

3. Bulk materials or machinery storage (fully enclosed);
  4. Business cluster facilities (an “incubator” facility offering space and support services for early stage companies engaged in the development of products or services with commercial potential);
  5. Contractors' offices and equipment storage yards;
  6. Dry-cleaning and laundry plants serving more than one outlet;
  7. Food processing and packing plants;
  8. Fuel oil (storage and sales);
  9. Furniture refinishing shops;
  10. Incidental retail stores associated with building and plumbing supply distribution operations;
  11. Manufacturing / Warehousing (including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products) in plants with fewer than 500 employees on a single shift;
  12. Materials sales;
  13. Ornamental iron workshops;
  14. Printing plants;
  15. Scientific (*e.g.*, research, testing or experimental) laboratories;
  16. Showrooms;
  17. Trade shops (including cabinet, carpentry, planning, plumbing, refinishing and paneling);
  18. Truck terminals; and
  19. Wholesale business and storage;
- (iv) Limited light commercial uses and service with the primary purpose of supporting the existing business/employees in the SIBE district. The proposed uses are to be of a size and scale to not draw people into the park but support existing businesses including:

1. Banks;
  2. Barbershop / Hair Dresser;
  3. Coffee Shop;
  4. Dry Cleaner (outlet);
  5. Fitness Center;
  6. Medical Office;
  7. Non-fast food Restaurants such as cafeterias or Deli;
  8. Retail sales;
- (v) Non-profit and for-profit institutional.
- (vi) Public service uses.
- (vii) Satellite Parking.
- (viii) Trade schools with only indoor activities.
- (c) Conditional uses.
- (1) Outdoor recreation.
  - (2) Public utilities.
  - (3) Telecommunications facilities.
- (d) Density/Intensity requirements.
- |   |     |
|---|-----|
| (1) Maximum Residential Density             | N/A |
| (2) Maximum Nonresidential floor area ratio |     |
| (i) Office                                  | .27 |
| (ii) Industrial                             | .40 |
| (iii) All other                             | .27 |
- (e) Dimensional and bulk requirements.
- |                      |     |
|----------------------|-----|
| (1) Residential uses | N/A |
|----------------------|-----|

(2) Nonresidential uses

(i) Maximum impervious surface ratio

All uses .65

(ii) Minimum lot frontage 35 ft.

(iii) Minimum setbacks

1. Front 35 ft.

2. U.S. Rts. 50/301 75 ft.

3. Arterial 50 ft.

4. Side and rear 35 ft.

(iv) Maximum building height

1. Telecommunications facilities 200 ft.

2. All other 45 ft.

**18-1-38 Planned Residential Development Standards.**

(a) In general.

All residential lots in a single-family cluster subdivision, or a planned residential development shall comply with the following standards for each dwelling type.

(b) Single-family cluster subdivision.

The single-family cluster subdivision consists of fully detached, single-family residences located on individual lots. Different lot standards apply depending upon the district where the cluster lot is located. All single-family cluster subdivisions must contain open space. The following table specifies the minimum standards for lots created within a single-family cluster subdivision.

**MINIMUM STANDARDS**

	LOT AREA (S.F.)	FRONT (FT.)*	SIDE (FT.)	REAR (FT.)	WIDTH (FT.)	FRONTAGE (FT.)	OFF-STREET PARKING (FT.)	BULDING HEIGHT (FT.)
AG & CS	20,000	40	20	50	130	35	2	40
E	30,000	40	15/35	50	120	35	2	35
SE	15,000	30	10/25	30	90	35	2	35
SR	10,000	30	10/22	30	80	35	2	35
UR	8,000	30	10/22	30	70	35	2	40
VC	8,000	25	5/10	25	50	35	2	40
NC-5	2 AC.	40	20	50	150	35	2	40
NC-2	1 AC.	40	20	50	130	35	2	40
NC-1	20,000	40	20	50	120	35	2	40
NC-20	10,000	15	5	25	60	35	2	40
NC-15	7,500	15	5	25	60	35	2	40
NC-8	6,000	15	5	25	60	35	2	40

\*See Section 18-1-7(f).

(c) Duplex planned residential development.

The duplex planned development technique proposes semidetached dwellings for single-family residential use. It has only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit. The following table specifies the minimum standards for a duplex planned residential development.

**MINIMUM STANDARDS**

A. Minimum Site/Lot Area	4,000 sq. ft. per dwelling
B. Minimum Lot Width	50 ft.
C. Minimum Front Yard	20 ft.
D. Minimum Side Yard	10 ft.
E. Minimum Rear Yard	15 ft.
F. Off-Street Parking Spaces	2 spaces per unit
G. Building Height	35 ft.

(d) Townhouse planned residential development.

The townhouse planned development technique proposes a single-family attached unit, with a single unit going from ground to roof, and with individual outside access. Rows of attached townhouses shall average no more than ten (10) dwelling units. The following table specifies the minimum standards for a townhouse planned residential development.

**MINIMUM STANDARDS**

	<b>FEE SIMPLE LOTS</b>	<b>FULL</b>
A. Minimum Lot Area	2,400 sq. ft.	N/A
B. Minimum Lot Width	15 ft.	15 ft.
C. Minimum Front Yard	15 ft.	15 ft.
D. Minimum Rear Yard	15 ft.	N/A
E. Maximum Building Height	28 ft.	
F. Off-Street Parking	2 spaces	
G. Minimum LSA required/unit	N/A	450 sq. ft.

(e) Apartment planned residential development.

The apartment planned residential development technique proposes multi dwelling unit buildings that share common access to units and yards. Apartments shall contain three (3) or more units in a building. The following table specifies the minimum standards for apartment buildings.

**MINIMUM STANDARDS**

A. Minimum Landscape Surface Area/DU	1,800 sq. ft.
B. Minimum Front Yard	30 ft.
C. Minimum Side Yard	15 ft.
D. Minimum Rear Yard	15 ft.
E. Minimum Spacing Between Buildings	30 ft.
F. Off-Street Parking Spaces	1.5 spaces for one bedroom unit
G. Off-Street Parking Spaces	2 spaces for two or more bedroom units
H. Maximum Building Height	45 ft.

(f) Manufactured home community planned residential development.

The manufactured home community planned residential development technique proposes manufactured homes within a subdivision or as a rental community. The following table specifies the minimum standards for a manufactured home community.

**MINIMUM STANDARDS**

	<b>FEE SIMPLE LOTS</b>	<b>RENTAL COMMUNITY</b>
A. Minimum Lot Area	4,000 sq. ft.	3,000 sq. ft.
<b>Minimum Yards/Building Spacing:</b>		
B. Front	20 ft.	20 ft.
C. Side/Building Spacing	5 ft.	10 ft.
D. Rear/Building Spacing	20 ft.	40 ft.
E. Off-Street Parking Spaces	2 spaces per unit	2 spaces per unit
F. Minimum Lot Width	40 ft.	N/A

- (g) Multiplex planned development.

The multiplex planned development technique proposes multiple-family units in a condominium regime. Each unit may take direct access to a private yard or access point, or units may share yards and access. The units may be arranged in a variety of configurations, including back to back, side to side, or vertically; however, no more than eight units shall be attached in any single building. The following table specifies the minimum standards for a multiplex planned development.

**MINIMUM STANDARDS**

A. Minimum Landscape Area Per Building	3,500 sq. ft.
B. Minimum Building Width	80 ft.
C. Minimum Side Yard	25 ft.
D. Minimum Side Yard	15 ft.
E. Minimum Rear Yard	15 ft.
F. Maximum Building Height	35 ft.
G. Off-Street Parking Spaces	2 spaces/unit
H. Minimum Spacing Between Buildings	30 ft.

**18-1-39 Design Guidelines for the UC, LIHS, VC, and SC Districts.**

All new development and redevelopment in the UC, LIHS, VC and SC districts is strongly encouraged to incorporate the following design guidelines, which are intended to protect property values of adjacent properties and to promote new development that harmonizes with existing land use patterns in the County. The Planning Director and/or Planning Commission shall consider these guidelines in their review of all new development and redevelopment within the UC, LIHS, VC and SC districts. The Planning Director and/or Planning Commission may not approve development applications that have not made a practical and good faith effort to comply with the following design guidelines.

- (a) The following guidelines apply to development in the UC and LIHS districts.

(1) The appearance of typical, monolithic strip commercial and "big box" retail centers should be strongly discouraged. Instead, more modestly scaled commercial structures grouped in clustered settings with pedestrian-oriented open spaces and plazas should be encouraged. Where the physical separation of structures is not practical or is cost prohibitive, variable facades and storefront setbacks can achieve a similar appearance.

(2) Pitched roofs and gables are encouraged. Where pitched roofs are not practical from an engineering basis or are not cost effective, false gables and mansards can achieve a similar appearance. Flat roofs with exposed mechanical fixtures should be avoided. For larger structures variations in rooflines should be required to reduce scale and add visual interest. Roofs for larger structures should have at least two of the following features: overhanging eaves, sloped roofs and three or more roof planes.

(3) Structures should have finished architectural facade treatment and detail on all elevations that are visible from public ways or adjoining properties. Facades greater than one-hundred (100) feet in length should incorporate recesses and projections along at least 20% of the length of the facade. For larger buildings, windows, awnings and arcades should total at least 60% of the facade length visible from a public street. Greater architectural interest should be encouraged for larger structures by directing the use of a repeating pattern of change in color, texture and material modules at intervals of no more than thirty (30) feet.

(4) Developments should have primary access to major roadways or service roads and streets with immediate access to major roadways. Wherever practical, businesses should have customer entrances facing local streets and service roads rather than US 50/301. Where commercial development may be patronized by community residents, secondary traffic access and pedestrian connections to local street, may be desirable. Structures should have clearly defined and highly visible customer entrances with features such as canopies, porticos, arcades, arches, wingwalls and architecturally integrated planters.

(5) Parking areas should be located to the rear and sides of structures and should contain perimeter landscaping and landscape islands.

(6) Foundation landscaping and shade trees shall be used to soften the appearance of buildings and add visual appeal to pedestrian plazas and sidewalks.

(7) Stormwater management areas should be incorporated into the landscaping of the site and should have the appearance of a landscape amenity rather than a fenced utility area.

(8) Adequate landscape buffering and screening along site perimeters shall be used to protect adjacent residential neighborhoods and residential and mixed-use zoned properties. Landscape buffers between incompatible uses should be wide and dense enough to completely screen proposed development from adjoining properties. Landscape buffers should also be planted along the frontage of the U.S. 50/301 corridor.

(9) Exterior lighting shall be restrained in design in order to avoid excessive brightness and glare onto adjacent properties.

