

ARTICLE 18. ZONING

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TITLE 1. DEFINITIONS

Section

18-1-101. Definitions.

§ 18-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

(1) "Accessory" means a use or structure that customarily is incidental and subordinate to another use or structure.

(2) "Adult bookstore" means a commercial establishment that has a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising from, or maintains a significant or substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

(i) books, magazines, periodicals, or other printed matter, or photographs, films, movies, videotapes, cassettes, compact discs, slides, or other visual representations that are characterized by their emphasis upon display of sexual activities; or

(ii) instruments, devices, or paraphernalia designed for use or marketed primarily for sexual activities.

For purposes of this definition, "sexual activities" means sadomasochistic abuse, sexual conduct, or sexual excitement, as those terms are defined in the Criminal Law Article, § 11-101, of the State Code.

(3) "Adult day care center" has the meaning stated in the Health-General Article, § 24-701, of the State Code.

(4) "Adult movie theater" means a commercial establishment, including an adult film arcade with display devices, that regularly and routinely offers for viewing on the premises films, videos, or similar material characterized by an emphasis upon display of sexual activities, but the term does not include a hotel, motel, or similar place of accommodation that offers such films, videos, or similar material for viewing by guests in their rooms. For purposes of this definition:

(i) "Adult film arcade" means a commercial establishment that contains display devices for viewing films, videos, or similar material in viewing booths on the premises if a significant or substantial portion of the films, videos, or similar material available for viewing is characterized by an emphasis upon display of sexual activities;

(ii) "Display device" means an electronically or mechanically controlled still or motion picture machine, film projector, videotape player, DVD player, or other image-producing device that is activated by or at the request of a customer in return for money or any other form of consideration;

(iii) "Sexual activities" means sadomasochistic abuse, sexual conduct, or sexual excitement, as those terms are defined in the Criminal Law Article, § 11-101, of the State Code; and

(iv) "Viewing booth" means an enclosed or partially enclosed area for use by customers to view films, videos, or similar material by means of a display device.

(5) "Airfield" or "airport" means a facility for the takeoff, landing, fueling, and housing of aircraft, the discharging and receiving of passengers and cargo from or to the aircraft, and the provision of shelter and conveniences for passengers.

(6) "Animal hospital" or "veterinary clinic" means a structure used by a licensed veterinarian for the practice of veterinary medicine and may include the sale of pet supplies and the boarding and grooming of animals to the extent necessary to the practice of veterinary medicine.

(7) "Antenna structure" means the rigid part of an assembly that receives or transmits radio energy and the mast or tower on which the assembly is mounted, but does not include non-rigid items such as wire, cable, transmission lines, lightning rods, guy wires, or guy wire anchors.

(8) "Arcade" means a facility with nine or more coin-operated amusement devices.

(9) "Assisted care unit" means a discrete living space within an assisted living facility intended to be occupied by individuals desiring or requiring to participate in an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code, but does not include a comprehensive care unit.

(10) “Assisted living facility” means a facility with an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code that is not a group home or a community-based assisted living facility.

(11) “Assisted living facility, community based” means a facility with an assisted living program as defined in the Health-General Article, § 19-1801, of the State Code that is not a group home and that houses no more than 16 residents other than staff.

(12) “Automobile and truck dismantling and recycling facility” means a facility that dismantles, tests, and cleans parts from inoperable motor vehicles and may include the sale of parts from dismantled motor vehicles.

(13) “Automobile gasoline station” means a facility that offers retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, or minor automobile accessories.

(14) “Banquet hall” means an establishment, not open to the public, that prepares or serves food and beverages only for ceremonial gatherings honoring guests or special occasions.

(15) “Beer” has the meaning stated in Article 2B, § 1-102(a)(3) of the State Code.

(16) “Bog” means an ecosystem consisting of peatland characterized by sphagnum mat, organic soils, or accumulated peat and soils saturated to the surface throughout the year with minimal fluctuation in water level and contiguous nontidal wetlands.

(17) “Bog protection area” means an area shown on the Bog Protection Area Guidance Map, consisting of a bog, contributing streams, a one-hundred foot upland area buffer, the limited activity area, and contributing drainage area.

(18) “Borrow pits” means areas from which soil and other natural materials are removed for use, without further processing, as fill for activities such as landscaping, building construction, or highway construction and maintenance.

(19) “BRAC Mixed Use Development” means parcels located in a C4, W1 and/or MXD zoning district which were changed to a mixed use classification in the 2009 Land Use Plan adopted as a part of the 2009 General Development Plan adopted by Bill No. 64-09 and which comprise not less than 25 acres in the aggregate. The uses permitted in a BRAC Mixed Use Development and the restrictions thereon are set forth in § 18-10-106A of this article.

(20) “Brewery” means a facility that has been issued a Class 5 manufacturer’s license under Article 2B of the State Code that produces more than 22,500 barrels of beer per year.

(21) “Brewery, craft” means a facility that has been issued a Class 5 manufacturer’s license or a Class 7 micro-brewery license under Article 2B of the State Code that produces not more than 22,500 barrels of beer per year.

(22) “Brewery, farm” means a facility that has been issued a Class 8 farm brewery license under Article 2B of the State Code that produces not more than 15,000 barrels of beer per year.

(23) “Buffer” has the meaning stated in the Natural Resources Article, § 8-1802, of the State Code and COMAR, Title 27.

(24) “Building restriction line” for a lot other than a flag lot means a line drawn parallel to the lot line at a distance equal to the required setback or to any applicable minimum width requirement, whichever is greater. “Building restriction line” for a flag lot means the line created when the following two hypothetical lines are connected: a line equal to the minimum lot

width drawn from the opening of the pipestem and continuing along the pipestem lot line and a line equal to the minimum lot width drawn from the opening of the pipestem and continuing along the lot line of the flag.

(25) “Business complex” means a development on a lot or lots under single ownership or control that combines two or more of the permitted, conditional, or special exception uses allowed in the district in which the development is located.

(26) “Child care center” has the meaning stated in the Family Law Article, § 5-570, of the State Code.

(27) “Cluster development” means a residential development that permits variation in lot sizes without an increase in overall density and that preserves open space, tree cover, and similar natural features.

(28) “Commercial telecommunication facility” means a structure, such as a tower, antenna, monopole, panel, microwave dish, or in-building wireless communication enhancement system, including accessory structures, used for the wireless electromagnetic transmission of information, but the term does not include a satellite earth station, a structure used for amateur or recreational purposes such as a ham radio or citizens band radio, or a facility owned by a public utility that is used to control the utility’s distribution systems.

(29) “Comprehensive care unit” means a room within an assisted living facility intended to be occupied by individuals requiring continuous health care services.

(30) “Conference retreat facility” means a facility with lodging, dining, and other supporting services that are used for educational or religious conclaves, seminars, or similar activities by educational, religious, fraternal, social, service, or other similar groups, but not as accommodations for the general public.

(31) “Contiguous lots” means two or more lots that share a boundary line.

(32) “Contributing drainage area” means an area shown on the Bog Protection Area Guidance Map that drains to the bog and contributing streams.

(33) “Contributing streams” means areas shown on the Bog Protection Area Guidance Map as watercourses or streams that drain into the bog.

(34) “Critical area” means all lands and waters defined in Natural Resources Article, § 8-1807, of the State Code.

(35) “Dance hall” means a facility that is open to the public or to a limited membership that does not have an alcoholic beverage license and that provides entertainment, such as music, a floor show, a stage show, or dancing.

(36) “Density” means the number of dwelling units for each acre of gross area.

(37) “Dwelling unit” means a single unit, including attached garages and decks, providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. The following variations of “dwelling” have the meanings indicated:

(i) “Dwelling, duplex” means a structure containing two dwelling units one on top of the other.

(ii) “Dwelling, multifamily” means a structure that is not a duplex, semi-detached, or townhouse structure and that contains three or more units located back to back, adjacent to each other, or one on top of the other.

(iii) “Dwelling, semi-detached” means a structure that contains two dwelling units side by side with a common wall.

(iv) “Dwelling, single-family detached” means a structure that contains one dwelling unit used as a principal dwelling and entirely separated from any other structure on all sides.

(v) “Dwelling, townhouse” means a structure that contains three or more dwelling units side by side with a common wall.

(vi) “Dwelling unit, accessory” means a second dwelling unit in an owner-occupied, single-family detached dwelling that occupies the lesser of a maximum of 1,000 square feet of floor area or one-third of the floor area of the dwelling.

(vii) “Dwelling unit, adult independent” means an independent dwelling unit where the occupied units are occupied by at least one person who is 55 years of age or older and resident minor children are prohibited.

(viii) “Dwelling unit, apartment” means a single dwelling unit in conjunction with another allowed use in the zoning district.

(ix) “Dwelling unit, abutting heavy industrial zone” means a dwelling unit approved pursuant to § 17-3-505 of this Code.

(38) “Entertainment complex” means a facility for the presentation of the performing arts, including indoor movie theaters, theaters for live performances, and indoor and outdoor concert halls, but excluding adult movie theaters.

(39) “Excavation area” means that part of a clay and borrow pit or a sand and gravel operation in which the extraction and removal of natural materials or deposits takes place.

(40) “Fabrication” means the assemblage or packaging of products or parts, predominantly using previously prepared material.

(41) “Farming” means the use of land for agricultural purposes, including agriculture, apiaries, horticulture, orchards, agricultural nurseries, viticulture, aquaculture, forestry (including silviculture), animal and poultry husbandry, and primary agricultural processing. For purposes of this definition:

(i) “aquaculture” means the farming or culturing of finfish, shellfish, other aquatic plants or animals, or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments, including hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals;

(ii) “primary agricultural processing” means the processing of an agricultural product in the course of preparing it for market, including cutting, drying, packaging, canning, milling, grinding, freezing, heating, and fermenting; and

(iii) “farming” does not include the cultivation, processing or dispensing of marijuana, as defined in the Criminal Law Article, § 5-101, of the State Code, as amended, or medical cannabis, as defined in COMAR, Title 10, Subtitle 62.

(42) “Floor area” means the sum of the gross horizontal area of all floors of a structure other than those areas used for or related to the parking of vehicles, and it is measured from the exterior faces of the exterior walls or from the center line of party walls.

(43) “Floor area ratio” means the floor area of a structure divided by the gross area of the lot on which the structure is located.

(44) “Gaming position” means a seat at a video lottery terminal.

(45) “Gross area” means the total area of a lot.

(46) “Group home” means a residential facility authorized by federal, State or local law or regulation, or licensed or supervised by a federal, State, or local agency that solely

houses persons, other than staff, with intellectual, development, or physical disabilities, or mental health issues.

(47) “Health club or spa” means a facility in which memberships in a program of physical exercise are offered, including the right to use saunas, whirlpools, weightlifting rooms, massages, steam rooms, or exercising machines.

(48) “Height” when used in reference to a structure means the vertical distance from the average height of the highest roof surface for a structure with a roof or from the highest point of a structure without a roof to the grade plane. For purposes of this definition, “grade plane” means the average of the finished ground levels between the structure and a point six feet from the structure or, if the lot line is closer than six feet from the structure, the lot line.

(49) “Heliport” means a facility for the takeoff, landing, fueling, and housing of helicopters, the discharging and receiving of passengers and cargo from or to a helicopter, and the provision of shelter and conveniences for helicopter passengers.

(50) “Homeowner’s association” means a nonprofit community association, condominium association, improvement association, or similar association that owns, leases, or has easement rights on property within a recorded subdivision.

(51) “Hospice facility” has the meaning stated in the Health-General Article, § 19-901, of the State Code and includes a facility that provides full inpatient care.

(52) “Institutional uses” means those uses that serve a recreational, social, medical, educational, or religious purpose, such as schools, nursing homes, assisted living facilities, hospitals, libraries, museums, and nonprofit charitable or philanthropic organizations.

(53) “Junk” means any kind of salvage or waste material that is not handled as recyclables or solid waste by an automobile and truck dismantling and recycling facility, recyclables recovery facility, rubble landfill, rubble processing facility, or solid waste transfer station, including old, scrap, dismantled, inoperable, or dilapidated motor vehicles or motor vehicle parts, machinery, household furniture and appliances, construction equipment and materials, tanks and drums, tires, pipes, wood, paper, metals, rags, and glass.

(54) “Junkyard” means any land or structure used for the storage, keeping, collection, salvage, sale, disassembling, wrecking, baling, maintenance, or abandonment of junk, but the term does not include an automobile and truck dismantling and recycling processing facility, recyclables recovery facility, rubble landfill, rubble processing facility, or solid waste transfer station.

(55) “Kennel, commercial” means a facility for the housing of dogs, cats, or other domesticated animals for the purpose of commercial breeding, sale, boarding, or grooming.

(56) “Land-clearing debris” means solid waste that is acceptable for disposal in a land-clearing debris landfill under State law and regulation.

(57) “Land-clearing debris landfill” means a sanitary landfill permitted under State law and regulation as a land-clearing debris landfill.

(58) “Landscaping and tree contracting” means a business engaged in providing the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, or similar services to establish, promote, or control growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape for ornamentation or other nonagricultural purpose.

(59) “Limited activity area” means the 200-foot area shown on the Bog Protection Area Guidance Map that is measured as the 300-foot area surrounding the outer edge of the bog but excluding the 100-foot upland buffer.

(60) “Lot line, front” means the boundary of a lot that abuts the road right-of-way or, for a waterfront lot, the mean high-water line.

(61) “Marina” means a facility located along the shoreline that has docks, moorings, supplies, and other services for watercraft and watercraft passengers. The following types of marinas have the meanings indicated:

(i) “Marina, commercial” means a marina for servicing, fueling, and storage of watercraft that may include covered or uncovered wet storage slips, dry storage of watercraft, and boat sales.

(ii) “Marina, community” means a marina that provides limited watercraft services in a recorded residential riparian subdivision for residents and their guests and that is located on property leased or owned by a homeowner’s association.

(62) “Mean high-water line” means the average level of high tides at a given location.

(63) “Meteorological tower” means a meteorological tower or structure designed to support the gathering of wind or solar energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, data loggers, wiring, and telemetry devices used to monitor and transmit data for over a period of time for instant or historic data.

(64) “Mobile home” has the meaning stated for “manufactured home” in §§ 11-9-101 of this Code.

(65) “Natural wood waste” means tree and other natural vegetative matter, including tree stumps, brush and limbs, root mats, logs, leaves, grass clippings, and unadulterated wood wastes.

(66) “Natural wood waste recycling facility” means a facility for the recycling of natural wood waste or for the production of compost or mulch, but the term does not include a collection or processing facility that provides recycling services solely for its own employees or for its own recyclable materials generated onsite.

(67) “Net area” means gross area minus the 100-year nontidal floodplain, steep slopes, and tidal and nontidal wetlands.

(68) “Net density” means the number of dwelling units allowed for each acre of net area.

(69) “Night club” or “comedy club” means a facility that is open to the public, has an alcoholic beverage license, and provides entertainment, such as music, a floor show, a stage show, or dancing.

(70) “Nonconforming use” means a use that was allowed when it came into existence but that is no longer allowed under the law in effect in the zoning district in which the use is located.

(71) “Nurseries with landscaping and plant sales” means a facility for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown onsite or established in the ground prior to sale.

(72) “Nursing home” has the meaning stated in the Health-General Article, § 19-1401(e), of the State Code.

(73) “Open area” means that portion of a lot that protects natural features and provides for recreational activities and that is required only when an open space lot is not created under § 17-6-111 of this Code.

(74) “Package goods store” means a retail store that keeps for sale and sells beer, wine, and liquor in sealed packages or containers that may not be opened or consumed on the premises where sold.

(75) “Pedestrian circulation system” means the sidewalks and other pedestrian ways that serve as access to and between the uses, structures, parking areas, and other elements of a development.

(76) “Personal fitness studio” means a facility with classrooms or offices offering personal health and wellness counseling or classes, supplemented by use of exercising machines and physical training in an exercise area occupying less than 2,000 square feet of the total square footage of the space.

(77) “Personal fitness studio, water-based” means a personal fitness studio in which all or part of the physical training offered shall involve activities that take place on a body of navigable water. A personal fitness studio under this definition shall be considered an accessory use to the principal maritime use in MA2, MB and MC Maritime Districts.

(78) “Petroleum products” means liquid petroleum gas, fuel oil, and light fractions of crude oil, including kerosene, naphtha, gasoline, and diesel fuel.

(79) “Pier” means a floating or fixed platform, including associated pilings and similar features, that extends over water from the shoreline. The following types of piers have the meanings indicated:

(i) “Pier, commercial” means a pier used for commercial purposes that is not located in a residential zoning district.

(ii) “Pier, community” means a pier for watercraft that is established and operated for the benefit of a recorded residential riparian subdivision.

(iii) “Pier, private” means a pier for watercraft that extends from a privately owned residential lot or community owned property for which a pier construction agreement (PCA) has been executed.

(iv) “Pier, recreational” means a pier used by residents of a recorded residential riparian subdivision and their guests for crabbing, fishing, sunning, swimming, and similar activities, but not for watercraft or boating activities of any kind.

(80) “Principal use” means a primary structure or activity for which a lot is employed.

(81) “Private club” means a facility that is used for social or recreational purposes and that is not operated primarily for profit or commercial purposes.

(82) “Processing site” means that part of a clay and borrow pit or a sand and gravel operation in which washing, screening, blending, and stockpiling take place.

(83) “Public activity area” means a plaza, square, village green, pocket park, courtyard, or similar area of a noncommercial nature that serves as a place for the public to gather and that includes amenities such as benches, fountains, gazebos, pavilions, art, and shade trees.

(84) “Public utility essential services” means 69 kv or lesser transmission lines, distribution lines, and accessory equipment and structures that distribute or transmit such services as electricity, communications, power, or fuel.

(85) “Public utility uses” means an electric substation, a fuel transmission pumping station, and a telephone switching station.

(86) “Reclamation” means the rehabilitation of disturbed land for useful purposes and the protection of the natural resources of adjacent areas, including bodies of water.

(87) “Recreational uses, active” means recreational activities, other than golf courses, that require special facilities, fields, or equipment, such as playgrounds, ice skating rinks, running tracks, and athletic facilities, including playing fields for athletic events, tennis courts, basketball courts, and swimming pools.

(88) “Recreational uses, passive” means recreational activities that require minimal changes to the site and preserve natural features, such as nature areas, picnic areas, walking or hiking areas, fishing areas, hunting areas and bird or wildlife watching areas.

(89) “Recyclables” has the meaning stated for “recyclable materials” in the Environment Article, § 9-1701, of the State Code.

(90) “Recyclables recovery facility” means a facility used for recycling, but the term does not include an automobile and truck dismantling and recycling facility or a natural wood waste recycling facility.

(91) “Recycling” means any process in which materials that would otherwise become solid waste are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

(92) “Refuse” means ashes, garbage, rubbish, junk, industrial waste, dead animals, and salvable waste and other solid waste materials.

(93) “Regional commercial complex” means a development in existence on September 7, 2004, that was created under Bill No. 62-98 as amended by Bill No. 80-98.

(94) “Restaurant” means an establishment, open to the public, that prepares or serves food and beverages for consumption onsite and may include take-out and delivery services. Restaurants may also provide banquet hall or catering services for ceremonial gatherings honoring guests or special occasions, as long as such services are not provided exclusively.

(95) “Road” means an open way that is dedicated as a public or private right-of-way or easement for the passage of vehicles and persons. The following types of roads are defined from the lowest to the highest classification:

(i) “Local road” means a road designed to provide vehicular access to abutting properties and to discourage through traffic, but the term does not include a parking lot, a drive aisle, or an alley.

(ii) “Collector road” means a road that provides primary access to an arterial road from one or more neighborhoods; allows for traffic circulation within residential, commercial, and industrial areas and for the internal distribution of trips within a neighborhood; and may provide access to local roads, other collector roads, and abutting properties.

(iii) “Minor arterial road” means a road that serves trips of moderate length; interconnects and augments the principal arterial system; provides primary access to or through communities of high density residential, commercial, retail, or industrial land uses and distributes traffic to smaller geographic areas; and partially controls access to abutting commercial, industrial, and residential properties at predetermined locations to discourage direct access to individual properties at other locations.

(iv) “Principal arterial road” means a road that serves the needs of through traffic for moderately long trips and serves major activity centers and major portions of the trips entering or leaving urban areas; is a primary travel route for commercial, commuter, and recreational travel in rural areas; provides secondary linkages between large urban centers, suburban population, and

employment centers; and permits direct access to individual properties only under unusual circumstances.

(v) “Freeway” means a road that provides for efficient and uninterrupted travel over long distances; serves interstate and commuter needs; does not allow direct access to abutting properties; and has access only by interchange facilities.

(96) “Rooming house” means all or part of a single-family detached dwelling that is occupied by a resident owner or resident manager and that has rooms without cooking facilities for rent.

(97) “Rubble” means solid waste that is acceptable for disposal in a rubble landfill under State law and regulation.

(98) “Rubble landfill” means a sanitary landfill permitted under State law and regulation as a rubble landfill.

(99) “Rubble processing facility” means a facility used to reduce or alter the volume or characteristics of rubble that is permitted under State law and regulation as a processing facility.

(100) “Sanitary landfill” means a land-clearing debris landfill, municipal landfill, or rubble landfill.

(101) “Scenic or historic rural road” means a road shown on the official map entitled “Scenic and Historic Rural Roads, 2006” adopted by the County Council.

(102) “School, private academic” means a private institution that offers an academic course of instruction and that is operated by a religious facility or under a certificate of approval by the State Department of Education.

(103) “Self-service storage facility” means an arrangement of enclosed or unenclosed individual secured storage areas for sale, lease, or rent, but the term does not include storage for wholesale or retail activity, a freight or distribution center, or warehousing as part of a commercial or industrial operation.

(104) “Service organization” means an association of persons for the promotion of a common object or goal other than the operation of a profit-making business.

(105) “Setback” means a minimum distance between a lot line and a structure.

(106) “Shoreline” means the mean high-water line.

(107) “Sign” means any writing, letter, or numeric work, pictorial presentation, illustration or decoration, emblem, device, symbol, trademark, flag, banner, pennant, or any other device, figure, or character utilized to advertise, announce, identify, or make known or attract attention. The following types of signs have the meanings indicated:

(i) “Directional sign” means a sign that directs traffic to a use or area.

(ii) “Freestanding sign” means a sign that is permanently affixed to the ground and supported by one or more columns, uprights, or braces.

(iii) “Identification sign” means a sign attached to the facade of a structure that relates to a use located at the same location as the sign.

(iv) “Temporary sign” means a sign that is posted no more than 60 days before the project, event, or election to which it applies and removed within seven days after the conclusion of the project, event, or election.

(108) “Slip” means a water area used for the wet storage or temporary docking of a watercraft.

(109) “Small wind energy system” means a wind energy conversion system which may consist of a wind turbine, a tower and base, and associated control or conversion electronics for the purpose of generating energy for use on site and not for sale.

(110) “Solar energy system” means all components of one or more solar collection devices used to capture solar energy, to convert it to electrical or thermal power, and to supply electrical or thermal power.

(111) “Solar energy system–accessory” means a solar energy system supplying electrical power for onsite use, that otherwise meets the definition of “accessory” in this article.

(112) “Solar energy system–principal” means a solar energy system supplying electrical or thermal power for onsite use, offsite use, or both, that otherwise meets the definition of “principal use” in this article.

(113) “Solar panel” means that part of a solar energy system containing one or more receptive cells or modules, the purpose of which is to capture solar energy.

(114) “Solid waste” means solid waste regulated by COMAR, Title 26.

(115) “Solid waste transfer station” means a facility where nonhazardous solid waste is taken from a collection vehicle, temporarily stored or stockpiled, and ultimately placed in a transportation unit for movement to another facility that is permitted under State law and regulation as a transfer station.

(116) “Stables, commercial, community, and riding club” means a facility used for the unsupervised hiring out of horses owned by the facility.

(117) “State-licensed medial clinic” means an outpatient medical clinic licensed by the State of Maryland as a detoxification facility or a substance abuse treatment program under Title 8, Subtitle 4 of the Health-General Article including programs exempt from licensing requirements under § 8-403(c)(1) of the Health-General Article of the State Code. The term does not include a medical clinic located on property owned or leased by the County or the State, or an Early Intervention Level 0.5 program as described in COMAR 10.47.02.03.

(118) “Storage, dry” means the keeping of watercraft on land on a trailer, cradle, rack, or other device.

(119) “Storage, dry covered” means the keeping of watercraft in a covered enclosed structure on land.

(120) “Storage, multilevel watercraft rack structure” means a structure or rack system that is in excess of 10 feet in height and is constructed or used for storing watercraft and appurtenances.

(121) “Storage, wet” means the storage of watercraft by docking, mooring, or berthing a watercraft to a pier, wharf, dock, piling, buoy, or similar facility.

(122) “Structure” means anything constructed the use of which requires permanent location on the ground or attachment to something permanently located on the ground.

(123) “Structure, principal” means a structure that serves a principal use of the lot on which it is located.

(124) “Tavern” means an establishment that has been issued a Class D beer, wine, and liquor license by the Board of License Commissioners.

(125) “Telecommunication” means the process that permits the passage of information from a sender to one or more receivers in a useable form by means of any electromagnetic system.

(126) “Transportation shelter” means a structure that protects users from the weather while awaiting transportation and that is an inherent part of the overall transportation system of the County, including bus, light rail, and rapid transit service.

(127) “Twenty-year registered use” means a use not allowed as a permitted, conditional or special exception use under the law in effect for the zone in which the use is located when the use commenced, and for which no enforcement action has been initiated within 20 years of the date the use commenced.

(128) “Unmerge” means to restore merged lots to their status as individual lots for the purpose of complying with the requirements of this article applicable to individual lots.

(129) “Use” means a purpose for which a lot is employed.

(130) “Vehicular circulation system” means the streets and roads, driveways, and other vehicular ways that serve as access to and between the uses, buildings, parking areas, and other elements of the development.

(131) “Video lottery facility” has the meaning set forth in the State Government Article, § 9-1A-01, of the State Code.

(132) “Video lottery terminal” has the meaning set forth in the State Government Article, § 9-1A-01, of the State Code.

(133) “Warehouse” means all or part of a commercial structure for the storage of goods, wares, or merchandise and where trucks or similar commercial vehicles may load or unload cargo.

(134) “Water-dependent uses” has the meaning stated in COMAR, Title 27.

(135) “Waterfront lot” means a lot that (i) abuts the mean high-water line or (ii) abuts platted land owned by a homeowner’s association or the County that abuts the mean high-water line and, through agreements or conveyances, has the right to function as a waterfront lot.

(136) “Waterway” means a navigable body of water shown on waterway maps adopted as part of this article, consisting of the main bodies of the Chesapeake Bay and the Patapsco River, and the main bodies and tributaries of the following tributaries of the Chesapeake Bay or the Patapsco River: Broadwater Creek, Bodkin Creek, Curtis Creek, Magothy River, Parrish Creek, Rhode River, Rock Creek, Rockhold Creek, Severn River, South River, Stoney Creek, West River, and Whitehall Bay.

(137) “Wind turbine” means the parts of the small wind energy system including the blades, generator and tail mounted on a monopole, lattice or guyed structure or mounted on a building.

(138) “Winery” means a facility that has been issued a Class 3 or Class 4 Manufacturer’s License under Article 2B, of the State Code.

(139) “Yacht club” means a private, nonprofit club with land and facilities owned or leased, maintained, controlled, and managed by the members that provides limited marina facilities for the use of members and their guests.

(140) “Yard” means the land area between the lot line and the principal structure, with a front and rear yard extending to the side lot line and a side yard extending to the front and rear lot lines.

(141) “Zoning certificate of use” means a certification issued by the Department of Inspections and Permits that authorizes a use in a specific zoning district.

(Bill No. 4-05; Bill No. 78-05; Bill No. 21-06; Bill No. 64-07; Bill No. 69-07; Bill 82-09; Bill No. 13-10; Bill No. 39-10; Bill No. 60-10; Bill No. 13-11; Bill No. 14-11; Bill No. 63-11; Bill

No. 71-11; Bill No. 73-11; Bill No. 15-12; Bill No. 93-12; Bill No. 68-13; Bill No. 58-14; Bill No. 7-15; Bill No. 8-15; Bill No. 14-15; Bill No. 23-15; Bill No. 43-15; Bill No. 72-15; Bill No. 96-15; Bill No. 106-15; Bill No. 21-16; Bill No. 24-16; Bill No. 28-16; Bill No. 30-16)

TITLE 2. GENERAL PROVISIONS

Section

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SUBTITLE 1. IN GENERAL

§ 18-2-101. Scope; applicability.

(a) **Scope.** This article applies to all land located in the County, except that it does not apply to land owned or leased and developed by the County or the Board of Education unless federal or state law requires compliance with this article. The provisions of this article are minimum requirements and are in addition to other requirements of law.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(1) an application for a special exception or variance filed on or before April 4, 2005 shall be governed by the law as it existed prior to May 12, 2005 for the special exception or variance as approved;

(2) an application for a special exception or variance filed before July 6, 2010 shall be governed by the law as it existed prior to November 22, 2010 for the special exception or variance as approved if the County approves an administrative waiver as stipulated in COMAR, Title 26 or the project is exempt from the administrative waiver process;

(3) development that falls within one of the exceptions set forth in § 17-2-101(b)(1) through (b)(5) of this Code shall be governed by the law relating to parking, lot size, width at the front building restriction line, coverage, setbacks, height limitations, and density that existed prior to May 12, 2005;

(4) development that falls within one of the exceptions set forth in § 17-2-101(b)(6) or (b)(7) of this Code shall be governed by the law as it existed prior to July 6, 2010 if the County approves an administrative waiver as stipulated in COMAR, Title 26 or the project is exempt from the administrative waiver process;

(5) subject to the election provisions of subsection (7), an application for a special exception or variance filed before November 19, 2012 shall be governed by the law as it existed prior to April 16, 2013 for the special exception or variance as approved;

(6) subject to the election provisions of subsection (7), development that falls within one of the exceptions set forth in § 17-2-101(b)(8) or (b)(9) of this Code shall be governed by the law as it existed prior to April 16, 2013; and

(7) for any application described in subsection (5) or (6), the applicant may make an election, in writing and filed with the Planning and Zoning Officer no later than July 1, 2013, to be governed by the law as it exists after April 16, 2013.

(Bill No. 4-05; Bill No. 78-05; Bill No. 52-06; Bill No. 60-10; Bill No. 93-12; Bill No. 76-13)

§ 18-2-102. Policy.

The policy of the County is to:

(1) guide and direct the development of land and the location of public facilities and services in accordance with the General Development Plan for the County;

(2) organize the concentration of population;

(3) relate density of uses to the proper locations;

(4) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities and services;

(5) protect and preserve the Chesapeake Bay and its tributaries;

- County;
- (6) protect and preserve the historic and archaeological heritage of the County;
 - (7) promote an adequate supply of housing throughout the County with a broad range of housing types and prices that meet the needs of citizens at different ages and stages of their lives;
 - (8) strengthen and revitalize existing communities and encourage the revitalization of older residential and commercial areas;
 - (9) promote the value of buildings and other structures;
 - (10) provide for the safety and promote the general welfare of the County through the protection of life and property to enhance and maintain the quality of life for all citizens;
 - (11) preserve agricultural land, forested and rural areas, bogs, wetlands, and floodplains; and
 - (12) divide the County into zoning districts of such character, number, shape, and area as are best suited to effect these policies.
- (Bill No. 4-05; Bill No. 64-09)

§ 18-2-103. Planning for future development.

- (a) **Guides.** The following documents shall be used as a guide in the future development of land in and the location of public services and facilities by the County:
- (1) the General Development Plan for Anne Arundel County dated April, 2009, as amended by Bill No. 12-15;
 - (2) the following small area plans:
 - (i) Crownsville Small Area Plan, dated April, 2000, as adopted by Bill No. 22-00;
 - (ii) Crofton Small Area Plan dated July, 2000, as adopted by Bill No. 69-00;
 - (iii) Deale/Shady Side Small Area Plan dated April, 2001, as adopted by Bill No. 25-01;
 - (iv) South County Small Area Plan dated September, 2001, as adopted by Bill No. 68-01;
 - (v) Broadneck Small Area Plan dated September, 2001, as adopted by Bill No. 77-01;
 - (vi) Edgewater/Mayo Small Area Plan dated November, 2001, as adopted by Bill No. 92-01 and amended by Bill No. 52-04;
 - (vii) Severna Park Small Area Plan dated January, 2002, as adopted by Bill No. 5-02;
 - (viii) Severn Small Area Plan dated May, 2002, as adopted by Bill No. 42-02;
 - (ix) Annapolis Neck Small Area Plan dated December, 2002, as adopted by Bill No. 83-02;
 - (x) Odenton Small Area Plan dated June, 2003, as adopted by Bill No. 39-03;
 - (xi) BWI/Linthicum Small Area Plan dated August, 2003, as adopted by Bill No. 48-03;

- (xii) Jessup/Maryland City Small Area Plan dated November, 2003, as adopted by Bill No. 75-03;
- (xiii) Lake Shore Small Area Plan dated March, 2004, as adopted by Bill No. 16-04;
- (xiv) Pasadena/Marley Neck Small Area Plan dated June, 2004, as adopted by Bill No. 46-04;
- (xv) Brooklyn Park Small Area Plan dated July, 2004, as adopted by Bill No. 51-04; and
- (xvi) Glen Burnie Small Area Plan dated August, 2004, as adopted by Bill No. 60-04;
- (3) the Odenton Town Center Master Plan dated February 2016, as adopted by Bill No. 20-16;
- (4) the Parole Urban Design Concept Plan, as adopted by Bill No. 73-94, as amended by Bill No. 87-97 and as further amended by Bill No. 117-98; and
- (5) the following additional County plans:
 - (i) the Anne Arundel County 2013 Land Preservation, Parks and Recreation Plan, as adopted by Bill No. 17-13;
 - (ii) the Annapolis, London Town, and South County Heritage Area Management Plan dated April, 2001, as adopted by Bill No. 33-01;
 - (iii) the Greenways Master Plan dated March, 2002, as adopted by Bill No. 67-02;
 - (iv) the Pedestrian and Bicycle Master Plan dated January, 2003, as adopted by Bill No. 2-03;
 - (v) the Glen Burnie Urban Renewal Plan, dated March, 1980, as adopted by Bill No. 30-80;
 - (vi) the Anne Arundel County Master Plan for Water Supply & Sewerage Systems, 2013, amended and adopted by Bill No. 11-13, and as further amended by Bill No. 56-14, Bill No. 60-14, Bill No. 74-14, and Bill No. 89-15; and
 - (vii) the Anne Arundel County Solid Waste Management Plan 2013, as adopted by Bill No. 91-13 and amended by Bill No. 75-15.

(b) **Rule of construction.** The adoption, amendment, or repeal of any of the documents listed in subsection (a) may not be construed to evidence or constitute a mistake in the zoning map then existing or a change in the character of any neighborhood.

(c) **Current General Development Plan supersedes other land use plans.** The land use plan contained in the 2009 General Development Plan supersedes the land use plan in any other document listed in subsection (a).

(1985 Code, Art. 24, §§ 1-101, 1-102) (Bill No. 47-85; Bill No. 77-85; Bill No. 82-85; Bill No. 29-86; Bill No. 61-86; Bill No. 66-87; Bill No. 32-88; Bill No. 49-88; Bill No. 20-90; Bill No. 81-90; Bill No. 32-92; Bill No. 74-92; Bill No. 67-93; Bill No. 14-94; Bill No. 73-94; Bill No. 84-95; Bill No. 92-95; Bill No. 112-96; Bill No. 108-96; Bill No. 19-97; Bill No. 51-97; Bill No. 78-97; Bill No. 87-97; Bill No. 52-98; Bill No. 117-98; Bill No. 51-99; Bill No. 56-99; Bill No. 69-99; Bill No. 72-99; Bill No. 5-00; Bill No. 22-00; Bill No. 69-00; Bill No. 33-01; Bill No. 25-01; Bill No. 68-01; Bill No. 75-01; Bill No. 77-01; Bill No. 92-01; Bill No. 5-02; Bill No. 31-02; Bill No. 42-02; Bill No. 67-02; Bill No. 83-02; Bill No. 2-03; Bill No. 35-03; Bill No. 39-03; Bill No. 41-03; Bill No. 48-03; Bill No. 69-03; Bill No. 75-03; Bill No. 16-04; Bill No. 46-04; Bill No. 51-04; Bill No. 52-04; Bill No. 60-04; Bill No. 98-05; Bill No. 84-07; Bill No.

33-08; Bill No. 93-08; Bill No. 64-09; Bill No. 89-09; Bill No. 90-09; Bill No. 49-10; Bill No. 60-11; Bill No. 2-12; Bill No. 17-13; Bill No. 11-13; Bill No. 91-13; Bill No. 56-14; Bill No. 60-14; Bill No. 74-14; Bill No. 12-15; Bill No. 75-15; Bill No. 89-15; Bill No. 20-16)

§ 18-2-104. Contents and review of the General Development Plan.

(a) **Definition.** In this section, "specified public facilities" means County and State roads, public elementary and secondary schools, and the capital improvements necessary to provide emergency medical services, fire suppression, and storm water management.

(b) **Contents.** The General Development Plan, referred to as a "master plan" in § 531 of the Charter, shall include the contents required by Land Use Article, §§ 1-405 et seq., of the State Code, for the comprehensive plan of a chartered county; a concurrency management plan for protecting the quality of life in the County from the adverse impacts of new development by ensuring that public facilities adequate to support future development are in place at the time the future development occurs; and other information deemed necessary by the Planning and Zoning Officer to plan for the orderly growth and development of the County.

(c) **Concurrency management plan.** The concurrency management plan contained in the General Development Plan shall include:

(1) a level of service standards for each of the specified public facilities;

(2) a description of the existing specified public facilities and an evaluation of the existing demand on those specified public facilities, with detailed findings on the improvements to the specified public facilities necessary to accommodate existing demand at the applicable level of service standards and the costs of making those improvements;

(3) an evaluation of the impact of anticipated future development on the specified public facilities, with detailed findings on the existing capacities of the specified public facilities to accommodate future development at the applicable level of service standards and improvements to the specified public facilities necessary to accommodate future development; and

(4) a method for measuring and tracking the impacts on the specified public facilities of development approvals, including the approval of subdivisions and the issuance of building permits, and land use decisions such as comprehensive rezonings, administrative rezonings, special exceptions, and amendments to the master plan for water and sewer.

(d) **Relationship of concurrency management plan to capital improvement program.** The concurrency management plan contained in the General Development Plan shall guide the allocation of funds to the County capital improvement program.

(e) **Relationship of concurrency management plan to laws relating to adequacy of public facilities and development impact fees.** The concurrency management plan shall be prepared so as to contain the required information and constitute a sufficient basis for adequacy of public facilities and development impact fee ordinances that:

(1) regulate the timing and sequencing of future development by conditioning approval of the development on the program of capital improvements described in subsection (d);

(2) do not require future development to bear the costs of the capital improvements necessary to accommodate existing demand at the applicable level of service standards; and

(3) require future development to bear the costs of the capital improvements attributable to the impact of the future development.

(f) **Review.** The Office of Planning and Zoning continually shall monitor the effectiveness of the General Development Plan in accomplishing its function and shall prepare and provide to the Council an annual report that conforms with State requirements for annual comprehensive plan reports. At intervals not to exceed ten years, the Office of Planning and Zoning shall undertake a comprehensive review of the General Development Plan and its implementing mechanisms and shall recommend those revisions to the Plan and implementing mechanisms as are necessary due to changes in demographic characteristics and social, economic, and environmental factors.

(1985 Code, Art. 24, §§ 1-103, 1-104) (Bill No. 62-04; Bill No. 64-09)

§ 18-2-105. Zoning districts created.

The following zoning districts are created:

Category	District
Residential Districts	RA-Rural Agricultural RLD- Residential Low Density R1-Residential R2-Residential R5-Residential R10-Residential R15- Residential R22- Residential
Commercial Districts	C1-Local Commercial C2-Commercial Office C3-General Commercial C4-Highway Commercial
Industrial Districts	W1-Industrial Park W2-Light Industrial W3-Heavy Industrial
Maritime Districts	MA1-Community Marina MA2-Light Commercial Marina MA3-Yacht Club MB-General Commercial Marina MC-Heavy Commercial Marina
Mixed Use Development	MXD-R Residential MXD-C Commercial MXD-E Employment MXD-T Transit
Other Zoning Districts	Odenton Growth Management Area Districts: O-COR Core O-HIS Historic O-TRA Transition O-IND Industrial O-EOD East Odenton

Category	District
	O-NOD North Odenton OS-Open Space TC-Town Center SB-Small Business

(Bill No. 4-05; Bill No. 20-16)

§ 18-2-106. Zoning map.

(a) **Adoption of zoning map.** The zoning districts are as shown on the digital map entitled “Anne Arundel County Digital Zoning Layer” adopted by the County Council. The Anne Arundel County Digital Zoning Layer shall be certified by the Administrative Officer to the County Council and the certification shall be part of the Digital Zoning Layer which shall be permanently kept and maintained by the Office of Planning and Zoning. The Anne Arundel County Digital Zoning Layer is incorporated in this article by reference as if fully set forth.

(b) **Authorized changes to zoning map.** The Anne Arundel County Digital Zoning Layer may not be changed except as follows:

- (1) By comprehensive zoning legislation enacted by the County Council and certified by the Administrative Officer to the County Council;
- (2) By rezoning as authorized by § 18-16-303 and, upon final decision, certified by the Planning and Zoning Officer;
- (3) By zoning district line adjustments as authorized by § 18-2-107 and certified by the Administrative Officer to the County Council; and
- (4) By administrative zoning district line adjustments as authorized by § 18-2-108 and certified by the Planning and Zoning Officer.

(c) **Changes to be recorded on Digital Zoning Layer.** The Digital Zoning Layer may not be changed after comprehensive zoning changes are certified by the Administrative Officer to the County Council unless the change, the date of the change, and the documentation supporting the change are recorded on the Digital Zoning Layer and the change is certified by either the Administrative Officer to the County Council or the Planning and Zoning Officer.

(d) **Copies of Digital Zoning Layer.** Uncertified copies of the Digital Zoning Layer are provided for informational purposes only. To verify the zoning status of a particular property, an individual may obtain a certified copy of the Anne Arundel County Digital Zoning Layer from the Office of Planning and Zoning. Certified copies shall be officially stamped by the Office of Planning and Zoning and include the date on which the property’s zoning was affirmed.

(Bill No. 4-05; Bill No. 75-10)

§ 18-2-107. Zoning district line adjustments by County Council.

The Office of Planning and Zoning may submit proposed changes to the County Council that, if adopted by the Council, would adjust a zoning district line on the Digital Zoning Layer to follow a lot line, road, river, or other clear boundary when the existing line approximately follows the lot line or other clear boundary but does not precisely follow it because of a drafting error or because the information on the Digital Zoning Layer was corrected based on a new

survey or other improved information. The Council's refusal to adopt a proposed change does not preclude the filing of an application under Title 16 relating to the change.
(Bill No. 4-05; Bill No. 75-10)

§ 18-2-108. Administrative zoning district line adjustments.

(a) **Notice required.** Before proposing the line adjustments set out in subsection (b), the Office of Planning and Zoning shall provide notice to all owners of property that is impacted by the proposed line adjustment. The notice shall include a statement that the property owner may appeal the decision within 30 days of the date of the notice. If the notice is not appealed, the Planning and Zoning Officer may authorize the changes set out in this section.

(b) **Administrative changes to zoning district lines.** The Planning and Zoning Officer may certify adjustments to a zoning district line in the following circumstances:

(1) When more accurate parcel information such as a sealed survey plat or a recorded plat becomes available and evidence clearly indicates that the property boundary was intended to match the zoning district line, the Office of Planning and Zoning may adjust the zoning district line to match the more accurate property boundary; and

(2) When written text or a map exhibit adopted by comprehensive zoning legislation or during a property rezoning clearly documents a discrepancy between a district line as shown on the Digital Zoning Layer and the change intended, the Digital Zoning Layer may be corrected.

(Bill No. 75-10)

§ 18-2-109. Review of applications for alcoholic beverage licenses.

