



**townofqueenstown**  
*Queen Anne's County Maryland*

## **QUEENSTOWN ZONING CHAPTER**

**Originally Enacted  
November 27, 2012**

**Revised  
June 8, 2016**

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## **ARTICLE I. GENERAL PROVISIONS**

### **§ 1. Title.**

This Zoning Chapter shall be known as the “Zoning Chapter for Queenstown, Maryland” and may also be referred to at the Zoning Ordinance.

### **§ 2. Authority.**

This Zoning Chapter is enacted under the authority granted by the General Assembly of Maryland, as provided in the Land Use Article, Annotated Code of Maryland, as amended.

### **§ 3. Applicability.**

This Zoning Chapter shall apply to the incorporated territory of Queenstown, Maryland. It is the intent of this Zoning Chapter that the extent of its applicability be automatically changed in accordance with the provisions of State law, which may affect the applicability of this Zoning Chapter.

### **§ 4. Purpose.**

- A. This Zoning Chapter is intended to promote the orderly development of the Town of Queenstown, Maryland in accordance with the *Queenstown Community Plan* or any of the component parts thereof and in compliance with the Land Use Article, Annotated Code of Maryland, as amended.
- B. The purpose of this Zoning Chapter also is to promote the health, safety, order, convenience and general welfare of the citizens of the Town in accordance with present and future needs. It also is the purpose of this Zoning Chapter to provide for efficiency and economy in the process of development; for the appropriate and best use of land; for convenience of traffic and circulation of people and goods; for the appropriate use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement, including the preservation and enhancement of the attractiveness of the community; and for adequate public utilities, public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use.
- C. An objective of this Zoning Chapter is to implement the "Visions" contained in the Maryland Growth Management, Resource Protection and Economic Development Act, namely:
  - 1. A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.
  - 2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.

3. Growth is concentrated in existing population and business centers, growth areas are adjacent to these centers, or strategically selected new centers.
  4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
  5. Growth Areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.
  6. A well-maintained, multi-modal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.
  7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.
  8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged.
  9. Land and water resources, including the Chesapeake Bay, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.
  10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.
  11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.
  12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.
- D. The regulations and provisions contained in this Zoning Chapter were adopted and became effective on November 27, 2012.

#### **§ 5. Jurisdiction.**

- A. Except as provided for in Subsection B below, this Zoning Chapter shall apply to all land, structures and buildings within the corporate limits of the Town of Queenstown, including all

submerged lands and water areas.

- B. This Zoning Chapter shall not apply to land, structures and buildings owned by or leased solely to the Federal Government, State of Maryland, Queen Anne's County Commissioners or the Town of Queenstown, provided that such land, structure or building is used for the sole purpose of providing a public service or carrying out a legitimate government function.

**§ 6. Severability.**

It is hereby declared to be the intention of the Town Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Zoning Chapter are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Zoning Chapter since the same would have been enacted without the incorporation into this Zoning Chapter of such unconstitutional or invalid sections, paragraphs, sentences, clauses, or phrases.

**§ 7. Reserved.**

## **ARTICLE II. BASIC DEFINITIONS AND INTERPRETATIONS**

### **§ 8. Definitions and word usage.**

- A. General rules of construction. The following general rules of construction shall apply to the regulations of this Zoning Chapter:
1. The singular number includes the plural and the singular, unless the context clearly indicates the contrary.
  2. Words used in present tense include the past and future tenses, and the future tense includes the past and present tenses.
  3. The word “shall” is always mandatory. The word “may” is permissive.
  4. The word “building” or “structure” includes any part thereof, and the word “building” includes the word “structure.”
  5. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meanings and customary usage.
- B. Definitions. For the purpose of this Zoning Chapter, certain terms and words are hereby defined:

**ABATEMENT** - The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

**ACCESSORY BUILDING** - A subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with and, except as otherwise provided in this Zoning Chapter, located on the same lot as the main building or principal use of the land.

**ACCESSORY USE** - One which is clearly incidental to or customarily found in connection with and, except as otherwise provided in this Zoning Chapter is located on the same lot as the principal use of the premise when the term “accessory” is used in this Zoning Chapter, it shall have the same meaning as “accessory use.”

**ADMINISTRATOR** - Authorized representative designated by the Town Commissioners to carry out duties as specified in this Chapter. In the absence of an appointed Zoning Administrator, these duties are assumed to be the responsibility of either the Town Clerk or his/her designee.

**AFFORESTATION** - means the establishment of a tree crop on an area from which it has always or very

long been absent, or the planting of open areas which are not presently in forest cover.

**AGGREGATE AREA OR WIDTH** - The sum of two (2) or more designated areas or widths to be measured, limited, or determined under the provisions of this Zoning Chapter.

**AGRICULTURE** - All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

**AGRICULTURAL EASEMENT**- A non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

**ALLEY** - A narrow public thoroughfare, not exceeding sixteen (16) feet in width, which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.

**ANADROMOUS FISH** - Fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

**ANADROMOUS FISH PROPAGATION WATERS** - Those streams that are tributary to the Chesapeake Bay and Atlantic Coastal bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

**AQUACULTURE** - (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

**APARTMENT** - A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed and used as a residence by an individual or a single family.

**APARTMENT HOUSE** - Same as “dwelling, multiple family.”

**ARTERIAL STREET** - A street so designated on the Transportation Plan of the Town of Queenstown.

**ASSISTED LIVING FACILITY**- A residential facility-based program licensed by the State of Maryland that provides housing and supportive services, supervision, personalized assistance, health-related services or a combination of these services to meet the needs of the residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a

way that promotes optimum dignity and independence for the residents. This definition is further defined as follows:

- A. Residential Assisted Living Facility - A residential group home or assisted living facility serving eight (8) or less clients/residents.
- B. Institutional Assisted Living Facility- A group home or assisted living facility serving eight (8) clients/residents or more.

**BASEMENT** - That portion of a building between the floor and the ceiling, which is wholly or partly below grade and having more than one-half (1/2) of its height below grade.

**BED AND BREAKFAST ESTABLISHMENT** - An owner-occupied or manager-occupied structure where for compensation and only by prearrangement (transients only) for definite periods, lodging and breakfast are provided.

**BEST MANAGEMENT PRACTICES (BMPS)** - Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

**BLOCK FACE** - One side of a street between two consecutive intersections.

**BOARD** - The Board of Appeals of the Town of Queenstown, Maryland.

**BOARDING HOUSE** - Same as “rooming house.”

**BOUTIQUE SHOP** - A small shop where fashionable, expensive clothes and or a special selection of other articles are sold.

**BUFFER** - Area that is immediately landward from mean high water of tidal waterways, the edge of each bank of a tributary stream, or the landward edge of a tidal wetland; and the area is characterized by, or established in, natural vegetation for the purpose of protecting aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbance. The Buffer includes an area of at least 100-feet, even if that area was previously disturbed by human activity or is currently developed and also includes any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern as defined in the COMAR 26.23.01.01.

**BUFFERYARD** – In the Critical area, an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Buffer Management Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

**BUFFER MANAGEMENT AREA (BMA)** - An area officially mapped by the Queenstown and approved by the Critical Area Commission as a BMA, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific BMA provisions can be permitted in the Buffer without a variance.

**BUILDABLE AREA** - The area of that part of a lot not included within the yards or open spaces herein required.

**BUILDABLE WIDTH** - The width of that part of a lot not included within the open spaces herein required.

**BUILDING** - Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

**BUILDING, COMPLETELY ENCLOSED** - Any building having no outside openings other than ordinary doors, windows and ventilators.

**BUILDING, HEIGHT OF** - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deckline or highest point of the coping or parapet of a mansard roof or to the mean height level between eaves and ridge for gable, hip, shed, and gambrel roofs. When the highest wall of a building with a shed roof is within thirty (30) feet of a street, the "height of such building" shall be measured to the highest point of the coping or parapet.

**BULK** - Describes the size and shape of a building or structure and its relationship to the other buildings, to the lot area for a building and to open spaces and yards.

**BUSINESS DISTRICT**- See "district, commercial."

**BUSINESS SERVICE** - Services rendered to a business establishment or individual on a fee or contract basis including actuarial, advertising, credit reporting, janitorial, office or business equipment rental or leasing, photofinishing, telecommunications, blueprinting, and photocopying, and other such services.

**CALIPER** - The diameter of a tree measured at two inches above the root collar.

**CANOPY** - A detachable, rooflike cover supported from the ground or from the deck, floor or walls of a building for protection from sun or weather.

**CANOPY TREE** - means a tree that when mature commonly reaches a height of at least 35 feet.

**CHILD CARE CENTER** - A place for the care of children under twelve (12) years of age away from their own homes who stay less than twenty-four (24) hours in a day regardless of compensation.

**CLEARCUTTING** - The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

**CLINIC**- A building or portion thereof designed for, constructed or under construction or alteration for or used by two (2) or more physicians, surgeons, dentists, psychiatrists, psychotherapists, or practitioners in related specialties or a combination of persons in these professions, but not including lodging of patients overnight.

**CLUB, PRIVATE** - Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit.

**CLUSTER DEVELOPMENT** - A residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

**COLONIAL NESTING WATER BIRDS** - Herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

**COMAR** - The Code of Maryland Regulations, as from time to time amended, including any successor provisions.

**COMMERCIAL AMUSEMENT AND RECREATIONAL** - An establishment which provides entertainment, recreation, or amusement for profit including commercial establishments which house more than three (3) or a combination of three (3) of the following: video games, pinball machines, pool tables or similar amusements as the principal purpose of the use.

**COMMERCIAL APARTMENT** - A dwelling unit located above the first floor of a commercial building.

**COMMERCIAL HARVESTING** - A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

**COMMERCIAL VEHICLE:** Any motor vehicle, one (1) ton or greater rated capacity, every trailer or semi-trailer designed and used for carrying freight or merchandise in the furtherance of any commercial enterprise; a motor vehicle that is designed to carry more than 10 passengers used to carry people, including vehicles registered as school buses; or any other motor vehicle that is designed and used to carry people for compensation other than taxicabs.

**COMMISSION (CAC)** - The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

**COMMISSIONERS** – The Town Commissioners of Queenstown, Maryland.

COMMUNITY PIERS - Boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment and other multiple family dwelling units. Private piers are excluded from this definition.

COMPREHENSIVE PLAN - A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the planning board, agency or office.

CONSERVATION EASEMENT - A non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

CONSOLIDATION - A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. Consolidation includes a lot line abandonment, a boundary line adjustment, a replatting request, and a lot line adjustment.

CONSTRUCTION SERVICES - The performance of work by, or furnishing of supplies to, members of building trades including building contractors, carpentry, wood flooring services, electrical services, energy systems services and products, general contracting, masonry, stonework, tile setting, and plastering, plumbing, heating and air conditioning services, roofing and sheet metal services, and other such services.

CONVALESCENT HOME - A building where regular nursing care is provided for more than one (1) person not a member of the family who resides on the premises.

CONVENIENCE STORE - An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises by travelers and highway users. Sales of items are dependent upon convenience of location, speed of service, and highway accessibility and are not dependent upon comparison shopping or pedestrian traffic within the site or on adjoining sites. It is designed to attract a large volume of stop and go traffic.

COURT - An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

CRITICAL AREA - All lands and waters defined in §8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- A. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide;
- B. All State and private wetlands designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland;
- C. All land and water areas within 1,000 feet beyond the landward boundaries of State or private

wetlands and the heads of tides designated under Title 16 of the Natural Resources Article, Annotated Code of Maryland; and

- D. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in §8-1807 of the Natural Resources Article, Annotated Code of Maryland.

DENSITY - The number of dwelling units per acre within a defined and measurable area.

DEVELOPED WOODLANDS - An area of trees or of trees and natural vegetation that is interspersed with residential, commercial, industrial or recreational development.

DEVELOPER - A person who undertakes development activity as defined in this Chapter; or a person who undertakes development activity as defined in the Criteria of the Commission.

DEVELOPMENT - Any activity that materially affects the condition or use of dry land, land under water, or any structure.

DEVELOPMENT ACTIVITIES - Human activity that results in disturbance to land, natural vegetation, or a structure. Includes the construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

DEVELOPMENT ENVELOPE - Includes an individually owned lot, the lot coverage on that individually owned lot, a road, a utility, a stormwater management measure, an onsite sewage disposal measure, any area subject to human use such as an active recreation area, any required buffers, and any additional acreage necessary to meet the requirements of the Program.

DISTRICT - Any section of Queenstown in which the zoning regulations are uniform.

DISTURBANCE - An alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintaining an existing grass lawn.

DOCUMENTED BREEDING BIRD AREAS - Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

DOG KENNEL, COMMERCIAL - The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, dog beauty parlor or pet shop, as permitted by these regulations, or the keeping of five (5) or more dogs, six (6) months or older, for any purpose.

DRIVE-IN FACILITY - A facility designed or operated to conduct services directly to the occupants of motor vehicles.

**DRIVE-IN RESTAURANT** - Any place or establishment merchandising or dispensing food or drink at which the customer is served:

- A. While sitting in an automobile or other motor vehicle, or
- B. Through an interior or exterior sales window, counter or serving area, and in which a substantial part of the food or drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure in which the food or drink is dispensed.

**DWELLING** - A building or portion thereof designed or used exclusively for residential occupancy but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

**DWELLING, ONE-FAMILY** - A dwelling containing not more than one (1) dwelling unit. An accessory apartment, if approved as a conditional use, may also be a part of a one-family dwelling. A one-family dwelling with either of these subordinate uses is not a two-family dwelling, as defined in this section.

**DWELLING, TWO- FAMILY** - A dwelling containing not more than two (2) dwelling units arranged one above the other or side by side. Also defined as a semi-detached dwelling.

**DWELLING, MULTIPLE- FAMILY** - A dwelling containing three (3) or more multiple-family dwelling units, which may or may not share a common entrance. Also defined as attached dwellings.

**DWELLING UNIT** - A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

**ECOSYSTEM** - A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

**ENDANGERED SPECIES** - Any species of fish, wildlife, or plants that have been designated as endangered by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. §et seq., as amended.

**ESSENTIAL SERVICES** - The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.

ESTABLISHMENT (BUFFER) - The planting or regeneration of native vegetation throughout the Buffer. The creation of a vegetated area or planted area that provides vegetative cover throughout the Buffer.

EXCESS STORMWATER RUN-OFF - All increases in stormwater resulting from:

- A. An increase in the imperviousness or lot coverage of the site, including all additions to buildings, roads, and parking lots;
- B. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- C. Alteration of drainageways, or regrading of slopes;
- D. Destruction of forest; or
- E. Installation of collection systems to intercept street flows or to replace swales or other drainageways.

FAMILY - An individual or two or more persons who are related by blood or marriage living together and occupying a single dwelling unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single dwelling unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic employees residing on the premises shall be considered as part of the family.

FILLING STATION - Any building, structure or land used for the sale, at retail, of motor vehicle fuels, lubricants or accessories or for the servicing of automobiles or repairing of minor parts and accessories in a completely enclosed facility, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

FINANCIAL ASSURANCE - A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the Town.

FISHERIES ACTIVITIES - Commercial water dependent fisheries facilities including structures for the parking, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations.

FLOOR AREA –

- A. For commercial, business and industrial buildings or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or

from the center line of walls separating two (2) buildings, but not including attic space providing headroom of less than seven (7) feet, basement space not used for retailing, uncovered steps or fire escapes, accessory water towers or cooling towers, accessory off-street parking spaces and accessory off-street loading spaces.

- B. For residential buildings, the sum of the gross horizontal areas of the several floors of the dwelling, exclusive of garages, basements and open porches, measured from the tie exterior faces of the exterior walls

**FOOD SERVICE ESTABLISHMENT** - Any commercial or nonprofit business engaged in the preparation and sale of food or beverages, whether or not it is the principal business of the establishment. The following types of uses are food service establishments: bakery, bake shop, candy store, catering establishment, convenience store, cooking school, ice cream store, restaurant and supermarket.

**FOREST** - A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

**FOREST INTERIOR DWELLING BIRDS** - Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

**FOREST MANAGEMENT** - The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

**FOREST PRACTICE** - alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

**FRONTAGE, LOT** - The distance for which the front boundary line of the lot and the street line are coincident.

**FULLY ESTABLISHED** - The Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

**GARAGE, PRIVATE** - A garage used for storage purposes only and having a capacity of not more than four (4) automobiles or not more than two (2) automobiles per family housed in the building to which the garage is accessory, whichever is the greater. Space therein may be used for not more than one (1) commercial vehicle not more than one-ton capacity, and space may be rented for not more than two (2) vehicles to persons other than occupants of the buildings to which such garage is accessory.

**GENERAL MERCHANDISE** - Any retail trade use characterized by the sale of bulky items, outside display or storage of merchandise or equipment, such as farm and garden supplies, lumber and building materials, marine equipment sales, and service, and stone monument sales with incidental processing to

order, but not including the shaping of headstones.

**GRADE** - Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

**GRANDFATHERED PARCEL” OR “GRANDFATHERED LOT”** - A parcel of land located in the Critical Area that was created or a lot located in the Critical Area created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

**GROUP HOME** - A place, home, or institution which is licensed to provide board, shelter, and personal services to not more than eight (8) persons, regardless of age, who have a need for supervision or assisted community living based on emotional, mental, physical, familial, or social differences. (Examples of such persons include but shall not be limited to the mentally retarded, physically handicapped, alcoholics, elderly, drug-dependent, and juveniles under the jurisdiction of the courts, the Department of Social Services, or the Department of Juvenile Justice.) Group homes shall not include public or private schools organized and operated under Maryland laws, persons related by blood or marriage within the third degree to the custodial person, or to the churches or other religious or other private institutional caring for such persons within the building while parents or other custodial persons are attending services, activities, or meetings.

**GROWTH ALLOCATION** - The number of acres of land in the Critical Area that the Town may use, or is allocated to a municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is five percent of the total Resource Conservation Area acreage in the County and Town at the time the Critical Area Commission approved the Town’s original Critical Area Program, not including tidal wetlands or land owned by the federal government.

**GUEST HOUSE** - Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

**HEALTH SERVICES** - The provision of medical, dental, or surgical, or other health services to individuals, including medical out-patient clinics, medical laboratories, dental clinics, dental laboratories, hospital supplies, and opticians.

**HABITAT PROTECTION AREA** – The 100-foot Buffer, nontidal wetlands, Federal and State threatened and endangered species, species designated by the State as in need of conservation, plant and wildlife protection areas designated by the State, and anadromous fish propagation waters.

**HABITAT PROTECTION PLAN** - A plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the Plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the Plan is

adequate to provide for long-term conservation and can be effectively implemented on the specific site.

**HAZARDOUS TREE** -A tree with a structural defect, such as a crack, canker, weak branch union, decay, dead wood, root damage, or root disease, that decreases the structural integrity of the tree and which, because of its location, is likely to fall and cause personal injury or property damage, including acceleration of soil erosion. Or based on its location in the landscape, a healthy tree that, with continued normal growth, will damage an existing permanent structure or significantly increase the likelihood of soil erosion. Hazardous tree does not include a tree for which the likelihood of personal injury, property damage, or soil erosion can reasonably be eliminated or significantly diminished with routine and proper arboricultural practices, such as regular watering, application of fertilizer or mulch, and pruning, or by relocation of property that is likely to be damaged.

**HIGHLY ERODIBLE SOILS** - Those soils with a slope greater than 15 percent; or those soils with a K value greater than .35 and with slopes greater than 5 percent.

**HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA** - An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

**HOME OCCUPATION** - Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling purposes and which is carried on by a member of a family residing on the premises and in connection with which there is no display or storage of materials or generation of substantial volumes of vehicular or pedestrian traffic or parking demand or other exterior indication of the home occupation or variation from the residential character of the building and in connection with which no person outside the resident family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. Within the above requirements, a “home occupation” includes but is not limited to the following: art studio; dressmaking; professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent or other similar occupation; and teaching, with musical instruction limited to one (1) or two (2) pupils at a time. However, a “home occupation” shall not be interpreted to include barbershops, tourist homes, animal hospitals, child-care centers, tearooms or restaurants.

**HOSPITALS** - A building or group of buildings having room facilities for overnight patients, used for providing services for the in-patient medical or surgical care of sick or injured humans and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be in integral part of the hospital operations.

**HOTEL** - A building in which lodging or boarding are provided for more than 15 persons, primarily transient, or with more than ten (10) guest rooms, offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, in contradistinction to a boarding, rooming, or lodging house, or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns,

club rooms, public banquet halls, ballrooms, and meeting rooms.

**HOUSING FOR THE ELDERLY** - A building or buildings containing dwelling units and related service facilities for elderly persons and which is subject to management or other legal restrictions that require the units in the project to be occupied by households of persons aged sixty two (62) or over. Occupancy is restricted as provided in the Conditional Use Article. The use may also include facilities for such occasional services to residents as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the elderly population of the community that is an ancillary part of one of the above operations.

**HYDRIC SOILS** - Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition of growth, or both, of plants on those soils.

**HYDROPHYTIC VEGETATION** - Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

**IMMEDIATE FAMILY** - A father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

**INFILL** - The development of vacant, abandoned, passed over or underutilized land within built-up areas of Town.

**IN-KIND REPLACEMENT** - The removal of a structure and the construction of another structure that is smaller than or identical to the original structure in use, footprint, area, width, and length

**INSTITUTIONAL USE** -A use that provides a public service and is operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

**INTENSELY DEVELOPED AREA** - An area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre.

**INVASIVE SPECIES** – A species that is non-native or alien to the ecosystem under consideration whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

**JUNK** - Dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof; dilapidated

wagons, trailers, and other kinds of vehicles and parts thereof: scrap building materials, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, rags, machinery, paper, excelsior, hair mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled or displayed.

**K VALUE** - The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

**LAND CLEARING** - Any activity that removes the vegetative ground cover.

**LANDFORMS** - Feature of the earth's surface created by natural causes.

**LANDWARD EDGE** - The limit of a site feature that is furthest away from a tidal water, tidal wetland, or a tributary stream.

**LARGE SHRUB** - A shrub that, when mature, reaches a height of at least six feet.

**LAUNDROMAT** - A business that provides washing, drying and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

**LEGALLY DEVELOPED** - All physical improvements to a property that existed before Critical Area Commission approval of a local Program, or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.

**LIMITED DEVELOPMENT AREA** - An area with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Article.

**LIMIT OF DISTURBANCE**- the area of a development or redevelopment activity that includes temporary disturbance and permanent disturbance.

**LIVING SHORELINE** - A suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

**LOADING SPACE** - A space within the main building or on the same lot providing for standing, loading or unloading of trucks, having a minimum of five hundred forty (540) square feet, a minimum width of twelve (12) feet, a minimum depth of thirty-five (35) feet and a vertical clearance of at least fourteen and five-tenths (14.5) feet.

**LOCAL SIGNIFICANCE** - Development of a minor scale which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located;

does not substantially affect the Critical Area Program of the Town; and is not considered to be major development as defined in this chapter.

LODGING HOUSING - Same as “rooming house.”

LOT - A parcel of land which include one (1) or more planted lots, occupied or intended for occupancy by a use permitted in this Zoning Chapter, including one (1) main building, together with its accessory buildings and the yard areas and parking spaces required by this Zoning Chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT COVERAGE - The percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, permeable pavement, or other any manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fence or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely.

LOT AREA - The total horizontal area within the lot lines of the lot.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF - The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINE - The boundary line of a lot.

LOT, THROUGH (DOUBLE FRONTAGE) - A lot having a frontage on two (2) approximately parallel streets or places.

LOT, WIDTH - The horizontal distance between the side lot lines measured at the required front yard line.

MAJOR STREET OR HIGHWAY - A street or highway so designated on the Major Thoroughfare Plan of Queenstown.

MARINA – Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A place for docking pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies and provision of lodging, food, beverages and entertainment as accessory uses. A yacht club shall be considered as a “marina,” but a hotel, motel or similar use where docking of boats and provision of services thereto is incidental to other activities shall not be considered a “marina,” nor shall boat docks accessory to a multiple dwelling where

no boating-related services are rendered.

**MAJOR DEVELOPMENT** - Development of a scale that may cause State-wide, regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This development includes, but is not limited to, airports, power plants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities.

**MASSAGE PARLOR** - An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of Maryland. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**MEAN HIGH WATER LINE (MHWL)** - The average level of high tides at a given location.

**MITIGATION** - An action taken to compensate for adverse impacts to the environment resulting from development, development activity, or a change in land use or intensity.

**MOBILE HOME OR TRAILER** - Any vehicle, covered or uncovered, used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car and any vehicle or similar portable structure with any or all of the following characteristics:

- A. Manufactured as a re-locatable dwelling unit intended or year-round occupancy with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar, axles, and wheels.
- B. Designed to be transported after manufacture on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house-moving equipment.
- C. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.

**MODULAR OR MANUFACTURED HOME** - A structure intended for residential use and manufactured off-site in accord with the BOCA Basic Building Code.

**MOTEL or MOTOR LODGE** - A building or buildings in which lodging or boarding and lodging are provided and offered to the public for compensation; same as a hotel, except that the buildings are usually

designed to serve tourists traveling by automobile, ingress and egress to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

**NATIVE PLANT**- A species that is indigenous to the physiographic area in Maryland where the planting is proposed.

**NATURAL FEATURES** - Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

**NATURAL FOREST VEGETATION** - Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this Chapter shall resemble the structure and species composition of natural forests.

**NATURAL HERITAGE AREA** - Any communities of plants or animals which are considered to be among the best Statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

**NATURAL REGENERATION** - The natural establishment of trees and other vegetation with at least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

**NATURAL VEGETATION** - Those plant communities that develop in the absence of human activities.

**NATURE-DOMINATED** - A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

**NEIGHBORHOOD ESSENTIAL SERVICES** - Any public utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

**NEW DEVELOPMENT** - That for purposes of implementing specific provisions of this Chapter, new developments (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985.

**NET TRACT ACRE** – Remaining parcel size after subtracting out wetlands (tidal and nontidal) and any existing utility and street right of ways.

**NONCOMFORMATIES** –

A. Nonconforming lots - A validly recorded lot which at the time it was recorded fully complied with all applicable laws and ordinances but which does not fully comply with the lot requirements of this Zoning Chapter concerning minimum density, area, and dimension.

- B. Nonconforming Structures - A structure or building, not including signs, which lawfully existed on the effective date of this Zoning Chapter but which do not comply with one or more of the development standards for the district in which it is located.
- C. Nonconforming Use - A use or activity that was lawful prior to the effective date of this Zoning Chapter but fails to comply with the present requirements of the Zoning Chapter.

NON-POINT SOURCE POLLUTION - Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by "end-of-pipe" treatment, but rather by changes in land management practices.

NON-RENEWABLE RESOURCES - Resources that are not naturally regenerated or renewed.

NON-TIDAL WETLANDS - Those areas regulated under Subtitle 9 of the Environment Article that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

NURSING HOME - Same as "convalescent home."

OFFSETS - Structures or actions that compensate for undesirable impacts.

OPEN SPACE - Land and water areas retained in an essentially undeveloped state. Open space may include, but not be limited to, buffers and bufferyards, lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveways, parking lots, or drainage areas, as to have no substantial value for the purpose stated in this definition.

PALUSTRINE - All non-tidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

PARKING LOT ISLAND - An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

PARKING LOT PENINSULA - An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by areas designated for parking and related

movement of vehicles.

**PARKING SPACE OFF-STREET** - An all-weather surfaced area not in a street or alley and having an area of not less than two-hundred (200) square feet, exclusive of driveways, permanently reserved for the temporary storage of one (1) vehicle and connected with a street or alley by a paved driveway that affords ingress and egress for an automobile without requiring another automobile to be moved.

**PERMANENT DISTURBANCE**- A material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. "Permanent disturbance" includes construction or installation of any material that will result in lot coverage, construction of a deck, except under §B (18-2)(b)(iii) of this regulation, grading, and except under §B (18-2)(b)(ii) of this regulation, clearing of a tree, forest, or developed woodland. Permanent disturbance does not include a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required.

**PERSON** - An individual, partnership, corporation, contractor, property owner, or any other person or entity.

**PERSONAL SERVICES** - Clothing alteration, interior decorating, watch/jewelry repair, catering, photo studios, shoe repair, travel agent, formal wear/rental barbershops and beauty salons and the like.

**PHYSIOGRAPHIC FEATURES** - The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

**PIER** - Any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. Pier does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands. NOTE: Critical Area definition

**PORT** - A facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

**PLACE** - An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PLANNED UNIT DEVELOPMENT (PUD)** - A development comprised of a combination of land uses or varying intensities of the same land use in accordance with the Zoning Chapter.

**PLANT HABITAT** - A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

**PREMISES** - A lot, together with all buildings and structures thereon.

**PRINCIPAL STRUCTURE** - The primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

PRIVATE HARVESTING - The cutting and removal of trees for personal use.

PROFESSIONAL SERVICES - The service by members of any profession including but not limited to accountants, architects, chiropractors, doctors, lawyers, dentist, engineers, optometrists, osteopaths, or social workers.

PROGRAM AMENDMENT - Any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a Program refinement.

PROGRAM REFINEMENT - Any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- A. A change to an adopted Program that results from State law;
- B. A change to an adopted Program that affects local processes and procedures;
- C. A change to a local ordinance or code that clarifies an existing provision; and
- D. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

PROJECT APPROVALS - The approval of development, other than development by the State or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

PROPERTY OWNER - A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

PUBLIC UTILITY (LAND USE) - Generating plants, electrical substations, above ground electrical transmission lines, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

PUBLIC WATER-ORIENTED RECREATION - Shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

RECLAMATION - The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

**RECONFIGURATION** - A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. Reconfiguration includes a lot line adjustment, a boundary line adjustment, and a replatting request.

**RECREATIONAL VEHICLE** - A vehicle used exclusively for noncommercial purposes that is primarily designed for recreational, camping, or travel use, such as a camper or motor home.

**REDEVELOPMENT** - The process of developing land which is or has been developed. For purposes of implementing specific provisions of this Chapter, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.

**REFORESTATION** - The establishment of a forest through artificial reproduction or natural regeneration.

**REGISTERED CHILD CARE HOME** - A home-based facility for the care of six or fewer children operating under the requirements of appropriate State and local agencies for child care.

**REGULATIONS** - The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or referred to in this Zoning Chapter.

**RENTAL UNIT** - A dwelling unit intended for rental to transients on a day-to-day or week-to-week basis but not intended for use as a permanent dwelling and not including culinary facilities.

**RENEWABLE RESOURCE** - A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

**RESOURCE CONSERVATION AREA** - An area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.

**RESOURCE UTILIZATION ACTIVITIES** - Any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.

**RESTAURANT** - An establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state, and whose method of operation includes one or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter to which the items are consumed.
- B. A cafeteria-type operation where foods or beverages are consumed within the restaurant building.

For purposes of this Chapter, restaurants are further classified as follows

- A. *Restaurant, standard*-A food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
- B. *Restaurant, fast food*-an establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.
- C. *Restaurant, drive-in or drive-thru*-any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

RESTORATION - The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

RETAIL STORES - Business establishments dealing in commodities which tend to be purchased on a comparison basis, including, but not limited to, apparel and accessories, automobile supplies, business equipment, sales and service, china and glassware, commercial art, communications equipment sales and service, draperies, fabrics, and re-upholstery, floor covers, furniture, grocery, hardware, home appliances and furnishings, luggage and leather goods, musical instruments and supplies, paint and wall covers, party supplies, photographic equipment sales and service, radios, records and tapes, second-hand merchandise, sporting goods, television and stereo sales and service, and toys and games. Retail stores shall also include specialty shops, including but not limited to, book stores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, import shops, jewelry shops, souvenir shops, stationery shops, tack shops, and tobacco shops.

RESTORATION - The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

RIPARIAN HABITAT - A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

ROAD - a public thoroughfare under the jurisdiction of the State, a county, a municipal corporation, or any other public body. Road does not include a drive aisle or a driveway.

ROOMING HOUSE - A building where, for compensation and by prearrangement for definite periods, lodging, meals or lodging and meals are provided for three (3) or more persons, but containing no more than five (5) guest rooms or rental units.

**SEASONALLY FLOODED WATER REGIME** - A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

**SELECTION** - The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

**SERVANTS' QUARTERS** - Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building used for servants employed on the premises, such quarters having no kitchen facilities or separate utility meters and not rented or otherwise used as a separate dwelling.

**SERVICE STORE** – Business establishments including, but not limited to, blueprinting, printing, duplicating engraving, laundry and dry cleaning establishments, self-service laundry, barber shop, beauty shop, tailor shop, opticians, shoe repair, other personal service facilities, lawn mower sales and repair, locksmith, watch and clock repair, upholstery shop, electrical services, plumbing services, mechanical services and other similar service facilities.

**SIGN** - For definitions pertaining to signs, see Article XI.

**SHORE EROSION PROTECTION WORKS** - Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

**SIGNIFICANTLY ERODING AREAS** - Areas that erode two feet or more per year.

**SMALL POWER PRODUCTION OR COGENERATION FACILITIES** - Commercial facilities that convert sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal (CST) devices, or various experimental solar technologies, with the primary purpose of wholesale or retail sales of generated electricity.

**SMALL SHRUB** - A shrub that, when mature, reaches a height no greater than six feet.

**SMALL WIND ENERGY SYSTEM** - A single-towered wind energy system that is used to generate electricity; has a rated nameplate capacity of 50 kilowatts or less; and has a total height of 150 feet or less.

**SOIL CONSERVATION AND WATER QUALITY PLANS** - Land-use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

- A. How the landowner plans to treat a farm unit;
- B. Which best management practices the landowners plans to install to treat undesirable conditions; and

C. The schedule for applying those Best Management Practices.

**SOLAR ENERGY EQUIPMENT** - Items including panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations used for or intended to be used for collection of solar energy in connection with a building on residential or commercial property. Solar energy equipment and its use is accessory to the principal use of the property.

**SPECIES IN NEED OF CONSERVATION** - Those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article §§ 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

**SPOIL PILE** - The overburden and reject materials as piled or deposited during surface mining.

**STABLE, PRIVATE** - An accessory building, not related to the ordinary operation of a farm, for the housing of not more than four (4) horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire or sale.

**STABLE, PUBLIC** - Any stable for the housing of horses or mules, operated for remuneration, hire, sale or stabling, or any stable, not related to the ordinary operation of a farm, with a capacity for more than four (4) horses or mules, whether or not such stable is operated for remuneration, hire, sale, or stabling.