(10) Commercial signage shall comply with current county regulations. Specifically, any existing billboards shall be removed as a condition of development approval, and all freestanding signs shall have an architectural and/or landscaped base.

(11) Exterior mechanical, storage or service areas shall be completely screened from view of any public way or adjoining property.

(12) Predominant exterior building materials should be of high quality. These include brick, wood or vinyl siding, stone and tinted/textured concrete masonry units. Smooth faced concrete block, tilt-up concrete panels or prefabricated steel panels may not exceed 50% of the entire structure.

(13) Facade colors should be of low reflectance, subtle or neutral earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors should be prohibited. Building trim may feature brighter colors, but neon tubing should not be permitted.

(b) The following guidelines apply to development in the SC and VC districts.

(1) Pitched roofs and gables are encouraged. Where pitched roofs are not practical from an engineering basis or are not cost effective, false gables and mansards can achieve a similar appearance. Flat roofs with exposed mechanical fixtures should be avoided. For larger structures variations in rooflines should be required to reduce scale and add visual interest. Roofs for larger structures should have at least two of the following features: overhanging eaves, sloped roofs and three or more roof planes.

(2) Structures should have finished architectural facade treatment and detail on all elevations that are visible from public ways or adjoining properties. Facades greater than one-hundred (100) feet in length should incorporate recesses and projections along at least 20% of the length of the facade. For larger buildings, windows, awnings and arcades should total at least 60% of the facade length visible from a public street. Greater architectural interest should be encouraged for larger structures by directing the use of a repeating pattern of change in color, texture and material modules at intervals of no more than thirty (30) feet.

(3) Foundation landscaping and shade trees should be used to soften the appearance of buildings and add visual appeal to pedestrian plazas and sidewalks.

(4) Adequate landscape buffering and screening along site perimeters should be used to protect adjacent residential neighborhoods and residential and mixed-use zoned properties. Landscape buffers between incompatible uses should be wide and dense enough to completely screen proposed development from adjoining properties. Landscape buffers should also be planted along the frontage of the U.S. 50/301 corridor.

(5) Exterior lighting shall be restrained in design in order to avoid excessive brightness and glare onto adjacent properties.

(6) Commercial signage shall comply with current county regulations. Specifically, any existing billboards shall be removed as a condition of development approval, and all freestanding signs should have an architectural and/or landscaped base.

(7) Exterior mechanical, storage or service areas should be completely screened from view of any public way or adjoining property.

(8) Predominant exterior building materials should be of high quality. These include brick, wood or vinyl siding, stone and tinted/textured concrete masonry units. Smooth faced concrete block, tilt-up concrete panels or prefabricated steel panels may not exceed 50% of the entire structure.

(9) Facade colors should be of low reflectance, subtle or neutral earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors should be prohibited. Building trim may feature brighter colors, but neon tubing should not be permitted.

**18-1-40 Development Phasing for the CMPD, SMPD, GPRN, SHVC, GNC, GVC, QMPD, VC, and QRD Districts.**

All development in residential zoning districts for the CMPD, SMPD, GPRN, SHVC, VC, GNC, GVC, QMPD, and QRD districts shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development must be approved by the Planning Commission as a component of initial sketch and/or concept plan approval. All development infrastructure and amenities must be phased and constructed at a rate commensurate with housing unit or floor area construction unless otherwise specified in this Subtitle.

**Subpart 3. Accessory Uses**

**18-1-41 Scope of Subpart.**

The provisions of this Subpart further define and regulate certain accessory uses and accessory structures. Nothing in this Subpart shall be construed to authorize any use or structure that is not an accessory use or an accessory structure as defined elsewhere in this Subtitle.

**18-1-42 Exempt accessory structures.**

(a) In general.

This Section is intended to authorize the location of certain incidental accessory structures without formal zoning approval.

(b) Structures generally exempt.

The following incidental accessory structures may be located at any place on any lot and do not require a zoning approval under Part VII of this Subtitle:

(1) A structure, other than a sign, that:

(i) Is designed and may be reasonably considered to be solely ornamental or decorative; and

(ii) Serves no other purpose or function.

(2) A blind or other structure designed and used solely for hunting birds, waterfowl, or game during the appropriate hunting season.

(c) Structures exempt on residential lots.

The following incidental accessory structures may be located at any place on a residential lot and do not require a zoning approval under Part VII of this Subtitle:

(1) A single flagpole;

(2) A birdhouse, bird feeder, bird bath, or combination of them that does not dominate any yard;

(3) A single clothesline or other device for the drying of laundry that is removed when not in actual use;

(4) A single shelter for one domestic dog or cat, that is of a type normally found on residential properties and does not exceed 3 ½ feet in height and is at least 3 feet from any lot line;

(5) Recreational equipment, including:

(i) Swings, hammocks, horse shoe pitches, basketball backboards and hoops, and tennis or badminton nets and poles; and

(ii) Other recreational facilities that do not involve or utilize impervious surface other than impervious surface that is established and used primarily in connection with:

1. The principal use of the lot; or

2. A structure other than an incidental accessory structure.

(6) Except where specific provisions are otherwise made with respect to such facilities under this Subtitle, including an approval (such as an approval given by the Board of Appeals or in connection with site plans or subdivision) given under this Subtitle, a well or septic system that:

(i) Serves only the lot on which it is located;

(ii) Complies with all other applicable laws and regulations; and

(iii) Does not extend to any degree above the surface of the lot.

- (d) Determination of an accessory structure.

The owner of a lot is solely responsible for the initial determination of whether the erection or maintenance of any structure on that lot is an incidental accessory structure authorized by this Section. However, nothing in this Subpart shall be construed to prohibit any agency or individual concerned with the enforcement of this Subtitle, or any other aggrieved person, from challenging the owner's determination at any time. If a structure is determined not to be an incidental accessory structure authorized by this Section, it shall be removed from the lot at the sole cost and expense of the owner of that lot.

**18-1-43 Piers—Generally.**

A pier may not extend into any body of water a distance greater than 300 feet, as measured from the mean high water line, unless the Board of Appeals allows a greater length as a variance. In no case may the length of a pier extend greater than one half of the distance from the mean high water line to the center line of the body of water. The distance is hereby established as the tributary harbor line. All proposed piers must obtain the approval of the U.S. Army Corps of Engineers and the State of Maryland as necessary.

**18-1-44 Private Piers on Residential Lots.**

- (a) In general.

Except as provided in Section 18-1-44(b), a pier may not be:

- (1) Allowed as an accessory use or structure; or
- (2) Constructed on a residential lot in a subdivision approved after June 29, 1988, that was approved on the basis of a plat that included a community pier.

- (b) When permitted.

One pier is permitted as an accessory use or structure on a residential lot that:

- (1) Has a minimum of one hundred fifty (150) feet water frontage; or
- (2) Is within a subdivision in a NC district that:
  - (i) Does not have a community pier or dock facility.
  - (ii) Has a community pier or dock facility with fewer slips than lots, and the property owner provides satisfactory proof that the property owner, or the property owner's successors and assigns, do not have and will not have a right or ability to acquire a leased or fee simple interest in a slip in the community pier or dock.
- (3) Is within a subdivision that was validly approved prior to April 9, 1987 and:

(i) Does not have a community pier or dock facility; or

(ii) Has a community pier or dock facility with fewer slips than lots, and the property owner provides satisfactory proof that the property owner, or the property owner's successors and assigns, do not have and will not have a right or ability to acquire a leased or fee simple interest in a slip in the community pier or dock.

(4) On April 9, 1987, was part of another lot that has since been subdivided into five or fewer lots under the provisions of this Subtitle; or

(5) Existed as a legal lot of record prior to April 9, 1987.

(c) Pier building restriction line.

A private pier may not be constructed within six (6) feet of any side or front lot lines.

(d) Shared piers.

A shared pier may be located at or near a common property line without regard to the building restriction line otherwise applicable to private piers, provided:

(1) The shared pier serves no more than two (2) adjacent lots;

(2) The two adjacent lots to be served by the shared pier have a combined shoreline frontage of at least one hundred fifty (150) feet;

(3) The owners of the lots to be served by the shared pier execute an instrument, in recordable form, that runs with and binds the lots to be so served, that addresses the common use of, access to and maintenance of the shared pier that is in a form acceptable to the Zoning Administrator; and

(4) The shared pier, or any part thereof, may not be leased to any person who is not either a record owner of one of the lots to be served by the shared pier or a bona fide resident, occupant or lessee of a dwelling located on one (1) of the two (2) lots served by the shared pier.

#### **18-1-45 Community Piers.**

Community piers are permitted as accessory uses to residential developments, provided that:

(1) The community pier facility is located within the residential development on which it is to serve.

(2) The number of slips is equal to or less than the number of lots in the development but, in any event, not in excess of the number of slips permitted under §14-143 of this Code.

(3) Overnight occupancy is not allowed on any boat docked at the community pier.

(4) The community pier complies with all use limitations and conditions and restrictions set forth in 14-143 of this Code.

**18-1-46 Accessory Dock Facilities.**

Subject to Sections 18-1-43 through 18-1-45 of this Subtitle, a marine related commercial building, restaurant, hotel, resort hotel or country inn may have ten (10) or fewer docking slips on a single pier, provided that:

- (1) The pier is located on the same parcel as the use to which it is accessory;
- (2) Overnight occupancy is not allowed on any boat docked at the facility; and
- (3) Only the following uses are permitted with the accessory docking facility:
  - (i) Moorings and slips; and
  - (ii) Docks, piers and access paths.

**18-1-47 Residential Accessory Structures.**

(a) In general.

A residential accessory structure may be erected or maintained in accordance with the provisions of this Section. However, nothing in this Section shall be construed to authorize the use of any lot or structure for any purpose that is not authorized by other provisions of this Subtitle.

(b) Location restrictions.

- (1) A residential accessory structure:
  - (i) May not be attached or connected in any manner to any other structure; and
  - (ii) Shall be located:
    1. At least three feet from any property line;
    2. Except as provided in paragraph (2) of this Subsection, at least six (6) feet from the closest point of the principal building; and
    3. Except as provided in paragraph (3) of this Subsection, in a side or rear yard.
- (2) Pools may be exempt from the setback from principal structure requirement under paragraph (1)(ii)2 of this Subsection, provided that the pool has a perimeter walkway of at least four (4) feet.

(3) When the rear lot line abuts tidal wetlands, a residential accessory structure may be located in that portion of a front yard that is not within the front setback required by this Subtitle.

(c) Area restrictions.

