

COUNTY ORDINANCE NO. 09-05

A BILL ENTITLED

AN ACT CONCERNING the Kent Island Suburban Commercial Zoning District;

FOR THE PURPOSE of creating a new zoning classification to be known as the Kent Island Suburban Commercial (KISC) Zoning District; and to apply the Town Center (TC) and Urban Commercial (UC) Design Guidelines, Commercial and Mixed-Use Development Standards to the new KISC zoning district.

BY ADDING new Sections 18:1-21.1 and 18:1-9 W. to the Code of Public Local Laws of Queen Anne’s County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE’S COUNTY, MARYLAND that new Sections 18:1-21.1 and 18:1-9 W. be added to the Code of Public Local Laws of Queen Anne’s County to read as follows:

Article V District Standards

§18:1- 21.1 Kent Island Suburban Commercial (KISC) District

A. Purpose. The Kent Island Suburban Commercial (KISC) District is intended to provide primarily for a variety of commercial uses and limited light industrial uses in predominately rural or suburban areas not served by public sewer. Extensive landscaping requirements and other restrictions within the KISC District are intended to mitigate commercial use impacts and preserve surrounding rural or suburban character.

B. Permitted uses.

- (1) Agricultural support.
- (2) Auctions.
- (3) Bed-and-breakfast.
- (4) Carry-out food service.
- (5) Coffee shop.
- (6) Commercial apartments.
- (7) Convenience stores, with or without gas pumps.
- (8) Country inn.
- (9) Country store.
- (10) Deli.
- (11) Drive-through beverage stand.

- (12) Effluent disposal.
- (13) Family day-care center.
- (14) Farmers market.
- (15) Fraternal organizations.
- (16) Funeral homes.
- (17) Group day-care center.
- (18) High commercial.
- (19) Hotels.
- (20) Low commercial.
- (21) Manufactured home single-wide; allowed only as a replacement for any legal existing mobile home or single-wide home; and to provide temporary shelter, provided the provisions of § 18:1-53 of this Chapter 18:1 have been met.
- (22) Medium commercial.
- (23) Miniwarehouse (with or without exterior storage).
- (24) Noncommercial forestry.
- (25) Nonprofit and for-profit institutional.
- (26) Nurseries.
- (27) Outdoor recreation.
- (28) Parking.
- (29) Public service.
- (30) Shopping centers.
- (31) Veterinary offices.

C. Conditional uses.

- (1) Campgrounds.
- (2) Commercial forestry.
- (3) First-floor commercial apartments.
- (4) Light industrial.
- (5) Marinas.
- (6) Minor extraction and dredge disposal uses.
- (7) Public utilities.
- (8) Telecommunications facilities.

D. Density/intensity requirements.

- (1) Maximum residential density: not applicable.
- (2) Maximum nonresidential floor area ratio.
 - (a) Office: .17.
 - (b) Commercial: .20.
 - (c) All other: .17.
 - (d) In the growth area, 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) Auctions;
- (b) Auto repair with repair areas;
- (c) Banks and other financial facilities;
- (d) Boat sales and repairs;
- (e) Bowling alley;
- (f) Commercial apartments;
- (g) Commercial or trade schools;
- (h) New and used vehicle sales/service and repair with exterior storage and/or repair areas;
- (i) Nonprofit and for-profit institutional;
- (j) Offices: business or professional; medical offices and clinics; veterinary offices; and all other offices;
- (k) Public uses;
- (l) Recreational vehicle sales;
- (m) Theaters and auditoriums (indoor); and
- (n) Where approved by conditional use granted from the Board of Appeals:
 - [1] Light industrial, where incidental retail stores do not exceed 25,000 square feet of gross floor area.
 - [2] Marinas.

E. Dimensional and bulk requirements.

(1) Residential uses: not applicable.

(2) Nonresidential uses.

(a) Maximum impervious surface ratio.

[1] All uses: .45.

[2] In the growth area, impervious surface ratio allowed can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.

(b) Minimum lot frontage: 35 feet.

(c) Minimum setbacks.

[1] Front: 35 feet.

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

[3] Arterial: 50 feet.

[4] Side and rear: 10 feet.

(d) Maximum building height.

[1] Telecommunications facilities: 55 feet.

[2] All other: 30 feet.

F. Access. All *development* and redevelopment in the KISC District shall be required to limit and consolidate entrances and curb cuts, to the extent practical, through the use of shared entrances, off-site *parking*, internal circulation systems that connect *parking* areas and other means. All *development* and redevelopment shall be in accordance with the Vehicular and Pedestrian Access and Circulation Standards of the Commercial and Mixed-Use Development Standards adopted by Resolution of the County

Commissioners No. 08-05, Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended.