**STEEP SLOPES** - Slopes of 15 percent or greater incline.

**STORY** - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is no floor next above it, then the space between such floor and the ceiling next above it.

**STORY,HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half story containing independent apartments for living quarters shall be counted as a full story.

**STREET** - A public or private thoroughfare which affords the principal means of access to abutting property.

**STREET LINE** - A dividing line separating a lot, tract, or parcel of land and a contiguous street.

**STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as footings, bearing walls, or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, except such repair as may be required for the safety of the building.

**STRUCTURE** - Building or construction materials, or a combination of those materials, that are

purposely assembled or joined together on or over land or water. Structure includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, or shelter for the purpose of marine access, navigation, working, eating, sleeping, or recreating. "Structure" includes buildings and signs.

**SUBSTANTIAL ALTERATION** - Any repair, reconstruction, or improvement of a principal structure, where the proposed footprint equals or exceeds 50 percent of the existing principal structure.

**SUPPLEMENTAL PLANTING PLAN**- A description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.

**SURFACE MINING** - The breaking of the surface soil in order to extract or remove minerals in the Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other facilities. For the purpose of this Chapter, surface mining is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.

**SWIMMING POOL** - Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and two hundred fifty (250) square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool located and designed so as not to create a hazard or be used for swimming or wading.

**TEMPORARY DISTURBANCE** – A short-term change in the landscape that occurs as part of a development or redevelopment activity. Temporary disturbance includes storage of materials that are necessary for the completion of the development or redevelopment activity, construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; and grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity. Temporary disturbance does not include a septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required, and a violation.

**THINNING** - A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.

**THREATENED SPECIES** - Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources that appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a “threatened” species

pursuant to the federal Endangered Species Act, 16 U.S.C. § 1431 et seq., as amended.

**TOPOGRAPHY** - The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

**TOWNHOUSE** - A single-family dwelling forming one (1) of a group or series of three (3) or more attached single-family dwellings separated from one another by party walls, without doors, windows or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one of the dwelling units to another.

**TRAILER PARK, TRAILER COURT, or MOBILE HOME PARK** - Any site, lot, field or tract of land upon which is located one (1) or more occupied trailers or which is held out for the location of any occupied trailer. The terms shall include any building, structure, vehicle or enclosure for use as a part of the equipment for such a park or court.

**TRANSITIONAL HABITAT** - A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

**TRANSPORTATION FACILITIES** - Anything that is built, installed, or established to provide a means of transport from one place to another.

**TRIBUTARY STREAM** - A perennial stream or intermittent stream that has been identified by site inspection. When located in the Critical Area, identified in accordance with local program procedures approved by the Critical Area Commission.

**UNDERSTORY** - The layer of forest vegetation typically located underneath the forest canopy.

**UNDERSTORY TREE** - A tree that, when mature, reaches a height between 12 and 35 feet.

**UNWARRANTED HARDSHIP** - That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.”

**UPLAND BOUNDARY** - The landward edge of a tidal wetland or nontidal wetland.

**UTILITY TRANSMISSION FACILITIES** - Means fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

**WASH PLANT** - A facility where sand and gravel is washed during processing.

**WATERWAY** - Any body of water, including any creek, canal, river, lake or bay or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

**WATERWAY LINE** - A line marking the normal division between land and a waterway as established by the Administrator or by town ordinances.

**WATER-BASED AQUACULTURE** - The raising of fish and shellfish in any natural, open, free-flowing water body.

**WATER-DEPENDENT FACILITIES** - Those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities.

**WATER-USE INDUSTRY** - An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

**WATERFOWL** - Birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

**WILDLIFE CORRIDOR** - A strip of land having vegetation that provides habitat and safe passage for wildlife.

**WILDLIFE HABITAT** - Those plant communities and physiographic features that provide food, water, cover, and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals in the Critical Area.

**YARD** - An open space, other than a court on a lot and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Chapter.

**YARD, FRONT** - A yard extending across the front of a lot between the side lot lines and being at least the minimum required horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces or uncovered porches. On corner lots, the "front yard" shall be considered as parallel to the street upon which the lot has its least dimension.

**YARD, REAR** - A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.

**YARD, SIDE** - A yard between the main building and the side line of the lot and extending from the front yard to the rear yard, and being at least the minimum required horizontal distance between the side lot line and side of the main buildings or any projections thereof.

**ZONING CERTIFICATE** – Written permission, on a form utilized by the Town, issued by the Planning Commission or its designee, as a condition precedent to the commencement of a use or erection, construction, reconstruction, restoration, alteration conversion, or installation of a structure or building,

which acknowledges that such use, structure or building complies with the provisions of the Zoning Chapter or authorized variance therefrom.

**ARTICLE III. ADMINISTRATIVE MECHANISMS**

**Part I. Planning Commission.**

**§ 9. Creation.**

Pursuant to the authority and provisions of the Land Use Article, Annotated Code of Maryland, there is hereby created a Municipal Planning Commission for the Town of Queenstown. Such Commission shall be known as the “Queenstown Planning Commission” and is hereafter referred to as the “Planning Commission”

**§ 10. Composition; appointment; terms; vacancies; compensation.**

- A. The Planning Commission shall consist of five (5) members from among the residents of the Town of Queenstown or owners of businesses located in the Town of Queenstown. The terms of such members shall be five (5) years or until their successors take office; provided, however, that the terms of the five (5) members first appointed by the Town Commissioners of Queenstown shall be one (1), two (2), three (3), four (4) and five (5) years respectively, from the effective date of creation of the Planning Commission, and shall be specified by the Town Commissioners of Queenstown at the time of appointment.
- B. A vacancy occurring prior to the expiration of the term for which a member of the Planning Commission is appointed shall be filled in the manner of original appointment.
- C. Members may, after a public hearing, be removed for cause by the Town Commissioners. Specific reasons for removal include frequent absences and voting on matters where there is a clear conflict of interest.
- D. Members of the Planning Commission shall serve without compensation.
- E. The Planning Commission shall elect a Chairman from among its members. The term of the Chairman shall be one (1) year with eligibility for reelection.

**§ 11. Rules for transaction of business.**

The Planning Commission shall adopt rules and bylaws for the transaction of its business.

**§ 12. Powers and duties.**

The Planning Commission shall have the powers and duties as now or hereafter provided for in the Land Use Article, Annotated Code of Maryland.

**§ 13. Public hearings; method of adoption.**

A. Public hearings.

1. The Planning Commission shall hold public hearings on all plans, regulations and other proposals for which such hearings are required under the Land Use Article, Annotated Code of Maryland. The Planning Commission shall give at least fifteen (15) days' notice of such hearings by an advertisement published in a newspaper of general circulation in the town and in an area around the town within one (1) mile from the corporate limits. Such notice shall include the time and place of the hearing, a description of the summary of the proposals to be considered at the hearing, and a place where a copy of such proposals can be obtained. At any such hearings interested persons shall be afforded an opportunity to submit data, views or regulations with respect to the proposals under consideration.
2. Public hearings shall be recorded. A written record may be prepared of any public hearing held by the Planning Commission at the expense of the person or persons requesting a written record.

B. Any regulations or other proposals in connection with planning and zoning that are adopted by the Planning Commission shall be adopted by a yea or nay vote in open session.

**§ 14. Duties of Commission.**

- A. The Planning Commission shall develop a Comprehensive Plan as required by State Law. The Plan shall contain, as a minimum, the elements set forth in § 2-105 of the Land Use Article, Annotated Code of Maryland.
- B. Also, as provided in said § 3.05, it shall be the duty of the Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein, in order that the Town Commissioners may avail themselves of the zoning powers conferred by the Maryland Code.

**§ 15. Reserved.**

## ARTICLE IV. DISTRICTS AND DISTRICT MAP

### Part I. Zoning Districts.

#### § 16. Districts Established.

- A. The incorporated area of the Town of Queenstown shall be divided into base zoning districts as follows:

R-1- Residential  
R-2 - Residential  
TC - Town Center  
HC - Highway Commercial  
RC - Regional Commercial  
I - Industrial  
QRD - Queenstown Resort Development  
CS - Queenstown Countryside

- B. In addition to the base zoning districts described above, the Zoning Chapter provides for the following special districts:

PN - Planned Neighborhood Floating District  
PRC - Planned Regional Commercial Floating District  
GA - Growth Allocation Floating District  
CA - Critical Area Overlay District  
CR - Community Revitalization District

- C. These districts are established to regulate the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings; to protect water quality and sensitive environmental areas; to maintain the traditional visual characteristics of the Town that define its uniqueness and are important to the economic stability of the Town; and to implement the recommendations of the *Queenstown Community Plan*.

#### § 17. Purpose of Districts.

- A. R-1 Residential

The purpose of the R-1 District regulations is to provide for a pleasant, quiet, hazard-free residential environment in which residential and related uses are permitted. Presently developed single-family residential areas are included in this district which may include areas planned for similar development in the future.

B. R-2: Residential

The purpose of this district is to allow a diversity of housing types and densities within neighborhoods in suitable locations in Queenstown, to broaden the housing types and configurations; to provide desirable open space and recreational lands close to residences; to create visual interest and relate development more sensitively to environmental features; and to establish reasonable controls and standards of design for the dwelling types allowed in this district.

C. TC: Town Center

The purpose of this district is to encourage the revitalization of Queenstown's town core, while at the same time reinforcing its historic, mixed-use and pedestrian-oriented character. Specifically, it is intended:

1. To encourage the development of land and buildings within the core area for a variety of commercial uses, either individually or within the same building, for compatible mixed use developments, incorporating both residential and non-residential uses and for civic, and public uses.
2. To encourage the use and re-use of existing structures, now or lately used as residences, and to discourage the demolition of such structures.
3. To perpetuate the historic character of the town core through the sensitive integration of new development into the zone's physical structure.
4. To reinforce the pedestrian-scaled and oriented character of the town core by encouraging a diversity of land uses and business enterprises.

D. HC: Highway Commercial

The purpose of this district is to provide appropriate locations and standards for commercial uses which are primarily oriented to highway travelers, which require large floor area in their operations, and which are likely to generate high volumes of automobile traffic. Specifically, it is intended

1. To provide a means of attaining the aims and objectives of the Community Plan for orderly growth, preservation of the town character and opportunities for economic development.
2. To create development that ensures compatibility with adjacent and neighboring uses and subsequent development.

3. To integrate access for new development with the limited-access characteristics of Routes 301 and 50, and to support the maintenance of a high level of service on highways, especially with respect to traffic safety.
4. To preserve and enhance the functional values of open space and landscaping for developed areas, including groundwater recharge, runoff control, microclimate moderation (vegetation, especially trees, can moderate the local climate, creating cooler highs and warmer lows), noise reduction and visual buffering.

E. RC: Regional Commercial

The purpose of this district is recognize and provide for the continuation of existing regional retail shopping establishments located adjacent to U.S. Routes 50 or 301. It also is the intent of the Town to limit the extent of this zoning district to parcels currently zoned RC Regional Commercial. The Town may consider expanding the extent of the RC Regional Commercial district to permit expansion of an existing regional commercial use onto contiguous parcels.

F. I: Industrial

The purpose of this district is to provide appropriate locations and standards for industrial uses which are compatible with adjacent uses to the extent that adverse effects on health, safety, welfare or the environment are avoided. The uses are limited to light manufacturing, fabricating, warehousing, wholesale distributing and certain types of commercial uses. Specifically, it is intended:

1. To provide a means of attaining the aims and objectives of the Community Plan for orderly growth, preservation of the town character, and opportunities for economic development.
2. To create development that ensures compatibility with adjacent and neighboring uses and which accommodates subsequent development.
3. To integrate access for new development with the limited-access characteristics of Routes 301 and 50, and to support the maintenance of a high level of service on highways, especially with respect to traffic safety.
4. To preserve and enhance the functional values of open space and landscaping for developed areas, including groundwater recharge, runoff control, microclimate moderation (vegetation, especially trees, can moderate the local climate, creating cooler highs and warmer lows), noise reduction and visual buffering.
5. To prevent land or structures from being used in a manner so as to create any

dangerous, injurious, noxious or otherwise risk of fire, explosion, radioactivity, or other hazardous condition, noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid waste; or other condition that would detract from the residential desirability the surrounding area.

G. QRD Queenstown Resort Development

This district is intended to provide for recreation, hotel, conference center, lodging, dining and associated uses in a waterfront and golf course environment within the Town and to encourage commercial adaptive reuse of historic properties consistent with an Eastern Shore historic village. The district provides for flexible development concepts, good site design, and architectural integration in the configuration and style of buildings as part of a unified and coherent plan of development.

H. CS Countryside

The Queenstown Countryside (CS) District is intended to preserve and protect rural, agricultural and recreational areas of the Town that generally lie within the Chesapeake Bay Critical Area and contain sensitive natural resource. Any permitted development shall ensure resource protection and preservation of open space. This district shall be predominantly characterized by open space, golf courses and very low-density uses with significant associated open space.

**§ 18. Special Districts.**

A. Floating Zone District

1. Purpose. Floating zones are districts that may be appropriate for the Town but are not mapped out at the time of adoption of the most recent comprehensive revision to the Queenstown Zoning Chapter. The purpose of the designated floating zones is to permit the mapping of appropriate areas for land uses that may be required over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.
2. Designation of floating zones. The following are designated as floating zones:
  - a. “PN” Planned Neighborhood Development Floating Zone;
  - b. “RC” Regional Commercial Mixed Use Floating Zone; and
  - c. “GA” Growth Allocation Floating Zone.

The Town Commissioners and Planning Commission find that they are not able to locate the Floating Zones with precision in advance and that it is desirable to leave specific

locations and conditions for future determination as the Town grows and specific needs develop.

B. Overlay Districts

1. Overlay zones build on the underlying zoning, by establishing additional or stricter standards and criteria; the standards of the overlay zone apply in addition to those of the underlying zoning district.
2. Designation of Overlay Zones. The following overlay districts shall apply in the corporate limits of Queenstown:
  - a. "CA" Critical Area Overlay District
  - b. "CR" Community Redevelopment Overlay District

**§ 19. Official Zoning Maps.**

- A. The incorporated areas of the Town are hereby divided into zoning districts as shown on the Official Zoning Maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Chapter.
- B. The Official Zoning Maps shall be identified by the signatures of the Town Commissioners and attested by the Town Clerk under the following words: "This is to certify that this is the Official Zoning Maps referred to in §19 of the Zoning Chapter for Queenstown, Maryland," together with the date of the adoption of this Zoning Chapter.
- C. Regardless of the existence of purported copies of the Official Zoning Maps, which may from time to time be made or published, the Official Zoning Maps shall be located in the Town Office and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Town.
- D. Official Critical Area Overlay District Maps
  1. Official Critical Area Overlay District Maps have been prepared for the Town of Queenstown and shall be maintained in force as part of the Official Zoning Maps referred to in this Zoning Chapter. They shall delineate the extent of the CA Overlay District. The Critical Area Overlay District shall include all lands and waters defined in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:
    - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.

- b. All lands and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland; and
  - c. Modification to these areas through inclusion or exclusion proposed by the Town and approved by the Critical Area Commission as specified in Section 8-1807 of the Natural Resources Article, Annotated Code of Maryland.
2. Within the designated CA District all land shall be assigned one of the following land use management designations:
- a. Intensely Developed Area (IDA)
  - b. Limited Development Area (LDA)
  - c. Resource Conservation Area (RCA)

The land use management designation shall be as provided in the Town of Queenstown Critical Area Program, as amended. The Critical Area Overlay District Maps may be amended by the Town Commissioners in compliance with amendment provisions in this Zoning Chapter, the Maryland Critical Area Law and Critical Area Criteria.

**§ 20. Replacement of Official Zoning Maps.**

- A. In the event that the Official Zoning Maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may by resolution adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps.
- B. The new Official Zoning Maps may correct drafting or other errors or omissions in the prior Official Zoning Maps, but no such corrections shall have the effect of amending the original zoning maps, the Zoning Chapter or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Maps and the maps shall be identified by the signature of the Town Commissioners attested by the Town Clerk, and bearing the seal of the Town under the following words: "This is to certify that these Official Zoning Maps supersedes and replaces the Official Zoning Maps adopted (*date of adoption of maps being replaced*) as part of the Zoning Chapter of Queenstown, Maryland."

**§ 21. Periodic review of regulations and map.**

- A. At least once every five (5) years, the Planning Commission shall review the zoning regulations and the Official Zoning Maps to determine whether it is advisable to amend the regulations or the

maps, or both, to bring them into accord with the objectives of the *Queenstown Community Plan*, to take advantage of new techniques or to encourage improved building practices which may have been developed and which may have application in Queenstown, to correct deficiencies or difficulties which may have developed in administration or for such other reasons as the Planning Commission may determine.

- B. The Planning Commission shall report their findings to the Town Commissioners.

**§ 22. Interpretation of district boundaries.**

- A. A zoning district name or letter-number combination shown on the Zoning District Map indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the Town bounded by the district boundary lines, except as otherwise provided by this section.
- B. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map accompanying and made a part of these regulations, the following rules shall apply:
  - 1. In cases where a boundary line is given a position within a street or alley, easement, canal or navigable or non-navigable stream, it shall be deemed to be in the center of right-of-way of the street, alley, easement, canal or stream. If the actual location of such street, alley, easement, canal or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
  - 2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
  - 3. In cases where the district boundaries as shown on the Zoning District Map approximately coincide with lot lines, the lot lines shall be construed to be the district boundary lines, unless otherwise indicated.
  - 4. In cases where district boundaries as shown on the Zoning District Map do not coincide or approximately coincide with street lines, alley lines or lot lines and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.

**§ 23. Regulation of areas under water.**

- A. All areas within the limits of the incorporated Town of Queenstown which are under water are considered to be within a zoning district and controlled by applicable district regulations. District boundaries over water areas are located by noted or scaled dimensions, by relation to physical features, by coincidence with the Town boundary or by a straight line projection of the district

boundaries as indicated on the Zoning District Map.

- B. Straight line district boundaries over water areas shall be assumed to continue as straight lines until they intersect with each other or with the Town boundary.

## Part II. Planned Development (PD) Floating Zones

### § 24. Planned Neighborhood Floating Zone District.

- A. Purpose. The Planned Neighborhood (“PN”) District is a floating zone, which means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Official Zoning Map. The PN District is intended to permit master planned, mixed-use developments of large tracts of land. The PN District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Zoning Chapter and that is approved by the Town Commissioners at the time the PN zoning is applied to specific land(s). The PN provisions provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:
1. Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
  2. A range of housing types and densities to accommodate a diverse population of age groups and income levels;
  3. Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking when appropriate for the development;
  4. Open spaces integral to the community; and,
  5. Location adjacent to and extending the fabric of existing development.
- B. Applicability. The PN District is intended to apply to large tracts of land of at least twenty-five (25) acres. Smaller tracts may be considered when the development of such land is found to be compatible with an adjacent, existing, or proposed PN type development and/or adjacent Town land uses.
- C. Intent. The PN District is intended to promote the following:
1. Implement the recommendations of the *Queenstown Community Plan*;
  2. Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips;
  3. Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets;
  4. Encourage the inclusion of a diversity of household types, age groups, and income levels;

5. Promote traditional town building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles;
6. Encourage creation of functionally diverse, but visually unified, neighborhoods focused on central squares;
7. Promote use of neighborhood greens, landscaped streets, boulevards, and “single-loaded” parkways woven into street and block patterns to provide space for social activity, parks, and visual enjoyment;
8. Provide buildings for civic or religious assembly or for other common or institutional purposes that act as visual landmarks and symbols of identity;
9. Promote the location of dwellings, shops, and workplaces in close proximity to each other, the scale of which accommodate and promote pedestrian travel for trips within the community;
10. Preserve open space, scenic vistas, agricultural lands, and sensitive natural areas;
11. Permit design flexibility in order to achieve an appropriate mix of residential and non-residential building uses; and,
12. Require efficient utilization of designated growth areas.

D. Density

1. The minimum residential density for a proposed PN District shall be three and one-half (3 1/2) dwelling units per net tract acre. For purposes of calculating the minimum residential density for a proposed PN District, non-residential acres, open space, and conservation acres shall be subtracted from the gross tract acres.
2. A maximum residential density of six (6) dwelling units per net tract acre can be permitted subject to the bonus provisions set forth in §E.

E. Bonus Density Provisions

1. The Town Commissioners may permit additional/bonus dwelling units for development rights acquired from the Queenstown Development Rights Sending Area.
2. Transfer details, including the dwelling unit for development right exchange rate, shall be negotiated between the Town Commissioners and applicant with details included in a Developers Rights and Responsibilities Agreement.

F. General Design Requirements.

1. Design standards referenced in this section shall be considered as minimum performance standards for the PN District.
2. Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to four (4) use areas: Single-Family Residential Areas (SRA), Central Residential Areas (CRA), Neighborhood Center Areas (NCA), and Conservation Areas (CA). At a minimum, a planned neighborhood must contain both a SRA and a CA. The four (4) use areas are defined as follows:
  - a. Single-Family Residential Areas (SRA) provides locations for a broad range of housing types, including single-family detached, semi-detached, and attached.
  - b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, and habitat protection areas.
  - c. Central Residential Areas (CRA) are intended to contain a variety of housing options and related uses. These areas are typically located adjacent to primary neighborhood centers.
  - d. Neighborhood Center Area (NCA) is the identifiable focal point of each neighborhood and is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-story and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance, specifically including second-floor residential uses.

G. Land Use Table for the PN District. The following uses apply in the PN District. The land use table is intended to permit the following uses, or uses which are substantially similar to the uses set forth herein. Notwithstanding any provision herein, all existing land uses within a PN District shall be permitted to continue until the development of the particular phase of an approved PUD plan.

<b>Legend:</b>						
P = Permitted						
PC = Permitted with conditions						
SE = Special Exception						
SC = Special Exception with conditions						
CLASS	USE DESCRIPTION	SRA	NCA	CRA	CA	
1.00	AGRICULTURAL USES					
	Agriculture					P
	Forestry					P

<b>Legend:</b>					
P = Permitted					
PC = Permitted with conditions					
SE = Special Exception					
SC = Special Exception with conditions					
<b>CLASS</b>	<b>USE DESCRIPTION</b>	<b>SRA</b>	<b>NCA</b>	<b>CRA</b>	<b>CA</b>
	Wildlife Conservation & Refuge Area				P
	Greenhouse – on-premise sales permitted				SE
<b>2.00</b>	<b>RESIDENTIAL</b>				
	Dwelling – Single Family Detached	P		P	
	Dwelling – Two-Family	P		P	
	Dwelling – Multi-Family	P		P	
	Dwelling – Townhouse	P		P	
	Dwelling - Apartment			P	
<b>3.00</b>	<b>ACCESSORY DWELLING UNIT (Size limited to 50% of principle structure; not to exceed 1,500 square feet)</b>				
	- In conjunction with a principal residential use (Limited to one accessory dwelling unit per parcel)	SE		SE	
	- In conjunction with a principal commercial use		SE		
<b>4.00</b>	<b>HOME-BASED BUISNESS</b>				
	Home Occupation	P		P	
	Day Care Center, Group		P	SE	
	Bed and breakfast	SE	P	SE	
<b>5.00</b>	<b>INSTITUTIONAL</b>				
	Schools, Public	SE	P	SE	
	Schools, Private	SE	P	SE	
	Churches and parish halls, temples and convents and monasteries, mosques, houses of worship	SE	P	SE	
	Libraries, museums		P	P	
	Private Clubs		P		
	Medical facility or clinic for human care		P		
	Funeral Home		P		
<b>6.00</b>	<b>RECREATION, AMUSEMENT, ENTERTAINMENT</b>				
	Athletic fields	P		P	SE
	Community Center including indoor recreation	P	P	P	
	Indoor recreation		P		
	Theater – indoor		P		
	Privately owned country clubs swimming or tennis clubs approved as part of some residential development	P		P	
<b>7.00</b>	<b>EMERGENCY SERVICES</b>				

<b>Legend:</b>					
P = Permitted					
PC = Permitted with conditions					
SE = Special Exception					
SC = Special Exception with conditions					
<b>CLASS</b>	<b>USE DESCRIPTION</b>	<b>SRA</b>	<b>NCA</b>	<b>CRA</b>	<b>CA</b>
	Fire Stations without assembly hall	P	P	P	P
	Fire Station with Assembly Hall		P	P	P
	Rescue squad, ambulance service	P	P	P	P
<b>8.00</b>	<b>UTILITIES</b>				
	Essential Service	P	P	P	P
<b>9.00</b>	<b>COMMERCIAL –SERVICE</b>				
	Personal services including not limited to, barber shop, beauty parlor, nail salon and dry cleaning		P		
	Service establishments, including laundry or laundromat, appliance repair, equipment or instrument repair or rental, dry cleaning pickup station, or plant, hairdresser shop, pet grooming shop, upholstery shop, tailor and other similar uses		P		
	Repair facilities for household items, domestic appliances, clothes, materials, television, radio, or other electronic equipment		P		
	Advertising agencies		P		
	Studios of a photographer, artist and writer, including teaching studios for art, crafts, drama, dance and music		P		
	Bakery		P		
	Financial institutions, building and loan associations, savings and loan associations, banks, credit unions, mortgage companies, or finance offices or other financial institutions		P		
	Business uses including insurance, real estate, and computer centers		P		
	Professional uses, including medical, legal, engineering, surveying, and architectural offices and other uses of a similar nature		P		
	Health Club		P	SE	
	Entertainment uses including nightclubs, bars and dance halls		SE		
	Hotel		P		
	Veterinary hospital, veterinary office, animal clinic		P		
<b>10.00</b>	<b>COMMERCIAL – RETAIL AND WHOLESALE</b>				

<b>Legend:</b>					
P = Permitted					
PC = Permitted with conditions					
SE = Special Exception					
SC = Special Exception with conditions					
<b>CLASS</b>	<b>USE DESCRIPTION</b>	<b>SRA</b>	<b>NCA</b>	<b>CRA</b>	<b>CA</b>
	Specialty food stores including but not limited to coffee shops, ice cream, organic foods, and delicatessen		P	SE	
	Specialty retail stores		P		
	Antique Shop		P		
	Florist Shop		P		
	Grocery Store		P		

G. Development Standards.

1. The following development standards shall apply to the PN District:

a. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PN shall be established for each individual project by the Planning Commission in accordance with the *Planned Neighborhood Design Guidelines*. In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent neighborhoods.

b. Minimum Required Open Space:

(1) A minimum of twenty percent (20%) of the of the gross site acreage shall be open space including parks and recreational areas. Not less than fifteen percent (15%) of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent (50%) of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

(2) Open space land shall be permanently protected through conservation easements or dedications, as may be decided by the Planning Commission, and may be developed for uses consisting of the following:

(a) Equestrian facilities, including related stables and pastures;

- (b) Municipal or public uses, public park or recreation area owned and operated by a public or private nonprofit agency; and
  - (c) Active recreation, not including parking areas and any roofed structures associated with the active recreation, if it is non-commercial in nature and provided that no more than fifty percent (50%) of the minimum required open space is so used.
- (3) The required open space shall be located and designed to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space as “terminal vistas” (the building or landscape seen at the end of a street, or along the outside edges of street curves) and by maximizing the visibility of external open space as perimeter greenbelt land (the undeveloped and permanently protected acreage around a community). Such greenbelt open space shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- (4) PN developments shall include multiple greens, commons, or passive parks measuring a total of at least 1,500 square feet for each dwelling unit, plus five hundred (500) square feet of land for active recreation per dwelling unit.
- (5) Civic greens or squares shall be distributed throughout the neighborhood so as to be located within 1,500 feet of ninety percent (90%) of all residential units in the SRA and CRA areas.

2. Residential Unit Mix

- a. The minimum and maximum percentages of types of residential units for each PN District, and each phase thereof, shall be as set forth in subsection c below.
- b. At a minimum each PN development shall have at least three (3) of the five (5) unit types. Each phase of a proposed PN shall have at least three (3) of the five (5) unit types. The Planning Commission may vary this phase requirement if a majority of its members are satisfied that at build-out three (3) of five (5) unit types are included in the overall PN development. Each phase of a proposed PN development shall provide housing opportunities for a diverse population mix of age groups and income levels.
- c. Residential Unit Mix.

Unit Type	Minimum	Maximum
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Detached Single Family Dwelling	50%	80%
Two (2) Family Dwelling	20%	40%
Townhouse	5%	40%
Multi-Family	5%	40%
Apartments	5%	15%

H. Small Planned Neighborhood Projects. The Town Commissioners may modify the minimum performance standards established in subsection G, herein, for a PN District development of less than twenty-five acres (25) acres provided that:

1. The proposed development in the PN District can be integrated with a Master Development Plan for an adjacent and larger PN District project by such features as street extensions, compatible location of SRAs and common areas. In addition, the Town Commissioners must find that the proposed design meets the goals and objectives of the *Queenstown Community Plan*, as amended, and the intent of this section; or
2. The Town Commissioners find that the proposed PN District is for an infill or transition project between existing developed areas and/or adjacent to a proposed or planned large scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the *Queenstown Community Plan* and the intent of this section.
3. The design of all PN projects shall be consistent with the *Planned Neighborhood Design Guidelines*.

I. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PN District and until the Commissioners of Queenstown approve a PN Plan in accordance with § 26 of this Chapter.

**§ 25. Planned Regional Commercial Floating Zone.**

The intent of the “PRC” Planned Regional Commercial District is to establish an area for master-planned regional commercial uses at appropriate locations near arterial highways in accordance with the *Queenstown Community Plan*. The Regional Commercial District permits development and land use pursuant to a Planned Development (“PD”) Plan approved by the Commissioners of Queenstown at the time that the PRC District zoning is applied to specific land(s). No subdivision shall be permitted on property located within the PRC District until the Town approves a Planned Development (“PD”) Plan in accordance with this Chapter.

- A. The PRC Planned Regional Commercial District is intended to promote the following:
1. Implement the recommendations of the *Queenstown Community Plan* by encouraging and permitting large-scale commercial uses, including shopping centers at appropriate locations within the Town.

2. Allow for mixed-use development projects including a wide range of commercial and retail trades and uses, as well as offices, business and personal services that contribute to the positive character of the Town. A PRC project also may include multi-family residential uses that are appropriately integrated into the overall design. Emphasis in the District will be on providing appropriate transitions to adjacent residential neighborhoods, safety and maintaining pedestrian access with links to neighborhoods, and other commercial developments where feasible;
  3. Allow for new commercial development that is compatible with and contributes to the character of the Town through use of appropriate building materials, architectural detail, color range, massing, lighting, and landscaping criteria to soften the visual impact of commercial building sites and parking areas and to accentuate the relationship to streets and pedestrian ways;
  4. Require efficient utilization of land;
  5. Allow commercial development that will serve local and regional commercial markets;
  6. Discourage strip forms of development;
  7. Provide landscape buffers and appropriate transitions between commercial uses and arterial highways to improve the visual character along the highway corridor; and
  8. Permit design flexibility in order to achieve an appropriate integration of more intense commercial uses into the community and minimize its impact on adjacent areas.
- B. Development Process and Procedure. No property may be developed or subdivided in a proposed PRC District until the property is reclassified as a PRC District and until the Commissioners of Queenstown approves a PD Plan in accordance with § 26 of this Chapter.
- C. Table of Permissible Uses – Planned Regional Commercial Floating Zone District

All permitted uses are subject to approval of the PRC Master Plan. Uses not included in an approved Master Plan shall be subject to amendment of the Master Plan approved by the Planning Commission. Changes involving similar uses, e.g. from one retail use to another that does not increase total overall floor area, are permitted by right.

<b>Legend:</b>		
P = Permitted		
PC = Permitted with conditions		
SE = Special Exception		
SC = Special Exception with conditions		
<b>CLASS</b>	<b>USES DESCRIPTION</b>	<b>PRC<sup>1</sup></b>

<b>Legend:</b>		
P = Permitted		
PC = Permitted with conditions		
SE = Special Exception		
SC = Special Exception with conditions		
<b>CLASS</b>	<b>USES DESCRIPTION</b>	<b>PRC<sup>1</sup></b>
<b>1.00</b>	<b>RESIDENTIAL</b>	
	Commercial apartments	P
	Home Occupation	P
	Homeless Shelter	P
	Hotels, motels, convention centers, and similar businesses or institutions providing overnight accommodations	P
	Multi-Family Residences	P
	Townhouse Residences	P
<b>2.00</b>	<b>COMMERCIAL, OFFICE AND SERVICE<sup>2</sup></b>	
	Antique Shops	P
	Appliance stores, book store, furniture store gift shops, hardware stores, jewelry shops, wearing apparel, photographic art supply stores, and florists	P
	Automobile parts, supplies, and tire stores; drug stores, and food and beverage, super market	P
	Automobile, trailer and truck sales, service and repair, and emission testing, not including body work	P
	Bakeries	P
	Banks and financial institutions	P
	Building material and supply, boat sales, farm implements storage and sales, feed and grain storage and sales, heavy equipment sales and service	P
	Business services, including computer repair, copying, and postal services	P
	Car washes and Automobile Laundries	P
	Cemeteries, crematorium	P
	Cemetery	P
	Convenience stores	P
	Department stores	P
	Drinking Places, e.g., PUBs, Bars, dance halls, nightclubs, cocktail lounges	P
	Drive-in banks	P
	Dry-cleaning and pressing pickup stations or shops	P
	Food stores	P
	Funeral Parlors, Undertaking Establishments, and Mortuaries	P
	Greenhouses and horticultural sales with outdoor display	P
	Health Club, spa	P
	Motor vehicle fuel sales - Automobile Filling Station	P
	Office or clinics of physicians or dentists	P
	Personal services including, but not limited to, barber shop, and beauty parlor	P
	Pet Shops	P
	Professional Offices	P
	Restaurant, fast food, drive-in, drive thru	P

<b>Legend:</b>		
P = Permitted		
PC = Permitted with conditions		
SE = Special Exception		
SC = Special Exception with conditions		
<b>CLASS</b>	<b>USES DESCRIPTION</b>	<b>PRC<sup>1</sup></b>
	Restaurant, standard	P
	Restaurants and Other Establishments	P
	Retail establishments in an office building	P
	Retail sales	P
	Shopping center	P
	Shops for the sale, service or repair of home appliances, office machines, electrical equipment and television and radio equipment	P
	The offices of attorneys, architects, engineers, other similar professions, insurance and stock brokers, travel agents, government office buildings, etc.	P
	Wholesale sales	P
<b>3.00</b>	<b>EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES</b>	
	Schools	P
	Elementary and secondary (including pre-school, kindergarten, associated grounds and athletic and other facilities)	
	Public	P
	Private	P
	Trade or vocational schools	P
	Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	P
	Churches, synagogues, mosques and temples (including associated residential structures for religious personnel and associated buildings but not including elementary or secondary school buildings)	P
	Social, Fraternal Clubs and Lodges, Philanthropic Institutions	P
	Nursery Schools; Day Care Centers with more than 30 children	P
	Libraries, museums, art galleries, art centers, and similar uses (including associated educational and instructional activities)	P
	Art or cultural center	P
<b>4.00</b>	<b>RECREATIONS, AMUSEMENT, ENTERTAINMENT</b>	
	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses	P
	Movie theaters	P
<b>5.00</b>	<b>INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES</b>	
	Hospitals, clinics, other medical (including mental health) treatment facilities	P
	Nursing care home, institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	PC
	Animal Hospital, veterinary clinic	P

<b>Legend:</b>		
P = Permitted		
PC = Permitted with conditions		
SE = Special Exception		
SC = Special Exception with conditions		
<b>CLASS</b>	<b>USES DESCRIPTION</b>	<b>PRC<sup>1</sup></b>
<b>6.00</b>	<b>EMERGENCY SERVICES</b>	
	Civil defense operation	P
	Fire Stations	P
	Police Stations	P
	Rescue squad, ambulance service	P
<b>7.00</b>	<b>MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES</b>	
	Bus terminals	P
	Post office, local	P
	Recycling Centers	P
<b>8.00</b>	<b>UTILITY FACILITIES, TOWERS AND RELATED STRUCTURES</b>	
	Essential Service	P
	Public Utilities	P
	Public utility buildings and structures	P
	Satellite dishes or receive-only earth station	P
	Television antennas 50 feet tall or less	P
	Television antennas over 50 feet	SC
	Wireless Communications Facilities	SC
<b>9.00</b>	<b>MISCELLANEOUS USES</b>	
	Christmas tree sales	P
	Festivals, events of public interest of special events	P
	Nurseries	P
	Solar Energy Equipment	SC
	Temporary structures used in connection with the construction of a permanent building and real estate sales office (time limit and with permit) - construction trailers, temporary storage trailers and temporary sale office	P

<sup>1</sup> Permitted uses in the PRC Planned Regional Commercial district are subject to approval of a PRC floating zone district.