(1) Except in the AG and CS districts, all buildings on a residential lot of between two (2) and five (5) acres, other than the principal building, may not cover an area of the lot greater than 80% of the area covered by the existing principal building.

(2) Except in the AG and CS districts, all buildings on a residential lot of less than two (2) acres, other than the principal building, may not cover an area of the lot greater than 60% of the area covered by the existing principal building.

(3) In the AG and CS zoning districts, all buildings on the lot may not cover an area of the lot greater than 120% of the area covered by the principal building. In approved major cluster subdivisions in the AG and CS zoning districts the standards in (1) and (2) above shall apply.

(d) Height restrictions.

A building on a residential lot may not exceed the height of the existing principal building.

**18-1-48 Accessory Caretaker Dwellings.**

One caretaker dwelling unit may be provided as an accessory use or structure, provided that:

- (1) The parcel has a lot area of five (5) or more acres;
- (2) The structure meets required setbacks applicable to the principal structure; and
- (3) The structure consists of no more than 50% of the area of the principal building.

**18-1-49 Institutional Uses and Structures—Sale of Goods.**

(a) In general.

In a district in which institutional uses are permitted, the sale of goods and services at retail shall be permitted as an accessory use, provided that:

- (1) The goods and services are directly related to a principal institutional use conducted on the same lot;
- (2) Sales otherwise constitute an accessory use, as defined in this Subtitle;
- (3) Except when the sales are conducted in a principal building primarily used for an institutional use, any structure involved in the sales meets all requirements of this Subtitle for an accessory building or structure; and

(4) The sales are made only to persons who are at the time of sale using the lot for the principal institutional use.

**(b) Signs.**

In addition to any other signs allowed under this Subtitle, an accessory structure authorized under Section 18-1-49(a) may include one (1) wall sign not exceeding two (2) square feet in size.

**18-1-50 Accessory Apartments.**

One (1) accessory apartment is allowed as an accessory residential use per lot, and shall not be included when calculating total allowable number of units, provided that it:

(1) Is located within the principal dwelling structure or within an approved residential accessory structure;

(2) Does not exceed 1,500 square feet in total floor area; and

(3) Is approved by the Queen Anne's County Health Department.

**18-1-51 Outside Storage and Display.**

(1) The outside storage or display of all merchandise, products and raw materials shall meet all required setback lines and may not be allowed on the minimum landscape area as determined under Subtitle 1, Part IV, Subpart 3 of this Title.

(2) All vehicle or boat repair, painting, or body work activities shall take place within a building or in an area not visible from an adjacent property or public way; except that boats in marinas are exempt from the provisions of this Section.

(3) Outside storage of material necessary for a permitted home occupation use must be completely screened from the view of adjacent streets and properties.

**Subpart 4. Supplemental Uses**

**18-1-52 Supplemental Use Regulations, Generally.**

Part III of this Subtitle establishes zoning districts and delineates uses permitted in each district. However, certain uses require additional standards to address locational, bulk, density, and design matters relating to that particular use. This Subpart supplements Part III by establishing uniform criteria for particular uses.

**18-1-53 Public Services.**

(1) Because of their public necessity, if the Planning Director receives the written consent of the County Administrator after the Planning Director and the County Administrator and the Planning Commission Chairman or his designee have examined all reasonable alternatives and have made a written determination that no reasonable alternatives exist, public services uses may be permitted in all zoning districts and exempt from the requirements of Title 18 and of Title 14 with Critical Area Commission approval.

(2) Notwithstanding exemptions from Title 14 and Title 18, all public services uses shall comply with applicable provisions of this Subtitle in so far as possible.

(3) The Planning Director may require fencing or screening with densely planted materials to a greater extent than the required buffer yard if the Planning Director determines that the use may cause:

- (i) A possible hazard to nearby residents or passersby; or
- (ii) An interference with the development, use or enjoyment of surrounding property.

**18-1-54 Commercial Apartments.**

(1) Commercial apartments are not required to be included in the floor area ratio calculations for a commercial building.

(2) Commercial apartments will not be allowed unless:

(i) An outdoor balcony or rooftop patio of no less than fifty (50) square feet is provided for each unit;

(ii) In addition to landscaping otherwise required, at least one canopy tree with no less than a two-and-one-half (2½) inch caliper is planted for each unit, planted as close as possible to the units; and

(iii) The maximum unit size is:

1. Eight hundred (800) square feet for a one-bedroom unit;
2. One thousand (2,000) square feet for a two-bedroom unit; and
3. One thousand two hundred (1,200) square feet for a three-bedroom unit.

**18-1-55 Temporary Uses.**

(1) Authorization.

Temporary uses are permitted only as expressly provided in this Section and shall comply with the requirements of Subtitle 1, Part VII, of this Title.

(2) Zoning certificate required.

A temporary use may not be established unless a zoning certificate has first been issued as provided in Part III, Subpart 4 of this Subtitle.

(3) Use limitations.

Signs in connection with a temporary use are not permitted except in accordance with the provisions of Section 18-1-82 of this Subtitle.

(4) Specific temporary uses permitted.

The following are temporary uses that are subject to the following specific regulations and standards, in addition to the other requirements specified in this Subtitle.

(i) Christmas tree sales are permitted in any district.

1. The maximum length of a permit for display and open-lot sales shall be forty-five (45) days.

(ii) A contractor's office, construction equipment sheds, and trailers are permitted in any district where the use is incidental to a construction project, provided that an office or shed may not contain sleeping or cooking accommodations.

1. The maximum length of a permit shall be one (1) year.

2. Offices and sheds shall be removed upon completion of the construction project.

3. Permits shall be renewable at the discretion of the Planning Director.

(iii) Events of public interest are permitted in any district.

Events of public interest include, but are not limited to, outdoor concerts, auctions, and tractor pulls.

(iv) A real estate sales office is permitted in any district for any new development approved in accordance with this Subtitle. A model home may be used as a temporary sales office.

1. The maximum length of a permit shall be one (1) year.

2. The office shall be removed upon completion of the development of the subdivision.

3. Permits shall be renewable where the Planning Director determines that development is progressing in accordance with County permits and approvals and all such approvals remain in effect.

(v) When a fire or natural disaster has rendered a single-family residence or nonresidential structure unfit for human habitation, the temporary use of a manufactured home or portable trailer on the lot during rehabilitation of the original structure or the construction of a new structure is permitted.

1. Water and sanitary facilities as required by the County Health Department shall be provided.

2. The maximum length of a permit shall be six (6) months, but the Planning Director may extend the permit for a reasonable period of time. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit. A temporary trailer permit associated with a nonresidential use shall only be extended if the Planning Director is satisfied that the applicant is actively pursuing all approvals associated with compliance of Part III, Subpart 4 of this Subtitle for the rehabilitation of the damaged structure or the construction of a new structure, and the circumstances which have delayed construction are beyond the applicant's control.

3. The manufactured home shall be removed from the property upon issuance of any occupancy permit for the new or rehabilitated residence. The applicant shall be required to provide express consent and authorization to the County to remove the shelter at the owner's expense upon termination of the permit.

(vi) A produce or farm stand is permitted in all districts.

1. A farm stand operating as a temporary use shall be open for no more than six (6) months of a given year and shall have more than 50% of the products sold grown on site or within the County.

2. A temporary produce stand is allowed a maximum total sign area of thirty-two (32) square feet. A maximum of eight (8) square feet of sign area may be used as a temporary on-premise freestanding sign. Other temporary signs must be affixed to the stand. It may contain the name of the stand, but shall only contain advertising that pertains to the produce sold at the stand. A sign allowed under this subparagraph does not require the issuance of a sign permit.

3. The stand shall conform to the clear-view distance requirements set forth in Title 23 of the County Code.

4. All structures and signs shall be removed at the time the permit expires.

**18-1-56 Migrant Labor Camps.**

(1) Total migrants at any State-licensed camp or collection of State-licensed camps located on the same property shall not exceed one-hundred (100).

(2) Shall comply with all applicable regulations contained in COMAR 10.16.01, Migratory Labor Camps.

(3) Shall not be occupied for more than two hundred seventy (270) days during any calendar year.

(4) Shall not be used as permanent residences.

(5) Shall provide for usable recreational areas on site or within close proximity of the site.

(6) Site plan approval shall be required by the Planning Commission, and all camp structures shall be considered nonresidential for the purpose of determining nonresidential site capacity and other applicable performance standards.

(7) All camp structures shall be located at least two hundred (200) feet from all public road right-of-way or property line for an adjacent property that is not owned by the camp property owner.

(8) Occupants of migrant labor camps must receive their principal source of income from agricultural employment on the property containing the camp or on other properties within the County that are utilized for agricultural purposes by the camp owner.

(9) Landscaping and buffering shall be provided so as to adequately screen neighboring uses from the migrant labor camp.

(10) Minimum lot size for any parcel containing a migrant labor camp shall be twenty (20) acres.

(11) A migrant labor camp shall not be located on deed restricted open space.

**18-1-57 Farm Employee Dwellings**

(1) Character and location of farm employee dwelling.

(i) In general.

For purposes of this Subtitle, a farm employee dwelling shall be considered as an agricultural accessory use and may not be considered as a dwelling unit for the purpose of any density calculation.

(ii) Setback.

A farm employee dwelling may not be located less than one-hundred (100) feet from any property line or any road or street.

(2) Number allowed.

(i) In general.

Two (2) farm employee dwellings shall be permitted on a farm.

(ii) Additional units.

Not more than three (3) additional farm employee dwellings on a farm may be authorized by the Board of Appeals upon application for a conditional use.

(iii) Effect of approval.

A farm employee dwelling allowed or authorized under this Section shall be subject to all provisions of this Subpart.

(iv) Termination of use as farm employee dwelling.

1. Effect.

Upon termination of use of a building as a dwelling for farm employees, it shall cease to be a farm employee dwelling under this Subpart.

2. Other uses.

Subject to the provisions of paragraph (3) below, this Section, a building that ceases to be a farm employee dwelling may be used for any use recognized as an agricultural accessory use by other provisions of this Subtitle, in which case setback requirements and all other requirements of this Subtitle relating to the accessory use shall apply.

3. Manufactured homes.

If a farm employee dwelling is a manufactured home, it shall be removed from the farm within one (1) year after the time when it is no longer used as a dwelling for farm employees.

### **18-1-58 Home Occupations**

(a) Purpose.

