~. No zoning certificate and/or building permit shall be issued until the required site plan is approved. **THE NOTICE OF APPROVAL FOR THE SITE PLAN SHALL ACCOMPANY ALL BUILDING PERMIT APPLICATIONS FOR THE SITE.** Any person dissatisfied with the approval or disapproval of a **MINOR** site plan may appeal to the Planning Commission. **ANY PERSON DISSATISFIED WITH THE APPROVAL OR DISAPPROVAL OF A MAJOR SITE PLAN MAY APPEAL TO THE CIRCUIT COURT FOR CAROLINE COUNTY, MARYLAND.**

§ 175-127. EXPIRATION OF APPROVED SITE PLANS; EXTENSION.

A. APPROVAL OF A SITE PLAN SHALL EXPIRE ONE YEAR AFTER THE DATE OF SUCH APPROVAL UNLESS BUILDING PERMITS AND/OR ZONING CERTIFICATES HAVE BEEN OBTAINED FOR CONSTRUCTION.

B. A SINGLE, ONE-YEAR EXTENSION OF THE APPROVAL MAY BE GRANTED BY THE PLANNING DIRECTOR, WITH THE RECOMMENDATION OF APPROPRIATE AGENCIES OR THE PLANNING COMMISSION, AS DETERMINED BY THE PLANNING DIRECTOR. THE APPLICANT MUST SUBMIT A WRITTEN REQUEST FOR AN EXTENSION AT LEAST THIRTY (30) DAYS PRIOR TO THE EXPIRATION OF THE SITE PLAN. THE PLANNING DIRECTOR SHALL ISSUE A DECISION ON THE REQUEST FOR AN EXTENSION WITHIN THIRTY (30) DAYS OF RECEIVING THE REQUEST.

§ 175-128~~125~~. Additional requirements for special use exceptions.

When a special use exception is required in addition to a site plan, a preliminary site plan shall be submitted to the Board of Zoning Appeals. The final site plan shall incorporate any additional conditions and safeguards specified by the Board of Zoning Appeals.

[§§ 175-26 THROUGH 175-130 RESERVED.]

ARTICLE XV
Nonconforming Structures and Uses

§ 175-131. Continuance.

Lots, structures or uses lawfully existing at the time of the adoption of the Zoning Ordinance for Caroline County, Maryland, on October 1, 1967, or at the time of a subsequent amendment or readoption, which are rendered nonconforming by such adoption, amendment or readoption shall be permitted to remain or continue until removed or abated but shall not be encouraged to survive.

§ 175-132. Terms defined.

A. Nonconforming lot. A nonconforming lot has been legally subdivided and recorded in the Caroline County Land Records but does not comply with the yard or area requirements of this chapter. No structure which fails to conform to the minimum yard or setback requirements for the applicable zoning district shall be erected on any nonconforming lot unless a variance is granted by the Board of Zoning Appeals.

B. Nonconforming structure. A nonconforming structure does not comply with the height, area, bulk, yard or setback requirements of this chapter for the zoning district in which it is located.

C. Nonconforming use. A nonconforming use of land and/or structures does not comply with the use regulations of this chapter for the zoning district in which it is located.

§ 175-133. Determination of nonconformity.

A. The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use.

B. The existence of a nonconforming use on a part of a premises shall not necessarily be construed to establish a nonconforming use on the entire premises.

C. The Zoning Administrator shall determine, based on fact, whether or not a nonconforming use exists. Such a determination may be appealed to the Board of Zoning Appeals.

§ 175-134. Discontinuance of nonconforming status.

A. Discontinuance of nonconforming use; exception. No land, structure or portion thereof used, in whole or in part, for a nonconforming use in any zoning district which remains idle, unused or abandoned for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the zoning district in which such land or structure is located. However, the Board of Zoning Appeals may grant a special use exception to allow the continuance of a nonconforming use which has been idle, unused or abandoned where such inactivity or abandonment has continued for less than three years.

~~B. Nonconforming mobile homes. Removal or replacement of a nonconforming mobile home, not within an approved mobile home park or mobile home subdivision, shall constitute loss of nonconforming status for the site on which the nonconforming mobile home was located unless the mobile home is replaced within 30 days of the date of removal. Any replacement mobile home must satisfy the requirements of § 175-72 of this chapter and shall have a gross floor area, excluding the hitch and any other additions not a part of the original main structure unit, of at least 600 square feet.~~

§ 175-135. Termination or restoration of damaged nonconformity; determination.

A. A nonconforming structure or any conforming structure containing a nonconforming use which has been damaged by any cause to the extent of more than 50% of the fair market value of the structure immediately prior to damage shall not be restored and used except in conformity with this chapter, and all rights as a nonconforming structure or use are terminated. If a structure is damaged by less than 50% of the fair market value, it may be repaired, reconstructed or used as before the time of damage, provided that such repairs or reconstruction are substantially completed within 12 months of the date of damage.

B. When the extent of damage is questionable, appraisals of damage and fair market value shall be done by a certified appraiser at the owner's expense. Appraisals shall be submitted to the Zoning Administrator for a determination as to the extent of damage. The Zoning Administrator may also retain the services of a second certified appraiser.

§ 175-136. Creation of nonconforming lot; effect on existing structure or use.

Any lot reduced in area to a nonconforming lot area by reason of a realignment of a County or state road or by reason of a condemnation proceeding is a nonconforming lot of record. However, any lawful structure or use on the lot before such reduction in lot size is a conforming structure or use.

§ 175-137. Modification or expansion; construction of additional buildings.

A. No nonconforming structure may be modified so as to increase its nonconformity, unless a variance is granted by the Board of Zoning Appeals.

B. No nonconforming use shall be modified, expanded or enlarged, unless a special use exception is granted by the Board of Zoning Appeals.

C. The Board of Zoning Appeals may grant a special use exception to erect additional buildings upon a lot occupied by a nonconforming use when such additional buildings are associated with such use.

[§§ 175-138 THROUGH 175-140 RESERVED.]

ARTICLE XVI
Special Use Exceptions

§ 175-141. Application required; eligibility.

An application for a special use exception may be made to the Board of Zoning Appeals only by a person or persons with a contractual or proprietary interest in the property for which a special use exception is requested.

§ 175-141. Conditions for approval.

A. General requirements. The Board of Zoning Appeals shall not grant a special use exception unless and until:

(1) A written application for a special use exception has been submitted indicating the specific special use exception being sought and stating the grounds on which it is requested.

(2) A duly advertised public hearing has been held as prescribed by § 175-179 of this chapter.

(3) The Board has considered the application in accordance with the following principles and requirements and determined that the granting of a special use exception:

(a) Will not be detrimental to or endanger the public health, safety or general welfare.

(b) Will not be injurious to the peaceful use and enjoyment of other property in the neighborhood and will not substantially diminish or impair property values in the neighborhood.

(c) Will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district.

(d) Will not overburden existing public facilities, including schools, police and fire protection, water and sewerage, public roads, storm drainage and other public improvements.

(e) Conforms in all other respects to this chapter and especially to the applicable regulations of the zoning district in which it is to be located.

(f) Will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the critical area and that the granting of the special use exception will be in accordance with the "Critical Area Program for Caroline County," the critical area law and this chapter.

B. Additional requirements. In granting any special use exception, the Board of Zoning Appeals may also prescribe additional appropriate conditions and safeguards.

§ 175-143. Special use exceptions restricted to designated uses; applicability of additional regulations and standards.

A special use exception shall be granted only for those uses specifically designated in this chapter. A special use exception shall be subject to all applicable additional restrictions, regulations, design and performance standards found in this chapter.

§ 175-144. Duration of approval; discontinuance or abandonment of established use.

A. A decision of the Board granting a special use exception shall be void one year from the date of approval unless a zoning certificate and/or building permit is issued and the use is established and/or construction has begun in accordance with the terms of the decision.

B. An approved special use exception shall become void if the use has been established but is later discontinued or abandoned for a continuous period of one year.

§ 175-145. Modification or extension.

Any modification, enlargement or extension of a special use exception shall be undertaken only if approved by the Board in the same manner as for an original application.

§ 175-146. Reapplication after denial.

If an application for a special use exception is denied on merit, no new application for the same special use exception on the same property shall be accepted by the Board for one year after the date of the previous decision.

[§§ 175-147 THROUGH 175-150 RESERVED.]

ARTICLE XVII
Variances

§ 175-151. Application required; eligibility.

An application for a variance may be made to the Board of Zoning Appeals only by a person or persons with a contractual or proprietary interest in the property for which a variance is requested.

§ 175-152. Conditions for approval.

A. General requirements. The Board of Zoning Appeals shall not grant a variance unless and until:

(1) A written application for a variance has been submitted indicating the specific variance being sought and stating the grounds on which it is requested.

(2) A duly advertised public hearing has been held as prescribed by § 175-179 of this chapter.

(3) The Board has considered the application and rendered a decision in accordance with the following principles and requirements:

(a) That strict application of this chapter would produce unnecessary and undue hardship.

(b) That such hardship is the result of special conditions and circumstances not generally shared by other properties in the same zoning district or vicinity and which are peculiar to the land, structure or building involved.

(c) That the special conditions or circumstances do not result from the actions of the applicant.

(d) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to adjacent property, the character of the neighborhood or the public welfare.

(e) That the granting of the variance shall not allow a use expressly or by implication prohibited in the zoning district involved.

(f) That the condition, situation or intended use of the property concerned is not of so general or recurring a nature as to make practicable a general amendment to this chapter.

(g) That variance granted will be the minimum necessary to afford relief.

(h) That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the critical area, and that the granting of the variance will be in accordance with the "Critical Area Program for Caroline County," the critical area law and this chapter.

B. Additional requirements.

(1) In granting any variance, the Board of Zoning Appeals may also prescribe additional appropriate conditions and safeguards in conformity with this chapter.

(2) No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in any other zoning district shall be considered grounds for the granting of a variance.