<sup>2</sup> Outdoor storage must be in accordance with an approved site plan.

D. Development Standards.

1. The setback, lot size, lot dimensions, lot coverage, height, and yard requirements for planned unit development in the PRC District shall be established by the Commissioners of Queenstown during the PD Plan approval process.
2. In establishing these requirements the Commissioners of Queenstown shall consider such factors as the proposed development intensity and the existing character of adjacent neighborhoods.

**§ 26. Procedure for Planned Development (PD) Approval.**

- A. Purpose. The following procedures apply to the PN Planned Neighborhood Development and the PRC Planned Regional Commercial Development, hereafter referred to as Planned Developments. The purpose and intent of the Planned Development floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned Community that includes carefully planned, well-designed development projects at appropriate locations.
  
- B. PD District Design. Applicants for a Planned Development shall be guided throughout the review process by the Planned Neighborhood and Planned Regional Commercial Design Guidelines. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The Planned Development Guidelines shall serve as a tool for the Town of Queenstown by providing a checklist of elements to be considered. The Planned Development Design Guidelines shall also inform the design professionals of items that shall be considered or included from the outset of the design process.
  
- C. Application. Application for a floating zone amendment for a Planned Development approval shall be made to the Commissioners of Queenstown. Applications shall include:
  - 1. A written petition for location of a Planned Development District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
  
  - 2. A narrative describing the following:
    - a. Statement of present and proposed ownership of all land within the development;
  
    - b. Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of this Chapter, the proposed Planned Development district, and the *Queenstown Community Plan*;
  
    - c. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
  
    - d. Description of Stormwater management concepts to be applied;
  
    - e. Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;

- f. General description of architectural and landscape elements, including graphic representations; and
  - g. If the applicant desires to develop the property in phases, a preliminary phasing plan indicating:
    - (1) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
    - (2) If different land use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.
3. A Concept Master Development Plan, which includes:
- a. Boundary survey of the area subject to the application;
  - b. Graphic and tabular presentation of proposed site development information that clearly depicts the following, as applicable:
    - (1) Total acreage of subject property and identification of all adjoining landowners;
    - (2) Description of proposed land uses, including residential, commercial, institutional, and recreational;
    - (3) Maximum number of dwelling units, approximate densities of residential areas and anticipated population;
    - (4) Land area and locations generally allocated to each proposed use;
    - (5) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and
    - (6) Maximum non-residential floor area proposed.
- D. Referral of Application to Planning Commission. Upon submission to the Commissioners of an Application for a Planned Development zoning amendment and a Master Development Plan, the Commissioners shall refer said Application and Master Development Plan to the Queenstown Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, the Town staff, and any consultants or professionals on behalf of the Planning Commission or the Town to analyze said Application and Master Development Plan, in accordance with all applicable review processes and procedures. The Planning Commission or

the Commissioners may require the cost of any analysis or consultant or professional be paid for by the applicant. No development may occur until:

1. A floating zone has been applied to the property by legislative action of the Commissioners;
2. A Master Development Plan is approved for the floating zone by the Commissioners; and
3. A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies with jurisdiction.

E. Master Development Plan Submittal to the Planning Commission. After the Commissioners refer the Application and Master Development Plan, the applicant shall submit the following to the Planning Commission for review and recommendations to the Commissioners:

1. Graphic Master Development Plan Requirements:
  - a. Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans shall be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.
    - (1) The referred Master Development Plan;
    - (2) Boundary Survey, including identification of adjacent property owners;
    - (3) Existing condition information, including (information may be displayed on more than one sheet for clarity):
      - (a) Topographic survey (minimum 1' contour interval);
      - (b) Soils;
      - (c) Forested areas and tree lines;
      - (d) Wetlands, hydric soils, streams, and water features;
      - (e) Habitat protection areas;
      - (f) Steep slopes;
      - (g) Easements and deed restrictions;
      - (h) Roads, driveways, and right-of-ways;

- (i) Existing buildings;
  - (j) General location of storm surge boundaries for all categories of storm events; and
  - (k) Existing land uses.
- (4) Proposed open space, protected areas, and public and private parks;
  - (5) Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments;
  - (6) Detailed plan of at least one (1) phase, showing:
    - (a) Road alignments;
    - (b) Lot configuration;
    - (c) Commercial area plan, if applicable;
    - (d) Public and private open space(s);
    - (e) Perspective streetscape (typical for represented phase);
    - (f) Examples of proposed residential and commercial architecture;
    - (g) Plan view, perspective and elevations of private and/or public community facilities; and
    - (h) Plan view, perspective and elevations of entrances including gateway improvements, if applicable.
  - (7) Phasing plan, including:
    - (a) The general boundaries or location of each phase. Although the Phasing Plan shall include the information required by (b) and (c) below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities or public facilities within each phase.
    - (b) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.

- (c) If different land use types are to be included, the Master Development Plan shall include the approximate mix of uses anticipated to be built in each phase.
- b. Studies and reports by qualified professionals:
  - (1) Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county, and town) roads and major existing intersections within one (1) mile of the project that may be impacted by traffic generated by the proposed project;
  - (2) Nontidal wetlands delineation;
  - (3) Habitat protection areas study prepared by qualified professionals; and
  - (4) A concept plan indicating how storm water will be managed on the site in accordance with applicable State, County or local regulations.
- c. Master Development Plan Design Standards shall generally conform to the elements of the all applicable Design Planned Development Guidelines. The Master Development Plan Design Standards shall provide specific detail regarding:
  - (1) Site design standards in designated neighborhood and/or commercial areas, including: permitted uses, building types, frontage, setbacks and lot sizes, building heights, parking, street widths and cross-sections, sidewalks, lighting, and road geometry.
  - (2) Building standards for designated neighborhood and/or commercial areas, including: size and orientation, building facades, regulated architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.
  - (3) Landscape, buffer, and environmental standards, including: location, scope, materials, and scheduling.
- d. Project Scheduling Information, including: anticipated permitting hearings, approvals, construction start, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town as a tool for long-range planning activities, but shall not be binding.)
- e. The Master Development Plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:

- (1) Sanitary and storm sewers, water mains, culverts, and other underground structures;
    - (2) Streets, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and
    - (3) Parks, parkways, walking paths, cycle ways, playgrounds, and open spaces.
  2. The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and the Commissioners.
  3. The Commissioners may establish additional and supplemental requirements for the Master Development Plan prior to its referral of the Application, if the Commissioners determine such requirements are necessary to enable the Commissioners to evaluate the particular floating zone amendment request.
- F. Planning Commission Review and Recommendation – Floating Zone Amendment and Master Development Plan.
1. The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Chapter and consistency with the Comprehensive Plan and the Planned Development Design Guidelines.
  2. The Planning Commission shall evaluate the degree to which the proposed floating zone request and Master Development Plan incorporate and/or address the Planned Development Design Guidelines and furthers the goals and objectives of the *Queenstown Community Plan*.
  3. The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of the Planning Commission, shall cause the proposal to better conform to the requirements of the *Queenstown Community Plan*, the Planned Development Design Guidelines, and the goals and objectives of this Chapter. The applicant may resubmit the Master Development Plan to the Planning Commission in light of the Planning Commission's comments.
  4. If, after four (4) Master Development Plan submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Planning Commission shall make a negative recommendation to the Commissioners setting forth its reasons as to why the Master Development Plan should not be approved.

5. After a public hearing, the Planning Commission shall consider and comment on the findings required of the Commissioners, as set forth in G (2), herein, and shall make a favorable or negative recommendation to the Commissioners.
6. The Planning Commission shall forward the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Commissioners for action pursuant to the floating zone and Master Development Plan approval process.

G. Commissioners Approval of Floating Zone and Master Development Plan.

1. The Commissioners shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
2. After a public hearing, the Commissioners may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan, and shall follow the procedures set forth in §163 of this Chapter. Concurrently with the location of a floating zone, the Commissioners may approve the Master Development Plan, which, in addition to the provisions of PN or PRC District whichever is applicable, shall govern the subdivision and/or development of the property. In approving Planned Development floating zone map amendment, the Commissioners shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Commissioners may approve the Planned Development District map amendment if it finds that the proposed floating zone amendment is:
  - a. consistent with the *Queenstown Community Plan*;
  - b. consistent with the stated purposes and intent of the Planned Development District;
  - c. complies with the requirements of this Chapter; and
  - d. is compatible with adjoining land uses.
4. When a Planned Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase.
5. As part of the final Master Development Plan approval, the Commissioners shall approve a date for initiation of the proposed development.

6. In the event that a floating zone amendment is approved by the Commissioners without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development review and approval provisions of this Chapter, and may not be developed except in conformance with a site plan as required by and in conformance with this Chapter.

H. Additional Required Procedures.

1. The administrative procedures for approval of a site plan for property located within the Planned Development District are set forth in §125 of this Chapter. Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.
2. The administrative procedures for approval of a subdivision located within the Planned Development District shall be those of the Town's Subdivision Regulations, set forth in the Town Code. Final subdivision plats shall conform to the approved Master Development Plan.
3. Any development, site plan or subdivision approval for land in a Planned Development District shall be consistent with the provisions of the PN or PRC District as applicable, and the specific Master Development plan applicable to the property, as approved or amended by the Commissioners.

I. Amendment of Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the Planned Development or any phase(s) thereof, subject to guideline (3), below; internal road locations or configurations; the number, type or location of dwelling units, subject to guideline (5) below; and the location of public amenities, services, or utilities. The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts upon the delivery or the Town's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a "minor amendment. In addition to the foregoing, an amendment shall be deemed a "minor amendment", provided that such amendment:

1. Does not conflict with the applicable purposes and land use standards of this Chapter;

2. Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;
  3. Does not significantly change the general character of the land uses of the approved Master Development Plan;
  4. Does not result in any substantial change of major external access points;
  5. Does not increase the total approved number of dwelling units or height of buildings; and
  6. Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.
- J. Conflict with other Articles. Provisions of the Planned Development Floating Zone, when found to be in conflict with other provisions of this Chapter, shall supersede those other provisions with which they conflict. Provisions of the Planned Development Floating zone, when found to be in conflict with provisions of the Queenstown Subdivision Code, shall supersede those provisions with which they conflict.
- K. A Planned Development District shall be considered to be a “floating zone” and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each Planned Development district shall be as set forth in Town of Queenstown Code and shall be the basis for approval or denial by the Commissioners of Queenstown without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

### **Part III. CA Critical Area Overlay District**

#### **§ 27. Implementation of the Critical Area Program Purpose and Goals.**

- A. The Queenstown Critical Area Program
1. The Queenstown Critical Area Program consists of the Queenstown Zoning Chapter and the Queenstown Critical Area map. Related provisions may also be found in the Queenstown Subdivision Regulations.
- B. Goals.

The goals of the Queenstown Critical Area Program are to accomplish the following:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and

3. Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.

C. Regulated activities and applicability.

Any applicant for a permit or license to pursue activities within the Critical Area, including but not limited to, development or redevelopment, grading, sediment and erosion control, timber harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities shall have such permits or licenses issued by the Town after review to determine compliance with the Queenstown Zoning Chapter.

D. Critical Area Overlay District Map.

1. The Official Critical Area Overlay District Map is maintained in force as part of the Official Zoning Map for Queenstown. The Official Critical Area Map delineates the extent of the Critical Area Overlay District that shall include:
  - a. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide and all state and private wetlands designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.
  - b. All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article of the Annotated Code of Maryland.
2. Within the designated Critical Area Overlay District, all land shall be assigned one of the following land management and development area classifications:
  - a. Intensely Developed Area (IDA).
  - b. Limited Development Area (LDA).
  - c. Resource Conservation Area (RCA).
3. The Critical Area Overlay District Map may be amended by the Town Commissioners in compliance with amendment provisions in this Chapter, the Maryland Critical Area Law, the Critical Area Criteria and Critical Area Regulations.

E. General Requirements

1. Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in this Chapter.
2. Reasonable accommodations for the needs of disabled citizens.
  - a. An applicant seeking relief from the Critical Area standards contained in this Chapter in order to accommodate the reasonable needs of disabled citizens shall have the burden of demonstrating the following:
    - (1) The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act;
    - (2) Literal enforcement of the provisions of this Chapter would result in discrimination by virtue of such disability or deprive a disabled resident or user of the reasonable use and enjoyment of the property;
    - (3) A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this Chapter or store the disabled resident's or user's reasonable use or enjoyment of the property;
    - (4) The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Chapter as applied to the property; and
    - (5) The accommodation would be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement, or would allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.
  - b. The Board of Appeals shall determine the nature and scope of any accommodation under this Chapter and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Chapter. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
  - c. The Board of Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this Chapter. Appropriate bonds may be collected or liens placed in order to ensure the Town's ability to restore the property should the applicant fail to do so.

**§ 28. Intensely Developed Areas.**

- A. Intensely Developed Areas are defined as, “an area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre.”
- B. Development standards.

For all development activities in the Intensely Developed Areas, the applicant shall identify any environmental or natural feature described below and meet all of the following standards:

1. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation;
2. All roads, bridges, and utilities are prohibited in a Habitat Protection Area, unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction, and maintenance shall:
  - a. Provide maximum erosion protection;
  - b. Minimize negative impact on wildlife, aquatic life, and their habitats; and
  - c. Maintain hydrologic process and water quality.
3. All development activities that must cross or affect streams shall be designed to:
  - a. Reduce increases in flood frequency and severity that are attributable to development;
  - b. Retain tree canopy so as to maintain stream water temperature within normal variation;
  - c. Provide a natural substrate for stream beds; and
  - d. Minimize adverse water quality and quantity impacts of stormwater.
4. All development and redevelopment activities shall include stormwater management technologies that reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to development or redevelopment as provided in *Critical Area 10% Rule Guidance Manual – Fall 2003* and as may be subsequently amended.

**§ 29. Limited Development Areas.**

- A. Limited Development Areas are defined as, “an area: with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Chapter.”
- B. Development standards.

For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below, and shall meet all of the following standards:

- 1. Development and redevelopment shall be subject to the water-dependent facilities requirements of this Chapter;
- 2. Roads, bridges, and utilities are prohibited in a Habitat Protection Area unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction and maintenance shall:
  - a. Provide maximum erosion protection;
  - b. Minimize negative impacts on wildlife, aquatic life and their habitats; and
  - c. Maintain hydrologic processes and water quality.
- 3. All development activities that must cross or affect streams shall be designed to:
  - a. Reduce increases in flood frequency and severity that are attributable to development;
  - b. Retain tree canopy so as to maintain stream water temperature within normal variation;
  - c. Provide a natural substrate for stream beds; and
  - d. Minimize adverse water quality and quantity impacts of stormwater.
- 4. If there is a wildlife corridor system identified by the Wildlife Heritage Service on or near the site which can be enhanced by additional plantings, the applicant shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with offsite habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Chapter. Queenstown shall ensure the

maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the Town through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts and other organizations.

5. Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for Limited Development Areas.
6. Except as otherwise provided in this subsection, lot coverage is limited to 15% of a lot or parcel or any portions of a lot or parcel that are designated LDA.
  - a. If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then lot coverage is limited to twenty-five (25%) of the parcel or lot.
  - b. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to fifteen percent (15%) of the parcel or lot.
  - c. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then lot coverage may exceed fifteen percent (15%) of the individual lot; however the total lot coverage for the entire subdivision may not exceed fifteen percent (15%).
  - d. Lot coverage limits provided in §a and §b above may be exceeded, upon findings by the Planning Commission or its designee that the following conditions exist:
    - (1) The lot or parcel is legally nonconforming. A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for the purposes of lot coverage requirements.
    - (2) Lot coverage associated with new development activities on the property have been minimized;
    - (3) For a lot or parcel one-half acre or less in size, total lot coverage does not exceed the lot coverage limits in §a by more than twenty-five percent (25%) or five hundred square feet (500 square feet), whichever is greater;
    - (4) For a lot or parcel greater than one-half acre and less than one acre in size, total lot coverage does not exceed the lot coverage limits in §(b) or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;

The following table summarizes the limits set forth in §(1) through §(4) above:

Table B6d Lot Coverage Limits

<b>Lot/Parcel Size (Square Feet)</b>	<b>Lot Coverage Limit</b>
0 – 8,000	25% of parcel + 500 SF
8,001 – 21, 780	31.25% of parcel
21,780 – 36,300	5,445 SF
36,301 – 43,560	15% of parcel

- e. If the Planning Commission or its designee makes the findings set forth in §d above and authorizes an applicant to use the lot coverage limits set forth in that paragraph, the applicant shall:
  - (1) Demonstrate that water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and
  - (2) Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of the development activity.
  - (3) If the applicant cannot provide appropriate stormwater treatment and plantings due to site constraints, then the applicant shall pay a fee to Queenstown in lieu of performing the on-site mitigation. The amount of the fee shall be \$1.50 per square foot of the required mitigation.
  
- 7. The alteration of forest and developed woodlands shall be restricted and shall be mitigated as follows:
  - a. The total acreage in forest and developed woodlands within the Critical Area shall be maintained or preferably increased;
  - b. All forests and developed woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;
  - c. If an applicant is authorized to clear more than 20 percent of a forest or developed woodlands on a lot or parcel, the applicant shall replace the forest or developed woodlands at 1.5 times the areal extent of the forest or developed woodlands cleared, including the first 20 percent of the forest or developed woodlands cleared.
  - d. An applicant may not clear more than 30 percent of a forest or developed

woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of 3 times the areal extent of the forest or developed woodlands cleared.

- e. If an applicant is authorized to clear any percentage of forest or developed woodland the remaining percentage shall be maintained through recorded, restrictive covenants or similar instruments approved by the Town.
8. The following are required for forest or developed woodland clearing as required in §7 above:
- a. The applicant shall ensure that any plantings that die within twenty-four (24) months of installation shall be replaced. A performance bond in an amount determined by Queenstown shall be posted to assure satisfactory replacement as required in §7 above and plant survival;
  - b. No clearing is allowed until the Town has issued a permit;
  - c. Clearing of forest or developed woodlands that exceed the maximum area allowed in §7 above or prior to the issuance of a permit shall be replanted at three times the areal extent of the cleared forest; and
  - d. If the areal extent of the site limits the application of the reforestation standards in this section the applicant may be allowed to plant offsite or pay a fee in lieu of planting.
9. If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15 percent.
- a. The applicant shall designate, subject to Town approval, a new forest area on a part of the site not forested; and
  - b. The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the Town.

**§ 30. Resource Conservation Areas.**

- A. Resource Conservation Areas are defined as, “an area that is characterized by nature dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.”
- B. Development standards.

For all development activities and resource utilization in the Resource Conservation Areas, the applicant shall meet all of the following standards:

1. Land use management practices shall be consistent with the policies and criteria for the Habitat Protection Area provisions of this Chapter.
2. Land within the Resource Conservation Area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres.
3. Development activity within the Resource Conservation Areas shall be consistent with the requirements and standards for Limited Development Areas as specified in this Chapter.
4. Nothing in this section shall limit the ability of a land owner to participate in any agricultural easement program or to convey real property impressed with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres.

**§ 31. Land Use and Density.**

**A. Permitted Uses**

1. Permitted uses in the Critical Area shall limited to those uses allowed by the underlying zoning classification as modified by Table A1a and the supplemental use standards in §32 provided such uses meet all standards established for the Critical Area Overlay District.

Table A1a Permitted Uses

ITEM	USE DESCRIPTION	Land Use Management Designation		
		IDA	LDA	RCA
<b>LEGEND:</b> P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted				
<b>1.00</b>	<b>RESIDENTIAL</b>			
1.10	Accessory Dwelling Unit	P	P	PC
<b>2.00</b>	<b>INSTITUTIONAL</b>			
2.10	Existing institutional uses	P	P	PC
2.20	New institutional uses	P	P	NP
2.30	Cemetery	P	P	PC
2.40	Group Home	P	P	PC
2.50	Day Care	P	P	PC

	<b>LEGEND:</b> P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted	<b>Land Use Management Designation</b>		
<b>ITEM</b>	<b>USE DESCRIPTION</b>	<b>IDA</b>	<b>LDA</b>	<b>RCA</b>
<b>3.00</b>	<b>COMMERCIAL</b>			
3.10	Existing commercial uses	P	P	PC
3.20	New commercial uses	P	P	NP
3.30	Home occupation	P	P	PC
3.40	Bed and breakfast facility	P	P	PC
<b>4.00</b>	<b>MARITIME/WATER DEPENDENT</b>			
4.10	Expansion of existing commercial marinas	P	P	PC
4.20	New marina, commercial	P	P	NP
4.30	Community piers and noncommercial boat docking and storage	P	P	PC
4.40	Public beaches and public water-oriented recreational and educational areas	P	P	PC
4.50	Research Areas	P	P	PC
4.60	Fisheries activities	P	P	P
4.70	Structures on Piers	PC	PC	PC
4.80	Private pier	P	P	P
<b>5.00</b>	<b>RECREATION</b>			
5.10	Golf course	P	P	PC
<b>6.00</b>	<b>INDUSTRIAL</b>			
6.10	Existing industrial uses	P	P	PC
6.20	New industrial uses	P	PC	NP
6.30	Non-maritime heavy industry	P	NP	NP
<b>7.00</b>	<b>TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES</b>			
7.10	Utility transmission facilities	PC	PC	PC
<b>8.00</b>	<b>PUBLIC/QUASI-PUBLIC</b>			
8.10	Sanitary landfill; rubble fill	PC	PC	PC
8.20	Solid or hazardous waste collection or disposal facilities	PC	PC	NP
8.30	Sludge Facilities	PC	PC	NP

B. Maximum Permitted Density

1. The maximum permitted density for properties located in the Queenstown Critical Area shall be as shown in Table B1.

Table B1  
Maximum Residential

Density (Dwelling Units Per Acre)

<b>Land Use Management Designation</b>		
<b>IDA</b>	<b>LDA</b>	<b>RCA</b>
Density permitted by Underlying Zoning	Density permitted by Underlying Zoning	1 dwelling unit per 20 acres

2. Calculation of 1-in-20 acre density of development.

In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the Resource Conservation Area, the Town:

- a. Shall count each dwelling unit;
- b. May permit the area of any private wetlands located on the property to be included under the following conditions:
  - (1) The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight (8) acres; and
  - (2) The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private survey approved by the Town, the Commission, and the State Department of the Environment.

**§ 32. Supplemental Use Standards.**

The following supplemental use standards apply to the permitted uses listed in Table A(1)(a) above and shall apply when the permitted use is allowed in the underlying zoning district.

A. Accessory Dwelling Unit (1.10)

- 1. If a permitted use in the underlying zoning district, one additional dwelling unit (accessory dwelling unit) as part of a primary dwelling unit may be permitted in the Resource Conservation Area (RCA) provided the additional dwelling unit is served by the Queenstown sewer system and:
  - a. is located within the primary dwelling unit or its entire perimeter is within 100 feet of the primary dwelling unit and does not exceed 900 square feet in total enclosed areas; or
  - b. is located within the primary dwelling unit and does not increase the amount of lot coverage already attributed to the primary dwelling unit.

2. An additional dwelling unit meeting all of the provisions of this section may not be subdivided or conveyed separately from the primary dwelling unit; and
  3. The provisions of this section may not be construed to authorize the granting of a variance, unless the variance is granted in accordance with the variance provisions contained herein.
- B. Existing institutional uses (2.10)
1. Existing institutional facilities shall be allowed in Resource Conservation Areas.
  2. Expansion of existing institutional facilities and uses in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Chapter and the Grandfathering provisions in §34 and may require growth allocation.
- C. New institutional uses (2.20)
1. New institutional facilities and uses, except those specifically listed shall not be permitted in Resource Conservation Areas (RCAs).
  2. Certain institutional uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Chapter. These institutional uses are limited to:
    - a. A cemetery that is an accessory use to an existing church; provided manmade lot coverage is limited to 15 percent of the site or 20,000 square feet, whichever is less;
    - b. A day care facility in a dwelling where the operators live on the premises and there are no more than eight (8) children;
    - c. A group home or assisted living facility with no more than eight (8) residents; and
    - d. Other similar uses determined by the Town and approved by the Critical Area Commission to be similar to those listed above.
- D. Existing Commercial Uses (3.10)
1. Existing commercial facilities and uses, including those that directly support agriculture, forestry, aquaculture or residential development shall be allowed in Resource Conservation Areas.
  2. Expansion of existing commercial facilities and uses in the Resource Conservation Area

shall be subject to the non-conforming use provisions of this Chapter and the Grandfathering provisions in §34 and may require growth allocation.

E. New commercial uses (3.20)

1. New commercial uses, except those specifically listed, shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain commercial uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Chapter. These commercial uses are limited to:
  - a. A home occupation as an accessory use on a residential property and as provided for in this Chapter;
  - b. A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility; and
  - c. Other uses determined by the Town and approved by the Critical Area Commission to be similar to those listed above.

F. Expansion of existing commercial marinas (4.10)

1. Expansion of existing commercial marinas may be permitted within Resource Conservation Areas provided:
  - a. Water quality impacts are quantified and appropriate Best Management Practices that address impacts are provided;
  - b. That it will result in an overall net improvement in water quality at or leaving the site of the marina;
  - c. The marina meets the sanitary requirements of the Department of the Environment; and
  - d. Expansion is permitted under the nonconforming use provisions of this Chapter.
2. Expansion of existing commercial marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that the applicant demonstrates:
  - a. The project meets a recognized private right or public need;
  - b. Adverse effects on water quality, fish, plant and wildlife habitat are minimized

and Best Management Practices are applied to address impacts;

- c. Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and
- d. Expansion is permitted under the nonconforming use provisions of this Chapter.

G. New marina, commercial (4.20)

- 1. New commercial marinas shall not be permitted in Resource Conservation Areas (RCAs).
- 2. New commercial marinas may be permitted in Limited Development Areas (LDAs) and Intensely Developed Areas (IDAs) if allowed in the underlying zoning, provided:
  - a. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
  - b. New marinas meet the sanitary requirements of the Department of the Environment.
  - c. New marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that it can be shown:
    - (1) The project meets a recognized private right or public need;
    - (2) Adverse effects on water quality, fish, plant and wildlife habitat are minimized and Best Management Practices are applied to address impacts; and
    - (3) Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer.

H. Community piers and noncommercial boat docking and storage (4.30)

- 1. New or expanded community marinas and other non-commercial boat-docking and storage facilities may be permitted in the Buffer subject to the requirements in this Chapter provided that:
  - a. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
  - b. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;

- c. The facilities are associated with a residential development approved by the Town for the Critical Area and consistent with all State requirements and the requirements of this Chapter applicable to the Critical Area;
  - d. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities and Best Management Practices are applied to address impacts; and
  - e. If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.
2. Number of slips or piers permitted.

The number of slips or piers permitted at the facility shall be the lesser of §a or §b below:

- a. One slip for each 50 feet of shoreline in the subdivision in the Intensely Developed and Limited Development Areas and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
- b. A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

Table b2 Number of Slips Permitted

<b>Platted Lots or Dwellings in the Critical Area</b>	<b>Slips</b>
up to 15	1 for each lot
16 – 40	15 or 75% whichever is greater
41 – 100	30 or 50% whichever is greater
101 – 300	50 or 25% whichever is greater
over 300	75 or 15% whichever is greater

- I. Public beaches and public water-oriented recreational and educational areas (4.40)
  - 1. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas.
  - 2. These facilities may be permitted within the Buffer in Limited Development Areas and Resource Conservation Areas provided that:
    - a. Adequate sanitary facilities exist;
    - b. Service facilities are, to the extent possible, located outside the Buffer;
    - c. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result;
    - d. Disturbance to natural vegetation is minimized and Best Management Practices are applied to address impacts and Best Management Practices are applied to address impacts; and
    - e. Areas for possible recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Areas if service facilities for these uses are located outside of the Buffer.
- J. Research areas (4.50)
  - 1. Water-dependent research facilities or activities operated by State, Federal, or local agencies or educational institutions may be permitted in the Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Buffer.
- K. Fisheries activities (4.60)
  - 1. Commercial water-dependent fisheries including, but not limited to structures for crab shedding, fish off-loading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations and fisheries activities may be permitted in the Buffer in Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas.
- L. Structures on Piers (4.70)
  - 1. Except as provided in §(1), §(2), and §(3) below, construction of dwelling unit or other non-water-dependent structure on a pier located on State or private tidal wetlands is

prohibited.

- a. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved provided a permit was issued by the Department of Natural Resources on or before January 17, 1989.
- b. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved if the following conditions exist:
  - (1) The project is located in an Intensely Developed Area (IDA);
  - (2) The project is constructed on a pier that existed as of December 1, 1985 that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area; and
  - (3) The project does not require an expansion of the pier greater than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface of a pier to be removed is not intact, but pilings identify its previous size, then that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed.
- c. A building permit for the repair of an existing dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved.
- d. If a structure that is not water dependent is permitted under the exceptions included in this section, an applicant is required to demonstrate that the project will meet the following environmental objectives using the standards established herein:
  - (1) The construction and operation of the project will not have a long term adverse effect on the water quality of the adjacent body of water;
  - (2) The quality of stormwater runoff from the project will be improved; and

- (3) Sewer lines or other utility lines extended for the pier will not affect the water quality of adjoining waters.

M. Golf course (5.10)

1. A golf course, excluding main buildings and/or structures such as the clubhouse, pro-shop, parking lot, etc., may be permitted in Resource Conservation Areas (RCAs) provided:
  - a. Such use is a permitted use allowed in the underlying zoning district; and
  - b. Development is in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005.

N. Existing industrial uses (6.10)

1. Existing industrial facilities and uses, including those that directly support agriculture, forestry, or aquaculture may be permitted in Resource Conservation Areas (RCAs).
2. Expansion of existing industrial facilities and use in the Resource Conservation Area shall be subject to the non-conforming use provisions of this Chapter and the Grandfathering provisions in §34 and may require growth allocation..

O. New industrial uses (6.20)

1. New industrial uses shall not be permitted in Resource Conservation Areas (RCA).
2. New, expanded or redeveloped industrial facilities may only be permitted in Limited Development Areas (LDA) if permitted uses in the underlying zoning district and provided such facilities meet all requirements for development in the LDA.
3. New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas (IDAs) that have been designated as Buffer Management Areas.

P. Non-maritime heavy industry (6.3)

1. Non-maritime heavy industry may be permitted if:
  - a. The site is located in an Intensely Developed Area (IDA); and
  - b. The activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

Q. Utility transmission facilities (7.10)

1. Utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters, may be permitted in the Critical Area provided:
  - a. The facilities are located in Intensely Developed Areas (IDAs); and
  - b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
2. These provisions do not include power plants.

R. Sanitary landfill; rubble fill (8.10)

1. Sanitary landfills or rubble fills may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.
2. Existing, permitted facilities shall be subject to the standards and requirements of the Department of the Environment.

S. Solid or hazardous waste collection or disposal facilities (8.20)

1. Solid or hazardous waste collection or disposal facilities, including transfer stations may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality wastewater management problem.
2. Existing, permitted facilities shall be subject to the standards and requirements of the Department of the Environment.

T. Sludge Facilities (8.40)

1. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities may be permitted in the Critical Area provided:
  - a. The facility or activity is located in an Intensely Developed Areas; and
  - b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to

the adjacent body of water.

2. Agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100 foot-Buffer.

**§ 33. Growth Allocation.**

A. Growth allocation acreage

Growth allocation available to Queenstown includes:

1. An area equal to five (5) percent of the RCA acreage located within Queenstown and;
2. Growth allocation available to Queenstown as provided for by Queen Anne's County.

B. Growth Allocation Floating Zone District GA.

1. Purpose. The Growth Allocation Floating Zone is not mapped but is designated for use in areas classified as Resource Conservation Areas (RCA) and/or Limited Development Area (LDA) within the Queenstown Critical Area Overlay District. The purpose of the floating zone is to permit a change in the land management classification established in the Critical Area Overlay District on specific sites so that they may be developed to the extent permitted by the underlying zoning classification or the land use management classification. Only projects which have been approved by the Town Commissioners for award of the Critical Area Growth Allocation are eligible for floating zones.
2. Designation of floating zones.
  - a. The Growth Allocation District GA shall be a floating zone.
  - b. The Growth Allocation District GA provides for changing the land management classification of Resource Conservation Areas (RCA's) and Limited Development Areas (LDA's) in the Critical Area Overlay District.