The purpose of the home occupation regulations and performance standards are:

(1) To establish criteria for operation of home occupations in dwelling units within residential districts;

(2) To encourage business formation within the County;

(3) To encourage home-based businesses that are compatible with residential and mixed-use areas in support of the County's economic development efforts;

(4) To ensure that such home occupations are compatible with, and do not have a deleterious effect on adjacent and nearby residential properties and uses;

(5) To allow residents of the County to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;

(6) To enable the fair and consistent enforcement of these home occupation regulations;

(7) To promote and protect the health, safety, morals, and general welfare of the community; and

(8) To establish regulations and performance standards with which all home occupations in the County must comply, except as otherwise provided herein.

**(b) Home occupation permit.**

No home occupation shall be established unless and until a home occupation zoning certificate is issued pursuant to Section 18-1-138. A zoning certificate issued pursuant to this Section shall lapse automatically if the property is used for non-residential purposes, if the dwelling is sold or rented, if the home occupation operator dies, if the certificate lapses or is not renewed, or if the home occupation is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of written notice from the Planning Director.

**(c) Use and Development Standards.**

In accordance with the following use and development standards, home occupations must:

(1) Comply with applicable State and local laws;

(2) Operate under a valid home occupation zoning certificate prior to operation;

(3) Have a full-time resident operator;

(4) Not involve the alteration of a structure in a manner that changes the essential residential character of the property or district;

(5) Not include storage or use of flammable, combustible, or explosive materials;

(6) Limit outside storage of equipment and materials to those that can be screened from view from adjacent streets and properties;

(7) Limit parking of vehicles associated with the home occupation to existing residential driveways and shall not create hazards or street congestion;

(8) Not include the parking of any vehicle with a payload rating of more than 1.5 tons;

(9) Not involve the use of mechanized equipment outside of an enclosed building;

(10) Not generate dust, odor, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line;

(11) Limit signage to one (1) nonilluminated nameplate, not exceeding two (2) square feet in area, provided that such nameplate is affixed against the exterior surface of the residence at a position not more than two (2) feet from the main entrance to the residence; and

(12) Limit deliveries and pickups to those normally associated with residential uses, and may only occur between 8:00 a.m. and 8:00 p.m.

**18-1-59 Miniwarehouses.**

**(a) Purpose.**

This Section sets standards for the establishment and maintenance of safe and attractive miniwarehouse developments that will remain a long-term asset to the community.

**(b) Performance Standards.**

In addition to other requirements imposed by this Title, miniwarehouse storage facilities shall be subject to the following standards, whether allowed as a permitted or conditional use:

(1) All storage shall be within a completely enclosed building;

(2) The outdoor storage of inventory, materials, vehicles, or merchandise is prohibited except as provided in section 18-1-51;

(3) No storage unit shall exceed five hundred (500) square feet;

(4) Loading docks shall not be permitted as part of any storage building;

(5) The distance between miniwarehouse buildings shall be a minimum of twenty (20) feet. Where vehicular circulation lanes and parking and loading spaces are to be provided between structures, the minimum separation distance shall be increased accordingly in order to ensure vehicular and pedestrian safety and adequate emergency access;

(6) No activities such as sales, repairs, or servicing of goods, vehicles, equipment, or materials shall be conducted from miniwarehouse units. The operation of a miniwarehouse shall in no way be deemed to include a transfer and storage;

(7) Storage of hazardous and flammable materials shall not be permitted;

(8) The maximum length of any single storage building shall be two hundred (200) feet;

(9) No tenant identification or advertising signs shall be permitted in association with an individual storage unit; and

(10) A buffer yard shall be established along the property line of any miniwarehouse that abuts a commercial or residential use as set forth below:

<u>Abutting Use</u>	<u>Buffer yard required</u>
Residential	E
Low Commercial	E
Medium Commercial	D
Heavy Commercial	C

Buffer yards shall be installed in accordance with the standards set forth at Subtitle 1, Part IV, Subpart 4. Where two (2) buffer yard requirements apply, the more restrictive shall govern.

**18-1-60 Miscellaneous.**

(1) Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating areas shall be at least one hundred (100) feet from any lot line, exclusive of buffer yards.

(2) Any fuel pumps, underground fuel storage tanks and islands, including any canopies, shall be at least twenty-five (25) feet from any street or lot line. Entrances and exits to streets shall be at least one hundred (100) feet from any intersection.

(3) Aboveground chemical or fuel tanks with a capacity of more than eight hundred (800) gallons shall be located in a depressed area sized to hold all the tank volume with a one-foot freeboard. The depressions shall be lined with materials that prevent the chemicals to be stored from soaking into the ground, and having a positive drainage to an area for pumping up any spill.

(4) Tanks with a capacity of more than 4,000 gallons shall be enclosed in a chain-link, barbed-wire fence.

(5) Chain-link, barbed-wire topped screening and/or fencing is required for high-voltage transformers and any other utility structures or equipment of potential hazard to residents or passersby. The enclosures shall be screened with hedges.

(6) Poultry houses, manure storage buildings, outdoor storage of oyster shells, and any other associated structures shall be located:

(i) At least one hundred (100) feet from any property line in the Agricultural (AG) or Countryside (CS) districts;

(ii) At least three hundred (300) feet from the common property line when an existing residence, not located on the subject property, is within three hundred (300) feet or less of the common property line, at least three hundred (300) feet from all other zoning district boundaries and three hundred (300) feet from common property lines of any vacant existing lot of record which is less than five (5) acres in size; and

(iii) Existing poultry houses, manure storage buildings and any other associated structures shall be grand fathered.

(7) Mega farms

(i) A twenty (20) foot tree buffer is required around the active portion of the property in a manner recommended by the County Forrester.

(ii) Existing facilities to be grandfathered in under the existing ordinance.

(iii) A three hundred (300) foot setback for buildings associated with the operation.

(8) No more than one (1) unregistered, untagged vehicle may be stored outdoors on any residentially improved or residentially zoned lot.

## **PART IV. SITE DEVELOPMENT STANDARDS**

### **Subpart 1. General Requirements**

#### **18-1-61 Application of Part.**

Site development standards apply to all development in all districts that require subdivision or site plan approval. This part provides standards that regulate the protection of resources, buffer yards, landscaping, landscaping of parking areas, signs, lighting and parking and loading.

### **Subpart 2. Resource Protection Standards**

#### **18-1-62 Application of Subpart.**

The resource protection standards set forth in this Subpart apply to development that occurs on a lot that contains floodplains, steep slopes, streams and stream buffers, wetlands, erosion hazard areas, habitats for threatened or endangered species, or woodlands. If two or more resources are present on the same area of land, the most restrictive resource protection standard shall apply.

#### **18-1-63 Floodplains.**

All development activities within the one-hundred (100) year floodplain are subject to the requirements of the Queen Anne's County Floodplain Management Ordinance.

#### **18-1-64 Steep Slopes.**

No development activities are permitted on slopes of 15% grade or higher.

**18-1-65 Streams and Stream Buffers.**

(1) Except as allowed by Subsections (2) and (3) below, no development activities are permitted upon designated streams or within designated stream buffers.

(2) Within the AG zoning district, 80% of areas designated as a stream or a stream buffer shall be protected from development activity.

(3) To preserve natural storm drainage systems, streams and stream buffers may be disturbed if such development activity is part of an approved storm water management plan.

(4) Perennial stream buffers shall be one-hundred (100) feet and intermittent buffers shall be fifty (50) feet.

**18-1-66 Wetlands.**

(1) No development activities are permitted on tidal or nontidal wetlands, or within twenty-five (25) feet of a nontidal wetland, or within one-hundred (100) feet of a tidal wetland or body of water, unless the applicant demonstrates proof of approval by the United States Army Corps of Engineers and/or the Maryland Department of Natural Resources or Department of Environment for any development or wetland disturbance proposed within the setbacks established in this Section.

(2) Wetlands of state concern as identified by Maryland Department of Natural Resources or Department of Environment must have a one-hundred (100) foot buffer.

(3) A wetlands jurisdictional determination shall be made when any of the three following indicators are present on the lot proposed for development:

(i) Hydric soils;

(ii) A water source; or

(iii) Hydrophytic vegetation.

**18-1-67 Erosion Hazard Area.**

(1) Except as provided in Subsection (2) below, no development activities are permitted in erosion hazard areas.

(2) Erosion hazard areas shall be classified in accordance with the Atlas of Historic Erosion Rates produced by the Maryland Department of Natural Resources and the United States Geological Service. Erosion hazard areas shall have shoreline erosion protection installed at the time of development. A detailed engineering report shall be submitted at the same time a site plan/subdivision is submitted that indicates the type of measures to be used and the data on why

that measure was selected for that particular location. The determination of the need for shore protection may also be made by the Planning Director based upon site inspections.

**18-1-68 Woodlands.**

(1) Except as provided in subsection (2) below, no more than eighty percent (80%) of woodlands on a development lot may be disturbed within the TC and UC zoning districts and no more than fifty percent (50%) of the woodlands on a development lot may be disturbed within any other zoning district.

(2) The requirements of this Section do not apply to any development within the following zoning districts: CMPD, SMPD, QMPD and GPRN.

**Subpart 3. Landscaping Standards**

**18-1-69 Application of Subpart.**

This Subpart contains the landscaping standards required for on-site landscaping, parking lots, district boundaries, and street buffers. The standards:

(1) Apply to all planned residential and nonresidential developments; and

(2) Do not apply to single-family large-lot subdivisions, or large-lot agricultural or sliding-scale subdivisions in the AG district.

**18-1-70 Standard Plant Units.**

(a) In general.

Required landscaping shall conform to one (1) or more of the following standard plant unit alternatives provided in this Section.

(b) Preferences for plant unit alternatives.

(1) Subsection (f) of this Section specifies alternative plant units that may be used for street and district boundary buffer yards, on-site landscaping, and parking areas.

(2) Alternative units 1 through 5 are interchangeable, provided that:

(i) Alternative unit 5 shall be used for the interior of parking lots;

(ii) Along U.S. 50/301, alternative unit 4 is the preferred alternative; and

(iii) Alternative unit 6 may be employed only where on-lot landscaping requirements exceed five (5) acres.

- (c) Countryside, estate, suburban estate, and suburban residential districts.

In the countryside, estate, suburban estate, and suburban residential districts, the shrub requirements for street buffers may be substituted with two (2) 4-foot tall trees for every five (5) shrubs required per plant unit.

- (d) Buffer yards.

In buffer yards, canopy trees may be reduced in caliper by one (1) inch and evergreen trees may be reduced in height by two (2) feet, if a three (3)-foot high berm is used.

- (e) Fractions of a plant unit.

The amount and type of plantings for a fraction of a total plant unit shall be determined by the Planning Director.

- (f) Plant unit alternatives.

(1) Alternative Unit 1.