(3) The application for a variance within the critical area shall also be submitted for review to the Chesapeake Bay Critical Area Commission at least 14 days prior to the scheduled hearing. A copy of the findings shall also be submitted to the Commission. If the application for a variance involves a nonconforming lot of record, the Board must also find that, due to the pattern of lot ownership, it is not possible to reconfigure or consolidate lots so as to permit compliance with the critical area regulations.

§ 175-153. Variances restricted.

A variance shall be authorized only for the following:

A. Yard, area or setback requirements.

B. Size or height of signs.

C. Height, area or bulk of structures.

D. Structures and construction within regulated floodplains in strict accordance with Chapter 108 of this Code.

E. Parking space requirements.

§ 175-154. Duration of approval.

A decision of the Board authorizing a variance shall be void one year from the date of approval unless a plat is recorded or a zoning certificate and/or building permit is issued and construction has begun in accordance with the terms of the decision.

§ 175-155. Modification or extension.

Any modification, enlargement or extension of a variance shall be undertaken only if approved by the Board in the same manner as for an original application.

§ 175-156. Reapplication after denial.

If an application for a variance is denied on merit, no new application for the same variance on the same property shall be accepted by the Board for one year after the date of the previous decision.

§ 175-157. Administrative variances.

Anything in this chapter to the contrary notwithstanding, the Zoning Administrator may grant an administrative variance on the application of a person with a contractual or proprietary interest in a residential property, under the following terms and conditions:

A. The applicant must file a written application for the administrative variance with the Zoning Administrator. Such application must include a request for a specific variance and contain sufficient information in the determination of the Zoning Administrator to give proper notice of the nature

and extent of the variance requested and sufficient to enable the Zoning Administrator to make a determination thereon.

B. Administrative variances may be granted only with respect to matters enumerated in § 175-153 of the chapter that are measured by objective mathematical measurement and only to the extent of not more than a variance of 20%, plus or minus, from the specified measurement. In no event may an administrative variance be granted in contradiction or violation of any superseding federal, state, or local law.

C. Upon receipt of an application for an administrative variance, the Zoning Administrator shall make a determination as to whether the application contains a request for a variance that may be granted pursuant to this section.

D. If the application is in order, the Zoning Administrator shall notify all abutting property owners, at the address currently reflected in the records of the state Department of Assessments and Taxation, and provide them an opportunity to respond or comment in writing to the application. Abutting property owners shall have 21 days from the date of mailing to respond to the Zoning Administrator.

E. The applicant and/or any abutting property owner may request an informal hearing on the application before the Zoning Administrator. A request for an informal hearing must be made by the applicant within five days after the running of the response period. An abutting property owner must make such request in the response to the Zoning Administrator within the original time for responding to the Zoning Administrator.

F. The Zoning Administrator shall make a determination on the application within 21 days of the end of the response period or the date of the informal hearing, whichever is later.

G. The Zoning Administrator shall notify the applicant and all abutting property owners in writing of the decision on the application.

H. Any decision on an administrative variance application may be appealed by the applicant or an abutting property owner to the Board of Zoning Appeals in accordance with this chapter.

I. In determining whether to grant an administrative variance, the Zoning Administrator shall be governed by the same criteria as the Board of Zoning Appeals may be required to considered when determining a variance request in accordance with this chapter.

J. The Zoning Administrator shall recommend, and the County Commissioners may adopt by resolution a fee schedule for Administrative variances.

K. In all other respects, the terms, conditions, limitations, rights, responsibilities, and requirements with respect to variances as contained in this chapter shall apply to administrative variances, with the substitution of "Zoning Administrator" for the terms "Board" or "Board of Zoning Appeals" as appropriate.

[§§ 175-157 THROUGH 160 RESERVED.]

ARTICLE XVIII
Appeals

§ 175-161. Criteria for submission; eligibility.

A. An appeal may be made to the Board of Zoning Appeals by any person, board, organization, association or official allegedly aggrieved by a decision of the Zoning Administrator concerning the administration, enforcement or interpretation of this chapter.

B. An appeal may be submitted to the Board if it involves a decision, order, requirement or determination of the Zoning Administrator based or claimed to be based, in whole or in part, upon this chapter.

§ 175-162. Rules of procedure.

A. Application required; time limit. The Board of Zoning Appeals shall not hear an appeal unless and until a written application has been submitted indicating the specific nature of the appeal and stating the grounds on which it is requested. The appeal shall be submitted within 90 days of the action of the Zoning Administrator which is to be appealed.

B. Public hearing. A duly advertised public hearing shall be held as prescribed by § 175-179 of this chapter.

C. Stay of proceedings. The filing of an appeal stays all proceedings in furtherance of the decision or action appealed from, unless the Zoning Administrator certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed unless a properly executed restraining order is issued by the Board or by a court of record.

D. Decisions.

(1) Upon hearing an appeal, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and make such decision or ruling as ought to be made, and, to that end, the Board shall have all of the powers of the Zoning Administrator.

(2) The Board of Zoning Appeals shall not reverse or modify any decision of the Zoning Administrator which conforms to the provisions of this chapter and which, therefore, is not erroneous, nor shall the Board validate, ratify or legalize any violation of this chapter or of law.

ARTICLE XIX
Planning Commission

§ 175-163. Creation; membership and terms; vacancy and removal.

There is hereby created a Planning Commission consisting of seven members appointed by the County Commissioners, one of whom shall be a member of the County Commissioners to serve in an ex officio capacity concurrent with his or her official term. All members shall be residents of Caroline County. The term of office of each member is five years. Vacancies shall be filled by the County Commissioners for the unexpired term of any member whose seat becomes vacant. After a public hearing before the County Commissioners, members may be removed for inefficiency, neglect of duty or malfeasance in office. The County Commissioners shall file a written statement of reasons for the removal.

§ 175-164. Officers.

The Planning Commission shall elect a Chairman and a Vice Chairman from among the appointed members at its first meeting in each calendar year, each to serve for one year or until his successor is elected. In the event of a vacancy in either of said offices, a successor shall be elected to serve for the unexpired term of the vacated office. In the absence of the Chairman, the Vice Chairman shall serve as Acting Chairman. The County Planner shall serve as Executive Secretary to the Planning Commission.

§ 175-165. Powers and duties.

The Planning Commission shall have the following powers and duties:

A. To review, evaluate and approve or disapprove plans for subdivisions and mobile home developments in accordance with this chapter and the Caroline County Subdivision Regulations.

B. To review and make recommendations to the County Commissioners regarding the following:

(1) Proposed changes or amendments to the Caroline County Comprehensive Plan.

(2) Proposed text amendments to the Zoning Ordinance.

(3) Proposed rezonings.

(4) Proposed changes or amendments to the Subdivision Regulations.

(5) Proposed acquisition and development of lands for county open space or recreation purposes.

(6) Proposed changes in land use or development arising from local, state or federal programs or policies.

C. To hear appeals concerning the approval or disapproval of site plans.

§ 175-166. Meetings; quorum.

A. Meetings of the Planning Commission shall be held once each month or at the call of the Chairman and at such other times as the Planning Commission may determine.

B. The presence of four members of the Planning Commission shall constitute a quorum for the conduct of business.

C. An affirmative vote of four members shall be required to effect a decision or recommendation of the Planning Commission.

§ 175-167. Rules of procedure.

A. The meetings of the Planning Commission shall be open to the public, but the Planning Commission may limit active public participation by resolution. When appropriate, the Planning Commission may adjourn to executive session, but only in accordance with the Public Information Article of the Annotated Code of Maryland.

B. For all proceedings before the Planning Commission and County Commissioners which require a public hearing, a notice of public hearing shall be published once each week for two successive weeks in at least one newspaper of general circulation in Caroline County.

C. The first public hearing notice shall not be published less than 14 days prior to the date scheduled for each public hearing.

D. At the meetings of the Planning Commission, any interested person shall have the right to submit, in accordance with the established rules, oral or written testimony and comment.

E. The Planning Commission may adopt, by resolution, additional rules of procedure, provided that such rules are consistent with this chapter and applicable state enabling legislation. Such rules shall be available to the public.

F. The Planning Department shall be represented at all meetings of the Planning Commission and shall answer questions and render advice and assistance, but the Planning Department shall not participate in any decision of the Commission beyond the submission of a staff recommendation for each proposed action.

§ 175-168. Minutes and records.

A. Minutes required; contents. The Planning Commission shall keep minutes of all of its proceedings, which shall contain the names of the members present; a summary of all testimony, comment or evidence presented; the exhibits presented; and the decision or recommendation of the Planning Commission. The minutes shall also show the vote of each member upon each question or, if absent or failing to vote, indicating that fact.

B. Location and maintenance of public records. A permanent file of each proceeding, including applications and the minutes, shall be maintained in the office of the Planning Department and shall be a public record.

[§§ 175-169 & 175-170 RESERVED.]

ARTICLE XX
Board of Zoning Appeals

§ 175-171. Creation; membership and terms; vacancy and removal.

There is hereby created a Board of Zoning Appeals consisting of three members appointed by the County Commissioners. All members shall be residents of Caroline County. The term of office of each member is three years. Vacancies shall be filled by the County Commissioners for the unexpired term of any member whose seat becomes vacant. The members of the Board are removable for cause, upon written charges, and after public hearing before the County Commissioners.

§ 175-172. Alternate members.

The County Commissioners shall designate one alternate member for the Board of Zoning Appeals, who may sit on the Board in the absence of any member of the Board. When the alternate is absent, the County Commissioners may designate a temporary alternate.

§ 175-173. Officers.

The Board shall elect a Chairman and a Vice Chairman from among its members, each to serve for one year or until his successor is elected. In the event of a vacancy in either of said offices, a successor shall be elected to serve for the unexpired term of the vacated office. In the absence of the Chairman, the Vice Chairman shall serve as Acting Chairman. The Zoning Administrator shall serve as Executive Secretary to the Board of Zoning Appeals.

§ 175-174. Powers and duties.