C. Standards.

When locating new Intensely Developed or Limited Development Areas the following standards shall apply:

1. A new Intensely Developed Area shall only be located in a Limited Development Area or adjacent to an existing Intensely Developed Area;
2. A new Limited Development Area shall only be located adjacent to an existing Limited Development Area or an Intensely Developed Area:

3. New Intensely Developed Areas shall be at least 20 acres in size unless:
  - a. They are contiguous to an existing IDA or LDA; or
  - b. They are a grandfathered commercial or industrial use, which existed as of January 17, 1989. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
4. No more than one-half of the Queenstown's growth allocation may be located in Resource Conservation Areas (RCAs) except as provided in subsection (9) below;
5. A new Limited Development Area or Intensely Developed Area shall be located in a manner that minimizes impacts to Habitat Protection Area as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
6. New Intensely Developed Areas shall only be located where they minimize the impacts to the defined land uses of the Resource Conservation Area (RCA);
7. A new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
8. New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of this Chapter for such areas, shall be so designated on the Queenstown Critical Area Maps and shall constitute an amendment to this Chapter subject to review by the Queenstown Planning Commission and approval by the Town Commissioners and the Critical Area Commission as provided herein.
9. If Queenstown is unable to utilize a portion of its growth allocation as set out in §(1) and §(2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the growth allocation which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in §(4) above.

D. Additional Factors.

In reviewing map amendments or refinements involving the use of growth allocation the Planning Commission and Town Commissioners shall consider the following factors:

1. Consistency with *Queenstown Community Plan* and whether the growth allocation would implement the goals and objectives of the adopted plan. "Consistency with" means that a standard or factor will further, and not be contrary to the following items in the comprehensive plan:

- a. Policies;
  - b. Timing of the implementation of the plan, of development, and of rezoning;
  - c. Development patterns;
  - d. Land uses; and
  - e. Densities or intensities.
2. For a map amendment or refinement involving a new Limited Development Area whether the development is:
    - a. To be served by a public wastewater system;
    - b. A completion of an existing subdivision;
    - c. An expansion of an existing business; or
    - d. To be clustered.
  3. For a map amendment or refinement involving a new Intensely Developed Area, whether the development is:
    - a. To be served by a public wastewater system;
    - b. If greater than 20 acres, to be located in a designated Priority Funding Area; and
    - c. To have a demonstrable economic benefit.
  4. The use of existing public infrastructure, where practical;
  5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
  6. Impacts on a priority preservation area;
  7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and

8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development and/or sea level rise.

**§ 34. Grandfathering.**

A. Continuation of existing uses.

1. The continuation, but not necessarily the intensification or expansion, of any use in existence on January 17, 1989 may be permitted, unless the use has been abandoned for more than one year or is otherwise restricted by existing municipal Chapters.
2. If any existing use does not conform with the provisions of this Chapter, its intensification or expansion may be permitted only in accordance with the variance procedures in §35.

B. Residential density on Grandfathered Lots.

1. Except as otherwise provided, the following types of land are permitted to be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of this Chapter.
  - a. A legal parcel of land, not being part of a recorded or approved subdivision that was recorded as of December 1, 1985
  - b. Land that received a building permit subsequent to December 1, 1985, but prior to January 17, 1989.
  - c. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval between June 1, 1984 and December 1, 1985;
  - d. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985 and provided that either development of any such land conforms to the IDA, LDA or RCA requirements in this Chapter or the area of the land has been counted against the growth allocation permitted under this Chapter.

C. Consistency.

Nothing in this Section may be interpreted as altering any requirements of this Chapter related to water-dependent facilities or Habitat Protection Areas.

**§ 35. Variances.**

A. Applicability.

Queenstown has established provisions where, owing to special features of a site or other circumstances, implementation of this Chapter or a literal enforcement of provisions within this Chapter would result in unwarranted hardship, a Critical Area variance may be obtained.

1. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area, that is subject to the application and for which a variance is required, does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of this Chapter.
2. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

B. Standards.

The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:

1. Special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of this Chapter would result in unwarranted hardship;
2. A literal interpretation of the provisions of this Chapter will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;
3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this Chapter to other lands or structures within the Critical Area;
4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming on any neighboring property; and
5. The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and this Chapter.

C. Process.

Applications for a variance will be made in writing to the Board of Appeals with a copy provided to the Critical Area Commission. The Board of Appeals shall follow its established procedures for advertising and notification of affected landowners.

1. After hearing an application for a Critical Area variance, the Board of Appeals shall make written findings reflecting analysis of each standard.
2. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, the Board of Appeals shall consider that fact.
3. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in §A above.
4. The Board of Appeals shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.

D. Findings.

Based on competent and substantial evidence, the Board of Appeals shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in §A above, and if applicable §B above. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

1. The applicant and any witnesses of the applicant;
2. Town Officials or staff or any other government agency; or
3. Any other person deemed appropriate by the Board of Appeals.

E. Appeals.

Appeals from a decision concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures for variances. Variance decisions by the Board of Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation or governmental agency aggrieved or adversely affected by any decision made under this Chapter.

F. Conditions and mitigation.

The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of this Chapter is

maintained including, but not limited to the following:

1. Adverse impacts resulting from the granting of the variance shall be mitigated, by planting on the site at the rate of at least three to one per square foot of the variance from lot coverage granted.
2. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

G. Commission notification.

Within ten (10) working days after a written decision regarding a variance application is issued, a copy of the decision will be sent to the Critical Area Commission. No permit for the activity that was the subject of the application will be issued until the applicable 30-day appeal period has elapsed.

**§ 36. Lot Consolidation and Reconfiguration.**

A. Applicability

The provisions of this section apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

1. Those for which a Critical Area variance is sought or has been issued; and
2. Those located in the Resource Conservation Area and are less than 20 acres in size.

B. Procedure

An applicant seeking a parcel or lot consolidation or reconfiguration shall provide the information required in COMAR 27.01.02.08.E.

1. Queenstown will not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with COMAR 27.01.02.08.F.
2. The Planning Commission shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
  - a. After a final written decision or order is issued, the Planning Commission shall send a copy of the decision or order and a copy of any approved development

plan within ten (10) business days by U.S. mail to the Critical Area Commission's business address.

### **§ 37. Amendments.**

#### **A. Amendments.**

The Town Commissioners may from time to time amend the Critical Area provisions of this Chapter. Changes may include, but are not limited to amendments, revisions, and modifications to these zoning regulations, Critical Area Maps, implementation procedures, and local policies that affect Queenstown's Critical Area. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in §8-1809 of the Natural Resources Article of the Annotated Code of Maryland. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law §8-1809(i) and §8-1809(d), respectively.

#### **B. Zoning map amendments.**

Except for program amendments or program refinements developed during a six-year comprehensive review, a zoning map amendment may only be granted by Town Commissioners upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:

1. Are wholly consistent with the land classifications as shown on the adopted Official Critical Area Overlay Map; or
2. The use of growth allocation in accordance with the growth allocation provisions of this Chapter is proposed.

#### **C. Process.**

1. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research. Upon completing Findings of Fact, these documents shall be forwarded to the Town Commissioners.
2. Town Commissioners shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fourteen (14) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in Queenstown.
3. After the Town Commissioners approve an amendment, they shall forward their decision and applicable resolutions along with the amendment request to the Critical Area Commission for final approval.

**§ 38. Enforcement.**

A. Consistency.

The Critical Area provisions of this Chapter, in accordance with the Critical Area Act and Criteria supersede any inconsistent law, Chapter or plan of Queenstown. In the case of conflicting provisions, the stricter provisions shall apply.

B. Violations.

1. No person shall violate any provision of this Chapter. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.
2. Each person who violates a provision of this Chapter shall be subject to separate administrative civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit or order issued by the Town related to the Critical Area shall be a violation of this Chapter and shall be enforced as provided herein.

C. Responsible persons.

The following persons may each be held jointly or severally responsible for a violation: (1) persons who apply for or obtain any permit or approval, (2) contractors, (3) subcontractors, (4) property owners, (5) managing agents, or (6) any person who has committed, assisted, or participated in the violation.

D. Required enforcement action.

In the case of violations of this Chapter, the Town shall take enforcement action including:

1. Assess administrative civil penalties as necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying and citing the violation, issuing abatement and restoration orders, and reviewing mitigation plans and ensuring compliance with these plans;
2. Issue abatement, restoration, and mitigation orders as necessary to:
  - a. Stop unauthorized activity;
  - b. Restore and stabilize the site, as appropriate, to its condition prior to the violation or to a condition that provides the same water quality and habitat benefits; and
3. Require the implementation of mitigation measures, in addition to restoration activities,

to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Right to enter property.

Except as otherwise authorized and in accordance with the procedures specified herein, the Town Commissioners or their designee may obtain access to and enter a property in order to identify or verify a suspected violation, restrain a development activity, or issue a citation if the Town has probable cause to believe that a violation of this Chapter has occurred, is occurring, or will occur. Town officials shall make a reasonable effort to contact a property owner before obtaining access to or enter the property. If entry is denied, the Town may seek an administrative search warrant to enter the property to pursue an enforcement action.

F. Administrative civil penalties.

In addition to any other penalty applicable under State or Town law, every violation of a provision of Natural Resources Article, Title 8 Subtitle 18 or Critical Area provisions of this Chapter shall be punishable by a civil penalty of up to \$10,000 per calendar day.

1. Before imposing any civil penalty, the person(s) believed to have violated this Chapter shall receive: written notice of the alleged violation(s) including which, if any, are continuing violations, and an opportunity to be heard. The amount of the civil penalty for each violation, including each continuing violation, shall be determined separately. For each continuing violation, the amount of the civil penalty shall be determined per day. In determining the amount of the civil penalty, the Town shall consider:
  - a. The gravity of the violation;
  - b. The presence or absence of good faith of the violator;
  - c. Any willfulness or negligence involved in the violation including a history of prior violations;
  - d. The environmental impact of the violation; and
  - e. The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to Queenstown for performing, supervising, or rendering assistance to the restoration and mitigation.
2. Administrative civil penalties for continuing violations shall accrue for each violation, every day each violation continues, with no requirements for additional assessments, notice, or hearings for each separate offense. The total amount payable for continuing violations shall be the amount assessed per day for each violation multiplied by the number of days that each violation has continued.

3. The person responsible for any continuing violation shall promptly provide the Town with written notice of the date(s) the violation has been or will be brought into compliance and the date(s) for Town inspection to verify compliance. Administrative civil penalties for continuing violations continue to accrue as set forth herein until the Town receives such written notice and verifies compliance by inspection or otherwise.
4. Assessment and payment of administrative civil penalties shall be in addition to and not in substitution for recovery by the Town of all damages, costs, and other expenses caused by the violation.
5. Payment of all administrative civil penalties assessed shall be a condition precedent to the issuance of any permit or other approval required by this Chapter.

G. Cumulative remedies.

The remedies available to the Town under this Chapter are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

H. Injunctive relief.

The Town may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Chapter, an administrative order, a permit, a decision, or other imposed condition.

1. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the Town from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

I. Variances pursuant to a violation.

The Town may accept an application for a variance regarding a parcel or lot that is subject to a current violation of this subtitle or any provisions of an order, permit, plan, or this Chapter in accordance with the variance provisions of this Chapter. However, the application shall not be reviewed, nor shall a final decision be made until all abatement, restoration, and mitigation measures have been implemented and inspected by the Town.

J. Permits pursuant to a violation.

The Town will not issue any permit, approval, variance, or special exception, unless the person seeking the permit has:

1. Fully paid all administrative, civil, or criminal penalties as set forth in §F above;

2. Prepared a restoration or mitigation plan, approved by the Town, to abate impacts to water quality or natural resources as a result of the violation;
3. Performed the abatement measures in the approved plan in accordance with all Town regulations; and
4. Unless an extension of time is approved by the Town because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

K. Appeals.

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the Town in connection with the administration and enforcement of this Chapter.

1. An appeal is taken by filing a written notice of appeal with the Board of Appeals in accordance with the provisions of the Chapter and accompanied by the appropriate filing fee.
2. An appeal must be filed within thirty (30) days after the date of the decision or order being appealed; and
3. An appeal stays all actions by the Town seeking enforcement or compliance with the order or decisions being appealed, unless the Town certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the Town shall not be stayed except by order of a court on application of the party seeking the stay.

**§ 39. The 100-Foot Buffer.**

A. Applicability and Delineation

An applicant for a development activity or a change in land use shall apply all of the required standards for a minimum 100-foot Buffer as described in this part. The minimum 100-foot Buffer shall be delineated in the field and shall be shown on all applications as follows:

1. The minimum 100-foot Buffer is delineated, based on existing field conditions, landward from:
  - a. The mean high water line of tidal water;

- b. The edge of each bank of a tributary stream; and
  - c. The landward boundary of a tidal wetland.
2. The Buffer shall be expanded beyond the minimum 100-foot Buffer as described in §A1 above and the minimum 200-foot Buffer as described in §A3 below, to include the following contiguous land features:
- a. A steep slope at a rate of four feet for every one percent of slope or the entire steep slope to the top of the slope, whichever is greater;
  - b. A nontidal wetland to the upland boundary of the nontidal wetland;
  - c. The 100-foot buffer that is associated with a Nontidal Wetland of Special State Concern as stated in COMAR §26.23.06.01;
  - d. For an area of hydric soils or highly erodible soils, the lesser of:
    - (1) The landward edge of the hydric or highly erodible soils; or
    - (2) Three hundred feet where the 300 foot expansion area includes the minimum 100-foot Buffer.
3. Applications for a subdivision or for a development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include:
- a. An expanded Buffer in accordance with §A(2) above; or
  - b. A Buffer of at least 200 feet from a tidal waterway or tidal wetlands; and a Buffer of at least 100-feet from a tributary stream, whichever is greater.
4. The provisions of §A(3) above do not apply if:
- a. The application for subdivision or site plan approval was submitted before July 1, 2008, and were legally recorded (subdivisions) or received final site plan approval (site plans), by July 1, 2010;
  - b. The application involves the use of growth allocation.

B. Permitted activities.

If approved by the Town, in conjunction with an approved Buffer management plan, disturbance to the Buffer is permitted for the following activities only

1. A new development or redevelopment activity associated with a water-dependent facility;  
or
2. A shore erosion control activity constructed in accordance with COMAR 26.24.02, COMAR 27.01.04, and this Chapter;
3. A development or redevelopment activity approved in accordance with the variance provisions of this Chapter;
4. A new development or redevelopment activity on a lot or parcel that was created before January 1, 2010 where:
  - (a) The Buffer is expanded for highly erodible soil on a slope less than 15 percent or is expanded for a hydric soil and the expanded Buffer occupies at least 75% of the lot or parcel;
  - (b) The development or redevelopment is located in the expanded portion of the Buffer and not within the 100-foot Buffer; and
  - (c) Mitigation occurs at a 2:1 ratio based on the lot coverage of the proposed development activity that is in the expanded Buffer.
5. The installation or replacement of septic systems on a lot created before January 17, 1989 where:
  - (a) The Health Department has determined that the Buffer is the only available location for the septic system; and
  - (b) Mitigation is provided at a ratio of 1:1 for the area of canopy cleared of any forest or developed woodland.

C. Buffer establishment in vegetation.

An applicant for a development activity, redevelopment activity or a change in land use that occurs outside the Buffer, but is located on a riparian lot or parcel that includes the minimum 100-foot Buffer, shall establish the Buffer in vegetation if the Buffer is not fully forested or fully established in woody or wetland vegetation. A Buffer Management Plan in accordance with the standards of §F is required.

1. The provisions of this section apply to:
  - a. Approval of a subdivision;
  - b. A lot or parcel that is converted from one land use to another;

- c. Development or redevelopment on a lot or parcel created before January 1, 2010.
2. The provisions of this section do not apply to the in-kind replacement of a principal structure.
3. If a Buffer is not fully forested or fully established in woody or wetland vegetation, the Buffer shall be established in accordance with COMAR 27.01.09.01-1.

D. Mitigation for impacts to the Buffer.

An applicant for a development activity that includes disturbance to the Buffer shall mitigate for impacts to the Buffer and shall provide a Buffer Management Plan in accordance with the standards set forth in this section.

1. Authorized development activities may include a variance, subdivision, site plan, shore erosion control permit, building permit, grading permit, and special exception, septic system approved by the Health Department on a lot created before January 17, 1989.
2. All authorized development activities shall be mitigated according to COMAR 27.01.09.01-2.
3. All unauthorized development activities in the Buffer shall be mitigated at a ratio of 4:1 for the area of disturbance in the Buffer.
4. Planting for mitigation shall be planted onsite within the Buffer. If mitigation planting cannot be located within the Buffer, the Town may permit planting in the following order of priority:
  - a. On-site and adjacent to the Buffer;
  - b. On-site elsewhere in the Critical Area; and
  - c. Fee-in-lieu in accordance with COMAR 27.01.09.01-5.

E. Buffer Planting Standards.

1. An applicant that is required to plant the Buffer for Buffer establishment or Buffer mitigation shall apply the planting standards set forth in COMAR 27.01.09.01-2.
2. A variance to the planting and mitigation standards of this Chapter is not permitted.

F. Required Submittal of Buffer Management Plans.

An applicant that is required to plant the Buffer to meet establishment or mitigation requirements shall submit a Buffer Management Plan as provided in COMAR 27.01.09.01-3 with the application for the specific activity. The provisions of this part do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

1. A Buffer Management Plan that includes planting for establishment shall be submitted with all other application materials, and shall clearly specify the area to be planted and state if the applicant is:
  - a. Fully establishing the Buffer;
  - b. Partially establishing an area of the Buffer equal to the net increase in lot coverage, or
  - c. Partially establishing an area of the Buffer equal to the total lot coverage.
2. Any permit for development activity that requires Buffer establishment or Buffer mitigation will not be issued until the Town approves a Buffer Management Plan.
3. An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved by the Town.
4. The Town will not approve a Buffer Management Plan unless:
  - a. The plan clearly indicates that all planting standards under §E will be met; and
  - b. Appropriate measures are in place for the protection and maintenance of all Buffer areas.
5. For a Buffer Management Plan that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy will not be issued until the applicant:
  - a. Completes implementation of a Buffer Management Plan; or
  - b. Provides financial assurance to cover the costs for:
    - (1) Materials and installation; and
    - (2) If the mitigation or establishment requirement is at least 5,000 square feet, long-term survivability requirements as set forth in COMAR 27.01.09.01-2.

6. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
7. If an applicant fails to implement a Buffer Management Plan, that failure shall constitute a violation of this Chapter.
  - a. A permit for development activity will not be issued for a property that has the violation.
8. An applicant shall post the property proposed for subdivision prior to final recordation in accordance with COMAR 27.01.09.01-2.
9. Buffer management plans that include natural regeneration shall follow the provisions of COMAR 27.01.09.01-4.

I. Fees-In-Lieu of Buffer Mitigation.

A fee in-lieu of mitigation will be collected if the planting requirements of the Buffer Management Plan cannot be fully met onsite in accordance with the following standards:

1. Fee-in-lieu monies shall be collected and held in a special fund, which may not revert to Queenstown's general fund;
2. Fee-in-lieu shall be assessed at \$1.50 per square foot of required Buffer mitigation;
3. A portion of fee-in-lieu money can be used for management and administrative costs; however, this cannot exceed 20% of the fees collected; and
4. Fee-in-lieu monies shall be used for the following projects:
  - a. To establish the Buffer on sites where planting is not a condition of development or redevelopment;
  - b. For water quality and habitat enhancement projects as approved by the Critical Area Commission or by agreement between the Town and the Critical Area Commission.

J. Shore Erosion Control Projects.

Shore erosion control measures are permitted activities within the Buffer in accordance with the following requirements:

1. An applicant for a shore erosion control project that affects the Buffer in any way,

including, but not limited to access, vegetation removal and pruning, or backfilling shall submit a Buffer Management Plan in accordance with the requirements of this section; and

2. Comply fully with all of the policies and criteria for a shore erosion control project stated in COMAR 27.01.04 and COMAR 26.24.06.01.

**§ 40. Buffer Management Area (BMA) Provisions.**

A. Development and Redevelopment Standards.

New development or redevelopment activities, including structures, roads, parking areas and other impervious surfaces or septic systems will not be permitted in the Buffer in a designated BMA unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission finds that efforts have been made to minimize Buffer impacts and the development complies with the following standards:

1. Development and redevelopment activities have been located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
2. Variances to other local setback requirements have been considered before additional intrusion into the Buffer.
3. Commercial, industrial, institutional, recreational and multi-family residential development and redevelopment shall meet the following standards:
  - a. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the minimum required setback for the zoning district or fifty (50) feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line.
  - b. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the minimum setback for the zoning district or twenty-five (25) feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. A new structure may be constructed on the footprint of an existing structure.
4. Single family residential development and redevelopment shall meet the following standards:
  - a. New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be

located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the minimum setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than fifty (50) feet from the water (or the edge of tidal wetlands).

- b. Existing principal or accessory structures may be replaced in the same footprint.
  - c. New accessory structures may be located closer to the water than the setback if the Planning Commission has determined there are no other locations for the structures. The area of new accessory structures shall not exceed five hundred (500) square feet within fifty (50) feet of the water and 1,000 square feet total in the Buffer.
- 5. Variances to other local setback requirements shall be considered before additional intrusion into the Buffer is permitted.
  - 6. Development and redevelopment may not impact any Habitat Protection Area (HPA) other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
  - 7. Buffer Management Area (BMA) designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
  - 8. No natural vegetation may be removed in the Buffer except that required by the proposed construction.
  - 9. Mitigation for development or redevelopment in the BMA approved under the provisions of this subsection shall be implemented as follows:
    - a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on site in the Buffer or at another location approved by the Planning Commission.
    - b. Applicants who cannot fully comply with the planting requirement in §a above, may use offset this requirement by removing an equivalent area of existing lot coverage in the Buffer.
    - c. Applicants who cannot comply with either the planting or offset requirements in §a or §b above shall pay into a fee-in-lieu program as follows:
      - (1) Applicants shall submit to the Planning Commission two cost estimates from qualified landscape businesses for planting the equivalent of twice the extent of the development within the 100-foot Buffer. The estimate

shall include the cost of stock, planting, staking, mulching and a one year survival guarantee.

(2) The Planning Commission shall determine the amount of the fee-in-lieu based on the average of the two estimates.

- d. Any fees-in-lieu collected under these provisions shall be placed in an account that will assure the use of the funds only for projects within the Critical Area to enhance wildlife habitat, improve water quality, or otherwise promote the goals of the Queenstown's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been required under existing local, State, or federal laws, regulations, statutes, or permits. The status of these funds must be reported in the jurisdiction's quarterly reports.
- e. Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes or other instrument approved by the Town and recorded among the land records of the County.

#### **§ 41. Other Habitat Protection Areas.**

##### **A. Identification.**

An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas include:

1. Threatened or endangered species or species in need of conservation;
2. Colonial waterbird nesting sites;
3. Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
4. Existing riparian forests;
5. Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
6. Other plant and wildlife habitats determined to be of local significance;
7. Natural Heritage Areas; and
8. Anadromous fish propagation waters.

B. Standards

1. An applicant for a development activity proposed for a site within the Critical Area that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a Habitat Protection Area on or near the site.
2. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resource.
3. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

**Part IV. CR Community Redevelopment Overlay District**

**§ 42. CR Community Redevelopment Overlay District.**

A. Intent

It is the general intent of the Community Redevelopment Overlay District to:

1. Accommodate growth in Queenstown by encouraging and facilitating new development and redevelopment on vacant, bypassed and underutilized land where such development is found to be compatible with the surrounding neighborhood and adequate public facilities and services exist;
2. Encourage efficient use of land and public services;
3. Stimulate re-investment and development in the Town Center and portions of older established neighborhoods;
4. Provide developers and property owners flexibility that achieves high quality design and result in infill and redevelopment projects that strengthen existing neighborhoods;
5. Stabilize existing neighborhoods; and
6. Implement the goals, objectives, and policies of the *Queenstown Community Plan*.

The district standards encourage appropriate development of underutilized properties and consolidation of developable land where the Planning Commission determines it will achieve a

more efficient land use and improve site design. Design standards promote compatible infill and redevelopment by, among other things, allowing development on sites that may not meet the minimum land area and dimension requirements of the underlying zones.

B. Applicability

1. The provisions of this district apply to all land located within the Queenstown Community Redevelopment Overlay Zone as designated on the official zoning map.
2. All land uses and development shall be located and developed in accordance with the applicable provisions of the underlying zoning ordinance and all other applicable land development regulations except as modified by this subsection

C. General Requirements

Site development shall adhere to the following in order to enhance compatibility with the surrounding community to the maximum extent practical:

1. Add sidewalks that connect to the adjacent sidewalk system where appropriate;
2. Construct public streets that connect to the adjacent street pattern as needed;
3. Preserve architecturally significant structures whenever feasible;
4. Include new or connect with existing civic spaces;
5. Include street furniture, lighting and landscaping for the comfort and convenience of pedestrians; and
6. Design buildings and site so as to be compatible with the surrounding community.

D. Permitted Uses

Permitted uses shall be limited to those allowed in the underlying zone except as follows:

1. The Planning Commission may permit small-scale commercial service and retail establishments from the Table in D2 below.

Table D2 - permitted small-scale commercial service and retail uses limited to existing buildings and/or additions thereto:

<b>USES THE PLANNING COMMISSION MAY PERMIT</b>
Antique Store
Arts and Crafts Services, such as art restorers, sculptors, and photographers
Arts and Crafts Supplies
Boutique Clothing
Clock and Watchmaker Services, such as clock and watch servicing and repair specialists
Coffee shop
Computer Related Services, such as data processors and graphic designers
Computer/copier services
Consulting Services, such as land planners, surveyors, and landscape designers
Copy and Mail Services
Educational Services, such as tutors and fine arts education specialists
Financial Services, such as brokers, accountants, investment planners, and tax assessors
General Office Services, such as specialists for the compiling, editing, and writing of documents and contracts
Hair Cutting and Associated Services, such as barbers, hair-dressers, and manicurists
Health Food Store
Health Services, such as psychologists, psychiatrists, and mid-wives
Holistic Medical Services, such as holistic specialists and licensed massage therapists
Information Services, such as internet-web specialists, journalists, publishers, and editors
Insurance Services, such as insurance agents and insurance salespersons
Locksmith Services, such as key-makers and lock-makers for home security
News Stand
Online Auctioning Services, such as Internet auctioneers
Professional offices
Professional Services, such as lawyers, engineers, and architects
Real Estate Services, such as real estate agents and other real estate specialists
Tailoring Services, such as dressmakers and seamstresses
Travel Services, such as travel agents and travel planners

E. Development standards

1. Density, design, materials, use and scale shall reflect the building styles, climate, heritage and materials unique to Queenstown.
2. Lot area, width and yards will be established for each project at the discretion of the Planning Commission.

3. Density may exceed the underlying zone for the purpose of creating a neighborhood having a variety of housing types.
4. Buildings are restricted to the height limit established for the district, or the average of adjacent buildings along the block face.

F. Compatibility standards

1. The proposed development should exhibit exemplary site and architectural design and include high quality materials that are compatible with, and do not negatively alter the character of the surrounding neighborhood.
2. All permitted structures must conform to following requirements:
  - a. Buildings should be similar in height and size or be designed in such way that they appear similar in height and size, creating an overall mass that is consistent with the prevalent mass of other structures in the area.
  - b. Primary facades and entries must face the adjacent street and be connected with a walkway that does not require pedestrians to walk through parking lots or across driveways and that maintains the integrity of the existing streetscape.
  - c. Building features such as windows and doors and site features such as landscaping and screening should optimize privacy and minimize infringement on the privacy of adjoining land uses.
  - d. Building materials shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc. to establish compatibility.
3. All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing surrounding development.
4. All planned uses shall comply with the Queenstown Critical Area and floodplain regulations.
5. Proposed open space and landscaping shall be shown on plans.
6. Public Facilities and Utilities
  - a. Existing and planned public facilities should be shown on development plans.
  - b. All public streets, walkways and alleyways shall be shown on development plans. All through streets and walkways must be public. The local street and walkway system shall be safe, efficient, convenient, attractive, and shall accommodate use by all segments of the population.

- c. Roads, lighting, sidewalks, street furniture, utilities and other public facilities should be designed to enhance pedestrian circulation.

7. Parking

- a. All parking spaces shall be shown on the site plan.
- b. The Planning Commission may reduce minimum off-street parking requirements if the project is pedestrian-oriented.
- c. The parking plan may provide a combination of off-street and on-street spaces.
- c. Shared drives serving no more than two (2) dwellings may be permitted.
- d. Bicycle parking shall be provided for non-residential projects.
- e. Parking requirements can be waived where adequate public parking is available in close proximity, and the new parking demand does not interfere with the established parking patterns in the neighborhood. If public parking is proposed as the means of providing any required parking, such arrangement shall first be approved by the Town Commissioners. Approval shall be documented in letter signed by the Town Commissioners specifying where public parking is available for regular use by the development.

G. Findings Required and Conditions of Approval

- 1. The Planning Commission may approve a proposed infill or redevelopment project upon finding that:
  - a. The plan accomplishes the purposes, objectives and minimum standards and requirements of the overlay district;
  - b. The plan is in accordance with the *Queenstown Community Plan*;
  - c. The plan is internally and externally compatible and harmonious with existing and planned land uses in the area; and
  - d. Existing or planned public facilities are adequate to service the proposed development.
- 2. The Planning Commission may establish appropriate conditions for approval of non-residential uses concerning such as things as hours of operation, buffer and screening, signage and lighting to insure compatibility with adjacent residential uses.

H. Application process

- 1. Notice: Property or properties proposed for infill or re-development under the terms of this subsection shall be posted by the Town. Such posting shall appear on the site at least

(14) days prior to the application being considered by the Planning Commission. At the time of posting, all required application information, as outlined herein, shall be present and available for review in the Town Office.

2. The applicant has the full burden of proof to demonstrate the proposed infill or redevelopment proposal meets or exceeds the development standards in Sections E and F herein. Applications shall include adequate information to address this burden of proof requirement and shall, at a minimum, include the following:

a. A description of the proposed development site, i.e., a plot plan or survey plot.

b. A description of existing conditions in the vicinity of the site (e.g. block face on both sides of the street within 500 feet of the proposed development site). These descriptions shall include documenting photographs and an analysis of the prominent architectural features along adjacent block faces and shall address the following:

(1) Site location and Topography

(2) Street Connections

(3) Pedestrian Pathways

(4) Lot Coverage,

(5) Building Orientation

(6) A description of existing neighborhood architectural characteristic and features, including:

(a) Massing and Proportions

(b) Entryways

(c) Windows

(d) Garage Doors

(e) Finishes and Materials

(f) Ornamentation

(g) Roof Detail

(h) Color

c. A description of the proposed infill or redevelopment including:

(1) Elevations of all proposed buildings;

(2) A description of how the proposed infill or redevelopment is compatible with the features described in b above; and

(3) A statement of how the proposed infill or redevelopment meets the development and compatibility standards in E and F above and the findings requirements as set forth in G above.

G. Remedies; Appeals from the decision of the Planning Commission concerning any application for infill or redevelopment may be made as provided in Article XV of this Chapter.

- § 43. Reserved.**
- § 44. Reserved.**
- § 45. Reserved.**
- § 46. Reserved.**

## **ARTICLE V. GENERAL REGULATIONS**

### **§ 47. Compliance required.**

No building or land shall hereafter be used and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with the regulations as set forth in this Zoning Chapter.

### **§ 48. Encroachment; reduction of lot area.**

The minimum yards, height limits, parking space and open spaces, including lot area, required by this Zoning Chapter for each and every building existing at the time of the passage of these regulations or for any building hereafter erected shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

### **§ 49. Use of accessory buildings: construction of main building.**

No accessory building shall be constructed upon a lot for more than six (6) months prior to beginning construction of the main building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction.

### **§ 50. Availability of copies of other regulations.**

Whenever reference is made in this Zoning Chapter to any other Ordinance, chart, table, schedule, or regulation which itself is not copied herein, a copy of such Ordinance, chart, table, schedule or regulation shall be kept on file in the Town Office and available for inspection and reference.

## **ARTICLE VI. PERMISSIBLE USES**

### **§ 51. Use of the Designations P, PC, SE and SC in the Table of Permissible Uses.**

When used in connection with a particular use in the Table of Permissible Uses included in this Article, the letter "P" means that the use is permissible in the indicated zone with a zoning permit issued by the Planning Commission. When used in connection with a particular use in the Table of Permissible Uses, the letter "PC" means that the use is permissible in the indicated zone with a zoning permit issued by the Planning Commission provided the conditions stipulated in Article XI of this Chapter are met. The letters "SC" mean the conditions of approval stipulated in Article XII of this Chapter for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals. The letters "SE" means a special exception permit must be obtained from the Board of Appeals.

### **§ 52. Unclassified Uses.**

A. Except as provided for in B below, in the event an applicant wishes to use property for a use which is not specifically identified as a principal permitted use or a special exception use and where such use is not specifically prohibited from the district, the following provisions shall apply:

1. The Town Clerk shall submit to the Board of Appeals a written request for a determination of the unclassified use.
2. The Board of Appeals shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
3. If the Board of Appeals determines that the use is of a similar character and meets the intent of the principal permitted uses within the district, then it shall instruct the Zoning Administrator to issue a zoning certificate.
4. In the event that the Board of Appeals determines that the proposed use in the district is consistent with the character and intent of the uses permitted by special exception within the district, then the applicant shall apply for a special exception in the normal manner.
5. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by this Chapter within a certain district.
6. This section shall not apply to the residential districts.
6. Once a use has been allowed or disallowed by the Board, it shall then be considered classified under the appropriate category in the district.