- |                |                     |
|----------------|---------------------|
| (i) 1 - 2.5"   | caliper canopy tree |
| (ii) 2 - 1.5"  | understory trees    |
| (iii) 10 - 18" | high shrubs         |

(2) Alternative Unit 2.

- |                |                     |
|----------------|---------------------|
| (i) 1 - 2"     | caliper canopy tree |
| (ii) 1 - 1.5"  | understory tree     |
| (iii) 10 - 18" | high shrubs         |
| (iv) 1 - 8'    | high evergreen tree |

(3) Alternative Unit 3.

- |               |                      |
|---------------|----------------------|
| (i) 1 - 2"    | caliper canopy tree  |
| (ii) 10 - 18" | high shrubs          |
| (iii) 2 - 6'  | high evergreen trees |

(4) Alternative Unit 4.

- |              |                     |
|--------------|---------------------|
| (i) 10 - 18" | high shrubs         |
| (ii) 1 - 8'  | high evergreen tree |

(iii) 2 - 6' high evergreen trees

(5) Alternative Unit 5.

(i) 3 - 3" caliper canopy trees

(ii) 2 - 2.5" caliper canopy trees

(iii) 5 - 18" high shrubs

(6) Alternative Unit 6.

(i) 1 - 2.5" caliper canopy tree

(ii) 21 - 12" high canopy tree whips at minimum 10' on center spacing

**18-1-71 Landscaping standards on-site.**

(a) In general.

In accordance with the guidelines set forth in (b) below, planned and nonresidential developments shall contain a minimum amount of on-site landscaping in those areas not designated as parking areas, buffer yards, or buildings as specified in the table below. Existing vegetation may qualify at the discretion of the Planning Director.

**TABLE OF STANDARDS FOR ON-SITE LANDSCAPING**

DISTRICT AND USE	NUMBER OF PLANT UNITS (per acre of required open space or landscape surface area)
AGRICULTURAL (AG) agriculture agricultural support all other nonresidential	none 2/acre 2/acre
COUNTRYSIDE (CS) agriculture planned all other nonresidential	none 4/acre 4/acre
ESTATE (E) planned all other nonresidential	4/acre 2/acre
NEIGHBORHOOD CONSERVATION (NC)	4/acre
SUBURBAN ESTATE (SE) planned all other non-residential	4/acre 2/acre
SUBURBAN RESIDENTIAL (SR) planned	4/acre

DISTRICT AND USE	NUMBER OF PLANT UNITS (per acre of required open space or landscape surface area)
institutional	5/acre
all other nonresidential	5/acre
SUBURBAN COMMERCIAL (SC)	5/acre
SUBURBAN INDUSTRIAL (SI)	5/acre
URBAN RESIDENTIAL (UR)	
planned	none
all other nonresidential	6/acre
URBAN COMMERCIAL (UC)	4/acre
VILLAGE CENTER (VC)	none*
LIGHT INDUSTRIAL HIGHWAY SERVICE (LIHS)	6/acre (75% located in front and side yards)
* May be conditioned to meet the unique needs of the immediate area as part of the approval process.	

(b) Landscape Design Guidelines.

To allow for better site design, placement of plant material, screening, and buffering, the following design guidelines are intended to allow for flexibility in the placement of required plantings to address site-specific conditions but shall not be used to reduce the amount of required planting material.

- (1) A variety of species shall be used in the preparation of the landscaping plan and the use of native species is encouraged. The landscaping plan should include a mix in plant size, shape, and textures.
- (2) The landscaping plan should incorporate a mix of species and materials that account for the seasonal changes. The plant materials should include flowering plants and evergreens that add color to the site year round.
- (3) Landscaping and screening treatments between potentially incompatible uses should be installed or enhanced to lessen negative impacts.
- (4) Ornamental grasses may be substituted for required shrubs.
- (5) Foundation landscaping is strongly encouraged around commercial buildings.
- (6) Retention of existing trees on site is encouraged. When existing trees are kept on site they may be counted towards required landscaping provided they meet the minimum size provided in the landscaping standards.
- (7) Landscaping shall not be placed in a location that may obstruct lines of site for motorist or pedestrians that could result in an unsafe situation.

(8) Substitution of required plants sizes may be considered in limited circumstances to address specific needs of the site or impacts on the adjacent properties.

(9) Landscaping shall be used to break up large expanses of wall space on nonresidential buildings.

(10) The bases of freestanding signs shall be ornamental or landscaped.

(11) Landscaping should be used to screen mechanical equipment and outside storage of bulk materials.

**18-1-72 Landscaping Standards for Parking Lots.**

(a) In general.

(1) Planned developments and nonresidential parking lots shall contain a minimum amount of landscaping within the parking lots and adjoining entrance drives and circulation drives as specified in Subsections (b)(1) through (5) of this Section.

(b) 1.5 plant units.

(1) The standard specified in paragraph (2) of this Subsection is required for:

- (i) All residential uses in the estate E, SE, SR, UR, and VC districts; and
- (ii) agricultural support uses in the AG and CS districts.

(2) For every 24 parking spaces, 1.5 plant units.

(3) 2.0 plant units.

(i) The standard specified in paragraph (3) of this Subsection is required for all uses in the UC district.

(ii) For every twenty-four (24) parking spaces, 2.0 plant units.

(4) 2.5 plant units.

(i) The standard specified in paragraph (2) of this Subsection is required for:

1. All nonresidential uses in the UR district; and

2. All uses in the VC district, provided that within the VC district, this requirement may be conditioned to meet the unique needs of the immediate area as part of the approval process.

(ii) For every twenty-four (24) parking spaces, 2.5 plant units.

(5) 3.0 plant units.

(i) The standard specified in paragraph (ii) of this Subsection is required for all nonresidential uses except agriculture and agriculture support uses, in the AG, CS, E, SE, SR, UR, SC, SI, and LIHS districts.

(ii) For every twenty-four (24) parking spaces, 3.0 plant units.

#### **Subpart 4. Buffer Yard Standards**

##### **18-1-73 Purpose of Buffer Yards.**

As set forth in this Subpart, buffer yards are required to:

(1) Eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas; or

(2) Provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

##### **18-1-74 Buffer Yard Requirements.**

(a) In general.

Buffer yards:

(1) Shall be located on the outer perimeter of a lot extending to the lot line; and

(2) May not be located on any portion of an existing or dedicated public or private street or right-of-way.

(b) Procedure.

To determine the type of buffer yard required on a lot or between two (2) lots or between a lot and a street, the following procedure shall be used:

(1) Identify whether any portion or lot line of the site constitutes a zoning district boundary (if it does, determine the zoning on both sides of the property);

(2) Determine whether the adjoining lot is vacant or developed;

(3) Classify any street adjacent to the proposed use as an arterial, collector, local, or other street; and

(4) Determine the buffer yard required on each boundary (or segment hereof) of the lot proposed for development by referring to Section 18-1-76 of this Subtitle.

**18-1-75 Responsibility for Buffer Yards.**

- (a) Proposed use adjacent to vacant lot.

When a proposed use adjoins a vacant lot for which a buffer yard is required by the presence of a zoning boundary, the proposed use shall provide one-half (½) of the required buffer.

- (b) Second use to develop.

(1) The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total required buffer yard.

(2) If the adjoining use had developed prior to April 9, 1987 without a buffer yard, the second use is responsible for installing the total required buffer yard.

- (c) Existing plant material.

Existing plant material and/or land located on the first developed lot that meets the requirements of this Subtitle may be counted as contributing to the total required buffer yard.

- (d) Adjacent lots.

All or a portion of a required buffer yard may be provided on an adjacent lot provided that both property owners execute a recordable instrument to that effect which shall be reviewed and approved by the Planning Director.

**18-1-76 Table of Required Buffer Yards and Street Buffers.**

- (a) General buffer yard and street buffer requirements.

The letters in the tables below establish buffer yard requirements and standards along adjacent zoning districts and streets, unless otherwise set forth in paragraphs (b) - (e) of this Subpart. For example, a "B" buffer yard is described in the "Table of Buffer Yard Standards" as being fifteen (15) feet wide and containing two (2) plant units, as described in Section 18-1-70, per one hundred fifty (150) lineal feet.

**DISTRICT BOUNDARY BUFFERS**

**Adjacent Zoning District**

Developing Property Zoning District	AG, CS	E	SE,SR,NC	UR, VC	SC	SI, UC, TC	LIHS
AG, CS	--	--	--	--	--	--	--
E	A	--	B	C	D	E	E
SR, SE	--	A	--	A	D	E	E
UR, VC	B	C	B	--	C	D	D
SC	D	D	D	C	--	A	A
SI, UC	D	E	E	D	A	--	--
LIHS	L	L	L	L	L	L	--
NC	B	B	--	B	A	A	A

**STREET BUFFERS**

Developing Property Zoning District	Arterial Street	Collector Street	Local Residential Street	Other Street
AG	--	--	--	--
CS	S	A	--	--
E, SE, SR	D	C	S	S
UR	D	C	C	C
VC	B	S	B	S
SC	B	S	B	S
SI	D	C	E	S
UC, TC	B	B	D	S
LIHS	L	L	L	L
NC	C	C	C	C

**TABLE OF BUFFER YARD STANDARDS**

Buffer yard	Number of plant units per 150 lineal feet	Buffer yard Width
A	1	15 feet
B	2	15 feet
C	3	20 feet
D	4	20 feet
E	5	20 feet
S	2	10 feet from edge of street r.o.w.
L	8	40 feet

- (b) Exception -- Property line not exactly one hundred fifty (150) feet.

In cases where the property line requiring a buffer is less than one hundred fifty (150) feet in length, a minimum of one plant unit is required. For property lines requiring a buffer that is more than one hundred fifty (150) feet in length, but not an even multiple of one hundred fifty (150) feet, the required amount of plant units shall be calculated and determined by the Planning Director.

- (c) Same -- Commercial or industrial use.

In cases where a commercial or industrial use is proposed adjacent to a residentially zoned property with an existing residential use, the Planning Commission may require earthen berms and/or opaque or semi opaque fencing in addition to the required plant units.

- (d) Cluster subdivisions.

In cases where a cluster residential development is proposed in any zoning district outside of the growth areas, the developing property shall provide a vegetative buffer along the perimeter property line to provide additional protection for the existing and continuing agricultural uses on adjacent properties. The buffer will occur regardless of the presence or absence of required district boundary and will consist of mature plant material of significant size and density to provide immediate buffering capacity. This buffer may be used in conjunction with meeting requirements of Subtitle 2, Forest Conservation Act.

- (e) Buffer design.

Notwithstanding the other provisions of this Section, the design of a required buffer shall ensure that neighboring properties and public rights-of-way are adequately screened from adverse external effects of proposed adjacent uses.

