

COUNTY ORDINANCE NO. 10-10

A BILL ENTITLED

AN ACT CONCERNING the Airport Protection and Kent Island Gateway District;

FOR THE PURPOSE of adopting standards for the Airport Development District in Queen Anne's County; designating such District as the Airport Protection and Kent Island Gateway District; adopting; definitions of "Airport – related User" and "Retail Sales/Service Establishment"; and providing that the existing Airport Development District be redesignated as the Airport Protection and Kent Island Gateway District;

BY AMENDING Section 18:1-34 of the Code of Public Local Laws and ADDING certain definitions to Chapter 18 App. Appendix A: Glossary of the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-34 of the Code of Public Local Laws be amended to read as follows:

Article V District Standards

§ 18:1-34 Airport Protection and Kent Island Gateway District.

A. Purpose. ~~The purpose of this zone is to provide for future development of airport facilities.~~

(1) The Airport Protection and Kent Island Gateway District is intended to prevent the creation or establishment of airport hazards.

(2) This District will also create a sense of entry to Kent Island and Queen Anne's County while providing for business and commercial opportunities in the airport environs that will not be detrimental to the efficiency and safety of the airport. Structure designs in this district should reflect traditional Eastern Shore character.

B. Applicability. ~~All Chapter 18 regulations pertaining to the SI District shall apply in the AD District; except that TDR's cannot be used, no telecommunications facility shall exceed 55 feet in height, and~~

~~aquaculture is not permitted.~~

Permitted uses.

- (1) Airport/Airport-related uses
- (2) Banquet facility
- (3) Conference center
- (4) Offices
- (5) Passive recreation
- (6) Retail Sale / Service Establishment

C. Use restrictions.

- (1) No use within the Airport Protection and Development District shall:
  - (a) Create electrical interference with radio communications between the airport and aircraft. The prohibited uses shall include, but not limited to, non-airport related radio and television transmitting towers or studios, Wireless Telecommunication Towers and Antennas and large radiation or X-ray equipment.
  - (b) Store non-airport-related petroleum or any other explosive material aboveground.
  - (c) Emit smoke or otherwise impair the visibility in the vicinity of the airport.
  - (d) Contain lights or signals which may be confused with airport navigational lights.
  - (e) Result in glare to pilots approaching, leaving or circling the airport.
  - (f) Create bird strike hazards; or
  - (g) Otherwise endanger the landing, taking off or maneuvering of aircraft.

D. Density/intensity requirements.

- (1) Maximum residential density: not applicable.
- (2) Maximum nonresidential floor area ratio.
  - (a) All uses: .40.

(b) Floor area allowed can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.

(3) No individual use and/or tenant space in a structure shall occupy more than 65,000 square feet of gross floor area, except for the following uses:

(a) Airport-related facility;

(b) Banquet facility;

(c) Conference center;

(d) Hotel; and

(e) Offices;

**E. Dimensional and bulk requirements.**

(1) Residential uses: not applicable.

(2) Nonresidential uses.

(a) Maximum impervious surface ratio.

[1] All uses: .80.

(b) Minimum lot frontage: 35 feet.

(c) Minimum setbacks.

[1] Front: 25 feet.

[2] U.S. Routes 50/301: 50 feet.

[3] Arterial: 20 feet.

[4] Side and rear: 10 feet.

(d) Maximum building height:

[1] 45 feet.

[2] No structure, tower, or tree shall be constructed, altered, allowed to grow or maintained in violation of the above height restriction.

(e) Airport related use buildings are exempt from the above bulk standards.

**F. Off-site directional signs.**

(1) Notwithstanding the provisions of §18:1-82 D (2) of this Chapter 18:1, a permanent off-site directional sign stating the name of a business or business area in the Airport Protection and Kent Island Gateway District may be located on an arterial roadway with Planning Commission approval.

**G. Design standards. Development in the Airport Protection and Kent Island Gateway District shall conform to the Design Standards adopted by Resolution of the County Commissioners No. 08-05, Town Center (TC) District and Urban Commercial (UC) District Design Standards: Commercial and Mixed-Use Development Standards, as amended, unless otherwise noted and the following design guidelines:**

(1) All lighting proposed on properties in the Airport Protection and Kent Island Gateway District must be directed away or shielded from the airport and designated flight paths;

(2) Commercial development in this district should provide fencing, berming and a landscaping buffer to minimize impacts of noise and glare from the airport to the proposed development and from the proposed development to the airport; and

(3) Potential safety conflicts between the airport and new development shall be minimized. Site design including building height, building location, and landscaping shall consider the on-site and off-site impacts of the existing airport. All new buildings shall be constructed at a height that does not encroach into the transitional and approach surfaces established by the Federal Aviation Administration as of the adoption date of this Chapter 18:1.

(4) Development in this district should be sensitive and create a sense of entry to Kent Island and Queen Anne's County while reflecting traditional Eastern Shore characteristics by using architectural elements which are indigenous to the region.

(5) A portion of the district should be dedicated to public uses that promote visitation by both Queen Anne's County residents as well as other visitors. Such uses may include things such as but not limited to a park, information center, cultural heritage or Eastern Shore

discovery center, museum, garden and/or facilities to support special events.

(6) The Planning Commission shall have the flexibility to alter the requirements of this district. In determining any alterations the Planning Commission shall consider such factors as the proposed intensity of the development, the layout of buildings, roads, and walkways, environmental protection considerations, the architectural and landscaping features incorporated into the development and compatibility with the existing or anticipated development on surrounding lands.

H. C. Forest Conservation standards. Forest conservation standards for development in this District outside of the Chesapeake Bay Critical Area are contained in Chapter 18:2 of this Chapter 18.

## SECTION II

BE IT FURTHER ENACTED that Chapter 18 App. Appendix A: Glossary of the Code of Public Local Laws be amended by the addition of the following definitions to be placed in correct alphabetical order in said Appendix:

### Chapter 18 App Appendix A: Glossary

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#### § 18App-1. Definitions

In Chapter 18, the following words have the meanings indicated:

Airport-related Uses: A use that supports airport operations, including but not limited to aircraft repair and maintenance, flight instruction, and aircraft chartering, aircraft rental, and any other activity which has a direct relationship to the operation of aircraft.

Retail Sales / Service Establishment: A commercial enterprise that provides goods and / or services directly to the consumer for personal, recreational or educational use. These include: restaurants (excluding fast food), hotels, financial service, spas, salons, wineries, taverns, motion pictures, cultural services, educational services, galleries, food

**markets and marine stores.**

**SECTION III**

**BE IT FURTHER ENACTED** that all property currently designated as “Airport Development District” on the official Queen Anne’s County Zoning Maps be redesignated as “Airport Protection and Kent Island Gateway District”.

**SECTION IV**

**BE IT FURTHER ENACTED** that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its enactment.

**INTRODUCED BY:** Commissioner Ransom

**CO-SPONSORED BY:** Commissioner Gunther and Wargotz

**DATE:** July 13, 2010

**PUBLIC HEARING HELD:** August 24, 2010 @ 7:15 p.m.

**VOTE:** 4 Yea 1 Nay      Commissioner Fordonski opposed

**DATE OF ADOPTION:** August 24, 2010

**EFFECTIVE DATE:** October 1, 2010