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Telephone Planning: (410) 758-1255
Fax Planning: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

ACTION ITEM

MEMORANDUM

DATE: MAY 13, 2025
TO: QUEEN ANNE'S COUNTY COMMISSIONERS
FROM: STEPHANIE JONES, PRINCIPAL PLANNER
SUBJECT: KAUFMANN CONCEPTS, LLC – CITIZEN SPONSORED TEXT AMENDMENT
#25-03 – MAXIMUM NONRESIDENTIAL BUILDING HEIGHT IN
SUBURBAN COMMERCIAL (SC) DISTRICT

Citizen sponsored text amendment #25-03 was conveyed from the County Commissioners to the Planning Commission on February 25, 2025 for investigation and recommendation.

OBJECTIVE

The intention of Text Amendment/County Ordinance #25-03 is to amend the existing nonresidential maximum building height in the Suburban Commercial (SC) District from 30 feet to 40 feet (excluding the height requirement for a telecommunication facility).

PLANNING COMMISSION RECOMMENDATION

At the April 10, 2025 Planning Commission meeting, after reviewing the staff memo and applicant's testimony the members voted unanimously (5:0) to send a favorable recommendation to the County Commissioners regarding the proposed amendment. The Commission further discussed the need for the change and the proposed height change in comparison to other districts.

COUNTY COMMISSIONER ACTION

Action Requested:

Introduce TA/CO #25-03 as presented (legislation attached) and schedule a Public Hearing.

Suggested Motion:

I move to introduce and schedule a public hearing regarding TA/CO #25-03.

Attachments: Ordinance #25-03, Planning Commission recommendation letter, Planning Commission April 10, 2025 Memorandum and attachments (Application and proposed ordinance, Applicable Laws, SC District Zoning Map, Recommendation from Economic Development Commission)

A BILL ENTITLED

AN ACT CONCERNING Maximum Nonresidential Building Height in the Suburban Commercial (SC) District;

FOR THE PURPOSE of increasing the maximum nonresidential building height in the Suburban Commercial (SC) District from 30' to 40';

BY AMENDING Section 18:1-21 E.(2)(d)[2] of the Code of Public Local Laws of Queen Anne's County, Maryland;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-21 E.(d)[2] of the Code of Public Local Laws be and is hereby AMENDED, as follows:

18:1-21 Suburban Commercial (SC) District

E. Dimensional and bulk requirements.

(2) Nonresidential *uses*.

(d) *Maximum building height.*

[1] *Telecommunications facilities: 55 feet.*

[2] All other: ~~30~~ 40 feet.

SECTION II

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

INTRODUCED BY: _____

DATE: _____

PUBLIC HEARING HELD: _____

VOTE: _____ YEA _____ NAY

DATE OF ADOPTION: _____



**Queen
Anne's
County**

DEPARTMENT OF PLANNING & ZONING

110 Vincit St., Suite 104
Centreville, MD 21617

Telephone Planning: (410) 758-1255
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County Commissioners:

James J. Moran, At Large
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Christopher M. Corchiarino, District 4
May 13, 2025

Christopher M. Corchiarino, President
The County Commissioners of
Queen Anne's County
The Liberty Building
107 North Liberty Street
Centreville, MD 21617

Re: Kaufmann Concepts, LLC – Citizen Sponsored Text Amendment
#25-03 Maximum Nonresidential Building Height in Suburban Commercial (SC) District

Dear President Corchiarino,

At its April 10, 2025 meeting, the Planning Commission reviewed citizen sponsored text amendment #25-03, Maximum Nonresidential Building Height in Suburban Commercial (SC) District submitted by Kaufmann Concepts, LLC. The intent of the Text Amendment/County Ordinance #25-03 is to amend the existing nonresidential maximum building height in the Suburban Commercial (SC) District from 30 feet to 40 feet (excluding the height requirement for a telecommunication facility).