The Office of Planning and Zoning shall review all applications for alcoholic beverage licenses other than one-day alcoholic beverage licenses and submit findings and recommendations to the Board of License Commissioners. The findings shall take into account conformance to this article; the type of vehicular access; the capacity of and possible disruption to the means of access; existing traffic patterns for surrounding uses; the impact on residential areas; the existing and allowed land uses on the lot or adjacent lots; and the magnitude of the activity as a principal or accessory use.

(Bill No. 4-05; Bill No. 75-10)

§ 18-2-110. Preservation of historic and archaeological resources.

To encourage preservation of historic and archaeological resources on a lot containing historic or archaeological resources, the Office of Planning and Zoning may allow density of development for that lot in accordance with the gross area. In return, the developer shall enter into an easement and agreement in a form acceptable to the County that provides for the preservation of the historic or archaeological resources on the site.

(Bill No. 60-10)

§ 18-2-111. Compliance with other law.

Except as otherwise provided by this article, all subdivision and development shall comply with all applicable federal, State, and County law and regulations and applicable environmental site design techniques.

(Bill No. 93-12)

SUBTITLE 2. USES AND STRUCTURES

§ 18-2-201. Use requirements.

(a) **Consistency with law.** A structure or lot may not be used, designed, constructed, or altered in any manner inconsistent with this Code.

(b) **Prohibited use.** A use not specifically allowed in this article is prohibited.
(Bill No. 4-05)

§ 18-2-202. Zoning certificate of use.

(a) **Application.** A person may file an application for a zoning certificate of use on the form provided by the Department of Inspections and Permits.

(b) **Acquisition of certificate required.** A zoning certificate of use is required for all uses except single-family dwellings and accessory dwelling units. A person may not initiate or change a use that will exist for a period exceeding 60 days without obtaining a zoning certificate of use. For a commercial telecommunication facility, “person” includes the owner and each user of the facility and “alter” includes any change in configuration, transmit frequency range, or maximum power level from that shown on the application for the zoning certificate of use.

(c) **Adult bookstores and theaters.** An application for a zoning certificate of use for an adult bookstore or adult movie theater that is not granted or denied within 30 days shall be considered as having been denied.

(d) **When effective.** A zoning certificate of use remains effective so long as the use remains in conformity with the application granted. A change in ownership does not itself cause the need for a new zoning certificate of use.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

§ 18-2-203. Temporary uses.

Except where specific temporary uses are provided for in this Code, and upon a determination that a temporary use of land will not adversely affect nearby properties and will not require significant or permanent changes to existing topography, vegetation, or other natural features, the Planning and Zoning Officer may authorize the use in any zoning district for a period not exceeding 60 days. The Planning and Zoning Officer may grant up to two extensions of the temporary use for periods not exceeding 60 days each. The land shall be entirely cleared of the temporary use within five days after the expiration of the period.

(Bill No. 4-05)

§ 18-2-204. Accessory structures.

(a) **When not accessory.** A structure located within three feet of a principal structure and a structure connected to a principal structure by an enclosed breezeway less than 15 feet long is part of the principal structure and is not an accessory structure.

(b) **In front yard.** Access ramps to accommodate a person under disability, driveways, paved or gravel at-grade surfaces, fences, noise barriers or noise walls, signs, walkways eight inches or less above grade, and walls may be located in the front yard. When a new principal structure is constructed in an RA or RLD District, an existing barn may be retained in the front yard. Otherwise, an accessory structure may not be located in the front yard of a nonwaterfront lot.

(c) **On a different lot.** An accessory structure or use may not be located on a lot other than the lot on which a principal structure is located, except that a fence may be located on a lot without a principal structure and a private residential pier to serve a lot with a principal structure may be located on land owned by a homeowner's association that abuts the mean high-water line if an agreement is recorded among the land records that allows location and use of the pier on the land owned by the homeowner's association.

(d) **Floor area.** The floor area of an accessory structure may not be greater than the floor area of the principal structure.

(e) **Right-of-way setback.** An accessory structure may not be located in a setback from a right-of-way line.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

§ 18-2-205. Barbed-wire or electrified fences.

(a) **When allowed.**

(1) Barbed-wire or electrified fences are allowed in RA, RLD, R1, and R2 Districts if used in connection with farming.

(2) Barbed-wire, razor wire, or other such security wire is allowed between two chain link fences or along the top of a chain link or other non-barbed-wire fence, provided all fences are at least six feet in height, to prevent access to a recreational vehicle or watercraft storage facility owned by a community association, provided the storage facility, including the fence, is:

(i) located on property that is owned by the community association and is shown as community recreation area or open space on the subdivision plat;

(ii) operated by the community association for use by, and limited to, the subdivision residents; and

(iii) set back at least 50 feet from all property lines that abut a residential lot.

(b) **Above a chain link or other fence.** Up to six strands of barbed wire are allowed along the top of a chain link or other non-barbed-wire fence that is at least six feet in height:

(1) in a nonresidential zone to secure a warehouse or other storage area; or

(2) to prevent access to a potentially dangerous use, such as a public utility use, a construction site, a community or commercial swimming pool, or a storm water management, sediment, or erosion control pond.

(Bill No. 4-05; Bill No. 80-08)

§ 18-2-206. Outside storage.

Outside storage shall be screened in accordance with the Landscape Manual.
(Bill No. 78-05)

SUBTITLE 3. BULK REGULATIONS

§ 18-2-301. Setbacks.

(a) **Lot in more than one district.** A lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located.

(b) **Certain architectural features.** An architectural feature that does not contain floor area, such as an areaway, bay window, greenhouse window, chimney, cornice, eave, sill, steps required for access, or stoop that does not exceed five feet by five feet, may extend no more than three feet into a required setback and be located no closer than five feet from any lot line. For purposes of this subsection, “areaway” means an uncovered subsurface space adjacent to a structure, such as an entrance to a basement.

(c) **Open fire escapes.** An open fire escape may extend no more than five feet into a required setback and be no closer than five feet from any lot line.

(d) **Decks.** An open deck attached to a dwelling unit may project no more than 10 feet into a rear setback so long as the deck is located at least three feet from the lot line.

(e) **Certain uses or structures.** The following uses or structures need not comply with setback requirements contained in this article and are not included in determining requirements relating to maximum coverage by structures: access ramps to accommodate a person under disability, driveways, paved or gravel at-grade surfaces, fences, noise barriers or noise walls, signs, walkways eight inches or less above grade, and walls.

(f) **Dwellings on nonconforming lots.** A single-family detached dwelling on a lot that does not meet the area or width requirements of this article may be expanded if the expansion is set back at least 25 feet from the front and rear lot lines and seven feet from side lot lines and does not exceed 35 feet in height.

(g) **Residential subdivisions abutting heavy industrial zones.** A dwelling on a lot in a residential subdivision that abuts a W3 Industrial District shall comply with the setback requirements for the district in which the property is located or the setback requirements permitted pursuant to § 17-3-505 of this Code.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 72-15)

§ 18-2-302. Exceptions to height limitations.

(a) **Generally.** Height limitations specified in this article do not apply to steeples on a religious facility, flagpoles, or public utility essential services.

(b) **Roof features.** Height limitations specified in this article do not apply to the following when they are created only to the height necessary to accomplish the intended purpose, are no more than 15 feet above the lowest point of contact with the roof, and the total area is not more than 15% of the cross sectional area of the section of the roof on which located:

- (1) belfries;

(2) chimneys, ventilators, sky lights, water tanks, cooling towers, air conditioning units, bulkheads, or similar roof features, including the necessary associated mechanical equipment carried above roof level; or

(3) cupolas or domes consisting only of non-habitable space.

(c) **Parapet walls.** A parapet wall may extend no more than five feet above the height limitations specified in this article.

(Bill No. 4-05; Bill No. 78-05)

§ 18-2-303. Exceptions to bulk regulations.

A structure damaged or destroyed by fire or natural catastrophe that does not comply with applicable bulk regulations may be replaced, restored, or reconstructed in kind if a building permit authorizing the replacement, restoration, or reconstruction is obtained within two years of the damage or destruction.

(Bill No. 78-05)

§ 18-2-304. Front road designation for corner lots.

On a corner lot other than one that is corner waterfront, the owner may designate which of the two roads is the front road so long as the designation is consistent with setback requirements for an existing structure that is to remain.

(Bill No. 4-05; Bill No. 78-05)

SUBTITLE 4. WATERFRONT PROVISIONS

§ 18-2-401. Front yard of waterfront lots.

The front yard of a waterfront lot is the yard that faces the shoreline. If more than one yard faces the shoreline, the rear yard is the one that provides access to a road and the front yard is determined accordingly.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

§ 18-2-402. Principal structures.

The Office of Planning and Zoning designates the location of a principal structure on a waterfront lot based on:

(1) an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another;

(2) the height, location, necessity, and purpose of the proposed structure;

(3) existing and allowed land uses on the lot and adjacent waterfront properties;

(4) topographic and other physical features of the lot and adjacent waterfront properties, including shoreline irregularities and restrictions based on the required placement of utilities;

(5) the impact of the structure on the use and enjoyment of adjacent waterfront properties and their light, air, and view; and

(6) protection of environmental features and maximization of ESD design criteria.
(Bill No. 4-05; Bill No. 93-12)

§ 18-2-403. Accessory structures and uses.

An accessory structure on a waterfront lot may be located in the front yard. The Office of Planning and Zoning designates the location of an accessory structure or use in the front yard on a waterfront lot based on:

- (1) the height, location, necessity, and purpose of the proposed structure;
- (2) existing and allowed land uses on the lot and adjacent waterfront properties;
- (3) topographic and other physical and environmental features of the lot and adjacent waterfront properties including shoreline irregularities and restrictions based on the required placement of utilities;
- (4) the impact of the structure or use on the use and enjoyment of adjacent waterfront properties and their light, air, and view;
- (5) if the accessory structure is to provide access to the waterfront, the minimum disturbance necessary to provide access in accordance with ESD design criteria; and
- (6) compliance with the requirements of COMAR, Title 27 for access to residential piers.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 93-12)

§ 18-2-404. Piers and mooring pilings.

(a) **Location.** The Office of Planning and Zoning designates the location of a pier or mooring piling based on its impact on the use and enjoyment of adjacent waterfront lots.

(b) **Setbacks.** A pier or mooring piling shall be located at least 15 feet from a lot line extended for a private pier or at least 25 feet from a lot line extended for all other piers. The Office of Planning and Zoning determines the method of the lot line extension in accordance with one or more of the following methods:

- (1) from the side lot line at a 90-degree angle to the shoreline;
- (2) from the extension of the last course of the lot line into the water;
- (3) from the side lot lines to the center of cove; or
- (4) from the side lot lines generally parallel with existing piers located on adjacent lots.

(c) **Length.** A pier or mooring piling may not extend into the water any further than the lesser of the following:

- (1) one-half the distance from the mean high-water line to the center line of the body of water on which it is situated;
- (2) one-half the distance from the mean high-water line to the center point of a cove; or
- (3) 300 feet from the waterfront at mean high tide.

(d) **Joint use of private pier.** By agreement recorded among the land records, two contiguous waterfront property owners may agree to share the use of a private pier located on

one of their waterfront lots or located as extending from the common lot line or from a line extending from the common lot line over land owned by a homeowner's association.

(e) **Restrictions on mooring or docking.** No person may use a private pier or mooring piling for the mooring or docking of watercraft other than the owner or occupant of the lot from which the pier extends, the owners or occupants with a right to use the pier by virtue of an agreement allowed by this article and recorded among the land records, or guests who are visiting those owners or occupants for no more than 30 days in a six-month period. No more than four watercraft exceeding 16 feet in length may be moored or docked at a private pier or mooring piling. Watercraft exceeding 150 feet in length or 35 feet in width may not be moored or docked at a private pier or mooring piling for more than seven days in any 30-day period unless the pier or mooring piling is on the Patapsco River or the Chesapeake Bay.

(Bill No. 4-05; Bill No. 78-05)

TITLE 3. PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND SIGNAGE

Section

Subtitle 1. Parking

- 18-3-101. Scope.
- 18-3-102. Temporary parking areas.
- 18-3-103. Calculation.
- 18-3-104. Parking space requirements.
- 18-3-105. Reduced parking requirements and joint use arrangements.
- 18-3-106. Parking programs.

Subtitle 2. Nonresidential Outdoor Lighting

- 18-3-201. Setbacks from residential districts.

Subtitle 3. Signage

- 18-3-301. General provisions.
- 18-3-302. Permit requirements.
- 18-3-303. Prohibited signs; location; removal from County rights-of-way.
- 18-3-304. Measurement of area and height.
- 18-3-305. Permanent offsite directional signs in County rights-of-way.
- 18-3-306. Temporary signs.
- 18-3-307. Signs in residential districts and for certain dwellings in commercial districts.
- 18-3-308. Signs for business complexes.
- 18-3-309. Signs in commercial and industrial districts for uses other than dwellings and business complexes.
- 18-3-310. Signs for marinas; signs in maritime districts.
- 18-3-311. Signs in open space districts.
- 18-3-312. Signs in small business districts.

18-3-313. Signage programs.

SUBTITLE 1. PARKING

§ 18-3-101. Scope.

This subtitle applies to the parking required for particular uses. Other requirements relating to parking are located in §§ 17-6-101 et seq. of this Code.
(Bill No. 4-05)

§ 18-3-102. Temporary parking areas.

The Planning and Zoning Officer may authorize the temporary use of property as a parking area for a period not to exceed 30 days and may renew the authorization for up to two additional 30-day periods. If use of the property as a parking area has not ceased by the end of the authorized time period, the parking area shall revert to its non-parking use and shall comply with all requirements of this Code.
(Bill No. 4-05)

§ 18-3-103. Calculation.

- (a) **Floor area.** Parking requirements based on the square footage of a structure to be served shall be calculated based on 75% of the floor area.
- (b) **Per seat.** Parking requirements per seat shall be determined by the number of individual seats. For bench-type seating, 20 inches is the equivalent of one seat.
- (c) **Rated capacity.** Parking requirements for rated capacity shall be determined by the maximum capacity of a structure as governed by the County Fire Prevention Code and regulations of the Health Department.
- (d) **Fraction of base measures.** Parking spaces shall be provided for each fraction in excess of 50% of the base measures contained in § 18-3-104.
- (e) **More than one use.** The parking requirements for two or more uses on the same property are the sum of the individual requirements for each use.
(Bill No. 4-05)

§ 18-3-104. Parking space requirements.

The minimum onsite required parking spaces are listed in the chart below. They may be increased based on site development plan review or special exception approval, reduced as provided in § 18-3-105, or superseded by a parking program allowed by this Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite parking requirements for structures and land uses that are not listed on the chart based on requirements for similar uses, comments from reviewing agencies, and the parking needs of the proposed use.

Use	Parking
Adult day care	2 spaces for every 10 adults or less
Airports and airfields	0.5 spaces for each acre of land, with a minimum of 20

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Use	Parking
	spaces and 2 spaces for each planned tie-down
Use	Parking
Amusement parks	10 spaces for each ride or activity
Arenas, exposition halls, stadiums, racetracks, fairgrounds, concert facilities	1 space for every 3 seats and 1 space for every 10 persons in designated standing areas
Art galleries, libraries, and museums	1 space for every 150 square feet of floor area
Assisted living facilities	1 space for each adult independent dwelling unit, 1 space for each employee per major shift, and visitor parking at the rate of 2 spaces for every 10 adult independent dwelling units, comprehensive care units, and assisted care units; or the number of spaces as determined by a parking needs study approved by the Planning and Zoning Officer
Automobile and truck dismantling and recycling facilities	1 space shall be provided for every two employees and one space shall be provided for every 1,000 square feet of covered floor area devoted to the storage or sale of parts
Automobile gasoline stations	1 space for each 400 square feet of floor area, service racks count 1 for 1; aisles and pumps not to be used for required spaces
Automobile gasoline stations, convenience stores, food service/restaurants	1 space for every 100 square feet plus 1 space for every 5 restaurant seats
Automobile repair and service facilities	1 space for every 500 square feet of floor area
Automobile sales show rooms and rental facilities	1 space for every 500 square feet of floor area
Banks	1 space for every 200 square feet of floor area
Bed and breakfast homes	1 space for each guest room
Bed and breakfast inns	1 space for each guest room
Bingo facilities, commercial	1 space for every 2 seats
Bowling alleys	4 spaces for each lane
Child care centers	2 spaces for each group of 10 children or less
Clay and borrow pits and sand and gravel operations	1 space for each employee and at least 5 spaces for visitors
Clubs, lodges, and related facilities	1 space for every 2 people at rated capacity per Fire Prevention Code
Conference retreat facility	1 space for every 2 people at rated capacity per Fire Prevention Code, plus 1 space for each employee and at least 5 spaces for visitors
Dwellings: townhouses	2.5 spaces for each dwelling unit

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Use	Parking
Dwellings: single-family detached, semi-detached, and duplex	2 spaces for each dwelling unit
Dwellings: accessory units	1 space for each dwelling unit
Dwellings: adult independent units	1.5 spaces for each dwelling unit
Dwellings, multifamily	
Efficiency and 1 bedroom	1 space for each dwelling unit
2 bedrooms	2 spaces for each dwelling unit
3 or more bedrooms	3 spaces for each dwelling unit
Golf courses	8 spaces for each hole
Golf course facilities, private	2 spaces for each hole; plus 1 space for each guest room
Group homes	1 space for each employee per major shift and 1 space for every 4 residents of a group home
Health clubs, spas, gymnasiums	4 spaces for every 1,000 square feet of floor area
Heliports	15 spaces plus 1 space for each tiedown
Hospitals	1 space for each bed, plus 1 space per employee per major shift, plus 1 space for each hospital vehicle, 10 spaces for out-patient services
Hotels and motels	1 space for each room or unit
Housing for the elderly of moderate means	3 spaces for every four units
Kennels, commercial	1 space for every 200 square feet of floor area, excluding indoor and outdoor runs
Landfills, rubble and land-clearing debris	1 space for each employee and at least 5 spaces for visitors
Manufacturing, general	1 space for every 1,000 square feet of floor area
Marinas, commercial and community	1 space for every 2 boat slips or moorings; 1 space for every 3 boat slips in dry covered storage or in multilevel storage rack building; 2 trailer spaces per ramp for community marinas; 5 trailer spaces per ramp for commercial marinas
Miniature golf courses/driving ranges/batting cages	2 spaces for each tee or cage
Mobile homes	2 spaces for each dwelling unit
Natural wood waste recycling facilities	1 space for each employee and at least 5 spaces for visitors

Use	Parking
Nurseries, landscaping and plant sales	4 spaces for each acre
Nursing homes	1 space for every 3 beds plus 1 space for each employee per major shift

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Use	Parking
Offices, professional and general	1 space for every 200 square feet of floor area except that medical and dental offices shall provide 1 space for every 150 square feet of floor area
Produce markets	4 spaces for each acre
Public assembly and meeting establishments	1 space for every 3 seats or 1 space for every 100 square feet of floor area, whichever is greater
Public launching facilities	1 space for every 2 boat slips or moorings plus 10 trailer spaces per boat ramp
Recreation centers	4 spaces for every 1,000 square feet of floor area
Recyclables recovery facilities	1 space for each employee and at least 5 spaces for visitors
Religious facilities	1 space for every 3 seats (fixed seats) or 1 space for every 100 square feet of floor area (unfixed seating), whichever is greater
Religious facilities in combination with a school	1 space for every 3 seats plus 1 space for every 15 classroom seats plus 1 space for every 5 seats in a multi- purpose room or 1 space for every 3 permanent auditorium seats
Research offices and laboratories	1 space for every 200 square feet of floor area
Retail or Service Business:	
For establishments and multiple-use centers with under 50,000 square feet of floor area	1 space for every 160 square feet of floor area
For establishments and multiple-use centers with 50,000 square feet of floor area and over, but less than 600,000 square feet of floor area	1 space for every 180 square feet of floor area
For establishments and multiple-use centers with 600,000 square feet of floor area and over	1 space for every 200 square feet of floor area
Restaurants, banquet halls, and taverns	1 space for every 3 seats or 1 space for every 200 square feet of floor area, whichever is greater

Use	Parking
Rubble processing facilities	1 space for each employee and at least 5 spaces for visitors
Schools, arts, business, technical, or trade	1 space for every 160 square feet of floor area
Schools, public charter and private academic:	
Elementary	1 space for every 20 classroom seats; 1 space for every 5 seats in multi-purpose rooms; 5 spaces for visitors

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Use	Parking
Secondary schools	1 space for every 10 classroom seats; 10 spaces for visitors; 1 space for every 3 permanent auditorium seats or 1 space for each 40 square feet of seating area where fixed seating is not used
Colleges, junior colleges, and universities	1 space for every 6 classroom seats; 20 spaces for visitors; 1 space for every 3 permanent auditorium seats or 1 space for each 40 square feet of seating area where fixed seating is not used
Self-storage facilities	1 space for every 60 storage bays; 4 spaces located adjacent to each unenclosed storage area of 8,000 square feet; 2 spaces for employee parking; 5 spaces located at the business office
Skating rinks	5 spaces for every 1,000 square feet of floor area
Solid waste transfer stations	1 space for each employee and at least 5 spaces for visitors
State-licensed medical clinics	1 space for each employee and 1 space for every 20 clients served by the clinic
Swimming pools, commercial	1 space for every 4 persons based on facility's design capacity
Swimming pools, community	1 space for every 10 persons based on facility's design capacity
Tennis courts	3.5 spaces for each court
Theaters	1 space for every 3 seats
Truck and trailer rental facilities in conjunction with automobile service stations	1 space for each rental vehicle or trailer and one space every 100 square feet of floor area, with a minimum of at least 5 additional spaces.
Veterinary offices, clinics, and hospitals	1 space for every 200 square feet of floor area, excluding overnight rooms for animals
Video lottery facilities	1 space for every 2 gaming positions at a video lottery terminal
Video rental establishments	1 space for every 100 square feet

Use	Parking
Warehouse and goods storage areas	1 space for every 1,000 square feet of floor area
Watercraft charter operations at maritime facilities	1 space for every 4 passengers
Yacht clubs	1 space for every 2 boat slips or moorings; 1 space for every 3 boat slips in dry covered storage or in multilevel storage rack building

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 77-07; Bill No. 79-07; Bill No. 2-09; Bill No. 82-09; Bill No. 14-11; Bill No. 14-15; Bill No. 23-15; Bill No. 21-16)

§ 18-3-105. Reduced parking requirements and joint use arrangements.

(a) **Reduced parking requirements.** Upon written application, the Planning and Zoning Officer may reduce the parking requirements of this subtitle if the applicant demonstrates that the facility to be served would not require in its day-to-day operation a full complement of parking. The application shall be accompanied by a parking needs study that includes an estimate of the parking needs for the use, a thorough explanation of the basis for the estimate, any data used in calculating the estimate, including parking generation studies and previous experience with similar uses, and an explanation of any other relevant considerations, such as availability of commercial or public parking areas.

(b) **Joint use parking.** The Planning and Zoning Officer may allow joint use parking arrangements if the applicants enter into a written agreement acceptable to the County. Joint use arrangements may be authorized for a multiple-use facility when parking is provided at a common onsite facility that has the number of spaces required for each individual use. Joint use of the same parking spaces may be used to meet the parking and loading requirements if:

(1) the uses operate at different times with no overlap and the parking spaces provided are the number required for the greater generator; or

(2) the uses operate during overlapping time periods and the parking spaces provided are 100% of the number required for the greater generator plus 50% of the number required for the secondary generator; and

(3) vehicular and pedestrian access is provided within the development, separately from roads and freeways.

(Bill No. 4-05)

§ 18-3-106. Parking programs.

(a) **Parking program.** The developer of a mixed use project or a PUD shall submit a parking program to the Office of Planning and Zoning. If approved, the program shall supersede the standards of this subtitle to the extent of any conflict.

(b) **Onsite parking.** Onsite parking for a mixed use project or a PUD shall be separated from walkways by landscaped screening, low-profile walls, berms, or decorative fencing; be well-illuminated; be free of pedestrian barriers; be designed to minimize the number of curb cuts to streets and highways and allow the direct movement of pedestrians between adjacent areas of onsite parking; have well illuminated access ways for pedestrians; and be located to the rear of buildings, below grade, or in a parking structure, except for short-term convenience parking.

(c) **Rideshare spaces.** The Office of Planning and Zoning may require that parking spaces in a mixed use project or PUD be designated for those who rideshare.

(d) **On-street parking.** The Office of Planning and Zoning may require or allow parking on both public and private streets in a mixed use project or PUD to promote street-level access to buildings and amenities.

(e) **Vehicular circulation system.** The vehicular circulation system in a mixed use project or PUD shall provide for the safe and convenient movement of vehicles and pedestrians and adequate space for the loading and unloading of persons, goods, and materials.

(f) **Special uses.** The parking program for a government reuse facility is governed by § 18-12-106.
(Bill No. 4-05; Bill No. 69-07)

SUBTITLE 2. NONRESIDENTIAL OUTDOOR LIGHTING

§ 18-3-201. Setbacks from residential districts.

(a) **Generally.** Except as provided in subsection (b), outdoor light fixtures in nonresidential zoning districts shall be located at least 25 feet from the boundary of any residential district.

(b) **Exceptions.** The Office of Planning and Zoning may approve a lesser setback than is required by subsection (a) upon the filing of an application that describes the type, location, lumen rating, and height of an outdoor lighting fixture and the reasons why a lesser setback should be allowed. Potential reasons for a lesser setback may include the following:

- (1) fixtures will not be visible at any point along the boundaries of the lot on which they are located due to the location of buildings or walls, topography, or similar visual barriers;
- (2) lighting will have minimal offsite impact due to the distance of the fixtures from roads and neighboring properties;
- (3) fixtures will incorporate additional shielding or other features to prevent offsite impact; or
- (4) lighting plans demonstrate other factors that will prevent glare and light spillover.

(Bill No. 4-05)

SUBTITLE 3. SIGNAGE

§ 18-3-301. General provisions.

(a) **Materials; maintenance.** A sign shall be made of durable material and be properly maintained.

(b) **Obstruction prohibited.** A sign and its supporting structures may not impair the clear sight triangle; obstruct a road, sidewalk, or driveway; obstruct the view of traffic signs, traffic signals, oncoming traffic, or pedestrians; or in any way interfere with the placement or function of a traffic control device.

(c) **Projection from facade.** An identification sign may not project more than two feet from the facade, except that a canopy or awning attached to a principal structure may be used as an identification sign.

(d) **Lighting limitations.** The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness does not adversely affect surrounding or facing premises nor adversely affect the safe vision of operators of vehicles

moving on public or private roads or parking areas. Light may not shine or reflect on or into residential structures. A sign in a residentially zoned district may be lighted only during the sign user's hours of operation.

(e) **Electronic message boards.** Except for properties listed on the County Inventory of Historic Resources, electronic message boards may be used in conjunction with allowed signs if the message is on a cycle of not less than five seconds. Electronic message boards shall comply with the provisions of §§ 17-6-501 and 17-6-504 of this Code and may not adversely affect properties listed on the County Inventory of Historic Resources or on a scenic and historic road. The placement of an electronic message board within sight of a property listed on the County Inventory of Historic Resources or on a scenic and historic road shall mitigate any adverse visual impact of the electronic message board in a manner determined by the Office of Planning and Zoning.

(f) **Color of freestanding signs.** The parts of a freestanding sign that do not contain sign area, such as the back, braces, and supports, shall be of a single color.

(g) **Display windows.** For a commercial operation, an advertising sign commonly used in a retail business may be in a display window if the sign does not occupy more than 30% of the window area.

(h) **Responsible party.** The person or organization that is the subject of a sign shall be presumed to be the party that erected the sign.
(Bill No. 4-05; Bill No. 78-05; Bill No. 92-13)

§ 18-3-302. Permit requirements.

(a) **Permit generally required.** Except as provided in subsection (b), a permit shall be obtained from the Department of Inspections and Permits before posting a sign.

(b) **When permit not required.** The following signs do not require a permit:

- (1) a temporary sign;
- (2) a directional sign that is less than four square feet in area;
- (3) a permanent directional sign in a County right-of-way, but pre-approval is required as provided in § 18-3-305;
- (4) a sign forming an integral part of a transportation shelter, fuel-dispensing pump, vending machine, or service appliance; or
- (5) a sign posted at a parking lot as required by § 12-3-107 of this Code.

(Bill No. 4-05; Bill No. 18-09)

§ 18-3-303. Prohibited signs; location; removal from County rights-of-way.

(a) **Definition.** For purposes of this section, a "changeable copy sign" means a sign designed so that characters, letters, or illustrations on the sign can be changed or rearranged without altering the face or surface of the sign.

(b) **Prohibition.** The following types of signs are prohibited:

- (1) a portable sign, including a portable changeable copy sign, with or without wheels;
- (2) a sandwich sign;
- (3) wind signs, revolving signs, whirling signs, and animated signs; and

(4) a sign that projects above the roof of a structure, a sign painted on the roof of a structure, and a sign supported by poles, uprights, or braces extending from or attached to the roof of a structure.

(c) **Location.** A sign shall be located within the lot lines of the use to which it refers, except that a directional sign may be located within a County right-of-way to the extent permitted by § 18-3-305 and § 18-3-306.

(d) **Removal from County rights-of-way.** The County may remove and dispose of a sign posted in a County right-of-way that does not comply with § 18-3-305 or § 18-3-306 and may impose the costs of removal and disposition on the person or entity responsible for the sign. (Bill No. 4-05; Bill No. 78-05)

§ 18-3-304. Measurement of area and height.

(a) **How area is measured.** Sign area is measured as the smallest rectangular area enclosing all elements of the sign, including the extreme limits of the writing, representation, emblem, logo, or other display, any material or color forming an integral part of the background of the display, and all ornamental attachments and inner connecting links. Only one face of a freestanding sign is measured if the faces are placed back to back no more than three feet apart, are of the same dimensions, and have identical copy except for minor differences necessary for directional purposes. Supporting framework, bracing, or decorative fences or walls are not included.

(b) **How height is measured.** The height of a sign is measured as the distance from the base of the sign at grade level to the top of the highest attached component of the sign. (Bill No. 4-05)

§ 18-3-305. Permanent offsite directional signs in County rights-of-way.

(a) **Generally.** A permanent offsite directional sign stating the name of a cultural or historical site; a club, lodge, or fraternal or service organization; community business areas; a hotel or motel; a marina; a religious facility; a restaurant; or a waterfront event is allowed in a County right-of-way if the use to which the sign relates is located on a local or collector road and at least 1,000 feet, measured by road distance, from an arterial or higher classification road.

(b) **Airport parking.** A permanent offsite directional sign stating the name of a private parking facility is allowed in a County right-of-way if the use to which the sign relates is located in the area shown on the official map adopted by the County Council entitled "Airport Permanent Offsite Directional Signs, 2005".

(c) **Restrictions.** No more than four signs are allowed on a single sign pole, and no more than one sign is allowed for a single business or business area in one direction on an arterial road. No more than two sign poles are allowed in any one direction at an arterial road intersection.

(d) **Pre-approval required.** An application for approval of a permanent directional offsite sign shall be filed with the Office of Planning and Zoning and shall contain the location of the business or business area, the intersections requested for the location of the sign, and the name of the business or business area that will appear on the sign.

(e) **Installation.** The Department of Public Works shall be responsible for the installation of an offsite directional sign in a location determined by the Department.

(Bill No. 4-05; Bill No. 78-05)

Editor's note – A small-scale representation of the official map adopted by Bill No. 78-05 is included as an appendix to this article.

§ 18-3-306. Temporary signs.

(a) **Generally.** A temporary sign is allowed in all zoning districts. A temporary real estate or construction sign for more than one lot shall have a maximum area of 48 square feet or, if the property has 500 feet or more of road frontage, 64 square feet. Otherwise, a temporary sign shall have a maximum area of nine square feet in residential districts and 24 square feet in all other districts. The height of a temporary sign may not exceed 12 feet above grade level.

(b) **Temporary directional signs.** A maximum of six temporary directional signs of no more than three square feet in area or three feet in height are allowed per event or destination, with a double-faced sign counting as one sign. A temporary directional sign shall be self-supporting and may be posted only on weekends between 8:00 a.m. on Friday and 9:00 a.m. on the following Monday or between 9:00 a.m. on County, State, or federal holidays and 9:00 a.m. on the following day. Temporary directional signs may be placed within a County right-of-way if the signs are located at least three feet from any curbed or paved area.

(Bill No. 4-05; Bill No. 78-05; Bill No. 9-09)

§ 18-3-307. Signs in residential districts and for certain dwellings in commercial districts.

(a) **Scope.** This section applies to signs in residential districts and to signs for adult independent dwelling units, multifamily dwellings, and townhouse dwellings located in commercial districts.

(b) **Freestanding signs.**

(1) A residential development without a community facility or multifamily dwelling may have two freestanding signs at the main roadway entry point. If one sign is used, it may not exceed 40 square feet in area. If two signs are used, each sign may not exceed 20 square feet in area. The signs may not exceed a height of six feet.

(2) A residential development with a community facility or multifamily dwelling may have the freestanding signs allowed by subsection (b)(1). The development also may have one freestanding sign for each community facility or multifamily dwelling within the development, and each sign may not exceed two square feet in area or a height of four feet.

(c) **Identification signs.** A residential development may have one identification sign on each main entrance facade of a community facility or multifamily dwelling. Each sign may not exceed two square feet in area.

(d) **Directional signs.** A residential development may have directional signs as necessary. Each sign may not exceed six square feet in area or a height of five feet.

(e) **Nonresidential and institutional use signs.** Except as otherwise provided in this section, each nonresidential or institutional use located in a residential district may have one freestanding sign, one identification sign on not more than two facades, and directional signs as necessary. A freestanding sign may not exceed an area of 64 square feet or a height of 10 feet. The total square footage of all identification signs may not exceed 400 square feet. Each directional sign may not exceed 20 square feet in area or a height of seven feet.

(f) **Home occupation signs.** One freestanding sign that does not exceed two square feet in area or a height of five feet is allowed to identify a home occupation.

(g) **Bed and breakfast homes and inns signs.** One freestanding sign that does not exceed four square feet in area or a height of five feet is allowed to identify a bed and breakfast home or bed and breakfast inn.

(h) **Waterman's home commercial use sign.** One freestanding sign that does not exceed two square feet in area or a height of five feet is allowed to identify a waterman's home commercial use.

(i) **Roadside stand signs.** Two freestanding signs are allowed for the sale of agricultural produce at a roadside stand. Each sign may not exceed 20 square feet in area or a height of eight feet.

(Bill No. 4-05; Bill No. 78-05)

§ 18-3-308. Signs for business complexes.

(a) **Freestanding signs.** A business complex may have one freestanding sign at each road frontage. The area of the sign may not exceed the lesser of 400 square feet or one square foot for each one foot of road frontage, except that the area of the sign for a movie theater may not exceed 450 square feet. The height of the sign may not exceed 40 feet. An automobile gasoline station may have one additional freestanding sign at each road frontage, and the area of the sign may not exceed 60 square feet or a height of 10 feet.

(b) **Identification signs.** A business complex may have:

(1) identification signs for the name of the business complex on not more than three facades, so long as the area of the signs does not exceed 12% of the area of each facade and the area of all signs does not exceed 400 square feet;

(2) identification signs for the name of a tenant on not more than two facades in a one or two story structure, so long as the area of the signs does not exceed, for each tenant facade, the lesser of 10% of the area of the facade or 200 square feet;

(3) one identification sign at each service entry, so long as the area of each sign does not exceed four square feet;

(4) one identification sign on each entry facade if the business complex is a mall or otherwise enclosed, so long as the area of each sign does not exceed 10% of the area of the facade and the area of all signs does not exceed 200 square feet;

(5) one identification sign for each secondary business in a structure that contains one principal use, so long as the area of all identification signs on the structure does not exceed 400 square feet; and

(6) one identification sign on a canopy over a group of gas pumps at an automobile gasoline station, so long as the area of the sign does not exceed 12 square feet.

(c) **Directional signs.** A business complex may have directional signs as necessary. Each sign may not exceed six square feet in area or a height of five feet.

(d) **Service windows.** An establishment in a business complex with a ticket, drive-through, or ordering window may have no more than two signs, freestanding or identification, that relate to the business operation or services provided at the window. The area of each sign may not exceed 32 square feet. The height of a freestanding sign may not exceed six feet.

(Bill No. 78-05)

§ 18-3-309. Signs in commercial and industrial districts for uses other than dwellings and business complexes.

(a) **Scope.** This section applies to signs in commercial and industrial districts for uses other than dwelling and business complexes.

(b) **Freestanding signs.** An establishment may have one freestanding sign at each road frontage. The area of the sign may not exceed the lesser of 250 square feet or one square foot for each one foot of road frontage, except that the area of the sign for a movie theater may not exceed 450 square feet. The height of the sign may not exceed 30 feet. An automobile gasoline station may have one additional freestanding sign at each road frontage, and the area of the sign may not exceed 60 square feet or a height of 10 feet.

(c) **Identification signs.** An establishment may have:

(1) identification signs on not more than three facades, so long as the combined area of the signs does not exceed 12% of the area of each facade and the area of all signs does not exceed 400 square feet;

(2) one identification sign at each service entry, so long as the area of each sign does not exceed four square feet;

(3) one identification sign for each secondary business in a structure that contains one principal use, so long as the area of all identification signs on the structure does not exceed 400 square feet; and

(4) one identification sign on a canopy over a group of gas pumps at an automobile gasoline station, so long as the area of the sign does not exceed 12 square feet.

(d) **Directional signs.** An establishment may have directional signs as necessary. Each sign may not exceed six square feet in area or a height of five feet.

(e) **Service windows.** An establishment with a ticket, drive-through, or ordering window may have no more than two signs, freestanding or identification, that relate to the business operation or services provided at the window. The area of each sign may not exceed 32 square feet. The height of a freestanding sign may not exceed six feet.

(Bill No. 78-05)

§ 18-3-310. Signs for marinas; signs in maritime districts.

(a) **Community marinas.** A community marina may have one freestanding sign that does not exceed 36 square feet in area or a height of eight feet.

(b) **Commercial marinas.** A commercial marina may have one freestanding sign at the entrance that does not exceed 200 square feet in area or a height of 25 feet and a freestanding sign on the shoreline or a pier that does not exceed 48 square feet in area or a height of 10 feet.

(c) **Independent uses in a marina.** Each independent use in a marina may have two identification signs on a structure to which the use relates. The total square footage of the signs may not exceed 200 square feet.

(d) **Directional signs.** Directional signs are allowed in a maritime district as necessary. Each sign may not exceed six square feet in area or a height of five feet.

(e) **Bed and breakfast homes and inns signs.** One freestanding sign that does not exceed four square feet in area or a height of five feet is allowed to identify a bed and breakfast home or bed and breakfast inn.

(Bill No. 4-05; Bill No. 78-05)

§ 18-3-311. Signs in open space districts.

(a) **Freestanding or identification signs.** An establishment or use in an open space district that relates to conservation, farming or nurseries, nature study, or recreation may have one sign, freestanding or identification, that does not exceed 20 square feet in area. The height of a freestanding sign may not exceed six feet.

(b) **Directional signs.** An establishment or use in an open space district may have directional signs as necessary. Each sign may not exceed four square feet in area or a height of four feet.

(c) **Home occupations.** One freestanding sign that does not exceed two square feet in area or a height of five feet is allowed to identify a home occupation in a dwelling located in an open space district.

(Bill No. 4-05; Bill No. 78-05)

§ 18-3-312. Signs in small business districts.

(a) **Freestanding or identification signs.** An establishment or use in a small business district may have one sign, freestanding or identification, that does not exceed 10 square feet in area. The height of a freestanding sign may not exceed six feet.

(b) **Illumination of signs.** A sign in a small business district may be illuminated only by lighting exterior to the sign.

(c) **Signs prohibited on accessory structures.** An accessory structure in a small business district may not have a sign.

(Bill No. 4-05; Bill No. 78-05)

§ 18-3-313. Signage programs.

(a) **Signage program.** The developer of a project located in a mixed use or town center district or of a PUD shall submit a signage program to the Office of Planning and Zoning. If approved, the program shall supersede the standards described in this subtitle to the extent of any conflict.

(b) **Purpose.** A signage program shall contribute to the efficient utilization of the development, minimize visual clutter, make use of directional signs in the parking areas and pedestrian circulation system, be in harmony with the architecture, landscaping, and other design elements of the development, be compatible with existing or potential development in the neighboring communities if the signage is along the periphery of the site or visible from public streets or roads, and address the location, size, height, number, color, and material of all proposed signs and state whether the proposed signs will be illuminated.

(c) **Special uses.** The signage program for a government reuse facility is governed by § 18-12-105.

(Bill No. 4-05; Bill No. 78-05)

TITLE 4. RESIDENTIAL DISTRICTS

Section

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Subtitle 10. R22 – Residential Districts

- 18-4-1001. Bulk regulations.

SUBTITLE 1. IN GENERAL

§ 18-4-101. Scope.

This title applies to all residential districts.
(Bill No. 4-05)

§ 18-4-102. Limitation on the number of dwellings on a lot.

Except as provided otherwise in this Code, there may be only one single-family detached dwelling on a lot.
(Bill No. 4-05; Bill No. 78-05)

§ 18-4-103. Limitations on mobile homes.

A mobile home may not be stored on land or occupied for dwelling purposes unless located in a licensed mobile home park.
(Bill No. 4-05)

§ 18-4-104. Pets; livestock or fowl.

(a) **Pets.** The keeping of pets for other than commercial purposes is allowed. The keeping of cats is limited to no more than nine per household. The keeping of dogs shall be in accordance with the following schedule:

Number of Dogs	Minimum Lot Size
1 to 4	No requirement
5 to 6	25,000 square feet
7 or more	40,000 square feet, plus 5,000 square feet for each additional dog above 7

(b) **Livestock or fowl.** The keeping of livestock or domestic fowl is allowed in accordance with the following:

(1) Livestock may be kept on a lot of 40,000 square feet or greater and may not exceed a ratio of one animal unit per 40,000 square feet. An animal unit is defined as follows:

2 horses or mules	= 1 animal unit
2 head of cattle	= 1 animal unit
4 ponies, burros, miniature horses, or donkeys	= 1 animal unit
10 sheep or goats	= 1 animal unit
8 swine	= 1 animal unit
8 llamas	= 1 animal unit
8 alpacas	= 1 animal unit
Other animals, 2,000 pounds	= 1 animal unit

(2) Domestic fowl may be kept on a lot 40,000 square feet or greater and may not exceed a ratio of one bird unit per 40,000 square feet. A bird unit for lots 40,000 square feet or greater is defined as follows:

32 chickens	= 1 bird unit
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16 ducks	= 1 bird unit
8 turkeys	= 1 bird unit
8 geese	= 1 bird unit
1 ostrich	= 1 bird unit
2 emus	= 1 bird unit
Other fowl, 100 pounds	= 1 bird unit

(3) Chickens and ducks may be kept on a lot of 20,000 square feet or greater improved by a single family dwelling and may not exceed a ratio of one bird unit per 20,000 square feet. A bird unit for lots 20,000 square feet or greater but less than 40,000 square feet is defined as follows:

8 chickens – hens only	= 1 bird unit
4 ducks	= 1 bird unit

(4) Chickens, not including roosters, may be kept on a lot 10,000 square feet or greater but less than 20,000 square feet that is improved by a single family dwelling provided the number of chickens does not exceed four chickens.

(5) Combinations of animals are allowed if the lot is 40,000 square feet or greater and the allowed ratio of animal units to square footage is maintained.

(6) All livestock and fowl shall be kept within a fenced area. Chickens or ducks on lots less than 40,000 square feet shall be kept in a secured enclosure with a chicken coop.

(7) Except for coops or enclosures for chickens or ducks on lots less than 40,000 square feet, accessory structures relating to livestock or fowl and manure storage shall be located at least 50 feet from side and rear lot lines.

(8) Coops and enclosures for chickens or ducks on lots less than 40,000 square feet shall be located at least 25 feet from side or rear lot lines and 25 feet from any dwelling.

(Bill No. 4-05; Bill No. 69-07; Bill No. 79-13)

§ 18-4-105. Noncommercial antennas.