#### **18-1-77 Buffer yard use.**

- (a) In general.

A buffer yard:

- (1) may be used for passive recreation or storm water management; and
- (2) may contain pedestrian, bike, or equestrian trails provided that:
  - (i) a required plant material is not eliminated;
  - (ii) the total width of the buffer yard is maintained; and
  - (iii) all other requirements of this Subtitle are met.

(b) Prohibited uses.

Except as provided in (a) above, no other use, including active recreation, may be allowed in buffer yards.

**Subpart 5. Sign Standards**

**18-1-78 Purpose of Sign Standards.**

(a) Purpose.

The purposes of the sign regulations under this Subpart are to:

- (1) Protect the public health, safety, and welfare by minimizing traffic hazards created by signage that may onerously distract a driver's attention from the road;
  - (2) Encourage the effective use of signs as a means of communication in the County;
  - (3) Maintain and enhance the aesthetic environment and the County's ability to attract and retain sources of economic development and growth;
  - (4) Protect the rural appearance of the County in areas where rural character predominates;
  - (5) Conserve the scenic beauty of the County;
  - (6) Improve traffic and pedestrian safety;
  - (7) Minimize the possible adverse effects of signs on nearby public and private property;
- and
- (8) Enable the fair and consistent enforcement of these sign regulations.

(b) Intent.

The sign regulations under this Subpart are not intended to regulate or infringe upon any type of free speech and shall be applied to all advertising displays regardless of the content of the sign message.

**18-1-79 Measurement of Sign Area.**

(a) In general.

Sign area shall be measured in the following manner.

**(b) Freestanding, projecting, and marquee signs.**

(1) In the case of a freestanding, projecting, or marquee sign, sign area consists of the entire surface area of the sign on which copy could be placed.

(2) The supporting structure or bracing of a sign shall not be counted as part of the sign's area.

(3) If a sign has two (2) display faces back to back that are no more than two (2) feet apart, the area of only one (1) face shall be considered as the sign face area.

(4) If a sign has more than one (1) display face, all areas that can be viewed simultaneously shall be considered the sign face area.

**(c) Other signs—Border.**

In the case of a sign, other than a freestanding, projecting, or marquee sign, whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background.

**(d) Same—No border.**

In the case of a sign, other than a freestanding, projecting, or marquee sign, whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest polygon that can encompass all words, letters, figures, emblems, and other elements of the sign message.

**18-1-80 Sign Lighting.**

**(a) In general.**

(1) Subject to paragraph (2) of this Subsection, signs may be illuminated by any of the following techniques.

(2) In the AG, CS, E, SE, SR, UR, and NC districts, signs for nonresidential uses may only be illuminated by illuminated letter lighting or a shielded spotlight.

**(b) General illumination.**

With general illumination, the sign itself neither is lighted internally nor has an external source of light specifically directed at it. Rather, the sign depends on the general illumination of the area (e.g., parking lot, traffic, or pedestrian areas) for its illumination.

**(c) Internally illuminated sign.**

With an internally illuminated sign, the sign is made of translucent material with internal lights.

(d) Internally illuminated letter sign.

With an internally illuminated letter sign, the sign is made of metal, wood, or other material that is not translucent, and the message is made of a translucent material that is lighted from within the sign. Signs that consist of or contain tubes that:

(1) are filled with neon or some other gas that glows when an electric current passes through it; and

(2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign, shall be considered internally illuminated letter signs.

(e) Backlight illumination.

With backlight illumination, the sign message is opaque and is raised beyond the sign's background and the diffused-lighting sources illuminate the background.

(f) Shielded spotlight illumination.

With shielded spotlight illumination, the sign is lighted by spotlights specifically directed at the sign and fully shielded so that the source is not visible from streets or adjoining property.

**18-1-81 General Regulations.**

(a) Sign permit needed; exceptions.

(1) Except as provided in paragraph (2) of this Subsection, a person may not erect, alter, or relocate any sign without first obtaining a sign permit as provided in Part VII of this Subtitle.

(2) Allowed signs without a permit.

(i) The following signs are allowed, subject to the restrictions under this paragraph, without a sign permit.

(ii) Signs not exceeding four (4) square feet in area that are customarily associated with a residential use and that are not of a commercial nature, such as:

1. Signs giving property identification names or numbers or the names of occupants;

2. Signs on mailboxes or newspaper tubes; and

3. Signs posted on private property relating to parking or warning the public against trespassing, hunting, danger from animals, etc.

(iii) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

(iv) Official signs of a noncommercial nature erected by public utilities.

(v) National, state, local, and nonprofit or service organization flags when not displayed in connection with a commercial promotion or as an advertising device.

(vi) Internal decorative or architectural features of buildings or works of art, as long as such features or works do not contain letters, logos, trademarks, or moving parts.

(vii) Signs directing and guiding traffic on private property that do not exceed four (4) square feet and that do not bear advertising matter.

(viii) Church bulletin boards, church identification signs, and church directional signs as long as such signs:

1. Do not exceed one per abutting street;
2. Do not exceed 16 square feet in area; and
3. Are not internally illuminated.

(ix) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(x) One (1) sign identifying a permitted home occupation provided that the sign does not exceed four (4) square feet in area or six (6) feet in height and is not illuminated.

(xi) One (1) property security system identification sign provided that the sign does not exceed one (1) square foot in area.

(xii) Crop identification signs provided each sign does not exceed thirty-two (32) square feet in area and is not illuminated.

(xiii) Political signs.

1. Political signs advertising political parties or candidates for election.

2. A political sign may not:

- i. Exceed thirty-two (32) square feet in area; or
- ii. Be erected more than seventy (70) days prior to the election to which it pertains.

3. Unsuccessful candidates in a primary election must remove their political signs within thirty (30) days after the primary election.

4. All political signs must be removed within thirty (30) days after a general election.

5. The erector of a political sign or an authorized agent of the political party or candidate shall be required to obtain a temporary sign permit from the Zoning Office.

(xiv) A real estate sign provided that the sign:

1. Is located on the property advertised;

2. Is not directly illuminated;

3. Is removed within seven (7) days after a deed has been recorded for the sale or a lease is signed for the lease or rental of the property; and

4. Does not exceed:

i. For residential districts, six (6) square feet or six (6) feet in height; or

ii. For commercial or office districts, thirty-two (32) square feet or ten (10) feet in height.

(xv) Signs advertising permitted temporary produce sales, provided that the signs are in conformance with Section 18-1-55(4)(vi) of this Subtitle.

(xvi) Construction signs.

1. Construction site identification signs, which may:

i. identify the project, the owner or developer, architect, engineer, contractor and subcontractors, and funding sources; and

ii. contain related information, including sale and leasing information.

2. Not more than one (1) construction sign may be erected per site.

3. A construction sign may not exceed thirty-two (32) square feet in area or ten (10) feet in height.

4. A construction sign:

- i. May not be erected prior to issuance of a building permit; and
- ii. Shall be removed within ten (10) days after issuance of a final occupancy permit.

5. For single-family residential projects, one sign, not to exceed ten (10) square feet or six (6) feet in height, may be allowed.

(xvii) Displays, including lighting, erected in connection with the observance of County, State, or federally recognized holidays provided that such display is removed within ten (10) days following the holiday.

(xviii) Signs attached to the interior of a building window or glass door.

(3) Sign alterations.

The repainting, changing of parts, and preventative maintenance of signs are not deemed alterations requiring a sign permit.

(4) Moving signs generally prohibited.

Except for time and/or temperature signs, and other permitted electronic signs, no flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations are permitted.

(5) Obstructing traffic prohibited.

A sign may not obstruct a clear view of traffic along any street right-of-way, entrance, or exit. Signs located at the intersection of public roads shall be subject to the requirements of the Title 23 of this Code.

(6) Sign location.

Except for signs of a duly constituted governing body, a sign, including a traffic sign or similar regulatory notice, may not project or be located within road right-of-way lines.

(7) Height and clearance.

(i) The height of a freestanding sign may be measured from the grade of an adjoining road provided that the road is within fifty (50) feet of the location of the proposed sign. If there is no road located within fifty (50) feet, or if the natural grade of the sign site is higher than the grade of the adjoining road, the height of a freestanding sign shall be measured from the existing natural grade of the ground below the proposed sign.

(ii) The clearance of a projecting sign shall be measured from the base of the sign face to the ground below finished grade. Clearance of a projecting sign shall be at a minimum of seven (7) feet above finished grade.

(8) Wall signs.

A wall sign may not extend beyond the facade edge of a building. Wall signs may not extend beyond the edge of any wall to which they are mounted, nor may they project more than eighteen (18) inches from the wall surface. A sign attached to the roof is considered a wall sign and may not extend beyond the edge of a roof line or higher than the roof line.

(9) In buffer yard.

A sign may not be located within a required buffer yard unless the buffer yard is adjacent to a public road or right-of-way.

(10) Sign performance standards for permanent freestanding, wall, and projecting signs.

(i) The number of freestanding signs allowed is as follows.

1. In the UC, SC, SI, LIHS, and VC districts, a nonresidential development site (single or multiple use site) is allowed one (1) freestanding sign or, if the site has more than five hundred (500) feet of road frontage on a single road or has frontage on two or more adjoining roads, two (2) freestanding signs. If a site has adjoining frontage on multiple roads, only one (1) freestanding sign is allowed on each frontage unless that frontage exceeds five hundred (500) feet. In no case shall a development site have more than two (2) freestanding signs with a total combined freestanding sign surface area exceeding that which is allowed under this Subtitle.

2. In the AG, CS, E, SE, SR, UR, and NC districts, a legally permitted nonresidential development site (single or multiple use site) is allowed one freestanding sign.

(ii) The freestanding sign surface area is as follows.

1. In the UC, SC, SI, LIHS, and VC districts, the total maximum freestanding sign surface area for a nonresidential development site (single or multiple use site) shall be determined in accordance with the following table.

Development Site	Maximum Freestanding Sign Surface Area
0 - 24,999 sq. ft. gfa or 0 - 299 ft. linear road frontage	150 sq. ft.
25,000 - 49,999 sq. ft. gfa or 300 - 499 ft. linear road frontage	200 sq. ft.
50,000 sq. ft. gfa or 500 or more ft. linear road frontage	250 sq. ft.
gfa = gross floor area	

2. In the AG, CS, E, SE, SR, UR, and NC districts, a legally permitted nonresidential development site (single or multiple use site) is allowed a maximum of thirty-five (35) square feet of total freestanding sign surface area.

(iii) Freestanding sign height, setback, and base restrictions are as follows.