Having reviewed the staff memo and applicant's testimony, the members voted unanimously (5:0) to send a favorable recommendation to the County Commissioners regarding the proposed amendment. The Commission also discussed the need for the change and comparisons to other districts. No public comment was received.

Furthermore, the Planning Commission found the ordinance to be consistent with the character and suitable for the SC District, consistent with the Maryland Land Use Article, and the 2022 *Comprehensive Plan* as described in the staff memo.

Sincerely,

Sharon Dobson
Chairman
QUEEN ANNE'S COUNTY
PLANNING COMMISSION

CC: Kaufmann Concepts, LLC
Ryan D. Showalter



County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
J. Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

MEMORANDUM

DATE: APRIL 10, 2025
TO: QUEEN ANNE'S COUNTY PLANNING COMMISSION
FROM: STEPHANIE JONES, PRINCIPAL PLANNER
SUBJECT: CITIZEN SPONSORED TEXT AMENDMENT
#25-03 – MAXIMUM NONRESIDENTIAL BUILDING HEIGHT IN
SUBURBAN COMMERCIAL (SC) DISTRICT

Citizen sponsored text amendments can be submitted to the County Commissioners the first ten business days in February in accordance with Article XXIX of the Zoning and Subdivision Regulations. The 2025 citizen sponsored text amendments were conveyed from the County Commissioners to the Planning Commission on February 28, 2025 for investigation and recommendation.

Background and Objective:

The intent of Text Amendment/County Ordinance #25-03 is to amend the existing nonresidential maximum building height in the Suburban Commercial (SC) District from 30 feet to 40 feet (excluding the height requirement for a telecommunication facility).

Proposed Text Amendment/ County Ordinance #25-03 is to amend § 18:1-21.E(2)(d)2], maximum building height in the Suburban Commercial (SC) District.

See attachment for proposed ordinance.

Comments:

- Building height is defined by the vertical distance as measured from the average ground elevation to the highest point of the structure with a flat or sloped roof. On structures with pitched roofs or gabled roofs, the vertical distance as measured from the average ground elevation to a point halfway between the eaves and the top of the pitch or gable.
- Steeples, cupolas, and chimneys that are of limited size that do not contribute to mass and bulk are not subject to the building height.
- The SC District is intended to provide primarily for a variety of commercial uses and limited light industrial uses in predominately rural or suburban areas not served by public sewer. Extensive landscaping requirements and other restrictions within the SC District are intended to mitigate commercial use impacts and preserve surrounding rural or suburban character. No residential uses are permitted within the SC District. The list of permitted uses can be found in the Applicable Laws attachment.

- Throughout updates of the zoning code, height requirements have generally stayed the same. The most recent amendment was enacted in 2008 and increased the nonresidential building height in the Suburban Estate (SE) District from 35 feet to 45 feet.
- Another avenue to allow for a height greater than what is required by code is a variance. § 18:1-121 gives the authority to the Board of Appeals to grant a variance to bulk requirements. Height is included within the bulk standards of the zoning districts. In order for the Board of Appeals to grant a variance, the application of the standard must result in an unnecessary hardship or a practical difficulty.
 - Since 2002, there have been five height variances approved by the Board of Appeals, none located within the SC District.
 - The minimal amount of height variances granted may indicate that there is little need to change the height standards.
- In addition to height, development would be required to comply with the following SC District standards:
 - Required floor area ratios
 - Office: 17%
 - Commercial: 20%
 - Maximum impervious surface ratio
 - 45%.
 - By allowing the building height to increase, and not the impervious surface there is a continued support for the protection of the environment.
- § 18:1-37 Design guidelines are applicable to the SC District, as well as LIHS and VC. This includes architectural standards and the overall design of the site providing screening and architectural enhancements.
- Comparison to other Districts:
 - The Neighborhood Conversation (NC) District allows for a maximum nonresidential building height of 30 feet while it allows for mainly residential uses and minimal nonresidential uses.
 - The Suburban Residential (SR) District allows for a nonresidential building height of 30 feet while it is intended to provide multiple types of residential development. Most nonresidential uses are considered conditional uses.
 - The Urban Residential (UR) District allows for a maximum nonresidential building height of 40 feet while it allows for high density residential with minimal nonresidential uses.
 - The KISC District, which was created to be similar to the SC District but located on Kent Island, has a maximum nonresidential building height of 30 feet which allows only for commercial uses.
 - Other commercial districts, such as TC, UC, VC, and SE allow for a maximum nonresidential building height of 45 feet.
- See attached map for the location of the SC District throughout the County. The SC District is located outside of the Growth Area, but generally in the following two patterns:
 - Multiple parcels along thoroughfares or areas of preexisting commercial and industrial uses that have some residential adjacent because it is located in a more densely populated area in the rural parts of the County like Kingstown, outside of Queenstown, Crumpton, and Queen Anne (others exist; see map).
 - Individual parcels that are generally surrounded by AG District that were preexisting commercial uses.