A noncommercial antenna structure in a residential district shall comply with the following:

(1) the height of the structure may not exceed the lesser of 100 feet or the width or depth of the property as determined by a line bisecting the structure and measured from one side of the lot line to the other or from the front lot line to the rear lot line at the shortest distance between the two lines;

(2) the setback for the central vertical portion of the antenna structure shall be at least 10 feet from each lot line for a structure up to 35 feet high and 10 feet plus one additional foot for each three feet in excess of 35 feet for a structure over 35 feet high; and

(3) each rigid radiating element of the structure shall be set back at least 10 feet from any lot line.

(Bill No. 4-05)

§ 18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
Airports and airfields	SE		SE					
Alcoholic beverage uses as accessory to other uses	C	C	C	C	C	C	C	C
Animal hospitals and veterinary clinics	SE	SE	SE					
Assisted living facilities		SE	SE	SE	SE	SE	SE	SE
Assisted living facilities, community-based	P	P	P	P	P	P	P	P
Bed and breakfast homes	C		C	C	C			
Bed and breakfast inns	SE		SE	SE	SE			
Brewery, farm	C							
Camps, private, for seasonal residence only	P	P						
Campgrounds, commercial recreational	SE	SE	SE					
Carnivals, circuses, and fairs, temporary	C	C	C	C	C	C	C	C
Cemeteries	SE	SE	SE					
Child care centers other than as a home occupation	SE	SE	SE	SE	SE	SE	SE	SE
Christmas tree sales	P	P	P	P				
Clay and borrow pits or sand and gravel operations	SE							
Commercial recreational facilities, including miniature golf; driving ranges; tennis, racquet, and handball barns or courts; artificial ski slopes; indoor soccer; bowling alleys; BMX bike, skateboard or		SE	SE					

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
roller blade parks; and skating rinks								
Commercial telecommunication facilities permanently located on the ground	SE	SE	SE	SE	SE	SE	SE	SE
Commercial telecommunication facilities permanently located on the ground on land owned by a governmental entity or a volunteer fire company or located in a transmission right-of-way and not attached to a transmission line pole or tower or within 100 feet of a transmission line right-of-way	C	C	C	C	C	C	C	C
Commercial telecommunication facilities that are antennas attached to a nonresidential structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, and does not support lights or signs unless required for safety reasons	P	P	P	P	P	P	P	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P	P	P	P	P	P

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
Conference retreat facilities	SE	SE	SE					
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P	P	P	P	P	P
Conversion of existing single-family detached dwellings to duplex dwellings				SE	SE			
Country clubs, private clubs, and service, nonprofit, charitable organizations with less than 125 onsite parking spaces	C	C	C	C	C	C	C	C
Country clubs, private clubs, and service, nonprofit, and charitable organizations with 125 or more onsite parking spaces	SE	C	C	C	C	C	C	C
Dwelling units, accessory	C	C	C	C	C	C	C	
Dwelling units, adult independent	P	P	P	P	P	P	P	P
Dwelling unit, abutting heavy industrial zone			P	P				
Dwellings, duplex and semi-detached				SE	C	P	P	
Dwellings, multifamily						P	P	P
Dwellings, single-family detached	P	P	P	P	P	P	P	
Dwellings, townhouses					C	C	C	
Farm tenant houses	C	C	C	C				
Farming	P	P	P	P	P	P	P	P
Festival, renaissance	SE							
Golf courses	P	P	P	P	P	P	P	P
Golf course facilities, private	C	C	C	C	C	C	C	C
Government reuse facilities			C					

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
(see Title 12)								
Group homes	P	P	P	P	P	P	P	P
Heliports	SE	SE	SE					
Home occupations	C	C	C	C	C	C	C	C
Hospice facilities	P	P	P	P	P	P	P	P
Housing for the elderly of moderate means				SE	SE	SE	SE	SE
Kennels, commercial	SE	SE	SE					
Landscaping and tree contracting	SE	SE						
Libraries, museums, parks, and similar uses of a noncommercial nature that are located on a lot with an historic structure or activity	P	P	P	P	P	P	P	P
Licensed premises of a licensed grower of medical cannabis, as defined in COMAR 10.62.01.01	C							
Licensed premises of a licensed processor of medical cannabis, as defined in COMAR 10.62.01.01	C							
Mobile home parks	SE	SE	SE	SE	SE	SE	SE	
Nurseries with landscaping and plant sales	C	C	C	C				
Nursing homes	SE	SE	SE	SE	SE	SE	SE	SE
Piers and launching ramps, community	SE	SE	SE	SE	SE	SE	SE	SE
Piers, recreational	C	C	C	C	C	C	C	C
Piers, private residential, if accessory to a dwelling unit	P	P	P	P	P	P	P	P
Planned unit developments (see Title 12)	SE	SE	SE	SE	SE	SE	SE	SE
Produce markets	C	C	C	C				
Public utility essential services	P	P	P	P	P	P	P	P

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
Public utility uses	SE	SE	SE	SE	SE	SE	SE	SE
Religious facilities on a lot of at least two acres with less than 300 onsite parking spaces	P		P	P	P	P	P	P
Religious facilities on a lot of at least two acres with 300 or more onsite parking spaces	SE		P	P	P	P	P	P
Religious facilities on a lot of at least 5 acres if the coverage for all buildings, including onsite parking, is not more than 30% of the lot		P						
Restaurants, taverns, retail sales, and consumer services in a multifamily structure							C	C
Rifle, pistol, skeet, or archery ranges	SE		SE					
Roadside stands consisting of temporary seasonal structures that sell produce and other agricultural goods	P	P	P	P				
Rooming houses							P	P
Schools, private academic, in existence on or before May 12, 2005	P	P	P	P	P	P	P	P
Schools, public charter and private academic, with less than 125 onsite parking spaces	C	C	C	C	C	C	P	P
Schools, public charter and private academic, with 125 or more onsite parking spaces	SE	C	C	C	C	C	P	P
Small wind energy systems or meteorological towers	C	C	C	C	C			

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Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22
on a lot of at least three acres								
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE			
Solar energy systems—accessory	C	C	C	C	C	C	C	C
Solar energy systems—principal	C							
Stables, commercial or community, and riding clubs	C	C	C					
Staging areas for County capital projects	P	P	P	P	P	P	P	P
Storage, bulk for agricultural products	SE							
Swimming pools and recreational facilities, community, if located at least 50 feet from each residential lot line or dwelling unit	P	P	P	P	P	P	P	P
Swimming pools, private	P	P	P	P	P	P	P	P
Taxidermists, excluding butchering, rendering, or tanning	P							
Theaters, live performances, temporary outdoor	P		P	P				
Volunteer fire stations	P	P	P	P	P	P	P	P
Waterman’s home commercial use	C	C	C	C	C			
Wildlife and game preserves	P	P						
Wineries	C	C	C	C				
Workforce housing				SE	SE	SE	SE	

(Bill No. 4-05; Bill No. 54-05; Bill No. 55-05; Bill No. 78-05; Bill No. 69-07; Bill No. 77-07; Bill No. 79-07; Bill. No. 97-08; Bill No. 2-09; Bill No. 45-09; Bill No. 39-10; Bill No. 10-11;

Bill No. 13-11; Bill No. 14-11; Bill No. 56-11; Bill No. 73-11; Bill No. 68-13; Bill No. 21-14; Bill No. 82-14; Bill No. 8-15; Bill No. 23-15; Bill No. 72-15; Bill No. 96-15; Bill No. 28-16; Bill No. 30-16)

SUBTITLE 2. LOT MERGER AND UNMERGER

§ 18-4-201. Scope.

This subtitle:

- (1) does not affect the validity and operation of lot consolidation agreements executed before September 25, 2003, and the merger of lots under the lot consolidation agreements shall remain in full force and effect;
- (2) does not affect the validity and operation of record plats used to combine lots under the predecessor provisions to what is now § 18-4-202;
- (3) does not restrict the right of an owner of contiguous lots to subdivide the lots under Article 17 of this Code; and
- (4) does not apply to the use of contiguous lots for purposes of water, sewer, or stormwater management.

(Bill No. 4-05)

§ 18-4-202. Use and merger of unimproved lots of substandard area or dimensions.

(a) **Definition.** For purposes of this section, "unimproved lot" means a lot on which no part of a principal use is located.

(b) **When dwelling on substandard lot generally permitted or prohibited.** A dwelling may be constructed on a lot that does not comply with the minimum area or dimensional requirements of the zoning district in which the lot is located if the lot complied with any applicable minimum area and dimensional requirements at the time it was created, except that in the absence of compliance with subsection (c), a dwelling may not be constructed if the lot was contiguous to and under the same ownership as one or more unimproved lots on January 1, 1987.

(c) **Exception to general prohibition.** A dwelling may be constructed on a lot that was contiguous to and under the same ownership as one or more unimproved lots on January 1, 1987 if (1) the lot is served by public water and sewer or (2) the lot is merged with the contiguous unimproved lot or lots to create a lot that complies with or comes as close as possible to complying with the minimum area requirements of the zoning district in which the lot is located and the owner executes and records a lot merger agreement as a condition precedent to receiving a building permit for the dwelling.

(Bill No. 4-05)

§ 18-4-203. Merger of lots in service of a principal use.

(a) **General prohibition against use of multiple lots to serve principal use.** On and after September 25, 2003, multiple lots under the same ownership may not be used for the purpose of serving a principal use or be merged for the purpose of serving a principal use unless the requirements of this section are met.

(b) **Merger by operation of law.** Contiguous lots under the same ownership that are separated by a boundary line upon or across which a principal use is located on or after September 25, 2003, merge by operation of law on that date, and the Office of Planning and Zoning thereafter shall require the owner of the merged lots to execute and record a lot merger agreement as a condition precedent to receiving a permit for demolition, development, grading, or construction activity.

(c) **Merger by agreement.** Contiguous lots shall be merged by the owner of the lots for the purpose of serving a principal use, and the owner shall execute and record a lot merger agreement as a condition precedent to receiving a permit that requires use of the lots in service of a principal use.

(d) **Unmerger.** Some or all of lots merged under subsections (b) or (c), or under a lot consolidation agreement executed and recorded before September 25, 2003, may be unmerged if:

- (1) the lots no longer are used in service of a principal use;
- (2) the lots comply with the minimum area and dimensional requirements of the zoning district in which the lots are located in effect at the time of the unmerger;
- (3) all or part of any lots in the critical area were part of a subdivision approved on or after August 22, 1988; and
- (4) the owner executes and records in the land records of the County at the owner's expense an instrument unmerging the lots in the form required by the Office of Planning and Zoning.

(e) **Accessory uses or structures.** Subsection (d)(1) shall not be construed to prohibit the Office of Planning and Zoning from allowing an accessory use or structure to remain on a lot even if that use or structure would become unlawful after the unmerger if:

- (1) necessary to avoid an unnecessary hardship, such as the removal of a proposed shared garage or joint use pier; and
- (2) the conditions for allowing the use or structure to remain are specified in the instrument described in subsection (d)(4).

(Bill No. 4-05)

§ 18-4-204. Lot merger agreement; effect of merger.

(a) **Requirements.** A lot merger agreement shall:

- (1) be in the form required by the Office of Planning and Zoning and signed by the County and the owner of the lots;
- (2) be recorded by the owner in the land records of Anne Arundel County at the owner's expense and bind the subsequent owners of the lots; and
- (3) not affect the legal description of or title to the lots.

(b) **Effective date.** Except as provided in § 18-4-203(b), a merger of lots shall take effect on the date specified in the lot merger agreement.

(c) **Effect of merger.** Except as otherwise provided in this subtitle, lots merged under this subtitle shall be treated as a single lot for purposes of this article.

(Bill No. 4-05)

§ 18-4-205. Information upon application for permit; enforcement.

(a) **Information.** The owner of a lot shall submit the information required by the Office of Planning and Zoning concerning the ownership of contiguous lots upon application for:

(1) a building permit for a dwelling on the lot that does not comply with the minimum area or dimensional requirements of the zoning district in which the lot is located in effect at the time the application is submitted; or

(2) a permit that requires use of one or more of the contiguous lots in service of a principal use.

(b) **Enforcement action.** The Office of Planning and Zoning may require an owner who failed to execute and record a lot merger agreement as required by this subtitle to execute a lot merger agreement as a condition of resolving an enforcement action under Title 17.

(Bill No. 4-05)

§ 18-4-206. Consolidation without subdivision.

Nothing in this subtitle shall be construed to authorize merger of a lot any part of which is within a platted and recorded road or right-of-way.

(Bill No. 60-10)

SUBTITLE 3. RA – RURAL AGRICULTURAL DISTRICTS

§ 18-4-301. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an RA District:

Minimum lot size	40,000 square feet
Maximum coverage by structures	25% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	150 feet
Minimum setbacks for principal structures:	
Front lot line	40 feet
Rear lot line	35 feet
Side lot line	15 feet
Combined side lot lines	40 feet
Corner side lot line	40 feet
Principal arterial or higher classification road	50 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	50 feet
Side and rear lot lines	15 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached,

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	duplex, or semi-detached dwellings), 10 feet
Corner side lot line	40 feet
Maximum height limitations:	
Principal structures	45 feet
Accessory structures	45 feet if all setbacks are increased by one foot for each foot of height in excess of 25 feet
Maximum density	One dwelling unit per 20 acres plus one additional dwelling unit for residue acreage that exceeds 10 acres and, for sites over 50 acres, one additional dwelling unit for every 50 acres and one additional dwelling unit for residue acreage that exceeds 25 acres
Cluster development:	
Minimum lot size	20,000 square feet
Maximum lot size	120,000 square feet
Minimum width at front building restriction line	80 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot lines	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 93-12)

SUBTITLE 4. RLD – RESIDENTIAL LOW DENSITY DISTRICTS

§ 18-4-401. Bulk regulations.

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(a) **Generally.**

(1) Except as provided otherwise in this article, the following bulk regulations are applicable in an RLD District:

Minimum lot size	40,000 square feet
Maximum coverage by structures	25% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	150 feet
Minimum setbacks for principal structures:	
Front lot line	50 feet
Rear lot line	40 feet
Side lot line	20 feet
Combined side lot lines	50 feet
Corner side lot line	40 feet
Principal arterial road	75 feet
Freeway	150 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	60 feet
Side and rear lot lines	20 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 10 feet
Corner side lot line	50 feet
Maximum height limitations:	
Principal structures	45 feet
Accessory structures	45 feet if all setbacks are increased by one foot for each foot of height in excess of 25 feet
Maximum density	One dwelling unit per five acres
Cluster development:	
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot lines	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback

	may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet

(2) A lot with an area of less than 40,000 square feet that was approved by a record plat prior to April 9, 1987, may be reviewed in accordance with the bulk regulations of § 18-4-601 and lot size is subject to § 18-4-202.

(b) **Setback from certain slopes.** A 50-foot planted buffer area shall be located and maintained between the principal structure and the crest of steep slopes.

(Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 93-12)

SUBTITLE 5. R1 – RESIDENTIAL DISTRICTS

§ 18-4-501. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R1 District:

Minimum lot size	40,000 square feet
Maximum coverage by structures	25% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	125 feet
Minimum setbacks for principal structures:	
Front lot line	40 feet
Rear lot line	35 feet
Side lot line	15 feet
Combined side lot lines	40 feet
Corner side lot line	40 feet
Principal arterial or higher classification road	50 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	50 feet
Side and rear lot lines	15 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached,

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	duplex, or semi-detached dwellings), 10 feet
Corner side lot line	40 feet
Maximum height limitations:	
Principal structures	45 feet
Accessory structures	45 feet if all setbacks are increased by one foot for each foot of height in excess of 25 feet
Maximum net density	One dwelling unit per 40, 000 square feet
Cluster development:	
Minimum lot size	None, except for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, each of which units shall be on a lot not less than 10,000 square feet
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 50%
Minimum width at front building restriction line	80 feet or, for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, 60 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 93-12)

SUBTITLE 6. R2 – RESIDENTIAL DISTRICTS

§ 18-4-601. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R2 District:

Minimum lot size:	
If not served by public sewer	20,000 square feet
If served by public sewer	15,000 square feet
Maximum coverage by structures	30% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	80 feet
Minimum setbacks for principal structures:	
Front lot line	30 feet
Rear lot line	25 feet
Side lot line	7 feet
Corner side lot line	20 feet
Principal arterial or higher classification road	40 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	40 feet
Side and rear lot lines	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet
Corner side lot line	20 feet
Maximum height limitations:	
Principal structures	35 feet
Accessory structures	25 feet or the height of the principal structure, whichever is less
Maximum net density:	
If not served by public sewer	One dwelling unit per 20,000 square feet
If served by public sewer	2.5 dwelling units per acre
Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 60%
Minimum width at front building restriction line	50 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the

	front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 93-12)

SUBTITLE 7. R5 – RESIDENTIAL DISTRICTS

§ 18-4-701. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R5 District:

Minimum lot size	7,000 square feet
Maximum coverage by structures	40% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	60 feet
Minimum setbacks for principal structures:	
Front lot line	25 feet
Rear lot line	20 feet
Side lot lines	7 feet
Corner side lot line	20 feet
Principal arterial or higher classification road	35 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Front lot line	50 feet
Side and rear lot lines	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and

	similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	35 feet
Accessory structures	25 feet or the height of the principal structure, whichever is less
Maximum net density	Five dwelling units per acre
Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 75%
Minimum width at front building restriction line	40 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 93-12)

SUBTITLE 8. R10 – RESIDENTIAL DISTRICTS

§ 18-4-801. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in an R10 District:

Minimum lot size	None
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Maximum coverage by structures and parking	45% of gross area
Minimum setbacks for principal structures:	
Front lot line for structures and a rear or side facade abutting a roadway:	
Arterial road	35 feet
Collector road	20 feet
Private access drives and parking courts	10 feet
All other lot lines	15 feet
Distance between opposing front facades	30 feet
Semi-detached and duplex dwellings:	
Side lot line spacing between structures	14 feet
Side lot line	7 feet
Rear-facade-to rear or front-facade spacing	20 feet
Rear facade of unit to side facade of unit	15 feet
Front-facade-to-side-facade spacing	20 feet
Rear lot line	10 feet
Multifamily dwelling structures:	
Distance between projecting edges, corners, or facades of adjacent structures:	
Both opposing facades with a window or door	30 feet
One opposing facade with a window or door	20 feet
No opposing facade with a window or door	15 feet
Rear lot line	15 feet
Side lot line	10 feet
Minimum setbacks from road for garage or carport	18 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5

	feet
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	50 feet if all setbacks are increased by one foot for each foot of height in excess of 35 feet
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum net density	10 dwelling units per acre

(b) **Exception.** A single-family detached dwelling on a lot in a recorded subdivision shall comply with the bulk regulations of the R5 District.
(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

SUBTITLE 9. R15 – RESIDENTIAL DISTRICTS

§ 18-4-901. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in an R15 District:

Maximum coverage by structures and parking	45% of gross area
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	15 feet
Corner side lot lines	20 feet
Rear lot line	30 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge):	
Facades with windows	30 feet
Facades that are windowless	15 feet
Structure with eight or more dwelling units with facades that are windowless	30 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet
Corner side lot line	15 feet
Maximum height limitations:	

Principal structures	55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum length of a single elevation	250 feet
Maximum net density	15 dwelling units per acre

(b) **Exception.** A single-family detached dwelling on a lot in a recorded subdivision shall comply with the bulk regulations of the R5 District.
(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

SUBTITLE 10. R22 – RESIDENTIAL DISTRICTS

§ 18-4-1001. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R22 District:

Maximum coverage by structures and parking	45% of gross area
Minimum width at building restriction line for multiple dwelling structures	125 feet
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	25 feet
Corner side lot line	30 feet
Rear lot line	30 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge):	
Facades with windows	30 feet, increased by 25% of the amount by which the height exceeds 45 feet
Facades without windows	25 feet, increased by 25% of the amount by which the height exceeds 45 feet
Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:	
Side and rear lot lines	7 feet, or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	None if all setbacks are increased by one

	foot for each two feet of height in excess of 45 feet
Accessory structures	20 feet or the height of the principal structure, whichever is less
Maximum net density	22 dwelling units per acre

(Bill No. 4-05; Bill No. 78-05)

TITLE 5. COMMERCIAL DISTRICTS

Section

Subtitle 1. In General

- 18-5-101. Scope.
- 18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

Subtitle 2. C1 – Local Commercial Districts

- 18-5-201. Bulk regulations.

Subtitle 3. C2 – Commercial Office Districts

- 18-5-301. Bulk regulations.

Subtitle 4. C3 – General Commercial Districts

- 18-5-401. Bulk regulations.

Subtitle 5. C4 – Highway Commercial Districts

- 18-5-501. Bulk regulations.

SUBTITLE 1. IN GENERAL

§ 18-5-101. Scope.

This title applies to all commercial districts.
(Bill No. 4-05)

§ 18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P=permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district.

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Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Adult bookstores				C
Adult day care centers	P	P	P	P
Adult movie theaters				C
Alcoholic beverage uses as accessory to other uses	C	C	C	C
Amusement parks				SE
Animal hospitals and veterinary clinics				P
Appliance sales and service facilities			P	P
Arcades			P	P
Arcades located at least 1,000 feet from an existing dwelling with a maximum floor area of 3,000 square feet	P	A		
Assisted living facilities		C	C	
Auction establishments				P
Automobile and truck detailing shops			P	P
Automobile and truck dismantling and recycling facilities				SE
Automobile and truck repair and painting facilities				P
Automobile and truck rental establishments				P
Automobile and truck towing storage yard, temporary storage not to exceed 90 days				P
Automobile gasoline stations	SE		SE	C
Automobile and truck parts, supply stores, and tire stores			P	P
Automobile service facilities providing oil change, lubrication, and related services			P	P
Automobile towing facilities in conjunction with automobile gasoline service stations			SE	SE
Automobile, truck, and recreational vehicle sales				P
Bakery or donut shops	P	A	P	P
Bakeries, wholesale				P

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Banks	P	P	P	P
Banquet halls			P	P
Barbershops	P	A	P	P
Bicycle, motorscooter, and moped sales and service facilities				P
Bicycle, motorscooter, moped sales and service without outside storage	P		P	
Billiard and pool halls			P	P
Bingo, commercial				C
Boat showroom or sales facilities				P
BRAC Mixed Use Development				C
Brewery, craft				P
Building material storage, including sales and yards				P
Bulk storage for agricultural products			P	P
Bus terminals				P
Business complexes	P	P	P	P
Business complexes with auxiliary uses		C		
Carnivals, circuses, and fairs, temporary	C	C	C	C
Carpet and vinyl flooring stores			P	P
Carpet cleaning establishments				P
Carwashes			P	P
Catering establishments			P	P
Child care centers	P	P	P	P
Christmas tree sales	P	P	P	P
Civic facilities, community centers, libraries, and museums	P	P	P	P
Clubs, private, and service, nonprofit, and charitable organizations	P	P	P	P
Commercial recreational facilities, including miniature golf; driving ranges; tennis, racquet, and handball barns or courts; artificial ski slopes; indoor soccer; bowling alleys; BMX bike, skateboard or roller blade parks; electric go-carting; and skating rinks		P	P	P
Commercial telecommunication facilities permanently located on the ground	C	C	C	C

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Commercial telecommunication facilities that are antennas attached to a structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-110(7) of this Code	P	P	P	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P	P
Computer goods, sales, and services	P	A	P	P
Conference centers		P	P	P
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P	P
Contractor and construction shops and yards				P
Convenience stores, gift shops, and newsstands	P	A	P	P
Cultural centers and exhibits	P	P	P	
Dance halls			SE	SE
Delicatessens and snack bars	P	A	P	P
Department stores			P	P
Dog grooming and day care facilities	P		P	P
Dry cleaning and laundry establishments, including pick-up stations, package plants, and coin-operated facilities, limited to establishments with less than 4,000 square feet of floor area	P	A		
Dry cleaning operations and laundry establishments, including pick-up stations, package plants, and coin-operated facilities			P	P
Dwelling units, adult independent		C	C	

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Dwelling unit, apartment, as an accessory use provided the entrance is separate from the commercial use	P	P	P	
Dwelling, caretaker or resident manager, not to exceed 1,500 square feet of floor area			P	P
Dwellings, multifamily	C	C	C	
Dwellings, townhouses	C		C	
Equipment sales, repair, and storage, commercial				P
Farming	P	P	P	P
Flea markets, indoor			P	P
Flea markets, outdoor				P
Funeral establishments on a collector or arterial road		P	P	P
Funeral establishments on a local road		C	C	C
Furniture, appliance, and carpet stores and showrooms			P	P
Furniture refinishing establishments				P
Greenhouses and garden centers			P	P
Grocery stores		A	P	P
Grocery stores with a maximum of 25,000 square feet	P			
Grocery stores with a maximum of 35,000 square feet		P		
Gunsmiths and ammunition sales facilities				P
Hair and nail salons	P	A	P	P
Hardware stores	P	A	P	P
Health clubs, spas, gymnasiums		P	P	P
Health clubs, spas, and gymnasiums with a maximum of 2,500 square feet	P			
Heliports			SE	
Home centers and building supply stores			P	P
Home occupations	C	C	C	C
Hospice facilities		P		
Hospitals		P	P	
Hotels and motels		P	P	P

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Housing for elderly of moderate means	C	C	C	
Interior decorating establishments		A	P	P
Janitorial supply stores			P	P
Kennels, commercial				C
Licensed premises of a licensed dispensary of medical cannabis, as defined in COMAR 10.62.01.01		SE	SE	SE
Licensed premises of a licensed grower of medical cannabis, as defined in COMAR 10.62.01.01, indoor cultivation only			C	C
Licensed premises of a licensed processor of medical cannabis, as defined in COMAR 10.62.01.01			C	C
Linen supply establishments				P
Locksmiths	P		P	P
Machine shops, welders, sheet metal shops, and custom woodworking shops, including the assembling of component parts				P
Mailing and shipping services	P	P	P	P
Marine service facilities				P
Marine supply stores			P	P
Meat, seafood, and poultry markets	P	A	P	P
Medical or dental stores and laboratories, including assembly of component parts, fabrication, and repair services	P	P	P	P
Motorcycle repair and sales facilities				P
Moving or storage establishments				P
Musical instruments, services, and instruction			P	P
Nightclubs and comedy clubs		A	P	P
Nursing homes		C	C	
Offices, professional and general	P	P	P	P
Opticians and optometrical establishments	P	P	P	P
Outside storage, accessory to permitted uses, limited to 15% of the allowed lot coverage	P			
Outside storage, accessory to permitted			P	

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
uses, located in a side or rear yard, limited to 50% of the allowed lot coverage				
Outside storage as a principal use				P
Package goods stores	C	A	C	C
Parking garages or lots	P	P	P	P
Parks, private	P	P	P	P
Pawnshops				SE
Personal fitness studios	P	P	P	P
Pharmacies	P	A	P	P
Photography studios		P	P	P
Piers, commercial	P	P	P	P
Printing and publishing establishments			P	P
Produce markets	P	A	P	P
Psychic, tarot card, and palm reading and fortune telling establishments			P	P
Public utility essential services	P	P	P	P
Public utility uses	SE	SE	SE	SE
Radio, television, or industrial testing towers			SE	SE
Religious facilities	P	P	P	P
Rental establishments			P	P
Restaurants	P	P	P	P
Retail sale of liquefied petroleum gases if accessory to and on the same lot as an allowed use	C		C	C
Retail specialty stores or shops for retail sales, including antique stores, art supplies, bookstore, candy, cards, clocks, clothing, consignments, electronics, fabrics, flowers, gifts, hobbies, housewares, ice cream parlors, jewelry, luggage, musical instruments, news publications, office supply, optical goods, pets, photographic supplies, sewing machines, shoes and shoe repair, sporting goods, stamps and coins, stationary, tobacco, toys, video tapes, wallpaper and paint, window coverings, works of art	P	A	P	P

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Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Rifle, pistol, skeet, or archery ranges, indoor			SE	
Rifle, pistol, skeet, and archery ranges, indoor or outdoor				SE
Roadside vendors	P	P	P	P
Schools, public charter and schools, private: academic, arts, business, technical, or trade	P	P	P	P
Scientific research establishments		P		
Self-service storage facilities		SE	SE	C
Showrooms and sales of specialty building products			P	P
Sign shops, including painting and fabrication				P
Small engine repair if all work is done inside a building and there is no outside storage	P		P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE
Solar energy systems—accessory	C	C	C	C
Staging areas for County capital projects	P	P	P	P
State-licensed medical clinics	C	C	C	C
Storage, multilevel watercraft rack, not exceeding 35 feet in height, provided the rack does not cover more than 60% of the gross area of the property, as an accessory use to boat showroom or sales facilities				P
Swimming pool and spa sales, with outdoor display				P
Swimming pool and spa sales, indoor			P	P
Tailor shops	P	A	P	
Tanning salons	P	A	P	P
Tattoo parlors and body piercing salons			P	P
Taverns	P	A	P	P

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4
Taxicab stands and services		P	P	P
Taxidermists				P
Telecommuting centers	P	A	P	
Television stations, radio broadcasting stations, and recording studios			P	P
Theaters, live performances		A	P	
Theaters, movie		A	P	P
Truck and trailer rental facilities in conjunction with automobile gas stations			SE	P
Travel agencies	P	P	P	
Truck stops				P
Upholstering shops, including sailmaking shops			P	P
Vending businesses				P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P	P	P	
Video sales and rental establishments with less than 1,500 square feet of floor area	P	A		
Video sales and rental establishments			P	P
Volunteer fire stations	P	P	P	P
Wholesale trade, warehousing, and storage establishments				P

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 29-06; Bill No. 7-07; Bill No. 69-07; Bill No. 77-07; Bill No. 74-08; Bill No. 70-09; Bill No. 13-10; Bill No. 39-10; Bill No. 60-10; Bill No. 13-11; Bill No. 73-11; Bill No. 28-12; Bill No. 68-13; Bill No. 58-14; Bill No. 8-15; Bill No. 14-15; Bill No. 21-15; Bill No. 44-15; Bill No. 96-15; Bill No. 107-15)

SUBTITLE 2. C1 – LOCAL COMMERCIAL DISTRICTS

§ 18-5-201. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a C1 District:

Minimum lot size	11,000 square feet
Maximum coverage by structures and parking	75% of gross area
Minimum setbacks for principal structures:	

Front lot line	20 feet
Side lot line	10 feet
Rear lot line	20 feet
All lot lines	60 feet from right-of-way line of a divided principal arterial road
Minimum setbacks for accessory structures:	
Side lot line	10 feet
Rear lot line	10 feet
Minimum lot depth	100 feet
Maximum floor area ratio	1.0
Maximum height limitations for development in which less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	45 feet or to a maximum of 60 feet if all setback requirements are increased by one foot for each foot of height in excess of 45 feet
Maximum height limitations for development in which more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	45 feet or to a maximum of 72 feet if all setback requirements are increased by one foot for each foot of height in excess of 45 feet
Rear service area	Accessible by a 15-foot wide unobstructed right-of-way
Road access	Collector or arterial road
Maximum size of retail or other single use establishment	25,000 square feet of floor area or, for offices, 50,000 square feet of floor area

(Bill No. 4-05; Bill No. 60-10)

SUBTITLE 3. C2 – COMMERCIAL OFFICE DISTRICTS

§ 18-5-301. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a C2 District:

Minimum lot size	20,000 square feet
Maximum coverage by structures and parking	80% of gross area
Minimum setbacks for principal structures:	
Rear lot line	25 feet
All lot lines	60 feet from right-of-way line of a divided principal arterial road
Minimum setbacks for accessory structures in the side or rear yard:	
Side lot line	10 feet
Rear lot line	10 feet

Minimum lot depth	100 feet
Maximum floor area ratio:	
Generally	1.0
For a mix of office, retail, and residential uses with at least 30% of the total floor area devoted to residential uses and for hospitals	2.0
Maximum height limitations:	
If two or more lot lines abut a residential district	60 feet or to a maximum of 72 feet for development in which more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer and all setbacks are increased by one foot for each foot of height in excess of 60 feet
If one lot line abuts a residential district	60 feet except that there shall be no maximum for development in which more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer and all setbacks are increased by one foot for each three feet of height in excess of 60 feet
Rear service area	Accessible by a 15-foot wide unobstructed right-of-way

(Bill No. 4-05; Bill No. 60-10)

SUBTITLE 4. C3 – GENERAL COMMERCIAL DISTRICTS

§ 18-5-401. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a C3 District:

Minimum lot size	10,000 square feet
Maximum coverage by structures and parking	80% of gross area
Minimum setbacks for principal structures:	
Side lot line	None, except when abutting a residential district 25 feet
Rear lot line	None, except when abutting a residential district 15 feet
All lot lines	60 feet from right-of-way line of a divided principal arterial road

Minimum setbacks for accessory structures in the side or rear yard:	
Side lot line	10 feet
Rear lot line	10 feet
Minimum lot depth	150 feet
Maximum floor area ratio	2.0
Maximum height limitations for development in which less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	60 feet except that all setbacks are increased by one foot for each foot of height in excess of 45 feet
Maximum height limitations for development in which more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	72 feet if all setback requirements are increased by one foot for each foot of height in excess of 45 feet
Rear service area	Accessible by a 15-foot wide unobstructed right-of-way

(Bill No. 4-05; Bill No. 60-10)

SUBTITLE 5. C4 – HIGHWAY COMMERCIAL DISTRICTS

§ 18-5-501. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a C4 District:

Minimum size lot	10,000 square feet
Maximum coverage by structures and parking	85% of gross area
Minimum setbacks for principal structures:	
Front lot line	20 feet
Rear lot line	20 feet
All lot lines	60 feet from right-of-way line of a divided principal arterial road
Minimum setbacks for accessory structures in the side or rear yard:	
Side lot line	10 feet
Rear lot line	10 feet
Minimum lot depth	150 feet
Maximum floor area ratio	1.0
Maximum height limitations for development in which less than 50% of allowable lot coverage consists of environmental site design features approved	60 feet

by the Planning and Zoning Officer	
Maximum height limitations for development in which more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	72 feet if all setback requirements are increased by one foot for each foot of height in excess of 60 feet
Rear service area	Accessible by a 15-foot wide unobstructed right-of-way

(Bill No. 4-05; Bill No. 60-10)

TITLE 6. INDUSTRIAL DISTRICTS

Section

Subtitle 1. In General

- 18-6-101. Scope.
- 18-6-102. Setbacks from existing dwellings in a residential district.
- 18-6-103. Permitted, conditional, and special exception uses.

Subtitle 2. W1 – Industrial Park Districts

- 18-6-201. Bulk regulations.

Subtitle 3. W2 – Light Industrial Districts

- 18-6-301. Bulk regulations.

Subtitle 4. W3 – Heavy Industrial Districts

- 18-6-401. Bulk regulations.

SUBTITLE 1. IN GENERAL

§ 18-6-101. Scope.

This title applies to all industrial districts.
(Bill No. 4-05)

§ 18-6-102. Setbacks from existing dwellings in a residential district.

Notwithstanding any provision to the contrary, each new structure, parking lot, and driveway constructed after March 31, 2000, on a lot of more than 10 acres in an industrial zoning district shall be located at least 100 feet from an existing dwelling in a residential district.
(Bill No. 4-05)

§ 18-6-103. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A= auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Adult bookstores			C
Adult day care centers	P	P	
Adult movie theaters			C
Airports and airfields	SE	SE	SE
Alcoholic beverage uses as accessory to other uses	C	C	C
Amusement parks		SE	SE
Artisans and craft work	P	P	P
Automobile and truck detailing shops	P	P	P
Automobile and truck dismantling and recycling facilities		SE	SE
Automobile and truck rental establishments	P	P	P
Automobile and truck repair and painting facilities		P	P
Automobile and truck towing storage yards, temporary storage not to exceed 90 days		P	P
Automobile gasoline stations	C	C	C
Automobile and truck parts, supply stores, and tire stores	P	P	P
Automobile service facilities providing oil change, lubrication, and related services	P	P	P
Bakery or donut shops	A	A	
Banks	P	P	
Barbershops	A	A	
Boat manufacturing, repair, and service		P	P
Bookbinding		P	P
Bottling works		P	P
Bone distillation			P
BRAC Mixed Use Development	C		
Brewery		P	P
Brewery, craft	P	P	P
Building material storage, including sales and yards		P	P
Bus terminals		P	P

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Business complexes	P	P	P
Business complexes with auxiliary uses	C	C	
Cabinetry and woodworking and sales without outside storage	P		
Carnivals, circuses, and fairs, temporary	C	C	
Catering establishments	P	P	
Cement manufacturing			SE
Chemical and allied products, nonmanufacturing			P
Child care centers	P	P	
Clay and borrow pits or sand and gravel operations		SE	SE
Clubs, private, and service, nonprofit, and charitable organizations	P	P	P
Coke or coke products manufacturing			SE
Commercial recreational facilities, including miniature golf; driving ranges; tennis, racquet, and handball barns or courts; artificial ski slopes; indoor soccer; bowling alleys; BMX bike, skateboard or roller blade parks; and skating rinks		P	
Commercial telecommunication facilities permanently located on the ground	C	C	C
Commercial telecommunication facilities that are antennas attached to a structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-110(7) of this Code	P	P	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P
Communications systems sales and service, manufacturing and wholesale	P	P	P
Computer goods, sales and services	P	P	P
Conference centers	P		
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P
Contractor and construction shops and yards		P	P
Convenience stores, gift shops, and newsstands	A	A	

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Delicatessens and snack bars	A	A	
Die casting		P	P
Dog grooming and day care facilities		P	
Drive-in theaters	SE	SE	
Dry cleaning and laundry establishments		P	
Dry cleaning and laundry establishments, including pick-up stations, package plants, and coin-operated facilities, limited to establishments with less than 4,000 square feet of floor area	A	A	
Dyeing establishments		P	P
Equipment, sales, repair and storage, commercial		P	P
Entertainment complexes, including a multi-screen complex	A		
Fabrication and assembly uses	P	P	P
Farming	P	P	P
Fertilizer manufacturing			SE
Food product manufacturing		P	P
Furniture, appliance, and carpet stores and showrooms	P	P	
Generating plants			P
Grocery stores with a maximum of 25,000 square feet	A	A	
Hair and nail salons	A	A	
Hardware stores	A	A	
Health clubs, spas, and gymnasiums	P	P	P
Heliports	SE	SE	SE
Home occupations	C	C	C
Hotels and motels	P	A	
Industrial piers, wharves, and mooring pilings if located in the Chesapeake Bay, Patapsco River, Parish Creek, or Tenthouse Creek		P	P
Kennels, commercial	C	P	
Laboratories, research and development or testing	P	P	P
Latex fabrication, not including paint		P	P
Licensed premises of a licensed dispensary of medical cannabis as a principal use, as defined in COMAR 10.62.01.01	SE	C	SE
Licensed premises of a licensed dispensary of medical cannabis in a business complex, as defined in COMAR 10.62.01.01	SE	SE	SE
Licensed premises of a licensed grower of medical	C	C	C

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3
cannabis, as defined in COMAR 10.62.01.01, indoor cultivation only			
Licensed premises of a licensed processor of medical cannabis, as defined in COMAR 10.62.01.01	C	C	C
Lumber yards		P	P
Mailing and shipping services	P		
Manufacturing and processing, general, including the assembling of component parts, the creation of products, and the blending of materials	P	P	P
Manufacturing and processing, heavy, including adhesives; aircraft parts; alcoholic beverages; asphalt; atmospheric gas; bricks; concrete products; paper; metal foundries and forges; insulating materials; metal machinery that includes autos, rail, farm, construction, mining, and industrial machinery; metal refining, stamping, extrusion; paint and allied products; paper and paper products from pulp; plastic; porcelain and porcelain enamel; processing of grain, clay, sand, gravel, stone, synthetic fibers, filaments, and tiles			P
Marine freight terminals, excluding bulk freight, if located in the Chesapeake Bay or Patapsco River		P	P
Maritime suppliers and servicing, including piers and wharves for pile driving and marine construction operations		P	P
Metal products and machinery, manufacturing, fabrication, finishing, tool and die, machine shops, galvanizing, electroplating, die casting, welding		P	P
Milk and dairy products, processing and distribution		P	P
Monument works and statuary production		P	P
Motorcycle manufacturing and fabrication		P	P
Moving and storage establishments		P	P
Natural wood waste recycling facilities		SE	SE
Offices, professional and general	P	P	P
Office supply stores and business service establishments	P		
Ore storage			SE
Outside storage as a principal use		P	P
Package goods stores	A	A	
Parking garages or lots	P	P	P
Parks, private	P		
Personal fitness studios	P	P	P

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Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Petroleum products, storage for retail sale		SE	SE
Petroleum products, storage on lot in excess of 1,000,000 gallons for use by W3 district uses or public utilities			SE
Pharmacies	A	A	
Photoengraving		P	P
Photography studios	P	P	
Piers, commercial	P	P	P
Printing and publishing establishments	P	P	P
Processing sites for clay, sand, gravel, and similar materials			C
Public utility essential services	P	P	P
Public utility uses	SE	P	P
Race tracks for horses	C	SE	
Race tracks for other than horses		SE	
Radio and television studios and broadcasting establishments	P	P	
Radio, television, or industrial testing towers		SE	SE
Recyclables recovery facilities		SE	SE
Religious facilities	P	P	P
Rendering plants			SE
Rental establishments	P	P	P
Restaurants	P	P	P
Rubble processing facilities			SE
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P	P	P
Self-service storage facilities	C	C	C
Showrooms and sales of specialty building products	P	P	P
Sign shops, including painting and fabrication	P	P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE
Solar energy systems—accessory	C	C	C
Solar energy systems—principal	C	C	C
Solid waste transfer stations			SE
Stadiums, commercial	SE	SE	SE
Staging areas for County capital projects	P	P	P
State-licensed medical clinics	C	C	C

Permitted, Conditional, and Special Exception Uses	W1	W2	W3
Storage of atmospheric gas, coal, grain			P
Tattoo parlors and body piercing salons	P		
Taverns	P	P	P
Taxicab stands and services	P	P	
Taxidermists	P	P	P
Telephone exchanges	P	P	P
Trade expositions	P	P	P
Travel agencies	A		
Truck stops		P	P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment without outside runs or pens	P		
Video lottery facilities	C		
Video sales and rental establishments with less than 1,500 square feet of floor area	A	A	
Volunteer fire stations	P	P	P
Water-dependent facilities	P	P	P
Wholesale trade, warehousing, and storage establishments	P	P	P

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 64-07; Bill No. 69-07; Bill No. 82-09; Bill No. 39-10; Bill No. 60-10; Bill No. 73-12; Bill No. 12-13; Bill No. 68-13; Bill No. 21-14; Bill No. 58-14; Bill No. 8-15; Bill No. 14-15; Bill No. 21-15; Bill No. 96-15)

SUBTITLE 2. W1 – INDUSTRIAL PARK DISTRICTS

§ 18-6-201. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a W1 District:

Lot size:	
Average lot size	1 acre
Minimum lot size	40,000 square feet
For an industrial park	20 acres
Minimum setbacks for principal structures:	
Front lot line	50 feet
Side lot line	30 feet
Rear lot line	30 feet
Freeway	100 feet
Divided principal arterial road	60 feet
Any other public road or	50 feet

right-of-way	
Minimum setbacks for accessory structures from rear and side lot lines	25 feet
Maximum coverage by structures and parking	75% of gross area
Minimum width at front building restriction line	150 feet
Maximum height limitations:	
Principal structures	None if all setbacks are increased by one foot for each two feet of height in excess of 90 feet
Accessory structures	None if all setbacks are increased by one foot for each two feet of height in excess of 25 feet
Maximum single front elevation	300 feet in length unless special architectural, landscaping, or topographic treatment, such as a change of material, texture, depression, berm, or other similar change, is employed.