The Board of Zoning Appeals shall have the power and duty to hear and decide the following:

A. Applications for special use exceptions in accordance with Article XVI of this chapter.

B. Applications for variances in accordance with Article XVII of this chapter.

C. Appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.

§ 175-175. Meetings; quorum.

A. Meetings of the Board of Zoning Appeals shall be held once each month or at the call of the Chairman and at such other times as the Board may determine.

B. Two members of the Board shall constitute a quorum.

§ 175-176. Rules of procedure.

A. The meetings of the Board of Zoning Appeals shall be open to the public, but public participation may be limited to periods during which testimony is permitted.

B. The Chairman or, in his absence, the Acting Chairman may administer oaths and may compel the attendance of witnesses.

C. The Board of Zoning Appeals may adopt, by resolution, additional rules of procedure, provided that such rules are consistent with this chapter and with applicable state enabling legislation. Such rules shall be available to the public.

§ 175-177. Minutes and records.

A. The Board of Zoning Appeals shall keep minutes of its proceedings. The minutes shall contain the exhibits presented at the hearing, a summary of all testimony or evidence presented and the decision of the Board.

B. All applications for hearings and the minutes shall be a public record.

§ 175-178. Application procedures.

A. All applications for hearings shall be made on forms approved by the Board of Zoning Appeals and shall be available from the Zoning Administrator.

B. Each application shall be signed by the applicant(s), such as an owner, tenant, contract purchaser or optionee of property involved, the protestant(s) or the agent or attorney of any of them.

C. Applications, together with all required information and fees, shall be filed with the Zoning Administrator at least 30 days prior to the meeting of the Board at which the application is to be considered.

§ 175-179. Notice of public hearing required.

A. Publication requirements. The Board shall cause a notice of public hearing to be published once each week for two successive weeks in at least one newspaper of general circulation in Caroline County.

B. Contents. The notice shall contain the name(s) of the applicant(s) and current property owner(s), a brief description sufficient to identify the property involved, a brief statement of the action requested and the date, time and place of the public hearing.

C. Scheduling requirements. The public hearing shall not be scheduled less than 10 days from the first published notice.

D. Mailing requirements. Copies of the public hearing notice shall be mailed by United States mail, first class postage prepaid, to all interested parties, as shown by the record of said proceeding on file, and to all adjoining property owners not less than 10 days before the date of the hearing. The mailed notices shall be directed to the names and addresses as shown on the most recently available quarterly Subdivision Listing for Caroline County published by the State Department of Assessments and Taxation. A copy of the public hearing notice shall also be provided to the Planning Department for possible comment and review.

E. Posting of property. At least 10 days prior to the scheduled public hearing, the Zoning Administrator shall erect a sign on the property involved. Such sign shall be erected within 25 feet of the boundary line of said land which abuts the most traveled County or state road and, if no County or state road abuts thereon, then facing in such a manner as may be most readily seen by the public. The sign shall be removed by the Zoning Administrator after the public hearing is closed or the application is withdrawn.

§ 175-180. Deliberation proceedings; decisions.

A. An affirmative vote of two members shall be required to effect any decision of the Board.

B. A member of the Board who did not attend the public hearing on an application shall not participate in the decision on said application.

C. The Board may meet in executive session when deliberating as to what its decision should be in any proceeding which has been previously fully heard and concluded before it.

D. The Board shall render its decision in open session within 45 days following the close of the public hearing.

E. All decisions shall be recorded in the minutes and shall include findings of fact based directly on the particular evidence presented to the Board, the conclusions of the Board and the reasons therefor.

F. Each decision shall also include the names of the members of the Board who voted or who were present when a vote was taken and shall indicate the manner in which each member voted.

G. A copy of each decision shall be furnished to the applicant(s), the Caroline County Planning Department and any other party to the proceeding without charge.

[§§ 175-181 THROUGH 175-185 RESERVED.]

ARTICLE XXI
Administration and Enforcement

§ 175-186. Administrative and enforcement authority designated.

It is the duty of the Zoning Administrator to **INTERPRET**, administer and ~~to~~ enforce this chapter.

§ 175-187. Zoning certificates and/or building permits.

A. Certificate and/or permit required; exception.

(1) It is unlawful to change the use, to locate or to begin the new use, erection, construction, reconstruction, extension, conversion or structural alteration of any lot or structure without first obtaining a zoning certificate and/or building permit from the Zoning Administrator. **RESIDENTIAL** accessory buildings **200**~~100~~ square feet or less **AND COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL ACCESSORY BUILDINGS 120 SQUARE FEET OR LESS** do not require a zoning certificate and/or building permit.

(2) A zoning certificate and/or building permit shall be obtained before any construction or development is undertaken within a regulated floodplain. No permit shall be issued until the proposed project has been approved by all other applicable local, state and federal authorities.

B. Application requirements.

(1) Applications generally.

(a) An application for a zoning certificate and/or building permit shall be on forms approved by the Zoning Administrator. As part of the application, the Zoning Administrator shall require such information as is necessary to ensure compliance with this chapter.

(b) No zoning certificate and/or building permit shall be issued until water supply and sewage disposal systems have been approved by the County Health Department, if applicable.

(c) No zoning certificate and/or building permit shall be issued until the proposed location and design of any driveway or drainage structures to be connected with any

County or state road right-of-way or drainage system have been approved by either the County Roads Engineer or the State Highway Administration District Engineer, whichever has jurisdiction.

(2) Applications in regulated floodplains: See Chapter 108.

C. Conditions of issuance.

(1) A zoning certificate and/or building permit issued on the basis of an approved application and/or site plan authorizes only the use, arrangement and construction set forth in such application and/or plan.

(2) This chapter does not require a change in the plans, construction or designated use of any structure or lot for which a zoning certificate and/or building permit has been approved prior to the effective date of this chapter, provided that such approved activity continues in compliance with all terms of the previously approved certificate and/or permit.

D. Inspections. Preliminary and final inspections shall be required after the issuance of a zoning certificate and/or building permit. The applicant shall notify the Zoning Administrator when the applicant is ready for each inspection. A certificate of occupancy shall be required for all new dwellings, additions to dwellings, commercial, industrial and institutional projects which require a zoning certificate and/or building permit.

E. Expiration or renewal. A zoning certificate and/or building permit shall become void one year after the date of issuance if the construction or use for which the certificate and permit was issued has not been started and has not been carried on in a diligent manner. The Zoning Administrator may renew the certificate or permit for one additional year, if the renewal is justified.

§ 175-188. Fees and collection procedures.

A. The County Commissioners shall establish a schedule of fees and a collection procedure for zoning certificates, building permits, occupancy permits, appeals, special use exceptions, variances, rezonings, certified letters and other matters pertaining to this chapter. The schedule of fees may be amended from time to time by resolution of the County Commissioners.

B. No zoning certificate and/or building permit shall be issued unless and until all fees have been paid in full, nor shall any action be taken on proceedings before the Board of Zoning Appeals or the Planning Commission unless or until preliminary fees have been paid in full.

§ 175-189. Notification of violation and time limit for correction; noncompliance.

The Zoning Administrator or his duly authorized agents have the right to enter and inspect any structure or land in order to verify that the structure or land complies with the provisions of this chapter. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the Zoning Administrator shall notify, by certified mail, the property owner and/or person responsible for such violation. The notice shall indicate the nature of the violation and order the action necessary to correct it within a reasonable length of time. If, at the conclusion of said reasonable length of time, the violation has not been satisfactorily corrected in the judgment of the Zoning Administrator, the Zoning Administrator shall order and seek appropriate action to bring about the correction of such violation.

§ 175-190. Complaints regarding violations; filing and investigation.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may report the violation, either verbally or in writing, to the Zoning Administrator. Complaints shall be filed immediately in a permanent file by the Zoning Administrator, who shall then immediately investigate and take action as provided by this chapter.

§ 175-191. Violations and penalties.

A. A violation of the provisions of the Zoning Chapter or its requirements shall be considered a civil infraction subject to a Class A civil fine under Chapter 92. The Zoning Administrator or the Zoning Administrator's designee is authorized and directed to enforce this provision through the procedures set forth in the Land Use Article, Annotated Code of Maryland, as amended. The Zoning Administrator or the Zoning Administrator's duly authorized agent shall deliver a civil citation, by personal service or certified mail, to a person believed to be committing a violation of this chapter. If reasonable attempts at delivery through personal service or certified mail have failed, or if the Zoning Administrator has reason to believe that a person believed to be committing a zoning violation has purposely sought to evade reasonable attempts at delivery, the Zoning Administrator may effect delivery through posting a notice of the zoning violation, together with a copy of the civil citation, in a conspicuous location on the subject property. "Reasonable attempts" at delivery shall include more than one attempt at delivery through personal service, more than one attempt at delivery through certified mail or at least one attempt at delivery through personal service and at least one attempt at delivery through certified mail.

B. In addition to the civil penalty under Subsection A, any person who violates the provisions of this chapter or fails to comply with any of its requirements shall be guilty of a misdemeanor, upon conviction, and may be fined not more than $500 or be imprisoned for not more than 30 days, or both.

C. Each and every day such violation occurs or continues may be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof or any person who commits, participates in, assists or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

D. The County Commissioners may authorize the County Attorney, the Attorney for the Planning Commission or any other designated attorney to prosecute any violation of this chapter.

E. If a person is found by the District Court to have committed a civil zoning violation, the person shall be liable for the cost of the proceedings in the District Court.

F. The imposition of a fine or penalty for any violation of this chapter shall not excuse the violation or permit such violation to continue, and all such violations shall be corrected within a reasonable time.

G. The Zoning Administrator may issue a stop-work order against a person who violates a provision of this chapter or any approval granted under this chapter.

§ 175-192. Prevention or abatement of violations by interested parties authorized.

The County Commissioners, the County Attorney, the Board of Zoning Appeals, the Planning Commission or any property owner who would be specifically damaged by a violation is an interested party and may take appropriate legal action to prevent or abate a violation of this chapter.