- The Comprehensive Plan does not specifically address building height, but it does include strategies to review and amend development regulations such as bulk requirements and to support of economic development. As well it includes the value of existing cultural and natural landscapes throughout the County.
- Md. Code Ann., Land Use, §4-102 allows the legislative body to regulate height of buildings and other structures.

Illustrative Example:

An example of an existing 40' tall building in the County is the Postal Road Apartment development located at 1510 Postal Road, zoned Town Center (TC) District. Note, building height is to the point halfway between the eaves and the top of gable. Although this property is not zoned SC District, it does give an idea as to the height of the 40-foot building. See arrows and corresponding images below for views.



View 1 (500 feet from the apartment development)



View 2 (300 feet from the apartment development)



View 3 (125 feet from the apartment development)



Recommendation:

Planning Staff recommends that the Planning Commission send a favorable recommendation to the Board of County Commissioners on the proposed amendment, but to contemplate and consider the existing need and what could potentially be a change in the landscape within what is an existing commercial district.

The Planning Commission recommendation should include consistency with §18:1, Md. Code Ann., Land Use, and the Comprehensive Plan.

- See above or include discussion points to provide consistency findings regarding the comprehensive plan and zoning and subdivision regulations.

Resolution:

RESOLVED, that the Planning Commission makes a **FAVORABLE/UNFAVORABLE** recommendation to the Board of County Commissioners regarding Citizen Sponsored Text Amendment #25-03 to amend the existing nonresidential building height from 30 feet to 40 feet within the Suburban Commercial (SC) District. The Planning Commission provides the following findings:

(*PROVIDE FINDINGS FROM THE STAFF REPORT OR DISCUSSION RELATIVE TO CONSISTENCY/INCONSISTENCY WITH:

- ***THE ZONING AND SUBDIVISION REGULATIONS,***
- ***ANNOTATED CODE OF MARYLAND (LAND USE ARTICLE)***
- ***THE COMPREHENSIVE PLAN *)***

Attachments: Application and proposed ordinance, Applicable Laws, SC District Zoning Map, Recommendation from Economic Development Commission

February 4, 2025

HAND DELIVERED

The County Commissioners for
Queen Anne's County
C/O Stephanie I. Jones
107 North Liberty Street
Centreville, Maryland 21617

Re: Petition for Text Amendment Kaufmann Concepts, LLC.

Dear Commissioners:

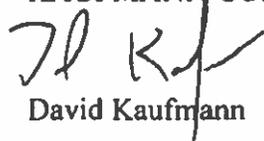
Please find enclosed a "Petition for Proposed Text Amendment" requesting amendment to the provisions to Chapter 18 of the County Code, Section 18:1-21 Suburban Commercial (SC) zoning district standards. The intent of the proposed amendment is to increase the maximum height from 30' to 40' in the SC zone.

I am filing the Petition on behalf of Kaufmann Concepts, LLC, a property owner in Queen Anne's County which owns property located on Cheston Lane, Queenstown, MD 21658.