(Bill No. 4-05)

SUBTITLE 3. W2 – LIGHT INDUSTRIAL DISTRICTS

§ 18-6-301. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a W2 District:

Minimum lot size	8,000 square feet
Maximum coverage by structures and parking	80% of gross area
Minimum setbacks for principal structures:	
Front lot line	20 feet
Side lot line	15 feet
Rear lot line	30 feet
Rear lot line that abuts a residentially zoned district	100 feet
Side or rear lot line that abuts a commercially zoned district	20 feet
Freeway	100 feet
Divided principal arterial road	60 feet
Minimum setbacks for accessory structures in a rear yard:	
Side lot line	10 feet
Rear lot line	10 feet

Minimum lot depth	100 feet
Minimum width at front building restriction line	75 feet
Maximum height limitations for principal structures where less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	75 feet if all setback requirements are increased by one foot for each two feet of height in excess of 60 feet
Maximum height limitations for principal structures where more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	87 feet if all setback requirements are increased by one foot for each two feet of height in excess of 75 feet

(Bill No. 4-05; Bill No. 60-10)

SUBTITLE 4. W3 – HEAVY INDUSTRIAL DISTRICTS

§ 18-6-401. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a W3 District:

Minimum lot size	6,000 square feet
Maximum coverage by structures and parking	80% of gross area
Minimum setbacks for principal structures:	
Front lot line	10 feet
Front lot line abuts a residential area	10 feet
Side lot line	10 feet
Rear lot line	20 feet
Side or rear lot line abuts a residentially zoned district	200 feet
Side or rear lot line abuts a commercially zoned district	50 feet
Freeway	100 feet
Divided principal arterial road	60 feet
Minimum setbacks for accessory structures in a rear yard:	
Side lot line	5 feet
Rear lot line	5 feet
Minimum lot depth	100 feet
Minimum width at front building	75 feet

restriction line	
Maximum height limitations for principal structures, excluding towers, columns, or a series of columns, towers, or stacks, where less than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	75 feet if all setback requirements are increased by one foot for each two feet of height in excess of 60 feet
Maximum height limitations for principal structures, excluding towers, columns, or a series of columns, towers, or stacks, where more than 50% of allowable lot coverage consists of environmental site design features approved by the Planning and Zoning Officer	87 feet if all setback requirements are increased by one foot for each two feet of height in excess of 75 feet

(Bill No. 4-05)

TITLE 7. MARITIME DISTRICTS

Section

- 18-7-101. Scope.
- 18-7-102. Maritime Districts.
- 18-7-103. Determination of marina basin.
- 18-7-104. Use of marina basin.
- 18-7-105. Front yard.
- 18-7-106. Bulk regulations.
- 18-7-107. Permitted, conditional, and special exception uses.
- 18-7-108. Ladders and flotation devices.

§ 18-7-101. Scope.

This title applies to all maritime districts.

(Bill No. 4-05)

§ 18-7-102. Maritime Districts.

- (a) **MA1.** The MA1-Community Marina District serves only the residents and guests of a recorded residential riparian subdivision and is owned by a homeowner's association.
- (b) **MA2.** The MA2-Light Commercial Marina District provides limited commercial services.
- (c) **MA3.** The MA3-Yacht Club District serves only the members and is a non-profit marina owned and operated by the membership.
- (d) **MB.** The MB-General Commercial Marina District offers a full range of commercial services.

(e) **MC.** The MC-Heavy Commercial Marina District offers a full service marina or industrial operation.
(Bill No. 4-05)

§ 18-7-103. Determination of marina basin.

(a) **Maps.** The waterway maps prepared by the Office of Planning and Zoning and adopted in 1979 are adopted as part of this article for the purpose of determining marina basins.

(b) **Limits of marina basin.** The limits of the marina basin are the mean high-water line of the site before development or expansion, two side marina lot line extensions, and a line drawn to connect their channelward ends.

(c) **Side lot line extensions.** The length of each side marina lot line extension shall be limited to the lesser of:

(1) one-half the distance from the mean high-water line to the center point of a cove;

(2) 100 feet less than the distance from the mean high-water line to the edge of the delineated channel and anchorage, except that the channelward extension of the side marina lot line or the line connecting the channelward ends may not be less than one-half the distance from the mean high-water line to the edge of the delineated channel and anchorage; or

(3) 500 feet from the mean high-water line.

(d) **Direction of side lot line extensions.** The Office of Planning and Zoning shall designate the direction of a marina basin side lot line extension along a line:

(1) at a 90-degree angle to the mean high-water line of the property at the intersection of the side marina lot line with the mean high-water line;

(2) at a 90-degree angle to the center line of the body of water;

(3) extending the side marina lot line past its intersection with the mean high-water line;

(4) connecting the point of intersection between the side marina lot line and the mean high- water line with the center point of a cove; or

(5) generally parallel to existing piers on adjacent properties.

(Bill No. 4-05)

§ 18-7-104. Use of marina basin.

The water area used by a marina shall be limited to the marina basin.
(Bill No. 4-05)

§ 18-7-105. Front yard.

Structures and uses on a lot may not be located in the front yard, except that water-dependent uses and incidental items, such as dock boxes, trash containers, dinghy racks, water safety facilities, fire safety facilities, shoreline protection structures, or signs, may be located in the front yard.

(Bill No. 4-05)

§ 18-7-106. Bulk regulations.

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Except as provided otherwise in this article, the following bulk regulations are applicable in a maritime district:

Minimum site area	One acre above mean high water
Maximum coverage by structures and parking in MA1, MA2, and MA3 Districts	70% of gross area
Maximum dry storage area in MA1, MA2, and MA3 Districts	50% of gross area
Maximum coverage by structures, parking, and dry storage in MB and MC Districts	80% of gross area
Minimum frontage for access	40 feet
Minimum width at waterfront	150 feet
Minimum setbacks for all structures:	
Front lot line	Determined by critical area criteria
Side lot line	15 feet
Rear lot line	20 feet
Road right-of-way	40 feet
Minimum setbacks for commercial piers, piling installations, launching facilities, covered and uncovered slips	25 feet from side limits of marina basin
Minimum setbacks for uncovered slips perpendicular to mean high water line	20 feet from side limits of marina basin
Maximum height limitations:	
Structures	40 feet, except that a structure may exceed the height limitation if all setbacks are increased by two feet for each foot of excess height
Outside dry storage of cradles and racks, without roof coverage	10 feet

(Bill No. 4-05; Bill No. 78-05; Bill No. 93-12)

§ 18-7-107. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the Maritime group districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE=special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
Alcoholic beverage uses as accessory to other uses		C	C	C	C
Banquet halls		P	P	P	P
Bed and breakfast homes		C		C	C
Bed and breakfast inns		SE		SE	SE
Commercial telecommunication facilities permanently located				SE	SE

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Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
on the ground					
Commercial telecommunication facilities that are antennas attached to a structure if the antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-110(7) of this Code				P	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P	P	P
Community structures and club houses	P	P	P	P	P
Construction of watercraft		P		P	P
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P	P	P
Dwellings for the sole purpose of custodial, managerial, or operational aspects of the marina: one for a marina with less than 250 slips; two for a marina with 250 or more slips		P	P	P	P
Heliports				SE	SE
Home occupations	C	C	C	C	C
Hotels and motels				SE	SE
Ice vending machines	P	P	P	P	P
Launching ramps and small hoists with a maximum rated lift capacity of 4,000 pounds for the launching and removal of watercraft	P		P		
Launching ramps, marine railways, travel lifts, fork lifts, hoists, hydraulic trailers, and other similar facilities for the launching and removal of watercraft		P		P	P
Maintenance and repair of watercraft	P	P	P	P	P
Marinas, commercial		P		P	P
Marinas, community	P				
Marinas, yacht club			P		

Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
Marine fuel sales		P		P	P
Marine salvage and towing operations					P
Offices and administration facilities necessary for operating the marina	P	P	P	P	P
Outside storage of crab pots, nets, traps, and other similar devices if the total area of storage does not exceed 5% of the		P		P	P

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Permitted, Conditional, and Special Exception Uses	MA1	MA2	MA3	MB	MC
marina site					
Personal fitness studio, water-based		P		P	P
Pile driving and marine construction operations				P	P
Piers and launching ramps, community	C				
Piers, commercial		P	P	P	P
Piers, recreational	C				
Public utility essential services	P	P	P	P	P
Public utility uses	SE	SE	SE	SE	SE
Rental of watercraft, including watercraft charter operations		P		P	P
Restaurants		P	P	P	P
Sail making and sail repair				P	P
Sale of groceries, packaged alcoholic beverages, fishing supplies, and watercraft accessories		P	P	P	P
Sale of watercraft, marine engines, and watercraft trailers		P		P	P
Small wind energy systems or meteorological towers on a lot of at least three acres	C	C	C	C	C
One small wind energy system or meteorological tower on a lot less than three acres	SE	SE	SE	SE	SE
Solar energy systems—accessory	C	C	C	C	C
Staging areas for County capital projects	P	P	P	P	P
Storage of watercraft, covered and dry		SE	SE	C	P
Storage of watercraft, covered and wet		SE	SE	SE	P
Storage of watercraft, outside and dry	P	P	P	P	P
Storage of watercraft in excess of 150 feet					P
Storage, multilevel watercraft rack		SE		C	P
Swimming pools, tennis courts, and other similar recreational facilities	P	P	P	P	P
Taverns		P		P	P
Volunteer fire stations	P	P	P	P	P
Water taxi landings		P		P	P
Water-related uses, including storage of seafood in live boxes, fish cleaning, and structures for the storage of crab pots, nets, traps, and similar devices		P		P	P

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 39-10; Bill No. 51-11; Bill No. 68-13; Bill No. 24-16; Bill No. 28-16; Bill No. 30-16)

§ 18-7-108. Ladders and flotation devices.

(a) **Ladders.** Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

(b) **Personal flotation devices.** United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet. (Bill No. 4-05)

TITLE 8. MIXED USE DISTRICTS

Section

Subtitle 1. In General

- 18-8-101. Scope.
- 18-8-102. Definitions
- 18-8-103. Site size.

Subtitle 2. Uses under the Standard Method of Development

- 18-8-201. Residential, commercial, and industrial districts.

Subtitle 3. Uses under the Optional Method of Development

- 18-8-301. Permitted uses; conditional uses.
- 18-8-302. Combination of uses.
- 18-8-303. Densities; floor area ratios; building heights.

SUBTITLE 1. IN GENERAL

§ 18-8-101. Scope.

This title applies to all mixed use districts.
(Bill No. 4-05)

§ 18-8-102. Definitions.

In this title, the following words have the meanings indicated:

(1) "Optional method of development" means development in which more intense development is allowed in return for the development being subject to greater discretionary approval over all elements of the development to achieve a better quality of design or other amenities.

(2) "Standard method of development" means development as a matter of right under applicable zoning and other regulations.

(Bill No. 4-05)

§ 18-8-103. Site size.

The minimum gross area for a site to be developed under the optional method of development is 10 acres, except that a site with a net area of less than 10 acres may be developed under the optional method of development if it adjoins a site developed or being developed under the optional method of development for which a sketch plan has been approved and can be integrated with the development of the adjoining site in the manner described in § 17-7-604 of this Code.

(Bill No. 4-05)

SUBTITLE 2. USES UNDER THE STANDARD METHOD OF DEVELOPMENT

§ 18-8-201. Residential, commercial, and industrial districts.

(a) **Residential.** For a lot that was in a residential zoning district immediately before being zoned to a mixed use district, the uses allowed under the standard method of development are single-family detached dwellings, including home occupations and accessory structures and uses, that comply with the requirements of an R1 District.

(b) **Commercial and industrial.** For a site that was in a commercial or industrial district immediately before being zoned to a mixed use district, the uses are only those uses allowed in the mixed use district applicable to the site, the floor area ratio may not exceed 0.1, and the uses shall otherwise conform to the requirements of the zoning district in which the site was located.

(Bill No. 4-05)

SUBTITLE 3. USES UNDER THE OPTIONAL METHOD OF DEVELOPMENT

§ 18-8-301. Permitted uses; conditional uses.

(a) **Uses allowed.** The permitted and conditional uses under the optional method of development are listed in the chart in this section using the following key: P = permitted use; C = conditional use. A blank space means that the use is not allowed in the district. Uses and structures customarily accessory to the listed uses also are allowed, except that outside storage as an accessory use is not allowed.

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	MXD-R	MXD-C	MXD-E	MXD-T
Residential				
BRAC Mixed Use Development	C	C	C	C
Dwellings, adult independent units	P	P	P	P
Dwellings, multifamily	P	P	P	P

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	MXD-R	MXD-C	MXD-E	MXD-T
Dwellings, single-family detached	P	P	P	P
Dwellings, townhouses	P	P	P	P
Group homes	P	P	P	P
Home occupations	C	C	C	C
Rooming houses	P			P
Retail and Service				
Adult day care centers	P	P	P	P
Alcoholic beverage uses as accessory to other uses	C	C	C	C
Antique shops	P	P	P	P
Appliance sales and service facilities		P	P	P
Arcades		P	P	P
Art galleries	P	P	P	P
Art and craft shops	P	P	P	P
Artisans' and craft work	P	P	P	P
Assisted living facilities	P	P	P	P
Automobile gasoline stations		P	P	P
Automobile parts and supply stores		P	P	P
Automobile and truck rental establishments			P	P
Bakery or donut shops	P	P	P	P
Banks	P	P	P	P
Banquet halls		P	P	P
Barbershops	P	P	P	P
Bicycle, motor scooter, moped sales and service	P	P	P	P
Billiard and pool halls	P	P	P	P
Bookstores, except adult bookstores	P	P	P	P
Candy stores	P	P	P	P
Carwashes accessory to automobile gasoline stations		P	P	P
Carpet and vinyl flooring stores		P	P	P
Catering establishments		P	P	P
Child care centers	P	P	P	P
Civic facilities, community centers, libraries, and museums	P	P	P	P
Clock shops for sale or repair	P	P	P	P
Clothing stores	P	P	P	P
Commercial recreational facilities, including miniature golf; driving ranges; tennis, racquet, and handball barns or courts; artificial ski slopes; indoor soccer; bowling alleys; BMX bike, skateboard or roller blade parks; go-carting; and skating rinks	P	P	P	P

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	MXD-R	MXD-C	MXD-E	MXD-T
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	P	P	P
Computer goods, sales and service	P	P	P	P
Consignment shops, except pawn shops	P	P		P
Construction or sales trailers, temporary, in an approved development actively under construction	P	P	P	P
Convenience stores, gift shops, and newsstands	P	P	P	P
Country clubs, private clubs, service, nonprofit, and charitable or philanthropic organizations	P	P	P	P
Delicatessens and snack bars	P	P	P	P
Department stores		P	P	P
Dog grooming and day care facilities		P		P
Dry cleaning and laundry establishments, including pickup stations, package plants, and coin-operated facilities, limited to establishments with less than 4,000 square feet of floor area	P	P	P	P
Dry cleaning operations and laundry establishments, including pickup stations, package plants, and coin-operated facilities		P	P	P
Entertainment complexes, including multi-screen complexes		P	P	P
Florist shops	P	P	P	P
Food wholesaling		P	P	P
Funeral establishments		P	P	P
Furniture, appliance, and carpet stores and showrooms		P	P	P
Golf courses	P	P	P	
Grocery stores	P	P	P	P
Hair and nail salons	P	P	P	P
Hardware stores	P	P	P	P
Health clubs, spas, and gymnasiums	P	P	P	P
Heliports		P	P	P
Home centers and building supply stores		P	P	
Hospice facilities	P	P	P	P
Hospitals		P	P	P
Hotels and motels		P	P	P

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	MXD-R	MXD-C	MXD-E	MXD-T
Ice cream stores	P	P	P	P
Interior decorating establishments	P	P	P	P
Janitorial supply stores		P	P	P
Jewelry stores	P	P	P	P
Linen supply establishments		P	P	P
Linens, bath, and curtain stores		P	P	P
Locksmiths	P	P	P	P
Luggage or leather goods stores		P	P	P
Mailing and shipping services	P	P	P	P
Meat, seafood, and poultry markets	P	P	P	P
Nightclubs and comedy clubs		P	P	P
Novelty shops	P	P	P	P
Nursing homes	P	P	P	P
Office supply stores and business service establishments	P	P	P	P
Opticians or optometrical establishments	P	P	P	P
Package goods stores	C	C	C	C
Parking lots or garages		P	P	P
Parks, private	P	P	P	P
Pet shops	P	P	P	P
Pharmacies	P	P	P	P
Photographic stores and studios	P	P	P	P
Picture framing establishments	P	P	P	P
Produce markets	P	P	P	P
Piers, recreational	P	P	P	P
Public utility essential services	P	P	P	P
Public utility uses	SE	SE	SE	SE
Religious facilities	P	P	P	P
Rental establishments		P	P	
Restaurants	P	P	P	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P	P	P	P
Showrooms and sales of specialty building products		P	P	
Sporting goods stores	P	P	P	P
Sporting and athletic goods manufacturing			P	
Staging areas for County capital projects	P	P	P	P
Swimming pools and recreational facilities, community, if located at least 50 feet from each lot line and dwelling unit	P	P	P	P
Tanning salons	P	P	P	P
Tattoo parlors and body piercing salons		P	P	P

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	MXD-R	MXD-C	MXD-E	MXD-T
Taverns	P	P	P	P
Taxicab stands and services	P	P	P	P
Telecommuting centers	P	P	P	P
Telephone exchanges	P	P	P	P
Television stations, radio broadcasting stations, and recording studios		P	P	P
Theaters, except adult movie theaters	P	P	P	P
Toy shops	P	P	P	P
Trade expositions		P	P	P
Travel agencies	P	P	P	P
Upholstering shops, including sailmaking shops	P	P		P
Variety stores	P	P	P	P
Veterinary clinics, if over-night stays are limited to those necessary for medical treatment, without outside runs or pens	P	P	P	P
Video sales and rental establishments with less than 1,500 square feet of floor area	P			
Video sales and rental establishments		P	P	P
Volunteer fire stations	P	P	P	P
Wallpaper and paint stores	P	P	P	P
Office				
Offices, professional and general	P	P	P	P
State-licensed medical clinics		C	C	C
Industrial				
Brewery, craft			P	
Building material storage, including sales and yards			P	
Cabinetry and specialty lumber mill working and sales			P	
Laboratories, research and development or testing			P	
Fabrication and assembly uses			P	
Photoengraving			P	
Printing and publishing establishments			P	
Specialty building products, sales and showrooms			P	
Wholesale trade, warehousing, and storage establishments			P	
Other				
Solar energy systems—accessory	C	C	C	C

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 60-10; Bill No. 13-11; Bill No. 14-11; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 28-16; Bill No. 30-16)

§ 18-8-302. Combination of uses.

(a) **Use combination required.** Uses shall be combined in the manner described in the chart in this section.

(b) **Percentages.** Except as provided in subsection (c), the percentages listed in the chart in this section represent the proportion of the floor area of the category of use to the floor area of the development. If the percentages are expressed as a range, the first number is the minimum percentage and the second number is the maximum percentage.

(c) **Open area and public activity areas.** The percentages listed for open area represent the proportion of the area of the open area to the gross area of the site, and the percentages listed for public activity area represent the proportion of the public activity area to the usable floor area of the nonresidential uses in the development.

(d) **When percentages may be modified.** The Office of Planning and Zoning may modify the percentages listed in the chart if the site is affected by the airport noise zone, environmental remediation requirements, or is part of or an addition to an office complex that was in existence as September 14, 2008 and is occupied primarily by tenants engaged in the national security industry.

(e) **Chart.**

	MXD-R	MXD-C	MXD-E	MXD-T
Category of Use				
Residential	50 - 80%	15 - 45%	10 - 40%	30 - 70%
Retail and service	5 - 25%	40 - 60%	10 - 25%	10 - 35%
Office	10 - 25%	10 - 40%	15 - 60%	10 - 40%
Industrial	0	0	15 - 65%	0
Open area (% of gross area of site)	20% minimum	20% minimum	20% minimum	20% minimum
Public activity area (% of nonresidential gross floor area)	20% minimum	10% minimum	10% minimum	20% minimum

(Bill No. 4-05; Bill No. 69-07; Bill No. 52-08)

§ 18-8-303. Densities; floor area ratios; building heights.

The maximum residential densities, maximum floor area ratios, and maximum building heights are described in the following chart.

	MXD-R	MXD-C	MXD-E	MXD-T
Maximum residential net density	7 units/acre	15 units/acre	15 units/acre	22 units/acre
Maximum FAR	0.5	1.0	1.0	2.0
Maximum building height	90 feet. Height may exceed 90 feet if all setback requirements are increased by one foot for each two feet in excess of 90 feet and if more than 50% of allowable lot	150 feet	150 feet	150 feet

	MXD-R	MXD-C	MXD-E	MXD-T
	coverage consists of environmental design features approved by the Planning and Zoning Officer.			

(Bill No. 4-05; Bill No. 69-07; Bill No. 52-08; Bill No. 60-10)

TITLE 9. OTHER ZONING DISTRICTS

Section

Subtitle 1. Odenton Growth Management Area Districts

- 18-9-101. Scope.
- 18-9-102. Definitions.
- 18-9-103. Uses.
- 18-9-104. Applicability of other law.

Subtitle 2. OS/OS-C – Open Space Districts and Conservation Overlay

- 18-9-201. Scope.
- 18-9-202. Permitted, conditional, and special exception uses.
- 18-9-203. OS District bulk regulations.
- 18-9-204. OS-C – Open Space Conservation Overlay.

Subtitle 3. TC – Town Center Districts

- 18-9-301. Scope.
- 18-9-302. Permitted and special exception uses.
- 18-9-303. Bulk regulations.

Subtitle 4. SB – Small Business Districts

- 18-9-401. Scope.
- 18-9-402. Permitted, conditional, and special exception uses.
- 18-9-403. Bulk regulations.

SUBTITLE 1. ODENTON GROWTH MANAGEMENT AREA DISTRICTS

§ 18-9-101. Scope.

The provisions of this subtitle apply to the Odenton Growth Management Area.
(Bill No. 4-05; Bill No. 20-16)

§ 18-9-102. Definitions.

In this subtitle, “Odenton Town Center Master Plan” has the meaning stated in § 17-7-801 of this Code.
(Bill No. 4-05; Bill No. 20-16)

§ 18-9-103. Uses.

The uses allowed in the Odenton Growth Management Area are those uses that conform to the requirements of the Odenton Town Center Master Plan.
(Bill No. 4-05; Bill No. 20-16)

§ 18-9-104. Applicability of other law.

Except as provided otherwise in the Odenton Town Center Master Plan, the Odenton Town Center Master Plan supersedes other provisions of this article and Article 17 of this Code to the extent of any conflict.
(Bill No. 4-05; Bill No. 20-16)

SUBTITLE 2. OS/OS-C – OPEN SPACE DISTRICTS AND CONSERVATION OVERLAY

§ 18-9-201. Scope.

This subtitle applies to all Open Space Districts.
(Bill No. 4-05; Bill No. 69-12)

§ 18-9-202. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in Open Space Districts (OS) and in the Open Space Conservation Overlay (OS-C) are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted, Conditional, and Special Exception Uses	OS	OS-C
Alcoholic beverage uses as accessory to other uses	C	
Barns, stables, and kennels for the sheltering, breeding, boarding, hiring, or selling of an animal and for storage of crops raised on the premises	P	
Camps, nonprofit, including dormitories, cabins, and structures for administrative, maintenance, and custodial activities	P	P
Commercial telecommunication facilities permanently located on the ground	SE	
Commercial telecommunication facilities that are antennas attached to a nonresidential structure if the	P	

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Permitted, Conditional, and Special Exception Uses	OS	OS-C
antenna does not exceed 15 feet in height above the structure, does not project more than two feet beyond the facade, does not support lights or signs unless required for safety reasons, and accessory structures meet the requirements of § 18-10-110(7) of this Code		
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P	
Conservation uses, practices, and structures for the maintenance of the natural environment	P	P
Farming or nurseries, including truck gardening, grazing of livestock, and other similar activities if the use does not change the stability of the land; including barns, stables and other structures accessory to farming	P	P
Golf courses	P	
Home occupations	C	C
Launching ramps	P	P
Pets, livestock, or fowl as permitted by § 18-4-104	P	P
Piers, private	P	P
Piers, recreational	C	C
Public utility essential services	P	
Public utility uses	SE	
Recreational uses, active	C	
Recreational uses, passive	P	P
Residential uses, existing	P	P
Solar energy systems—accessory	C	C
Staging areas for County capital projects	P	
Structures for administrative and custodial uses of the principal use of the site if building coverage, including parking, does not exceed 20% of the site and the structures are not located in the natural drainage system	P	
Structures, permanent, accessory to active recreational uses, including concession stands, shower and locker rooms, athletic and maintenance equipment storage, bleachers or stands with a seating capacity for no more than 100 people, non- illuminated scoreboards, playground equipment, and stables	C	
Structures, permanent, accessory to active recreational uses including bleachers or stands with a seating capacity	SE	

Permitted, Conditional, and Special Exception Uses	OS	OS-C
not to exceed 250 people, outdoor lighting other than for public safety, illuminated scoreboards, and public address or amplified sound systems		
Structures, temporary, for boating, swimming, fishing, hunting, golf courses, ice skating, nature study, picnic areas, play areas, stables, and stands for the sale of products raised on the premises	P	
Volunteer fire stations	P	

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 15-12; Bill No. 69-12; Bill No. 68-13; Bill No. 28-16; Bill No. 30-16)

§ 18-9-203. OS District bulk regulations.

(a) **Setbacks.** Except as provided otherwise in this article, a use or structure other than a pier, conservation use, passive recreational use, or beach shall be located at least 50 feet from any lot line and 75 feet from any road right-of-way.

(b) **Height limitation.** The maximum height for a principal structure is 45 feet. The maximum height for an accessory structure is 25 feet.

(c) **Coverage.** The maximum coverage by structures and parking is 20% of the gross area.

(Bill No. 4-05; Bill No. 15-12; Bill No. 69-12)

§ 18-9-204. OS-C – Open Space Conservation Overlay.

(a) **Scope.** The OS-C – Open Space Conservation Overlay is an overlay that applies to the following habitats or features located in an Open Space District:

(1) Forest Interior Dwelling Species (“FIDS”) Habitat, as defined in subsection (c); or

(2) environmentally sensitive features, as defined in Article 17 of this Code, including, but not limited to, tidal and nontidal wetlands, bogs, 100-year floodplains, streams, steep slopes, and all associated buffers.

(b) **Purpose.** The purpose of the OS-C Overlay is to protect and preserve FIDS Habitats, tidal and nontidal wetlands, bogs, 100-year floodplains, streams, steep slopes, and all associated buffer areas created by this Code. These purposes include, but are not limited to, protecting and preserving floodplains and wetlands associated with floodplains in their natural state, protecting and preserving streams and bogs in their natural state, protecting and preserving wildlife habitat associated with streams, wetlands, floodplains and bogs, preventing soil erosion and sedimentation in tidal and nontidal waters by protecting steep slopes, protecting and preserving scenic values, and protecting and preserving wildlife habitat.

(c) **FIDS Habitat.** A FIDS Habitat is any forest tract that is greater than 50 acres with at least 10 acres that is 300 feet or more from the nearest forest edge, or a riparian forest that is at least 300 feet in total width and greater than 50 acres in total forest area.

(d) **Other requirements.** The requirements of this section are in addition to other requirements of this Code.

(e) **Conflict with other law.** If any provision of this section conflicts with other County law, the more restrictive provision shall prevail.

(f) **Variance required.** The requirements of this section may be altered only by variance as provided in this Article and Article 3 of this Code.

(g) **Violations and enforcement.** Violations of this section shall be enforced by the Department of Inspections and Permits under the provisions of Article 16 and Article 18 of this Code.

(h) **Existing uses.** Uses permitted in an OS-C District that were in existence on October 1, 2012 may continue except that intensification or expansion shall be in accordance with the provisions of this Code. Any use that ceases to exist or ceases operation for 12 consecutive months shall be subject to the provisions of this Code.

(Bill No. 69-12)

SUBTITLE 3. TC – TOWN CENTER DISTRICTS

§ 18-9-301. Scope.

This subtitle applies to all Town Center Districts.

(Bill No. 4-05)

§ 18-9-302. Permitted and special exception uses.

The permitted and special exception uses allowed in each of the Town Center Districts are listed in the chart in this section using the following key: P = permitted use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed.

Permitted and Special Exception Uses	
Any use allowed in a C3 District in accordance with the requirements of this subtitle and those requirements of Title 5 that are consistent with this title	P
Any multifamily use allowed in an R15 or R22 District in accordance with the requirements of this subtitle and those requirements of Title 4 that are consistent with this title	P
Hospice facilities	P
Nursing homes	P
Solar energy systems—accessory	C

(Bill No. 4-05; Bill No. 13-11; Bill No. 68-13)

§ 18-9-303. Bulk regulations.

(a) **Generally.** Except as provided otherwise in this article, the following bulk regulations are applicable in a Town Center District:

Minimum lot size	None
Minimum width at front building restriction line	50 feet

Maximum height limitations	60 feet except that all setbacks are increased by one foot for every foot of height in excess of 45 feet
Floor area ratio excluding onsite parking	2.0
Distance between structures:	
Residential or hotel uses	50 feet
Commercial	30 feet
Minimum coverage by open area for multifamily residential uses, excluding any grade level parking	30% of gross area

(b) **Exceptions.** For a lot that is less than 20,000 square feet, the floor area may be increased by 10 square feet for each square foot of open area provided in excess of the minimum open area. For a lot exceeding 20,000 square feet, the floor area ratio may be increased by 0.2 for every 2,000 square feet of additional open area provided in excess of the minimum open area. Open area includes any open area at grade with less than 50% cover but does not include grade level parking courts. Floor area may be increased in an amount equal to the area of any parking provided over and above that required by Title 3. The floor area increases allowed under this subsection may not exceed a floor area ratio of 0.6. The additional open areas and parking areas provided under this subsection may be located on a different site if each area is located no more than 200 feet from the subject site and a pedestrian access way is provided and separated from vehicular activity.

(Bill No. 4-05)

SUBTITLE 4. SB – SMALL BUSINESS DISTRICTS

§ 18-9-401. Scope.

This subtitle applies to all Small Business Districts.

(Bill No. 4-05)

§ 18-9-402. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in the Small Business Districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed. Outside storage as an accessory use is not allowed, except that the owner-occupant of a dwelling may store on the lot one commercial vehicle or a vehicle used for commercial purposes having a manufacturer's gross vehicle weight rating of not more than 10,000 pounds.

Permitted, Conditional, and Special Exception Uses	
Adult day care centers	P
Antique shops	P
Art galleries	P
Bakeries if all goods are prepared and offered for sale on the premises	P

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Permitted, Conditional, and Special Exception Uses	
Barbershops	P
Bed and breakfast homes	P
Bed and breakfast inns	P
Bicycle, skateboard, and roller blade sales and service	P
Bookstores, except adult bookstores	P
Business complexes	P
Child care centers	P
Clock sales and repair	P
Clothing stores	P
Coffee shops	P
Commercial telecommunication facilities for testing purposes or emergency services for a period not exceeding 30 days if the facility is a monopole not exceeding 100 feet in height and is located at least 300 feet from any dwelling	P
Construction or sales trailers, temporary, in an approved development actively under construction	P
Delicatessens	P
Dog grooming and day care facilities, without outside runs or pens	P
Dwelling unit, apartment, as an accessory use provided the entrance is separate from the commercial use	P
Dwellings, multifamily, in conjunction with another allowed use	P
Dwellings, single-family detached	P
Florist shops	P
Gift shops	P
Group homes	P
Hair and nail salons	P
Hobby shops	P
Home occupations	C
Hospice facilities	P
Ice cream stores	P
Interior decorating and designer showrooms	P
Jewelry stores	P
Offices, professional and general	P
Photographic studios and camera shops	P
Picture framing shops	P
Produce markets	P
Public utility essential services	P
Public utility uses	SE
Restaurants	P

Permitted, Conditional, and Special Exception Uses	
Saddlery and tack shops	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P
Shoe repair shops	P
Solar energy systems—accessory	C
Staging areas for County capital projects	P
Telecommuting centers	P
Upholstering shops, including sailmaking shops	P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P
Volunteer fire stations	P

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 69-07; Bill No. 13-11; Bill No. 14-11; Bill No. 63-11; Bill No. 68-13; Bill No. 88-13)

§ 18-9-403. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in a Small Business District:

Minimum lot size:	
If not served by public sewer	20,000 square feet
If served by public sewer	15,000 square feet
Maximum coverage by structures with direct access to a principal arterial road or higher	40% of gross area
Maximum coverage by all other structures	30% of gross area
Minimum setbacks for principal structures:	
Front lot line	30 feet
Side lot line	7 feet
Combined side lot lines	20 feet
Corner side lot line	20 feet
Rear lot line	25 feet
Principal arterial or higher classification road	40 feet
Front and side setbacks	Equal to the average of the setbacks on abutting lots, except that if only one abutting lot is improved, the required setback shall be determined by averaging the setback on the improved lot and the setback required under this section.
Minimum setbacks for accessory structures:	

Front lot line	40 feet
Side lot line, rear lot line	10 feet
Corner side lot line	20 feet
Maximum height limitations:	
Principal structure	40 feet
Accessory structure	25 feet
Minimum width at front building restriction line	80 feet
Maximum floor area for structures with direct access to a principal arterial road or higher:	
Principal structures	10,000 square feet
Accessory structures	1,000 square feet
Maximum floor area for all other structures:	
Principal structures	3,000 square feet
Accessory structures	1,000 square feet

(Bill No. 4-05; Bill No. 7-10)

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

Section

- 18-10-101. Adult bookstores.
- 18-10-102. Adult movie theater.
- 18-10-103. Alcoholic beverage uses as accessory to other uses.
- 18-10-103.1 Assisted living facilities.
- 18-10-104. Automobile gasoline stations.
- 18-10-105. Bed and breakfast homes.
- 18-10-106. Bingo, commercial.
- 18-10-106A. BRAC Mixed Use Development.
- 18-10-107. Brewery, farm.
- 18-10-108. Business complexes with auxiliary uses.
- 18-10-109. Carnivals, circuses, and fairs, temporary.
- 18-10-110. Commercial telecommunication facilities.
- 18-10-111. Country clubs, private clubs, and service and nonprofit charitable organizations with less than 125 onsite parking spaces.
- 18-10-112. Country clubs, private clubs, and service and nonprofit charitable organizations with 125 or more onsite parking spaces.
- 18-10-113. Dwelling units, accessory.
- 18-10-114. Dwelling units, adult independent.
- 18-10-115. Dwellings, duplexes and semi-detached.
- 18-10-116. Dwellings, multifamily.
- 18-10-117. Dwellings, townhouses.
- 18-10-118. Farm tenant houses.
- 18-10-119. Funeral establishments.
- 18-10-120. Golf course facilities, private.

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- 18-10-121. Government reuse facilities.
- 18-10-122. Home occupations.
- 18-10-123. Housing for the elderly of moderate means.
- 18-10-124. Kennels, commercial.
- 18-10-125. Licensed premises of licensed dispensaries, growers and processors of medical cannabis.
- 18-10-126. Nurseries with landscaping and plant sales.
- 18-10-127. Nursing homes.
- 18-10-128. Package goods stores.
- 18-10-129. Piers and launching ramps, community.
- 18-10-130. Piers, recreational.
- 18-10-131. Processing facilities for clay, sand, gravel, and similar materials.
- 18-10-132. Produce market.
- 18-10-133. Race track for horses.
- 18-10-134. Recreational uses, active.
- 18-10-135. Restaurants, taverns, retail sales, and consumer services in a multifamily structure.
- 18-10-136. Retail sale of liquefied petroleum gases accessory to and on the same lot as an allowed use.
- 18-10-137. Schools, private academic and public charter, with less than 125 onsite parking spaces.
- 18-10-138. Schools, private academic and public charter, with 125 or more onsite parking spaces.
- 18-10-139. Self-service storage facilities.
- 18-10-140. Small wind energy systems.
- 18-10-141. Solar energy systems.
- 18-10-142. Stables, commercial or community, and riding clubs.
- 18-10-143. State-licensed medical clinics.
- 18-10-144. Storage of watercraft, covered and dry.
- 18-10-145. Storage, multilevel watercraft rack.
- 18-10-146. Structures, permanent, accessory to active recreational uses.
- 18-10-147. Video lottery facilities.
- 18-10-148. Waterman's home commercial use.
- 18-10-149. Wineries.

Attorney's note – Conditional uses shall comply with the requirements of this title and with the requirements of the district in which the use is located to the extent not inconsistent with this title.

§ 18-10-101. Adult bookstores.

An adult bookstore shall comply with all of the following requirements.

(1) The use shall be located at least 1,000 feet from the boundary line of any residential district, dwelling, school, library, park, playground, child care center, religious facility, video lottery facility, or other adult bookstore or adult movie theater. For purposes of this subsection, distance shall be measured in a straight line from the closest part of the lot on which the adult bookstore or adult movie theater is located to the nearest boundary line of any residential district or the nearest lot line on which any dwelling, school, library, park,

playground, child care center, religious facility, video lottery facility, or other adult bookstore or adult movie theater is located.

(2) The use shall have all windows, doors, and other apertures blackened or obstructed to prevent anyone outside the establishment from viewing its interior.

(3) The proprietor, owner, and employees of the establishment shall prohibit access to the premises by anyone under the age of 18.

(Bill No. 4-05; Bill No. 82-09)

§ 18-10-102. Adult movie theater.

An adult movie theater shall comply with all of the following requirements.

(1) The use shall be located at least 1,000 feet from the boundary line of any residential district, dwelling, school, library, park, playground, child care center, religious facility, video lottery facility, or other adult bookstore or adult movie theater. For purposes of this subsection, distance shall be measured in a straight line from the closest part of the lot on which the adult bookstore or adult movie theater is located to the nearest boundary line of any residential district or the nearest lot line on which any dwelling, school, library, park, playground, child care center, religious facility, video lottery facility, or other adult bookstore or adult movie theater is located.

(2) The use shall have all windows, doors, and other apertures blackened or obstructed to prevent anyone outside the establishment from viewing its interior.

(3) The proprietor, owner, and employees of the establishment shall prohibit access to the premises by anyone under the age of 18.

(4) A viewing booth in an adult film arcade:

(i) shall have at least one side open to an adjacent public room so that the area inside the viewing booth is visible to persons in the adjacent public room;

(ii) may not be equipped with a curtain, door, or other device that allows the interior of the viewing booth to be screened from the view of persons in the adjacent public room;

(iii) shall have lighting of sufficient intensity that a person in the viewing booth is visible by persons in the adjacent public room; and

(iv) shall be separated from an adjacent viewing booth by a wall or other solid partition sufficient to prevent sexual activity with a person in the adjacent viewing booth.

(Bill No. 4-05; Bill No. 82-09)

§ 18-10-103. Alcoholic beverage uses as accessory to other uses.

An alcoholic beverage use that is accessory to another use shall comply with all of the following requirements.

(1) The use shall be licensed by the Board of License Commissioners.

(2) If the use is to be conducted out of doors or will include live entertainment or dancing, the area used for the activity shall be located at least 100 feet from all residentially zoned property.

(3) An off-sale alcoholic beverage license use shall be located away from schools and religious facilities by at least the distance required by Article 2B, § 9-203(c), of the

State Code, and for a restaurant with off-sales or a restaurant with a package goods store, as least one mile from a package goods store. For structures, the distance shall be measured in a straight line from entry to entry. The one mile distance restriction for a restaurant with an off-sale license does not apply to the sale of package goods exclusively available through the restaurant or produced by the restaurant.

(4) An off-sale alcoholic beverage license use for a restaurant or a package goods store use operated on the same property as and under common ownership with a restaurant shall be limited to 15% of the floor area of the restaurant, not to exceed 1,000 square feet. This restriction does not apply to the sale of package goods exclusively available through the restaurant or produced by the restaurant.

(Bill No. 4-05; Bill No. 69-07; Bill No. 28-16)

§ 18-10-103.1. Assisted living facilities.

An assisted living facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least five acres.
- (2) Structures shall be located at least 50 feet from all lot lines.
- (3) Each access drive shall be located at least 40 feet from any residentially zoned property.

(4) An assisted living facility may be operated in conjunction with a nursing home or with adult independent dwelling units or both. The nursing home or adult independent dwelling units may be located on the same lot as the assisted living facility or on one or more abutting lots. If located on one or more abutting lots, the provisions of subsections (2) and (3) shall not apply to the lot lines that are shared by such abutting lots.

(5) For an assisted living facility that consists of land located outside the critical area in more than one zoning district:

(i) provisions concerning the number of adult independent dwelling units allowed in a given area of land shall be applied in the aggregate rather than separately to the individual zoning districts, lots or sites;

(ii) provisions concerning public improvements, such as public sewer and water connections, road, and sidewalks, shall be applied to the assisted living facility in its entirety;

(iii) open space requirements shall be calculated for the entire area of the assisted living facility; and

(iv) the developer shall demonstrate unified control of the entire assisted living facility and the capability to provide for completion and continuous operation and maintenance of the facility.

(6) Comprehensive care units may be provided.

(7) No more than two units for every 100 units may be devoted to temporary use for guests or family members of residents.

(8) The permitted uses in a C1 District are allowed as part of an assisted living facility if:

(i) the uses are centrally located for the use and benefit of the residents and their guests in structures that are architecturally compatible with the residential portion of the assisted living facility; and

(ii) the floor area of the uses does not exceed 10% of the total floor area of the units.

(9) A pedestrian circulation system interconnecting all parts of the assisted living facility shall be provided.

(Bill No. 7-07; Bill No. 45-09; Bill No. 21-16)

§ 18-10-104. Automobile gasoline stations.

An automobile gasoline station shall comply with the following requirements.

(1) The facility shall be located on a lot of at least 22,500 square feet with at least 150 feet of frontage along each road.

(2) The facility may not be located at the intersection of local roads.

(3) Service bays shall be oriented to the rear or side lot lines.

(4) Structures shall be located at least 40 feet from any road right-of-way, at least 25 feet from any other structure, and at least 10 feet from all lot lines.

(5) Pumps shall be located at least 25 feet from any road right-of-way. Pump islands shall be located at least 20 feet apart. Pumps and pump islands shall be located at least 25 feet from a structure not used primarily as an automobile gasoline station.

(6) A canopy over a pump island may not project within 15 feet of a road right-of-way.

(7) Driveways shall be at least 20 feet from each side or rear lot line, at least 50 feet from any intersecting road right-of-way, and at least 15 feet and no more than 35 feet wide.

(8) Obstructions that adversely affect visibility at a station driveway are prohibited.

(Bill No. 4-05)

§ 18-10-105. Bed and breakfast homes.

A bed and breakfast home shall comply with all of the following requirements.

(1) The home shall be located in an owner-occupied single-family detached dwelling on a lot of at least 11,000 square feet.

(2) The home may contain no more than three guest rooms for the lodging of guests for no more than 14 consecutive days. The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the Department of Inspections and Permits.

(3) On a waterfront lot, one boat slip may be provided for the use of guests.

(4) Guest rooms may not contain any cooking facilities, and food service shall be provided only for guests and only in a group dining area of the dwelling.

(5) Exterior alterations may not be made for the purpose of providing the home unless necessary to ensure the safety of the structure.

(6) If the lot is zoned R1, R2, or R5, it shall be located within the area shown on the official map adopted by the County Council entitled "Bed & Breakfast Homes and Bed & Breakfast Inns in R1, R2, and R5 Zoning Districts", dated August, 2005, adopted by Bill No. 55-05.

(Bill No. 4-05; Bill No. 55-05)

Editor's note – A small-scale representation of the official map adopted by Bill No. 55-05 is included as an appendix to this article.

§ 18-10-106. Bingo, commercial.

A commercial bingo facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least one acre and at least 100 feet from any residentially zoned property.
- (2) The facility shall have vehicular access to an arterial road and may not draw traffic through local roads in nearby residential areas.
- (3) Sufficient vehicular access shall be provided to prevent traffic congestion, and all points of access shall be located at least 50 feet apart and at least 50 feet from any road intersection.

(Bill No. 4-05)

§ 18-10-106A. BRAC Mixed Use Development.

The following uses are allowed in a BRAC Mixed Use Development, in addition to the uses allowed in the underlying zoning district:

- (1) All R-15 uses, including all variations of dwellings defined in § 18-1-101(37), subject to the bulk regulations set forth in § 18-4-901;
- (2) Grocery stores greater than 25,000 square feet in size, subject to the bulk regulations set forth in § 18-5-401; and
- (3) Retail specialty stores or shops for retail sales, as defined in § 18-5-102, subject to the bulk regulations set forth in § 18-5-401.

(Bill No. 60-10)

§ 18-10-107. Brewery, farm.

A farm brewery shall comply with all of the following requirements.