B. Unclassified Uses in "I" Industrial District

1. Purpose. It is recognized that, in the development of a comprehensive zoning ordinance, not all uses of land can be listed nor can all future uses be anticipated, and that a use may have been omitted from the list of those specified as permissible in the “I” Industrial district, or ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Chapter.
2. Approval of Unclassified Uses. In addition to the permitted uses listed in the “I” Industrial District, presently unlisted uses may be permitted in the zone when approved in accordance with the provisions of this section. The term “permitted uses” includes “special exception permitted uses.”
3. Procedure for Approval.
  - a. Any person seeking to establish an unclassified use as a permitted use in the “I” Industrial District zone may submit a written request to the Planning Commission. At its next succeeding meeting for which notice can be given, the Planning Commission shall hold a public hearing upon the request and make a determination thereon, based upon the findings required by subsection c of this subsection. Notice of time and place of the hearing shall be as provided in §13. Any interested person dissatisfied with the decision of the Planning Commission may appeal such decision to the Board of Appeals as provided in §145.
  - b. The approval of an unclassified use by the Planning Commission shall become effective thirty (30) days after the Planning Commission meeting at which a decision is rendered, except that, if appealed to the Board of Appeals it shall become effective ten (10) days after approval by the Board of Appeals.
  - c. Findings. Any unclassified use in the “I” Industrial District may be permitted where it is determined to be similar to the other permitted uses in the zone and not more obnoxious or detrimental to the public health, safety and welfare than such other permitted uses. Such a determination may be made where the Planning Commission finds that all of the following conditions exist:
    - (1) That the subject use and its operation are consistent with the goals and objectives of the *Queenstown Community Plan*.
    - (2) That the subject use and its operation are consistent with the purposes and intent of the “I” Industrial district.
    - (3) That the subject use is a compatible use in all areas of the Town zoned “I” Industrial.

- (4) That the subject use is similar to one or more uses permitted in the zone within which it is proposed to be located. Uses shall be deemed to be similar only where the size, scale, design and impact of the uses are comparable. Uses shall not be deemed to be similar when the operation of the proposed use involves greater impacts in terms of traffic, parking, noise, glare, odor, refuse or other environmental considerations; generates greater demand for public services; does not have comparable hours of operation; is significantly more intensive in the number of employees, patrons and other users of the facility; or is not complementary to other uses in the zone.
- (5) That the subject use and its operation will not adversely affect other permitted uses in the "I" Industrial zone.
- (6) That the subject use will be so designed, located and operated that the public health, safety and general welfare will be protected.

**§ 53. Board of Appeals Jurisdiction.**

- A. Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of the applicable provisions contained in this article) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special exception permit shall nevertheless be required if the Planning Commission finds that the proposed use would have an extraordinary impact on neighboring properties or the general public.
- B. In making this determination, the Planning Commission shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

**§ 54. Permissible Uses and Specific Exclusions.**

- A. The presumption established by this Zoning Chapter is that all legitimate uses of land in the Town are provided for within at least one zoning district in the Town's planning jurisdiction. Because the list of permissible uses set forth in the Table of Permissible Uses cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- B. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

1. Uses lawfully existing on the effective date of this Chapter.
  2. Special exceptions recommended by the Planning Commission and approved by the Board of Appeals.
- C. Uses lawfully existing on the effective date of this Chapter and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article XIV of this Zoning Chapter.
- D. The following uses are specifically prohibited in all districts:
1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials.
  2. Stockyards, slaughterhouses, rendering plants.
  3. Use of a travel trailer or accessory building as a temporary or permanent residence.
  4. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted.
  5. Solid or hazardous waste collection or disposal facilities excluding approved waste water treatment facilities.
  6. Sanitary landfills.

**§ 55. No More Than One Principal Structure on a Lot.**

- A. Every structure hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal structure on a lot unless as provided in B below.
- B. More than one principal structure may be located upon a lot in the following instances subject to the lot, yard and density requirements and other provisions of this Chapter:
1. Institutional buildings.
  2. Public or semi-public buildings.
  3. Multiple family dwellings.
  4. Commercial or industrial buildings.

5. Additional principal structures in permitted mixed-use projects with the prior approval of the Planning Commission.
6. Condominiums.

**§ 56. Accessory Uses.**

- A. The Table of Permissible Uses classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (a) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (b) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed apart from a residential development, may require a special exception permit.
- B. The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
  1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.
  2. Hobbies or recreational activities of a noncommercial nature.
  3. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.
- C. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.
  1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
  2. Storage of more than one (1) recreation vehicle and one (1) boat on a trailer requiring Maryland Registration on a residential lot.

**§ 57. Permissible Uses Not Requiring Permits.**

Notwithstanding any other provisions of this Zoning Chapter or the Town Code, no zoning or special exception permit is necessary for the following uses:

- A. Streets.
- B. Access driveways to an individual detached single-family dwelling.
- C. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- D. Neighborhood Essential Services.

**§ 58. Permissible Uses Tables.**

- A. More specific use controls. Whenever a development could fall within more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls shall apply.
- B. Table of Permissible Uses (see following pages)

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
<b>AGRICULTURE</b>								
Agriculture, including horticultural, hydroponics, general farming, orchards, groves, or nurseries for growing or propagation of plants, trees, and shrubs on properties of ten (10) acres or more, but not including feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products		P				P		P
Agriculture support (except organic fertilizer storage and transfer operations)			P					P
Aquaculture			PC		PC			SC
Commercial and noncommercial forestry								P
Farm stand, not to exceed 300 sq. ft. in floor area, for the retail sale of farm products such as fruits, vegetables, juices, preserves, flowers, poultry products and similar items								SC
Farmer's Market								SC
Nurseries								P
<b>RESIDENTIAL</b>								
Accessory Dwelling Unit	SC	SC				SE		P
Apartment Conversions	SC	SC	P					
Commercial Apartments			P	P				
Multi-family dwellings		P	P				P	
Single-family detached	P	P	P					P
Townhouse, with no more than six units per structure		P	P				P	

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Two family dwelling units		P	P					
<b>LODGING</b>								
Bed and Breakfast	SC	SC	PC	PC	PC		P	P
Country Inn								SC
Hotel, motel or motor lodge				P	SE			
Hotel, motel, or motor lodge, if located in a district of 50 acres or more.						P	P	
Inn, resort and fractional/interval lodging or accommodations and associates accessory resort uses, such as aquatic facilities, health spas, athletic courts, etc.							P	
Rooming houses, boarding houses	SE	SE	P					
<b>PUBLIC/SEMI-PUBLIC</b>								
Assisted Living Facilities, Group Home	SC	SC	SC					
Churches, synagogues, temples, mosques, and other places of worship, including associated residential structures for religious personnel and associated buildings	SC	SC	PC	PC	PC	PC		SC
Museum, library, or other educational, cultural, or philanthropic use of a similar nature, not-for-profit organizations	SE	SE	P	P	P			
Public buildings or structures owned or operated by the Town or an authority organized by the Town	P	SE	P	P	PC	P		
Schools, public or private	SE	SE	P	P				
<b>RETAIL &amp; WHOLESALE</b>								
Auction sales barn				PC				

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Automobile dealer					SE	P		
Convenience store or mini-mart			PC	P				
Retail and manufacturer's outlet stores					PC			
Retail sales of products manufactured, assembled or processed on the premises.						P		
Retail shops and service stores, provided the total gross floor area for all such uses shall not exceed 4,000 sq. ft. and shall not exceed 10% of the total floor space of the principal use.						P		
Retail stores and shops			PC	P	PC			
Shopping Center				P	SE			
Wholesale distribution and warehousing, including truck and freight station, terminals and storage yards.						P		
<b>SERVICES</b>								
Animal hospital or clinic for small animals, dogs, cats, birds, and the like; provided that animals are kept within an enclosed building and all buildings and runways are at least one hundred feet away from any lot line and at least 200 feet from any lot zoned residential						SE		
Animal Hospital, completely enclosed				P		P		
Assisted Living Facility, Institutional				SC	SC			SC
Bank, including drive-in and drive-through.					P			
Bank, medical, dental, governmental, non-profit, business and professional offices			PC	PC	PC			

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Banks and other financial institutions			P	P				
Barber Shops and Beauty Shops			PC	P				
Car Wash				P		P		
Child or Elderly Day Care	SC	SC	SC	SC	SC			
Funeral home with crematorium				P	SE	SE		
Funeral home, but not crematoriums.			P	P	P	P		
Kennel						PC		
Motor Vehicle Service Center						P		
Motor Vehicle service station, so long as bulk storage of flammable liquids is underground				SE	SE			
Outdoor meeting/dining/entertainment pavilions, patios, and gazebos							P	
Personal service shop, dealing directly with customers, including, but not limited to, barber shop, beauty parlor and dry cleaning			P	P	PC			
Restaurants:								
- Restaurant, Drive-in or Drive-thru				P	SE			
- Restaurant, fast food				P	SE			
- Restaurant, standard restaurant			P	P	PC			
Service stores				P				
Studio, including, but not limited to, art, dance, music, fitness, martial arts and			P	P	PC	P		

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
photography								
Taxidermist		P				P		
<b>OFFICES</b>								
Offices, clerical, research and services operation associated with principle industrial use						P		
Offices, general business, professional and government			P	P	P			
Offices, professional			P	P	P			
Telephone, telegraph or other public utility office						P		
<b>ENTERTAINMENT &amp; RECREATION</b>								
Auditorium, reference library or lecture hall and recreation facilities primarily for employees in the district			P	P	P	P		
Bowling alley, tennis -barn or, roller skating and ice skating rinks, health clubs or, commercial gymnasiums, indoor swimming pool, miniature golf and similar recreation facilities				P	P		PC	
Campground								SC
Conference Center							P	
Golf Course and related uses							P	P
Golf driving range							P	P
Health Clubs			P	P	P			
Horse Stable and riding facilities (commercial and private)							P	P

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Indoor and outdoor recreation facilities, including but not limited to tennis, racquet courts, swimming pools playgrounds, fire pits.							P	
Movie theater, legitimate theater, or dinner theater				PC	PC			
Open space and recreation area, including indoor recreation facility, community facility or similar use provided it is intended for the prospective residents of the development or is a public not-for-profit neighborhood or municipal facility.			P	P	P	P		
Passive recreation uses, including but limited to, arboretums, areas for hiking, nature areas and wildlife sanctuaries							P	P
Public recreation areas	PC	PC	P	P	P	P		
Rural Country Club								SC
Shooting Club								SC
Waterfront observation decks located in upland areas and not exceeding 200 feet in length over the waters of the Chester River channelward							PC	
Youth Camps								P
<b>NON PROFIT</b>								
Clubs and lodges.		P	P	P		P		
Education and training facilities private.		P				P		
Lodges, private clubs, community hall			SE					
Nursery schools.			SE			P		
Clubs and lodges.		P	P	P		P		
<b>MARINE</b>								

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Private and municipal piers, docking, and landing facilities	P	P						P
<b>TRANSPORTATION</b>								
Heliport.						PC		
<b>UTILITIES</b>								
Effluent disposal							P	P
Essential Services, Public Utilities	PC	PC	PC	PC	PC	PC	P	P
Telecommunications facilities								SC
Water supply, surface and groundwater								P
<b>EMERGENCY SERVICES</b>								
Firehouse (Public and Volunteer), including necessary siren tower and antenna tower.			P			P		P
<b>INDUSTRIAL</b>								
Bakeries						P		
Beverage distillation, blending or bottling, dairy products, and ice cream, but not distilling of beverages						P		
Blacksmith, welding and machine shops						P		
Boat building and out-of-water boat storage						P		
Building cleaning, painting, roofing, exterminating and similar establishments						P		
Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, and contractors' equipment storage yard or plant						PC		

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Building materials and lumber yards, including incidental mill work, provided they shall be at least 100 feet from any dwelling, school, church, or institution for care						P		
Candy manufacture						P		
Construction equipment and farm equipment sales, repairs and service						P		
Frozen food processing, and packaging plants						P		
Grain storage, milling and processing, provided they shall be at least 100 feet from any dwelling, school, church, or institution for care						P		
Machine Shop						P		
Manufacture, processing, fabrication, assembly, distribution of products such as scientific and precision instruments, photographic equipment, communication equipment, computation equipment, drugs, medicines, pharmaceutical, household appliances, toys, sporting and athletic goods glass products made of purchased glass, electric lighting and wiring equipment, service industry machine, lithographic and printing processing, industrial controls, radio and TV receiving set, watches, and clock, bags and containers, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners goods, farm machinery, fruit and vegetable processing, canning and storage						P		
Small Power Production or Cogeneration Facilities						P		
Telephone, telegraph, electric other public utility offices, maintenance and storage yards						P		
Truck, trailer, automobile or recreational vehicle rental						SE		
With suitable assurances to the Town that the use or uses create no public health and						P		

<b>USE CATEGORY AND DESCRIPTION</b> LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	<b>ZONING DISTRICT</b>							
	<b>R-1</b>	<b>R-2</b>	<b>TC</b>	<b>HC</b>	<b>RC</b>	<b>I</b>	<b>QRD</b>	<b>CS</b>
safety issues, laboratories, research facilities, new and emerging technology development activities, small scale prototyping and other similar research and low level advanced technology production activities								
<b>ACCESSORY USE AND STRUCTURES</b>	P	P	P	P				
Accessory Uses	PC	PC	PC	P	P	P	P	P
Campgrounds							P	
Dwellings for resident watchmen and caretakers employed on the premises.						P		
Farm employee dwelling								P
Home Occupations								
- Type 1	PC	PC	PC					P
- Type 2	SC	SC	SC					P
One single-family dwelling accessory to a farm of 10 acres or more						P		
Retail shops and stores, the total floor area of which shall not exceed 10,000 square feet							PC	
Small wind energy system	PC	PC	PC	PC	PC	PC		
Solar energy equipment	PC	PC	PC	PC	PC	PC	PC	
Storage of goods used in or produced by uses permitted as a matter of right, provided they are either stored in a structure, if outside, or screened as provided elsewhere in this Chapter						P		
Taverns and bars accessory to a permitted use							PC	
<b>OTHER</b>								

USE CATEGORY AND DESCRIPTION LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district SE = Special Exception Use SC = Special Exception Use with conditions	ZONING DISTRICT							
	R-1	R-2	TC	HC	RC	I	QRD	CS
Temporary uses	PC	PC	PC	PC	PC	PC	PC	PC
Adaptive reuse	SC	SC	SC				SC	SC

## **ARTICLE VII. SUPPLEMENTARY USE REGULATIONS**

This Article contains regulations applicable to specific uses that supplement the requirements found in other articles of this Chapter. The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in Article X and in the Table of Permissible Uses.

### **§ 59. Accessory Dwelling Unit.**

An accessory dwelling unit may be permitted by the Planning Commission in the R-1 and R-2 districts provided that there shall be no more than one accessory dwelling unit per lot and provided such accessory dwelling unit shall comply with the following standards.

- A. Location. An accessory dwelling unit may be located on the same lot as a detached single family dwelling unit. An accessory dwelling unit may not be located on the same lot as a two-family dwelling, townhouse or multi-family dwelling.
- B. Design Standards
  - 1. Purpose. Standards for creating accessory dwelling units address the following purposes:
    - a. Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
    - b. Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
    - c. Ensure that accessory dwelling units are smaller in size than the principal residential unit.
  - 2. Generally, the design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zoning district development standards apply.
  - 3. Creation. An accessory dwelling unit may only be created through the following methods:
    - a. Converting existing living area, attic, or basement;
    - b. Adding floor area to an existing dwelling;
    - c. Construction of a stand-alone unit; or
    - d. Adding onto an existing accessory building (e.g., apartment in an existing garage).

4. Location of Entrances. Only one entrance may be located on the front facade of the principal dwelling facing the street, unless the principal dwelling contained additional front facade entrances before the accessory dwelling unit was created.
5. Parking
  - a. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house and on-street parking is permitted and adequate.
  - b. One additional parking space located on or within 100 feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets can accommodate on-street parking or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.
6. Maximum Size. The size of an accessory dwelling unit may be no more than fifty (50) percent of the living area of the principal dwelling or eight-hundred (800) square feet, whichever is less.
7. Accessory dwelling units created through the addition of floor area must meet the following standards:
  - a. The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish materials of the principal dwelling
  - b. The roof pitch must be the same as the predominant roof pitch of the principal dwelling. The Planning Commission may permit a different roof pitch if needed due to the shape of the roof on the existing principal dwelling if it determines that the proposed roof pitch will maintain a compatible appearance.
  - c. Trim on the edges of elements on the addition must visually match the type, size and location as the trim used on the rest of the principal dwelling.
  - d. Windows must match those in the principal dwelling in proportion and orientation.
  - e. Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.

**§ 60. Accessory Uses.**

- A. Accessory uses shall be permitted in residential districts and the TC Town Center District as follows:
  1. Accessory utility buildings of one hundred fifty (150) square feet or less as accessory structures may be located in the side or rear yards.
  2. Private garage.

3. The keeping of small animals, insects, reptiles, fish or birds (not poultry), but only for personal enjoyment or household use and not as a business.
  4. Private swimming pools and game courts, lighted or unlighted, for use of occupants and their guests in a single family dwelling.
  5. Community recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within neighborhoods and communities with an organized community association responsible for maintenance.
  6. Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle of not more than 15,000 pounds gross vehicle weight and used by the occupant of a dwelling shall be permitted as an accessory use.
  7. Storage of crab pots, fish nets and other waterman's apparatus.
- B. Storage of recreational vehicles, detached caps, boats, and boat trailers not part of an approved commercial use subject to the following limitations:
1. No more than one (1) recreational vehicle may be stored on a lot. No more than one (1) boat and/or boat trailer may be stored on a lot provided boats and trailers shall not exceed thirty-five (35) feet in length.
  2. The vehicle or boat shall not be used for living quarters. No business may be conducted from a vehicle.
  3. These vehicles may not be stored in front yards. They may be stored in rear or side yards provided that they are at least three (3) feet from the property line and in the case of side yard storage, provided that they are at least three (3) feet from the property line and are situated at least ten (10) feet to the rear of a lateral projection of the front foundation of the building. Such vehicle may be stored in any completely enclosed garage.
  4. Such vehicle may be stored on a specially marked parking area of a multi-family rental or condominium unit for residents only. Such areas must be screened from adjacent off-site uses as required by the Zoning Official.
- C. Outdoor storage or display of junk for more than 21 consecutive days shall not qualify as an accessory use or any use of right or for any special exception use and shall be prohibited.

### **§ 61. Apartment Conversion.**

Conversion of existing large homes into two or more apartments is permitted in the Town Center (TC) district provided there shall be 5,000 sq. ft. of land area for each apartment unit and off-street parking facilities shall be furnished as required under § 106 of this Chapter.

**§ 62. Assisted Living Facilities, Group Home.**

The Board of Appeals may permit assisted living facilities or group homes as a special exception in the R-1, R-2 and TC districts provided:

- A. The maximum number of residents/client is limited to no more than eight (8).
- B. The facility is licensed by the State of Maryland and complies with and continues to comply with all applicable Federal, State and local laws and regulations.
- C. The facility shall comply with following minimum requirements unless Federal, State or County laws or regulations require a higher standard:
  - 1. A minimum of 80 square feet of functional space shall be provided for single occupancy and 120 square feet for double occupancy rooms;
  - 2. No more than two residents may share a room;
  - 3. Facilities previously licensed as domiciliary care homes must provide a minimum of 70 and 120 square feet for single and double occupancy, respectively;
  - 4. Buildings must provide at least one toilet for every four occupants and larger buildings must also have at least one toilet on each floor;
  - 5. Showers/baths must be available for every eight (8) occupants;
  - 6. Residents/clients shall be provided adequate indoor common areas where social and recreation activities may occur, including access to television; and
  - 7. Where smoking is only permitted or required outside of the building(s), the applicant shall provide a designated smoking area that is protected from the elements, e.g., overhead protection from rain.
- D. Facilities not complying with current State laws and regulations shall be found to be in violation of the terms of the special exception and shall cease to operate.

**§ 63. Assisted Living Facilities, Institutional.**

The Board of Appeals may permit an institutional assisted living facility that houses more than eight (8) residents, in the HC and RC Commercial districts subject to the following:

- A. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements.
- B. The minimum allowable number of parking spaces shall be ¼ space per unit and the maximum allowable shall be ½ per unit.
- C. Accessory uses shall be allowed within the residential facility or a separate community center facility on-site. Such uses as may be desirable for the convenience of the residents including,

without limitation, barbers/hairdressers, retail sales, restaurants, snack bars, gift shops, laundry services, banking and financial services, business and professional offices are subject to the following conditions:

1. Accessory Uses shall be solely for the use and convenience of residents of a facility;
2. Accessory uses shall be wholly within a residential facility or a separate community center facility on-site and shall have no exterior advertising display.

**§ 64. Bed and Breakfast Establishments.**

Bed and breakfast establishments may be permitted by the Board of Appeals in the R-1 and R-2 Districts and are permitted in the TC, HC-1 and RC Districts subject to the following:

- A. The facility shall operate in accordance with all State and local health and fire code requirements.
- B. Breakfast is the only meal that may be served to a transient visitor; and it must not be provided, for compensation, to any other nonresident of the dwelling unit.

**§ 65. Building material sales yard.**

Building material sales yard, including the sale of rock, sand, gravel, and the like as an incidental part of the main business, and contractors' equipment storage yard or plant may be permitted in the I District provided it shall be a distance of at least 100 feet any dwelling, school, church, or institution for human care.

**§ 66. Child or Elderly Day Care.**

- A. Child or elderly day care centers may be permitted as a special exception in the HC and RC districts and child or elderly care centers serving no more than five (5) persons may be permitted as a special exception in the R-1 Residential, R-2 Residential and the TC Town Center districts subject to the following:
  1. The proposed facilities meet all applicable requirements of County, State and/or Federal regulations.
  2. The applicant shall provide a minimum of 100 square feet of usable outdoor recreation area for each child that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential area. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
  3. All such uses shall be located so as to permit the safe pickup and delivery of all people on this site.
  4. Such use shall not constitute a nuisance because of traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity.

5. The area of the property shall contain no less than 1,000 square feet per client being cared for.
6. The Board may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
7. Hours of operation are limited to 6 AM to 7 PM daily.
8. The requirements of these sections shall not apply to child or elderly day care facilities or centers that are operated by a non-profit organization in buildings, structures, or on premises owned or leased by a religious organization and which premises are regularly used as a place of worship or are located on premises owned or leased by a religious organization adjacent to premises regularly used as a place of worship, or are used for private parochial educational purposes that are exempted under the provisions of this section for private educational institutions or are located in publicly owned school buildings.

**§ 67. Churches, Synagogues, Mosques, Temples, and Other Places of Worship.**

- A. Existing churches, synagogues, mosques, temples, and other places of worship, including associated church educational schools, and associated residential structures for religious, and accessory buildings and uses, at the time of the adoption of this Chapter, shall be permitted as a matter-of-right in any zone, and may be enlarged, expanded, or added to as a permitted use.
- B. New churches, synagogues, mosques, temples, and other places of worship, including associated church educational schools, and associated residential structures for religious, and accessory buildings and uses (see §58).

**§ 68. Essential Services and Public Utilities.**

It is the intent of this section to provide for the establishment of essential services and public utilities without restrictions in all use districts while at the same time protecting residents by the application of fencing, safety and other requirements for utility buildings and structures.

- A. An essential service and public utilities shall be an inherently permitted use in any district. However, relay stations, storage stations, electric substations and buildings used or maintained for essential services and public utilities shall be subject to Planning Commission review for compliance insofar as possible with applicable design guidelines and landscape standards.
- B. No area requirements for any use district shall be applicable to essential services.
- C. No setback requirements for any use district shall be applicable to essential services.
- D. The Planning Commission may require such uses be appropriately screened to minimize any adverse impacts to adjacent residential uses.

**§ 69. Home Occupation.**

- A. The Town recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce travel and to provide another economic development tool, but also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities. The standards in this section ensure that the home occupation remains subordinate to the residential use, and that the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.
  
- B. There are two types of home occupations, Type 1 and Type 2. Uses are allowed as a home occupation only if they comply with all of the requirements of this Chapter. Determination of whether or not a proposed home occupation is a Type 1 or Type 2 shall be made by the Planning Commission.
  - 1. Type 1. A Type 1 home occupation is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. A Type 1 home occupation shall be permitted by the Town in all zoning districts.
  - 2. Type 2. A Type 2 home occupation is one where either one employee (residing outside of the dwelling) or customers/clients come to the site. Examples are day care services, counseling, tutoring, and other such instructional services.
  
- C. Permitted Home Occupations. Examples of permitted home occupations include, but are not necessarily limited to, the following:
  - 1. Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, manufacturer's representatives, and travel agents.
  - 2. Instructional services, including music, dance, art and craft classes.
  - 3. Studios for artists, sculptors, photographers and authors.
  - 4. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
  
- D. A Type 2 home occupation may be permitted by the Board of Zoning Appeals as a special exception in the residential districts provided that such use shall conform to the following standards which shall be the minimum requirements:
  - 1. Operational Standards
    - a. Conditions of approval established by the Board of Zoning Appeals shall specify

the hours of operation, maximum number of customer/client visits that may occur in any one day and the maximum number of customers/clients that can be present during hours of operation.

- b. A Type 2 home occupation shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at other locations other than the home occupation is not limited.
- c. The home occupation shall be limited to the parking/storage of one (1) commercial vehicle on the premises, not exceeding a 15,000 pounds gross vehicle weight
- d. Type 1 home occupations are not required to provide any additional parking beyond what is required for the residential use. Type 2 home occupations shall provide two (2) hard surfaced, dust-free parking areas.
- e. The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines, generate noise exceeding those permitted by State Code and the Queenstown Code, create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.

2. Site Related Standards

- a. Outdoor activities.
  - (1) All activities must be in completely enclosed structures
  - (2) Exterior storage or display of goods or equipment is prohibited.
- b. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited.
- c. Signage shall be limited to one unlighted or indirectly lighted sign per address not exceeding two (2) square feet in area either mounted flush with and on the front facade of the dwelling unit or hung on an independent post.

**§ 70. Small Wind Energy System.**

A Small Wind Energy System may be permitted as an accessory use subject to the following requirements:

- A. Setbacks. A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height plus an additional 20 feet from:

1. Any State, Town or County right-of-way or the nearest edge of a State, Town or County roadway, whichever is closer;
  2. Any right of ingress or egress on the owner's property;
  3. Any overhead utility lines;
  4. All property lines; and
  5. Any existing guy wire, anchor or small wind energy tower on the property.
- B. Access.
1. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- C. All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the wind generator to the wind tower wiring, the wind tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- D. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). Lighting of other parts of the Small Wind Energy Systems, such as appurtenant structures, shall be limited to that required for safety purposes, and shall be reasonably shielded from abutting properties.
- E. The wind generator and wind tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- F. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, wind tower, building, or other structure associated with a Small Wind Energy System shall be prohibited.
- G. A Small Wind Energy System including wind tower shall comply with all applicable construction and electrical codes.
- H. Utility notification and interconnection. Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission regulations.
- I. Small Wind Energy Systems shall not be attached to any building, including guy wires.
- J. Each property is eligible for one Small Wind Energy Systems only.
- K. Abandonment.
1. A Small Wind Energy System that is out-of-service for a continuous 6-month period will be deemed to have been abandoned. The Planning Commission may issue a Notice of Abandonment to the owner of a Small Wind Energy System that is deemed to have been

abandoned. The Owner shall have the right to respond in writing to the Notice of Abandonment setting forth the reasons for operational difficulty and providing a reasonable timetable for corrective action, within thirty (30) days from the date of the Notice. The Planning Commission shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

2. If the Small Wind Energy System is determined to be abandoned, the owner of a Small Wind Energy System shall remove the wind generator from the wind tower at the Owner's sole expense within three (3) months of the date of Notice of Abandonment. If the owner fails to remove the wind generator from the wind tower, the Planning Commission may have the wind generator removed and assess the cost of the removal as a lien against the property.

M. Public Service Commission.

In accordance with State law any property owner seeking to construct a Small Wind Energy System and connect such system to the main power grid with the capability of transporting energy back to their main power company shall apply to the Public Service Commission (PSC) for approval and provide documentation of such approval to the Town prior to construction and being issued a building permit.

N. Variances.

Variances to the distances, restrictions, and standards contained in this Article are not permitted.

O. Noise.

All Small Wind Energy Systems shall comply with the limitations contained in the State law.

P. Violations.

It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this chapter or with any condition contained in any permit issued pursuant to this chapter.

**§ 71. Solar Energy Equipment.**

Solar Energy Equipment may be permitted as an accessory use subject to the following:

- A. Solar Energy Equipment may be located on roofs of principal buildings or ground mounted.
- B. Placement of Solar Energy Equipment is not permitted within the required front yard. It is understood that this equipment may on occasion, be visible from the public way even if located in the side or the rear yard.
- C. If the solar energy equipment is unable to be located on the roof of the principal structure as is preferred, placement of ground mounted solar energy equipment in the required side or rear yard

may be permitted only if the equipment is not located in the required setback for a structure in the subject.

- D. The solar energy equipment must be adequately screened from view of residential neighbors by appropriate vegetative screening or appropriate and adequate solid fencing.
- E. Any proposed fencing must comply with all applicable height requirements. Natural colored fencing is preferred.
- F. Roof mounted Solar Energy Equipment should be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- G. Prior to issuing a permit for the placement of any solar energy equipment, the Planning Commission shall be provided with any requested information in regard to proving compliance with this section. This information may include a sun and shadow diagrams specific to the subject proposed installation which would enable the Planning Commission to determine if solar access will be impaired due to the proposed location or to the location of objects which may obstruct the solar access.
- H. The Planning Commission may also require submission of detailed information, including maps, plans or dimensioned sketches, showing the proposed location, including setbacks from property lines or distances from structures which are used for habitation on neighboring properties. The Planning Commission also may require engineering data demonstrating that the structure can safely carry the load.
- I. The Planning Commission may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Planning Commission may order its removal and/or relocation as appropriate.

**§ 72. Standards Applicable to the HC Commercial District.**

- A. All development shall provide secure, safe and sanitary facilities for the storage and pick-up of refuse. Such facilities shall be convenient to collect, and shall be screened from the view of all streets, residential uses and adjacent properties by a solid wall or plantings, or of a combination of the two.
- B. Motor Vehicle Service Stations shall comply with the following:
  - 1. The probability of a reasonable public need shall be provided as supported by data.
  - 2. The minimum distance between stations shall be 500 feet.
  - 3. Outdoor storage of rental trucks or trailers is prohibited, unless fenced and screened.
  - 4. Outdoor storage of tires in any form is prohibited.
  - 5. Outdoor storage of disabled vehicles prohibited.

C. When an access driveway is shared by two or more lots:

1. The driveway may be located along or straddling the common boundary of the lots.
2. The driveway shall be a minimum width of 18 (eighteen) feet.

D. When a driveway and/or parking area is shared by two or more lots. The access easements and maintenance agreements, or other suitable legal mechanisms, shall be provided, and acceptable to the Town Commissioners.

1. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Town Commissioners.

### **§ 73. Standards Applicable to the RC Regional Commercial District.**

A. Dimensional Standards

1. Minimum lot size – two (2) acres.
2. Minimum principal building setbacks from lot perimeter property lines:
  - a. along public roads and other commercial, industrial zones - 30 feet
  - b. along other zones - 25 feet
3. Minimum parking lot/driveway setbacks from lot perimeter property line:
  - a. along public roads and other commercial, industrial zones - 10 feet
  - b. along other zones - 25 feet
4. Minimum free-standing sign setbacks from lot perimeter property lines:
  - a. along public roads and other commercial, industrial zones - 10 feet
  - b. along other zones - 25 feet

B. Performance Standards

1. At least sixty (60) percent of the floor space for any permitted use or combination of uses shall be occupied by retail stores, office and professional space.
2. The maximum height for buildings and other structures erected or enlarged in this Zone shall be 45 feet.
3. Parking:

- a. For any lot on which more than one permitted use is present, four spaces per 1,000 sq. ft. of floor space not used for warehousing or food preparation; and one space per 6,000 sq. ft. of floor space used for warehousing or food preparation.
  - b. For any lot on which only one use is present, the minimum number of parking spaces shall be set forth as provided in Article X.
4. For any individual use having a gross floor area of 20,000 sq. ft. or more, there shall be provided and maintained on the same lot with direct access to the building for loading and unloading, at least one off-street loading space, plus one additional such loading space for each additional individual use of 20,000 sq. ft. of gross floor area. Each off-street loading space shall be at a minimum 45 feet long, 10 feet wide and 14 feet high. The Planning Commission may modify this requirement where it can be demonstrated alternative dimensions serve the purpose and do not create traffic or pedestrian safety issues.

C. Special Provisions Concerning Non-conforming Uses, Structures or Premises

Notwithstanding any other more restrictive provision of this Chapter to the contrary, if any use, structure or premise zoned RC hereunder shall hereafter become non-conforming by amendment to this Chapter

1. And if all such non-conforming uses of premises cease for any reason for a period of more than one year, then no non-conforming use shall be renewed or instituted and any uses of the premises shall be required to be conforming;
2. Such non-conforming uses and structures may be replaced or rebuilt, in the same or lesser dimensions, but not enlarged, if they are partially or completely destroyed , by any means;
3. Any such use may be replaced by any other use allowed in the RC zone at the time this Section is enacted
4. Structural and non-structural modifications may be made to the interior of non-conforming structures;
5. Non-structural modifications may be made to the exterior of non-conforming structures.

**§ 74. Standards Applicable to the “I” Industrial District.**

- A. All manufacturing uses shall be conducted within a completely enclosed building. No storage of raw, in process, or finished material and supplies, waste material, finished or semi-finished products manufactured or sold on the premises may be stored in the open if they are visible from the street, or from adjacent property, unless they are screened by landscaping, fences or walls.

- B. Notwithstanding the yard regulations for the district, no part of any building, an accessory structure, or sign shall be located closer than 100 feet to any residential district boundary.
- C. Where a proposed use abuts a residential zone, the manner, location and hours of operations and deliveries to the premises shall be reasonable so as to maintain a daily cycle of activity and periods compatible with the residential area.
- D. All development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collect, and shall be screened from the view of all streets, residential uses and adjacent properties by a solid wall or planting, or a combination of two.
- E. Loading operations shall be conducted at the side or rear of buildings. Service drives or other areas shall be provided for off-street loading, and shall be provided in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for circulation.
- F. No parking or storage of material or products shall be permitted in the required front yard.
- G. All fencing shall have a uniform and durable character and shall be properly maintained.
- H. Glare. Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a nuisance across lines. Direct illumination from any source shall be screened from adjoining properties.
- I. Heat. Heat from an industrial use shall not at any time cause a temperature increase on any adjacent property in excess of 10<sup>0</sup>F., whether such change be in the air or on the ground, in a stream, wetland or lake, or in or on any structure on such adjacent property.
- J. Liquid or Solid Wastes. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters, or into the ground; except in compliance with applicable federal or state laws governing discharge. There shall be no accumulation outdoors of waste material conducive to the breeding of rodents or insects.
- K. Smoke and Particulate Matter. Open storage and open processing operations, including on-site transportation movements which are the source of wind borne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing, or sandblasting) shall be conducted so that dust and other particulate air contaminants are not transported in visible quantities across the boundary line of the tract on the which the industrial use is located.
- L. Toxic and Hazardous Materials. All toxic and hazardous materials used in industrial operations shall be registered with the Queenstown Fire Department.
- M. Odor. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or which interferes

unreasonably with the comfort of the public, shall be removed, stopped or so modified as to remove the odor.