1. In the UC, SC, SI, LIHS, and VC districts, the maximum height of a freestanding sign shall be determined in accordance with the following table.

Distance of Sign to Nearest Property Line	Maximum Height
At property line - 24 feet	20 ft.
25 - 49 ft. setback	25 ft.
50 ft. setback or larger	30 ft.

2. In the AG, CS, E, SE, SR, and NC districts, the maximum height of a freestanding sign is ten (10) feet.

3. No portion of a freestanding sign may extend beyond a property line of the development site onto another property or public right-of-way.

4. All freestanding signs shall have an architectural base or a landscaped area consisting of low shrubs, ornamental grasses, or similar vegetation at the base of the sign that is at least as long as the sign face area and a minimum of four (4) feet in width. A freestanding sign support may not consist of bare poles or posts entering the ground.

(iv) Wall or projecting sign surface area restrictions are as follows.

1. A nonresidential development (single or multiple use site) is allowed a maximum wall or projecting sign surface area per use. The maximum total area can be used

solely for wall signs, solely for projecting signs, or for a combination of wall and projecting signs.

2. In the case of a nonresidential development site with multiple uses on a parcel of record, wall or projecting sign permits may be issued in the name of the parcel owner or the owner's agent rather than in the name of individual businesses requesting a particular sign. The property owner or agent may proportionately allocate total wall or projecting sign area among various uses or tenants. The County is not responsible for enforcing any provisions of an owner's allocation formula, lease arrangements, or other private contractual restrictions.

3. In the UC, SC, SI, LIHS, or VC districts, total maximum wall or projecting sign surface area per nonresidential use shall be determined in accordance with the following table.

Gross Floor Area of Individual Uses	Maximum Wall or Projecting
Sign surface area	
0 - 24,999 sq. ft.	60 sq. ft.
25,000 - 49,999 sq. ft.	80 sq. ft.
50,000 or larger sq. ft.	100 sq. ft.

4. In cases where a property owner or agent has devised and submitted an allocation formula for a multiple use development site, wall or projecting sign area for a specific use may exceed that allowed in the above table provided that the overall total wall or projecting sign surface area for the entire multiple use development is not exceeded.

(v) In the AG, CS, E, SE, SR, UR, and NC districts, a legally permitted nonresidential development site is allowed twenty (20) square feet of wall or projecting sign area per use.

(vi) As long as total wall or projecting sign surface area is not exceeded, there is no limit on the total number of wall or projecting signs.

(vii) A property owner may increase total wall or projecting sign surface area by transferring up to 25% of the development site's total freestanding sign surface area to wall signage if a reduced size freestanding sign is used. If no freestanding sign is used, a property owner may transfer up to 50% of the development site's total freestanding sign surface area to wall signage.

(11) Notwithstanding any other provisions of this section, a nonresidential use in the UC, SC, SI, LIHS, or VC district that adjoins a navigable waterway is allowed the following signage in addition to what is otherwise allowed under this Subtitle.

(i) One (1) freestanding sign oriented toward the waterway, not exceeding ten (10) feet in height and thirty-two (32) square feet in surface area, is allowed.

(ii) One (1) wall sign on the building facade facing the waterway, not exceeding sixty (60) square feet in area, is allowed.

(12) Notwithstanding any other provisions of this section, all permitted and conditional, commercial, and institutional uses in the CS district that are located on property within one thousand (1,000) feet of an arterial road are allowed one (1) freestanding sign with a total sign area not exceeding one hundred fifty (150) square feet and not exceeding twenty (20) feet in height.

**18-1-82 Detailed Sign Regulations By Sign Type.**

**(a) Development identification signs.**

(1) On-premises development identification signs are permitted provided that a sign:

(i) Only provides the name of the subdivision, planned development, or planned industrial/business park, or institutional, recreational, and public uses;

(ii) Does not exceed thirty-two (32) square feet in surface area;

(iii) Does not exceed six (6) feet in height; and

(iv) Is freestanding.

(2) Lighting of a development identification sign may be by internal lighting, backlighting, general illumination lighting, or by shielded spotlights.

(3) A development identification sign for a rental or lease development may contain the name and telephone number of the leasing agent together with such wording as “Rental Information,” “Leasing,” or other related wording provided this information is limited to less than eight (8) square feet or one-quarter ( $\frac{1}{4}$ ) of the total sign area, whichever is less.

(4) Not more than two (2) on-premises development identification signs are permitted per development.

**(b) Marquee signs.**

Theaters, museums, and auditoriums are permitted one marquee sign provided that:

(1) The sign is not larger than the greater of:

(i) Fifteen percent (15%) of the area of the facade on which it is located; or

(ii) Two hundred fifty (250) square feet in area; and

(2) No other wall or projecting signs are permitted.

- (c) Directional information on certain on-premises freestanding signs.

Notwithstanding the provisions of Section 18-1-81(a)(10) of this Subtitle, any on-premises freestanding sign in the UC, SC, SI, LIHS, and VC districts that is oriented towards a controlled access highway may incorporate a ten (10) square foot increase in sign area provided that a minimum of ten (10) square feet is used for highway exit information.

- (d) Off-site directional signs.

(1) Except as provided under paragraph (4) of this Subsection, a permanent off-site directional sign stating the name of a business or business area is allowed in all districts in accordance with this Subsection.

(2) The business or business area sign shall be located on a local or collector street and shall be at least one thousand (1,000) feet of road distance from a major highway or arterial roadway.

- (3) An off-site directional sign may only be used for:

- (i) Any other use determined by the planning commission to be tourism related.
- (ii) Bed and breakfasts;
- (iii) Campgrounds;
- (iv) Clubs, lodges, and fraternal and service organizations;
- (v) Community business areas;
- (vi) Conference centers; and
- (vii) Country store;
- (viii) Cultural, historical, or environmental education sites;
- (ix) Golf courses;
- (x) Hotels, motels, and country inns;
- (xi) Marinas;
- (xii) Pick-your-own-produce stands;
- (xiii) Plant nurseries;
- (xiv) Produce stands;
- (xv) Restaurants;

- (xvi) Shooting clubs;
- (xvii) Waterfront event sites;
- (4) Off-site directional signs may not be used for home occupations.
- (5) Off-site directional signs shall only be located in public road, rights-of-ways. The location of the sign is to be determined, as applicable, by:
  - (i) The County Department of Public Works; or
  - (ii) The State Highway Administration.
- (6) Each sign shall be constructed in accordance with standards adopted by the County Department of Public Works.
- (7) Not more than four (4) signs may be supported by a single structure.
- (8) Not more than one (1) sign for a single business or business area is allowed in one (1) direction at any intersection on any major highway or arterial roadway.
- (9) Not more than two (2) structures that support the signs are allowed in any one (1) direction at an intersection located on a major or arterial roadway.
- (10) The Planning Commission may allow additional signs in excess of the number allowed under this Subsection at not more than two (2) intersections of collector or local roads leading to a business or business area.
- (11) An off-site directional sign may not be illuminated by an external source of light specifically directed at it.
- (12) Approval shall be obtained from the Department of Planning and Zoning authorizing the installation of a sign. Application for approval shall be made to the Department and shall include:
  - (i) The location of the business or business area;
  - (ii) The intersections requested for the location of the sign; and
  - (iii) The name of the business or business area that will appear on the sign.
- (13) There is a \$150 fee for each sign. All fees for the installation and maintenance of the sign are to be paid when required.
- (14) The person requesting approval of an off-site directional sign shall provide a sign that conforms to the standards adopted by the County Department of Public Works.
- (15) The Department of Public Works is responsible for the installation of each sign.

(16) A sign may be replaced by:

(i) Paying a \$25 installation fee to the County; and

(ii) Providing the Department of Public Works with a new sign that conforms to the Department's standards.

(e) Public/quasi-public directional signs.

(1) Off-premises directional signs are permitted so as to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools, unincorporated communities, or general commercial areas provided that a sign may not exceed eight (8) square feet in area.

(2) On-premises directional signs shall be permitted for the purpose of directing on-site circulation and identifying parking and loading areas provided that a sign may not exceed:

(i) Four (4) square feet in area; and

(ii) Five (5) feet in height.

(f) Banners.

(1) Banners are allowed as a temporary sign in the UC, SC, SI, LIHS, and VC districts, subject to the conditions under this Subsection.

(2) A temporary sign permit is required.

(3) A permit for a banner is valid for fifteen (15) days.

(4) A maximum of six (6) banner permits is allowed per use per year.

(5) A banner may not exceed sixty (60) square feet of sign area.

(6) A banner must be securely fastened to a solid wall of a permanent on-site structure and may not be supported by freestanding poles or deck railings, hung on the side of a vehicle, or be located on any roof.

(7) A banner may be used only to advertise activities conducted on the property on which the banner is located or to present public service information.

(g) Special event activities.

(1) On-premise signs and banners for a special event such as a grand opening, fair, carnival, circus, festival, or other similar event are allowed, subject to the conditions under this Subsection.

(2) A sign or banner may not be erected earlier than four (4) weeks before the event and shall be removed not later than one (1) week after the event. There may not be more than two (2) signs or banners per event.

- (3) A sign or banner may not exceed thirty-two (32) square feet in sign area.
- (4) Banners used as special event signs may be supported by freestanding poles.
- (5) Periodic sales events and promotional marketing for an existing business do not constitute special events for purposes of this Subsection.

**(h) Off-premises signs.**

Off-premises signs (including billboards) are prohibited except as specifically allowed under this Subtitle.

**Subpart 6. Off-Street Parking and Off-Street Loading Standards**

**18-1-83 Application of Subpart.**

This Subpart describes required standards for off-street parking and off-street loading.

**(a) Application of section.**

(1) The County Commissioners recognize that the parking space requirements set forth in this Section cannot and do not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Commission may determine the parking space requirement using this Subpart as a guide.

**(2) Shared and mixed use parking.**

(i) In some cases one parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to any other use.

(ii) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the Planning Commission may allow for the same spaces to be credited to both uses, thereby reducing the overall parking space requirement. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(iii) If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 18-1-83(a)(3) are also applicable.

**(3) Satellite parking.**

(i) If the number of off-street parking spaces required by this Title cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is

located, then the Planning Commission may allow spaces to be provided on adjacent or nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to in this Section as “satellite parking spaces.”

(ii) All such satellite parking spaces, except spaces intended for employee use, must be located within four hundred (400) feet of a public entrance of a principal building housing the use associated with such parking, or within four hundred (400) feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(iii) The developer wishing to take advantage of the provisions of this Section must present a binding legal contract that he has the permission of the property owner of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his certificate of occupancy or zoning permit depends upon his continuing ability to provide the requisite number of parking spaces.