- (1) The facility shall be located on a farm of at least 10 acres, and the farm shall produce at least 25% of the grain, hops or other natural ingredients, excluding water, that is used to brew the beer.
- (2) The minimum setback from any lot line for a structure, storage, parking, picnic area, or loading area shall be 100 feet except that, if the farm is bounded by a road, the minimum setback from the road may be reduced to 50 feet upon approval by the Planning and Zoning Officer.
- (3) The public may access the farm brewery for the purposes of touring the facility, sampling and purchasing beer, and attending organized promotional events at the farm.
- (4) The sale of promotional items including glassware, clothing, bottle openers or similar items, and plants or produce grown at the farm, is permitted as an accessory use.
- (5) Special brewery promotional events licensed under Article 2B, § 2-209(e), of the State Code for the brewery shall be limited to six nonconsecutive single day promotional events.
- (6) Multibrewery activities or festivals licensed under Article 2B, § 2-209(d), of the State Code are not permitted.

(7) A farm brewery located on a scenic or historic road shall comply with the provisions of § 17-6-504 of this Code to the extent practical and to mitigate any adverse visual impact to abutting property not owned by the farm operator.

(8) A farm brewery must submit a site plan to the Office of Planning and Zoning for approval. The site plan must include information regarding screening or siting under subsection (7) and parking for regular business hours as well as for events under subsection (5). (Bill No. 8-15; Bill No. 43-15)

§ 18-10-108. Business complexes with auxiliary uses.

A business complex with auxiliary uses shall comply with all of the following requirements.

(1) Auxiliary uses may occupy no more than 50% of the floor area of a business complex.

(2) Any auxiliary use may not occupy more than 25,000 square feet of floor area.

(3) For an entertainment complex, including a multi-screen complex:
(i) the facility shall be located in a business complex of at least 100 acres that is located within one mile of a freeway;
(ii) the facility shall abut an arterial or greater capacity road; and
(iii) not more than one facility may be constructed in the business complex.

(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15)

§ 18-10-109. Carnivals, circuses, and fairs, temporary.

A temporary carnival, circus, or fair shall comply with all of the following requirements.

(1) In residential districts:
(i) the use shall be located on a lot of at least one acre that is occupied by an existing institutional use, such as a fire station, school, or religious facility;
(ii) the use may last no longer than 12 days per event and occur no more than twice in a 365-day period at the same location; and
(iii) the lot shall be completely cleared within seven days after the closing of the use.

(2) In commercial and industrial districts:
(i) the use shall be located on a lot of at least one acre; and
(ii) the principal vehicular access for the use shall be located on a collector or higher classification road within one-half mile of a freeway or arterial road and may not draw traffic through local roads in nearby residentially zoned areas.

(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15)

§ 18-10-110. Commercial telecommunication facilities.

A commercial telecommunication facility shall comply with all of the following requirements.

(1) The developer of a facility permanently located on the ground shall:

(i) not less than two weeks and not more than 60 days before filing an application for a building permit, give notice, by certified mail, return receipt requested, to all owners of property located within 250 feet of the lot lines of the proposed facility as listed on the tax rolls of the County; and

(ii) file with the application for a building permit a list of the names and addresses of all property owners who were notified; a copy of the notice that was sent; copies of all return receipts; copies of the envelopes of any notices that were returned as undelivered; and an affidavit that notice was given as required.

(2) The developer of a facility shall provide a certification from a registered engineer that the structure will meet the applicable design standards of Article 15 of this Code for wind loads.

(3) The developer of a facility and each applicant for a zoning certificate of use shall submit a certification from a consultant acceptable to the Director of the Department of Inspections and Permits that the facility or the developer's use of the facility will not degrade or interfere with the County's public safety communication systems.

(4) Within 30 days after the issuance of a zoning certificate of use for a commercial telecommunications facility and by September 1 of each year thereafter, the holder of the certificate shall submit a certification from an engineer acceptable to the Director of the Department of Inspections and Permits of the radio frequency radiation actually measured from the facility, that the measurements are accurate, and that the measurements meet the applicable Federal Communications Commission standards and guidelines for those emissions. If at any time the owner or user of the telecommunication facility cannot provide the certification required by this subsection, the certificate of use may be revoked.

(5) A tower, antenna, or monopole shall be painted gray or a similar color that will minimize its visibility. An accessory structure shall be screened and buffered in accordance with the Landscape Manual so that it is not visible from abutting residential properties. A facility to be constructed within sight of a property listed on the National Register of Historic Places shall mitigate any adverse visual impact of the facility in the manner determined by the Office of Planning and Zoning. Advertising on a facility is prohibited.

(6) A facility may co-locate on the rooftop of an existing nonresidential structure other than a commercial telecommunication facility and on the rooftop of multifamily dwellings with more than 10 units without meeting the setback requirements applicable to commercial telecommunication facilities if the principal structure is at least 50 feet in height above grade level and the facility does not extend above the existing roof height by more than 15 feet.

(7) A facility attached to a transmission line pole or tower may not laterally project more than 15 feet beyond the crossarms or other support extensions affixed to the pole or tower and may not project above the top of the pole or tower by more than 15 feet if the pole or tower will support one provider or 25 feet if the pole or tower will support more than one provider. The pole or tower, including all projections, may not exceed 199 feet in height. All accessory structures shall be underneath the transmission line within the drip line of the outermost lines or be located from the edge of the transmission line right-of-way by a distance equal to at least the minimum setback required for accessory structures in the zoning district in which the facility is located.

(8) For a facility not attached to a transmission line pole or tower that is located within 100 feet of a transmission line right-of-way:

(i) the principal structure shall be located at least 500 feet from any offsite dwelling;

(ii) the facility may not exceed 199 feet in height;

(iii) the principal structure of a facility that is permanently located on the ground shall be a monopole; and

(iv) accessory structures shall be located within 50 feet of the principal structure and located 500 feet from any offsite dwelling.

(9) A private facility located on land owned by a governmental entity or a volunteer fire company shall meet the requirements for a commercial telecommunication facility contained in Title 11.

(10) A facility that ceases operation for a period of 12 consecutive months shall be considered as terminated and shall be removed within 90 days of termination at the property owner's expense.

(11) For a facility located in a commercial or industrial district, the facility shall also comply with the following requirements:

(i) each structure permanently located on the ground shall be located by the greater of 200 feet or one foot for each foot of height from the boundary of a residential district or from the lot line of a residentially occupied property, school, public park, or platted community recreation area or open space;

(ii) accessory structures shall be screened from adjoining residentially zoned or residentially developed property in accordance with the Landscape Manual; and

(iii) the height of a structure permanently located on the ground may not exceed:

1. for one provider, 130 feet, or 160 feet for a private facility located on government-owned land;
2. for two providers, 170 feet, or 200 feet for a private facility located on government-owned land;
3. for three providers, 210 feet, or 240 feet for a private facility located on government-owned land; and
4. for four or more providers, 250 feet.

(12) A facility may co-locate on another commercial telecommunication facility existing as of December 31, 2001, without meeting setback requirements that became effective after December 31, 2001. If the principal structure of a facility existed as of December 31, 2001, accessory structures are allowed within 50 feet of the principal structure without meeting applicable setback requirements that became effective after December 31, 2001. (Bill No. 4-05; Bill No. 69-07; Bill No. 10-11; Bill No. 8-15)

§ 18-10-111. Country clubs, private clubs, and service and nonprofit charitable organizations with less than 125 onsite parking spaces.

A country club, a private club, or a service or nonprofit charitable organization that has less than 125 onsite parking spaces shall comply with all of the following requirements.

- (1) Each structure shall be located at least 100 feet from all lot lines.
- (2) Required onsite parking may not be located in a required setback.

(3) Structures and onsite parking may cover no more than 30% of the lot in RLD Districts and no more than 60% of the lot in other residential districts in which the use is allowed.

(4) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06; Bill No. 8-15)

§ 18-10-112. Country clubs, private clubs, and service and nonprofit charitable organizations with 125 or more onsite parking spaces.

A country club, a private club, or a service or nonprofit charitable organization that has 125 or more onsite parking spaces shall comply with all of the following requirements.

(1) Each structure shall be located at least 100 feet from all lot lines.

(2) Required onsite parking may not be located in a required setback.

(3) Structures and onsite parking may cover no more than 30% of the lot in RLD Districts and no more than 60% of the lot in other residential districts in which the use is allowed.

(Bill No. 4-05; Bill No. 8-15)

§ 18-10-113. Dwelling units, accessory.

An accessory dwelling unit shall comply with all of the following requirements.

(1) An accessory dwelling unit shall be located in a principal dwelling unit that is located on a lot of at least 14,000 square feet.

(2) No more than one accessory dwelling unit is allowed.

(3) The accessory dwelling unit may not be separated from the principal dwelling by an attached garage or by a breezeway, open or enclosed.

(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15)

§ 18-10-114. Dwelling units, adult independent.

An independent dwelling facility for adults shall comply with all of the following requirements:

(1) The facility shall be located on a lot of at least one acre.

(2) The facility shall be located at least 50 feet from all lot lines.

(3) Parking areas may not be located in the required setbacks.

(4) Each access drive shall be located at least 40 feet from any residentially zoned property.

(5) The maximum net density shall be 22 dwelling units per acre.

(6) Group facility and service uses, if provided, shall be centrally located for the exclusive use and benefit of the residents and their guests in structures that are architecturally compatible with the residential portion of the development.

(7) A pedestrian circulation system interconnecting all parts of the community with sidewalks and walkways shall be provided.

(Bill No. 4-05; Bill No. 8-15)

§ 18-10-115. Dwellings, duplexes and semi-detached.

A duplex or semi-detached dwelling development shall be a cluster development in accordance with the requirements of the district in which the use is located.

(Bill No. 78-05; Bill No. 8-15)

§ 18-10-116. Dwellings, multifamily.

Multifamily dwellings shall comply with all of the following requirements.

(1) Net density may not exceed 12 units per acre in a C1 District, 22 units per acre in a C2 District, or 15 units per acre in a C3 District.

(2) The development shall include commercial uses that equal at least 25% of the floor area in a C1 District, 50% of the floor area in a C2 District, and 50% of the floor area in a C3 District.

(3) If commercial uses are included within a multifamily dwelling, the dwelling units shall have entrances that are separate from the entrances to the commercial uses.

(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15)

§ 18-10-117. Dwellings, townhouses.

Townhouses shall comply with all of the following requirements.

(1) The bulk regulations contained in the following chart shall be met:

Location of a townhouse structure from a residential lot line located in a less intensive zoning district	75 feet except that the setback may be 50 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks for a townhouse structure:	
Front lot line:	5 feet, but if parking is located in the front yard, 18 feet
Side lot line for end units	5 feet
Rear lot line	10 feet
Distance between townhouse structures:	
Front to front between structure facades	40 feet
Back to back between structure facades	40 feet
Adjacent end units	15 feet
Maximum units per townhouse structure	16 units if back-to-back; otherwise, 8 units
Minimum width of individual unit	16 feet
Maximum net density	C1 and C3, 5 units per acre and, in all other districts, in accordance with the requirements of the district in which

	the development is located
Public water and sewer	Required

(2) The front facade of an individual unit shall be staggered from the front facade of an adjoining unit by at least two feet in order to create a variation in the front facades, or the developer shall submit a plan showing variations or architectural features to provide a variety of facades, features, and relief acceptable to the Planning and Zoning Officer.

(3) In addition to the requirements of subsections (1) and (2), the following is required for developments located in an R5 District:

Minimum site area	10 acres
Minimum setbacks for townhouse structures from the boundary line of the development site	100 feet except that the setback may be 50 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code or is zoned OS or located in either a more intensive residential zone or in a nonresidential zone
Maximum height limitations:	
Principal structures	40 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

(4) In addition to the requirements of subsections (1) and (2), the following is required for developments located in an R10 District:

Maximum height limitations:	
Principal structures	40 feet
Accessory structures	20 feet, or the height of the principal structure, whichever is less

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 55-11; Bill No. 64-11; Bill No. 8-15)

§ 18-10-118. Farm tenant houses.

A farm tenant house shall comply with all of the following requirements.

- (1) The house shall be located on a farm of at least 20 acres.
- (2) The house shall be occupied by at least one person involved in a farming operation of the property owner.
- (3) There may be no more than one tenant house for each 50 acres of farming operation.

(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15)

§ 18-10-119. Funeral establishments.

A funeral establishment shall comply with the following requirements:

- (1) The facility shall be located on a lot of a least 20,000 square feet.

(2) The facility shall be located at least 25 feet from the lot line of a residentially zoned or occupied property.
(Bill No. 44-15)

§ 18-10-120. Golf course facilities, private.

A private golf course facility shall comply with all of the following requirements.

- (1) Use of the facility shall be restricted to owners, members, and their guests.
 - (2) The facility may include guest rooms, dining areas, a pro shop, locker rooms, and fitness facilities.
 - (3) No more than 12 guest rooms are allowed on the facility.
 - (4) Not more than one caretaker's dwelling is allowed as an accessory structure within the facility.
 - (5) Sufficient overflow area to accommodate two additional parking spaces for each hole shall be provided but need not be paved.
- (Bill No. 79-07; Bill No. 8-15; Bill No. 44-15)

§ 18-10-121. Government reuse facilities.

The requirements for a government reuse facility are located in Title 12.
(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15; Bill No. 44-15)

§ 18-10-122. Home occupations.

A home occupation shall comply with all of the following requirements.

- (1) A home occupation shall be located and conducted entirely in a principal dwelling unit and shall be incidental and secondary to the use of the structure as a dwelling.
- (2) A home occupation may not change the character of the dwelling unit and may not exceed 25% of the total floor area.
- (3) Home occupations are limited to the following:
 - (i) art, handcraft, woodworking, or ceramics studios for the sale of products made on the premises;
 - (ii) florist or nursery operations for flowers and plants;
 - (iii) hair and nail salons;
 - (iv) jewelry, watch, or clock repair;
 - (v) seamstress or tailoring establishments;
 - (vi) photography studios;
 - (vii) professional or general offices;
 - (viii) scissor or saw sharpening operations;
 - (ix) massage practice in which only one State-licensed massage therapist or practitioner practices massage in the dwelling unit as a sole practitioner and receives no compensation from any establishment or individual other than the recipient of the massage;
 - (x) repair and maintenance of firearms, including handguns, rifles, shotguns, and antique firearms, as those terms are defined in the Criminal Law Article, § 4-201, of the State Code;
 - (xi) typing and computer services;

(xii) direct sale product distribution, such as Amway, Tupperware, and Avon;

(xiii) tutoring and instruction for no more than six students;

(xiv) child care for a maximum of 12 children in accordance with the requirements of the State Child Care Administration;

(xv) taxidermy, excluding butchering, rendering, or tanning; and

(xvi) pet care business, on a lot of 20,000 square feet or greater,

provided the total number of dogs and cats at the residence at any time does not exceed the number of dogs and cats permitted to be kept on the property under § 18-4-104(a) of this Code, the homeowner does not board animals in outside kennels, dogs are kept in a fenced area with a secure locking gate when outdoors, and the use is not noxious or offensive to surrounding uses.

(4) The operator of a home occupation shall be a resident of the dwelling unit in which the occupation is located.

(5) No more than one nonresident may be employed in the home occupation.

(6) The sale or rental of goods or products other than those produced on the premises by the home occupation is prohibited.

(7) Outside storage is prohibited.

(Bill No. 4-05; Bill No. 78-05; Bill No. 44-14; Bill No. 8-15; Bill No. 44-15)

§ 18-10-123. Housing for the elderly of moderate means.

Housing for the elderly of moderate means shall comply with all of the following requirements.

(1) The property shall be encumbered by a recorded deed restriction that (a) requires the units to be occupied by at least one individual who is 62 years of age or older with an income that does not exceed 80% of the median income adjusted for household size for the Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the United States Department of Housing and Urban Development, and (b) that prohibits the units from being occupied by resident minor children.

(2) The project shall be located on a lot that abuts a minor arterial or higher classification road, with vehicular traffic access from that road.

(3) Maximum density shall be 22 dwelling units per acre, not to exceed 120 total dwelling units.

(4) The floor area of each dwelling unit shall be limited to 1,000 square feet.

(5) Maximum coverage by structures and parking cannot exceed 60% of the gross area of the lot.

(6) The following bulk regulations apply:

Minimum setbacks for principal structures:	
Front lot line	30 feet
Side lot line	25 feet
Corner side lot line	30 feet
Rear lot line	30 feet
Minimum setbacks for accessory structures:	
Side and rear lot lines	10 feet
Corner side lot line	15 feet

Maximum height limitations:	
Principal structures	55 feet
Accessory structures	20 feet
Public water and sewer	Required

(7) The project shall be financed in part by State and County loans and shall be approved by a resolution of the County Council. The resolution shall adopt by reference a site plan that identifies the approximate location and dimensions of the structures, the approximate location and dimensions of the parking areas, and the setbacks from adjacent properties. (Bill No. 77-07; Bill No. 8-15; Bill No. 44-15)

§ 18-10-124. Kennels, commercial.

A commercial kennel shall comply with all the following requirements.

- (1) All structures, enclosed coops, and enclosed runs for the housing or shelter of animals in a commercial kennel shall be located at least 100 feet from residentially zoned property, and animals may not be housed within the 100-foot setback.
- (2) A commercial kennel located in a structure that contains uses other than a commercial kennel shall incorporate sound attenuation construction designed to minimize the impact of noise from the commercial kennel on the other uses in the structures.
- (3) A commercial kennel shall not unreasonably interfere with other tenants located within the same structure as the commercial kennel and the use may not be noxious, offensive, or otherwise objectionable to surrounding uses. (Bill No. 4-05; Bill No. 78-05; Bill No. 12-13; Bill No. 8-15; Bill No. 44-15)

§ 18-10-125. Licensed premises of licensed dispensaries, growers and processors of medical cannabis.

(a) **Dispensary.** Licensed premises of a licensed dispensary of medical cannabis as a principal use, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

- (1) Premises north of Maryland Route 50 and east of the South River may not be located within 1,000 feet of a dwelling or residentially zoned property, or the lot line of a public or private school or real property owned by the Board of Education.
- (2) Vehicular access shall be from an arterial or higher classification road.
- (3) “No loitering” signs shall be conspicuously posted in all parking areas.
- (4) The premises may not be located within one mile of any other licensed premises of a licensed dispensary of medical cannabis.
- (5) The premises may not have any displays of medical cannabis visible to its customers or the general public.
- (6) The premises may not have an on-site physician for the purpose of issuing written certifications for medical cannabis.

(b) **Grower.** Licensed premises of a licensed grower of medical cannabis, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

(1) The premises may not be located within 1,000 feet of a dwelling, the lot line of real property in any residential zoning district except in an RA District, the lot line of a public or private school, or the lot line of real property owned by the Board of Education.

(2) In an RA Zoning District the premises shall be located on a lot or parcel of at least 10 acres.

(3) Other than the security lighting required by COMAR 10.62.10.05, no visible light shall emanate from the premises from dusk to dawn.

(4) In addition to those security features required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site armed security at all times, with at least one armed security officer for every 50,000 square feet of use.

(c) **Processor.** Licensed premises of a licensed processor of medical cannabis, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

(1) The premises may not be located within 1,000 feet of a dwelling, the lot line of real property in any residential zoning district except in an RA District, the lot line of a public or private school, or the lot line of real property owned by the Board of Education.

(2) Processing of medical cannabis shall be an accessory use to an on-site licensed grower of medical cannabis and shall only process medical cannabis grown on-site.

(3) Other than the security lighting required by COMAR 10.62.21.04, no visible light shall emanate from the premises from dusk to dawn.

(4) In addition to those security features required by Title 10, Subtitle 62 of COMAR, the premises shall have on-site armed security at all times, with at least one armed security officer for every 50,000 square feet of use.

(Bill No. 96-15)

§ 18-10-126. Nurseries with landscaping and plant sales.

A nursery with landscaping and plant sales shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 5 acres.

(2) The facility shall be located on an arterial or collector road.

(3) Accessory retail or wholesale uses may not occupy more than 1% of the lot, but a retail or wholesale use does not include green houses and required setbacks, growing areas, or plant display areas.

(4) Any accessory landscaping or tree cutting operations may not occupy more than 15% of the lot, excluding required setbacks.

(5) A conditional use granted under this section and in use as of April 7, 2014 shall be governed by the law in effect as of that date.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 16-14; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-127. Nursing homes.

A nursing home shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least five acres plus one acre for each group of 25 beds, or fraction of 25 beds, in excess of 100.

(2) All structures shall be located at least 50 feet from all lot lines.

(3) A structure used in whole or part for contagious, mental, or drug or alcohol addiction cases shall be located at least 200 feet from all lot lines.

(4) Any source of potential nuisance, including a laundry operation, power plant, restaurant, cafeteria, kitchen, ambulance or emergency patient entrance, unloading area for supplies and food, garbage loading area, incinerator, and animal laboratory, shall be located at least 200 feet from any residentially zoned property and at least 50 feet from any road intersection.

(5) Each access drive shall be located at least 40 feet from any lot line.

(6) Structures and onsite parking may cover not more than 60% of the lot.
(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-128. Package goods stores.

A package goods store shall comply with all of the following requirements.

(1) The use shall be licensed by the Board of License Commissioners.

(2) An off-sale alcoholic beverage license use shall be located away from schools and religious facilities by at least the distance required by Article 2B, § 9-203(c), of the State Code. For structures, the distance shall be measured in a straight line from entry to entry.
(Bill No. 78-05; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15; Bill No. 28-16)

§ 18-10-129. Piers and launching ramps, community.

A community pier or launching ramp shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 30,000 square feet that is owned by a homeowner's association.

(2) The facility shall be established and operated for the benefit of the residents of a recorded residential riparian subdivision.

(3) Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.

(4) Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.

(5) Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.

(6) Food, fuel, or other goods and services may not be offered for sale.

(7) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

(8) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.

(9) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited.

(10) The number of slips allowed with a community pier shall be the lesser of the following:

(i) one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or

(ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

(11) In the event the parcel or lot has riparian rights and the proposed development is located on a portion of the parcel or lot that is out of the critical area, these rights may be utilized in accordance with permitted use criteria established for the critical area classification through the use of a community facility established in accordance with § 18-10-129, based on the actual length of shoreline or potential density that would have been permitted within the critical area portion of the parcel or lot.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 93-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-130. Piers, recreational.

A recreational pier shall comply with all of the following requirements.

(1) The pier shall extend from a lot owned by a homeowner’s association and the lot shall be at least 60 feet wide at the road, 80 feet wide at the shoreline, and not less than 20 feet wide at any point.

(2) The president of the homeowner’s association shall file with the Office of Planning and Zoning a signed and dated statement that the executive board of the association or the association as a whole has taken official action to approve the pier.

(3) The pier shall be located at least 15 feet from the lot lines extended and at least 50 feet from any existing pier or piling.

(4) The pier and the landward walk leading to the pier shall be at least six feet wide.

(5) Any walk structure or impervious walk shall be located at least 15 feet from any side lot line and may not unduly obstruct, increase, or redirect the natural flow of water.

(6) Signs shall be installed on both sides at each end of the pier oriented toward the water indicating that the docking of boats, either permanently or temporarily, is prohibited.

(7) The pier may have no detached piling, buoy, or other device for the mooring of boats.

(8) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the

ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.

(9) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.
(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-131. Processing facilities for clay, sand, gravel, and similar materials.

A processing facility for clay, sand, gravel, or similar materials shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 30 acres.
(2) All stationary equipment and stockpiles shall be located at least 1,000 feet from any residentially zoned property or from an existing dwelling other than a dwelling located at the facility and at least 300 feet from any road other than internal roadways used exclusively for operations.

(3) The facility shall have operational weight scales.
(Bill No. 4-05; Bill No. 78-05; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-132. Produce market.

A produce market shall comply with all of the following requirements.

(1) The produce market shall be located on a lot of at least two acres.
(2) The produce market shall be located on a lot that accesses a minor arterial or higher road.
(3) Structures shall be set back at least 25 feet from the front property line.
(4) Adequate off-street parking is provided such that sight distance is not affected by traffic and shall comply with § 18-3-104.
(5) Signs for the produce market may not exceed 20 square feet in area and a height of four feet.
(6) A produce market may sell produce and other agricultural and horticultural products.
(7) Accessory retail items incidental to sales of produce and agricultural or horticultural goods, and outside storage of retail items, may not occupy more than 20% of the lot.
(8) The outside storage area must be set back 25 feet from all lot lines and screened from all road rights of way and adjacent properties by an opaque screen, whether a fence or wall, not to exceed six feet in height, or berm, and shall have landscape planting that obscures all storage areas year round. The stored items may not extend above the height of the screening and shall be in a side or rear yard.

(9) A site plan has been approved by the Office of Planning and Zoning.
(Bill No. 2-09; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-133. Race track for horses.

A race track for horses shall comply with all of the following requirements.

(1) Parking and principal uses, including the grandstand, clubhouse, and track, shall be located at least 60 feet from all lot lines.

(2) Accessory uses, including dormitories, locker rooms, stables, utility structures, and manure storage areas, shall be located at least 20 feet from all lot lines. Accessory uses abutting residentially zoned property shall be located at least 60 feet from the residential lot line.

(3) The principal vehicular access shall be located on an arterial or a collector road within one-quarter mile of a freeway or arterial road and may not be located on a freeway or a local road.

(4) The facility may not draw traffic through local roads in residential areas.

(5) Parking lots for general public use may not be located in a required setback or less than 50 feet from any lot line.

(6) The facility may include the uses set forth in § 18-5-102 for a C3 District. (Bill No. 4-05; Bill No. 78-05; Bill No. 92-05; Bill No. 2-09; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-134. Recreational uses, active.

Active recreational uses shall comply with all of the following requirements.

(1) No more than 25 % of the forested area on a lot may be cleared for the uses.

(2) The site shall be reforested at a ratio of one and one-half acres planted for every acre cleared.

(3) In addition to the planting requirements of subsection (2), for every acre of playgrounds, playing fields, tennis courts, basketball courts, or swimming pools created, one-half of an acre shall be afforested or reforested and placed in a protective easement.

(4) The uses shall be set back at least 100 feet from any dwelling and 50 feet from all lot lines.

(5) The uses shall be set back at least 200 feet from any stream, river, or waterway.

(6) The uses shall be subject to an approved soil conservation and water quality plan.

(7) Vehicular access to the property shall be located on a collector road or a road of a higher classification.

(Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-135. Restaurants, taverns, retail sales, and consumer services in a multifamily structure.

A restaurant, tavern, retail sales facility, or consumer services facility in a multifamily structure shall comply with all of the following requirements.

(1) The facility shall be primarily for the purpose of serving residents in the multifamily structure.

(2) The facility may not exceed 2% of the total floor area of the structure.

(3) The facility may not be on the same floor as a dwelling unit.

(4) The facility shall have access from areas that do not serve as common residential recreational or access ways.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-136. Retail sale of liquefied petroleum gases accessory to and on the same lot as an allowed use.

The retail sale of liquefied petroleum gases accessory to and on the same lot as an allowed use shall comply with all of the following requirements.

- (1) In a C1 District, the sale of liquefied petroleum gases may be made only by the purchase of full containers or by the exchange of empty containers for full containers, the containers may not be filled onsite, and no liquefied petroleum gases may be stored on the lot other than in the containers available for purchase or exchange.
- (2) In commercial districts other than a C1 District:
 - (i) the facility shall be located on a lot of at least 20,000 square feet;
 - (ii) only one storage tank is allowed and the capacity of the tank may not have a water capacity of more than 2,000 gallons;
 - (iii) the storage tank shall be at least 25 feet from all lot lines, 25 feet from any inhabitable structure if the tank has a water capacity of more than 500 gallons, and 10 feet from any inhabitable structure if the tank has a water capacity of less than 500 gallons;
 - (iv) steel or iron poles at least four inches in diameter and four feet above the ground shall be set in and filled with concrete not more than three feet apart around the perimeter of the tank at a distance from the tank equal to the height of the poles plus six inches;
 - (v) a chain link fence at least six feet high shall be provided with an access gate at both ends of the tank; and
 - (vi) an emergency telephone number for the gas company servicing the tank shall be posted in plain view on the tank site and in the onsite offices where the tank is located.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-137. Schools, private academic and public charter, with less than 125 onsite parking spaces.

A private academic school or a public charter school with less than 125 onsite parking spaces shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least three acres.
- (2) Each structure shall be located at least 100 feet from a lot line in an RA District and at least 40 feet from a lot line in other residential districts.
- (3) Structures and onsite parking shall cover no more than 60% of the lot.
- (4) Access in an RA District shall be provided directly from an arterial road.
- (5) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 4-06; Bill No. 21-06; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-138. Schools, private academic and public charter, with 125 or more onsite parking spaces.

A private academic school or a public charter school with 125 or more onsite parking spaces shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least three acres.
 - (2) Each structure shall be located at least 100 feet from a lot line in an RA District and at least 40 feet from a lot line in other residential districts.
 - (3) Structures and onsite parking shall cover no more than 60% of the lot.
 - (4) Access in an RA District shall be provided directly from an arterial road.
- (Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-139. Self-service storage facilities.

A self-service storage facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least two acres.
- (2) Storage and a residence for a caretaker or resident manager shall be the only activities conducted at the facility.
- (3) Outside storage shall be located and secured at the rear of the lot.
- (4) Access shall be provided as follows:
 - (i) each one-way interior driveway shall have a travel lane at least 15 feet wide;
 - (ii) each two-way interior driveway shall have two travel lanes, each at least 12 feet wide; and
 - (iii) traffic direction and parking shall be designated by directional signs or pavement painting.
- (5) In a W1 District, self-service storage facilities shall be within an enclosed central structure and conform to the design standards of the Industrial Park District in which it is located.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 15-12; Bill No. 8-15; Bill No. 21-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-140. Small wind energy systems.

(a) **Requirements.** A small wind energy system or meteorological tower shall comply with all of the following requirements.

- (1) The small wind energy system or meteorological tower shall be located on a lot of three acres or more, except that in a RLD, R1, R2 or R5 zone a small wind energy system or meteorological tower may not exceed one system for each three acres of land.
- (2) The wind turbine or meteorological tower shall be located at a distance of at least 1.1 times the height of the tower from any property line, non-participating structure, public road or right-of-way, or communication lines or structures, and provide for a minimum setback of 20 feet from any lot line for guy cables or tower supports.
- (3) Roof-mounted turbines are permitted. All components of a roof-mounted turbine shall meet required setbacks for the principal structure on which it is located. Roof-mounted turbines may not be mounted on an attached or multi-family dwelling.

(4) The height of a wind turbine or meteorological tower may not exceed a height of 150 feet. The height of a roof-mounted turbine may not project more than 35 feet from the roof surface. Total height for a small wind energy system mounted on a wind tower is the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point. For a small wind energy system mounted on a building, total height is the vertical distance from the top of the roof or parapet, to the tip of a wind generator blade when the tip is at its highest point.

(5) The wind turbine or meteorological tower shall have a minimum blade ground clearance of 15 feet.

(6) The tower shall be designed and installed so as to not allow step bolts or ladder accessibility for a minimum height of 12 feet.

(7) The wind turbine or meteorological tower and its mounting structure shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community.

(8) The wind turbine or meteorological tower shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.

(9) The small wind energy system or meteorological tower shall comply with all applicable construction codes and electrical codes and be installed in accordance with manufacturer plans and certifications.

(10) The wind turbine shall not generate noise in excess of the levels permitted for the zone under Code of Maryland Regulations 26.02.03.03.

(11) The capacity of a small wind energy system may not exceed 25 kw on a property located in an RLD, R1, R2, or R5 zone and 100 kw in all other zones. Energy produced by the small wind energy system shall be for the sole use of the property owner, however, energy output from the system may be delivered to a power grid to offset the cost of energy on site.

(12) Wind turbines must be approved under a small wind certification program recognized by the Maryland Energy Administration.

(13) All signs are prohibited except for manufacturer or installer identification signs and warning signs or placards.

(14) Meteorological towers shall be permitted under the conditions of this section for a period not to exceed one year.

(15) The small wind energy system or meteorological tower may not adversely effect an historic site, archaeological resource, or cemetery listed on the County inventory. The placement of a wind turbine within sight of an historic resource listed on the inventory shall mitigate any adverse visual impact of the turbine in a manner determined by the Office of Planning and Zoning. If a wind turbine is to be attached to the roof of an historic structure listed on the inventory, the method of attachment must be approved by the Office of Planning and Zoning. Approval of a rooftop wind turbine shall require installation on a secondary facade, minimal impact to historic materials, and be a reversible modification. Wind turbines may not be mounted on rooftops of highly significant properties, including those listed on the National Register of Historic Places.

(16) A small wind energy system or meteorological tower located within the BWI Marshall Airport Four-Mile District shall comply with all height and permitting requirements of the Maryland Aviation Administration.

(b) **Removal of defective system.** Any small wind energy system or meteorological tower that is cited by administrative order of the Department of Inspections and Permits shall be repaired by the property owner to meet federal, State and local code requirements, or be removed, within six months of the date of the administrative order. If the property owner fails to repair or remove the system as required and the system remains non-operational for more than six months, the County may pursue an action for removal of the system at the property owner's expense.

(c) **Variiances.** A variance may not be granted for the requirements specified in subsection (a).

(Bill No. 39-10; Bill No. 15-12; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-141. Solar energy systems.

(a) **Requirements.** A solar energy system shall comply with all of the following requirements.

(1) The highest point of a solar energy system with the solar panels at maximum tilt shall be within the height restrictions of the zoning district in which the system is located.

(2) A ground mounted solar energy system—principal shall be screened from roadways and adjoining residential uses or zones in accordance with the Landscape Manual.

(3) A solar energy system shall be sited such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(4) The maximum lot coverage for a solar energy system—principal is 80% of the gross area.

(5) Access to a solar energy system—principal shall comply with access requirements contained in the Landscape Manual.

(6) A solar energy system may not be artificially lighted except to the extent required for safety or by applicable Federal, State, or local authority.

(7) (i) A solar energy system may not adversely affect historic sites, archaeological resources, or cemeteries listed on the County inventory of historic properties. The placement of a solar energy system within sight of a resource listed on the County inventory shall mitigate any adverse visual impact in a manner determined by the Office of Planning and Zoning, and in compliance with the provisions set forth in §§ 17-6-501 through 17-6-504 of this Code.

(ii) For any solar energy system attached to the roof of an historic resource listed on the Inventory, methods of attachment shall be approved by the Office of Planning and Zoning. Approval of a rooftop system shall require installation on a secondary facade, have minimal impact to historic materials, and be a reversible modification. Systems may not be mounted on the rooftops of County inventory properties that are listed on or eligible for the National Register of Historic Places.

(8) A solar energy system—principal may not be permitted on properties subject to the provisions of Article 17, Title 10 of this Code.

(b) **Existing systems; alterations.**

(1) A solar energy system constructed prior to November 14, 2013 is not required to meet the conditions set forth in this section.

(2) Any physical alteration to a solar energy system constructed prior to November 14, 2013 that materially alters the solar energy system must be approved in accordance with this article.

(c) **Additional provisions for solar energy systems.**

(1) A roof-mounted solar energy system may be located on a principal or an accessory structure.

(2) For the purposes of Articles 16, 17, and 18 of this Code, lot coverage of a solar panel is the surface area of the solar panel based on the drip line around the perimeter of each panel at minimum tilt.

(3) For the purposes of Articles 16, 17, and 18 of this Code, impervious surface is measured as the area of the foundation or base of the solar energy system.

(4) A solar energy system may be located over a parking area if it otherwise meets the requirements of this article.

(5) A solar energy system-accessory may be located in a planned unit development if it otherwise meets the requirements of this article.

(6) If a ground mounted solar energy system-principal is removed, any earth disturbance resulting from the removal must be graded and reseeded.

(7) Solar energy system-principal owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for stormwater management.

(8) A solar energy system is presumed to be abandoned if no electric or thermal power is generated by the system for a period of 12 consecutive months after which the owner of the system shall have 12 months to dismantle and remove the solar energy system. If the owner fails to dismantle or remove the system as required, the County may complete the removal at the owner's expense.

(Bill No. 68-13; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-142. Stables, commercial or community, and riding clubs.

A commercial or community stable or riding club shall comply with all of the following requirements.

(1) A facility with up to two horses shall be located on a lot of at least two acres, plus 20,000 square feet for each horse in excess of two horses.

(2) A structure enclosing a horse shall be located at least 50 feet from any nonresidential lot line and 200 feet from any residentially zoned property line.

(3) All manure shall be stored at least 100 feet from any lot line.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-143. State-licensed medical clinics.

A state-licensed medical clinic shall comply with all of the following requirements:

(1) The facility may not be located within 1,000 feet of a dwelling or school.

(2) Vehicular access shall be located on an arterial road or higher classification.

(3) Access to the facility from the road shall be provided and the facility may not draw vehicular traffic through local roads in surrounding residential areas.

(4) The clinic shall conspicuously post “no loitering” signs in all parking areas.

(Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-144. Storage of watercraft, covered and dry.

A covered facility for the dry storage of watercraft shall comply with all of the following requirements.

(1) The combined base area of all covered dry storage structures may not exceed:

(i) 10,000 square feet for a one-acre lot;
(ii) for a lot larger than one acre, 10,000 square feet plus 1,000 square feet for each acre by which the lot exceeds one acre;

(2) The facility shall be located at least 25 feet from each side lot line.

(3) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-145. Storage, multilevel watercraft rack.

A multilevel watercraft storage rack shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 1.5 acres above mean high water.

(2) The facility shall be located at least 25 feet from each side lot line.

(3) The coverage of the facility may not exceed the combined total floor area of all covered dry storage structures.

(4) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-146. Structures, permanent, accessory to active recreational uses.

Permanent structures accessory to active recreational uses shall comply with all of the following requirements.

(1) No more than 25 % of the forested area on a lot may be cleared for the uses.

(2) The site shall be reforested at a ratio of one and one-half acres planted for every acre cleared.

(3) The uses shall be set back at least 100 feet from any dwelling and 50 feet from all lot lines.

(4) The uses shall be set back at least 200 feet from any stream, river, or waterway.

(5) The uses shall be subject to an approved soil conservation and water quality plan.

(6) Vehicular access to the property shall be located on a collector road or a road of a higher classification.

(Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-147. Video lottery facilities.

(a) **Master plan for development.** The video lottery facility licensee shall provide to the Local Development Council a master plan as required by the State Government Article, § 9-1A-31, of the State Code, and shall assist the County in preparation of a transportation management plan that details internal circulation systems, external access points, and pedestrian flows to and from parking facilities.

(b) **Requirements.** A video lottery facility shall comply with all of the following requirements.

(1) The facility shall comply with the locational requirements imposed by Article XIX, § 1(c)(3)(i) of the Constitution of Maryland.

(2) The facility shall be located on a lot of at least 50 acres in a W1 – Industrial Park District or a regional commercial complex and shall be accessible to an arterial or higher classification road.

(3) The facility shall comply with all applicable bulk regulations for the zoning district in which the facility is located.

(4) The facility shall comply with a transportation management plan that is approved by the Office of Planning and Zoning.

(5) The facility shall comply with a traffic study that assesses the impacts of new traffic generated by the proposed use on major roads and intersections as required by Article 17 and that is approved by the Office of Planning and Zoning.

(6) The facility shall conform to an approved site development plan in accordance with the requirements of Article 17.

(7) The facility shall conform to approved plans for off-street parking that show all designated parking areas, including handicapped spaces, bus parking, loading, and delivery areas.

(8) The facility shall include lighting that illuminates all parking areas and walkways and is focused so as to prevent glare upon surrounding areas.

(9) The facility shall provide 24-hour security for the facility and adjacent parking areas, separate from security provided by other commercial or industrial establishments in the vicinity of the facility.

(10) The facility shall comply with a written plan approved by the Planning and Zoning Officer to control loitering and conspicuously post “no loitering” signs in all parking areas.

(11) The facility, including adjacent parking areas, shall be cleared of litter and refuse daily.

(12) The facility shall ensure that noise from the facility does not exceed a daytime level of 67 dba or a nighttime level of 62 dba at the lot lines.

(13) The facility shall be licensed by the State and subject to State regulation and enforcement.

(c) **Alcoholic beverages.** A video lottery facility may operate alcoholic beverage uses as accessory to other uses in the W1 – Industrial Park District and in a regional commercial complex subject to the requirements of § 18-10-103 and State law and regulation. (Bill No. 82-09; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15; Bill No. 28-16; Bill No. 30-16)

§ 18-10-148. Waterman’s home commercial use.

A waterman’s home commercial use shall comply with all of the following requirements.

- (1) The operator of the use shall be a resident of the lot on which the use is located.
- (2) The resident waterman shall have a current commercial fishing license.
- (3) No more than two nonresidents of the lot may be employed in the use.
- (4) Any use of the dwelling shall be clearly incidental and secondary to the use of the structure as a dwelling unit and may not change the character of the dwelling unit.
- (5) All waterman’s equipment, including gear, shedding boxes, and crab pots, shall be owned by a resident of the lot.
- (6) There may not be any storage of waterman’s equipment on the pier out of season except while loading or unloading work boats that are in wet storage at the property.
- (7) All waterman’s gear shall be located in an enclosed structure or stored outside in accordance with the requirements of this title and screened from adjacent property lines.
- (8) Outside storage of shedding boxes shall be located in a rear or side yard and screened from adjacent lot lines.
- (9) Crab pots that are stored outside shall be located in a rear or side yard, be screened from adjacent lot lines, and be clean and free of any attached bait. Stacks of crab pots shall be limited to a height of eight feet. The location of crab pot storage may not adversely affect the waterview of dwellings on adjoining waterfront lots.
- (10) The onsite sale of seafood harvested by a resident is allowed by the resident only during the hours of 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 4:00 p.m. Saturday and Sunday.
(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 82-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

§ 18-10-149. Wineries.

A winery shall comply with all of the following requirements.

- (1) A winery shall be located on a farm of at least 10 acres, and the farm shall produce at least 25% of the fruit that is processed into wine at the winery.
- (2) The minimum setback from any lot line for a structure, storage, parking, picnic area, or loading area shall be 100 feet, except that if the farm is bounded by a road the minimum setback from the road may be reduced to 50 feet if the Planning and Zoning Officer finds that the reduced setback is compatible with surrounding uses.
- (3) Vehicular access shall be located on an arterial or collector road and shall be sufficient to prevent traffic congestion on roads in adjoining residential areas. No point of a

vehicular access drive may be closer than 40 feet to the lot line of a residentially zoned property that is not part of the winery.

(Bill No. 4-05; Bill No. 78-05; Bill No. 2-09; Bill No. 82-09; Bill No. 39-10; Bill No. 15-12; Bill No. 68-13; Bill No. 8-15; Bill No. 14-15; Bill No. 44-15; Bill No. 96-15)

TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

Section

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- 18-11-160. Storage of watercraft, multilevel watercraft rack.
- 18-11-161. Truck and trailer rental facilities in conjunction with automobile gasoline stations.
- 18-11-162. Workforce housing.

Attorney's note – Special exception uses shall comply with the requirements of this title and with the requirements of the district in which the use is located to the extent not inconsistent with this title. Special exceptions relating to nonconforming uses are governed by § 18-15-103.

§ 18-11-101. Airports and airfields.

An airport or airfield shall comply with all of the following requirements.

- (1) The facility shall be located adjacent to or in the immediate vicinity of a large park or other open area or body of water.
- (2) Landing, takeoff, and utility areas used by aircraft shall have a dustproof surface.

(3) A structure or area used for servicing aircraft shall be located at least 200 feet from all lot lines and 1,000 feet from a public or private institution.

(4) Approach and departure paths may not be located over a residential area, an institutional use, or a densely populated area.

(5) The day-night noise level may not exceed 70 Ldn at the lot lines.

(6) Areas used by aircraft shall be located at least 1,000 feet from any residentially zoned property on the approach and departure ends of the runway.

(7) Parking may not be located within 100 feet of a lot line.

(8) The facility shall be surrounded by fencing at least six feet high with gates to limit access to the area.

(9) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06)

§ 18-11-102. Amusement parks.

An amusement park shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 50 acres.

(2) The facility shall have at least 10 rides, amusements, or amusement activities that are located at least 50 feet from all lot lines.