- N. When an access driveway and/or parking area is shared by two or more lots:
1. The driveway and/or parking area may be located along or straddling the common boundary of the two lots.
  2. The driveway shall be a minimum width of 15 feet.
- O. When a driveway and/or parking area is shared by two or more lots.
1. Access easements and maintenance agreements, or other suitable legal mechanism, shall be provided, and acceptable to the Town Commissioners.
  2. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Town Commissioners.
- P. Motor Vehicle Service Stations shall comply with the following:
1. The probability of a reasonable public need shall be provided and supported by data.
  2. The minimum distance between stations shall be 500 feet.
  3. No more than two pump islands or eight pumps will be permitted.
  4. Outdoor storage of rental trucks or trailers is prohibited unless fenced and screened.
  5. Outdoor storage of tires in any form is prohibited.
  6. Outdoor storage of disabled vehicles is prohibited.
- Q. Prohibited Uses:
1. Uses, activities or processes that create an undue risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any structure, person, or natural feature beyond the boundaries of the premises on which the use, activity, or process is located.
  2. Uses, activities or processes that create any dangerous, injurious, noxious, or otherwise objectionable noise, smoke, dust, or odor.

**§ 75. Standards Applicable to the TC Town Center District.**

- A. All structures connected by common roof line or covered walkways shall be considered as one building

- B. A zero front yard setback shall be approved by the Planning Commission for a specific case, where the resulting set back is compatible with the setbacks on adjacent properties, thereby maintaining the existing streetscape.
- C. When an access driveway is shared by two or more lots:
  - 1. The driveway may be located along or straddling the common boundary of the lots.
  - 2. The driveway shall be a minimum width of 15 feet.
- D. When a driveway and/or parking area is shared by two or more lots
  - 1. Access easements and maintenance agreements or other suitable legal mechanisms shall be provided, and acceptable to the Town Commissioners.
  - 2. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of the Town Commissioners.
- E. A dish antenna placed at a particular location on the lot shall be allowed in accordance with a permit issued by the Planning Commission. The antenna shall be screened from adjoining properties by means of one or a combination of the following: a landscaped earth mound, a privacy fence, evergreen plant material approved by the Planning Commission. No such antenna shall be located in any front yard or on any roof of a structure.
- F. The parking of one trailer, or the use of one building as a temporary field or sales office in connection with building development shall be allowed in accordance with a permit issued by the Town. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.

**§ 76. Development Standards in QRD Queenstown Resort District.**

- A. The minimum area for a QRD shall be 35 acres.
- B. Setbacks, parcel sizes, height, landscaping, lighting, signage, parking and private road standards shall be determined by the Planning Commission for each development in the QRD District, which shall prevail over conflicting requirements of these regulations, except regulations in the CA Critical Area Overlay District, or ordinances regulating subdivision of land. In determining these standards, the Planning Commission shall consider the unique factors of each development, such as the proposed density/intensity of the development, the use mix, the layout of buildings, roads, walkways, environmental protection considerations, the architectural and landscaping features incorporated into the development, buffer yards between uses and along property lines and compatibility of the proposed development with existing or anticipated development on surrounding land. The purpose of these standards is to provide design flexibility, consistent with public health and safety, to the developer who improves the property and constructs buildings in accordance with a unified and coherent plan of development.

- C. No more than ten percent (10%) of the QRD District area may be covered by buildings or structures, including swimming pools and tennis courts, but excluding walks, driveways or at-grade parking.
- D. No more than fifteen percent (15%) of the QRD District may be covered by impervious surface.
- E. Building architecture, materials and colors for proposed new structures and additions related to adaptive re-use of existing historic structures shall be compatible with and complimentary to the architecture of existing historic structures,
- F. Maximum building height shall be no more than thirty-six (36) feet and shall be measured by the vertical distance from the lowest grade to the highest point of the coping of a flat roof, or the highest point of a mansard roof or the highest point of a shed roof, or the ridge for gable hip, and gambrel roofs. Height measurement does not include accessory fixtures attached to the structure, such as ventilators, air conditioning units, chimneys, etc. The Planning Commission may increase the allowed maximum height if they determine the proposed architecture is consistent with the intent of the district.
- G. Exterior lighting shall be restrained in design to prevent excessive brightness and glare onto adjoining properties.

**§ 77. Development Standards in the CS Countryside District**

- A. Residential uses.
  - 1. Gross Density:
    - a. Large lot subdivision: 1 dwelling unit per 20 acres
    - b. Single-family cluster: 1 dwelling unit per 5 acres
  - 2. Minimum Lot Area:
    - a. Large lot subdivision: 20 acres
    - b. Single-family cluster: 20,000 square feet
  - 3. Minimum open space (the area of common open space in a subdivision divided by the total subdivision area):
    - a. Large lot subdivision: 0%
    - b. Single-family cluster: 85%
- B. Nonresidential uses.

1. Maximum floor area: 10% of CS District area.
  2. Maximum impervious surface: 30% of CS District area.
  3. Minimum lot frontage: 35 feet.
  4. Minimum setbacks:
    - a. Front: 35 feet.
    - b. U.S. Route 50, 50/301: 100 feet.
    - c. Arterial: 75 feet.
    - d. Side and rear: 10 feet.
  5. Maximum building height
    - a. On-lot agriculture: in excess of 45 feet requires special exception approval.
    - b. Telecommunications facilities: 200 feet.
    - c. All others: 45 feet.
- C. Residential and nonresidential uses.
1. Parking requirements and limitation: See Article X.
  2. Signage and lighting shall be permitted in accordance with Article XI.

**§ 78. Temporary Uses.**

The Planning Commission may authorize a temporary use of a building, structure or premises in any district as follows:

- A. Temporary use, construction - The Planning Commission may permit a temporary buildings and structures, including trailers for uses incidental to construction work having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- B. Temporary use, sales – The Planning Commission may permit one trailer, or the use of one building as a temporary field or sales office in connection with building development. The temporary sales trailer shall be removed at the point in time when all the residential lots have been sold and the sales office is closed. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- C. Temporary use, emergency – The Planning Commission may permit temporary buildings,

structures and uses needed as the result of a natural disaster or other health and safety emergencies for the duration of the emergency.

**§ 79. Adaptive Reuse of Historic Structures.**

- A. The Board of Appeals may permit an adaptive reuse of an existing historic structure for hosting events such as weddings, receptions, anniversaries, family reunions, company socials and similar events subject to the following:
  - 1. The proposed structure and/or site is listed on the National Register of Historic Places or the Maryland Inventory of Historic Sites;
  - 2. The property and structures size and located are deemed adequate to accommodate the event and related activities with minimal adverse impacts to neighboring properties; and
  - 3. The proposed use is recommended for approval by the Planning Commission.
  
- B. The Board of Appeals may establish reasonable limitations on the use including but not limited to:
  - 1. The maximum number of events in any given time period, e.g., a calendar year, a month;
  - 2. The maximum number of attendees that may be accommodated at a single event;
  - 3. Hours of operation;
  - 4. Noise abatement measures;
  - 5. Parking arrangement; and
  - 6. Traffic control.
  
- C. The Board of Appeals may require the applicant periodically renew their approval of the special exception.

## **ARTICLE VIII. DENSITY DIMENSIONAL REGULATIONS**

### **§ 80. Minimum Lot Size and Residential Density.**

- A. Subject to the exceptions listed below all lots shall have at least the amount of square footage indicated for the appropriate zoning district.
- B. If the owner of a lot in any district does not own a parcel or tract of land immediately adjacent to such lot, and if the deed or instrument under which such owner acquired title to such lot was of record prior to the application of any zoning regulations and restrictions to the premises, and if such lot does not conform to the requirements of such regulations and restrictions as to width of lots and lot area per family, the provisions of such lot area and width regulations and restrictions shall not prevent the owner of such lot from erecting a single-family dwelling or making other improvements on the lot, provided that such improvements conform in all other respects to applicable zoning regulations and restrictions.
- C. Except as provided B, every lot developed for residential purposes shall have the minimum number of square feet of land area per dwelling unit as required by the §84.
- D. In determining the number of dwelling units permitted on a tract of land, fractions shall be rounded to the nearest whole number.

### **§ 81. Minimum Lot Widths.**

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
  - 1. Could be used for purposes that are permissible in that zoning district, and
  - 2. Could satisfy any applicable setback requirements for that district.
- B. §84 indicates minimum lot widths and depths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection A.
- C. No lot created after the effective date of this Chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

### **§ 82. Building Setback Requirements.**

- A. Subject to other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot or property line than is authorized in the table set forth in this Section §84.
  - 1. If the lot or property line is not readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from the boundary line of any

adjacent right-of-way. If the boundary line of the right-of-way is not readily determinable the setback shall be measured from the centerline of the right-of-way and half the width of the right-of-way shall be added to the minimum setback requirement.

2. Whenever a lot abuts upon a public alley, the alley width may not be considered as a portion of the required yard.
3. Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two (2) streets is the side street.
4. Every part of a required yard shall be open to the sky, except as authorized by this Chapter and except ordinary projections of sills, belt courses, window air-conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.

**§ 83. Height, Area and Bulk requirements.**

A. Modification of height regulations.

1. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, the height limitations of this Zoning Chapter shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, public monuments, commercial radio and television towers less than one hundred twenty-five (125) feet in height, silos, smokestacks, tanks, and water towers and standpipes. The Planning Commission may add to the list of structures in this subsection for which height modifications are allowed after conferring with officials of the Queenstown Fire Department.
2. Except within an area defined as an Airport Approach Zone by the Federal Aviation Agency, public, semipublic and public service buildings, hospitals, institutions and schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

B. Lot area.

1. Requirements for lot area per family do not apply to dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
2. Requirements for lot area per family do not apply to rental units in a hotel, motel, motor lodge or tourist home or to rooms in rooming, boarding or lodging housing.

C. Front yards.

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
2. On through lots, the required front yard shall be provided on each street.
3. There shall be a front yard of at least fifteen (15) feet on the side street of a corner lot in any district: provided, however, that the buildable width of a lot of record at the time of passage of this Zoning Chapter shall not be reduced to less than twenty-eight (28) feet.
4. Open, unenclosed porches, platforms or paved terraces not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project into the required front or side yard not more than six (6) feet.
5. Where twenty-five percent (25%) or more of the street frontage or where twenty-five percent (25%) or more of the street frontage within four hundred (400) feet of the property in question is improved with buildings that have a front yard (with a variation of six (6) feet or less) that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established. Where forty percent (40%) or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage.
6. The main entrance of each primary structure must face the street. In order to preserve a unified streetscape the Planning Commission may establish a build-to line at the time of building application where the majority of existing structures on the block face are located at or near the minimum front setback line. Where established, the build-to line shall dictate the placement of a proposed building or structure from the street right-of-way line on which the building fronts. On a corner lot, the build-to line applies to both sides of the lot which have street frontage. The building front shall be placed on the build-to line. Variations of up to two feet from the street right-of-way to the build-to line may be permitted to create variety in streetscape. Whenever a building does not front on a right-of-way, the build-to line shall be measured from the edge of the pavement of an access way in front of or on the side of the building.

E. Side yards.

1. The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case the width of that yard shall be as required in §84 for the district in which the building is located.

F. Corner visibility.

1. No sign, fence, wall, hedge, planting, or other obstruction to vision extending to a height in excess of three (3) feet above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the

intersecting streets and a straight line connecting them at points twenty (20) feet distant from the intersection of the street lines.

G. Accessory buildings and structures.

1. An ornamental fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided that such fences and walls do not exceed a height of six (6) feet.
2. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than forty percent (40%) of the area of the required rear yard, and provided that it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
3. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from street lines.

H. Permitted Extensions into Minimum Required Yards.

Every part of a required yard shall be open to the sky, except the features set forth in the following paragraphs may extend into minimum required yards as specified.

1. The following shall apply to any structure:
  - a. Cornices, canopies, awnings, eaves or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than five (5) feet to any lot line.
  - b. Sills, leaders, belt courses, chimneys and other similar ornamental features may extend twelve (12) inches into any minimum required yard.
  - c. Open fire balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
  - d. Bay windows and chimneys, none of which are more than ten (10) feet in width, may extend three (3) feet into any minimum required yard, but not closer than five (5) feet to any lot line.
  - e. Window air-conditioning units may project to a distance not to exceed twenty-four (24) inches into a required yard.
  - f. Carports may extend five (5) feet into any minimum required side yard, but not closer than five (5) feet to any side lot line.



- (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line.
  - b. Any open deck with any part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
    - (1) Front yard: No extension
    - (2) Side yard: No extension
    - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line.
  - c. Any roofed deck with no part of its floor higher than three (3) feet above finished ground level may extend into minimum required yards as follows:
    - (1) Front yard: No extension
    - (2) Side yard: No extension
    - (3) Rear yard: 12 feet, but not closer than 5 feet to the rear lot line, and on lots with a minimum required side yard, not closer to that side lot line than a distance equal to such minimum required yard.
- 4. The following shall apply to any deck attached to a multiple family dwelling, commercial, industrial or institutional structure:
  - a. Any open or roofed deck, not more than ten (10) feet in width and with no part of its floor higher than three (3) feet above finished ground level, may extend six (6) feet into any minimum required yard.
  - b. Any open or roofed deck, not more than ten (10) feet in width with any part of its floor higher than three (3) feet above finished ground level, may extend three (3) feet into any minimum required yard.

§ 84. Table of Height, Area and Bulk Requirements.

ZONING DISTRICT	Gross Density Max. (Dus/Ac)	Lot Area Minimum	Lot Width at Building Line Min (ft.)	Lot Front-age Min (ft.)	Front Yard Depth Min (ft.)	Side Yard Width Min (ft.)	Rear Yard Depth Min (ft.)	Maximum Height		
								Principal Structure	Accessory Structure	Playground Equipment
R-1 Residential										
-Single-family detached	3.5	11,500	60	NA	30	10	30	35	16	15
R-2 Residential										
- Single-family detached	6	8,000	60	20	15	10	30	35	16	15
- Single-family semi-detached	6	4,000	30	25	15	10	30	35	16	15
- Single-family attached	6	2,400	15	15	15	10	30	35	16	15
- Apartment	6		100	60	30	20/30	30	35	16	15
TC Town Center										
- Single-family detached	6	NA	40	NA	10	7.5	30	35	16	15
- Single-family semi-detached	6	NA	40	NA	10	7.5	30	35	16	15
- Single-family attached	6	NA	40	NA	10	7.5	30	35	16	15
- Apartment	6	NA	100	NA	10	7.5	30	35	16	15
- Commercial	NA	NA	35	NA	10	7.5	30	35	16	15
HC Highway Commercial	NA	NA	100	NA	40	10/50	10	35	16	NA
RC Regional Commercial	NA	NA	200	NA	30/25	30/25		45	NA	NA
I Industrial	NA	NA	100	NA	40	10	30	45	45	NA

## **ARTICLE IX. LANDSCAPING AND ENVIRONMENTAL STANDARDS**

### **Part I. Landscape Standards**

#### **§ 85. Required Trees Along Dedicated Streets.**

Along both sides of all newly created streets that are constructed in accordance with Queenstown's street standards, the developer shall at a minimum either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and fifty (50) feet from the centerline of the street, there is for every fifty (50) feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least 12 inches in diameter.

#### **§ 86. Retention and Protection of Large Trees.**

- A. Every development shall retain all existing trees 18 inches in diameter or more unless the retention of such trees would unreasonably burden the development.
- B. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 18 inches in diameter or more, and no impervious surface (including, but not limited to, paving or buildings) may be located within 12½ feet (measured from the center of the trunk) of any tree 18 inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.
- C. The retention or protection of trees 18 inches in diameter or more as provided in Subsection A and B unreasonably burdens a developer if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
- D. If space that would otherwise be devoted to parking cannot be so used because of the requirements of Subsections A or B, and, as a result, the parking requirements set forth in §106 cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of Subsections A and B, up to a maximum of 15 percent of the required spaces.

#### **§ 87. Plan Requirements for Landscaping and Screening.**

- A. Applicability. A master landscaping plan or screening plan meeting the standards of this part is required for any development, except applications involving a detached single family dwelling unit requiring only a zoning certificate and building permit.
- B. A master landscape or screening plan shall consist of one (1) or more sheets drawn to scale or

combined with a site plan and shall include the following information:

1. The location and footprint of all proposed buildings, structures, and facilities on the site and proposed landscaping areas.
  2. The approximate location of rivers or stream branches or natural, intermittent streams or drainage channels, ponds, wooded areas, or other special natural features on the development site as well as any required buffers.
  3. A tabular summary of type of species, height, diameter, and quantity of shrubbery and trees, including street trees, to be planted within landscaped or screening areas.
  4. The height, length, type and location of fencing and related planting areas to be used for screening purposes.
  5. Location of underground and overhead utilities.
  6. The continuity of proposed open space with contiguous and other nearby open spaces, existing or proposed.
- C. The plan shall show landscaping proposals for the following areas or facilities where applicable to the type of development proposed.
1. Street trees
  2. Bufferyard plantings
  3. Foundation plantings
  4. Screening for dumpster or other solid waste collection areas
  5. Stormwater management retention or detention areas landscaping
  6. Above ground utility box screening
  7. Parking lot plantings/screening
  8. Perimeter plantings
  9. Recreation facilities landscaping
  10. Loading and unloading space screening
- D. The plan shall be consistent with the specific requirements of a site plan or comprehensive development plan or the specific requirements for the type of development proposed.

## **Part II. Landscaping of Parking Facilities**

### **§ 88. Intent.**

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of parking areas. Breaking up of paved parking areas with plantings will provide improved aesthetics and micro-climatic benefits by reducing heat and glare.

### **§ 89. Sites Affected.**

- A. New sites. No new parking areas shall hereafter be constructed or used unless landscaping is provided as required by the provision of this Article.
- B. Existing sites. No parking areas shall be expanded, moved, or removed and/or reconstructed unless the minimum landscaping required by the provision of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property.
- C. Change of use. No use shall be changed to another use for which the Zoning Chapter requires additional parking over and above that required for the previous use, unless perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the parking requirements for the new uses. Where new construction will not be necessary to meet the parking requirements, such additional required parking shall be deemed to be on the perimeter for as much as possible of the existing parking area. Where the previous use had no required parking, perimeter landscaping shall be provided for the entire parking area serving the new use. Interior landscaping shall not be required where only the use of the property is changed and no new construction or reconstruction is proposed.
- D. Change of zone. No use of an existing building, structure, or vehicular use area shall be commenced subsequent to a change in zoning unless perimeter landscaping as required herein has been provided.
- E. Consistent with the intent of this Part, the Planning Commission may modify or waive the requirements of §90 and 91 for projects located in the TC Town Center District and for proposed infill and redevelopment projects located in the CR Community Revitalization District.

### **§ 90. Perimeter Landscaping.**

- A. A planting strip shall be provided at least eight (8) feet wide adjacent to the back of any sidewalks or ten (10) foot wide adjacent to the property line where no sidewalk exists. Where the parking lot does not abut a property line or sidewalk, a ten (10) foot planting area shall be provided.
- B. Except where otherwise specifically required by the Zoning Chapter, a minimum ten (10) foot wide screening area shall be provided along all abutting property lines of a residential district.

- C. The following requirements shall apply to the design and construction of all parking lots for fifteen (15) vehicles or more:
1. Perimeter Landscaping. A minimum eight (8) foot wide landscaped area shall be provided adjacent to all driveways leading to the lot and around the outer edges of all parking lots.
  2. Screening Areas. A minimum ten (10) foot wide screening area shall be provided abutting all residential districts except where a greater distance is required by the provisions of the zoning district in which the parking lot is located.
- D. Each landscape area adjacent to a street right-of-way shall contain a minimum of one tree per 40 feet of landscape area parallel to the right-of-way. In addition, a vegetative screen, landscaped berm, fence, wall, or other methods to reduce the visual impact of the parking area shall be provided. The vegetative screen shall have an average continuous height of three (3) feet.
- F. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
- G. Special notes on existing natural vegetation:
1. In all cases where significant natural vegetation exists, as determined by the Planning Commission, there shall be limits of clearing/grading areas established to protect and preserve these natural area. These natural areas will not be disturbed by the installation of any structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan.
  2. In the case where buffers are created by the application of these standards, no structures, utilities, storm and sanitary sewers, water lines, sediment and erosion control traps, stormwater management systems, and signage shall be permitted.
  3. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing trees.
- H. Trees required as a part of the parking lot street right-of-way landscaping may be placed on the right-of-way adjoining such parking area when approved by the Planning Commission. Such trees shall be in addition to any street trees required by the subdivision regulations.
- I. Landscaping in Easements. The required landscape area for parking areas may be combined with a utility or other easement only if all landscape requirements can be met. Otherwise, the landscape area shall be in addition to, and separate from, any easement.

- J. In any parking lot perimeter landscaping area all trees shall be set back at least 4 feet from the edge of paving where vehicles overhang.

**§ 91. Interior Landscaping for Parking Lots.**

- A. For any parking lot containing more than 6,000 square feet of area or 15 or more spaces, interior landscaping shall be provided in addition to required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands. An interior parking lot landscape island or peninsula is defined as a landscaped area containing a minimum area of 153 square feet having a minimum width of 8.5 feet and a minimum length of 18 feet. There shall be a minimum of 4 feet to all trees from the edge of paving where vehicles overhang. The minimum landscape area permitted shall be 10 percent of the parking area. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least 6 inches wide and 6 inches in height above the paving surface. The Planning Commission may modify these dimensional requirements for the installation of low impact storm water management features. For purposes of Subsection D below and subject to the limits established in E below, up to 4 islands can be combined.
- B. Where a parking area is altered or expanded to increase the size to 6,000 or more square feet of area or fifteen (15) or more vehicular parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
- C. Landscape area. For each 100 square feet, or fraction thereof, of parking lot, 5 square feet of landscaped area shall be provided. The interior landscaping requirement shall be computed on the basis of the "net parking facility." For the purposes of this Section, "net parking facility" shall include parking stalls, access drives, aisles, walkways, dead spaces, and required separations from structures, but shall not include required street setbacks or access driveways or walkways within such setbacks.
- D. Landscape islands or peninsulas - number required:
  - 1. For less than 100 spaces one island or peninsula is required for every 7 parking spaces.
  - 2. For 100 spaces or more, one island or peninsula is required for every 10 spaces.
  - 3. Each 10 parking spaces shall require an interior planting island.
  - 4. All interior parking aisles shall end in a landscape island.
- E. Maximum contiguous areas for interior parking lot landscaping. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than the following:
  - 1. 350 square feet in parking areas under 30,000 square feet.

2. 1,500 square feet in parking areas over 30,000 square feet.
- F. Landscape areas larger than the above are permitted as long as the additional area is in excess of the required minimum, except that landscape areas larger than the maximum permitted may be allowed as required landscaping areas in those cases where significant natural vegetation exists.
- G. Minimum plant materials. A minimum of one tree for each 250 square feet or fraction thereof of required landscape or for each 5 spaces of required parking or for each 161 square feet of island or peninsula, whichever is greater, shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed 2 feet in height, or grass.
- H. Landscaping for service structures. All service structures shall be fully screened, except when located more than 35 feet above the established grade, and shall not be visible from a public way to the maximum extent possible, as determined by the Planning Commission. Service structures in an industrial zone shall be fully screened when located within 100 feet of any zone other than industrial. For the purposes of this article, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a site.
1. Location of screening. A continuous planting, hedge, fence, wall, or earth mound shall enclose any service structure or loading zone on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one foot more than the height of the enclosed structure. Whenever a service structure is located next to a building wall, perimeter landscaping material, or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirement for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
  2. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least 18 inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be 12 feet to allow service vehicles access to the container.
- I. Interior landscaping for parking areas shall be installed and continuously maintained by the owner.

- J. Plan submission and approval. Whenever any property is affected by these parking area landscape requirements, the property owner or developer shall prepare a landscape plan for approval according to the requirements contained in this Zoning Chapter.
- K. Unnecessary paving or irregular paving plans are strongly discouraged and, if incorporated in a site plan, shall be subject to approval by the Town.
- L. Alternative parking area landscaping design may be considered by the Planning Commission in cases where unique topography and site constraints dictate such alternative. The innovative use of planting design and materials is encouraged and will be evaluated on the intent demonstrated to fulfill the stated objectives of this Zoning Chapter.
- M. Landscape material type and quality shall be as follows:
  - 1. Parking lots and areas that are required to be paved must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 12 inches in diameter.
  - 2. Each tree of the type described in Subsection 1 above shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.
  - 3. Parking areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches.

### **Part III. Bufferyards**

#### **§ 92. Purpose.**

- A. One of zoning's most important functions is the division of land uses into districts which have similar character and contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. Bufferyards will operate to minimize the negative impact of any future use on neighboring properties.
- B. The bufferyard is a combination of setback and a visual buffer or barrier and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Chapter are specified and are designed to ameliorate nuisances between adjacent zoning districts to ensure a desired character along public streets and roads. The planting units required of bufferyards have been calculated to ensure that they do, in fact, function as "buffers."
- C. Bufferyards shall be required to separate different zoning districts from each other in order to

eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. Mature woodlands are considered the best buffers and shall be used whenever possible.

- D. Consistent with the intent this Part, the Planning Commission may modify or waive Bufferyard requirements for projects located in the TC Town Center District and for proposed infill and redevelopment projects located in the CR Community Revitalization District.

### **§ 93. Location of Bufferyards.**

Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way. Bufferyards shall not be located within a yard required in a single family attached (townhouse) development or planned unit development.

### **§ 94. Determination of Required Bufferyard.**

To determine the type of bufferyard required on a parcel or between two parcels or between a parcel and a street, the following procedure shall be used:

- A. Identify whether any portion or property line of the site constitutes a zoning district boundary. If it does, determine the zoning on both sides of the property.
- B. Determine whether the land on the adjoining property is vacant or developed or whether a plat of the subdivision has been approved.
- C. Classify any street adjacent to the proposed use as a local, collector, or arterial street.
- D. Determine if the proposed development is a use which has bufferyards required to separate that use from certain uses. Then determine the bufferyard required between such uses by referring to the Tables of Required Bufferyards.
- E. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to the Tables of Required Bufferyards.

### **§ 95. Responsibility for Bufferyards.**

- A. When a proposed use adjoins a vacant parcel for which a bufferyard is required by the presence of a zoning boundary, that use shall, at the time of development, provide one-half of the buffer which is required by the Tables of Required Bufferyards.
- B. The second use to develop shall, at the time it develops, provide all additional plant material

and/or land necessary to provide the total bufferyard required between those 2 uses. If the adjoining use had developed without a bufferyard, the second use will be responsible for installing the total bufferyard.

- C. Existing plant material and/or land located on the preexisting (first developed) land use which meets the requirements of this Chapter may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

Tables of Required Bufferyards (See Examples in Appendix B)

<b>REQUIRED BUFFERYARDS BETWEEN ADJACENT ZONING DISTRICTS</b>						
<b>ZONE</b>	<b>R-1</b>	<b>R-2</b>	<b>TC</b>	<b>HC</b>	<b>RC</b>	<b>I</b>
<b>R-1</b>	--	--	--	C	D	E
<b>R-2</b>	--	--	--	C	D	E
<b>TC</b>	A	A-	--	C	D	E
<b>HC</b>	C	C	C	--	--	D
<b>RC</b>	E	E	E	E	E	--
<b>I</b>	E	E	E	D	D	--

<b>REQUIRED BUFFERS</b>	<b>STREET</b>	<b>FUNCTIONAL CLASSIFICATION</b>		
<b>ZONING DISTRICTS</b>		<b>ARTERIAL</b>	<b>COLLECTOR</b>	<b>LOCAL</b>
<b>R-1, R-2, PN</b>		C	B	A
<b>TC</b>		A	A	A
<b>HC</b>		C	C	B
<b>RC</b>		C	C	C
<b>I</b>		E	E	D

**§ 96 . Bufferyard Requirements.**

Illustrations graphically indicating the specification of each bufferyard are contained in Appendix B.

### **§ 97. Bufferyard Use.**

A bufferyard may be used for passive recreation or stormwater management. It may contain pedestrian, bike, or equestrian trails provided that: (1) no plant material is eliminated, (2) the total width of the bufferyard is maintained, and (3) all other regulations of this Chapter are met. In no event, however, shall swimming pools, tennis courts or other such uses be permitted in bufferyards. The Planning Commission may allow substitution or reduction of the bufferyard if it finds that the required bufferyard will obstruct the view of a driver or that the bufferyard is incompatible with the existing streetscape.

### **§ 98. Ownership of Bufferyards.**

Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, the Town of Queenstown, or a homeowner's association, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this Chapter.

## **Part IV Environmental Standards for Sensitive Areas**

### **§ 99. Environmental Standards.**

The following provisions shall apply to all development activities requiring site plan or subdivision plat approval.

#### **A. Perennial Stream buffer**

1. A minimum three-hundred (300) natural buffer from the Wye River and perennial streams feeding the Wye River shall be required for all development. A one-hundred (100) foot natural buffer from all other perennial streams shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer. Buffers in the Critical Area shall be regulated as provided in § 39 except that a minimum three-hundred (300) natural buffer from the Wye River shall be required if more restrictive than the Critical Area Buffer requirements.
2. This buffer requirement may be reduced to no less than seventy-five (75) feet by the Planning Commission for the following:
  - a. Road crossings, if disturbance is minimized.
  - b. Other public or community facilities provided disturbance is minimized in so far as possible.
3. Buffer establishment in vegetation.

An applicant for a development activity, redevelopment activity or a change in land use

that occurs outside the perennial stream buffer, but is located on a lot or parcel that includes the minimum 100-foot buffer, shall establish the buffer in vegetation if the buffer is not fully forested or fully established in woody or wetland vegetation.

B. Intermittent Stream buffer

1. A fifty (50) foot buffer from all intermittent streams shall be required for all development. Permanent or temporary stormwater management and sediment control devices shall not be permitted in this buffer.
2. This buffer requirement may be waived by the Planning Commission for the following:
  - a. Road crossings, if disturbance is minimized.
  - b. Other public or community facilities provided disturbance is minimized in so far as possible.
3. Buffer establishment in vegetation.

An applicant for a development activity, redevelopment activity or a change in land use that occurs outside the intermittent stream buffer, but is located on a lot or parcel that includes the minimum 50-foot buffer, shall establish the buffer in vegetation if the buffer is not fully forested or fully established in woody or wetland vegetation.

C. Sensitive Soil buffer. The one-hundred (100) foot perennial stream buffer shall be expanded to include contiguous 100 year floodplain and nontidal wetlands. In addition, the one-hundred (100) foot perennial stream buffer shall be expanded to include hydric soils, highly erodible soils and soils on slopes greater than fifteen percent (15%) that are contiguous with the perennial stream, any 100 year flood plain adjacent to the stream, or any nontidal wetlands adjacent to the stream to a maximum distance of three hundred (300) feet.

D. Non-tidal Wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.

E. Steep Slopes.

The following steep slope provisions shall apply.

1. Grading, removal of vegetative cover and trees, and paving are not permitted on any land in excess of fifteen (15) percent slope.

F. Habitat Protection Areas

1. Identification.

An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas include:

- a. Federal or State threatened or endangered species or species in need of conservation;
- b. Forest areas utilized as breeding areas by interior forest dwelling birds;
- c. Designated Natural Heritage Areas; and
- d. Other plant and wildlife habitats determined to be of local significance;

2. Standards

- a. An applicant for a development activity proposed for a site that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of the Habitat Protection Area on or near the site.
- b. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resource.
- c. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

## **ARTICLE X. OFF-STREET PARKING AND LOADING**

### **§ 100. General Requirements.**

- A. Off-street parking required by this Chapter shall be provided on the same lot or premises as such structure or land use for which the parking is required, except that off-street parking spaces required for structures or land uses on two or adjoining lots may be provided in a single common facility on one or more of said lots provided said lots are owned in common, or are subject to recorded covenants or recorded easements for parking.
- B. Required off-street parking facilities may be enclosed in a structure or may be open. Enclosed structures and carports containing off-street parking shall be subject to the setback requirements applicable to the zoning district in which located.
- C. Each required off-street parking space shall access directly onto an aisle or driveway. All off-street parking areas shall have appropriate access to a street or alley in a manner which least interferes with traffic movements on said street or alley.
- D. All parking areas associated with public, semi-public, commercial or industrial uses, except in instances requiring less than six parking spaces, shall be paved with either Portland cement concrete, bituminous concrete (black-top), or bituminous surface treatment (tar & chips). Unpaved parking areas shall consist of compacted base with a stone or gravel topping, and shall be maintained in a dust-free, rut free, pot hole free condition.
- E. Parking for the physically handicapped and aged shall be provided in the number, size and location to pursuant to the requirements of the State.
- F. All vehicles parked outdoors on a lot must be registered with current, valid state motor vehicle plates plainly visible.
- G. Within the Queenstown Resort Development (QRD) district, parking and loading requirements shall be determined by the Planning Commission on a project specific basis.

### **§ 101. Flexibility.**

- A. The Town Commissioners recognize that, due to the particularities of any given development, the inflexible application of the parking standards may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space.
- B. The Planning Commission may permit deviations from the presumptive requirements of §106 and

may require more parking or allow less parking as deemed appropriate.

**§ 102. Residential Area Limitations.**

- A. No more than one recreational vehicle as defined in Article II of this Chapter may be parked on any residential lot.
- B. No more than one (1) boat or boat and trailer shall be parked on any residential lot and the overall length shall not exceed thirty-five (35) feet.

**§ 103. Commercial / Industrial Areas.**

- A. In the Town Center (TC) district, when an existing (as of the date of adoption of this Chapter) conforming use of land or structure is replaced by a similar conforming use, off-street parking regulations shall be waived by the Planning Commission to the extent that any construction, rebuilding, expansion, or demolition and rebuilding of existing structures that results in increased square footage, shall meet the requirements for parking described herein only for the increased square footage, not for the existing square footage.
- B. Parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or is faced by any residential use by an ornamental wall, fence, earthen berm or compact evergreen hedge. Such screen shall be not less than four (4) feet or more than six (six) feet in height and shall be maintained in good condition without any advertising thereon.