G. *Design guidelines. Development* in the KISC District shall conform to the Town Center (TC) and Urban Commercial Design Guidelines: Commercial and Mixed-Use Development Standards adopted by Resolution of the County Commissioners No. 08-05, Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended. The *Planning Commission* shall consider these guidelines and the community design objectives of the Chester/Stevensville Community Plan in its review of all new *development*, infill, redevelopment and renovations within the KISC District. The *Planning Commission* may not approve *development* applications that have not made a practical and good faith effort to comply with the adopted Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended, and community design objectives of the Chester/Stevensville Community Plan, and the following design guidelines:

- (1) All lighting proposed on properties near the Airport District must be directed away or shielded from the airport and designated flight path;
- (2) Properties developing near the existing airport should provide fencing, berming and a landscaping buffer to minimize impacts of noise and *glare* from the existing airport on the proposed *development*. Proposed *developments* should also provide berming, landscaping and fencing to minimize any adverse impacts to the airport property; and
- (3) Potential safety conflicts between the existing airport and new *development* shall be minimized. *Site* design including *building height*, *building* location, and landscaping should consider the on-site and off-site impacts of the existing airport. All new *buildings* should 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) Roadside sidewalks are required to be provided when sites are developed or redeveloped. Sidewalks linking structures to roadside sidewalks are to be provided in accordance with the Commercial and Mixed-Use Development Standards on Pedestrian Access and Circulation.
- (5) Parking location and layout shall be in accordance with the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Developments Standards, if applicable.
- (6) Newly installed utility and service connections are to be placed underground wherever possible.
- (7) Exterior lighting shall be designed in accordance with the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards.
- (8) *Building* design, location, style, architectural details, materials and colors shall adhere to the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards.
- (9) Mechanical equipment or other utility equipment and hardware shall be screened in accordance with the Town Center (TC) and Urban Commercial (UC) Design

Guidelines: Commercial and Mixed-Use Development Standards. Screening of outside storage areas and service equipment shall also be accomplished in accordance with the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards.

(10) Pedestrian-oriented open spaces shall be created in accordance with the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards.

(11) Multiple-story buildings with commercial uses on the ground floor and mixed office or commercial apartment uses on upper floors are encouraged.

H. Development review process. Notwithstanding the provisions of Chapter 18:1, Part 7, the following items shall apply to the development review process for KISC projects.

(1) A pre-application conference between the applicant and Department of Planning and Zoning staff is required for all KISC District development.

(2) The applicant shall submit any additional information plans, specifications, documents, drawings, etc., as necessary to determine compliance with the requirements of this Chapter 18:1 and the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended.

I. Landscaping requirements.

(1)The number of plantings required in the KISC District shall be consistent with the number of plantings required in the Town Center (TC) and Urban Commercial (UC) Districts.

(2)The location of required plantings can be adjusted to accomplish the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards adopted by Resolution of the County Commissioners No. 08-05, Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended.

(3)To accomplish the Town Center (TC) and Urban Commercial (UC) Design Guidelines: Commercial and Mixed-Use Development Standards, as amended, additional landscaping may be necessary.

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ARTICLE III

Establishment of Zoning Districts

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§18:1-9. Zoning Districts enumerated.

For the purpose of this Chapter 18:1 the County is hereby divided into zoning districts that are designated as follows:

A. Agricultural (AG) District;

- B. *Countryside (CS) District;*
- C. *Estate (E) District;*
- D. *Suburban Estate (SE) District;*
- E. *Suburban Residential (SR) District;*
- F. *Neighborhood Conservation (NC) District;*
- G. *Urban Residential (UR) District;*
- H. *Suburban Commercial (SC) District;*
- I. *Urban Commercial (UC) District;*
- J. *Suburban Industrial (SI) District;*
- K. *Light Industrial Highway Service (LIHS) District;*
- L. *Village Center (VC) District;*
- M. *Waterfront Village Center (WVC) District;*
- N. *Chester Master-Planned Development (CMPD) District;*
- O. *Town Center (TC) District;*
- P. *Grasonville Planned Residential Neighborhood (GPRN) District;*
- Q. *Stevensville Master-Planned Development (SMPD) District;*
- R. *Stevensville Historic Village Center (SHVC) District;*
- S. *Grasonville Neighborhood Commercial (GNC) District;*
- T. *Grasonville Village Commercial (GVC) District;*
- U. *Airport Development (AD) District;*
- V. *Suburban Industrial Business Employment (SIBE) District.*
- W. Kent Island Suburban Commercial (KISC) District

SECTION II

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

INTRODUCED BY: Commissioner Fordonski

DATE: May 12, 2009

PUBLIC HEARING HELD: June 23, 2009 @ 6:50 p.m.

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: July 23, 2009

EFFECTIVE DATE: August 8, 2009