§ 175-193. Appeals.

Any person aggrieved by any decision of the Board of Zoning Appeals, Planning Commission or County Commissioners may appeal the same to the Circuit Court of Caroline County within 30 days of the notification of the decision.

[§§ 175-194 &175-195 RESERVED.]

ARTICLE XXII
Amendment Procedures

§ 175-196. Amendments authorized.

This chapter or the Official Zoning District Maps may from time to time be amended, supplanted, modified or repealed through text amendments, rezonings by application and comprehensive rezonings.

§ 175-197. Text amendments.

A. Initiation. Proposed Zoning Ordinance text amendments may be submitted to the Planning Commission for review by any citizen, organization, governmental agency or by the Planning Commission on its own initiative.

B. Public hearing required. Before any text amendment can be adopted, a duly advertised public hearing shall be held by both the Planning Commission and the County Commissioners as prescribed by 175-167 of this chapter.

C. Public hearing notice. The public hearing notice shall contain at least a fair summary of the proposed text amendment and the date, time and place of the public hearing.

§ 175-198. Rezonings by application.

A. Application procedure. Rezoning applications shall be submitted on forms obtained from the Zoning Administrator. Each application shall be signed by the property owner(s), a duly authorized agent or by any other person(s) with a contractual or proprietary interest in real property covered by the rezoning application. The completed application, together with all required information and fees, shall be filed with the Zoning Administrator, who shall review the application for adequacy and forward it to the County Planner. The County Planner, upon receipt of a properly completed application, shall schedule a public hearing before the Planning Commission within 60 days and publish the required public hearing notices.

B. Public hearing required. Before any rezoning by application can be adopted, a duly advertised public hearing shall be held by both the Planning Commission and the County Commissioners as prescribed in § 175-167 of this chapter.

C. Public hearing notice. The notice shall contain the name(s) of the applicant(s) and current property owner(s), a brief description sufficient to identify the property involved, the current and proposed

zoning district classifications and the date, time and place of the public hearing. No fees shall be refunded if a rezoning application is withdrawn after publication of the public hearing notice.

D. Posting of property. At least 14 days prior to the scheduled public hearing, the Zoning Administrator shall erect a sign on the land proposed to be rezoned. Such sign shall be erected within 25 feet of the boundary line of said land which abuts the most traveled County or state road, and if no County or state road abuts thereon, then such sign shall be erected to face in such a manner as may be most readily seen by the public. The sign shall be removed by the Zoning Administrator after a decision is made by the County Commissioners or the application is withdrawn.

E. Notification of interested parties and adjoining property owners. The County Planner shall mail copies of the public hearing notice by United States mail, first class postage prepaid, to all interested parties, as shown by the record of said proceeding on file, and to all adjoining property owners not less than 10 days before the date of the hearing. The mailed notices shall be directed to the names and addresses as shown on the most recently available quarterly Subdivision Listing for Caroline County published by the State Department of Assessments and Taxation.

F. Reapplication after denial. An application for rezoning shall not be accepted for any part of a property for which the County Commissioners have denied a rezoning application on merit within the previous 12 months.

G. Change or mistake rule. The County Commissioners may grant a rezoning by application based upon a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning district classification, and that a change in zoning district classification will be more desirable in terms of the objectives of the Comprehensive Plan. The County Commissioners shall also make a finding of what area reasonably constitutes the neighborhood of the subject property.

H. Basis for denial. Even if the County Commissioners find that there has been a change or mistake and that the application complies with all of the specific requirements of this chapter, they may deny the application for rezoning upon a finding that the proposed rezoning and possible resulting development would not be compatible with neighboring land uses or with the purposes and intent of this chapter or the Comprehensive Plan.

§ 175-199. Comprehensive rezonings.

A. Initiation. Comprehensive rezonings may be initiated only by the Planning Commission.

B. Public hearing required. A duly advertised public hearing shall be held by both the Planning Commission and the County Commissioners as prescribed by § 175-167 of this chapter.

C. Public hearing notice. The public hearing notice shall contain a brief description sufficient to identify the property involved, the current and proposed zoning district classifications and the date, time and place of the public hearing.

D. Posting of property; notification of adjoining property owners. Posting of property and notification of neighboring property owners shall not be required.

E. Notification of property owners within area of rezoning. The County Planner shall mail copies of the public hearing notice by United States mail, first class postage prepaid, to all owners of property located within the area proposed for rezoning. The mailed notices shall be directed to the names and addresses as shown on the current real property tax records for Caroline County.

F. Change or mistake rule. A comprehensive rezoning is not subject to the change or mistake rule.

§ 175-200. Additional rules for all rezonings.

A. Recommendation of Planning Commission. Within ~~45~~**60** days after the close of the public hearing, the Planning Commission shall recommend either approval or rejection of the proposed text amendment or rezoning and shall forward its recommendation to the County Commissioners.

B. Decision of County Commissioners.

(1) Within ~~30~~**60** days from the receipt of the Planning Commission's recommendation, the County Commissioners shall hold a duly advertised public hearing as prescribed by § 175-167 of this chapter on the proposed text amendment or rezoning.

(2) The County Commissioners shall not approve a rezoning to a different zoning district or for a greater area than that applied for. An application may be approved for a smaller area than that applied for if the rezoning of such smaller area is supported by the evidence or record and if such smaller area is accurately delineated in the record.

(3) The decision of the County Commissioners shall be rendered within 30 days after the close of the public hearing.

C. Findings of fact. Prior to a decision on any proposed rezoning, the County Commissioners shall make findings of fact, 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 for the area and compatibility with the Comprehensive Plan. In addition, the County Commissioners shall make a finding of fact on the recommendation of the Planning Commission.

§ 175-201. Additional restrictions, conditions or limitations upon rezoning approvals.

A. Restrictions, conditions or limitations generally. The County Commissioners, upon the approval of any rezoning by application, may impose such additional restrictions, conditions or limitations as they deem appropriate to preserve, improve or protect the general character and design of the land and improvements being rezoned or of the surrounding or adjacent land and improvements and may 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 to assure conformity with the intent and purpose of this chapter. Conditions imposed shall not prohibit any use expressly permitted in the zoning district to which the land is rezoned.

B. Specification of dates; compliance with certain requirements.

(1) The County Commissioners, upon the approval of any rezoning by application, may specify dates prior to which the applicant shall comply with the following actions, or the rezoning of the property shall be void and shall revert to its prior zoning district classification:

(a) Submit a site plan to the Zoning Administrator for review and approval;

(b) Apply for zoning certificates and/or building permits for structures comprising a substantial portion of the improvements; and/or

(c) Substantially complete construction in accordance with such zoning certificates and/or building permits.

(2) The Planning Commission may extend the dates specified under Subsection B(1) of this section for up to one year upon petition by the applicant and upon a showing of good faith effort by the applicant to meet the specified dates.

C. Enforcement authority designated. The Zoning Administrator shall monitor and enforce any conditions imposed by the County Commissioners under this section and shall make inspections of the property as necessary for the purpose of determining compliance with any such conditions.

D. Public hearing notice requirements. In addition to the general public hearing notice requirements, the public hearing notice for the County Commissioners shall include a summary of any conditions sought to be imposed on the rezoning. If the County Commissioners substantially alter these conditions or impose new conditions not previously noticed, they shall not take final action on the rezoning until after a summary of the altered or new conditions is published and all interested parties have been provided an opportunity to comment.

[§§175-202 THROUGH 175-205 RESERVED.]

ARTICLE XXIII

Development Rights and Responsibilities Agreements

§ 175-206. Exercise of authority.

The County Commissioners of Caroline County shall have the authority, to be exercised at their discretion, to act as the governing body and the public principal to consummate, amend and/or terminate development rights and responsibilities agreements ("DRRAs") as authorized under Title 7, Subtitle 3 of the Land Use Article, of the Annotated Code of Maryland. In addition, the County Commissioners, at their discretion, shall have the authority to be a party to a DRRA between a developer and another local government within the County or between a developer and another governmental entity that affects property within the County.

§ 175-207. Purpose for exercising authority.

The purpose for consummating a DRRA is:

A. For the developer. So that the developer can, through execution of a DRRA, establish for the duration of the DRRA the zoning and subdivision laws, regulations and requirements applicable to a proposed development thereby assuring, for the duration of the DRRA, that the laws, regulations, and requirements applicable to the proposed development will not be revised, altered, amended or otherwise changed, except as provided in this Article XXIII; to state the approvals required for the

proposed development that have been conferred prior to the execution of the DRRA; and to assure that such approvals will not be revoked, except as provided in this Article XXIII.

B. For the County. To obtain agreements from a developer to make or do some or all of the following:

(1) Dedications of land to public use and/or to the government or public entities; and/or

(2) Construction and/or financing of on-site and off-site infrastructure improvements; and/or

(3) Payments to the County and other public entities for public services and improvements; and/or

(4) Improvements to public lands; and/or

(5) Preservation of agricultural, natural, environmental, and/or heritage resources; and/or

(6) A binding commitment that development will proceed in accordance with plans and schedules submitted in conjunction with the DRRA; and/or

(7) Such other matters as may be determined by the County Commissioners as are permitted by applicable law.

§ 175-208. Limitations on DRRA.

A. A DRRA may not confer a right to develop contrary to or in derogation of the applicable laws in effect at the time the DRRA is executed.

B. A DRRA may not excuse a developer from obtaining any special use exception or variance otherwise required under the Zoning Code, or any other approval required by law.

§ 175-209. Applicability.

A. Any person having a legal or equitable interest in real property located within the unincorporated areas of the County may petition the County Commissioners to enter into an agreement pertaining to the development of that property.

B. The County Commissioners, in accordance with this Article XXIII of the Zoning Code, may execute a DRRA with a person described in § 175-209.A of this Article.

C. The County Commissioners may include a federal, state, or local government jurisdiction or unit thereof as an additional party to a DRRA.

§ 175-210. Contents of DRRA.