I respectfully request that the Proposed for Text Amendment be processed in accordance with Section 18:1-218 of the County Code and forwarded to the Planning Commission for its review and recommendation.

If you have any questions, please do not hesitate to contact me, and thank you for your kind assistance.

Very truly yours,
KAUFMANN CONCEPTS LLC


David Kaufmann

RECEIVED

FEB 4 2025

QUEEN ANNE'S COUNTY
PLANNING & ZONING

**TEXT/CODE AMENDMENT APPLICATION
QUEEN ANNE'S COUNTY CODE – LOCAL REGULATIONS
CHAPTER 18:1 ZONING AND SUBDIVISION REGULATIONS**



Queen Anne's County Department of Planning and Zoning
110 Vincit Building, Suite 104, Centreville, MD 21620
410-758-1255 (phone) • 410-758-2509 (fax)

Pursuant to Part 7, "Administration, Enforcement, and Special Procedures", Article XXIX, § 18:1-218 "Proposal of amendment", of the Queen Anne's County Code – Local Regulations, I/We _____

David Kaufmann, on behalf of the applicant, Kaufmann Concepts, LLC (and owner of property in Queen Anne's County, located on Cheston Lane, Queenstown, MD 21658).

Applicant's Name

of c/o David Kaufmann, Manager of Kaufmann Concepts, LLC, 1140 Cheston Lane, Queenstown, Maryland 21658 (443-223-3026)

Address

Telephone Number

hereby petition the County Commissioners of Queen Anne's County to amend Chapter 18, Zoning and Subdivision Regulations of Queen Anne's County, Maryland. I/We propose to amend Chapter 18 of the County Code, Article V. Section 18: 1-21 Suburban Commercial (SC) District, Dimensional and bulk requirements, maximum

building height, all other: 30 feet (18:1-21.E.(2)(d)(2)), as follows:

SEE ATTACHED

The purpose of the proposed amendment is to permit: increase the maximum height from 30' to 40'

**Applicant's Signature
By: David Kaufmann,**

Manager of Kaufmann Concepts, LLC

February 4, 2025

Date

Please Note: The application for an amendment to the text of this Code shall, at a minimum state in particular, the Article, Section, and paragraph sought to be amended (noted above). The application shall contain the language of the proposed amendment and all supplemental and supporting documentation must be included (add additional sheets as necessary).

Instructions: § 18:1-218 specifies that applications for text amendments be filed with the Office of the Clerk to the County Commissioners for consideration by the County Commissioners only during the first 10 business days in the month of February of each calendar year.

For Office Use Only:

File Number County Ord. #25-03

Date Filed February 4, 2025

Date Referred to Planning Commission February 25, 2025

Date Recommend. Rec'd from Plan. Comm. _____

County Comm. Public Hearing Date _____

County Commissioners Action _____

Date of Action _____

Enacted 9 January 2020

PETITION FOR A PROPOSED TEXT AMENDMENT
SECTION 18:1-21 OF THE
QUEEN ANNE'S COUNTY CODE

NOW COMES, Kaufmann Concepts, LLC owner of property located at Cheston Lane, Queenstown MD, and in accordance with the Queen Anne's County Code, (hereinafter referred to as "County Code") Sections 18:1-215 through 18:1-222, hereby submits to the County Commissioners for Queen Anne's County, MD the following proposed amendment to Section 18:1-21 of the County Code, Suburban Commercial District:

(**Bold** indicates language proposed to be added to the County Code. ~~Strike through~~ indicates language proposed to be deleted from the County Code).

18:1-21 Suburban Commercial (SC) District

E. Dimensional and bulk requirements.

(d) *Maximum building height.*

[1] *Telecommunications facilities: 55 feet.*

[2] All other: ~~30~~ **40 feet.**

WHEREFORE, the Petitioners respectfully requests that the County Commissioners for Queen Anne's County, Maryland accept, process, introduce and approve the proposed amendment to Section 18:1-21 of the County Code, Suburban Commercial District.