(3) The facility shall be located on and have access to an arterial road, and the exit from a freeway shall be located no more than one-half mile from the closest public entrance into the facility.

(4) Separate vehicular access shall be provided in locations that are at least 50 feet from any public road intersection.

(5) The facility shall be located at least 2,000 feet from all residentially zoned property and one mile from the mean high water line of any tidal waterway.

(6) Go-cart tracks, oval tracks, or closed circuit tracks for go-carts, race cars, or other motorized vehicles shall be no more than one-quarter mile in length, may occupy no more than 10% of the total area of the park, shall be limited to vehicles owned by the owner of the park or a single concessionaire, and shall utilize vehicles that are no more than six horsepower per vehicle.

(Bill No. 4-05)

§ 18-11-103. Animal hospitals and veterinary clinics.

An animal hospital or veterinary clinic shall comply with all of the following requirements.

(1) All structures, enclosed coops, and enclosed runs for the housing or shelter of animals and fowl shall be located at least 50 feet from residentially zoned property.

(2) Unenclosed coops and runs shall be located at least 100 feet from residentially zoned property.

(3) The housing of animals may not be located in a required setback.

(4) The facility may not be noxious, offensive, or otherwise objectionable to surrounding residential uses.

(Bill No. 4-05)

§ 18-11-104. Assisted living facilities.

An assisted living facility shall comply with all of the following requirements.

(1) In RLD Districts, the facility shall be located on a lot of at least 10 acres. In R1 and R2 Districts, the facility shall be located on a lot of at least 10 acres, except that a facility that abuts a collector or higher classification road may be located on a lot of at least five acres. In other districts, the facility shall be located on a lot of at least five acres.

(2) For an assisted living facility in an RLD District:

(i) the property in the RLD District shall abut property that is zoned C2 or C3 and that will be part of the assisted living facility; and
(ii) the C2 or C3 property comprising part of the facility shall be served by public water and sewer.

(3) For an assisted living facility that consists of land located outside the critical area in more than one zoning district:

(i) provisions concerning the number of adult independent dwelling units allowed in a given area of land shall be applied in the aggregate rather than separately to the individual zoning districts, lots or sites;

(ii) provisions concerning public improvements, such as public sewer and water connections, roads, and sidewalks, shall be applied to the assisted living facility in its entirety;

(iii) open space requirements shall be calculated for the entire area of the assisted living facility; and

(iv) the developer shall demonstrate unified control of the entire assisted living facility and the capability to provide for completion and continuous operation and maintenance of the facility.

(4) An assisted living facility may be operated in conjunction with a nursing home or with adult independent dwelling units or both. The nursing home or adult independent dwelling units may be located on the same lot as the assisted living facility or on one or more abutting lots. If located on one or more abutting lots, the provisions of subsection (10) relating to setbacks shall not apply to the lot lines that are shared by such abutting lots.

(5) Assisted care units shall be provided and shall be in a multifamily structure. The structure shall contain a centrally located group dining facility.

(6) Comprehensive care units may be provided.

(7) No more than two dwelling units for every 100 dwelling units may be devoted to temporary use for guests or family members of residents.

(8) The permitted uses in a C1 District are allowed in the facility if:

(i) the uses are centrally located for the use and benefit of the residents and their guests in structures that are architecturally compatible with the residential portion of the assisted living facility; and

(ii) the floor area of the uses does not exceed 10% of the floor area of the units.

(9) A pedestrian circulation system interconnecting all parts of the facility shall be provided.

(10) The bulk regulations contained in the following chart shall be met:

Minimum setbacks from all lot lines	50 feet
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Maximum height limitations for principal structures	The height allowed in the zoning district in which the facility is located, except that the facility may exceed that height by 10 feet if all setbacks are increased by two feet for each foot of excess height
Open area	60% in RLD, R1, R2, and R5 Districts and 50% in R10, R15, and R22 Districts, with all front yards being open area and with at least 10% of the open area devoted to recreational area
Maximum net density for independent dwelling units	One unit per net acre in an RLD District; 3 units per net acre in an R1 District; 6 units per net acre in an R2 District; 8 units per net acre in an R5 District; and in all other districts in accordance with the requirements of the district in which the facility is located
Public sewer	Required

(Bill No. 4-05; Bill No. 69-07; Bill No. 45-09; Bill No. 21-16)

§ 18-11-105. Automobile and truck dismantling and recycling facilities.

An automobile and truck dismantling and recycling facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least two acres.
- (2) All dismantling and recycling shall be done within a structure at the facility, and the facility shall have at least 8,000 square feet of activity under cover. The operation may include the sale of parts from dismantled motor vehicles.
- (3) Hulls of vehicles that are automotive dismantling and recycling by-products may not exceed 500 at any time.
- (4) The area used to store the remains of dismantled motor vehicles that have no parts value except as scrap may not exceed one-half of the area provided for the storage of motor vehicles that are not dismantled.
- (5) A storage area for vehicles waiting to be dismantled shall have no more than 250 vehicles per acre per level.
- (6) Vehicles may be stacked no higher than two levels and only on racks designed specifically to store vehicles. Above ground storage racks higher than two levels may be used for the storage of parts from dismantled vehicles.

(Bill No. 4-05)

§ 18-11-106. Automobile gasoline stations.

An automobile gasoline station shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 22,500 square feet with at least 150 feet of frontage along each road.
- (2) The facility may not be located at the intersection of local roads.
- (3) Service bays shall be oriented to the rear or side lot lines.

(4) Structures shall be located at least 40 feet from any road right-of-way, at least 25 feet from any other structure, and at least 10 feet from any lot line.

(5) Pumps shall be located at least 25 feet from any road right-of-way. Pump islands shall be located at least 20 feet apart. Pumps and pump islands shall be located at least 25 feet from a structure not used primarily as an automobile gasoline station.

(6) A canopy over a pump island may not project within 15 feet from a road right-of-way.

(7) Driveways shall be at least 20 feet from each side or rear lot line, at least 50 feet from any intersecting road right-of-way, and at least 15 feet and no more than 45 feet wide.

(8) Obstructions that adversely affect visibility at a station driveway are prohibited.

(9) The facility may include a convenience store operation.

(10) The facility may include a repair center, but a repair center shall be limited to minor work to be completed within three days after the vehicle is dropped off for service.

(11) The facility may include a car wash.

(Bill No. 4-05; Bill No. 69-07; Bill No. 12-12)

§ 18-11-107. Automobile towing facilities in conjunction with automobile gasoline stations.

An automobile towing facility in conjunction with an automobile gasoline station shall comply with all of the following requirements.

(1) Inoperable vehicles may not be stored on the lot for more than 90 days, and the owner or operator of the facility shall maintain a register listing the owner of each vehicle, the date of arrival and departure of the vehicle, and the name and address of the owner's insurance company.

(2) Dismantling or demolition of vehicles is prohibited.

(Bill No. 4-05)

§ 18-11-108. Bed and breakfast inns.

A bed and breakfast inn shall comply with all of the following requirements.

(1) The inn shall be an owner or manager occupied single-family detached dwelling located on a lot of at least one acre.

(2) The inn shall contain at least four but no more than 12 guest rooms for the lodging of guests for no more than 14 consecutive days. The owner shall maintain a reservation log of the arrival and departure dates of all guests for inspection by the Department of Inspections and Permits.

(3) On a waterfront lot, one boat slip may be provided for each guest room with a maximum of one boat slip for every three guest rooms.

(4) Guest rooms may not contain any cooking facilities, and food service shall be provided only for guests and only in a group dining area of the dwelling.

(5) Exterior alterations may not be made for the purpose of providing the inn unless necessary to ensure the safety of the structure.

(6) If the lot is zoned R1, R2, or R5, it shall be located within the area shown on the official map adopted by the County Council entitled "Bed & Breakfast Homes and Bed &

Breakfast Inns in R1, R2, and R5 Zoning Districts", dated August, 2005, adopted by Bill No. 55-05.

(Bill No. 4-05; Bill No. 55-05)

Editor's note – A small-scale representation of the official map adopted by Bill No. 55-05 is included as an appendix to this article.

§ 18-11-109. Campgrounds, commercial recreational.

A commercial recreational campground shall comply with all of the following requirements:

- (1) The facility shall be located on a lot of at least 10 acres.
- (2) An individual or group campsite may not be located on land having a slope of more than 3%.
- (3) There may be no more than 15 individual campsites per acre. An individual campsite shall have at least 1,600 square feet and a parking space, fireplace, picnic table, and tent or trailer space. There shall be one service structure for every 15 individual campsites, and the walking distance from the individual campsites to the service structure may be no more than 350 feet.
- (4) There may be no more than four group camping sites per acre. The density for each group camping site may not exceed 25 persons. There shall be one service structure for every four group camping sites.
- (5) A picnic area may not be located on land having a slope of more than 10%. The density of a picnic area may not exceed 60 persons per acre.
- (6) A swimming area shall have at least 75 square feet of beach area per campsite. The slope for underwater development in a swimming area may be no more than 6%, and the slope for shore development in a swimming area may be no more than 10%.
- (7) The owner or operator of the facility shall maintain a register listing each camper's name, date of arrival, and date of departure.
- (8) An individual or group campsite may not be used by the same camper for more than a continuous 30-day period within a six-month period.

(Bill No. 4-05)

§ 18-11-110. Cement manufacturing.

A cement manufacturing facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 50 acres.
- (2) Each use except parking shall be located at least 300 feet from a freeway and 500 feet from any residentially zoned property.

(Bill No. 4-05)

§ 18-11-111. Cemeteries.

A cemetery shall comply with all of the following requirements.

- (1) A cemetery shall be located on a lot of at least 20 acres.

(2) A structure used for the interment of a body or other remains of a person, including a mausoleum, vault, or columbarium, shall be located at least 80 feet from any road and 55 feet from all lot lines.

(3) A grave or burial lot shall be located at least 30 feet from any road bounding the cemetery and at least 25 feet from all lot lines.
(Bill No. 4-05)

§ 18-11-112. Child care centers other than as a home occupation.

A child care center other than as a home occupation shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least one acre for a center with less than 60 children and on a lot of at least two acres for a center with 60 children or more.

(2) Onsite circulation and parking areas shall be designed to minimize vehicular and pedestrian conflicts and to provide safe areas for the dropping off and picking up of passengers.

(3) Outdoor play areas or activity areas shall be fenced and located to the side or rear of the principal structure. The fence shall comply with the side and rear setbacks for accessory structures as provided in the bulk regulations of the residential district in which the child care facility is to be located.

(4) The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions.

(5) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(6) A facility located in a residential zoning district may not have an entrance on a minor arterial road or a road of higher classification unless the entrance to the center is at least 500 feet from the entrance to a subdivision or commercial property.

(7) A special exception granted under this section and in use as of January 6, 2014 shall be governed by the law in effect as of that date.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06; Bill No. 7-14)

§ 18-11-113. Clay and borrow pits and sand and gravel operations.

A clay and borrow pit or a sand and gravel operation shall comply with all of the following requirements.

(1) All vehicular access to the site shall be provided from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.

(2) The extraction and removal operation may not be noxious, offensive, or otherwise objectionable to surrounding land uses.

(3) All significant archaeological sites shall be identified and preserved under the supervision of the Office of Planning and Zoning.

(4) The active operation shall be surrounded by fencing at least six feet high with gates to limit access to the area.

(5) Space on the site shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.

(6) Except in a W3 District, the use of machinery in the excavation area shall be limited to that necessary to extract, screen, wash, and transport materials generated onsite and all material shall be removed from the excavation area to a processing site for any additional processing.

(7) Except in a W3 District, a permanent legible sign approved by the Office of Planning and Zoning measuring at least four feet by eight feet shall be posted and maintained along each public road abutting the property or, if the property does not abut a public road, one or more signs posted in locations that can be seen by the public. The sign or signs shall state that the property has been approved for a clay and borrow pit or sand and gravel operation, the special exception case number, the applicant's name, and the name and telephone number of the operator.

(8) Reclamation activity for a distance of 1,000 feet from undisturbed areas may not increase the site grade above the grade of the adjacent undisturbed areas.

(9) Offsite materials brought to the site of an operation other than for construction of a berm or for reclamation shall be restricted to the processing site.

(10) Except in a W3 District, the hours of operation in an excavation area shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday.

(11) Additional rights-of-way for widening or extension of existing roads shall be dedicated and deeded, as appropriate, if requested by the Department of Public Works or the State Highway Administration.

(12) County inspectors shall be allowed to enter onto the site during normal business hours to ensure compliance with the terms of any special exception and the requirements of this section.

(13) The operation shall be at least 1,000 feet from any dwelling other than a dwelling located on the site of the operation that is otherwise permitted by law, except that the operation is allowed within 1,000 feet of a dwelling if:

(i) the sound level at all lot lines does not exceed an average of 55 dBA and a peak of 65 dBA;

(ii) the operation is totally obscured from the sight of the affected dwelling at the highest normally accessible location of the dwelling to a maximum height of 30 feet above grade but, during the times set forth in subsection (10), the operation shall be obscured to the extent practical;

(iii) berms are used for sight obstruction and noise abatement to the extent feasible and, if not feasible, an acceptable alternative is provided; the berms are constructed with processed fill, consisting of rock and similar irreducible material that does not permit the formation of voids into which overlaying soils may be washed, and topsoil intermittently layered with non-organic soil; at least 12 inches of soil covers all rock or irreducible material that is larger than eight inches; and the berms are stabilized with suitable vegetation;

(iv) the excavation does not exceed a depth of 50 feet below the existing surrounding grade with angle of repose maintained during the excavation and the site is graded or benched to ensure safety at all times;

(v) the excavation and any noise abatement method are located at least 300 feet from the affected dwelling and at least 100 feet from the lot line, but the distance may

be reduced if a temporary easement is obtained from the affected property owner and the easement for the permitted time frame is contained in the special exception and approved by the County Office of Law;

(vi) stabilization of the excavation area is accomplished with a cover material capable of supporting long-lived vegetation;

(vii) reclamation is performed simultaneously with the excavation operation and completed within two years after the excavation operation has ceased; and

(viii) work ceases immediately for a violation of this subsection or any conditions imposed by the Administrative Hearing Officer and, if there are three violations in a 12-month period, the portion of the special exception that allows work in the 1,000-foot area shall be rescinded and all reclamation shall be completed within 12 months.

(14) The facility may incorporate a processing site for the stockpiling and processing of material generated onsite and offsite if all of the following requirements are met.

(i) Except in a W3 District, the processing site shall be at least 50 acres; material generated offsite and used for processing with onsite material in any 12-month period may not exceed 45% of the material generated onsite in the same period; material generated offsite may be used only for blending with material generated onsite; the use of machinery shall be limited to that necessary in the production of finished sand and gravel products from materials allowed under this subsection; hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday; the time frame for the operation of the processing site may not exceed 25 years; and a crusher or similar reduction equipment is prohibited.

(ii) All stationary equipment and stockpiles shall be located at least 1,000 feet from a dwelling other than an onsite dwelling and at least 300 feet from a road other than an internal road used exclusively for onsite operations.

(iii) Weight scales shall be operational at all processing sites.

(15) A maximum time period for operation of the facility shall be established as part of the special exception approval and may not be renewed.

(16) The site shall be cleared of litter and scattered refuse daily.

(17) There shall be a 50-foot natural buffer between the operation and nontidal wetlands.

(18) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(19) Combustion ash, including bottom ash and fly ash, may not be used as fill in reclamation of a clay and borrow pit or a sand and gravel operation.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06; Bill No. 64-07)

§ 18-11-114. Coke and coke products manufacturing.

A facility for coke and coke products manufacturing shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 50 acres.

(2) Each use except parking shall be located at least 300 feet from a freeway and 1,000 feet from any residentially zoned property.

(Bill No. 4-05)

§ 18-11-115. (Reserved).

§ 18-11-116. Commercial recreational facilities.

A commercial recreational facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least two acres.
- (2) Activities shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions.
- (3) Vehicular access to the property shall be located on an arterial road or a road of a higher classification.
- (4) Activities that include motorcycles, motorized dirtbikes, go-carts, and similar vehicles are not allowed.

(Bill No. 4-05)

§ 18-11-117. Commercial telecommunication facilities.

A commercial telecommunication facility shall comply with all of the following requirements.

- (1) A principal structure permanently located on the ground shall be a monopole unless the principal structure is located on land owned by a governmental entity or a volunteer fire company.
- (2) A structure permanently located on the ground shall be located at least 200 feet or one foot for each foot of height, whichever is greater, from the lot line of a:
 - (i) property located in a residential district;
 - (ii) residentially occupied property;
 - (iii) school;
 - (iv) public park; or
 - (v) platted open space;
- (3) The height of a structure permanently located on the ground may not exceed:
 - (i) for one provider, 100 feet, or 130 feet for a private facility located on government- owned land; and
 - (ii) for two or more providers, 140 feet, or 170 feet for a private facility located on government-owned land.
- (4) The applicant shall provide affirmative proof in a detailed sworn statement that all potential commercially zoned sites within 2,500 feet of the proposed site have been exhausted, and the statement shall include:
 - (i) the names, addresses, and telephone numbers of all owners of commercially zoned property within a 2,500 foot radius of the proposed site;
 - (ii) the reasons why commercially zoned property within a 2,500 foot radius of the proposed site is not suitable, including specific statements as to whether the applicant's use is compatible with other uses of the site, the property owner will allow use of the site, and the maximum tower height accommodated by the site is suitable for the applicant's use.
- (5) The applicant shall provide affirmative proof in a detailed sworn statement that all attempts to co-locate the proposed commercial telecommunication facility on the five geographically closest commercial telecommunication facilities have been exhausted, and the statement shall include:

- (i) the addresses or descriptive locations of the five geographically closest commercial telecommunication facilities;
- (ii) the addresses or descriptive locations and a map of the applicant's existing or approved commercial telecommunications facilities within five miles of the proposed telecommunications facility;
- (iii) the names, addresses, and telephone numbers of the owners and operators of the five geographically closest commercial telecommunication facilities; and
- (iv) the reasons why the five geographically closest commercial telecommunication facilities are not suitable for co-location, including specific statements as to whether:

- 1. the location, height, or nature of the facility would make it unsuitable for the applicant's needs;
- 2. physical, electromagnetic, or other interference would make the commercial telecommunication facility unsuitable for the applicant's needs;
- 3. the applicant's use of the commercial telecommunication facility would interfere with other users;
- 4. structurally improving the facility for the applicant's use would cost more than 50% of the facility's original cost; and
- 5. adding the applicant's use to the facility would make the facility taller than would be allowed on the site.

(6) In addition to meeting the requirements of subsections (2), (3) and (5), the height of a commercial telecommunication facility that is permanently located on the ground in MB, MC, and OS Districts may not exceed:

- (i) for one provider, 130 feet, or 160 feet for a private facility located on government- owned land;
- (ii) for two providers, 170 feet, or 200 feet for a private facility located on government- owned land;
- (iii) for three providers, 210 feet, or 240 feet for a private facility located on government- owned land; and
- (iv) for four or more providers, 250 feet.

(7) In addition to meeting the requirements of subsections (2), (3), (5), and (6), a commercial telecommunication facility that is permanently located on the ground in an OS District may not:

- (i) exceed one facility for each 20 acres of land; and
- (ii) be constructed to hold less than three providers.

(8) The facility shall meet the requirements of § 18-10-110(2) through (12).
(Bill No. 4-05; Bill No. 10-11; Bill No. 93-15)

§ 18-11-118. Conference retreat facilities.

A conference retreat facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 50 acres.
- (2) Each building shall be located at least 100 feet from any residentially zoned property.
- (3) Vehicular access shall be located on an arterial road or a road of a higher classification.

(4) One guest room per acre is allowed if the floor area of the guest rooms does not exceed 40% of the floor area of all enclosed conference areas.

(5) Commercial deliveries and services, including trash collection, shall be limited to the hours of 6:00 am to 6:00 pm.

(6) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06)

§ 18-11-119. Conversion of existing single-family detached dwellings to duplex dwellings.

The conversion of an existing single-family detached dwelling to a duplex dwelling shall comply with all of the following requirements.

(1) The structure to be converted shall have been in existence as a single-family dwelling for at least five years before the filing of an application for a special exception.

(2) A converted dwelling unit shall have at least two rooms in addition to a kitchen and bathroom.

(3) The lot on which the structure is located shall be at least 14,000 square feet.

(4) The lot is served by public water and public sewer.

(Bill No. 4-05; Bill No. 78-05)

§ 18-11-120. Country clubs, private clubs, and service and nonprofit charitable organizations with 125 or more onsite parking spaces.

A country club, private club, or service and nonprofit charitable organization with 125 or more onsite parking spaces shall comply with all of the following requirements.

(1) No more than 25% of the net area of the lot may be covered by structures and onsite parking.

(2) Vehicular access to the property shall be located on an arterial road or a road of a higher classification.

(3) Sufficient access to the use shall be provided to avoid congestion of roads in adjacent residential areas.

(4) Each structure shall be located at least 100 feet from any lot line.

(5) Required onsite parking may not be located in a required setback.

(6) The activities on the property shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions.

(7) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06)

§ 18-11-121. Dance halls.

A dance hall shall comply with all of the following requirements.

(1) The facility shall be located at least 1,000 feet in a straight line from entry to entry from any religious facility, school, library, park, or recreation area, except that when

measuring distance from a public park, the distance shall be measured from the entry of the dance hall to the lot line of the park.

(2) A written plan to control loitering shall be approved by the Administrative Hearing Officer, and "No Loitering" signs shall be conspicuously posted in all parking areas.

(3) Patrons shall be prohibited from bringing food or beverages into the facility.

(4) The hours of operation shall be limited to 12:00 noon to 2:00 a.m.
(Bill No. 4-05)

§ 18-11-122. Drive-in theaters.

A drive-in theater shall comply with all of the following requirements.

(1) The facility shall be located on a minor arterial road or a collector road within one-quarter mile of a freeway or arterial road.

(2) Sufficient access shall be provided to avoid congestion of surrounding roads. Entrances and exits shall be provided at least 150 feet apart and at least 50 feet from any street intersection.

(3) Traffic within the facility shall be one-way only.

(4) The facility shall be located at least 200 feet from any residentially zoned property.

(5) Theater screens may not face a freeway or be visible from outside the facility.

(6) Individual loudspeakers shall be provided for each vehicle, and central loudspeakers are prohibited.

(7) Each exit, aisle, and passageway shall be adequately lighted when the facility is open.

(8) Any accessory amusement area, kiddyland, or refreshment stand or booth shall be for patrons of the facility only.

(Bill No. 4-05)

§ 18-11-123. Dwellings, duplexes and semi-detached.

A duplex or semi-detached dwelling development shall be a cluster development in accordance with the requirements of the district in which the use is located.

(Bill No. 4-05; Bill No. 78-05)

§ 18-11-124. Fertilizer manufacturing.

A facility for fertilizer manufacturing shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 10 acres.

(2) Each use except parking shall be located at least 300 feet from a freeway and 1,000 feet from any residentially zoned property.

(Bill No. 4-05)

§ 18-11-125. Festival, renaissance.

A renaissance festival shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 150 acres.
 - (2) Access shall be provided directly from an arterial road.
 - (3) The Administrative Hearing Officer shall limit the duration of the use to a maximum number of days per year.
 - (4) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 4-06; Bill No. 21-06)

§ 18-11-126. Heliports.

A heliport shall comply with all of the following requirements.

- (1) Land areas to be used by helicopters shall have a dustproof surface.
 - (2) The housing and repair of helicopters and all structures or facilities used to house and repair helicopters shall be located at least 50 feet from all lot lines and 200 feet from any dwelling or public or private institution.
 - (3) Parking is not allowed within required setbacks.
 - (4) The facility shall be surrounded by fencing at least six feet high with gates to limit access to the area.
 - (5) The day-night noise level at the lot lines may not exceed 75 Ldn in an industrial district or a C4 District, or 65 Ldn in any other district.
 - (6) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 4-06; Bill No. 21-06)

§ 18-11-127. Hotels and motels.

A hotel or motel shall comply with all of the following requirements.

- (1) The facility shall be accessory to a marina and located on a lot of at least two acres.
 - (2) The lot shall have at least 200 feet of shoreline.
 - (3) An accessory structure shall be located at least 50 feet from the rear or side lot lines.
 - (4) The principal vehicular access shall be located on an arterial or collector road.
 - (5) Transient boat slips shall be provided at a rate of one slip for every 10 rooms in the facility.
- (Bill No. 4-05; Bill No. 78-05)

§ 18-11-127.1 Housing for the elderly of moderate means.

Housing for the elderly of moderate means shall comply with all of the following requirements:

- (1) The property shall be encumbered by a recorded deed restriction that (a) requires the units to be occupied by at least one individual who is 62 years of age or older with an income that does not exceed 80% of the median income adjusted for household size for the

Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the United States Department of Housing and Urban Development, and (b) that prohibits the units from being occupied by resident minor children.

(2) The project shall be located on a lot that abuts a minor arterial or higher classification road, with vehicular traffic access from that road.

(3) Maximum density shall be 22 units per acre, not to exceed 120 total dwelling units.

(4) The floor area of each dwelling unit shall be limited to 1,000 square feet.

(5) Maximum coverage by structures and parking cannot exceed 60% of the gross area of the lot.

(6) The following bulk regulations apply:

Minimum setbacks for principal structures:	
Front lot line	30 feet
Side lot line	25 feet
Corner side lot line	30 feet
Rear lot line	30 feet
Minimum setbacks for accessory structures:	
Side and rear lot lines	10 feet
Corner side lot line	15 feet
Maximum height limitations:	
Principal structures	55 feet
Accessory structures	20 feet
Public water and sewer	Required

(7) The project shall be financed in part by State and County loans and shall be approved by a resolution of the County Council. The resolution shall adopt by reference a site plan that identifies the approximate location and dimensions of the structures, the approximate location and dimensions of the parking areas, and the setbacks from adjacent properties.

(Ord. 77-07)

§ 18-11-128. Kennels, commercial.

A commercial kennel shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least three acres.

(2) Buildings, enclosures, and runs for the housing or shelter of animals shall be located at least 100 feet from any residentially zoned property, and no animal may be housed within this setback.

(3) The use may not be noxious, offensive, or otherwise objectionable to surrounding residential uses.

(Bill No. 4-05; Bill No. 78-05)

§ 18-11-129. Landfills, rubble and land-clearing debris landfills.

Rubble landfills and land-clearing debris landfills shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 50 acres.
- (2) All vehicular access to the site shall be provided from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
- (3) The facility shall reclaim all or part of a clay and borrow pit or sand and gravel operation.
- (4) All significant archaeological sites shall be identified and preserved under the supervision of the Office of Planning and Zoning.
- (5) The active operation shall be surrounded by fencing that contains all windblown litter, is at least six feet in height, and is secured by a gate to prevent unauthorized entry.
- (6) The facility shall recycle the rubble or land-clearing debris so that no less than 30% of the total amount of material received in any 12-month period is recycled.
- (7) Space shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.
- (8) Except in a W3 District, hours shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday.
- (9) Berms shall be used for sight obstruction and noise abatement to the extent feasible and, if not feasible, an acceptable alternative shall be provided. Berms shall be constructed with processed fill, consisting of rock and similar irreducible material that does not permit the formation of voids into which overlying soils may be washed, and topsoil intermittently layered with non-organic soil. At least 12 inches of soil shall cover all rock or irreducible material that is larger than eight inches, and the berms shall be stabilized with suitable vegetation.
- (10) The sound level at any lot line may not exceed an average of 55 dBA or a peak of 60 dBA.
- (11) The facility shall maintain a 100-foot buffer between the active operation and existing streams and wetlands.
- (12) The height of the landfill may not exceed 30 feet above the natural grade of the surrounding land, and the finished slope shall be four to one or less.
- (13) The facility shall be operated in a way that manages odor, and excessive odor may not be detectable within 100 feet from any property line.
- (14) The facility shall maintain records onsite specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material recycled in accordance with subsection (6), such records to be available for inspection by the County.
- (15) Semiannual reports detailing the information contained in the records kept under subsection (14) shall be completed on a form provided by and submitted to the Department of Inspections and Permits.
- (16) A permanent legible sign approved by the Office of Planning and Zoning measuring at least four by eight feet and indicating that the property has been approved for a rubble landfill shall be posted and maintained along each abutting road and at each entrance to the facility.

(17) County inspectors shall be allowed entry onto the site during normal business hours to ensure compliance with the terms of any special exception and the requirements of this section.

(18) The site shall be cleaned of litter and scattered refuse daily.

(19) The facility shall conform to the current Solid Waste Management Plan adopted by the County, including any amendments or revisions to the Plan.

(20) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(21) Combustion ash, including bottom ash and fly ash, may not be used as cover material or for any other fill.

(Bill No. 4-05; Bill No. 78-05; Bill No. 4-06; Bill No. 21-06; Bill No. 64-07)

§ 18-11-130. Landscaping and tree contracting.

Landscaping and tree contracting facilities shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least two acres.

(2) All vehicular access to the site shall be directly from a collector or higher classification road.

(3) Buildings and outdoor areas to be used for parking, loading or storage of vehicles, equipment, tools, and supplies shall be delineated on a site development plan and located at least 50 feet from all property lines and public roads, and maximum coverage for outdoor storage may not exceed 20% of the total lot area.

(4) The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust, and fumes.

(5) Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m.

(6) Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual.

(7) Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting, and similar activities are not permitted.

(Bill No. 73-11)

§ 18-11-131. Licensed premises of licensed dispensaries of medical cannabis.

Licensed premises of a licensed dispensary of medical cannabis, as defined in COMAR 10.62.01.01, shall comply with all of the following requirements.

(1) Premises north of Maryland Route 50 and east of the South River may not be located within 1,000 feet of a dwelling or residentially zoned property, the lot line of a public or private school, or the lot line of real property owned by the Board of Education.

(2) Vehicular access shall be from an arterial or higher classification road.

(3) “No loitering” signs shall be conspicuously posted in all parking areas.

(4) The premises may not be located within one mile of any other licensed premises of a licensed dispensary of medical cannabis.

(5) The premises may not have any displays of medical cannabis visible to its customers or the general public.

(6) The premises may not have an on-site physician for the purpose of issuing written certifications for medical cannabis.
(Bill No. 96-15)

§ 18-11-132. Mobile home parks.

A mobile home park shall comply with all of the following requirements.

- (1) The park shall be located on a site of at least 10 acres.
- (2) The site shall be served by public water and sewer or be scheduled for sewer service within the 10-year water and wastewater master plan.
- (3) Each mobile home shall be located on a site of at least 4,000 square feet with a minimum width of 40 feet and be located at least 10 feet from all lot lines.
- (4) Density or net density may not exceed that which is allowed in the district in which the park is located, except that the density or net density may not in any event exceed seven mobile homes per acre.
- (5) At least 15% of the total area of the park shall be devoted to open area.
(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-133. Natural wood waste recycling facilities.

Natural wood waste recycling facilities shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least five acres.
- (2) All vehicular access to the site shall be from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
- (3) Composting shall be on an impervious surface.
- (4) Storage of compost shall be on a surface that is adequately drained or under cover.
- (5) Processing and loading areas and all areas for storage of material shall be surrounded by fencing that contains all windblown litter, is at least six feet in height, and is secured by a gate to prevent unauthorized entry.
- (6) The processing areas, parking and loading areas, and areas for storage of mechanical equipment shall be located at least 300 feet from any residentially zoned or residentially developed property.
- (7) Processed natural wood waste shall be stored in windrows not more than 10 feet high and 20 feet wide or static piles not more than 20 feet high.
- (8) Unprocessed natural wood waste stockpiled onsite may not occupy more than 25% of the site.
- (9) Space on the site shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.
- (10) Except in a W3 District, hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturday.
- (11) The sound level at any residentially zoned or residentially developed lot line may not exceed an average of 55 dBA or a peak of 60 dBA.

(12) The facility shall maintain a 100-foot buffer between parking, loading, storage, processing, and building areas and existing streams and wetlands.

(13) Material processed onsite and transported offsite as recycled material may be no less than 70% of the total amount of material received in any 12-month period.

(14) The facility shall be operated in a way that manages odor, and excessive odor may not be detectable within 100 feet from the lot line.

(15) The facility shall maintain onsite records specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite in accordance with subsection (13), such records to be available for inspection by the County.

(16) Semiannual reports detailing the information contained in the reports kept under subsection (15) shall be completed on a form provided by and submitted to the Department of Inspections and Permits.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-134. Nursing homes.

A nursing home shall comply with all of the following requirements.

(1) In an RLD District, the facility shall be located on a lot of at least 10 acres. In other districts, the facility shall be located on a lot of at least five acres plus one acre for each group of 25 beds, or fraction of 25 beds, in excess of 100.

(2) All structures shall be located at least 100 feet from all lot lines in RLD Districts and 50 feet from all lot lines in other districts.

(3) A structure used in whole or part for contagious, mental, or drug or alcohol addiction cases shall be located at least 200 feet from all lot lines.

(4) Any source of potential nuisance, including a laundry operation, power plant, restaurant, cafeteria, kitchen, ambulance or emergency patient entrance, unloading area for supplies and food, garbage loading area, incinerator, and animal laboratory, shall be located at least 200 feet from any residentially zoned property and at least 50 feet from any road intersection.

(5) Each access drive shall be located at least 40 feet from any residentially zoned property.

(6) The facility may exceed the height limitation allowed in the zoning district in which it is located if all setback requirements are increased by one foot for each foot of excess height.

(7) In an RLD District, structures and onsite parking may cover no more than 30% of the lot.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-135. Ore storage.

An ore storage facility may not be located within 300 feet of a freeway or a residentially zoned property.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-136. Pawnshops.

A pawnshop shall comply with all of the following requirements.

- (1) The use shall be located at least 1,000 feet from the nearest lot line of any school, library, park, religious facility, or video lottery facility.
 - (2) The facility's customer entrance and any onsite parking areas shall be located at least 300 feet from any residential structure.
 - (3) Hours of operation shall be established by the Administrative Hearing Officer as part of the special exception approval.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 82-09; Bill No. 73-11; Bill No. 96-15)

§ 18-11-137. Petroleum products, storage for retail sale.

A facility for the storage of petroleum products for retail sale shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least one-half acre.
 - (2) The product shall be stored in the same form as received and may not be altered, except that two or more products may be blended.
 - (3) Maximum storage of product, whether above or below ground, may not exceed 250,000 gallons for the first one-half acre. Above-ground storage may be increased by an additional 125,000 gallons for each additional one-half acre. In any event, no more than 1,000,000 gallons may be stored on the lot and no single tank may exceed a capacity of 250,000 gallons.
 - (4) Each storage tank shall be located at least 50 feet from all lot lines, at least 200 feet from abutting residentially zoned property, and at least 200 feet from an existing dwelling.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-138. Petroleum products, storage onsite in excess of 1,000,000 gallons for use by W3 District uses or public utilities.

A facility for the storage of petroleum products in excess of 1,000,000 gallons for use by a W3 District use or a public utility shall comply with all of the following requirements.

- (1) The product shall be sold in the same form as received and may not be altered, except that two or more products may be blended.
 - (2) The facility shall be located on a lot or contiguous lots that total at least 15 acres.
 - (3) All vehicular access to the site shall be from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
 - (4) Each storage tank shall be located at least 2,000 feet from any residentially zoned property.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-139. Piers and launching ramps, community.

A community pier or launching ramp shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 30,000 square feet that is owned by a homeowner's association.
- (2) Adverse effects on water quality and fish, plant, and wildlife habitat shall be minimized.
- (3) Nonwater-dependent structures or operations associated with water-dependent projects or activities shall be located outside the buffer to the extent possible.
- (4) Disturbance to the buffer shall be the minimum necessary to provide a single point of access to the facility.
- (5) Food, fuel, or other goods and services may not be offered for sale, and adequate and clean sanitary facilities shall be provided.
- (6) Boarding ladders shall be located along the sides of a pier and along each bulkhead where the water depth at the bulkhead exceeds four feet in depth at mean high water. Ladders along piers shall be 100 feet apart on each side of the pier and staggered so that the ladders alternate sides every 50 feet. Ladders along bulkheads shall be placed no more than 50 feet apart.
- (7) United States Coast Guard approved personal flotation devices shall be located along each pier or bulkhead at intervals not exceeding 100 feet.
- (8) When a community pier with slips is provided as part of a new residential riparian subdivision, private piers in the subdivision are prohibited.
- (9) The number of slips allowed with a community pier shall be the lesser of the following:
 - (i) one slip for each 50 feet of shoreline in a subdivision located in an intense or limited development area, and one slip for each 300 feet of shoreline in a subdivision located in a resource conservation area; or
 - (ii) a density of slips to platted lots or dwellings in the critical area in accordance with the following chart:

Platted Lots or Dwellings in the Critical Area	Slips
Up to 15	1 for each lot
16 to 40	15 or 75%, whichever is greater
41 to 100	30 or 50%, whichever is greater
101 to 300	50 or 25%, whichever is greater
More than 300	75 or 15%, whichever is greater

(10) In the event the parcel or lot has riparian rights and the proposed development is located on a portion of the parcel or lot that is out of the critical area, these rights may be utilized in accordance with permitted use criteria established for the critical area classification through the use of a community facility established in accordance with § 18-10-129, based on the actual length of shoreline or potential density that would have been permitted within the critical area portion of the parcel or lot.
 (Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 73-11; Bill No. 93-12; Bill No. 96-15)

§ 18-11-140. Planned unit developments.

The requirements for a planned unit development are located in Title 12.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-141. Public utility uses.

A public utility use shall comply with all of the following requirements.

(1) The architectural scale, design, and landscaping treatment of the use shall be compatible with other development in the area and shall be fully or partially enclosed as may be necessary to provide compatibility.

(2) The use shall be necessary for public convenience at the designated location.

(3) Utility corridors shall be used to the extent practical.

(4) The alignment shall follow the topography to minimize any effects to the terrain.

(5) There shall be selective vegetative clearance for the right-of-way for soil erosion control.

(6) Structures, such as antennas and lightning masts, may exceed the maximum height limitations of the zoning district in which the use is located if the excess height is the minimum necessary to accomplish the purpose of the structure and minimum setbacks are increased by one foot for each excess foot in height.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-142. Race tracks for horses.

A race track for horses shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 100 acres.

(2) Vehicular access shall be located on an arterial or collector road within one-quarter mile of a freeway or principal arterial road and may not be located on a freeway or a local road.

(3) Each vehicular entrance and exit shall be located at least 50 feet from all lot lines.

(4) The facility may not draw traffic through local roads in surrounding residential areas.

(5) Parking and principal uses, including the grandstand, clubhouse, and the track, shall be located at least 60 feet from all lot lines.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-143. Race tracks other than horse race tracks.

A race track for a use other than horses shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 100 acres for automobile, stock car, or drag racing, at least 50 acres for miniature race car racing, and at least five acres for go-cart racing.

(2) Vehicular access shall be located on an arterial or a collector road within one-quarter mile of a freeway or principal arterial road and may not be located on a freeway or a local road.

- (3) The facility may not draw vehicular traffic through local roads in surrounding residential areas.
 - (4) Each use shall be located at least 200 feet from any residentially zoned property.
 - (5) Racing of automobiles is prohibited within one mile of a residentially zoned property.
 - (6) Adequate onsite reservoir space at the vehicular entrance and sufficient vehicular entrances and exits shall be provided to prevent traffic congestion.
 - (7) Separate vehicular entrances and exits shall be provided at least 100 feet apart and at least 50 feet from any street intersection.
 - (8) Each structure shall be located at least 100 feet from all lot lines.
 - (9) Parking may not be located in a required setback and shall be located at least 500 feet from any lot line for automobile, stock car, drag, or miniature car racing and 100 feet from any lot line for go-cart racing.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-144. Radio, television, or industrial testing towers.

A testing tower for a radio, television, or industrial testing towers facility shall be set back from any road right-of-way by no less than the height of the tower.

(Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-145. Recyclables recovery facilities.

- A recyclables recovery facility shall comply with all of the following requirements.
- (1) Vehicular access shall be from a collector road, an arterial road, a freeway, or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
 - (2) Collection, separation, and processing of recyclables shall be done within a structure at the facility.
 - (3) Space on the site shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.
 - (4) The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dBA and a peak of 60 dBA.
 - (5) The facility shall maintain onsite records specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite, such records to be available for inspection by the County.
 - (6) Semiannual reports detailing the information contained in the records kept under subsection (6) shall be completed on a form provided by and to be submitted to the Department of Inspections and Permits.
 - (7) The site shall be cleaned of litter and scattered refuse daily.
 - (8) The crushing and recycling of concrete is prohibited in W2 Districts.
- (Bill No. 4-05; Bill No. 78-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-146. Religious facilities with 300 or more onsite parking spaces.

A religious facility with 300 or more onsite parking spaces shall comply with all of the following requirements.

- (1) No more than 25% of the lot may be covered by structures, including accessory structures, and onsite parking.
- (2) Each structure shall be located at least 100 feet from any lot line.
- (3) Activities shall be located in a manner to shield surrounding residential property from the effects of noise, hazards, or other offensive conditions.
- (4) Vehicular access shall be located on an arterial road or higher classification.
- (5) Sufficient access to the use shall be provided and the facility may not draw vehicular traffic through local roads in surrounding residential areas.
- (6) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 78-05; Bill No. 4-06; Bill No. 21-06; Bill No. 73-11; Bill No. 96-15)

§ 18-11-147. Rendering plants.

A rendering plant shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least four acres.
- (2) Each use except parking shall be located at least 300 feet from a freeway and 1,000 feet from any residentially zoned property.
- (3) All vehicular access to the site shall be from a collector road, an arterial road, a freeway, or local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
- (4) The facility shall be operated in a way that manages the odor, and excessive odor may not be detectable within 100 feet from any lot line.

(Bill No. 4-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-148. Rifle, pistol, skeet, and archery ranges, indoor.

An indoor rifle, pistol, skeet, and archery range shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least one acre.
- (2) The facility may not draw vehicular traffic to or through local roads in surrounding residential areas.
- (3) The facility may not be located within 400 feet of any residentially zoned property.
- (4) Separate vehicular accesses shall be provided that are at least 50 feet apart and at least 50 feet from any road intersection.
- (5) The sale or consumption of alcoholic beverages is prohibited.

(Bill No. 4-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-149. Rifle, pistol, skeet, and archery ranges, outdoor.

An outdoor rifle, pistol, skeet, and archery range shall comply with all of the following requirements.

- (1) For each rifle or pistol range:
 - (i) the area between the firing point and target pit shall be baffled overhead and either baffled or fenced on each side to prevent a fired projectile from escaping the range area;
 - (ii) each backstop shall be constructed of dirt and surfaced with at least three feet of debris-free dirt;
 - (iii) the backstop shall be of a height so that a bullet fired from the lowest firing position cannot escape between the last baffle and the backstop; and
 - (iv) the passageway from the firing line to each target pit shall be completely enclosed or consist of a trench of sufficient depth to shield a user from exposure to a bullet.
 - (2) For a skeet or archery range, the area between the stake and target shall be baffled or fenced on each side to prevent the projectile from escaping the range area.
 - (3) The sale or consumption of alcoholic beverages is prohibited.
 - (4) Written approval from the Police Department shall be obtained.
- (Bill No. 4-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-150. Rubble processing facilities.

A rubble processing facility shall comply with all of the following requirements.

- (1) The facility shall be located on a lot of at least 10 acres.
- (2) All vehicular access to the site shall be from a collector road, an arterial road, a freeway or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.
- (3) Unloading and processing of rubble shall be done within a building at the facility.
- (4) The active operation shall be surrounded by fencing that contains all windblown litter, is at least six feet in height, and is secured by a gate to prevent unauthorized entry.
- (5) The facility shall recycle the rubble so that no less than 30% of the total amount of material received in any 12-month period is recycled.
- (6) Space shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.
- (7) The sound level at any residentially zoned or residentially developed property line may not exceed an average of 55 dBA and a peak of 60 dBA.
- (8) Rubble processed onsite and transported offsite shall be no less than 70% of the total amount of material received in any 12-month period.
- (9) The facility shall maintain records onsite specifying the date, type, and amount of material received and its place of origin (Anne Arundel County or out-of-County), the amount of material recycled in accordance with subsection (5), and the amount of material transported offsite in accordance with subsection (8), such records to be available for inspection by the County.