A. At a minimum, a DRRA shall contain the following:

(1) A legal description of the real property subject to the DRRA;

(2) A certification that the person petitioning for the DRRA has either a legal or equitable interest in the property, together with a copy of the deed to the property which will be

subject to the DRRA and, where applicable, a copy of the contract of purchase or sale, or other document that reflects the nature of the equitable interest of the petitioner in the property;

(3) The name, address, and contact information of each person having any legal or equitable interest in the real property subject to the DRRA. Information regarding an entity shall include the name of its president or chief executive officer, its state of organization, the address of its principal office, the name, address, and contact information of the person within Maryland who will accept service of process, a certificate of good standing from the entity's state of organization, and documentation verifying registration with the Maryland Department of Assessments and Taxation;

(4) The duration of the DRRA;

(5) The zoning district(s) and current land use(s) in which the real property subject to the DRRA is located and the permissible uses in such zoning district(s) under the Zoning Code in effect at time of execution of the DRRA;

(6) The density and intensity of use of the real property permitted under the applicable zoning requirements, or, if the developer has agreed to a plan of development that is less dense or intense than that permitted under the Zoning Code, the density and intensity to which the developer has agreed;

(7) The maximum height and size of the structures and buildings permitted under the applicable zoning requirements, or, if the developer has agreed to a plan of development that calls for structures and buildings of less height or size than that permitted under the Zoning Code, the height and size to which the developer has agreed;

(8) All plan approvals, special use exceptions, variances and/or other permits or approvals issued or conferred prior to the execution of the DRRA shall be attached to the DRRA, and the DRRA shall state all other plan approvals, special use exceptions, conditional uses, or variances required prior to commencement of development;

(9) An official resolution of the Planning Commission stating whether the development proposed by the DRRA is consistent with Caroline County plans and policies, which, for all purposes of this Article XXIII include, but are not limited to, the Comprehensive Plan, the Land Use Plan, the Water and Sewer Plan, Groundwater Protection Plan, the Transportation Plan, the Critical Area Plan, and the Solid Waste Plan, and with any other applicable development laws or regulations. The Planning Commission may include whatever conditions, or development requirements or limitations it deems necessary or appropriate to achieve compliance and consistency for the proposed development with Caroline County plans and policies or any other applicable development laws or regulations;

(10) A description of the conditions, terms, restrictions or other requirements determined by the County Commissioners to be necessary to ensure the public health, safety and welfare;

(11) To the extent necessary or appropriate for the transactions and agreements contemplated in the DRRA, provisions for bonding or other forms of security guaranteeing the performance of the DRRA, including provisions concerning bankruptcy, default, dissolution, and other events of nonperformance or inadequate performance; and

(12) To the extent applicable to the proposed development project, provisions for:

(a) Dedication of a portion of the real property for public use;

(b) Protection of sensitive areas and/or environmental resources;

(c) Preservation and restoration of historic structures and/or heritage resources;

(d) Preservation of agricultural and/or natural resources;

(e) Construction or financing of public facilities; and

(f) A map of the subject property with all applicable information available under the County's mapping system including sensitive areas, environmental resources, heritage resources, and other relevant and valuable data layers.

B. A DRRA may fix the time frame and terms for development and construction to commence and be completed, as well as provide for other matters consistent with this title, including the phasing of development in such a manner that public facilities and services may be provided in an orderly and sequential fashion.

C. A DRRA may include such other terms and conditions not inconsistent with Title 7, Subtitle 3 of the Land Use Article of the Annotated Code of Maryland, as from time to time amended.

§ 175-211. Submittal to Planning Commission for review, public hearing and findings.

A. Application. A developer shall apply for a DRRA on an application provided by the Department of Planning and Codes Administration, and shall submit a completed application to the Department. The County Commissioners, by resolution, may establish a fee structure for review of an application that has the following components:

(1) A base review fee;

(2) Reimbursement for all expenses incurred by the County to retain independent consultants with the expertise necessary to review any submittals relative to the application, or to review determinations of the infrastructure issues attendant with the proposed development, or to review or analyze any aspect of the proposed development the review of which is not customarily included in the fees routinely charged by the County in connection with development plan review and processes;

(3) Payment of additional fees based on the size (number of acres) of the proposed development; and

(4) Reimbursement of any legal fees incurred by the County for review of the application and the proposed DRRA.

B. Public hearing. After the application is determined to be sufficiently complete by the Planning and Codes Administrator and a draft DRRA is ready for review by the Planning Commission, the Planning Commission shall hold a public hearing to determine whether or not the proposed DRRA

is consistent with County plans and policies and with any other applicable development laws or regulations.

C. Notice of public hearing. The developer shall pay for advertisement of the public hearing before the Planning Commission. Notice of the public hearing shall be made by the Planning Commission in accordance with §§ 175-166 and 175-167.

D. Determination of the Planning Commission. The Planning Commission shall make specific findings within 60 days after completing a public hearing on the application. The Planning Commission may find the application and the proposed DRRA consistent or inconsistent with County plans and policies. The Planning Commission may recommend conditions, or development requirements or limitations that it deems necessary or appropriate to make the development plan consistent with County plans and policies. The County Commissioners may not enter into a DRRA unless the Planning Commission makes a determination as to whether or not the proposed DRRA is consistent with County plans and policies.

§ 175-212. Public hearing by County Commissioners.

A. Requirement of public hearing. The County Commissioners shall hold a public hearing on a proposed DRRA before executing such DRRA. This public hearing shall be held after the determination made by the Planning Commission pursuant to § 175-211.

B. Notice of public hearing. The County Commissioners shall hold a public hearing on the proposed DRRA, such hearing to be held in accordance with the County's regular procedures for advertising and conducting public hearings for ordinances.

C. Determination of the County Commissioners. The County Commissioners may accept or reject the consistency determination of the Planning Commission. The County Commissioners may enter into a DRRA regardless of the consistency determinations made by the Planning Commission. The County Commissioners may reject, and/or impose additional or different conditions, requirements or limitations than those recommended by the Planning Commission, if any.

§ 175-213~~124~~. Amendment of existing DRRA.

A. Right to amend. Subject to Subsection B of this section, and after a public hearing conducted by the County Commissioners in accordance with § 175-212.B, the parties to a DRRA may amend the DRRA by mutual consent. An amendment may not excuse compliance with all applicable laws and regulations in effect at the time of the execution of the DRRA, unless the reason for the amendment is to bring a previously approved plan into conformity with the current requirements of the Zoning Code, Subdivision Regulations and/or any other currently applicable development laws, regulations or requirements. An amendment may not grant or confer a right to develop that otherwise would have to be conferred by way of the special use exception, conditional use, or variance process.

B. Planning Commission consistency determination required. The parties may not amend a DRRA unless the Planning Commission determines that the proposed amendment is consistent with County plans and policies. The amendment may be consistent either with County plans and policies in effect at the time the DRRA was executed, or County plans and policies in effect at the time of the proposed amendment.

C. Notice of Planning Commission hearing. The petitioner shall pay for advertisement of the public hearing before the Planning Commission. Notice of the public hearing shall be made by the Planning Commission in accordance with §§ 175-166 and 175-167.

D. Determination of the Planning Commission. The Planning Commission shall make specific findings within 60 days after completing a public hearing on the proposed amendment. The Planning Commission may find the proposed amendment to the DRRA consistent or inconsistent with County plans and policies. The Planning Commission may recommend conditions or development requirements or limitations that it deems necessary or appropriate to make the proposed amendment consistent with County plans and policies. The County Commissioners may not enter into an amendment unless the Planning Commission determines the proposed amendment is consistent with County plans and policies.

§ 175-214. Termination of DRRA; suspension.

A. The parties to a DRRA may terminate the DRRA by mutual consent.

B. If the County Commissioners determine that suspension or termination of a DRRA is essential to ensure the public health, safety, or welfare, the County Commissioners may suspend or terminate such DRRA after a public hearing. Such public hearing shall be held in accordance with the County's regular procedures for advertising and conducting public hearings for ordinances.

C. A DRRA shall be void five years after the date on which the parties execute the DRRA unless:

(1) Otherwise established in accordance with the terms of the DRRA; or

(2) Extended by an amendment pursuant to § 175-213.

§ 175-215. Applicable laws, regulations and policies.

A. Except as provided in Subsection B of this section, the laws, rules, regulations and policies governing the use, density, or intensity of the real property subject to the DRRA shall be the laws, rules, regulations and policies in force at the time of DRRA execution.

B. If the County Commissioners determine that compliance with the laws, rules, regulations, and policies enacted or adopted after the effective date of the DRRA is essential to ensure the health, safety, or welfare of the residents of all or a part of Caroline County, a DRRA may not prevent Caroline County from requiring a person to comply with those laws, rules, regulations, and policies, including, but not limited to, a party to such DRRA.

§ 175-216. Recording.

A. A DRRA that is not recorded in the land records of Caroline County within 20 days after the day on which the parties execute the DRRA is void.

B. The parties to a DRRA, and their successors in interest, are bound to the DRRA after the DRRA is recorded.

§ 175-217. Enforcement by interested parties.

Unless terminated under § 175-214, the County Commissioners or the petitioner, and their successors in interest, may enforce a DRRA.

§ 175-218. through § 175-225. (Reserved)

ARTICLE XXIV
Gun Club Activities

§ 175-226. Prohibition locations.

Except as provided elsewhere in this Article XXIV, gun club activities shall not be permitted in the VC, VN, R-1, R-2, R-3, and TDR Zoning Districts. This § 175-226 does not apply to land in the R Zoning District unless in a TDR area.

§ 175-227. Property owners excepted in certain districts.

A. In the R-1 Zoning District and in the TDR receiving area (to the extent not rezoned to R-2 or R-3), property owners and tenants for whom a subject property is the primary, day-to-day full-time residence, together with their relatives, shall be permitted to conduct or participate in gun club activities on a subject property. For purposes of the Article XXIV, "relative" shall mean a person related by blood, marriage, or adoption.