**§ 104. Lighting.**

Any lighting used to illuminate off-street parking areas shall be designed with concealed light source and so arranged as to direct or reflect the light away from adjoining lots in residential districts and from any public street right-of-way.

**§ 105. Parking Design Standard.**

- A. Each off-street parking space shall be a minimum of nine feet in width and a minimum of 18 feet in length, exclusive of access drives or aisles, ramps, columns, or work areas. (The length of the parking space can be reduced to 16.5 feet, including wheel stop, if additional space of 1.5 feet in length is provided for the front overhang of the vehicle).
- B. Each parking space shall have a vertical clearance of at least seven feet.
- C. Horizontal widths for parking rows, aisles, and modules shall be provided as follows:

	<b>One Way Parallel</b>	<b>30<sup>o</sup></b>	<b>45<sup>o</sup></b>	<b>60<sup>o</sup></b>	<b>90<sup>o</sup></b>
<b>Single Row Parking</b>	9'	17'	19'	20'	18'
<b>Access Aisle Minimum</b>	10'	10'	10'	10'	20'
<b>Module Width</b>	19'	27'	29'	30'	38'

	<b>Two Way Parallel</b>	<b>30<sup>o</sup></b>	<b>45<sup>o</sup></b>	<b>60<sup>o</sup></b>	<b>90<sup>o</sup></b>
<b>Double Row of Parking</b>	18'	34'	38'	40'	36'
<b>Access Aisle Minimum</b>	20'	20'	20'	20'	20'
<b>Module Width</b>	38'	54'	58'	60'	56'

D. Entrances to off-street parking areas from a public street shall not exceed 35 ft. in width.

**§ 106. Required Parking Spaces.**

- A. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The Town recognizes that the Table of Minimum Parking Requirements set forth in Subsection E cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Planning Commission is authorized to determine the parking requirements using this table as a guide.
- C. The Town also recognizes that, due to the particularities of any given development, the inflexible application of the parking standards may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
- D. Whenever the Planning Commission allows or requires a deviation from the parking requirements set forth herein it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
- E. Table of Minimum Parking Requirements

<b>USE</b>	<b>REQUIRED SPACES</b>
Bank, Standard	One space per 200 sq. ft., exclusive of storage and utility areas.
Bank, Drive-Through	One space per 200 sq. ft., exclusive of storage and utility areas, plus five spaces per drive-through lane.
Beauty Parlor or Barber Shop	Two spaces per operator

<b>USE</b>	<b>REQUIRED SPACES</b>
Bed and Breakfast	One space per bedroom, plus one space for the residents/manager
Church, Mosque, Temple, etc.	One space per 4 seats (benches are deemed to have a capacity of one seat per 20 inches of length) or one space per 100 sq. ft. of floor - area, whichever is greater.
Clubs, Lodges, Assembly Halls and Recreational Facilities	One space per 100 sq. ft. of usable floor space, or one space per each two persons to the rated capacity of the building.
Day Care Center, Child	One space per teacher plus one Space per 6 children
Day Care Center, Adult	One space per employee plus one space per five care persons
Funeral Home	Eight spaces per parlor or one space per 50 sq. ft. of floor area, whichever is greater.
Motor Vehicle Service Station	One space per 100 sq. ft. of floor area, but not less than 10 spaces. Each service rack, or bay, may be counted as one space, but driveways and pump areas may not. For stations specializing in fuel sales without any other type of auto service, five spaces shall be provided.
Home Occupation	Two additional spaces to the two spaces required for residential purposes.
Hotel, Motel, Rooming House	One space per sleeping unit plus one space per two employees.
Libraries, Museums and Art Galleries	One space per 150 sq. ft. of floor area.
Manufacturing Uses	One space per each two employees on the largest working shift, or one space per 500 sq. ft., whichever is greater
Nursing Home	One space per three beds for occupants plus one space for each two staff or service employees
Office, Business or Professional	One space per 200 sq. ft. of floor area, exclusive of storage and utility areas.
Office, Physician or Dentist	Four spaces per physician or dentist.
Residences: Single-family Detached,	Two spaces per dwelling.
Semi-detached unit and Attached	Two spaces per dwelling.
Residences: Apartments	One and one-half spaces for one bedroom units. Two spaces for two or more bedroom units.
Note: For Commercial Apartments, see "Multiple Use, Parking" which follows in § 113.	
Residences for the Elderly	One space per each four dwelling units
Restaurants or Other Places serving Food, Beverages or other	One space per each five seats, plus one space per each two employees or one space per 200 sq. ft. of floor area so used, whichever is greater

USE	REQUIRED SPACES
Refreshments	
Restaurant, Fast-Food	One space per three seats plus one per two employees; minimum of 20 spaces must be provided
Retail or Service Business	One space per 200 sq. ft. of floor area
Retail Food Stores (over 4000 sq. ft.)	One space per 250 sq. ft. of floor area available to the public.
Schools, Private	One space for each four seats in a principal auditorium or one space per each 10 classroom seats, whichever is greater.
Shopping Center	Four spaces per 1000 sq. ft. of
Warehouse	One space per 6,000 sq. ft. of floor warehouse principally.

**§ 107. Multiple Use Parking.**

- A. Commercial Apartments: Residential parking demand tends to complement office and retail demands since some residents drive to work at other locations during the day, thus vacating parking spaces for use by the site's office employees and retail patrons. Accordingly, forty percent (40%) of the parking spaces required for the commercial apartments on a site may apply to the number of parking spaces required for the commercial uses within the same building or development area.
- B. Multiple Use Sites:
1. Two or more non-residential uses shall be permitted to share their off-street parking spaces in a common parking facility if the hours or days of peak parking for the uses are so different that a lower total will provide adequately for all uses served by the facility without conflict or encroachment.
  2. To assure that no conflict or encroachment occurs, shared parking spaces for such uses shall be provided according to the following table:

Land Use	Weekday		Weekend	
	6:00 AM	6:00 PM	6:00 AM	6:00 PM
Time Period	6:00 PM	Midnight	6:00 PM	Midnight
Office or Industrial	100%	10%	10%	5%
Retail	60%	90%	100%	70%
Hotel or Motel	75%	100%	75%	100%
Restaurant	50%	100%	100%	100%

3. Method of Calculation:

Step 1. For each of the four time periods, multiply the minimum number of parking spaces normally required for each use, by the corresponding percentage in the table.

Step 2. Add the results of each column. The required number of parking spaces shall equal the highest column total.

**§ 108. Town Center Waiver.**

In TC Town Center District, should the configuration of the lot, the placement or replacement of existing conforming structures, or a change of use to a conforming structure, but more intensive use preclude adherence to these parking requirements, the Planning Commission shall waive off-street parking requirements, provided that the owner demonstrates:

- A. Adequate public off-street parking is available within a reasonable walking distance and/or;
- B. On-street parking is available, and that the parking associated with the contemplated use will not materially impede the flow of traffic or preempt existing residential parking and/or;
- C. A written agreement allowing parking in support of the use of an adequate private off-street parking lot within a reasonable walking distance.
- D. The building is historic and cannot meet the requirements.

**§ 109. Parking Setbacks: In other than residential districts.**

- A. Minimum of 10 feet from public street right-of-way, except five feet in TC Town Center District.
- B. Minimum of five feet from side and rear property lines, except where shared parking facilities are arranged.
- C. Minimum of 15 feet from all buildings in Highway Commercial and Regional Districts and Industrial District.
- D. Minimum of five feet from all buildings in TC Town Center District.

**§ 110. Off-Street Loading Spaces.**

- A. In any zone in connection with every building or part thereof having a gross floor area of 20,000 sq. ft. or more, which is to be occupied by manufacturing, storage, warehouse, goods display or sales, mortuary, or other uses similarly requiring the receipt and distribution, by vehicle, of materials or merchandise; there shall be provided and maintained on the same lot with such building or use, at least one off-street loading space plus one additional loading space for each 20,000 sq. ft. of gross floor area or major fraction thereof.
- B. Each loading space shall be not less than 10 feet in width, 45 feet in length, and 14 feet in height.

The Planning Commission may modify this requirement where it can be demonstrated alternative dimensions serve the purpose and do not create traffic or pedestrian safety issues.

- C. Such space may occupy all or any part of any required yard except a front yard.
- D. No such space shall be located closer than 50 feet to any lot located in any residential district, unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence, berm and/or landscaping, not less than six feet in height.

## **ARTICLE XI. SIGNING AND LIGHTING**

### **§ 111. Signs Regulated.**

Any sign erected, placed, attached, altered, reconstructed, or modified after the adoption of this shall conform to the following regulations.

### **§ 112. Definitions and Interpretation.**

Words and phrases used in this ordinance shall have the meanings set forth in this section. All other words and phrases shall be defined in Article II or will be given their common, ordinary meaning, unless the context clearly requires otherwise.

**Animated Sign** - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Banner** - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Beacon** - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Building Marker** - Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**Building Sign** - Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Canopy Sign** - Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Changeable Copy Sign** - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

**Commercial Message** - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Flag** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Freestanding Sign** - Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Incidental Sign** - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Marquee** - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Marquee Sign** - Any sign attached to, in any manner, or made a part of a marquee.

**Nonconforming Sign** - Any sign that does not conform to the requirements of this ordinance.

**Pennant** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Portable Sign** - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Projecting Sign** - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**Residential Sign** - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

**Roof Sign** - Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Suspended Sign** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign** - Any sign that is used only temporarily and is not permanently mounted.

**Wall Sign** - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Window Sign** - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**§ 113. General.**

A. Land Use Signs

1. Each commercial or industrial land use shall be permitted one freestanding sign.
2. When a land use takes direct vehicular access from more than one street, one additional freestanding sign shall be permitted for each such street to which it has direct access.

B. Moving Signs

1. No sign, except for time and/or temperature signs, shall have any flashing, blinking, or fluttering lights or any device that creates the appearance of movement.
2. No sign shall have any undulating, swinging, rotating or otherwise moving parts, and no sign may be wind activated.

C. Location

1. Except for temporary sales and off-site identification signs for subdivisions, each sign shall be located within the property lines of the use to which it refers.
2. Except for directional signs, signs shall be located at least 10 feet from any property line.
3. Any permanent sign that does not relate to a residential use shall be located at least 50 feet from any property line of a residentially zoned property.
4. In the Highway Commercial (HC), Regional Commercial (RC) and Industrial (I) zones, freestanding signs shall be set back a minimum of 10 feet from any street right-of-way line, except that along US Route 50 and US Route 301, the minimum setback shall be 50 feet. Wherever a street or other right-of-way exists adjacent to the highway right-of-way, the minimum setback from the parallel right-of-way shall be 10 feet. Notwithstanding these minimum distances, no sign shall project within the right-of-way of any public

street.

D. Sight Distance

No sign or its supporting structure shall obstruct or interfere with a traffic signal or the clear view of any sight line at any entrance, exit, or intersection or along any street or highway right-of-way.

E. Right-of-Way

No signs, including traffic signs and similar regulatory signs, except those of the Town or State, shall be located or allowed to project within the right-of-way of any public street.

F. Roof Signs

No sign shall be attached to or supported by the roof of a building. No sign shall extend above or over the roof or parapet of a building.

G. Sign Lighting

The following types of sign illumination are permitted:

1. Internal Letters: Sign background is made of wood, metal or other non-translucent material. Letters are of a translucent material, and the lighting source is within the sign.
2. Internal Sign: Sign is made of a translucent material and lighting source is within the sign.
3. Back Lighting: Letters are raised above the sign background and the background is illuminated.
4. Spot Light: Spotlights are directed onto the sign. They shall be fully shielded so that the source is not visible from streets or property.

H. Height Measurement:

1. The height of a freestanding sign shall be measured from the grade of an adjoining street, provided the street is within 50 feet of the proposed sign location. Otherwise, it shall be measured from the adjacent ground level.
2. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.
3. The height of a wall sign shall be measured from the base of the building below the sign the top of the sign face. The top of the sign shall be no higher than the maximum building height nor shall it be more than three feet higher than the highest ceiling

elevation in the building.

I. Sign Area:

1. Sign area is measured as the smallest rectangular area enclosing all elements (words, letters, figures, logos, emblems) of the sign. Intervening space between different elements forming separate messages is not counted as sign area. Sign area includes all ornamental and interconnecting link. Frames, the supporting structure and bracing of a sign shall not be included in the area of the sign.
2. Where a freestanding sign has two display faces back to back, the area of only one face shall be considered the sign face, provided that the faces are placed back to back, no more than two feet apart, are of the same dimensions, and have identical copy, except minor differences necessary for directional purposes.
3. Where a sign has more than one display face, other than back to back, all areas which are to be viewed simultaneously shall be considered the sign face area.

**§ 114. Temporary Signs.**

Temporary signs are permitted in all districts provided they comply with the following regulations.

A. Political Signs

1. May not exceed 16 sq. ft. in area.
2. May be erected, posted or displayed two months before the election for which the candidate has filed.
3. Shall be removed within seven days after the election. If a candidate is successful in a primary election, he may continue to display a campaign sign until seven days after the next general election.
4. Shall not be illuminated.

B. Special Events & Special Sales Signs:

1. Shall have the written approval of the Administrator.
2. Shall be limited to five events or sales in one calendar year on the same lot.
3. May be erected, posted or displayed 30 days before the event or sale.
4. Shall be removed within three days after the conclusion of the event or sale.

5. Shall not exceed 48 sq. ft.

C. Community or Civic Project Signs:

1. Does not require the written approval of the Administrator.
2. May be erected, posted or displayed 30 days before the event.
3. Shall be removed within 7 days of the conclusion of the event.

D. Real Estate Signs:

1. Only one real estate sign may be erected or displayed on the property advertised.
2. Sign shall not be illuminated.
3. Shall be removed within five days after deed has been recorded for the sale, or lease signed for the rental of property.
4. Does not exceed the following maximum areas:
  - a. Residential Uses: six sq. ft. in area.
  - b. Commercial Uses: 24 sq. ft. in area.
  - c. Industrial Uses: 48 sq. ft. in area.

**§ 115. Freestanding Public Sign.**

One freestanding public sign of a permanent nature giving the name and activities of a church, school, or similar institution, may be permitted on a site. Such sign shall have a maximum area of 32 sq. ft. and may not exceed a height of six feet above grade.

**§ 116. Banners.**

Banners shall be permitted only upon approval of the Zoning Administrator.

- A. Shall not exceed 60 sq. ft. in area.
- B. Shall remain in place no longer than 30 days.
- C. No organization or individual shall be permitted a banner more than four times per year.

**§ 117. Signs Permitted by Zones.**

- A. R-1 and R-2 Residential District: Signs permitted in Residential zones shall be limited to the following:
1. One non-illuminated real estate sign, not to exceed six sq. ft. in area.
  2. One sign not to exceed six sq. ft. in area in conjunction with an accessory use.
  3. One sign not to exceed 12 sq. ft. in area in conjunction with an approved special exception.
  4. One sign not to exceed 25 sq. ft. in area identifying an apartment structure, providing the apartment property has a minimum of 100 feet of frontage.
- B. TC Town Center District: Signs permitted in Town Center district shall be limited to the following:
1. One non-illuminated real estate sign, not to exceed 24 sq. ft. in area.
  2. One sign not to exceed four sq. ft. in area in conjunction with an accessory use.
  3. One sign not to exceed 24 sq. ft. in conjunction with an approved special exception use.
  4. One sign not to exceed 10 sq. ft. of area for each 10 linear feet of street frontage; however, no such sign may exceed 50 sq. ft. in area.
  5. Banners are permitted when approved by the Zoning Administrator.
- C. Highway Commercial (HC) and Regional Commercial (RC) Districts: Except as provided for in § 7, below, signs permitted in the Highway Commercial and Regional Commercial districts shall be limited to the following:
1. One non-illuminated real estate sign, not to exceed 24 sq. ft. in area.
  2. One sign not to exceed 12 sq. ft. in conjunction with an accessory use.
  3. One sign not to exceed 36 sq. ft. in conjunction with an approved special exception use, not to exceed 20 feet in height.
  4. One free-standing sign not exceed 10 sq. ft. of area for each 10 linear feet of street frontage; however, no such sign may exceed 100 sq. ft. in area. This sign shall not be closer than 75 feet to another free standing sign.

5. Each business is entitled to signs on the front wall of the building and on any side wall which faces a public street, or under a covered walkway. The total aggregate sign area for all such signs relating to a specific business shall not exceed 60 sq. ft.
6. Banners are prohibited.
7. The sign standards in subsections 4 and 5 may be modified when the Planning Commission determines that additional height or size are required in the context the sign is being proposed. The factors the Planning Commission shall consider are whether the modifications are necessary to address deficiencies in the following:
  - a. Conspicuity or visibility, referring to how distinguishable a sign is from its “surround,” which is a term used to describe the area around the sign that the a viewer sees from the location where the viewer would ideally detect the presence of the sign (in other words, how “conspicuous” the sign is given the elements in the area around it);
  - b. Legibility, which is related to a viewer’s ability to make out the symbols (e.g., letters, icons, etc.) that constitute the sign, a factor dependent on distance and the viewer’s eyesight; and
  - c. Recognition or readability, which describes how well the viewer can understand or make sense of what appears on the sign.

D. Industrial Zone (I)

1. One non-illuminated real estate sign, not to exceed 48 sq. ft. in area.
2. One sign not to exceed 12 sq. ft. in conjunction with an accessory use.
3. One sign not to exceed 36 sq. ft. in conjunction with an approved special exception use.
4. One freestanding sign not exceed 15 sq. ft. of area for each 10 linear feet of street frontage; however, such sign shall not exceed 100 sq. ft. in area. This sign shall not be closer than 75 feet to another freestanding sign.
5. Each business is entitled to signs on the front wall of the building and on any side wall which faces a public street, or under a covered walkway. The total aggregate sign area for all such signs relating to a specific business shall not exceed 60 sq. ft.
6. Banners are prohibited.

E. CS Queenstown Countryside District: Signs permitted in the CS zone shall be limited to the following:

1. One free-standing sign, with or without illumination, not to exceed twenty (25) square feet of area for each ten (10) linear feet of highway frontage; however, such sign shall not exceed one-hundred fifty (150) square feet in area. This sign shall be located at least seventy-five (75) feet from any other sign.
  2. All golf course information and directional signage. Addition signage may be approved by the Planning Commission.
- F. QRD Queenstown Resort Development District: Signs permitted QRD zone shall include at a minimum, the signage permissible in the Town Center Zone and included in an approved master site plan. Additional signage may be approved by the Planning Commission.

**§ 118. Lighting.**

- A. The type, height, location and shading of exterior lighting shall be designed not to shine or reflect into adjacent buildings, or onto adjacent property, or onto adjacent road rights-of-way.
- B. Flashing, revolving or intermittent exterior lights may not be used.
- C. No colored or flashing lights shall be kept on any lot, other than within a building, nor shall such lights be kept within a building if visible from the exterior thereof.

## **ARTICLE XII. ZONING ADMINISTRATOR AND PERMITS**

### **§ 119. Administration and Enforcement.**

- A. The Town shall designate a person to act as Zoning Administrator.
- B. It shall be the duty of the Zoning Administrator to administer and cause the enforcement of the provisions of this Chapter.
- C. All departments, officials, and public employees of the Town of Queenstown, which are vested with the authority to issue permits or licenses shall conform to the provisions of this Chapter and shall not issue any or license for any use, building, structure or purpose which would be in conflict with the provisions of this Chapter.
- D. Any permit or license issued in conflict with the provisions of the Chapter shall be null and void.
- E. If the Zoning Administrator finds that any of the provisions of this Chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- F. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, and structures; the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions. Non-conforming uses and structures approved in accordance with the provisions of this Chapter, and conditions grandfathered by this Chapter are excluded from this provision.

### **§ 120. Building Permit Required.**

- A. No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning certificate (certificate of approval) therefore, issued by the Planning Commission except as follows:
  - 1. The Town Clerk or the Town Assistant Clerk, acting in his or her capacity as the Zoning Administrator, or the Town's designated building inspector, shall have the authority to approve and issue building permits and/or zoning certificates for the following uses and structures:
    - a. Single family residences and permitted accessory structures that comply with the standards of the applicable zoning district. By way of example and not by limitation, such structures include, but are not limited to:

- (1) Single family dwelling and additions to single family dwellings that comply with all of the applicable setbacks on conforming lots of record.
    - (2) Duplexes that have been approved as part of a subdivision or site plan.
    - (3) Accessory structures such as a shed, garage, deck, pool, fence, HVAC equipment, etc.
  2. Notwithstanding the delegation of authority set forth in Section 1 above, such delegation of authority shall not apply to any structure or use which (i) requires a special exception or variance, (ii) requires site plan approval; or (iii) are located in the Critical Area. Where the use or structure requires a special exception or variance, site plan approval or is located in the Critical Area, the application for a zoning certificate shall be reviewed by the Planning Commission in accordance with the Queenstown Zoning Ordinance, as amended from time to time, and any other regulations or policies promulgated by the Queenstown Planning Commission.
  3. No zoning certificate shall be issued except in conformity with the provisions of this Zoning Chapter, except after written order from the Board of Appeals.
- B. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered, and no excavation for any building or other structure shall begin without the issuance of a building permit. When issued, such permit shall be valid for a period of six (6) months.
- C. No building permit shall be issued except in conformity with the provisions of this Chapter, except after written orders from the Board of Appeals.

**§ 121. Application for Building Permit.**

- A. All applications for a building permit shall be accompanied by a site plan in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.
- B. The Zoning Administrator shall furnish one copy of the application to the Town Commissioners for their information, and to the Critical Area Commission, if applicable.
- C. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration; Critical Area Land Use Classification, existing or proposed uses of the building and land; the number is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Chapter.

- D. One copy of the plans shall be returned the applicant by the Zoning Administrator, after he shall have such copy either as approved or disapproved and attested to the same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Administrator

**§ 122. Expiration of Building Permit.**

- A. If the work described in any building permit has not begun within one year from the date of issuance thereof, said permit shall expire. It shall be canceled by the Zoning Administrator and written notice thereof shall be given the persons affected.
- B. If the work described in any building permit has not been substantially completed within two years of the date of issuance, unless work is proceeding thereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice hereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.

**§ 123. Occupancy Permits for New or Altered Uses.**

- A. It shall be unlawful to use or occupy or allow the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until an occupancy permit shall have been issued therefor by the Zoning Administrator, stating that the proposed use of the building or land conforms to the requirements of this Chapter.
- B. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for an occupancy permit. The permit shall be issued in conformity with the provisions of this Chapter upon completion of work.
- C. A temporary occupancy permit may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.
- D. The Zoning Administrator shall maintain a record of all occupancy permits and copies shall be furnished upon request to any person.
- E. Failure to obtain an occupancy permit shall be a violation of this Chapter and punishable under Article XIII of this Chapter.

**§ 124. Drawings and plats.**

- A. All applications for zoning certificate or building permits shall be accompanied by a drawing containing the information shown in Appendix A or plat, in duplicate or as required by the Town Administrator.

- B. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the office of the Administrator, and a duplicate copy shall be kept at the building at all times during construction.

**§ 125. Site Plan Review and Approval.**

- A. Prior to issuing a zoning certificate or building permit for construction, expansion or change in use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval. For complex or large projects the applicant may submit a Preliminary Site Plan to the Planning Commission in order to get feedback from the Planning Commission that will facilitate the review and approval of the Final Site Plan.
- B. The purpose of major site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.
- C. Applicability. All development or land use activities within the Town shall require site plan review before being undertaken, except the following:
  - 1. Construction or expansion of a single one family dwelling and ordinary accessory structures, and related land use activities.
  - 2. Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Zoning Chapter.
  - 3. Ordinary repair or maintenance or interior alterations to existing structures or uses.
  - 4. Exterior alterations or additions to existing structures which would not increase the square footage of the existing structure by more than 500 square feet or have a cost value of less than \$10,000.00.
  - 5. Agricultural or gardening uses.
  - 6. All signs except in conjunction with new development.
- D. Site plan applications shall include the information listed in Appendix A for preliminary and final site plans. The Planning Commission may at its discretion waive any information or preliminary requirements which are not relevant to the proposed use and site.
- E. The Planning Commission's review of the preliminary site plan shall include, but is not limited to

the following considerations:

1. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.
  2. Location, arrangement, appearance and sufficiency of off-street parking and loading.
  3. Location, arrangement, size and design of buildings, lighting and signs.
  4. Relationship of the various uses to one another and their scale.
  5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
  6. Adequacy of storm water and sanitary waste disposal.
  7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
  8. Compatibility of development with natural features of the site and with surrounding land uses.
  9. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.
  10. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
  11. Adequacy of pedestrian access.
- F. The Planning Commission may require additional information which appears necessary for a complete assessment of the project.
- G. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.
- H. Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may appropriate. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of this Zoning Chapter and all other Federal, State, and County regulations. Notice of approval or disapproval of the site plan shall be given in writing to the applicant and shall specify all reasons for disapproval.
- I. Construction of required improvements.

1. Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission or appropriate Town review and approval agencies.
2. The Town may require inspection of the resulting improvements after construction has been completed.

J. Expiration and Extension

1. Approval of site plans shall be for a two (2) year period and shall expire at the end of such period unless building construction has begun.
2. Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one (1) year extension may be given by the Planning Commission.
3. Such request shall be acknowledged and a decision rendered thereon not more than thirty (30) days after filing of said request.

K. Site Plan Approval Procedures in the QRD Queenstown Resort District

No building or construction may occur within the QRD District until a final site plan for the structures or phase to be constructed has been submitted and approved and, if applicable, a building permit issued. The following procedures shall apply to site plan approval within the QRD District:

1. A preliminary consultation shall be held with the Planning Commission to discuss the general concept, use and design of the proposed project. Twelve (12) copies of the preliminary site plan for the development shall be filed with the Planning Commission. If a property is proposed to be developed in phases, the applicant shall be required to file a master plan showing all phases of construction leading to build out. Each preliminary site plan may be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decision of the Planning Commission.
2. The Planning Commission shall hold a public hearing on the master site plan as well as each construction phase, and shall review each construction phase for compliance with the QRD District and the Community Plan and conformity with recognized principles of civic design, land use planning and landscape architecture.
3. The Planning Commission shall approve, modify or disapprove the preliminary site plan.
4. All public hearings required by this section shall provide conducted as provided in §13.
5. The Town shall maintain a copy of any approved preliminary site plan.

6. After obtaining preliminary site plan approval, a final site plan shall be filed with the Planning Commission. Each final site plan may be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of the Planning Commission. If the preliminary master site plan included a schedule of construction phases, the first of the final site plans need only cover the designated initial construction phases, with an additional final site plan for each of the scheduled succeeding construction phases. The Planning Commission may permit changes in the boundaries or scope of construction phases as long as the changes reflect the master plan.
7. The Planning Commission shall review the final site plan for compliance with the requirements of the QRD District, preliminary site plan approval(s) and the Zoning Chapter and Queenstown Community Plan and for conformity with recognized principles of civic design, land use planning and landscape architecture. The Town shall retain said plan on record after approval by the Planning Commission.
8. No public hearing shall be required for approval of any final site plan unless a change in the final site plan significantly alters a material provision of the approved preliminary site plan(s) encompassing the area of the final site plan.
9. The procedure for amendment of an approved QRD District preliminary or final site plan shall be same as for a new application, except that minor amendments of an approved preliminary site plan, or of conditions attached thereto, may be approved by the Planning Commission at a regular meeting after a written report by the Town Planner and without public hearing, provided that such change or amendment:
  - a. Does not alter a final QRD site plan;
  - b. Does not conflict with the specific requirements of this chapter;
  - c. Does not significantly change the general character or content of an approved development plan or use;
  - d. Has no appreciable effect in adjoining or surrounding property or improvements;
  - e. Does not result in any substantial change of major external access points;
  - f. Does not increase the approved number of lodging units or height of buildings;  
and
  - g. Does not decrease the minimum specified yards and open space or minimum or maximum specified parking and loading spaces.

The phrase “minor amendments” shall not include changes to the boundary or an approved QRD District preliminary site plan, but may include changes to: the location, number or types of uses; number of dwelling units; location or method of providing public services or utilities; and other similar amendments.

L. Site Plan Submittal Requirements in the QRD District

The submittal requirements for preliminary and final site plans are as follows:

1. Preliminary Site Plan Submittal:

- a. Boundary survey of the area subject to the application.
- b. Adjacent properties, including the location of existing buildings and uses within two hundred (200) feet.
- c. Site/map data, including proposed name of development, name of planner/engineer, vicinity map, north arrow, scale, date of preparation.
- d. Plans shall show the seal and signature of a registered land surveyor or registered professional engineer, and all drawings shall be on a sheet no larger than twenty-four by thirty-six (24 x 36) inches and at a scale of not more than 100 feet to one inch.
- e. Zoning of subject property and adjacent parcel.
- f. Environmental information

The following data identifying existing natural and environmental site conditions shall be presented graphically at the same scale as the preliminary site plan:

- (1) Existing topographic contours at one-foot intervals, unless waived by the Planning Commission as clearly unnecessary to review of the project;
- (2) Information from the most current source specified by the Town indicating the location and extent of regulatory floodplain;
- (3) Information from the most recent U.S. Department of Agriculture – Soil Conservation Service Soils Catalog indicating the location of soils. If said information is not available, soil borings may be submitted;
- (4) Approximate location and extent of existing vegetation, wetlands, sensitive areas, and endangered species habitat, as identified by existing

federal, state and local inventories; and

(5) If development depicted by the site plan is located, in whole or in part, in the Chesapeake Bay Critical Area, the site plan shall also all required information.

- g. The location and nature of proposed construction, excavation or grading (drawn to scale), including but not limited to buildings, structures, streets, parking and loading areas, and proposed parking and loading requirements, including supporting information by a qualified planner, consultant, architect and/or recognized planning or parking resources (e.g., produced by the Institute of Transportation Engineers, American Planning Association, etc.).
- h. General information regarding all proposed buildings and structures, including uses, dimensions, setbacks, height and architectural elevations.
- i. Location of refuse collection, exterior lighting, fencing and all pedestrian walkways and sidewalks including fairways and greens.
- j. General location and description (i.e., intended function, proposed species, etc.) of proposed landscaping.
- k. Approximate location of points of ingress and egress to existing public highways.
- l. Forest Stand Delineation, if required.
- m. The Planning Commission may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

## 2. Final Site Plan Submittal

The final site plan shall provide sufficiently accurate dimensions and construction specification to provide the data necessary for the issuance of construction permits.

- a. Vicinity map showing the relationship to surrounding fairways, greens and including existing, proposed or mapped streets within 1,000 feet and municipal boundaries within 1,000 feet.
- b. Each sheet numbered and the relationship shown to total number of sheets.
- c. Dimensions in feet and decimal parts.

- d. North arrow, geo grid tic marks based on NAD 83.
- e. Boundary survey or survey of record of the property showing courses, distances and area.
- f. Detailed plans drawn at a scale that is legible, preferably on one (1) 24"x36" sheet.
- g. Existing contours with intervals not more than one (1) foot. Elevations shall be based on the North American Vertical Datum 1988. (Source of contour data referenced on site plan; including a benchmark with elevation and location on plan.)
- h. Location, width and names of existing platted streets or other public streets, railroad and utility rights of way, parks, open space areas and municipal corporation lines within or adjoining the tract.
- i. Proposed public improvements, highways or other major improvements planned on or near the site.
- j. Rights of way for all drainage purposes and utilities.
- k. All existing or proposed utilities, including location, grade and size of:
  - (1) Storm drain (including invert and inlet elevations and profiles);
  - (2) Sewage facilities (including invert and rim elevations and profiles);
  - (3) Catch basins;
  - (4) Drainage ways and channels;
  - (5) Pump stations;
  - (6) Wells and well head protection areas;
  - (7) Water mains diameter, invert elevations, grade, surface elevation, material;
  - (8) Septic tanks and on-site wastewater disposal facilities;
  - (9) Street lights;
  - (10) Electric, telephone and/or cable television lines;
  - (11) Fire hydrants; and
  - (12) Directions of, distance to and size of nearest water mains and sewers if not located on or adjacent to the site.
- l. Conditions on adjoining lands and fairways and greens; direction and gradient of ground slope, embankments, retaining walls, railroads and towers or other influences when identified by the applicant of Town Planner to be of concern.

- m. Location of all existing or proposed buildings, structures, parking facilities and other improvements. Submission shall include scale dimension from the property line.
- n. If alteration is made to an existing building, structure or other improvement, dotted lines shall denote features or locations to be abandoned and solid lines shall denote proposed features.
- o. Building setback lines.
- p. Signature and seal of registered land surveyor, registered professional engineer, registered architect, registered landscape architect or professional planner (AICP), responsible for accuracy of the site plan.
- q. Drainage calculations and certification that is compliant with the Queenstown Stormwater Ordinance.
- r. Legend that clearly indicates existing and proposed improvements and natural features. The legend or title block must include the following information:
  - (1) Zoning districts;
  - (2) Tax map and parcel number;
  - (3) Developer's name and address;
  - (4) Owners name and address;
  - (5) Scale;
  - (6) Date of drawing; date and type of revisions;
  - (7) Utility symbol; and
  - (8) Name of project.
- s. Notes which identify;
  - (1) Board of Appeals' case number/approval date (if applicable);
  - (2) Projected building schedule: state and finish;
  - (3) Number of parking spaces (existing, proposed, and required); and
  - (4) Number of lodging rooms by type (if applicable).
- t. Location of refuse collection, exterior lighting, fencing and all pedestrian walkways and sidewalks.
- u. The location, design, size height, number, and orientation of all proposed signs.
- v. The locations, height/size and materials/species of all fences, walls, screen planting and landscaping.

- w. Appropriate certificates and statements.
- x. Sediment and erosion control plan.
- y. Forest Conservation Plan and Forest Conservation Worksheet, if required.
- z. Floor plans and elevations and/or renderings that accurately depict the architecture of any proposed structures.
- aa. The Planning Commission may waive a particular requirements if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

**§ 126. Construction and Use.**

Building permits and occupancy permits issued on the basis of site plans and applications approved by the Zoning Administrator, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

## **ARTICLE XIII. VIOLATIONS, ENFORCEMENT AND PENALTIES**

### **§ 127. Violations.**

Violation of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor.