(10) Semiannual reports detailing the information contained in the records kept under subsection (9) shall be completed on a form provided by and submitted to the Department of Inspections and Permits.

(11) The site shall be cleaned of litter and scattered refuse daily.

(12) The facility shall conform to the current Solid Waste Management Plan adopted by the County, including any amendments or revisions to the Plan.

(Bill No. 4-05; Bill No. 73-11; Bill No. 96-15)

§ 18-11-151. Schools, private academic and public charter, with 125 or more onsite parking spaces.

A private academic school or a public charter school with 125 or more onsite parking spaces shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least three acres.

(2) No more than 25% of the lot may be covered by onsite parking and structures, including accessory structures.

(3) Each structure shall be located at least 100 feet from all lot lines.

(4) Vehicular access to the property shall be located on an arterial road or a road of a higher classification.

(5) Sufficient access to the use shall be provided to avoid congestion of roads in adjacent residential areas.

(6) Activities shall be located in a manner to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions.

(7) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.

(Bill No. 4-05; Bill No. 54-05; Bill No. 4-06; Bill No. 21-06; Bill No. 73-11; Bill No. 96-15)

§ 18-11-152. Self-service storage facilities.

A self-service storage facility shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least two acres.

(2) Storage and a residence for a caretaker or resident manager shall be the only activities conducted at the facility.

(3) Access shall be provided as follows:

(i) Each one-way interior driveway shall have a travel lane at least 15 feet wide.

(ii) Each two-way interior driveway shall have two travel lanes, each at least 12 feet wide.

(iii) Traffic direction and parking shall be designated by directional signs or pavement painting.

(4) Outside storage is not permitted.

(5) In a C2 District, a self-service storage facility shall be within an enclosed controlled central structure with no external access to individual storage units.

(Bill No. 21-15; Bill No. 96-15)

§ 18-11-153. Small wind energy systems.

(a) **Requirements.** A small wind energy system or meteorological tower shall comply with all of the following requirements.

(1) The small wind energy system or meteorological tower shall be located on a lot less than three acres.

(2) The wind turbine or meteorological tower shall be located at a distance of at least 1.1 times the height of the tower from any property line, non-participating structure, public road or right-of-way, or communication lines or structures, and provide for a minimum setback of 20 feet from any lot line for guy cables or tower supports.

(3) Roof-mounted turbines are permitted. All components of a roof-mounted turbine shall meet required setbacks for the principal structure. Roof-mounted turbines may not be mounted on an attached or multi-family dwelling.

(4) The height of a wind turbine or meteorological tower may not exceed a height of 120 feet. The height of a roof-mounted turbine may not project more than 35 feet from the roof surface. Total height for a small wind energy system mounted on a wind tower is the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point. For a small wind energy system mounted on a building, total height is the vertical distance from the top of the roof or parapet, to the tip of a wind generator blade when the tip is at its highest point.

(5) The wind turbine shall have a minimum blade ground clearance of 15 feet.

(6) The tower shall be designed and installed so as to not allow step bolts or ladder accessibility for a minimum height of 12 feet.

(7) The wind turbine or meteorological tower and its mounting structure shall be painted a non-reflective, non-obtrusive color that conforms to the environment and architecture of the community.

(8) The wind turbine or meteorological tower shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.

(9) The small wind energy system or meteorological tower shall comply with all applicable construction codes and electrical codes and be installed in accordance with manufacturer plans and certifications.

(10) The wind turbine shall not generate noise in excess of the levels permitted for the zone under Code of Maryland Regulations 26.02.03.03.

(11) The capacity of a small wind energy system may not exceed 25 kw on a property located in an RLD, R1, R2, or R5 zone and 100 kw in all other zones. Energy produced by the small wind energy system shall be for the sole use of the property owner, however, energy output from the system may be delivered to a power grid to offset the cost of energy on site.

(12) Wind turbines must be approved under a small wind certification program recognized by the Maryland Energy Administration.

(13) All signs are prohibited except for manufacturer or installer identification signs and warning signs or placards.

(14) Meteorological towers shall be permitted under the conditions of this section for a period not to exceed one year.

(15) A property owner may apply for special exceptions for a temporary meteorological tower and a small wind energy system in the same application; however, the Administrative Hearing Officer may decide on each request in the application individually and impose conditions deemed appropriate for each use. If an applicant is granted a special

exception for a meteorological tower but denied a special exception for a small wind energy system, the applicant shall be permitted to re-apply for a special exception within 12 months of the date of denial of the small wind energy system provided the application includes six months of meteorological data gathered from the applicants meteorological tower.

(16) The small wind energy system or meteorological tower may not adversely effect an historic site, archaeological resource, or cemetery listed on the County inventory. The placement of a wind turbine within sight of an historic resource listed on the inventory shall mitigate any adverse visual impact of the turbine in a manner determined by the Office of Planning and Zoning. If a wind turbine is to be attached to the roof of an historic structure listed on the inventory, the method of attachment must be approved by the Office of Planning and Zoning. Approval of a rooftop wind turbine shall require installation on a secondary facade, minimal impact to historic materials, and be a reversible modification. Wind turbines may not be mounted on rooftops of highly significant properties, including those listed on the National Register of Historic Places.

(17) A small wind energy system or meteorological tower located within the BWI Marshall Airport four-mile district shall comply with all height and permitting requirements of the Maryland Aviation Administration.

(b) **Removal of defective system.** Any small wind energy system or meteorological tower that is cited by administrative order of the Department of Inspections and Permits shall be repaired by the property owner to meet federal, State and local code requirements, or be removed, within six months of the date of the administrative order. If the property owner fails to repair or remove the system as required and the system remains non-operational for more than six months, the County may pursue an action for rescission of the special exception use under this article and removal of the system at the property owner's expense.

(c) **Variances.** A variance may not be granted for the requirements specified in subsection (a).

(Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-154. Solid waste transfer stations.

A solid waste transfer station shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least eight acres.
(2) All vehicular access to the site shall be from a collector road, an arterial road, a freeway or a local road that serves only industrially zoned or commercially zoned property between the facility entrance and the first intersecting collector road, arterial road, or freeway in all directions.

(3) Collection, storage, and stockpiling of solid waste shall be done within a building at the facility.

(4) The active operation shall be surrounded by fencing that contains all windblown litter, is at least six feet in height, and is secured by a gate to prevent unauthorized entry.

(5) Space shall be adequate so that trucks using the facility are not stopped or parked on a road right-of-way.

(6) Except in a W3 District, hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday.

(7) The sound level at any residentially zoned or residentially developed property line does not exceed an average of 55 dBA and a peak of 60 dBA.

(8) The facility shall transfer 100% of the total amount of solid waste received in any 12-month period.

(9) The facility shall be operated in a way that manages odor, and excessive odor may not be detectable within 100 feet from any lot line.

(10) The facility shall maintain records onsite specifying the date, type, and amount of material received, its place of origin (Anne Arundel County or out-of-County), and the amount of material transported offsite in accordance with subsection (8), such records to be available for inspection by the County.

(11) Semiannual reports detailing the information contained in the records kept under subsection (10) shall be completed on a form provided by and submitted to the Department of Inspections and Permits.

(12) The site shall be cleaned of litter and scattered refuse daily.

(13) The facility shall conform to the current Solid Waste Management Plan adopted by the County, including any amendments or revisions to the Plan.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-155. Stadiums, commercial.

A commercial stadium shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 50 acres.

(2) The principal vehicular access for the facility shall be located on an arterial or collector road within one-quarter mile of a freeway or arterial road and may not be located on a freeway or local road.

(3) The facility may not draw vehicular traffic through local roads in surrounding residential areas.

(4) The facility shall be located at least 200 feet from any residentially zoned property.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-156. Storage, bulk for agricultural products.

A facility for bulk storage for agricultural products shall comply with all of the following requirements.

(1) The facility shall be restricted to the storage, dispensing, and mixing of products received at the site and may not include processing of a commercial nature.

(2) The facility shall have frontage on or private access to a principal arterial road.

(3) A structure for storage purposes shall be located at least 200 feet from any residential structure and 100 feet from all lot lines.

(4) The height of a grain elevator or silo-type structure may not exceed a maximum height of 150 feet and the height may not exceed the setback from the closest lot line.

(5) A facility located in an RA District shall be located on a road other than a scenic or historic rural road.
(Bill No. 4-05; Bill No. 4-06; Bill No. 21-06; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-157. Storage of watercraft, covered and wet.

A covered facility for the wet storage of seaworthy watercraft shall comply with all of the following requirements.

(1) The facility shall be designed to be compatible with existing adjacent land uses and existing adjacent zoning districts.

(2) The design of the facility shall afford minimal detrimental impact on adjacent residential areas with respect to structure location and height, access, lighting, signs, landscaping, location of water facilities, location of storage areas, and noise.

(3) The facility shall be located at least 25 feet from any side lot line.

(4) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-158. Storage of watercraft, covered and dry.

A covered facility for the dry storage of seaworthy watercraft shall comply with all of the following requirements.

(1) The combined base area of all covered dry storage structures may not exceed:

(i) 10,000 square feet for a one-acre lot;

(ii) for a lot larger than one acre, 10,000 square feet plus 1,000 square feet for each acre by which the lot exceeds one acre; and

(2) The facility shall be located at least 25 feet from each side lot line.

(3) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 21-15; Bill No. 96-15)

§ 18-11-159. Structures, permanent, accessory to active recreational uses.

Permanent structures accessory to active recreational uses shall comply with all of the following requirements.

(1) No more than 25 % of the forested area on a lot may be cleared for the uses.

(2) The site shall be reforested at a ratio of one and one-half acres planted for every acre cleared.

(3) The uses shall be set back at least 150 feet from any dwelling and 100 feet from all lot lines.

(4) The uses shall be set back at least 200 feet from any stream, river, or waterway.

(5) The uses shall be subject to an approved soil conservation and water quality plan.

(6) Outdoor light fixtures, other than those required for safety purposes, may not be on after 9:00 p.m. Sunday through Thursday and after 10:00 p.m. Friday and Saturday.

(7) Outdoor lighting shall have minimal offsite impact by way of the distance of the fixtures from roads or neighboring properties, or additional shielding or other features.

(8) Vehicular access to the property shall be located on a collector road or a road of a higher classification.

(Bill No. 15-12; Bill No. 21-15; Bill No. 96-15)

§ 18-11-160. Storage of watercraft, multilevel watercraft rack.

A multilevel watercraft storage rack structure shall comply with all of the following requirements.

(1) The facility shall be located on a lot of at least 1.5 acres above mean high water.

(2) The height of the structure may not exceed the maximum height allowed in the district in which it is located.

(3) The facility shall be designed to be compatible with existing adjacent land uses and existing adjacent zoning districts.

(4) The design of the facility shall have minimal detrimental impact on adjacent residential areas with respect to structure location and height, access, lighting, signs, landscaping, location of water facilities, location of storage areas, and noise.

(5) A facility shall be set back at least 25 feet from each side lot line.

(6) The coverage of the facility may not exceed the combined total floor area of all covered dry storage structures.

(7) The Office of Planning and Zoning shall designate the location of the facility in accordance with the criteria set forth in § 18-2-403.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 15-12; Bill No. 21-15; Bill No. 96-15)

§ 18-11-161. Truck and trailer rental facilities in conjunction with automobile gasoline stations.

The trailer or truck storage areas at a truck and trailer rental facility in conjunction with automobile gasoline stations shall be graded and drained to prevent surface water accumulation and shall be paved with a durable and dustproof surface.

(Bill No. 4-05; Bill No. 39-10; Bill No. 73-11; Bill No. 15-12; Bill No. 21-15; Bill No. 96-15)

§ 18-11-162. Workforce housing.

Workforce housing may consist of any type of dwelling unit or any mixture of dwelling units and shall comply with all of the following requirements.

(1) The property shall be located in a priority funding area.

(2) The property shall be encumbered by recorded deed restrictions that:

(i) the units be restricted to occupancy by eligible households for at least 10 years for home ownership units and at least 30 years for rental units, except that the deed restriction may be 15 years for "lease to purchase" rental units;

(ii) all units be occupied by a household with an income that does not exceed 120% of the median income adjusted for household size for the Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the United States Department of Housing and Urban Development;

(iii) at least 10% of home ownership units and 40% of rental units be occupied by a household with an income that does not exceed 60% of the median income adjusted for household size for the Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the United States Department of Housing and Urban Development;

(iv) the initial transfer of a home ownership unit to the original buyer of that unit shall be accompanied by a certification from Arundel Community Development Services, Inc. that the buyer's household income does not exceed the maximum allowed for that unit. The cost of such certification shall be paid by the seller; and

(v) if the original buyer of a home ownership unit transfers title to that unit within 10 years, such transfer shall be accompanied by a certification from Arundel Community Development Services, Inc. that the transferee's household income does not exceed the maximum allowed for that unit. The cost of such certification shall be paid by the transferor.

(3) The project shall be located on a lot that abuts a minor arterial or higher classification road, with vehicular access from that road.

(4) Maximum density shall be 22 dwelling units per acre.

(5) Maximum coverage by structures and parking may not exceed 60% of the gross area of the lot.

(6) Setbacks and height requirements shall be in accordance with the bulk regulations of the zoning district within which the project is located.

(7) (7) The project shall be served by public water and sewer.

(8) (i) The applicant for special exception shall provide the Administrative Hearing Officer with the total number of home ownership units and the total number of rental units in the project.

(ii) The signs and notices required by § 18-16-203 shall contain the information provided pursuant to subsection (8)(i) of this section.

(9) The initial allowable maximum sale price of a home ownership unit shall be established by Arundel Community Development Services, Inc. after obtaining and considering information and data dealing with current general market and economic conditions and the current minimum sale prices of privately produced market priced housing. The initial allowable maximum sale price may include closing costs, financing fees, and construction loan expenses.

(10) The project shall be financed in part by federal, State, or Arundel Community Development Services, Inc. loans and shall be approved by a resolution of the County Council. The resolution shall adopt by reference a site plan that identifies the approximate location and dimensions of the structures, the approximate location and dimensions of the parking areas, and the proposed approximate setbacks from adjacent properties. (Bill No. 56-11; Bill No. 15-12; Bill No. 21-15; Bill No. 96-15)

TITLE 12. SPECIAL USES

Section

Subtitle 1. Government Reuse Facilities

- 18-12-101. Definitions.
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- 18-12-103. Permitted and auxiliary uses; compliance with reuse plan.
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Subtitle 5. Suburban Community Centers

- 18-12-501. Scope; applicability.

SUBTITLE 1. GOVERNMENT REUSE FACILITIES

§ 18-12-101. Definitions.

In this subtitle, the following words have the meanings indicated:

- (1) "Government reuse facility" means all or part of a facility that:
 - (i) was previously owned by the federal government;
 - (ii) is redeveloped as an integrated development with a variety of industrial and commercial uses;
 - (iii) is located on a site that is transferred to the County or its assignee under the Federal Base Realignment and Closure Act or under a related conveyance of ancillary parcels recognized by ordinance of the County Council as adjacent to and functionally part of a site transferred under the Federal Base Realignment and Closure Act; and
 - (iv) is developed in accordance with the recommendations in a reuse plan approved by the federal government that is supported and affirmed by resolution or ordinance of the County Council.
- (2) "Lot" includes an area of land recognized as an approved lot by ordinance of the County Council based upon a determination by the Planning and Zoning Officer that

recognition of the lot reasonably reflects the use of the area of land before its conveyance to the County or assignee.
(Bill No. 4-05)

§ 18-12-102. Scope.

This subtitle applies to a government reuse facility. The provisions of this subtitle supersede the requirements of Subtitle 6 of Title 4.
(Bill No. 4-05)

§ 18-12-103. Permitted and auxiliary uses; compliance with reuse plan.

(a) **Permitted uses.** The permitted uses allowed in a government reuse facility are listed in the chart in this section using the following key: P = permitted use. Uses and structures customarily accessory to the listed uses also are allowed. Residential units are prohibited.

Permitted Uses	
Child care centers for the exclusive use of persons employed at the facility	P
Commercial telecommunication facilities if the conditions of Title 10 are met	P
Computer goods, sales and services	P
Helipads for the exclusive use of commercial tenants at the facility	P
Hotel or motel with up to 100 rooms	P
Manufacturing, fabrication, and assembly uses	P
Multiple use principal structures if the uses are limited to those allowed in this section	P
Offices, professional and general	P
Outdoor recreational facilities for the exclusive use of persons employed at the facility and visitors	P
Parking structures and parking lots	P
Public utility essential services	P
Public utilities	P
Publishing, printing, photographic, photocopying, and blueprint establishments	P
Radio and television studios and broadcasting establishments	P
Research and development establishments and testing laboratories, including prototype manufacturing	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade for the exclusive use of businesses located at the facility	P
Solar energy systems—accessory if the conditions of Title 10 are met	P
Water taxi landings	P
Wet storage of watercraft located in an existing basin or similar water area for the exclusive use of commercial tenants at the facility	P

(b) **Auxiliary uses.** The following uses are allowed as auxiliary uses located in principal or accessory structures with not more than 5% of the total floor area of the principal and accessory structures being occupied by auxiliary uses and limited to the following:

Auxiliary Uses	
Alcoholic beverage uses for consumption on the premises in accordance with the conditions of	P

Auxiliary Uses	
Title 10	
Banks	P
Barbershops	P
Cafeterias, lunchrooms, restaurants, and snack bars for the purpose of serving the uses at the facility	P
Catering facilities	P
Hair and nail salons	P
Health clubs, spas, and gymnasiums in a hotel, motel, or corporate facility for use in conjunction with the activities allowed at the hotel, motel, or corporate facility	P
Newsstands	P
Retail or wholesale display rooms for the sale of products associated with the principal use	P
Solar energy systems—accessory if the conditions of Title 10 are met	P
Travel agencies	P

(c) **Auxiliary uses in single or multiple use structures.** Auxiliary uses may be located in single or multiple use structures if the uses are limited to the uses listed in subsection (b) and the total square footage of the uses is no greater than 15% of the total floor area, including all sections, phases, and areas platted for future development.

(d) **Compliance with reuse plan.** The overall development plan for a government reuse facility shall comply with the reuse plan, including all traffic standards and guidelines, and be sent to an advisory committee appointed by the County Executive for review and comment. (Bill No. 4-05; Bill No. 54-05; Bill No. 68-13)

§ 18-12-104. Bulk regulations.

The following bulk regulations are applicable to a government reuse facility:

Minimum site area	25 acres
Minimum lot area for principal and accessory structures other than public utilities, water taxi landings, and outdoor recreational facilities	20,000 square feet
Maximum lot coverage	80% of net lot area
Minimum setbacks from each lot line:	
Principal structures	15 feet
Parking lots or structures	10 feet
Accessory structures	15 feet
Maximum height limitations for structures	60 feet

(Bill No. 4-05)

§ 18-12-105. Signage.

Signage shall be approved by the Office of Planning and Zoning in accordance with the following:

(1) A signage program shall be submitted to an advisory committee appointed by the County Executive for review and comment and to the Office of Planning and Zoning and,

if approved by the Office of Planning and Zoning, the program shall supersede the standards described in Title 3.

- (2) The signage program shall:
 - (i) contribute to the efficient utilization of the development;
 - (ii) minimize visual clutter;
 - (iii) make use of directional signs in the parking areas and pedestrian circulation system;
 - (iv) be in harmony with the architecture, landscaping, and other design elements of the development;
 - (v) be compatible with existing or potential development in the neighboring communities if the signage is along the periphery of the site or visible from public roads; and
 - (vi) address the location, size, height, number, color, and material of all proposed signs and state whether the proposed signs will be illuminated.
- (Bill No. 4-05)

§ 18-12-106. Parking.

Parking shall be provided in accordance with the following:

- (1) A parking program shall be submitted to an advisory committee appointed by the County Executive for review and comment and to the Office of Planning and Zoning and, if approved by the Office of Planning and Zoning, the program shall supersede the standards described in Title 3.
 - (2) Onsite parking shall:
 - (i) be separated from walkways by landscaped screening, low-profile walls, berms, or decorative fencing;
 - (ii) be well illuminated;
 - (iii) be free of pedestrian barriers;
 - (iv) be designed to minimize the number of curb cuts to roads and encourage the direct movement of pedestrians between adjacent areas of onsite parking;
 - (v) have well illuminated access ways for pedestrians; and
 - (vi) be limited to one parking space for each 320 square feet of floor area.
 - (3) The Office of Planning and Zoning may require that parking spaces be designated for those who rideshare.
 - (4) The Office of Planning and Zoning may require or permit limited on-street parking to promote street-level access to buildings and amenities.
 - (5) Vehicular and pedestrian access to shared parking shall be provided separately from roads.
 - (6) The vehicular circulation system shall provide:
 - (i) for the safe and convenient movement of vehicles and pedestrians; and
 - (ii) adequate space for the loading and unloading of persons, goods, and materials.
- (Bill No. 4-05; Bill No. 69-07)

SUBTITLE 2. PUD – PLANNED UNIT DEVELOPMENTS

§ 18-12-201. Scope; applicability.

This subtitle applies to a planned unit development, referred to in this article as a PUD. Other consistent provisions of this article also apply.
(Bill No. 4-05)

§ 18-12-202. Uses.

(a) **For less than 500 units.** A PUD of less than 500 dwelling units may have adult independent dwelling units, duplex or semi-detached dwellings, multifamily dwellings, single-family detached dwellings, townhouse dwellings, public utility essential services, and public utility uses in accordance with § 18-11-140.

(b) **For 500 to 1,000 units.** A PUD that has between 500 and 1,000 dwelling units may have the uses (1) permitted in subsection (a) and (2) listed in the chart in this subsection if the uses are limited to 10 square feet for each dwelling unit and are located on a collector or arterial road.

Uses	
Assisted living facilities	SE
Child care centers	SE
Nursing homes	P
Piers, community, and water-oriented recreational facilities, structures, and uses	SE
Religious facilities	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P

(c) **For 1,001 to 5,000 units.** A PUD that has between 1,001 and 5,000 dwelling units may have the uses (1) permitted in subsections (a) and (b) and (2) listed in the chart in this section if the uses are limited to 30 square feet for each dwelling unit.

Uses	
Adult day care	P
Automobile gasoline stations	SE
Bakery or donut shops	P
Banks	P
Barbershops	P
Bicycle, motor scooter, moped sales and service without outside storage	P
Business complexes	P
Carpet and vinyl flooring stores	P
Carwashes	SE
Catering establishments	P
Child care centers	P
Convenience stores, gift shops, and newsstands	P
Cultural centers and exhibits	P

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Uses	
Delicatessens and snack bars	P
Dog grooming and day care facilities	P
Dry cleaning operations	P
Furniture, appliance, and carpet stores and showrooms	P
Greenhouses and garden centers	P
Grocery stores	P
Hair and nail salons	P
Hardware stores	P
Health clubs, spas, and gymnasiums	P
Home centers and building supply stores	P
Interior decorating establishments	P
Locksmiths	P
Meat, seafood, and poultry markets	P
Medical or dental stores and laboratories	P
Musical instruments sales, services, and instruction	P
Nursing homes	P
Offices	P
Opticians and optometrical establishments	P
Package goods stores	P
Pharmacies	P
Photography studios	P
Printing and publishing establishments	P
Produce markets	P
Religious facilities	P
Rental establishments	P
Restaurants	P
Retail specialty stores or shops	P
Schools, public charter, and schools, private: academic, arts, business, technical, or trade	P
Showrooms and sales of specialty building products, including kitchen cabinets, tile, and lighting	P
Small engine repair if all work is done inside a building and there is no outside storage	P
Swimming pool and spa sales, indoor	P
Tailor shops	P
Tanning salons	P
Theaters, live performances	P
Travel agencies	P
Upholstering shops, including sail making shops	P
Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P
Video sales and rental establishments	P
Volunteer fire stations	P

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 69-07)

§ 18-12-203. Bulk regulations.

(a) **Generally.** Bulk regulations relating to lot size, setbacks for principal and accessory structures, spacing between structures, and height limitations shall be proposed by the developer in a submittal of specific development and design standards and, if approved by special exception, shall govern the development of the PUD.

(b) **Setbacks if PUD abuts residential.** When a structure in a PUD is located within 50 feet of the boundary line of a residential district, the setback for the structure shall be the more restrictive of the setback requirements for the abutting residential zoning district or for the zoning district in which the structure is located.

(c) **Density.** The density of development in a PUD may not exceed the density allowed by the zoning district in which the development is located.

(d) **Retail use.** A single retail use may not exceed 65,000 square feet.

(e) **Bulk regulations.** The following bulk regulations are applicable to a PUD:

Zoning district	Minimum site area	Minimum dwelling unit composition of total units	Maximum coverage by structures in residential areas	Minimum open area in residential areas
RA, RLD, R1	20 acres	40% are single-family dwellings	30%	40%
R2	20 acres	30% are single-family dwellings	30%	40%
R5	20 acres	20% are single-family dwellings	30%	40%
R10, R15	10 acres	10% are single-family dwellings or townhouses	30%	45%
R22	10 acres	10% are single-family dwellings or townhouses	25%	50%

(Bill No. 4-05; Bill No. 78-05)

SUBTITLE 3. REGIONAL COMMERCIAL COMPLEXES

§ 18-12-301. Permitted uses; applicability.

A regional commercial complex may include the uses set forth in § 18-5-102 for C2 and C3 Districts and the uses set forth in § 18-6-103 for a W1 District. Other consistent provisions of this article also apply.

(Bill No. 4-05; Bill No. 82-09)

SUBTITLE 4. SCHOOL BUS STORAGE IN RESIDENTIAL DISTRICTS

§ 18-12-401. Scope.

Existing school bus storage as the principal use of a residential lot or on the same lot as a single family detached dwelling is governed by Bill No. 21-01.
(Bill No. 4-05)

SUBTITLE 5. SUBURBAN COMMUNITY CENTERS

§ 18-12-501. Scope; applicability.

A suburban community center in existence on September 7, 2004 is governed by Bill No. 36-96. Other consistent provisions of this article also apply.
(Bill No. 4-05)

TITLE 13. CRITICAL AREA OVERLAY

Section

Subtitle 1. In General

- 18-13-101. Scope; overlay.
- 18-13-102. Conflict with other law.
- 18-13-103. Maps.
- 18-13-104. Buffers, expanded buffers, and buffer modification areas.
- 18-13-105. Reasonable accommodations for physical disability.

Subtitle 2. Uses

- 18-13-201. Existing uses.
- 18-13-202. Waste collection facilities and landfills generally prohibited.
- 18-13-203. Agricultural activity in the buffer.
- 18-13-204. IDA uses.
- 18-13-205. LDA uses.
- 18-13-206. RCA uses.
- 18-13-207. Small wind energy systems.

Subtitle 3. Applications for Buffer Modification Map Amendments

- 18-13-301. Applications for buffer modification map amendments.
- 18-13-302. Public notice.
- 18-13-303. Public comment period.
- 18-13-304. Decision by Planning and Zoning Officer.

Subtitle 4. Growth Allocation

- 18-13-401. Creation.
- 18-13-402. Sites eligible for growth allocation.
- 18-13-403. Public notice.
- 18-13-404. Application review.

18-13-405. Rescission of growth allocation.

SUBTITLE 1. IN GENERAL

§ 18-13-101. Scope; overlay.

This title is an overlay that applies to all land located in the critical area and the requirements of this title are in addition to other requirements of this Code.
(Bill No. 4-05)

§ 18-13-102. Conflict with other law.

If any provision in this title conflicts with other County or State law, the stricter provisions prevail.
(Bill No. 4-05; Bill No. 93-12)

§ 18-13-103. Maps.

The critical area is shown on the maps adopted by Bill No. 49-88. The critical area is divided into the following areas: intensely developed area (IDA), limited development area (LDA), and resource conservation area (RCA).
(Bill No. 4-05)

§ 18-13-104. Buffers, expanded buffers, and buffer modification areas.

(a) **Buffer.** There shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR.

(b) **Expanded buffer.** Except as provided in subsection (c), the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater, nontidal wetlands, nontidal wetlands of special State concern, and hydric soils or highly erodible soils. The buffer shall be expanded as follows:

(1) If there are contiguous slopes of 15% or greater, the buffer shall be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet of the top of the slopes.

(2) If there are nontidal wetlands, nontidal wetlands of special State concern, hydric soils or highly erodible soils, the buffer shall be expanded in accordance with COMAR, Title 27.

(c) **Buffer modification areas.** There shall be a buffer modification area established on a map maintained by the Office of Planning and Zoning with respect to all or part of a lot created before December 1, 1985 on which the existing pattern of development prevents the 100-foot buffer from performing its protective functions. In buffer modification areas, the buffer is not expanded, and specific development criteria apply as set forth in Article 17 of this Code and COMAR.

(Bill No. 4-05; Bill No. 93-12; Bill No. 76-13)

§ 18-13-105. Reasonable accommodations for physical disability.

Any request for reasonable accommodations as a result of a physical disability must satisfy the standards for disability as defined in the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101, et seq.
(Bill No. 93-12)

SUBTITLE 2. USES

§ 18-13-201. Existing uses.

Uses on land in the critical area that were in existence on December 1, 1985 may continue, but intensification or expansion shall be in accordance with this Code and any use that ceases to exist for one year or more shall be subject to the provisions of this Code.
(Bill No. 4-05)

§ 18-13-202. Waste collection facilities and landfills generally prohibited.

Creation or expansion of a waste collection or disposal facility or sanitary landfill is prohibited in the critical area unless environmentally acceptable alternatives do not exist outside the critical area and the creation or expansion is needed to correct existing water quality or wastewater management problems.
(Bill No. 4-05)

§ 18-13-203. Agricultural activity in the buffer.

Agricultural activities are allowed in the 100-foot buffer if best management practices are used, including a 25-foot vegetative filter strip established from the mean high-water line of tidal waters or tributary streams or from the landward edge of tidal wetlands, whichever is further inland.
(Bill No. 4-05)

§ 18-13-204. IDA uses.

(a) **Generally.** The uses allowed in the IDA are those uses allowed in the underlying zoning district in accordance with the requirements of the district in which the use is located, except that the following uses are allowed only if the use results in a net improvement in water quality to the adjacent body of water:

- (1) non-maritime heavy industrial facilities;
- (2) permanent sludge handling, storage, or disposal facilities other than those associated with wastewater treatment facilities; and
- (3) transportation facilities to serve allowed uses or a regional or interstate transportation facility that must cross tidal waters.

(b) **Accessory uses.** Restaurants and banquet halls are permitted on a pier as accessory to a commercial use in Maritime and Commercial Districts, only in accordance with the Natural Resources Article, § 8-1808.4(c), of the State Code, provided the principal and

accessory uses are allowed in the underlying zoning districts in accordance with the requirements of the district.

(Bill No. 4-05)

§ 18-13-205. LDA uses.

The uses allowed in the LDA are those uses allowed in the underlying zoning district in accordance with the requirements of the district in which the use is located, except that the maximum density allowed is the more restrictive of four dwelling units per acre or the density allowed in the zoning district in which the use is located.

(Bill No. 4-05)

§ 18-13-206. RCA uses.

The following uses are the only uses allowed in the RCA and, to be allowed, the use must be allowed in and meet all requirements of the underlying zoning district and, for a residential use, the density allowed is one dwelling unit per 20 acres:

- (1) accessory structures that are not used or constructed to be used for human habitation;
- (2) bed and breakfast homes located in structures existing as of December 1, 1985;
- (3) bed and breakfast inns located in structures existing as of December 1, 1985;
- (4) camps, private, for resource utilization or outdoor experiences excluding recreational vehicles;
- (4) camps, private, for resource utilization or outdoor experiences excluding recreational vehicles;
- (5) cemeteries associated with religious facilities existing as of December 1, 1985 if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (6) christmas tree sales in an area that does not exceed one-half acre;
- (7) clay and borrow pits or sand and gravel operations in existence on June 16, 2003;
- (8) commercial greenhouses operated in connection with a farm;
- (9) commercial telecommunication facilities;
- (10) community parks, playgrounds, and other public recreational uses consistent with the preservation of natural habitats and limited to passive recreational uses;
- (11) conservation uses, practices, and structures for the maintenance of the natural environment;
- (12) dairies;
- (13) dwellings, single-family detached;
- (14) exhibits showing historical shoreline activities or development;
- (15) farm tenant houses;
- (16) farming;
- (17) forestry;
- (18) golf courses, excluding clubhouses, sales and maintenance buildings, and parking areas, if both nutrient management and integrated pest management are practiced onsite

and the golf course otherwise complies with the Critical Area Commission's publication "*Golf Courses in the RCA, August 3, 2005*";

- (19) group homes;
- (20) home occupations, except that child care shall be limited to a maximum of eight children;
- (21) hospice facilities;
- (22) kennels on a lot of at least six acres;
- (23) marinas in existence as of December 1, 1985;
- (24) nurseries with landscaping and plant sales;
- (25) outside storage that is accessory to uses allowed in the RCA if the storage does not exceed the lesser of 10% of the lot or 500 square feet, except that bulk storage of agricultural products is allowed as accessory to a farm and unenclosed storage of manure or odor-producing or dust-producing substances or uses is allowed as accessory to a farm on a lot of at least 10 acres;
- (26) piers, community, and water-oriented recreational facilities, structures, and uses;
- (27) piers, private;
- (28) piers, recreational;
- (29) public utility uses and public utility essential services;
- (30) religious facilities and accessory uses on a lot of at least two acres if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (31) research institutions, private, if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (32) rifle, skeet, or archery ranges, excluding clubhouses, sales and maintenance buildings, and parking;
- (33) roadside stands with temporary seasonal structures that sell produce only and that do not exceed 500 square feet;
- (34) septic and stormwater management devices associated with permitted uses within the RCA;
- (35) service organizations and nonprofit charitable and philanthropic organizations or institutions if lot coverage is limited to the lesser of 15% of the lot or 20,000 square feet;
- (36) small wind energy systems or meteorological towers subject to the requirements of § 18-13-207;
- (37) solar energy systems—accessory;
- (38) stables, commercial or community, and riding clubs, excluding clubhouses, sales and maintenance buildings, and parking areas, subject to an approved soil conservation and water quality plan;
- (39) swimming pools, private;
- (40) temporary nonprofit events, including fairs, carnivals, and bazaars, if the event does not require permanent structures and lasts no more than 30 days and if no more than one event is held in a year;
- (41) veterinary clinics operated in connection with a farm;
- (42) waterman's home commercial uses, excluding processing and packing;
- (43) wildlife and game preserves, excluding hunting, shooting, clubhouses, sales and maintenance buildings, and parking, subject to an approved soil conservation plan;

- (44) wineries; and
- (45) yacht clubs existing as of December 1, 1985.

(Bill No. 4-05; Bill No. 39-10; Bill No. 13-11; Bill No. 14-11; Bill No. 93-12; Bill No. 68-13; Bill No. 76-13)

§ 18-13-207. Small wind energy systems.

(a) **Location.** A small wind energy system or meteorological tower may not be located in areas designated as forest interior dwelling species (FIDS) habitats; habitat protection areas for rare, threatened and endangered species, species in need of conservation, or colonial water birds; or in natural heritage areas unless the applicant has obtained from the Maryland Department of Natural Resources Wildlife and Heritage Service a letter stating its recommendations for protection and conservation of the habitats. Applicants shall comply with all Department of Natural Resources recommendations for the preservation of habitats affected by the system.

(b) **Requirements.** If a small wind energy system or meteorological tower is approved for location in the 100-foot buffer or expanded buffer, the system shall comply with all of the following requirements.

(1) Clearing of forest, developed woodlands, and natural vegetation shall be limited to only the amount necessary for installation of the wind turbine.

(2) Mitigation shall be required at a ratio of 3:1 for the footprint of any new lot coverage associated with the wind turbine.

(3) Mitigation shall be required at a ratio of 3:1 for the limit of disturbance of any clearing of forests, developed woodlands and natural vegetation.

(4) Required mitigation shall be located on-site within the 100-foot buffer to the extent possible and shall be planted to provide a diverse natural habitat.

(5) A buffer management plan showing an offsite location for canopy tree replacement or a proposal for alternative site stocking that substitutes understory trees for required canopy trees may be approved by the Office of Planning and Zoning if the applicant demonstrates that all mitigation cannot be located on the property.

(6) If a small wind energy system or meteorological tower is removed, the buffer shall be replanted with native vegetation.

(c) **Variances.** A variance may not be granted for the mitigation requirements specified in subsection (b).

(Bill No. 39-10)

SUBTITLE 3. APPLICATIONS FOR BUFFER MODIFICATION MAP AMENDMENTS

§ 18-13-301. Applications for buffer modification map amendments.

(a) **Eligible properties.** An application for amendment to the buffer modification area maps may be made for lots that contained impervious surfaces as of December 1, 1985 or for undeveloped lots located between developed lots.

(b) **Who may file.** An application shall be filed by a person having a financial, contractual, or proprietary interest in the affected property.

- (c) **Contents.** An application shall include:
- (1) the tax map, block, lot, and parcel numbers and subdivision name for the affected property;
 - (2) the current critical area classification;
 - (3) a statement of current and proposed uses of the property and all environmental conditions and features;
 - (4) a statement of the current uses and location of existing structures on all properties adjacent to the property for which a buffer modification is requested;
 - (5) a site development plan at a scale of one inch equals 40 feet identifying or containing the following:
 - (i) a vicinity map;
 - (ii) all impervious surface, including structures, walks, patios, and pools on the property;
 - (iii) plants, trees, and foliage on the property, including details of the species and diameter of trees and a general description of other planting areas;
 - (iv) the minimum front yard setback requirements for the zoning district and the setback of existing structures from the property line;
 - (v) location of the shoreline and distance to all structures on the site; and
 - (vi) identification of any habitat protection area, slopes of 15% or greater, expanded buffer, and forest interior dwelling birds on the property and adjacent properties;
 - (6) a statement of the justification for the proposed buffer modification, including an explanation of why the buffer on the property to be affected is nonfunctional; and
 - (7) evidence of the existence of the structure or impervious surface within the buffer as of December 1, 1985.
- (Bill No. 4-05)

§ 18-13-302. Public notice.

- (a) **Signs required.** Within seven days after the filing of an application for an amendment to the buffer modification map, one or more signs shall be posted on the property to give notice of the application and the developer shall file a certification with clear photographic evidence to verify compliance with this subsection. The Office of Planning and Zoning shall furnish the signs to the developer, and the developer is responsible for posting and maintaining the signs.
- (b) **Location of signs.** Signs shall be located not more than 10 feet from each boundary of the property that abuts a public road or navigable water, except that, if required by flora covering the property or topographic conditions of the land, a sign may be posted farther than 10 feet from the boundary to enhance its visibility. If the property does not abut a public road, one or more signs shall be posted in locations that can be readily seen by the public. The bottom of each sign shall be erected three feet above the ground.
- (c) **Notice to community associations and others.** Within seven days after the filing of an application for an amendment to the buffer modification map, the Office of Planning and Zoning shall provide the information contained on the signs to the Office of the County Executive. The Office of the County Executive shall send a notice containing that information to

each community association, person, and organization on its list that is located in the Councilmanic District of the property proposed for an amendment to the buffer modification map. The notice shall state that additional information may be obtained from the Office of Planning and Zoning.

(Bill No. 4-05)

§ 18-13-303. Public comment period.

The Planning and Zoning Officer shall set a date by which written comments from the general public are due to the Office of Planning and Zoning, and the date shall be no less than 14 days after the posting of the signs. The Planning and Zoning Officer may not issue a decision on the application until after the public comment period has expired.

(Bill No. 4-05)

§ 18-13-304. Decision by Planning and Zoning Officer.

(a) **Findings.** The Planning and Zoning Officer shall approve the application if the Planning and Zoning Officer finds that:

- (1) the application is for a lot created on or before December 1, 1985; and
- (2) there was an error or omission in the original maps and the existing pattern of residential, industrial, commercial, or recreational development in the critical area prevents the buffer from fulfilling the following functions:
 - (i) providing for removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the bay and its tributaries;
 - (ii) minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
 - (iii) maintaining an area of transitional habitat between aquatic and upland communities;
 - (iv) maintaining the natural environment of streams; and
 - (v) protecting riparian wildlife habitat.

(b) **Form of decision and notice.** The Planning and Zoning Officer shall approve, approve with conditions, or deny the application for a change in the buffer modification area maps and shall mail a copy of the decision to the applicant, all persons who submitted written comments, and to the Critical Area Commission for final review and approval.

(Bill No. 4-05; Bill No. 93-12)

SUBTITLE 4. GROWTH ALLOCATION

§ 18-13-401. Creation.

There is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27.

(Bill No. 4-05; Bill No. 93-12)

§ 18-13-402. Sites eligible for growth allocation.

(a) **Required characteristics.** Requests for growth allocation are limited to existing or proposed commercially used or zoned property.

(b) **Requirements for re-designation from RCA to LDA.** New development shall only be designated on sites zoned commercial or industrial with existing or planned service on the Water and Sewer Master Plan and bounded by LDA or IDA.

(c) **Application acceptance schedule.** Applications for growth allocations shall be accepted according to the following schedule:

Submitted	Accepted for Filing
January through June	July
July through December	January

(Bill No. 4-05; Bill No. 93-12)

§ 18-13-403. Public notice.

(a) **Signs required.** Within seven days after the filing of an application for growth allocation, one or more signs shall be posted on the property to give notice of the application and the developer shall file a certification with clear photographic evidence to verify compliance with this subsection. The Office of Planning and Zoning shall furnish the signs to the developer, and the developer is responsible for posting and maintaining the signs.

(b) **Location of signs.** Signs shall be located not more than 10 feet from each boundary of the property that abuts a public road or navigable water, except that, if required by flora covering the property or topographic conditions of the land, a sign may be posted farther than 10 feet from the boundary to enhance its visibility. If the property does not abut a public road, one or more signs shall be posted in locations that can be readily seen by the public. The bottom of each sign shall be erected three feet above the ground.

(c) **Notice to community associations and others.** Within seven days after the filing of an application for growth allocation, the Office of Planning and Zoning shall provide the information contained on the signs to the Office of the County Executive. The Office of the County Executive shall send a notice containing that information to each community association, person, and organization on its list that is located in the Councilmanic District of the property proposed for growth allocation. The notice shall state that additional information may be obtained from the Office of Planning and Zoning.

(Bill No. 4-05; Bill No. 93-12)

§ 18-13-404. Application review.

(a) **Time limit for Office of Planning and Zoning review.** All completed applications shall be reviewed by the Office of Planning and Zoning for recommendation to the Planning Advisory Board within 60 days of the last day of the month of acceptance of the application.

(b) **Planning Advisory Board review.** The Planning Advisory Board shall review and consider applications for growth allocation along with recommendations of the Office of

Planning and Zoning at a meeting held no later than 60 days after receipt of the application from the Office of Planning and Zoning.

(c) **Planning Advisory Board recommendation.** The Planning Advisory Board shall make recommendations on applications for growth allocation to the County Executive for proposed legislation for critical area mapping changes.
(Bill No. 4-05; Bill No. 93-12)

§ 18-13-405. Rescission of growth allocation.

Approval of a growth allocation is rescinded by operation of law if:

(1) action to commence subdivision is not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the subdivision is not recorded within three years of the date of approval by the County Council or Critical Area Commission, whichever is later; or

(2) when subdivision is not required, a building permit is not issued within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the certificate of occupancy is not issued within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.

(Bill No. 4-05; Bill No. 93-12)

TITLE 14. OTHER OVERLAYS

Section

Subtitle 1. In General

18-14-101. Overlay zones; conflict with other law.

Subtitle 2. Bog Protection

18-14-201. Maps and map modifications.

18-14-202. Bog classifications.

Subtitle 3. Commercial Revitalization Areas

18-14-301. Scope.

18-14-302. General provisions.

18-14-303. Uses.

Subtitle 4. Parole Town Center Growth Management Area

18-14-401. General criteria.

Subtitle 5. BWI Mixed Use Overlay

18-14-501. BWI Mixed Use Overlay Area Map.

18-14-502. Uses.

18-14-503. Other development provisions.

SUBTITLE 1. IN GENERAL

§ 18-14-101. Overlay zones; conflict with other law.