B. Property owners and tenants otherwise eligible to conduct or participate in gun club activities pursuant to § 175-227.A on a property shall be permitted to include nonrelatives in such activities between the hours of 11:00 a.m. and sunset on not more than two days per calendar month per property and not per number of owners or tenants; provided that the property owner or tenant, as the case may be, must be on the premises at all such times; provided, however, that the property owner or tenant shall be individuals and not an entity or association of any type, including, but not limited to, a corporation, partnership of any type, limited liability company, trust, nonprofit corporation, nonstock corporation, or group of persons.

C. Upon a third violation of § 175-227.B, the property owner and tenants shall no longer have the benefit of the exceptions provided in § 175-227.

§ 175-228. Special events excepted for nonprofit entities.

The Director of the Department may issue up to four special event permits per year to nonprofit entities to conduct gun club activities and related events in the R-1 Zoning District, provided that the Director is satisfied the appropriate safety precautions are taken and that the event will not cause an undue hardship on surrounding properties. A denial of such a permit may be appealed to the Board of Zoning Appeals as provided for in this chapter. No more than four such events shall be permitted on any specific property in any year.

§ 175-229. Compliance with other rules and regulations.

Notwithstanding any provision of this Article XXIV, all gun club activities shall be conducted in accordance with all other applicable federal, state and local laws, rules and regulations.

§ 175-230. Preexisting activities grandfathered.

Notwithstanding the prohibition of § 175-226, gun club activities conducted by a bona-fide club or entity on a specific site in continuous operation for a period of 10 years preceding October 14, 2009, shall be excluded from the operation of this Article XXIV; provide, however, that such operations shall be otherwise subject to all applicable laws, rules, and regulations, including rules generally applicable to grandfathered or nonconforming uses.

§ 175-231. Violations and penalties.

A violation of this Article XXIV shall constitute a Class A violation under Chapter 92 of the Code, as from time to time amended.

SECTION 2. Matter deleted is noted by ~~strikethrough~~. Matter added is noted by **BOLD CAPITALIZATION.**

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. the Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code") in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 7. This Bill shall take effect on _____, 2014.

Enacted this _____ day of_____, 2014.

ATTEST:

_____

Sara B. Visintainer, Chief of Staff

(SEAL)

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

_____

Jefferson L. Ghrist, President

_____

Larry C. Porter, Vice President

_____

Wilbur Levengood, Jr., Member

Table of Parking Regulations[1]

USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL USES	
Accessory Dwelling Unit	1 space per dwelling unit
One- and Two-Family Dwellings	2 spaces per dwelling unit
Multi-Family Dwellings	2 or more bedrooms: 2 spaces per unit; 1 bedroom: 1.5 spaces per unit
Mobile Home Park	2 spaces per dwelling unit
Group Homes or Domiciliary Care Homes	1 for each bedroom plus one space for each employee
Nursing or Convalescent Homes	2 spaces per patient bed
Boardinghouses	1 space for each rental room
INSTITUTIONAL USES	
Commercial, Trade or Business Schools	1 space per 300 square feet of floor area
Pre-school, Elementary or Middle Schools	3 spaces per classroom plus 5 spaces for visitors
Secondary or High School	6 spaces per classroom plus 10 spaces for visitors
Colleges or Universities	12 spaces per classroom plus 20 spaces for visitors
Religious Assembly, Auditoriums/Assembly Halls	1 for every 3 seats based on maximum capacity
Libraries or Museums	1 for each 150 square feet of floor area
Hospitals	3 spaces for each bed
Group Day Care Center or Nurseries	1 space per 250 square feet of floor area plus 1 dedicated passenger loading space per 600 square feet of floor area
RECREATIONAL USES	
Amusement Parks	10 spaces for each ride or activity
Arenas, Stadiums, Racetracks, Fairgrounds and Concert Facilities	1 space for every 3 seats plus 1 space for every 10 persons in designated standing areas
Bowling Alley	8 spaces per lane
Private Clubs, Lodges or Country Clubs	1 space per 300 square feet of gross floor area
Public or Private Golf Courses	4 spaces per tee
Swimming Pools	1 space per each 4 persons allowed by maximum design capacity
Tennis Courts	4 spaces for each court
Other Indoor & Outdoor Commercial Amusements	1 space for every 150 square feet of floor area
MOTOR VEHICLE AND RELATED USES	
Automobile Repair and Service Facilities	1 space for every 500 square feet of floor area
Automobile Sales Show Rooms or Rental Agencies	1 space for every 500 square feet of floor area plus adequate space for rental or sales vehicles
Automobile Gasoline Stations	1 space for each 400 square feet of floor area
Automobile Gasoline Stations with Convenience Stores and/or Food Service/Restaurants	1 space for every 100 square feet plus 1 space for every 5 restaurant seats
Other Motor Vehicle and Travel Related Uses	1 for every 300 square feet of floor area

Table of Parking Regulations[1]

COMMERCIAL USES	
Airports and Landing Fields	1 space per 200 square feet of gross floor area
Auction House	1 space per 1.5 patrons based on maximum capacity, plus 1 space per employee
Banks	1 space per 300 square feet of floor area plus 5 waiting spaces for each drive-in lane
Building Supply and Lumber Yards with Outside Storage	1 space per 300 square feet of floor area
Farm Equipment Service and Repairs	1 space per 500 square feet of floor area
Farm Machinery and Supplies Sales	1 space per 300 square feet of floor area
Farmers Market	1 space per 200 square feet of display and sales area
Fishery Activity Facilities	1 space per 400 square feet of gross floor area of processing and wholesale sales area plus 1 space per 200 square feet of gross floor area of retail sales area
Funeral Services or Crematories	1 space per 10 square feet of viewing room
Hotel, Motel, Bed & Breakfast, Country Inn, Conference Center, Banquet Facility	1 space for each rental room plus 1 space for each 5 rooms for employee parking plus 1 for each 150 square feet of floor area used for assembly, meeting space, exhibit space, banquet facility, convention facility or restaurant space
Kennel, Commercial	1 space per 200 square feet of gross floor area
Marinas or Yacht Clubs	0.5 for each boat slip or mooring
Offices	1 space per 300 square feet of gross floor area
Personal Service Shops – Beauty Salons, Barber Shops, Nail Salons, Dry Cleaning, Laundry, Tailor, Dressmaker	1 space per 250 square feet of floor area
Produce Stand	1 space per 120 square feet of display and sales area
Restaurants, Bars and Night Clubs	1 space per 100 square feet of gross floor area
Restaurant with Drive-In Facilities	1 space per 75 square feet of gross floor area plus 5 waiting spaces per drive-in window
Sales, Retail	1 space per 200 square feet of gross floor area
Services, General	1 space per 300 square feet of gross floor area
Services, Professional	1 space per 150 square feet of gross floor area
Studios for Instruction in Art, Music, Dance, Drama, Crafts or Physical Education	1 space per employee plus 1 space per 300 square feet of gross floor area
Retail Greenhouses, Nurseries, Landscaping and Plant Sales	1 space per 200 square feet of gross floor area
Wholesale Greenhouses, Nurseries, Landscaping and Plant Sales	1 space per 400 square feet of gross floor area
Warehouse, Mini-Storage	1 space per 2,000 square feet of gross floor area
Veterinary Offices, Clinics and Hospitals	1 space for every 200 square feet of floor area, excluding overnight rooms for animals

Table of Parking Regulations[1]

INDUSTRIAL USES	
Flammable Liquid Storage, Wholesale Distribution, and Resale	1 space per employee or 1 space per 500 square feet of gross floor area, whichever is greater
Manufacturing, Assembly & Repair, Mill, Packaging Plants, Printing & Publishing Facilities, Research & Development, Testing, Product Development	1 space per 300 square feet of floor area
Salvage or Junkyard	1 space for every 2 employees plus 1 space for every 1,000 square feet of covered floor area devoted to the storage or sale of parts
Sawmills	1 space per employee
Warehousing & Distribution Facility	1 space per 1,000 square feet of floor area

NOTES:

[1]Other parking regulations for specific uses may be found elsewhere in this chapter.

[2]Where fractional parking space requirements result, the spaces required shall be the next highest whole number.

Table of Permitted and Regulated Signs
(Part 1)

Type of Sign	Maximum Number Allowed Per Use	Maximum Sign Area Allowed (square feet)	Maximum Height (feet)	Illumination Permitted	Permit Required	Time Limit	Zoning Districts Allowed
ON-PREMISES							
Name and address of occupant, owner or property	1	3	6	No	No	None	All
Place; identification of a residential development, public facility, historic facility, farm, agricultural district, etc.	1	16	6	Yes	No	None	All
Institutional: club, school, library, church, firehouse, nursing home, cemetery, etc., identifcation or bulletin board	1	32	8	Yes	No	None	All
Home occupation identification	1	~~3~~ 6	6	No	No	None	All
Public interest: cautionary messages, including "No Hunting", "No Trespassing" etc., or informational messages, including "Exit," "Parking" etc.	No limit	2 each	8	No	No	None	All
Construction site: identification of architect, engineer and/or contractor[1]	1	32	8	No	No	Project completion or abandonment	All

NOTES:

[a]Or the height of the building, whichever is greater.

[b]Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type.

[c]Requires special use exception form Board of Zoning Appeals.

[d]Signs located on a building window are not included when determining maximum number or sign area allowed.

Table of Permitted and Regulated Signs
(Part 2)

Type of Sign	Maximum Number Allowed Per Use	Maximum Sign Area Allowed (square feet)	Maximum Height (feet)	Illumination Permitted	Permit Required	Time Limit	Zoning Districts Allowed
Garage or yard sales, ~~roadside~~ **PRODUCE** stands	2	6 each	6	No	No	Coincident with use	All
Agricultural products produced on the premises	1	32	8	No	No	None	All
Legal notices, official traffic signs	No limit	None	None	No	No	None	All
Real estate sale, lease or rental	1 per road frontage	6 each	4	No	No	None	All
	1 per road frontage	32 each	8	Yes	No	None	R, ~~HC~~, C-1, C-2, I-2
Special event: advertising of special ~~civic or cultural~~ events sponsored by **A PUBLIC AGENCY**, governmental, club or charitable organization	2	32	6	Yes	No	30 days per event	All
Special and new business sales promotional displays [d]	[b]	32	25[a]	Yes	No	30 days per event	All, where such sales are permitted

NOTES:

[a]Or the height of the building, whichever is greater.