(iv) Existing parking spaces used for satellite parking shall satisfy the paving, maintenance, design and landscaping requirements of this Title, insofar as practical.

(b) In general - required number of parking spaces to be provided.

Unless modified by the Planning Commission as described in Section 18-1-83, the following minimum number of parking spaces shall be required for the uses specified in Subsections (c) through (p) of this Section.

(c) Commercial and entertainment uses.

(1) Except as otherwise specifically designated in this Subsection, for commercial and entertainment uses, the minimum number of parking spaces shall be:

(i) One (1) space per three hundred fifty (350) square feet of gross floor area of customer sales and service and office gross floor area; and

(ii) One (1) space per five hundred (500) square feet of storage or warehousing area or, if the use has at least 100,000 square feet of gross floor area, four spaces per one thousand (1,000) square feet of gross floor area.

(2) For banks, the minimum number of parking spaces shall be:

(i) One (1) space per two hundred (200) square feet of gross floor area; and

(ii) Five (5) off-street waiting spaces (same size as a parking space) per drive-in lane.

(3) For beauty and barber shops, the minimum number of parking spaces shall be:

(i) The greater of:

1. Two (2) spaces per operator; or
2. One space per one hundred (100) square feet of gross floor area; and
  - (ii) One (1) space per employee on the largest work shift.
- (4) For funeral homes, the minimum number of parking spaces shall be the greater of:
  - (i) One (1) space per four (4) patron seats; or
  - (ii) Twenty (20) spaces per chapel unit.
- (5) For grocery stores and supermarkets, the minimum number of parking spaces shall be:
  - (i) One (1) space per one hundred (100) square feet of gross floor area of customer sales and service; and
  - (ii) One (1) space per employee on the largest work shift.
- (6) For hospitals, the minimum number of parking spaces shall be:
  - (i) Two (2) spaces per three (3) patient beds; and
  - (ii) One (1) space per staff doctor and each other employee on the largest work shift.
- (7) For hotels, country inns and bed-and-breakfasts, the minimum number of parking spaces shall be:
  - (i) One (1) space per room or suite;
  - (ii) One (1) space per every three (3) employees on the largest work shift;
  - (iii) One (1) space per three (3) individuals to the maximum capacity of each public meeting and/or banquet room; and
  - (iv) Fifty percent (50%) of the spaces otherwise required for accessory uses (e.g., restaurants and bars).
- (8) For private clubs, the minimum number of parking spaces shall be one (1) space per three (3) individuals to the maximum capacity of the facility.
- (9) For auto, boat and RV repair services, the minimum number of parking spaces shall be:
  - (i) One (1) space per three hundred (300) square feet of gross floor area; and
  - (ii) One (1) space per employee on the largest work shift.
- (10) For restaurants, the minimum number of parking spaces shall be:

(i) the greater of:

1. One (1) space per three (3) patron seats; or
2. One (1) space per one hundred (100) square feet of gross floor area; and

(ii) One (1) space per employee on the largest work shift.

(11) For commercial and trade schools, the minimum number of parking spaces shall be:

(i) One (1) space per three (3) students; and

(ii) One (1) space per employee (including faculty) at capacity class attendance period.

(12) For shopping centers of 100,000 square feet or more of floor area, the minimum number of parking spaces shall be four (4) spaces per one thousand (1,000) square feet of gross floor area.

(13) For shopping centers of less than 100,000 square feet of floor area, the minimum number of parking spaces shall be equal to what is required for what can best be determined to be the individual components of the center.

(14) For theaters and auditoriums, the minimum number of parking spaces shall be one (1) space per three (3) patrons based on maximum capacity. This requirement may be satisfied on a space-by-space basis by the facility if the facility provides written proof that it has the use of a nearby parking lot available to its patrons (e.g., by contractual agreement).

(15) For antique and trade shops the minimum number of parking spaces will be 2.5 spaces per one thousand (1000) square feet of floor area.

(16) For furniture stores the minimum number of parking spaces shall be 2.5 per one thousand (1000) square feet of retail space.

(d) Commercial/recreational uses.

(1) Except as otherwise specifically designated in this Subsection, for commercial/recreational uses, the minimum number of parking spaces shall be:

(i) One (1) space per four (4) patrons to the maximum capacity of the facility; and

(ii) One (1) space per two (2) employees on the largest work shift.

(2) For bowling alleys, the minimum number of parking spaces shall be:

(i) Five (5) spaces per lane; and

(ii) One (1) space per employee on the largest work shift.

(3) For marinas, the minimum number of parking spaces shall be:

- (i) One (1) space per two (2) slips;
- (ii) Eight (8) large 10-foot by 40-foot spaces per trailer launch space; and
- (iii) One (1) space per employee on the largest working shift.

(4) Between October 15 and April 15, 75% of such spaces may be used for boat storage and repairs.

(5) For ice skating rinks and roller skating rinks, the minimum number of parking spaces shall be one (1) space per three hundred (300) square feet of gross floor area.

(e) Institutional, indoor, recreational, and special residential uses.

(1) Except as otherwise specifically designated in this Subsection, for institutional, indoor, recreational, and special residential uses, the minimum number of parking spaces shall be:

- (i) One (1) space per three (3) patrons to the maximum capacity; and
- (ii) One (1) space per employee on the largest work shift.

(2) For day and youth camps, the minimum number of parking spaces shall be:

- (i) One (1) space per employee on the largest work shift; and
- (ii) One (1) space per camp vehicle normally parked on the premises.

(3) For cemeteries, no parking spaces are required.

(4) For churches, the minimum number of parking spaces shall be one (1) space per four (4) seats to the maximum capacity.

(5) For community and recreation centers, the minimum number of parking spaces shall be:

- (i) One (1) space per employee on the largest work shift; and
- (ii) Either:
  - 1. One (1) space per two hundred fifty (250) square feet of gross floor area; or
  - 2. One (1) space per four (4) patrons to the maximum capacity.

(6) For day and nursery schools, the minimum number of parking spaces shall be:

- (i) One (1) space per teacher/employee on the largest work shift; and

(ii) One (1) off-street loading space per six (6) students.

(7) For group dwellings, the minimum number of parking spaces shall be one (1) space per bedroom or sleeping room.

(8) For libraries and museums, the minimum number of parking spaces shall be:

(i) The greater of:

1. One (1) space per two hundred fifty (250) square feet of floor area; or
2. One (1) space per four (4) seats to the maximum capacity; and
3. One (1) space per employee on the largest work shift.

(9) For monasteries and convents, the minimum number of parking spaces shall be:

- (i) One (1) space per six (6) residents;
- (ii) One (1) space per employee on the largest work shift; and
- (iii) One (1) space per five (5) chapel seats if the public may attend.

(10) For nursing homes, the minimum number of parking spaces shall be:

- (i) One (1) space per six (6) patient beds;
- (ii) One (1) space per employee on the largest work shift; and
- (iii) One (1) space per staff member and visiting doctor.

(11) For elementary and junior high schools, the minimum number of parking spaces shall be:

- (i) One (1) space per teacher or staff member; and
- (ii) One (1) space per two (2) classrooms.

(12) For senior high schools, the minimum number of parking spaces shall be:

- (i) One (1) space per teacher or staff member on the largest work shift; and
- (ii) One (1) space per five (5) nonbused students.

(13) For colleges, the minimum number of parking spaces shall be:

- (i) One (1) space per staff member on the largest work shift; and

(ii) One (1) space per two (2) students of the largest class attendance period.

(14) For swimming facilities, the minimum number of parking spaces shall be:

(i) One (1) space per seventy-five (75) square feet of gross water area; and

(ii) One (1) space per employee on the largest shift.

(15) For tennis, racquetball, and handball courts, the minimum number of parking spaces shall be:

(i) Two (2) spaces per court; and

(ii) One (1) space per employee on the largest work shift.

(16) For rural country clubs the minimum number of parking spaces shall be:

(i) Four (4) parking spaces per each golf hole, plus;

(ii) One (1) space for every four (4) persons of the total maximum rated capacity. "Total maximum rated capacity" refers to the sum of the rated capacities for all interior public assembly areas, as determined by the State Fire Marshal's office.

(iii) An overflow parking area shall be designated which can accommodate the same number of cars as required by this Subsection. The overflow parking area need not be paved or otherwise improved but must meet all property line setback and buffer yard requirements.

(f) Nursery uses.

For nursery uses, the minimum number of parking spaces shall be:

(1) One (1) space per employee on the largest work shift; and

(2) One (1) space per two hundred (200) square feet of gross floor area for inside sales or display.

(g) Office uses.

(1) Except as otherwise specifically designated in this Subsection, for general offices, the minimum number of parking spaces shall be four (4) spaces per one thousand (1,000) square feet of gross floor area.

(2) For medical offices, the minimum number of parking spaces shall be five (5) spaces per full-time doctor.

(3) For personal services, the minimum number of parking spaces shall be:

(i) One (1) space per two hundred (200) square feet of basement and first floor gross floor area;

(ii) One (1) space per three hundred (300) square feet of any additional floor area for customer service; and

(iii) One (1) space per employee on the largest work shift.

(4) For industry offices, the minimum number of parking spaces shall be 2.5 spaces per one thousand (1,000) square feet of gross floor area.

**(h) Outdoor recreational uses.**

(1) Except as otherwise specifically designated in this Subsection, for outdoor recreational uses, the minimum number of parking spaces shall be one (1) space per four (4) expected patrons at maximum capacity.

(2) For golf courses (nine (9)- and eighteen (18)-hole), the minimum number of parking spaces shall be:

(i) Thirty-six (36) spaces per nine (9) holes;

(ii) One (1) space per employee on the largest work shift; and

(iii) Fifty percent (50%) of spaces otherwise required for any accessory uses (e.g., bars, restaurants).

(3) For outdoor swimming pools, the minimum number of parking spaces shall be one (1) space per seventy-five (75) square feet of gross water area.

(4) For tennis courts, the minimum number of parking spaces shall be three (3) spaces per court.

**(i) For public service uses, the minimum number of parking spaces shall be:**

(1) One (1) space per employee on the largest work shift; and

(2) One (1) space per company vehicle normally stored on the premises.

**(j) Apartments and commercial apartments.**

For apartments and commercial apartments, the minimum number of parking spaces shall be:

(1) One and one-half (1.5) spaces per one (1) bedroom unit; and

(2) Two (2) spaces per unit containing two (2) or more bedrooms.

**(k) Road service uses.**

(1) For convenience grocery stores, the minimum number of parking spaces shall be one (1) space per one hundred (100) square feet of gross floor area.