

COUNTY ORDINANCE NO. 17-07

A BILL ENTITLED

AN ACT CONCERNING Amendments to Chapter 18:1 of the Code of Public Local Laws (the Queen Anne's County Zoning and Subdivision Regulations) Regarding Additional Permitted Uses in the Airport Protection and Kent Island Gateway (APKIG) District;

FOR THE PURPOSE OF allowing restaurants, apartments, residential accessory structures, and outdoor recreation uses in the APKIG District and establishing site area, density, and bulk standards for such uses in the APKIG District;

BY AMENDING Sections 18:1-34 and 18:1-45 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 18:1-34 and 18:1-45 of the Code of Public Local Laws of Queen Anne's County be and are hereby AMENDED to read as follows (new language highlighted in yellow):

Chapter 18 Land Use and Development

...

Article V: District Standards

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

A. Purpose.

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

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

B. Permitted uses.

- (1) Airport/airport-related uses.
- (2) Banquet facility.

(3) Conference center.

(4) Offices.

(5) Passive recreation.

(6) Retail sale / service establishment.

(7) Restaurant with drive-thru

(8) Apartments

(9) Residential Accessory Structures

(10) Outdoor Recreation

C. Use restrictions.

(1) No use within the Airport Protection and Development District shall:

(a) Create electrical interference with radio communications between the airport and aircraft. The prohibited uses shall include, but not limited to, non-airport related radio and television transmitting towers or studios, wireless telecommunication towers and antennas and large radiation or X-ray equipment.

(b) Store non-airport-related petroleum or any other explosive material above ground.

(c) Emit smoke or otherwise impair the visibility in the vicinity of the airport.

(d) Contain lights or signals which may be confused with airport navigational lights.

(e) Result in glare to pilots approaching, leaving or circling the airport.

(f) Create bird-strike hazards; or

(g) Otherwise endanger the landing, taking off or maneuvering of aircraft.

D. Density/intensity requirements.

(1) Maximum residential density:

(a) Apartment: 10.0.

(b) In the growth areas, density can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX..

(c) In the planning area, the Planning Commission may increase the density for an apartment development to 20 units per acre provided:

a. The site area does not exceed five acres for the apartment development.

- b. Architectural renderings are provided demonstrating that the apartment development is compliant with the district standards and represents design, bulk, height and building materials that are compatible with surrounding development in the area.
- c. The apartment development is providing age-restricted housing.
- d. Landscape screening is provided for the structure and parking areas for adjacent single-family residential uses.
- e. The applicant conducts a public meeting in the community where the assisted living program is proposed and provides notice of the meeting to property owners adjacent to the proposed apartment development prior to submitting an application to the Department of Planning and Zoning to obtain citizen input.

(2) Maximum nonresidential floor area ratio.

- (a) All uses: .40.
- (b) Floor area allowed can be increased by a maximum of 25% using TDRs in accordance with Chapter 18:1, Part 6, Article XX.

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

- (a) Airport-related facility;
- (b) Banquet facility;
- (c) Conference center;
- (d) Hotel; and
- (e) Offices.

E. Dimensional and bulk requirements.

(1) Residential uses:

- (a) Maximum site area:
 - a. Five(5) acres
- (b) Minimum set backs:
 - a. Front: 15 feet
 - b. Side: 15 feet.
 - c. Rear: 30 feet.
 - d. Spacing between buildings: 10 feet.
 - e. Maximum height: 45 feet

f. Minimum lot frontage 35 feet

(2) Nonresidential uses.

(a) Maximum impervious surface ratio.

[1] All uses: .80.

(b) Minimum lot frontage: 35 feet.

(c) Minimum setbacks.

[1] Front: 25 feet.

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

[3] Arterial: 20 feet.

[4] Side and rear: 10 feet.

(d) Maximum building height:

[1] 45 feet.

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

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

F. Off-site directional signs.

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

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

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

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

(3) Potential safety conflicts between the airport and new development shall be minimized.

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

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

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

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

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

§ 18:1-45. 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 Chapter 18:1.

B. Location restrictions.

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

C. Area restrictions. [Amended 10-19-2004 by Ord. No. 04-21; 11-9-2004 by Ord. No. 04-43]

- (1) Except in the AG, CS and **APKIG District**, all buildings on a residential lot of between two and five 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) In all districts, all buildings on a residential lot of less than two 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, CS **and APKIG** Zoning Districts on lots between two and five acres, all buildings on the lot, other than the principal building may not cover an area of the lot greater than 200% of the area covered by the principal building; and the total square footage of all accessory structures shall not exceed 5,000 square feet.

D. Height restrictions. [Amended 10-19-2004 by Ord. No. 04-21; 11-9-2004 by Ord. No. 04-43]

- (1) A building on a residential lot less than two acres may not exceed 20 feet in height.
- (2) A building on a residential lot greater than two acres and less than five acres may not exceed the greater of 20 feet in height or the height of the principal building.

E. Accessory structures on CS District large lots. Accessory structures, such as barns, stables and sheds, may be located on existing large lots in the CS District outside building pads, provided the accessory structures shall have a pitched roof and meet all requirements of this section.

SECTION II

BE IT FURTHER ENACTED that upon introduction, this Ordinance shall be referred to the Queen Anne's County Planning Commission for their investigation and recommendation.

SECTION III

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

INTRODUCED BY: Commissioner J. Wilson

DATE: September 26, 2017

PUBLIC HEARING HELD: November 28, 2017 @ 6:25 pm

VOTE: 5 Yea 0 Nay

DATE OF ADOPTION: December 12, 2017

EFFECTIVE DATE: January 27, 2018