[b]Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type.

[c]Requires special use exception form Board of Zoning Appeals.

[d]Signs located on a building window are not included when determining maximum number or sign area allowed.

Table of Permitted and Regulated Signs
(Part 3)

Type of Sign	Maximum Number Allowed Per Use	Maximum Sign Area Allowed (square feet)	Maximum Height (feet)	Illumination Permitted	Permit Required	Time Limit	Zoning Districts Allowed
Special decorative holiday displays	None	None	25[a]	Yes	No	60 days per year	All
Permitted business, commmercial and industrial establishments, except home occupations[d]	[b]	32	25[a]	Yes	Yes	None	R
[Amended 3-3-1998 BY Ord. No. 98-003]	[b]	16	25[a]	Yes	Yes	None	R-1,R-2,~~R-3~~
	[b]	100	25[a]	Yes	Yes	None	VC, VN
	[b]	200	25[a]	Yes	Yes	None	C-1
	[b]	400	25[a]	Yes	Yes	None	~~HC~~, I-2, C-2
OFF - PREMISES							
General advertising	~~1~~ 2	~~16~~ 32	8	No	Yes[E]	None	~~OS~~, R, R-1, R-2, ~~R-3~~
	~~1~~ 2	~~16~~ 32	8	No	Yes	None	~~HC~~, C-1, C-2, I-2 VC, VN
BYWAY[E]	E	E	E	**NO**	**YES**	**NONE**	**ALL**
PUBLIC SERVICE	**2**	**60**	**8**	**YES**	**YES**	**NONE**	**ALL**
Special event: advertising of special ~~civic or cultural~~ events sponsored by **A PUBLIC AGENCY**, governmental, club or charitable organization[d]	1	32	8	Yes	No	30 days per event	**ALL** ~~HC, C-1, C-2, I-2~~

NOTES:

[a]Or the height of the building, whichever is greater.

[b]Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type.

[c]Requires special use exception form Board of Zoning Appeals.

[d]Signs located on a building window are not included when determining maximum number or sign area allowed.

[E]**REQUIRES APPROVAL FROM THE PLANNING COMMISSION**

Attachment 2:3

Use[1]	VC	VN	R	R-1	R-2	~~R-3~~	~~HC~~	C-1	C-2	I-2	MH	Additional Regulations[1]
AGRICULTURE												
Agricultural production[2], except	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Commercial feedlots[2]			E							P		Setback, 500 feet
Commercial swine raising			E							P		Setback, 500 feet
Commercial poultry raising		E	P	E			~~E~~	E	E	P		Setback, 200 feet
Commercial fur-bearing animal or rabbit raising	E	E	P	E			~~E~~	E	E	P		Setback, 200 feet
Agricultural tourism	P	P	P	P	P	~~P~~	~~P~~	P	P	P		
Forestry or tree farming	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Greenhouse or nurseries (wholesale)		E	P	E			~~E~~	E	S	S		Building setback, 100 feet
Greenhouse or nurseries (retail)	E		S				~~E~~	E	S			Building setback, 100 feet
Fishery activity facilities	P	E	S	E			~~S~~	S	S	S		See § 175-35
Wild game processing facilities			S				~~S~~	S	S			
Wineries	S		S				~~S~~	S	S			
ANIMAL CARE AND SERVICES												
Veterinary hospitals or clinics[2]	E	E	E	E			~~S~~	S	S			Setback, enclosed, 100 feet, open, 200 feet
Kennels, commerical[2]	E	E	E	E			~~S~~	S	S			Setback, 200 feet
Kennels, noncommercial[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Rescue and sanitary facilities		E	E	E				S	S	E		
Wildlife rehabilitation facilities		E	E	E								
Pet services	S						~~S~~	S	S			
Livestock auction or sales barns			E				~~S~~		S	S		Animal containment areas or structures setback, 200 feet
Stables, commerical or club[2]		E	S	E			~~E~~	S	S	E		Building setback, 200 feet
Stables, non commerical		P	P	P	P	~~P~~	~~P~~	P	P	P	P	
RESIDENTIAL												
Single family dwellings, detached[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	E	S	Not including mobile homes
Two-family dwellings[2]	P	E		E	P	~~P~~						Minimum lot size: 1 acre in R-1 District
Multifamily dwellings	E					~~P~~						
~~Townhouses[2]~~		~~S~~				~~P~~						~~See § 175-21~~
Group homes[2]	E	E	E	E	E	~~E~~	~~E~~	E	E		E	
Farm laborer housing			E							E		See § 175-22
Boardinghouses[2]	E	E	E	E	E	~~E~~	~~E~~	E	E			
Guesthouses[2]	E	E	E	E	E	~~E~~	~~E~~	E	E	E	S	
Accessory dwelling units	P/E	P/E	P/E	P/E	P/E	~~P/E~~	~~P/E~~	P/E	P/E	P/E		See § 175-83
Conversion of existing buildings **OR PORTIONS THEREOF to ONE-FAMILY DWELLINGS OR UNITS SHALL BE PERMITTED AS A MATTER OF RIGHT; AND CONVERSION OF EXISTING BUILDINGS OR PORTIONS THEREOF TO** two-family **DWELLINGS OR UNITS** or multifamily dwellings **OR UNITS SHALL BE PERMITTED BY SPECIAL EXCEPTION ONLY**	P	E	E	E	P/E	~~P~~	~~P/E~~	E	E	E		Existing building at least 5 years old, except in R-2 and R-3 Districts
LIVE/WORK BUILDING	P	P										**SEE § 175-8**
Dwellings for resident watchmen or caretakers employed on the premises										P		
Farm mobile homes		P/E	P/E	P/E			~~P/E~~	P/E	P/E	P/E		See §§ 175-66 and 175-72
Hardship mobile homes	E	E	E	E			~~E~~	E	E	E	E	See §§ 175-67 and 175-72
Emergency mobile homes	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	See §§ 175-69 and 175-72
Temporary mobile homes	P/E	P/E	P/E	P/E	P/E	~~P/E~~	~~P/E~~	P/E	P/E	P/E	S	See §§ 175-70 and 175-72
Multisection mobile homes on individual lots	P	P	P	P	P	~~P~~	~~P~~	P	P	E	S	See §§ 175-71A and 175-72
Other mobile homes on individual lots			P/E								S	See §§ 175-71B and 175-72
Mobile home parks[2]											S	See §§ 175-68, 175-72 and 175-14
Mobile home subdivisions[2]											S	See §§ 175-68, 175-72 and 175-14

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NOTES:

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[3] All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108