Respectfully submitted.

A handwritten signature in black ink, appearing to be 'DK' with a flourish.

David Kaufmann
Manager of Kaufmann Concepts, LLC

Filed February 2025

County Commissioners
February 4, 2025
Page 2

cc: Amy G. Moredock, Director, Department of Planning and Zoning
Patrick E. Thompson, Esq.

APPLICABLE LAWS

Annotated Code of Maryland/Land Use Article

§ 4-102. *General Powers*

§ 4-204. *Zoning regulations -- Amendment, repeal, and reclassification*

(a) *Authority.* -- Zoning regulations and boundaries may be amended or repealed.

Chapter 18:1

§18:1-21. *Suburban Commercial (SC) Districts*

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

B. *Permitted uses.*

- (1) Agricultural support.
- (2) Auctions.
- (3) Bed-and-breakfast.
- (4) Carry-out food service.
- (5) Coffee shop.
- (6) Commercial apartments.
- (7) Convenience stores, with or without gas pumps.
- (8) Country inn.
- (9) Country store.
- (10) Deli.
- (11) Drive-through beverage stand.
- (12) Effluent disposal.
- (13) Family day-care center.
- (14) Farmers market.
- (15) Fraternal organizations.
- (16) Funeral homes.
- (17) Group day-care center.
- (18) High commercial.
- (19) Hotels.
- (20) Low commercial.
- (21) Manufactured home single-wide; allowed only as a replacement for any legal existing mobile home or single-wide home; and to provide temporary shelter, provided the provisions of § 18:1-53 of this Chapter 18:1 have been met.
- (22) Medium commercial.
- (23) Miniwarehouse (with or without exterior storage).
- (24) Noncommercial forestry.
- (25) Nonprofit and for-profit institutional.
- (26) Nurseries.
- (27) Outdoor recreation.
- (28) Parking.
- (29) Public service.
- (30) Shopping centers.
- (31) Veterinary offices.

C. Conditional uses.

- (1) Campgrounds.
- (2) Commercial forestry.
- (3) First-floor commercial apartments.
- (4) Light industrial.
- (5) Marinas.
- (6) Cannabis licensed processor. This use shall not be located within 1,000 feet of any lot lines of property containing an institutional use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA). [Added 4-11-2017 by Ord. No. 17-06;[1] amended 3-12-2024 by Ord. No. 24-04]
- (7) Minor extraction and dredge disposal uses.
- (8) Public utilities.
- (9) Telecommunications facilities.

Article XXIX. Amendments

§18:1-218.A.1 Proposal of Amendment

A proposal for a text amendment, other than an amendment to the Subdivision Regulations, may be initiated by:

- (a) Resolution of the County Commissioners;
- (b) Resolution of the Planning Commission; or
- (c) Petition of a property owner or property owners acting as a private citizens' group filed with the County Commissioners.

§18:1-220 Action by Planning Commission

- A. Consideration. In considering any proposed amendment, the Planning Commission shall cause such investigation to be made as it deems necessary and for this purpose may require any person concerned to submit pertinent data and information.
- B. Hearing. Before making any recommendation with respect to an amendment involving comprehensive rezoning or an amendment of the Subdivision Regulations, the Planning Commission shall hold at least one public hearing.
- C. Report.
 - (1) The Commission shall submit its report and recommendation to the County Commissioners within 90 days from the date when it receives the proposal, unless an extension of time is granted by the County Commissioners.
 - (2) The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

§18:1-221 Consideration by County Commissioners

- C. Matters considered. In addition to other matters pertinent to the proposed amendment, the County Commissioners shall give specific consideration to the following matters:
 - (1) The purposes set forth in Article 66B of the Annotated Code of Maryland [Land Use Article], the Comprehensive Plan, and this Chapter 18:1;
 - (2) The recommendations of the Planning Commission; and
 - (3) The relation of the proposed amendment to the Comprehensive Plan.