Subtitles 2, 3, and 4 are overlay zones and the requirements of these subtitles are in addition to other requirements of this Code. If any provision in this title conflicts with other County law, the provisions of this title prevail, except that § 18-13-102 shall apply if a property subject to one or more of the overlays in this title is located in the critical area.

(Bill No. 4-05)

SUBTITLE 2. BOG PROTECTION

§ 18-14-201. Maps and map modifications.

(a) **Bog Protection Area Guidance Map.** The bog protection areas are shown on the Bog Protection Area Guidance Map adopted by Bill No. 60-02 and include the following:

- (1) Main Creek Bog;
- (2) Fresh Pond Bog, also known as Angel's Bog;
- (3) North Gray's Creek Bog complex;
- (4) South Gray's Creek bog;
- (5) Eagle Hill Bog;
- (6) Shady Pond Bog;
- (7) Black Hole Creek Bog;
- (8) Cockey Creek Bog;
- (9) Dill Road Bog;
- (10) Cypress Creek Bog;
- (11) Cypress Creek Atlantic White Cedar Forest;
- (12) Gumbottom Bog;
- (13) Deep Ditch Bog;
- (14) Sullivan's Cove Atlantic White Cedar Forest; and
- (15) Hines Pond Bog.

(b) **Map modifications.** If a field verification proves to the satisfaction of the Planning and Zoning Officer that the boundary of a classification shown on the Bog Protection Area Guidance Map is inaccurate, the Planning and Zoning Officer may modify the map to reflect the correct boundary no sooner than 30 days after a notice is sent to each property owner listed in the County's tax records whose boundary is affected by the inaccuracy.

(Bill No. 4-05)

§ 18-14-202. Bog classifications.

A bog protection area is divided into the following classifications:

- (1) bog;
- (2) contributing streams;
- (3) 100-foot upland buffer;
- (4) limited activity area; and
- (5) contributing drainage area.

(Bill No. 4-05)

SUBTITLE 3. COMMERCIAL REVITALIZATION AREAS

§ 18-14-301. Scope.

(a) **Revitalization maps.** This subtitle applies to commercial revitalization areas as shown on a map adopted by the County Council, except that this subtitle does not apply to the commercial revitalization area shown on the map as Area H.

(b) **Particular properties.** This subtitle applies to a particular property within a commercial revitalization area only if the property has:

- (1) at least one vacant structure or a structure that is akin to vacant even if leased on a temporary basis; and
- (2) at least one structure that contained a commercial use for at least five years.

(Bill No. 4-05; Bill No. 78-05)

§ 18-14-302. General provisions.

(a) A property that qualifies to use the provisions of this subtitle may utilize existing structures or new structures, except that a self-service storage facility shall be located in an existing structure and the structure may not be expanded to provide additional storage units. A commercial revitalization property may contain a single use or be a business complex or a subdivision.

(b) For improved lots less than one acre in a commercial revitalization area for which existing improvements do not comply with this Code:

(1) the Planning and Zoning Officer may approve redevelopment that does not satisfy the bulk regulations and parking requirements under this title and Title 17, provided the proposed redevelopment brings the improvements into greater overall compliance with this Code and the proposed improvements meet or exceed the level of compliance of the existing use.

(2) the Planning and Zoning Officer shall base the decision to approve or deny the proposed redevelopment on the findings and other matters set forth in § 17-2-108(a)(2) through (a)(4) of this Code; and

(3) as a part of a site development plan application for redevelopment, an applicant shall include a description of how the proposed redevelopment increases compliance of the existing use or meets or exceeds the standards set forth in this Code.

(Bill No. 78-05; Bill No. 69-07)

§ 18-14-303. Uses.

(a) **In a C4 District.** The uses allowed for a commercial revitalization property with underlying zoning of C4 are the permitted, conditional, and special exception uses set forth in § 18-5-102 for C3 and C4 Districts.

(b) **In a C3 District.** The uses allowed for a commercial revitalization property with underlying zoning of C3 are the permitted, conditional, and special exception uses set forth in § 18-5-102 for a C3 District, except that outside storage accessory to other uses shall be limited to

10% of the square footage of the structure to which it relates and the following additional uses are allowed as permitted uses:

- (1) animal hospitals and veterinary clinics;
- (2) carpet cleaning establishments;
- (3) linen supply establishments;
- (4) multifamily dwellings;
- (5) self-service storage facilities if:
 - (i) the facility does not exceed 45 feet in height;
 - (ii) accessory structures are connected to existing structures;
 - (iii) access to individual units is provided only through the interior of

the facility;

(iv) entrances or overhead loading doors are not visible from a road or adjoining property at ground level, exclusive of access driveways or gates; and

- (v) there is no outside storage;
- (6) sign shops, including painting and fabrication;
- (7) swimming pool and spa sales, with outdoor display;
- (8) taxidermists; and
- (9) vending businesses.

(c) **Other residential use provisions.** For residential development of a commercial revitalization property:

- (1) density may not exceed 22 dwelling units for each acre of net area;
- (2) the number of dwelling units allowed shall be applied in the aggregate, rather than separately to individual lots;
- (3) an area equal to 10% of the floor area of the residential structures shall be set aside for use by the residents of the development as an outdoor recreational area, such as a pocket park, plaza, or courtyard that may include amenities such as benches, gazebos, and shade trees; an indoor recreational facility, such as a community room, gymnasium, or swimming pool; or a combination of an outdoor recreational area and indoor recreational facility, and the provisions of §§ 17-6-111 and 17-7-701 do not apply;
- (4) at least 25% of the floor area of the residential structures shall consist of commercial uses when residential and commercial uses are contained in the same structure;
- (5) at least 25% of the land area shall consist of commercial uses, including structures, parking, access, and open areas used for stormwater management and landscaping, when residential and commercial uses are contained in separate structures;
- (6) the height of a multifamily dwelling may not exceed 75 feet; and
- (7) dwelling units shall be located at least 25 feet from an existing commercial telecommunication facility.

(Bill No. 4-05; Bill No. 54-05; Bill No. 78-05; Bill No. 19-06)

SUBTITLE 4. PAROLE TOWN CENTER GROWTH MANAGEMENT AREA

§ 18-14-401. General criteria.

(a) **Maps.** Within the Parole Town Center Growth Management Area, land use classifications are shown on maps adopted by the County Council and are divided into the periphery, center, and core.

(b) **Uses.** Uses allowed by existing zoning classifications are allowed in the periphery, center, and core areas of the Parole Town Center Growth Management Area. In addition, the uses set forth in §§ 17-7-901 et seq. of this Code are allowed to the extent permitted by that subtitle.

(Bill No. 4-05; Bill No. 78-05)

SUBTITLE 5. BWI MIXED USE OVERLAY

§ 18-14-501. BWI Mixed Use Overlay Area Map.

This section applies to those properties within the BWI Mixed Use Overlay Area as shown on the official map adopted by the County Council in Bill No. 116-15 entitled the BWI Mixed Use Overlay Area.

(Bill No. 116-15)

§ 18-14-502. Uses.

The uses allowed on a property in the BWI Mixed Use Overlay Area are the permitted, conditional, and special exception uses allowed in the underlying zoning district in accordance with the requirements of the district in which the use is located. The following additional uses are allowed as permitted uses within the BWI Mixed Use Overlay Area:

- (1) alcoholic beverage uses as accessory to other uses, and subject to the provisions of § 18-10-103;
- (2) banks;
- (3) dwellings, multifamily;
- (4) dwellings, townhouses;
- (5) hotels and motels;
- (6) offices, professional and general;
- (7) package goods stores, subject to the provisions of § 18-10-128;
- (8) pharmacies;
- (9) restaurants; and
- (10) retail specialty stores or shops for retail sales.

(Bill No. 116-15)

§ 18-14-503. Other development provisions.

(a) For multifamily and townhouse developments in the BWI Mixed Use Overlay Area, the following bulk regulations shall apply:

Maximum coverage by structures and parking	75%
Minimum lot size	None
Maximum net density for townhouse	15 dwelling units per acre

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Maximum net density for multifamily dwellings	22 dwelling units per acre
Maximum height for a townhouse principal structure	40 feet, or up to 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet
Maximum height for a multifamily principal structure	45 feet, or up to 70 feet if all setbacks are increased by one foot for each two feet of height in excess of 45 feet
Maximum height for accessory structures	20 feet or the height of the principal structure, whichever is less
Minimum setbacks for a townhouse structure	
Front lot line	5 feet, but if parking is located in the front, 18 feet
Side lot line for end units	5 feet
Rear lot line	10 feet
Distance between townhouse structures	
Front to front between structure facades	40 feet
Back to back between structure facades	40 feet
Adjacent end units	15 feet
Maximum units per townhouse structure	16 units if back to back; otherwise, 8 units
Minimum width of individual townhouse unit	14 feet
Minimum setbacks for a multifamily principal structure	
Front lot line	20 feet
Side lot line	25 feet
Corner side lot line	30 feet
Rear lot line	30 feet
Minimum distance between multifamily structures located on the same lot (closest projecting edge)	
Facades with windows	30 feet, increased by 25% of the amount by which the height exceeds 45 feet
Facades without windows	25 feet, increased by 25% of the amount by which the height exceeds 45 feet
Minimum setbacks for accessory structures	
Side and rear lot lines	7 feet
Corner side lot line	15 feet

(b) For all other uses in the BWI Mixed Use Overlay Area, the bulk regulations for the underlying zoning district shall apply.

(Bill No. 116-15)

TITLE 15. NONCONFORMING USES

Section

- 18-15-101. Registration of nonconforming uses.
- 18-15-102. Nonconforming uses generally.
- 18-15-103. Special exceptions.
- 18-15-104. Termination of nonconforming uses.

§ 18-15-101. Registration of nonconforming uses.

(a) **Application.** A person who wishes to register a nonconforming use shall file an application on a form provided by the Office of Planning and Zoning, except that a nonconforming dwelling may not be registered.

(b) **Posting.** For a period of 14 days after filing an application to register a nonconforming use, the applicant shall post one or more signs on the property. Signs shall be furnished by the Office of Planning and Zoning and posted and maintained by the applicant.

(c) **Rebuttable presumption.** There is a rebuttable presumption that a use in existence continuously for a period of 10 years is a nonconforming use.

(d) **Decision.** After receipt of an application, the Office of Planning and Zoning shall determine whether the use may be registered as a nonconforming use and classify the use based on the zoning district in which the use is allowed. If the use is specified in more than one zoning district, the Office of Planning and Zoning shall classify the use based on what it considers to be the most appropriate district. The Office shall notify the applicant in writing of its determinations.

(e) **Limitations.**

(1) No enforcement action under Title 17 to abate a use of property in violation of this article shall be initiated 20 years or more after the date the use commenced, if:

(i) the use is operated by the owner of the property and has been in existence continuously since first commenced; and

(ii) the property on which the use is located has been owned by the same owner since the use commenced.

(2) A use to which subsection (e)(1) applies shall be registered and classified by the Office of Planning and Zoning as a “twenty-year registered use.”

(3) A use to which subsection (e)(1) applies shall terminate when the use ceases operation for 12 consecutive months or when the scope of the use is so significantly reduced during the 12 month period as to change its nature or character, or upon a transfer of ownership from the owner described in subsection (e)(1)(ii), unless that transfer of ownership is to a child of the owner who continues to operate the use without cessation.

(Bill No. 4-05; Bill No. 38-14; Bill No. 7-15)

§ 18-15-102. Nonconforming uses generally.

(a) **Change in use.** A nonconforming use may be changed to another use allowed by this article if the Planning and Zoning Officer determines the new use to be of the same or a less intensive nature or character. A new use shall be considered to be of the same or less intensive nature or character only if the following are the same or less than the existing use: the number and kind of vehicular trips; the nature of any outside storage, loading, and parking; hours of operation; and impact on natural features.

(b) **Intensification.** An intensification of a nonconforming use is allowed so long as the nature and character of the use are unchanged and substantially the same facilities are used. Nonconforming uses within the critical area are subject to § 18-13-201.

(c) **Reconstruction or relocation.** A nonconforming use or a structure in which the use is located may be reconstructed or relocated. Except to the extent permitted by subsection (d) and § 18-15-103, the reconstruction or relocation may not increase the nonconforming status of the property or result in a greater nonconformance than previously enjoyed. Reconstruction or relocation may not occur on a lot other than the one on which the nonconforming use was originally located.

(d) **Nonconforming single-family dwellings.** The Office of Planning and Zoning may allow the expansion of a nonconforming single-family dwelling if the expansion is set back at least seven feet from each side lot line and 25 feet from the front and rear lot lines and if the expansion does not cause the structure to exceed a height of 35 feet. The Office of Planning and Zoning also may allow structures accessory to the nonconforming dwelling if the accessory structure is located in a side or rear yard, set back at least seven feet from side and rear lot lines, and does not exceed a height of 25 feet or the height of the principal structure, whichever is less.

(e) **Nonconforming mobile homes.** An existing mobile home with a valid mobile home permit on a lot that is subsequently subdivided is not required to apply as a nonconforming use provided the permit was issued before the application for subdivision. The mobile home may continue as a legal, nonconforming use without registration provided the mobile home is not expanded and no structures accessory to the mobile home are added to the lot. If a lot occupied by a mobile home is improved with a dwelling, the mobile home must be removed upon occupancy of the dwelling unless the dwelling is otherwise permitted under this Code. (Bill No. 4-05; Bill No. 69-07; Bill No. 93-12; Bill No. 69-14)

§ 18-15-103. Special exceptions.

(a) **Expansion or combination of floor area.** Subject to the requirements of this section and § 18-16-304, the Administrative Hearing Officer may grant a special exception for expansion of a nonconforming use or a special exception for combining floor area when more than one structure on the same property is used for the nonconforming use, subject to compliance with the following:

(1) a proposed expansion of floor area, land area, or water area may not exceed 30% of the area authorized under the nonconforming status of the property, except that each type of area is to be considered separately and no area may be substituted for another area;

(2) existing and proposed facilities shall meet the lot area, screening, land-to-water ratio, height, parking, lot coverage, and, to the extent feasible, setbacks for the use specified in the zoning district in which the use is allowed;

(3) construction shall be designed to be as inoffensive as practicable in appearance and location to other properties in the area and, whenever practical, similarity in design to other buildings in the area and appropriate landscaping shall be provided; and

(4) construction shall be undertaken in accordance with the requirements of this section and of the Administrative Hearing Officer concurrently so that each change or improvement is completed at or near the same time.

(b) **Marina storage rack building.** The Administrative Hearing Officer, subject to the requirements in Title 11, may grant a special exception for a multilevel watercraft storage rack building in a marina with nonconforming travel lift facilities and dry storage of watercraft. (Bill No. 4-05)

§ 18-15-104. Termination of nonconforming uses.

(a) **Generally.** A nonconforming use terminates when the use ceases operation for 12 consecutive months or when the scope of the use is so significantly reduced during the 12-month period as to change its nature or character. In calculating the cessation of use, the Planning and Zoning Officer may not include periods of time of not more than two years in which the use ceased because of government action, fire, or natural catastrophe, provided that the cessation was not caused by the property owner.

(b) **Extension of nonconforming use.** The Planning and Zoning Officer may extend the 12-month period set forth in subsection (a) to a maximum of 18 months upon a written application for extension received before the termination date. The application shall demonstrate unusual or exceptional circumstances beyond the control of the property owner that prevented continuance of the nonconforming use. The Planning and Zoning Officer's decision on the application shall be in writing and shall specify the reason for the decision.

(c) **Yearly questionnaire.** At least once each year, the Office of Planning and Zoning shall send to each person who has registered a nonconforming use a questionnaire requesting information about the current status of the property. The person's failure to return the questionnaire within 90 days after the date of mailing creates a rebuttable presumption that the use is terminated. The Office of Planning and Zoning shall mail a notice by certified mail informing a person who has failed to return the questionnaire that the nonconforming use is presumed terminated and that future use of the property shall conform to the requirements of this article.

(d) **Conformance with article after termination.** After a nonconforming use is terminated, any further use of the site shall be in conformance with this article. (Bill No. 4-05; Bill No. 69-07)

TITLE 16. ADMINISTRATIVE HEARINGS

Section

Subtitle 1. In General

- 18-16-101. General provisions.
- 18-16-102. Temporary Hearing Officer.
- 18-16-103. Ex parte communications prohibited.

Subtitle 2. Application Process and Pre-hearing Procedures

- 18-16-201. Applications.
- 18-16-202. Scheduling of hearing.
- 18-16-203. Notices and signs.

Subtitle 3. Hearing and Decision

- 18-16-301. Hearing.
- 18-16-302. Critical area reclassifications.
- 18-16-303. Rezoning.
- 18-16-304. Special exceptions.
- 18-16-305. Variances.
- 18-16-306. Decision on application.

Subtitle 4. Post-Decision Procedures and Events

- 18-16-401. Revision by Administrative Hearing Officer to correct errors of form.
- 18-16-402. Appeal to the Board of Appeals.
- 18-16-403. Limitation on subsequent applications.
- 18-16-404. Rescission, suspension, or modification of a variance or special exception.
- 18-16-405. Time period after which variances and special exceptions are void.
- 18-16-406. Abandonment of special exception.

SUBTITLE 1. IN GENERAL

§ 18-16-101. General provisions.

(a) **Definition.** In this title, "application" means a request to change or remove a critical area classification, to change a zoning district, for a special exception or variance, or for a modification of a special exception.

(b) **Time.** The computation of time under this title is governed by § 1-1-103 of this Code.

(c) **Discovery.** Depositions and other discovery in connection with proceedings under this title are prohibited.

(d) **Effect of approval.** The granting of an application under this title does not operate as a waiver of any law or regulation relating to the development of the property or constitute a commitment on the part of the County to provide fire suppression facilities, roads, schools, sewers, storm drainage systems, or water service.

(Bill No. 4-05)

§ 18-16-102. Temporary Hearing Officer.

If the Administrative Hearing Officer has a conflict of interest, the Administrative Hearing Officer shall withdraw and the County Executive shall appoint a temporary Administrative Hearing Officer to hear the case. The temporary Administrative Hearing Officer is entitled to the per diem compensation provided for in the budget of the Office of Administrative Hearings. A temporary Administrative Hearing Officer shall also hear cases if the Administrative Hearing Officer is absent, sick, or unable to act for any other reason.

(Bill No. 4-05)

§ 18-16-103. Ex parte communications prohibited.

A person may not communicate ex parte or confer privately with the Administrative Hearing Officer concerning a pending or proposed application. Information sought by a member of the public or a party to a hearing before the Administrative Hearing Officer shall be directed to the Office of Planning and Zoning.

(Bill No. 4-05)

SUBTITLE 2. APPLICATION PROCESS AND PRE-HEARING PROCEDURES

§ 18-16-201. Applications.

(a) **Generally.** A person having a financial, contractual, or proprietary interest in property to be affected may file an application, accompanied by an administrative site plan, with the Office of Planning and Zoning on a form supplied by the Office. A separate application is required for each request. The Office of Planning and Zoning may not accept an application for filing if it fails to conform with the requirements of this title.

(b) **Pre-filing meeting required.** Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or a bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

(c) **Contents of a pre-file plan.** A pre-file plan shall include:

(1) the outline of the property and topography with steep slopes and buffers delineated with scale and north arrow which requirement may be satisfied by a County GIS with tax map boundary overlay;

(2) zoning boundaries;

(3) critical area and bog protection areas;

(4) existing and proposed structures and uses;

(5) setbacks and parking;

(6) access and interior road circulation;

(7) conceptual utilities and drainage structures;

(8) forested areas and mean high water lines;

(9) all natural features and required buffers; and

(10) a vicinity map.

(d) **Contents of administrative site plan.** An administrative site plan shall include:

(1) the outline of the property with scale and north arrow;

(2) zoning boundaries and, where the boundary abuts a public right-of-way, the boundary shall be shown to the center line of the right-of-way;

(3) critical area and bog protection areas;

(4) existing and proposed structures and uses;

- (5) setbacks, parking, and landscaping in accordance with requirements of the Landscape Manual;
- (6) access and interior road circulation;
- (7) utilities and drainage structures;
- (8) easements of record;
- (9) forested areas and mean high water lines;
- (10) natural features;
- (11) for sites in the critical area, field run topography at two-foot intervals if the site has slopes of 15% or more;
- (12) for sites not in the critical area, field run topography at two-foot intervals if the site has slopes of 25% or more;
- (13) a vicinity map;
- (14) for any development impacting environmentally sensitive areas, and all new single- family dwellings, all information contained in the current County preliminary plan checklist or other relevant information specified by the Planning and Zoning Officer; and
- (15) for any development impacting environmentally sensitive areas or disturbing 5,000 square feet or more, and all new single-family dwellings, a stormwater management plan that satisfies requirements of the County Procedures Manual.

(e) **Modification of application.** After the Office of Planning and Zoning accepts an application for filing, the application may be modified or amended until 10 days before the date of the hearing for a more restrictive use only.

(f) **Withdrawal of application.** An application that is withdrawn after the hearing is advertised shall be considered as having been denied on the date of the withdrawal. (Bill No. 4-05; Bill No. 78-05; Bill No. 60-10; Bill No. 75-10; Bill No. 93-12)

§ 18-16-202. Scheduling of hearing.

(a) **In general.** The Office of Planning and Zoning shall submit a list of applications to the Administrative Hearing Officer weekly for the scheduling of hearings. Not less than 20 days before the date for each hearing, the Office shall transmit to the Administrative Hearing Officer its entire file for each application. Not less than seven days before the date of each hearing, the Office shall transmit to the Administrative Hearing Officer the written position of the Office of Planning and Zoning on each application. The Administrative Hearing Officer shall maintain a docket of each case to be heard, and the docket shall include each case or file number, the name of the case, and the date of the hearing.

(b) **Hearing date.** Not more than 30 days after receipt of the list of applications, the Administrative Hearing Officer shall schedule a hearing and notify the applicant. The time and place of the hearing shall be fixed with due regard for the interest and convenience of the public and the parties.

(c) **Postponements.** After a hearing has been scheduled, the hearing may not be postponed unless a written motion is filed that demonstrates compelling circumstances for a postponement. If the Administrative Hearing Officer grants a postponement, the sign provisions of § 18-16-203 shall be complied with anew and the Administrative Hearing Officer shall require the person who requested the postponement to pay all costs caused by the postponement. (Bill No. 4-05; Bill No. 93-12)

§ 18-16-203. Notices and signs.

(a) **To certain property owners.** The Administrative Hearing Officer shall send, by first class mail postage prepaid, to each person designated in the application as owning land located within 175 feet of the property to be affected a notice containing information about the case and the date, time, and location of the hearing. The notice shall state that further information may be obtained from the Office of Planning and Zoning. The Administrative Hearing Officer shall also send the notice to any person who has served a written notice on the Administrative Hearing Officer of an intention to appear at the hearing. At least two weeks before the scheduled hearing date, the Administrative Hearing Officer shall post the hearing notice on the County's website.

(b) **To Critical Area Commission.** For an application for a reclassification of property in the critical area, the applicant shall send copies of the application and of the Administrative Hearing Officer's notice to the Critical Area Commission at least 30 days before the hearing.

(c) **To community associations and others.** The Office of the County Executive shall maintain a list of all community associations in the County and of all other persons and organizations who request to receive the mailing described in this subtitle. At least two weeks before the scheduled hearing date, the Office of the County Executive shall provide a copy of the Administrative Hearing Officer's notice of hearing to each community association, person, and organization on the list that is located in the Councilmanic District of the property to be affected and any abutting Councilmanic District if the property abuts another Councilmanic District. This notice may be given by e-mail. The Office of the County Executive shall certify, in writing, to the Administrative Hearing Officer that the notice has been provided, and the certification constitutes prima facie evidence that the information has been provided. The Administrative Hearing Officer may not conduct the hearing without the certification.

(d) **Signs.**

(1) For a period of not less than 30 days before the date of a hearing on an application for a rezoning or critical area reclassification or for a period of not less than 14 days before the date of a hearing on an application for a special exception or variance, one or more signs shall be posted on the subject property to give notice of the application. The Office of Planning and Zoning shall furnish the signs to the applicant, and the applicant is responsible for posting and maintaining the signs.

(2) Signs shall be located not more than 10 feet from each boundary of the property that abuts a public road or navigable water, except that, if required by flora covering the property or topographic conditions of the land, a sign may be posted farther than 10 feet from the boundary to enhance its visibility. If the property does not abut a public road, one or more signs shall be posted in locations that can be readily seen by the public. The bottom of each sign shall be erected three feet above the ground.

(Bill No. 4-05; Bill No. 67-08; Bill No. 65-13)

SUBTITLE 3. HEARING AND DECISION

§ 18-16-301. Hearing.

(a) **Conducted in public.** The Administrative Hearing Officer shall conduct a public hearing on an application, which shall be recorded. The hearing may be continued from time to time, with the time and place of the next hearing date announced publicly.

(b) **Rulings and witnesses.** The hearing shall be conducted in an impartial and orderly manner. The applicant, the County, and any other person deemed qualified by the Administrative Hearing Officer may introduce evidence and testify. The Administrative Hearing Officer shall rule on procedural matters and objections made during the course of a hearing. Each witness shall testify under oath.

(c) **Burden of proof.** The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

(Bill No. 4-05)

§ 18-16-302. Critical area reclassifications.

(a) **Nature of application.** An application for a critical area reclassification may be for a more or less restrictive classification and may cover more than one lot if portions of each lot are proposed to be designated in the same classification or one or more classifications.

(b) **Requirements for approval.** Critical area reclassifications shall be granted or denied in accordance with compatibility with the underlying zoning district, but may not be granted unless the Administrative Hearing Officer makes the following affirmative findings:

(1) There was a mistake in the approved critical area map based on land uses or natural features in existence on December 1, 1985, provided that a property located within 2,000 feet of public water or sewer may not be considered to have public water or sewer for purposes of reclassification and may not be considered to be a mapping mistake;

(2) The proposed critical area classification conforms to the State and County critical area mapping criteria;

(3) The proposed critical area classification conforms to the environmental goals and standards of the General Development Plan;

(4) There is compatibility between the uses of the property as reclassified and surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County and effective environmental land use management; and

(5) The applicant provided to the Critical Area Commission a copy of the Administrative Hearing Officer's notice and a copy of the application at least 30 days before the date of the hearing.

(Bill No. 4-05; Bill No. 67-08)

§ 18-16-303. Rezoning.

(a) **Generally.** An application for a rezoning may be for a more or less restrictive classification and may cover more than one lot if portions of the lots are proposed to be classified in the same district or in one or more districts.

(b) **Requirements for approval.** A rezoning may not be granted unless the Administrative Hearing Officer makes the following affirmative findings:

(1) There was a mistake in the zoning map or the character of the neighborhood has changed to such an extent that the zoning map should be changed;

(2) The new zoning classification conforms to the General Development Plan in relation to land use, number of dwelling units or type and intensity of nonresidential buildings, and location;

(3) There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County; and

(4) For a property located in the critical area:

(i) the uses allowed in the proposed zoning classification are compatible with the critical area land use designation and development standards for the property; and

(ii) the Critical Area Commission staff has recommended approval of the rezoning if the basis for the rezoning is that the character of the neighborhood has changed to such an extent that the zoning map should be changed.

(c) **Restrictions.** A lot located in an Odenton Growth Management Area District may be rezoned only to another Odenton Growth Management Area District, and a lot that is not located in a sub-area may not be administratively rezoned to an Odenton Growth Management Area District. A lot not designated as a mixed use development area in the General Development Plan or a small area plan may not be administratively rezoned to a mixed use district.

(d) **Governmental use.** The use of property by or on behalf of a unit of government not subject to zoning laws in a manner that otherwise would be contrary to zoning laws is not evidence of a mistake in zoning or a change in the character of a neighborhood.

(e) **Road construction or closing.** The construction or closing of a road may constitute evidence of a change in the character of a neighborhood.

(f) **Suburban community center.** Neither the approval of a special exception for a suburban community center nor the development of a center may be evidence of or constitute a mistake in the zoning map or a change in the character of the neighborhood.

(Bill No. 4-05; Bill No. 60-10)

§ 18-16-304. Special exceptions.

(a) **Requirements.** A special exception use may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) The use will not be detrimental to the public health, safety, and welfare;

(2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;

(3) Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;

(4) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;

(5) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;

(6) The applicant has presented sufficient evidence of public need for the use;

(7) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;

(8) The application will conform to the critical area criteria for sites located in the critical area; and

(9) The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

(b) **Phasing of development.** If phasing of development is proposed for a use allowed by special exception and the Planning and Zoning Officer has approved a plan for phasing of development, the Administrative Hearing Officer may allow phasing pursuant to the approved plan as a condition of special exception approval.

(Bill No. 4-05; Bill No. 60-10)

§ 18-16-305. Variances.

(a) **Requirements for zoning variances.** The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

(b) **Requirements for critical or bog protection area variances.** For a property located in the critical area or a bog protection area, a variance to the requirements of the County's critical area program or the bog protection program may be granted if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;

(2) (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or

(ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;

(3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other

lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

(4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

(5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

(6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

(c) **Requirements for all variances.** A variance may not be granted unless it is found that:

(1) the variance is the minimum variance necessary to afford relief; and

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in

which the lot is located;

(ii) substantially impair the appropriate use or development of adjacent

property;

(iii) reduce forest cover in the limited development and resource

conservation areas of the critical area;

(iv) be contrary to acceptable clearing and replanting practices required

for development in the critical area or a bog protection area; nor

(v) be detrimental to the public welfare.

(d) **Conditions for granting a variance in the critical area.**

(1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

(i) obtaining an approved mitigation or restoration plan;

(ii) completing the abatement measures in accordance with the County

critical area program; and

(iii) paying any civil fines assessed and finally adjudicated.

(2) Notwithstanding the provisions of subsection (d)(1), the Office of Planning and Zoning may extend the time for abatement to the next planting season because of adverse planting conditions. An applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.

(e) **Lapse.** Any critical area variance granted shall lapse by operation of law if the conditions are not satisfied within 90 days or as extended.

(f) **Parole Town Center Growth Management Area.** A variance to the provisions of the Parole Town Center Growth Management Area provisions of this Code may not be granted if the variance affects the maximum development potential or density of a site or the floor area ratio, building height, coverage, or open area requirements.

(g) **Odenton Growth Management Area Districts.** A variance may not be granted to the provisions of the Odenton Town Center Master Plan.
(Bill No. 4-05; Bill No. 69-07; Bill No. 90-09; Bill No. 93-12; Bill No. 76-13; Bill No. 20-16)

§ 18-16-306. Decision on application.

(a) **Generally.** The Administrative Hearing Officer shall grant or deny an application in accordance with law. The Administrative Hearing Officer's decision shall be based solely on the evidence presented at the hearing and observations made during any site visit.

(b) **Restrictions, conditions, and limitations.** The Administrative Hearing Officer may impose additional restrictions, conditions, or limitations on an application other than an application to change a zoning district as may be considered appropriate to preserve, improve, or protect the general character and design of the land or improvements or of the surrounding or adjacent land and improvements. The Administrative Hearing Officer may approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, or changes to ensure conformity with the intent and purpose of this article.

(c) **Timing, contents, and copies of decision.** Within 30 days after the termination of the proceedings, the Administrative Hearing Officer shall prepare and file a written memorandum setting forth findings of fact and the basis for the decision on the application. The Administrative Hearing Officer shall provide a copy to the applicant, counsel of record, and, on request, each interested person.
(Bill No. 4-05)

SUBTITLE 4. POST-DECISION PROCEDURES AND EVENTS

§ 18-16-401. Revision by Administrative Hearing Officer to correct errors of form.

Within 30 days after the filing of the written memorandum, the Administrative Hearing Officer may revise the memorandum to correct clerical or other errors of form that do not change the substance of the memorandum. The revised memorandum shall be provided to those persons who were provided with copies of the original memorandum. The revision does not extend the time for appeal.
(Bill No. 4-05)

§ 18-16-402. Appeal to the Board of Appeals.

A person aggrieved by a decision of the Administrative Hearing Officer who was a party to the proceedings may appeal to the Board of Appeals within 30 days after the date upon which the memorandum was filed, except that a person who meets the threshold standing requirements under federal law has standing to appeal a decision of the Administrative Hearing Officer granting or denying a critical area variance for development in the buffer to the Board of Appeals. On the filing of an appeal, the Administrative Hearing Officer shall promptly transmit

the application, sign-in sheet, exhibits, and the memorandum to the office of the Board of Appeals and notify those persons who were provided with copies of the memorandum of the date of transmittal.

(Bill No. 4-05; Bill No. 93-12; Bill No. 76-13)

§ 18-16-403. Limitation on subsequent applications.

The same property may not be considered for substantially the same application or for a less restrictive use until 18 months after the date of denial by the Administrative Hearing Officer, the Board of Appeals, or a court, whichever is latest. An application for a variance to perfect a violation of critical area criteria that has been denied may not be the subject of a subsequent application.

(Bill No. 4-05; Bill No. 93-12)

§ 18-16-404. Rescission, suspension, or modification of a variance or special exception.

(a) **Grounds.** On motion of the County or an aggrieved party, or on the Administrative Hearing Officer's own initiative, approval of an application for a rezoning, variance or special exception shall be rescinded, suspended, or modified if the Administrative Hearing Officer determines, after a hearing, that:

(1) the approval or grant was based on a fraudulent misrepresentation of material information in the application, testimony, administrative site plan, or other supporting documents; or

(2) the use of the property deviates from the approved administrative site plan, an allowed use under the rezoning, or any conditions imposed.

(b) **Effect of rescission.** If a rezoning, variance or special exception is rescinded, the use of the property shall comply with the zoning uses and regulations permitted for the property prior to the grant of rezoning, variance or special exception.

(Bill No. 4-05; Bill No. 16-08; Bill No. 60-10)

§ 18-16-405. Time period after which variances and special exceptions are void.

(a) **Expiration by operation of law.** A variance or special exception that is not extended or tolled expires by operation of law unless the applicant within 18 months of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

(b) **Extension for phasing or other good cause.** In deciding an application for a special exception use, the Administrative Hearing Officer may extend the time periods set forth in subsection (a) for the use and any variance granted in connection with it when the application includes a phasing plan or sets forth facts that demonstrate other good cause why the time periods set forth in subsection (a) reasonably cannot be met.

(c) **Extension by variance.** An applicant may file an application for a variance to extend the time periods set forth in subsection (a).

(d) **Tolling.** The pendency of litigation may toll the time periods set forth in subsection (a) to the extent provided by law.
(Bill No. 4-05; Bill No. 78-05)

§ 18-16-406. Abandonment of special exception.

Except for uses that are seasonal and continue each year, the cessation of a special exception use for 12 months constitutes an abandonment and, upon abandonment, the special exception terminates.

(Bill No. 4-05)

TITLE 17. ENFORCEMENT AND PENALTIES

Section

Subtitle 1. Junkyards; Solid Waste; Vehicles

- 18-17-101. Junkyards; solid waste.
- 18-17-102. Inoperable and unregistered vehicles.
- 18-17-103. Oversized vehicles on residentially zoned or developed lots.
- 18-17-104. Portable storage containers in residential districts.

Subtitle 2. Zoning Violations

- 18-17-201. Zoning violations; enforcement.
- 18-17-202. Administrative orders; informal letters.
- 18-17-203. Civil fines and citations.
- 18-17-204. Civil actions.
- 18-17-205. Private cause of action.

SUBTITLE 1. JUNKYARDS; SOLID WASTE; VEHICLES

§ 18-17-101. Junkyards; solid waste.

(a) **Scope.** This section does not apply to nonconforming uses registered in accordance with Title 15.

(b) **Prohibition.** Except as provided otherwise by this article, land may not be used partially or principally as a junkyard or for the disposal of solid waste.
(Bill No. 4-05)

§ 18-17-102. Inoperable and unregistered vehicles.

(a) **Definition.** For purposes of this section, the term "vehicle" means a motor vehicle, trailer, or boat.

(b) **Scope.** This section does not apply to the storage of vehicles as accessory to a marina or a service and sales facility or to the storage of unregistered vehicles within a roofed structure entirely enclosed on all sides.

(c) **Prohibition.** Except as provided otherwise by this article, land may not be used for the parking, storage, collection, accumulation, or abandonment of any inoperable, wrecked, partially dismantled, or destroyed vehicle or of any vehicle that does not display all information required by law, including a current registration plate and validation sticker.

(d) **Exemption.** No more than one vehicle on a lot may be exempted from the prohibition of section (c) if the property owner can demonstrate that the vehicle is:

(1) recently purchased, pending inspection, for a single period not to exceed 60 consecutive days;

(2) being advertised for sale, for a period not to exceed 60 consecutive days;

(3) actively being repaired to a permitted condition and that it will be registered within a 90-day period or within an extension of the period granted by the Director of the Department of Inspections and Permits after the filing of a written application showing good cause; or

(4) being held pending settlement of insurance, estate, or similar legal claims.

(Bill No. 4-05)

§ 18-17-103. Oversized vehicles on residentially zoned or developed lots.

(a) **Scope.** This section does not apply to recreational vehicles. For purposes of this section, the term "recreational vehicle" means a motor vehicle designed and constructed primarily to provide temporary living quarters for recreation, camping, or travel.

(b) **Prohibition.** Except as provided in subsection (c), a vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds may not be parked on a residentially zoned or developed lot except for the purpose of providing temporary service.

(c) **Exception.** A vehicle of any gross vehicle weight rating may be parked on a residentially zoned or developed lot if the owner demonstrates that the vehicle is customarily used in connection with an existing lawful use.

(Bill No. 78-05)

§ 18-17-104. Portable storage containers in residential districts.

Shipping or cargo containers, trailers, truck compartments, and similar portable storage containers are prohibited in residential districts for a period of more than 60 days unless used in connection with construction authorized by an active building permit issued by the Department of Inspections and Permits.

(Bill No. 4-05)

SUBTITLE 2. ZONING VIOLATIONS

§ 18-17-201. Zoning violations; enforcement.

(a) **What constitutes a zoning violation.** It is a zoning violation for an owner, occupant, person in charge, or any other person to use or to permit another person to use property

in violation of this article or to perform work for another person in violation of this article. Each day that a violation continues is a separate zoning violation.

(b) **Who may file a complaint.** Any person may file with the Department of Inspections and Permits a written complaint of a zoning violation.

(c) **Duty to enforce.** The Department of Inspections and Permits has the duty to investigate and respond to complaints of zoning violations and may take enforcement action against a person who commits a zoning violation.

(d) **Cumulative remedies.** The remedies available to the County under this title are cumulative and not alternative, and the decision to pursue one remedy does not preclude pursuit of any other remedy.

(Bill No. 4-05)

§ 18-17-202. Administrative orders; informal letters.

(a) **Administrative orders.**

(1) The Department of Inspections and Permits may serve an administrative order on a person who has committed a zoning violation. The order shall direct the person to cure the violation described in the order within a specified time period. The order also shall advise the person of the right to appeal to the Board of Appeals within 15 days after service of the order, that failure to appeal results in an inability to contest the violation, and that violation of the order may result in civil or criminal penalties.

(2) The order shall be served by (i) delivery to the person, (ii) leaving a copy of the order with a person of suitable age and discretion at the person's dwelling or place of business, or (iii) certified mail, restricted delivery, return receipt requested. If reasonable efforts to serve the person by one of these methods fail, service of the order may be accomplished by sending it by first class mail to the person at the person's last known address and by posting a copy of the order on the land associated with the violation. Any person aggrieved by the order may appeal to the Board of Appeals within 15 days after service.

(b) **Informal letters.** Instead of an administrative order, the Department of Inspections and Permits may send an informal letter as notification that a zoning violation may exist. An informal letter does not constitute a final decision that a violation exists, and it is not appealable to the Board of Appeals.

(Bill No. 4-05)

§ 18-17-203. Civil fines and citations.

(a) **How civil fine imposed; service.** A civil fine may be imposed for a zoning violation through the issuance and prosecution of a civil citation in accordance with Land Use Article, §§ 11-201 through 11-209, of the State Code. Civil citations shall be served in accordance with Maryland Rule 3-121.

(b) **Amount of fine.** The civil fines for a zoning violation that occurs on property located in the critical area are \$500 for the first violation and \$1,000 for any subsequent violation. For a zoning violation that occurs on any other property other than for the posting of a temporary sign, the civil fines are \$125 for the first violation, \$500 for the second violation, and \$1,000 for any subsequent violation. For the posting of a temporary sign, the civil fine is \$125 for each violation.

(Bill No. 4-05; Bill No. 78-05; Bill No. 69-07)

§ 18-17-204. Civil actions.

(a) **Injunctive or other relief.** The County at any time may file an action for injunctive or other appropriate relief for a zoning violation or for violation of an administrative order.

(b) **Civil penalties.** In an action for injunctive or other appropriate relief for a zoning violation or for violation of an administrative order, a court also may impose a civil penalty of up to \$500 for each day that the zoning violation continued or that the administrative order was violated. A person is not subject to civil penalties for violations of an administrative order that occur during the pendency of an appeal of the order to the Board of Appeals or during subsequent judicial review of the Board's decision.

(c) **Correction of zoning violations.** In an action for injunctive or other appropriate relief for a zoning violation, a court may order that the County is authorized to enter a property and correct a zoning violation. The cost of such correction shall constitute a lien on the land and improvements, and shall become due and payable upon sale or title transfer by deed of the property. The Director of Inspections and Permits or the Director of Public Works, or their designees, shall send notice of the County's intent to correct the zoning violation, by certified and electronic mail, to the County Council member for the Councilmanic District in which the property in violation is located 30 days prior to the County taking action to correct the zoning violation.

(Bill No. 4-05; Bill No. 115-15)

§ 18-17-205. Private cause of action.

(a) **Notice.**

(1) An aggrieved property owner may seek relief for abatement of a zoning violation upon showing that the notice requirements of this subsection have been satisfied, unless the Department of Inspections and Permits gives notice to the aggrieved property owner within the time established under this subsection that the Department intends to pursue enforcement remedies.

(2) An aggrieved property owner shall give notice of the zoning violation and of the aggrieved property owner's intent to bring an action under this section by certified mail, return receipt requested, to the owner of record, any tenant, and the Department of Inspections and Permits.

(3) The notice shall specify:

- (i) the nature of the alleged zoning violation;
- (ii) the location of the property where the zoning violation is allegedly occurring;
- (iii) the location of the aggrieved property owner's property;
- (iv) the specific relief sought; and
- (v) the name and telephone number of the person to contact for additional information.

(4) If the Department of Inspections and Permits intends to pursue enforcement remedies, it shall give notice of its intention to the aggrieved property owner within 60 days of receipt of notice from the aggrieved property owner.

(b) **Construction of section.** This section may not be construed as granting standing for an action challenging any zoning application or approval.
(Bill No. 4-05)

TITLE 18. FEES

Section

18-18-101. Fees

§ 18-18-101. Fees.

The following fees shall be paid as provided in the following chart, except that fees paid on an application governed by the law as it existed prior to May 12, 2005 shall be credited against the fees in the following chart if the application is withdrawn and a new application is filed under this article:

Category	Fee
Buffer modification map amendment	\$150
Growth allocation	\$1,000
Nonconforming use registration	\$250
Rubble processing facility	\$5,000 annual operating fee
Signs, offsite, directional	\$150 per sign \$25 for a replacement sign
Signs and replacement signs for a critical area reclassification, a rezoning, a special exception, a variance, a non-conforming use, or a buffer modification map amendment	\$35 per sign
Solid waste transfer station	\$5,000 annual operating fee
Title 16 applications:	
Critical area reclassification	\$1,200
Rezoning	\$1,000
Special exception (or modification) for a solid waste facility	\$3,000
Special exception (or modification) for any other use	\$1,200
Variance for a single-family dwelling or an accessory structure for a single-family dwelling	\$180
Variance for any other use	\$480
Zoning certificate of use	\$50
Zoning verification letter	\$50

(1985 Code, Art. 14, §4A-101) (Bill No. 4-05; Bill No. 78-05; Bill No. 69-07; Bill No. 43-08; Bill No. 67-08)

APPENDIX A – BED & BREAKFAST ZONING DISTRICT MAP

[Click to view this Appendix](#)

(Adobe Reader is required to view this Appendix)

(Bill No. 55-05)

APPENDIX B – AIRPORT PERMANENT OFFSITE DIRECTIONAL SIGNS, 2005

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(Bill No. 78-05)