Use[1]	VC	VN	R	R-1	R-2	R-3	HG	C-1	C-2	I-2	MH	Additional Regulations[1]
COMMERCIAL RETAIL												
Lumber and other building materials dealers									S	S		
Mobile home dealers							S		S	S		
Boat dealers							S		S			
Auction houses or sales barns, no livestock							S		S	E		
Monument and memorial stones (production and sales)	S	E	S				S	S	S	S		SEE § 175-8: DEFINITION OF CEMETERY
Retail bakeries	S	E					S	S	S			
Produce stands[2]	P	E	P	E			P	P	P	P		Maximum size: 750 square feet, front setback: 15 feet
Farmers markets[2]	S		E				S	S	S			
Agricultural products or supplies sales	S		E				S	S	S	S		
Material storage yards in connections with retail sales			E				S	E	S	S		
Commerical retail, small scale	S	E						S	S			Gross floor area 3,000 square feet and under
Commercial retail, large scale								E	S			Gross floor area over 3,000 square feet
COMMERCIAL BUSINESS AND PERSONAL SERVICES												
Contractor storage yard							S	S	S	S		
Restaurants	S						S	S	S	S		
Restaurants, drive-in or fast food[2]	S						S	S	S	S		
Delicatessens	S						S	S	S			
Motels or hotels[2]							S		S			
Bed-and-breakfasts	E	E	E	E	E	E	E	E	E	E		See § 175-31
Country inns	E	E	E	E	E	E	E	E	E	E		See § 175-32
Food storage lockers								S	S	S		
Commercial, trade or business schools	E		E					S	S	S		
Funeral Services or crematories	S							S	S			
Taverns, nightclubs, lounges	E						S	S	S			
Warehouse, mini storage								E	S	S		
Material storage yards in connection with commercial business, personal services, contractors, offices, clinics, studios								S	S			
Services, Professional - includes accounting, architecture, dentistry, financial institutions, insurance, law, real estate, etc.	S	E	E	E	E	E	E	S	S			Gross floor area 4,000 square feet and under
Services, general (small scale)	S	E						S	S			Gross floor area 3,000 square feet and under See § 175-8
Services, general (large scale)									S			Gross floor area over 3,000 square feet See §175-8
Studios for instruction in art, music, dance, drama, crafts or physical education	S							S	S			
Residential trucking or service business			E									See § 175-8 and 175-45
Trucking or service business							P		P	P		See § 175-8
COMMERCIAL AMUSEMENTS												
Indoor commerical amusements, including billiards, bowling, health clubs, banquet halls, theaters, skating rinks, tennis or racquetball clubs, game arcades	E						E	E	S			
Outdoor commerical amusements, including amusement parks, drive in theaters, miniature golf, swimming pools	E		E				E	E	S			See §§ 175-24 and 175-25
Circus or carnival	E		E				E	E	S			
Zoological gardens			E						E			
Golf, driving ranges			E				E	E	S			
Golf courses		E	E	E			E	E	S			
KEY TO USE TABLES:							**NOTES:**					
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S = Permitted use subject to site plan approval. (See Article XIV.)												
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E = or							[3]	All permitted uses are required to comply with Chapter 108 of this Code if the subject property is located, in whole or in part, in a regulated floodplain area. See Chapter 108.				
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Use[1]	VC	VN	R	R-1	R-2	~~R-3~~	~~HC~~	C-1	C-2	I-2	MH	Additional Regulations[1]
COMMERCIAL AMUSEMENTS (cont'd)												
Campgrounds[2]			E				~~E~~	E	E			See § 175-23
Private clubs, lodges, country clubs[2]	S	E	E	E			~~E~~	S	S		S	
Hunting and fishing clubs without shooting ranges	S	E	P	E			~~P~~	P	P	P	S	
Archery ranges	E	E	E	E			~~E~~	E	E			
Marinas or yacht clubs	E	E	E	E			~~E~~	E	E	E	S	
Racetracks[2]			E				~~E~~	E	E			
Gun club activities			E				~~E~~	E	E			Limited activities may be permitted in the R-1 Zoning District. See Art. XXIV
COMMERCIAL WHOLESALE												
Wholesaling or warehouse establishments, small									S	S		Gross floor area 20,000 square feet and under
Wholesaling or warehouse establishments, large									S	S		Gross floor area over 20,000 square feet
Warehousing storage and wholesaling ~~or~~ OF agricultural products, supplies and commodities			E						S	S		
MOTOR VEHICLES AND RELATED SERVICES												
Motor Vehicle dealers - new or used							~~E~~		S	S		
Automobile filling stations repair or service shops[2]	E						~~E~~	S	S	S		Fuel pump setback: 20 feet
Automobile parking lot or storage garages, nonaccessory							~~E~~	E	S	S		
Temporary and/or seasonal storage and service of transient trailers, camping trailers, boats, tents or touring vans							~~E~~		S	S		
Truck filling station, repair or service shops							~~E~~		S	S		
Vehicle rental or leasing, taxi service, bus terminal							~~E~~	S	S	S		
Car wash facility							~~E~~	S	S	S		
Other motor vehicle and travel related uses							~~E~~	E	S			
Automobile auctions									E	S		
Towing service and wrecked vehicle storage							~~E~~		S	S		
INDUSTRIAL												
Truck terminals										S		See § 175-26
Tire retreading										S		See § 175-26
Salvage and junkyards[2]										S		
Bulk plants										E		See § 175-26
Fuel storage over 50,000 gallons										S		See § 175-26
Sand, gravel and mineral extraction or processing			E				~~E~~	E	E	E		See § 175-26, 175-27 and Article XIV
Sawmills, Commercial			E							S		See § 175-26
Sawmills, only for timber grown on the premises			P				~~E~~	E	E	S		See § 175-26
Agricultural & fishery products processing plants			E							S		See § 175-34
Distillation of alcohol as a fuel or fuel supplement			E							S		See § 175-26
Farm machinery and implement sales, service or repair			E				~~E~~		S	S		See § 175-26
Electric power generating facilities over 500 kilowatts										S		See § 175-26
Electric power generating facilities 500 kilowatts and under, nonaccessory			E				~~E~~	E	E	S		See § 175-26
Research and development facilities									E	S		See § 175-26

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Use[3]	VC	VN	R	R-1	R-2	~~R-3~~	HC	C-1	C-2	I-2	MH	Additional Regulations[1]
INDUSTRIAL (cont'd)												
Concrete or asphaltic concrete batching and mixing plants										S		See § 175-26 and Article XIV
Concrete and clay products manufacturing										S		See § 175-26 and Article XIV
Concrete or asphalt recycling			E							S		
Other general manufacturing assembly or light industrial plants										S		See § 175-26
All other industrial uses										E		See § 175-26
INSTITUTIONAL												
Power substations and cross-county transmission lines	E	E	E	E	E	~~E~~	~~E~~	E	E	E	E	
Railroad rights-of-way and tracks	E	E	E	E	E	~~E~~	~~E~~	E	E	P	E	
Railroad sidings, nonaccessory		S	S				~~S~~	S	S	S		
Solid waste[3]												
Collection sites[2]	E	E	E	E			~~E~~	E	E	E		
Natural wood waste[2] recycling facilities			E									See § 175-28 and Article XIV
Composting facilities[2]										E		See § 175-28 and Article XIV
Solid waste processing facilities[2]										E		See § 175-28 and Article XIV
Solid waste disposal facilities[2], including landfills, incinerators										E		See § 175-28 and Article XIV
Resource recovery facilities[2]										E		See § 175-28 and Article XIV
Water supply treatment facilities			E							E	E	Nonaccessory only
Wastewater treatment facilities			E							E	E	Nonaccessory only; See § 175-29
Fire or rescue service	S	S	S	S	S	~~S~~	~~S~~	S	S	S	S	
Public or governmental buildings AND/OR USES	P	P	P	P	P	~~P~~	~~P~~	P	P	P		
ACTIVITIES AND/OR SPECIAL EVENTS LOCATED ON PUBLIC OR GOVERNMENT PROPERTY	P	P	P	P	P	~~P~~		P	P	P		
Civic community centers or service clubs	S	E	E	E	E	~~E~~	~~S~~	S	S		S	
Museums or libraries	S	E	E	E	E	~~E~~	~~S~~	S	S			
Family day-care centers[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P	P	
Group day-care centers[2]	S	E	E	E	E	~~E~~	~~S~~	S	S	E	S	
Educational facilities[2]	S	S	S	S	S	~~S~~	~~S~~	S	S		S	
Hospitals[2]	E	E	E	E	E	~~E~~	~~S~~	S	S		S	
Nursing or convalescent homes[2]	S	E	E	E	E	~~E~~	~~S~~	S	S		S	
Domiciliary care facilities[2]	S	E	E	E	E	~~E~~	~~S~~	S	S		S	
Religious facilities[2]	P	P	P	P	P	~~P~~	~~P~~	P	P			
Public or nonprofit park and recreation areas, including tennis courts, swimming pools, athletic fields, etc.	S	S	S	S	S	~~S~~	~~S~~	S	S	S		
UNCLASSIFIED												
Accessory buildings or uses[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		See Article IX
Adult-oriented businesses										S		
Airports or landing fields[2]			E				~~E~~	E	E	E		
Cemeteries or memorial gardens		E	E	E			~~E~~	E	E	E		
Communication towers	E	E	E	E	E	~~E~~	~~E~~	E	E	E		See § 175-41
Cottage industry	E	E	S	E			~~S~~	S	S	S		See § 175-33
Docks, piers, bulkheads, boat ramps	P	P	P	P	P	~~P~~	~~P~~	P	P	P		Exempt from minimum setbacks
Essential services[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		No zoning certificate required
Garage or yard sales[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		No zoning certificate required
Home occupations[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		See § 175-30
Portable storage unit, temporary[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		
Renewable energy sources			E						E	E		**SEE § 175-8, 175-84 and 175-85**
Signs[2]	P	P	P	P	P	~~P~~	~~P~~	P	P	P		See Article XIII
Temporary structures incidental to construction operation	P/E	P/E	P/E	P/E	P/E	~~P/E~~	~~P/E~~	P/E	P/E	P/E		See § 175-36
Sewage sludge storage and mixing facilities			S							S		See § 175-37 and Article XIV
Small wind-energy systems	P	P	P	P	P	~~P~~	~~P~~	P	P	P		See § 175-8 and 175-84
SOLAR ENERGY SYSTEMS, ACCESSORY	P	P	P	P	P	~~P~~		P	P	P	P	**SEE § 175-8**
SOLAR POWER PLANT			E						E	E		**SEE § 175-8 and 175-85**
Visitor center	S						~~S~~	S	S	S		

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Table of General Design Regulations [1]

Zoning District	Minimum Depth of Front Yard (feet)	Minimum Width of Each Side Yard (feet)	Minimum Depth of Rear Yard (feet)	Maximum Height		Gross Density (lots or units per acre)	Minimum Lot Area (square feet per unit)	Minimum Width of Lot (feet)	Minimum Depth of Lot (feet)
				Feet	Stories				
VC Village Center	10	5	15	40	3	8	5,000	36	80
VN Village Neighborhood	20	10	20	40	3	4	10,000	50	100
R Rural	40	25	30	40	None	1[4]	43,560 (1 acre)	150	150
R -1 Single Family Residential	30	15	25	40	3	2	20,000	100	100
R -2 Single Family and Two-Family Residential	30	8 15	25 25	40 40	3 3	1 family: 5 2 family: 5	8,000	80	100
~~R -3 Multiple Family Residential~~	~~30~~	~~8~~ ~~15~~	~~25~~ ~~25~~	~~40~~ ~~40~~	~~3~~ ~~3~~	~~1 family: 5~~ ~~2 family: 5~~ ~~3-family: 10~~ ~~Townhouse: 1~~	~~8,000~~ ~~4,000~~ ~~3,000~~ ~~1,080~~	~~70~~ ~~40~~ ~~30~~ ~~18~~	~~100~~ ~~100~~ ~~100~~ ~~50~~
		~~See §175-21.~~							
HC Highway Commerical	50	15	30	40	3	2	20,000	100	125
C - 1 Neighborhood Commercial	50	15	30	40	3	2	20,000	100	125
C - 2 General Commercial	50	15	30	40	3	2	20,000	100	125
I -2 Light Industrial	50	25	40	50	4	1	43,560 (1 acre)	200	200
PD Planned Development[2]	40	25	30	40	3	1	43,560 (1 acre)	150	150
MH Mobile Home Park	20	None	None	40	3	6	3,200	34	90
Subdivision	30	15	25	40	3	4	10,000	70	100

NOTES:

[1]Additional specific regulations may be found elsewhere in this chapter.

See also Article IX,Accessory Structures and Uses, Article X, Yard and Area Regulations, and Article XI, Height Regulations

[2]See Article VI.

[3]See§ 175-68.

[4]See§ 175-38.