18:App-1 Definitions

BUILDING HEIGHT

- A. The vertical distance as measured from the average ground elevation to the highest point of the structure with a flat or sloped roof; and
- B. On structures with pitched or gabled roofs, the vertical distance as measured from the average ground elevation to a point halfway between the eaves and the top of the pitch or gable; and
- C. Steeples, cupolas, and chimneys that are of limited size that do not contribute to mass and bulk are not subject to the building height; or
- D. Except as otherwise provided herein.

2022 Queen Anne's County Comprehensive Plan

Chapter 4: Land Use

- Goal 4-1, Strategy 1, Recommendations 2: Establish design standards that will preserve vistas, viewscapes, and unfragmented farmland, which may include screening, setbacks, sign guidelines, enhanced buffer yard requirements, contiguous clustered lots, and open space. Page 4-21

Chapter 5: Environmental Resources

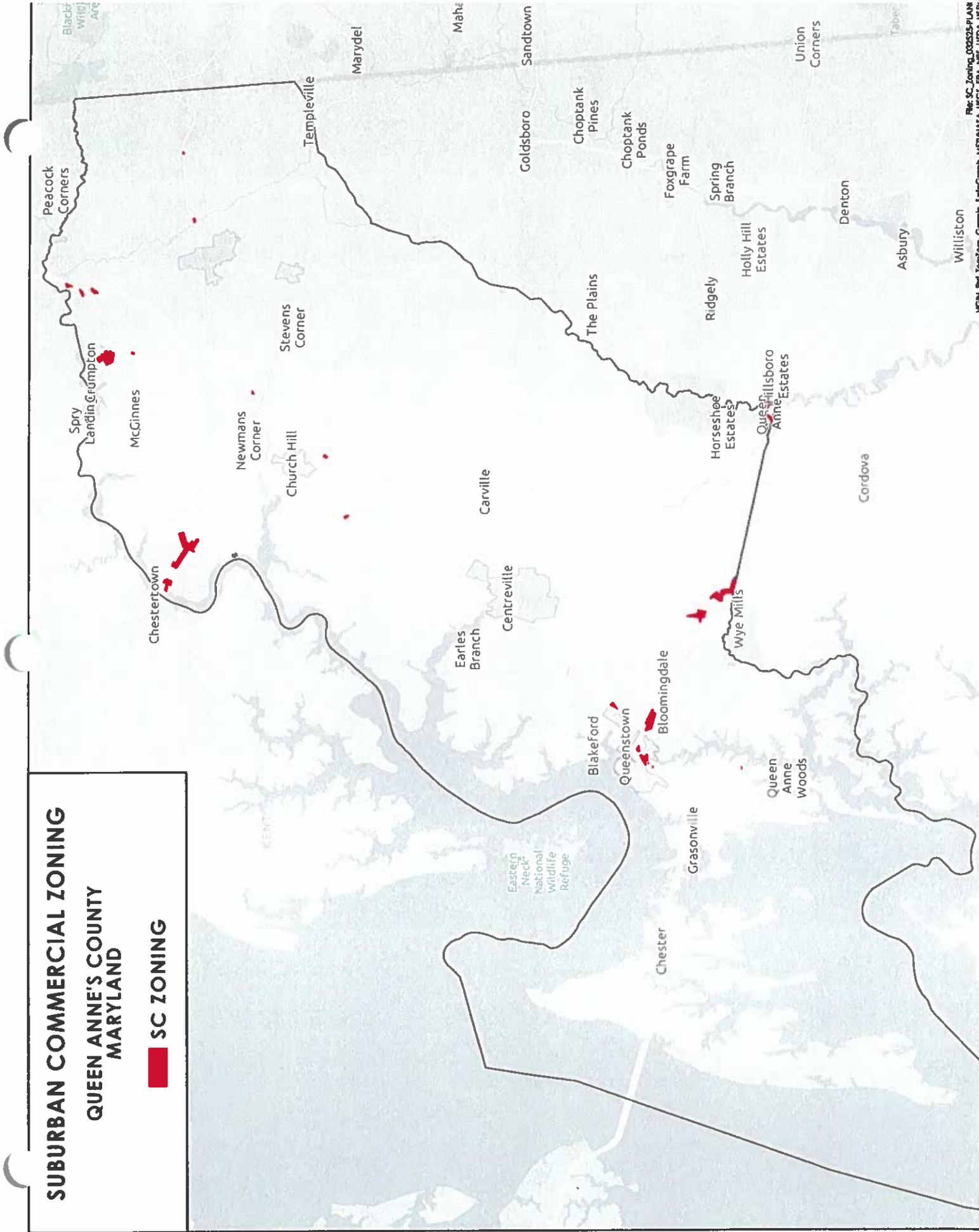
- Goal 5-3, Strategy 3, Recommendation 10: Continue implementing required buffers, setbacks, and lot coverage/impervious surface regulations to protect water quality from impacts of development. Page 5-28

Chapter 8: Economic Development and Tourism

- Goal 8-1, Strategy 3, Recommendation 2: Review permitted non-residential land uses and amend the Land Use and Development regulations as appropriate. Page 8-27

SUBURBAN COMMERCIAL ZONING QUEEN ANNE'S COUNTY MARYLAND

 SC ZONING





MEMORANDUM

TO: Queen Anne's County Planning Commission

FROM: Heather Bacher, Chair QAC Economic Development Commission

CC: Heather Tinelli, Director, Department of Economic & Tourism Dev.
Todd Mohn, County Administrator
Amy Moredock, Director, Department of Planning & Zoning

DATE: 3/28/25

SUBJECT: Text Amendments #25-03,#25-04,#25-05,#25-06

At its March 26th, 2025 Board Meeting, the Queen Anne's County Economic Development Commission (EDC) reviewed Text Amendments 25-03, 25-04, 25-05 and 25-06 in order to provide comments and recommendations on the proposed amendments as it relates to economic growth.

After reviewing the documentation provided, and discussing the potential impact on economic development as well as opportunities for business and tourism in Queen Anne's County, the EDC voted as follows:

County Commissioners

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Patrick McLaughlin, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

Commission Members

Heather Bacher, Chair
Shelly Gross-Wade, Vice Chair
Lee Bridgman, Secretary
Lara Wilson, Treasurer
James P. Reilly
Larissa Costello
Deayna Ewell
Patricia Fox
Mason Popham
John Anderes
Shawna Payne
Kenneth Knight
Douglas Silber

**#25-03 Support**

This amendment would increase the maximum height from 30' to 40' in the Suburban Commercial Zone providing for opportunity to attract specific industry uses that require building structures with additional height requirements.

#25-04 Support

The EDC supports the addition of day care centers as a permitted use in the Airport Protection and Kent Island Gateway zoning district.

#25-05 Oppose

By a majority vote, the EDC voted to Oppose Text Amendment #23-05 which would add indoor shooting ranges as a permitted use in the Town Center zoning district. It was determined that this use is permitted and



best suited for industrial and high commercial districts. In addition, the TC zoning is pedestrian oriented and allows single family dwellings; therefore, the EDC concurred that this use does not align with the other permitted uses with this zoning district.

#25-06 No Position

The economic development commission did not take a position on TACO 25-06 as they determined that the proposed text amendment was not in the pervue of the commission and its mission to support economic development.

Respectfully,

Heather Bacher, Chair

County Commissioners

James J. Moran, At Large
 Jack N. Wilson, Jr., District 1
 Patrick McLaughlin, District 2
 Philip L. Dumenil, District 3
 Christopher M. Corchiarino, District 4

Commission Members

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 Larissa Costello
 Deayna Ewell
 Patricia Fox
 Mason Popham
 John Anderes
 Shawna Payne
 Kenneth Knight
 Douglas Silber

WHERE SHORE LIVING **BEGINS**