### **§ 128. Complaints.**

- A. Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written complaint.
- B. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record such complaint, immediately investigate, and take action thereon as provided by this Chapter.
- C. Any violation of this Chapter may be enforced as a “municipal infraction” by the Zoning Administrator in addition to any other enforcement procedures or penalties herein invoked.

### **§ 129. Penalties.**

- A. Any person who violates this Chapter or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participated in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

### **§ 130. Critical Area Program Enforcement.**

Violations in the Critical Area shall be addressed as provided in § 38 of this Chapter.

### **§ 131. Reserved.**

## **ARTICLE XIV. NON-CONFORMING USES**

### **§ 132. General.**

- A. A non-conforming use is any existing use, whether of a tract of land or of a structure, which does not conform to use regulations of the District in which it is located, either on the effective date of these regulations or as a result of any subsequent amendment hereto.
- B. Any existing use of either land or structure that is conforming in use shall not be deemed non-conforming solely because of the existence of less than the required off-street parking spaces or loading spaces, or the existence of non-conforming signs.
- C. Any structure that is conforming in use but does not conform to the setback, height, coverage, parking, loading or other design requirements for the district wherein it is located, shall not be considered to be non-conforming within the meaning of this Chapter.

### **§ 133. Authority to Continue Non-conforming Uses.**

Any non-conforming use or structure that existed lawfully at the time of the adoption of this Chapter, and that remains non-conforming upon the adoption of this Chapter, or any subsequent amendment thereof, may be continued as consistent with the previous regulations.

### **§ 134. Completion of Non-conforming Uses and Structures.**

- A. Nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter, and upon which actual building construction has been diligently carried on.
- B. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### **§ 135. Non-Conforming Lots of Record.**

- A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record of the effective date of adoption or amendment of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the

requirements for area, or width, or both, that are generally applicable in the zone, provided that yard dimensions shall conform to the regulations for the zone in which the lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.

- B. If two or more lots, or combinations of lots, and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of this Chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by the Chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portions of said parcel shall be used or sold which does not meet lot width and area requirements established by this Chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Chapter.

**§ 136. Non-Conforming Uses of Land.**

Where, at the effective date of adoption or amendment of this Chapter, lawful use of land exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued, subject to the provisions of § 139 of this section and subject to the following:

- A. If any non-conforming use of land or any portion thereof, ceases for any reason for a continuous period of more than one year or is changed to a conforming use. Any subsequent use of the land shall be in conformity with the provisions of this Chapter.
- B. No non-conforming use of land shall be changed to another non-conforming use.

**§ 137. Non-Conforming Structures.**

Where a structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure, or its location on the lot, such structure may be continued subject to § 139 of this section subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity, except as hereinafter provided in § 142.
- B. Should any non-conforming structure be destroyed by fire, flood or other calamity, it may be restored or rebuilt, and the non-conforming condition continued as a matter of right, to the same size and dimensions and in the same location as the destroyed structure on the same lot; provided that a building permit is applied for within one (1) year from the date upon which the structure was destroyed, and the work completed within the time frame established under § 122 of this Chapter.
- C. Nothing contained herein shall be deemed to permit the intentional destruction and reconstruction of any non-conforming structure by the owner or occupant of said structure.

- D. Should such structure be moved for any reason for any distance whatever, it shall at its new location conform to the regulations for the zone in which it is located after it is moved.

**§ 138. Non-Conforming Uses of Structures.**

If a lawful use of a structure or of structure and premises in combination, exists at the effective date of adoption or amendment of this Chapter that would not be allowed in the zone under the terms of this Chapter, the lawful use may be continued, subject to § 139 of this section and subject to the following provisions:

- A. Except as hereinafter provided in § 142, no existing structure except dwellings, the use of which does not conform to the use regulations for the District in which it is situated, shall be enlarged, extended, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located.
- B. If no structural alterations are made, any non-conforming use of a structure may be changed to another non-conforming use of the same or of a more restrictive classification.
- C. Any structure and land in combination, in or on which a non-conforming use is allowed by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the non-conforming use may not allowed to be resumed.
- D. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.
- E. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**§ 139. Elimination of Certain Non-Conformities.**

Certain non-conformities shall be terminated in accordance with the following provisions:

- A. Within not more than two (2) years from the effective date of the adoption or amendment of this Chapter by which a use becomes non-conforming, the right to maintain and operate such non-conformities shall cease.
- B. Within not more than five (5) years from the effective date of the adoption or amendment of this Chapter all non-conforming signs shall be removed.
- C. Removal of a non-conforming mobile home or trailer shall constitute loss of non-conforming status for the site on which said non-conforming mobile home or trailer was located.

**§ 140. Repairs and Maintenance.**

- A. On any structure devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, on repair or replacement of non-bearing walls, windows, fixtures, wiring or plumbing.
- B. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with the public safety, upon order of such official.

**§ 141. Uses Under Exception Provisions Not Non-Conforming Uses.**

Any use for which a special exception is permitted as provided in this Chapter shall not be deemed a non-conforming use, but shall without further action, be deemed a conforming use in such zone.

**§ 142. Expansions.**

- A. A building devoted to a non-conforming use may be expanded and other buildings may be erected in addition thereto for uses necessary and incidental to the continuation of the existing use, provided that such additions and extension are located on the same premises or on an adjoining premises that were under the same ownership on the date such building became non-conforming, and provided the floor areas of such additions and extensions shall not exceed, in the aggregate, 50% of the total floor area of the existing building devoted to a non-conforming use.
- B. Any other building expansion of a non-conforming building or use shall be subject to the Board of Appeals approval.

**ARTICLE XV. BOARD OF APPEALS - APPEALS, VARIANCES, CONDITIONAL USES AND SPECIAL EXCEPTIONS**

**Part I. Board Of Appeals**

**§ 143. Board of Appeals.**

- A. The Board shall consist of three members appointed by the Town Commissioners. Members shall be appointed for terms of three years each. Vacancies on the Board shall be filled by appointment for the unexpired term. The Town Commissioners shall designate one alternate member who may be empowered to sit with the Board in the absence of any member of the Board, and the Town Commissioners may also designate a temporary alternate for when the alternate is absent. A member may be removed for cause, but only upon the filing of written charges and after a public hearing at which the member will be provided an opportunity to refute those charges, followed by a majority vote for removal by the Town Commissioners.
- B. The Board shall elect from within its three members a Chairman and an Acting Chairman. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel attendance of witnesses.
- C. The Board shall adopt rules for the conduct of its business, such rules to be made available to the public. For the conduct of any hearing, a quorum shall be not less than two (2) members and an affirmative vote of two (2) members of the Board shall be required to overrule any decision, ruling, or determination of the official charged with enforcement of this Zoning Chapter or to approve any conditional use or variance. All meetings of the Board shall be open to the public.
- D. Proceedings
  - 1. The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Chapter.
  - 2. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.
  - 3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed in the office of the Board.

**§ 144. Decisions of the Board of Appeals.**

- A. In exercising its powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Chapter, reverse or affirm, wholly or partly, or may modify the order,

requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

- B. The concurring vote of the majority of the members of the Board shall be necessary to reverse the order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation in the application of this Chapter.
- C. If any application or request is disapproved by the Board, thereafter the Board shall not accept an application for substantially the same proposal, on the same premises, until after one year from the date of such disapproval.
- D. If an appeal to the Board is perfected, and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same premises for one year from the date of withdrawal.

**§ 145. Application procedure; appeals; hearing.**

- A. Applications for special exceptions uses and variances may be made by any property owner, tenant, government official, department, board, or bureau. Such application shall be made to the Administrator in accordance with rules adopted by the Board. After all fees are paid, the application and accompanying maps, plans or other information shall be transmitted promptly to the Town Clerk, who shall place the matter on the docket, advertise a public hearing thereon and give written notice of such hearing to the parties in interest. The Town Clerk shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.
- B. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the Zoning Administrator or Planning Commission. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall be not stayed other than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and on due cause shown.
- C. The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days following the hearing. Upon the hearing, any party may appear in person or by agent or by attorney. Public notice of hearing shall consist of publication at least fifteen (15) days prior to the hearing in a newspaper of general circulation in the Town, specifying the time, place and nature

of the hearing. In addition, the Board shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property in accordance with the rules of the Board. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the Administrator.

- D. The Board shall keep minutes of its proceedings and other official actions, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Board and shall be a public record. The Chairman of the Board or, in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

#### **§ 146. Powers and Duties.**

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Zoning Chapter.
- B. To hear and decide on applications for special exceptions uses upon which the Board is specifically authorized to pass under this Zoning Chapter.
- C. To authorize upon appeal in specific cases, such area variances from the terms of this Zoning Chapter as will not be contrary to the public interest where, owing to special conditions, the enforcement of the provisions of this Zoning Chapter will result in practical difficulties and injustices, but which will most nearly accomplish the purpose and intent of this Zoning Chapter.

#### **§ 147. Stay in Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom their appeal is taken certifies to the Board, after the notice of appeal is filed with him, that by facts in the case a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals, or by the Circuit Court on application, following notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

#### **§ 148. Lapse of special exception or variance.**

After the Board of Appeals has approved a special exception use or granted a variance, the special exception use or variance so approved or granted shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which such conditional use or variance was granted or if the Board does not specify some longer period than one (1)

year for good cause shown, and the provisions of these regulations shall thereafter govern.

**§ 149. Amendment of special exception or variance.**

The procedure for amendment of a special exception use or variance already approved or a request for a change of conditions attached to an approval shall be the same as for a new application, except that, where the Zoning Administrator determines the change to be minor relative to the original approval, he may transmit the same to the Board with the original record without requiring that a new application be filed.

**§ 150. Appeals to courts.**

Any person or persons, taxpayer, officer, board, office or department of the Town of Queenstown aggrieved by the decision of the Board of Appeals may seek review by the Circuit Court of such decision, in the manner provided by the laws of Maryland and particularly by the Land Use Article, Subtitle 4, Annotated Code of Maryland.

**Part II. Variances**

**§ 151. Variances.**

- A. Subject to the provisions of § 161 of this Article, the Board shall have the power to grant the following variances:
  - 1. A variation in the yard requirements in any district so as to relieve practical difficulties and injustices in cases when and where, by reason of exceptional narrowness, shallowness or other unusual characteristic of size or shape of a specific piece of property at the time of the enactment of such regulation or restriction or by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property or by reason of the use or development of property immediately adjacent thereto, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to the owner of such property.
  - 2. Such grant of variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of this Zoning Chapter, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional practical difficulty, as distinguished from variations sought by applicants for purposes or reasons of convenience, profit or caprice.
  - 3. No such variance shall be authorized by the Board unless it finds all of the following:
    - a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
    - b. That the variance will not change the character of the neighborhood or district.

- c. That the variance is consistent with the Town Comprehensive Plan and the general intent of this Zoning Chapter.
  - d. That the practical difficulty or other injustice was caused by the following:
    - (1) Some unusual characteristic of size or shape of the property.
    - (2) Extraordinary topographical or other condition of the property.
    - (3) The use or development of property immediately adjacent to the property.
    - (4) That the practical difficulty or other injustice was not caused by the applicants own actions.
4. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Chapter.
- B. Variances in the Critical Area shall be reviewed in accordance with §35.

**§ 152. Administrative Variances.**

- A. Administrative variances.
- 1. An administrative variance may be granted by the Planning Commission for:
    - a. A request to vary a setback/yard requirement in a residential district provided no structure or use encroaches closer than five (5) foot to any property line nor results in the construction of a principal structure located within ten (10) feet of another principal structure located on an adjacent property; and
    - b. A minor expansion of a nonconforming structure provided the structure is not located within the Critical Area and subject to the following limitations:
      - (1) The variance must be for a legally existing, nonconforming structure;
      - (2) The expansion encroaches no further than the existing structure into a required setback; and
      - (3) The expansion will not enlarge the existing structure by more than 20 percent of the gross floor area.

2. An administrative variance may not be granted for the following:
  - a. Density, minimum lot size and minimum lot width requirements.
  - b. Requirements not related to the location or dimensions of structures, such as number of employees and time of operation.

B. Administrative variances in the critical area.

1. On a lot or parcel that was recorded before January 17, 1989, an administrative variance in the critical area may be granted for the replacement, expansion, or relocation of a legally existing, nonconforming structure, the construction of a new accessory structure, or the construction of a new primary structure within the buffer that meets the following conditions:
  - a. In the case of a replacement of a structure or the expansion of a structure in the one-hundred-foot buffer:
    - (1) The replacement or expansion does not encroach any further than the existing structure into the one-hundred-foot buffer;
    - (2) The proposed expansion will not enlarge the existing footprint of the structure by greater 500 square feet; and
    - (3) The property will comply with the lot coverage restrictions in §29.B.
  - b. In the case of a relocation in the one-hundred-foot or expanded buffer the relocated structure lessens the extent of the nonconformity.
  - c. In the case of a new accessory structure in the one-hundred-foot or expanded buffer:
    - (1) The new accessory structure will not be located any further shoreward than the closest point of the existing primary structure;
    - (2) The size of the new accessory structure will not exceed 30 percent of the footprint of the primary structure as it existed on January 17, 1989;
    - (3) If no lot coverage associated with a primary structure existed on the site as of January 17, 1989, the size of the new accessory structure will not exceed 500 square feet; and
    - (4) The property will comply with applicable lot coverage restrictions in

§29B.

- (5) The footprint of any new accessory structure approved by an administrative variance shall be counted against the expansion of a primary structure §A(1)(b).

C. Standards for an administrative variance outside of the Critical Area.

For an administrative variance located outside of the Critical Area, the Planning Commission shall approve or deny an administrative variance pursuant to the standards for variances provided below.

1. In order to vary or modify the provisions of this chapter, the Planning Commission must determine that the application meets all of the criteria in § 152.
2. The Planning Commission shall:
  - a. Make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established in paragraph (1) above; and,
  - b. Base their written findings on evidence introduced and testimony presented by the applicant, the town or any other government agency, or any other person deemed appropriate by the town, with due regard for the person's experience, technical competence, and specialized knowledge.
3. If the Planning Commission finds that the activity or structure for which a variance is requested commenced without permits or approvals and:
  - a. Does not meet each of the variance criteria under this subsection, the Planning Commission shall deny the requested variance and order removal or relocation of any structure and restoration of the affected resources; or
  - b. Does meet each of the variance criteria under this subsection, the Planning Commission may grant approval to the requested administrative variance.
4. The Planning Commission may impose conditions on the use or development of a property which is granted an administrative variance.

D. Standards for an administrative variance within the Critical Area.

For an administrative variance located within the Critical Area the Planning Commission shall:

1. Approve, approve with conditions, or deny an administrative variance in the critical area pursuant to the standards for variances as expressed in § 152 and Natural Resources Article 8-1808(d);
2. Make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established § 152, including that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the critical area, and that the granting of the variance will be in harmony with the general spirit and intent of the critical area law and criteria; and
3. Base their written findings on evidence introduced and testimony presented by the applicant, or any other government agency, or any other person deemed appropriate by the town, with due regard for the person's experience, technical competence, and specialized knowledge.

E. Conditions and mitigation in the Critical Area.

1. Mitigation for development or redevelopment in the Buffer Management Area approved under the provisions of this subsection shall be implemented as follows:
  - a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the one-hundred-foot buffer shall be planted on site in the buffer or at another location approved by the Planning Commission.
  - b. Applicants who cannot fully comply with the planting requirement in Subsection 1(a) above may offset by removing an equivalent area of existing lot coverage in the buffer.
  - c. Applicants who cannot comply with either the planting or offset requirements in Subsection 1(a) or (b) above shall pay \$1.50 per square foot into a fee-in-lieu program.
    - (1) Any fees-in-lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical Area to enhance wildlife habitat, improve water quality, or otherwise promote the goals stated in § 27.A. The funds cannot be used to accomplish a project or measure that would have been required under existing local, state, or federal laws, regulations, statutes, or permits. The status of these funds must be reported to the Critical Area Commission in the jurisdiction's quarterly reports.
    - (2) Any required mitigation or offset areas shall be protected from future

development through an easement, development agreement, plat notes or other instrument and recorded among the land records of the County.

2. For mitigation for development within the one-hundred-foot buffer the Planning Commission shall impose conditions on the use or development of a property which is granted an administrative variance as he or she may find reasonable to ensure that the spirit and intent of this Chapter is maintained including, but not limited to the following:
  - a. Adverse impacts [of development or redevelopment activity] resulting from the granting of the variance shall be mitigated as recommended by the Code Enforcement Officer, but not less than by planting on the site at the rate of at least three to one per square foot of the variance granted plus the square footage of the canopy removed per COMAR 27.01.09.01 C. & Table H.
  - b. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.
  - c. Mitigation plantings shall be located in the following order of priority: within the one-hundred-foot buffer, within the expanded buffer, on-site and adjacent to the buffer; and on site and elsewhere in the critical area.
  - d. If buffer mitigation cannot be planted in accordance with (2)(a), a fee in lieu shall be collected as provided in E.1.c.
3. The Planning Commission shall require a buffer management plan in accordance with COMAR 27.01.09.01-3.

F. Approval time and notice requirements.

1. The Planning Commission shall, at least fourteen (14) days before acting on any application for an administrative variance, post on the land or building involved a notice of the application.
2. The Planning Commission shall send written notice of an application for administrative variance to adjacent property owners by registered, certified or first class mail. The “date of notice” shall be the date the notice is mailed. The notice shall specify that the Planning Commission will approve or disapprove the administrative variance request not less than twenty one (21) days after the date of notice. If written notice is provided by first class mail, then an affidavit that such notice has been sent must be filed with the application.
3. The notice required to be served upon adjacent property owners shall contain the following information:

- a. Name and address of the applicant;
  - b. Address and location of the property for which the administrative variance is sought;
  - c. Current zoning of the property for which the administrative variance is sought;
  - d. The administrative variance requested and the reason for the requested administrative variance;
  - e. The application file number; and
  - f. Contact information for the Planning Commission.
4. The Critical Area Commission shall receive a copy of the application for an administrative variance in the critical area at least 15 days prior to any hearing on such matter and shall receive a copy of the finding.
  5. If an adjoining property owner objects to the application, in writing, prior to the date the Planning Commission renders the decision on the application, then the application shall be transferred to the Board of Appeals for a decision as provided in § 151 for non-critical area applications and § 152 for critical area applications. In addition, the Chairman of the Critical Area Commission may appeal an action or decision to grant an administrative variance in the Critical Area, even if the Chairman was not a party to or is not specifically aggrieved by the action or decision.
  6. The Planning Commission shall approve or disapprove an application for an administrative variance not less than thirty (30) days after the date of notice on the application nor more than ninety (90) days after the application for the variance is received.
- G. Expiration of administrative variance.
1. An administrative variance shall be implemented within 12 months following the date of approval.
  2. Upon written request before expiration of the initial time limit and for good cause shown, the Planning Commission may extend the administrative variance approval for not more than one like period. Failure to implement the approval within the prescribed time voids the approval.

## **Part V Special Exceptions**

### **§ 153. Intent.**

- A. The development and execution of this Zoning Chapter are based upon the division of the Town into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.
- B. The intent of this Part is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.
- C. The granting of a special exception does not exempt the applicant from complying with all other requirements of this Chapter or of the law.

### **§ 154. Initiation of Special Exceptions.**

Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

### **§ 155. Application for Special Exception.**

- A. Such application for special exception shall be filed with the Town Clerk on a form prescribed by the Planning Commission.
- B. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application shall be forwarded from the Town Administrator to the Planning Commission for recommendation to the Board of Appeals for review within forty-five (45) days of receipt of the application by the Town Clerk.

### **§ 156. Hearing on Application.**

- A. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.
- B. Notice is required as provided in § 154.

### **§ 157. Standards.**

No special exception shall be approved by the Board of Appeals unless such Board shall find:

- A. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.
- B. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- D. That adequate utilities, water, sewer, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the proposed special exception is not contrary to the objectives of the current Town Comprehensive Plan.
- G. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.
- H. Prior to the granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in herein. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**§ 158. Effect of Denial of a Special Exception.**

No application for a special exception which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

**§ 159. Complaints.**

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the Board which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

**§ 160. Revocation.**

- A. Whenever the Board shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such Town or State agencies or administrative officers as may be appropriate.
- B. Whenever the Board shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one (1) year after the date of approval, or that all of the terms and conditions of its grant are not being complied with, the Zoning Administrator shall notify the Board and the Town attorney's office. Upon receipt of notice of such determination by the Board, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have sixty (60) days from the date of written notice of expiration to file an appeal of said notice.

**§ 161. Reserved.**

## ARTICLE XVI. ADMINISTRATION

### § 162. Changes and amendments.

- A. Initiation of change. The Town Commissioners may from time to time amend, supplement or change, by Chapter, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Town Commissioners or by motion of the Planning Commission or by petition of any property owner addressed to the Town Commissioners. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission.
- B. Report from Planning Commission. Before taking any action on any proposed amendment, supplement or change, the Town Commissioners shall submit the same to the Planning Commission for its recommendations and report. Failure of the Commission to report within sixty (60) days after the first meeting of the Planning Commission subsequent to the proposal being referred to the Planning Commission shall be deemed approval.
- C. Notice and hearings. The Planning Commission shall hold a public hearing on any proposed amendment, supplement or change before submitting its report to the Town Commissioners. Notice of public hearing before the Commission shall be given at least fifteen (15) days prior to the hearing by publishing the time, place and nature of the bearing in a newspaper having general circulation in the town. In addition, the Planning Commission shall cause the date, time, place and nature of the hearing to be posted conspicuously on the property, in accordance with the rules of the Commission. The published and posted notices shall contain reference to the place or places within the town where the plans, ordinances or amendments may be examined.
- D. Before approving any proposed change or amendment, the Town Commissioners shall hold a public hearing thereon. Notice of public hearing before the Town Commissioners shall be given at least fifteen (15) days prior to the bearing by publishing the time, place and nature of the hearing in a newspaper having general circulation in the Town.
- E. In reaching a decision on zoning amendments, the Town Commissioners shall make findings of fact in each specific case including, but not limited to, the following matters: population change, adequacy of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendations of the Planning Commission, consistency with the Comprehensive Plan, fiscal impact upon Town government, and the suitability of the property in question to the uses permitted under the existing and proposed zoning classifications; and may grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. It shall be the responsibility of the applicant to delineate the boundaries of the neighborhood and to identify the change in the character of the neighborhood.
- F. One-year limitation on reconsideration. Whenever a petition requesting an amendment, supplement or change has been denied by the Town Commissioners, such petition, or one

substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

- G. The record in all zoning cases shall include the application, all documents or communications submitted regarding the application, the recorded testimony received at the hearing, any reports or communications to or from any public officials or agency concerning the application, and the final decision of the Town Commissioners. The record shall be open to public inspection and shall be maintained in the Town Office. The burden of proof for any zoning change shall be upon the applicant.

**§ 163. Amendments for floating zones.**

The provisions of this Article regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.

**§ 164. Critical Area Amendments.**

- A. The Town Commissioners may from time to time amend the provisions of this Zoning Chapter that apply to the CA Critical Area Overlay District. CA District amendments include, but are not limited to, amendments, revisions, and modifications to zoning regulations, Critical Area Maps, implementation procedures, and local policies that affect the CA District. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in § 8-1809 of the Natural Resources Article of the Annotated Code of Maryland. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law § 8-1809(i) and § 8-1809(d), respectively.
- B. The Town will review in its entirety of CA District provision and propose any necessary amendments at least every six (6) years. The anniversary of the date that the adoption of this Zoning Chapter shall be used to determine when the review shall be completed. Within sixty (60) days after the completion of the review, the Town will send the following information in writing to the Commission:
  - 1. A statement certifying that the required review has been accomplished;
  - 2. A necessary requests for amendments, refinements, or other matters that the Town wishes the Commission to consider;
  - 3. An updated resource inventory; and
  - 4. A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.

- C. Except for amendments or refinements developed during a six-year comprehensive review, a zoning map amendment in the CA District may only be granted by the Town Commissioners upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:
  - 1. Are wholly consistent with the land classifications in the originally adopted Program; or
  - 2. The Town proposes the use of growth allocation in accordance with the growth allocation provisions of this Chapter.
  
- D. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research. Upon completing Findings of Fact, these documents shall be forwarded to the Town Commissioners. The Town Commissioners shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town. After the Town Commissioners approve an amendment, they shall forward their decision and applicable ordinances and resolutions along with the amendment request to the Critical Area Commission for final approval.
  
- E. When the Town submits a request for review and approval of changes to any element of the Zoning Chapter provisions applicable to the CA Critical Area Overlay District including, but not limited to Zoning Chapter text or maps, the request will include all relevant information necessary for the Chairman of the Critical Area Commission, and as appropriate, the Critical Area Commission, to evaluate the changes. The Chairman, and as appropriate, the Commission, shall determine if the request for amendment(s) are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.
  
- F. In accordance with the determination of consistency outline above, the Critical Area Commission Chairman, or as appropriate, the Critical Area Commission will:
  - 1. Approve the proposed refinement or amendment and notify the local jurisdiction;
  - 2. Deny the proposed refinement or amendment;
  - 3. Approve the proposed refinement or amendment subject to one or more conditions; or
  - 4. Return the proposed refinement or amendment to the Town with a list of changes to be made.

**§ 165. Conformity with Zoning Chapter Provisions.**

The regulations set by this Zoning Chapter within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except and particularly as hereinafter provided:

- A. No building, structure or land shall hereinafter be used or occupied, and no building or structure

or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered externally, unless in conformity with all the regulations herein specified for the zoning district in which it is located.

- B. No building or other structure shall hereafter be erected or altered to: exceed the height; accommodate or house a greater number of families; occupy a greater percentage of lot area; or have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner be contrary to the provisions of this Zoning Chapter.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Zoning Chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Zoning Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Chapter shall meet at least the minimum requirements established by this Zoning Chapter.
- E. It is the intent of this Zoning Chapter that it be interpreted as excluding any use that is not expressly permitted whether as a permitted, accessory, or special exception use.

**§ 166. Fees.**

- A. The Town shall establish a schedule of fees, charges and expenses and a collection procedure for applications for zoning appeal cases, zoning and map amendments, permits, site plans, sign permits and other matters pertaining to this Zoning Chapter. Such schedule shall be posted at the Town. The Town Commissioners may amend the fee schedule by resolution.
- B. These fees may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner or similar service as may be used to assist the Town in the review of proposed development and improvement plans.
- C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal pertaining to this Zoning Chapter.

**§ 167. Interpretation; conflict.**

- A. In interpreting and applying the provisions of this Zoning Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.
- B. It is not intended by this Zoning Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Zoning

Chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other resolutions ordinances, rules or regulations or by easements, covenants or agreements, the provisions of this Zoning Chapter shall govern.

- C. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Zoning Chapter is not shown as being in a zoning district, the classification of such property shall be the zoning classification permitting the lowest residential density until changed by amendment.
- D. Whenever these regulations, subdivision plats, or development plans approved in conformance with these regulations, are in conflict with other local Ordinances, regulations, or laws, the more restrictive ordinance, regulation, law, plat, or plan shall govern and shall be enforced by appropriate local agencies. When subdivision and development plans, approved by the Planning Commission, contain setback or other features in excess of the minimum Zoning Chapter requirements, such features as shown on the approved plan shall govern and shall be enforced by the Town. Private deed restrictions or private covenants for a subdivision, which have not been approved by the Planning Commission and made a part of the approved subdivision plan, do not fall within the jurisdiction of enforcement by any Town agency and cannot be enforced by the Town.
- E. To avoid undue hardship, nothing in this Zoning Chapter shall be deemed to require change in the plans, construction, or designated use of any building or premises on which an application for a certificate or permit was filed with the Town prior to the date of adoption of this Zoning Chapter or amendment thereto, providing that the application meets all zoning and other requirements in effect on the date of said application. The issuance of said certificate or permit shall be valid only if it is exercised within one hundred and eighty (180) days from the date of issuance of the certificate or permit. "Exercised", as set forth in this section, shall mean that binding contracts for the construction of the main building or other main improvement have been let, or in the absence of contracts, that the main building or other main improvement is under construction to a substantial degree or that prerequisite conditions involving substantial investments shall be under contract, in development, or completed. When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions as set forth in the permit or certificate.

**APPENDIX A  
BASIC INFORMATION REQUIRED WITH ZONING AND BUILDING  
PERMIT APPLICATIONS**

*NOTE: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission.*

Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	DEVELOPMENT STAGE		
				General Develop. Plan	Major Site Plan	
					Prelim.	Final
<b>I.</b>	<b>PROJECT-PLAT INFORMATION</b>					
1.	Name, address of owner, applicant, developer and lienholder, date of application.	X	X	X	X	X
2.	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X	X	X
3.	Date of survey.		X		X	X
4.	Seal, signature and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.		X		X	X
5.	Titleblock denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X	X	X
6.	A vicinity map at a specified scale (no smaller than 1"=200') showing location of the tract with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X	X	X
7.	Existing and proposed zoning of tract and adjacent property from Official Zoning Map.	X	X	X	X	X
8.	Adjacent property owners, names, Liber and Folio.	X	X	X	X	X
9.	Title, north arrow and scale (1"=100').		X		X	X
10.	Appropriate signature block for planning director, planning commission chairman, and the health department.		X		X	X
11.	Appropriate certification blocks.		X			X
12.	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.		X			X
13.	Monumentation, location and description.		X			X
14.	Standardized sheets 18"x24" (final - black ink on mylar).		X		X	X
15.	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points approved by the Town Engineer. (Boundary of proposed subdivision can be a deed plot).		X		X	X
16.	Acreage of tract to the nearest thousandth of an acre.	X	X	X	X	X
17.	Date of original and all revisions.	X	X	X	X	X
18.	Size and location of any existing or proposed structures with all setbacks dimensioned (for concept plan, GDP general location but not setbacks). Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures.	X	X	X	X	X

Item#	DESCRIPTION	DEVELOPMENT STAGE				
		Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Major Site Plan	
					Prelim.	Final
19.	Number of dwelling units.	X	X	X	X	X
20.	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right of way widths. (for GDP, concept plans, general locations).	X	X	X	X	X
21.	All proposed lot lines (width and depth) and area of lots in square feet, number of lots, lot numbers.		X		X	X
22.	Location and type of utilities.		X		X	
23.	Copy and/or delineation of any existing or proposed deed restrictions or covenants.		X		X	
24.	References to protective covenants governing the maintenance of undedicated public spaces or reservations.		X			X
25.	Location and size of proposed Natural Parks, play grounds, and other public areas.	X		X	X	X
26.	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X	X	X	X	X
27.	Statement of owner dedicating streets, right-of-way, and any sites for public use.		X			X
28.	Development stages or phasing plans (for GDP and concept plans, general phasing). Sections numbered by phase.	X		X		
29.	Total number of off-street parking spaces including ratio and number of units per space.	X	X	X	X	
30.	List of required regulatory approvals/permits.	X	X	X	X	X
31.	List of variances required or requested.	X	X	X	X	X
32.	Requested or obtained design waivers or exceptions.	X	X	X	X	X
33.	Payment of application fees.	X	X	X	X	X
34.	Total area of the site that will be temporarily and/or permanently disturbed.		X		X	
<b>II.</b>	<b>SETTING-ENVIRONMENTAL INFORMATION</b>					
35.	All existing streets, water courses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	X	X	
36.	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X	X	X
37.	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.	X		X	X	
38.	Field delineated or survey topo.		X			X
39.	General areas of >15% slope shaded and identified as steep slopes.	X	X	X		
40.	Slope analysis of >15% slopes. These areas shall be shaded and identified as steep slopes.				X	X
41.	Forest Stand Delineation (If required).		X		X	

Item#	DESCRIPTION	DEVELOPMENT STAGE				
		Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	Major Site Plan	
					Prelim.	Final
42.	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.		X		X	X
43.	A 100 Year Flood Plain based on FEMA maps.	X	X	X	X	X
44.	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	X	X	
45.	Non-tidal wetlands identification based on field delineation/determination.					X
46.	Location of sensitive areas and their Buffers.	X	X	X	X	X
47.	Location and width of Bufferyards.	X	X	X	X	X
48.	Soil types based on Soil Survey.		X		X	
49.	Traffic Impact Study, as required.				X	
50.	Statement of effect on school district and school bus service, as required.				X	
<b>The following additional information items are required in the areas designated Critical Areas</b>						
51.	Location of the Critical Area District boundary and Critical Area designation.	X	X	X	X	X
52.	Number of acres in the Critical Area.	X	X	X	X	
53.	Mean high waterline and landward edge of tidal wetlands.	X	X	X	X	
54.	Location of existing forested areas to be disturbed by construction. Planting plan approved by the Maryland Forest Service (if required).	X	X	X	X	
55.	The known locations of HPA's, the habitat of any threatened or endangered species, and the habitat of any Species in Need of Conservation. Habitat Protection Plan reviewed by the Maryland Fish, Heritage and Wildlife Administration.	X	X	X	X	X
56.	The location of the Critical Area Buffer and the expanded Buffer, as required.	X	X	X	X	X
57.	Hydric and highly erodible soils based on the County Soil Survey.	X	X	X	X	
58.	Buffer Management Plan, if applicable.					X
59.	Shore erosion protection plan, if applicable.					X
60.	Environmental assessment.		X	X	X	
61.	Statement of consistency with the Critical Area Program.	X	X	X	X	
<b>III.</b>	<b>PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION</b>					
62.	Subdivision Plat meeting requirements of Subdivision Regulations.		X			X
63.	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.		X		X	X
64.	Existing and proposed contour intervals as follows:		X		X	X
	Less than 5% slope = 1 foot					
	5 to 15% slopes = 2 feet or less					
	>15% = as required for construction					X
65.	Proposed street grades, typical cross sections and profiles, right-of-way widths, pedestrian ways, total area of roads.		X		X	X

Item#	DESCRIPTION	Sketch/ Concept Plan	Minor Site Plan	General Develop. Plan	DEVELOPMENT STAGE	
					Major Site Plan	
					Prelim.	Final
66.	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management.		X		X	X
67.	Grades and sizes of sanitary sewers and waterlines.		X		X	X
68.	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.		X		X	
69.	Certification from electric and telephone utilities of adequate facilities to serve proposed development.		X		X	
70.	Location of fire hydrants.				X	X
71.	Construction details as required by ordinance.		X			X
72.	Stormwater Management Plan.		X		X	X
73.	Soil Erosion and Sediment Control Plan.		X		X	X
74.	Lighting plan and details, as required.					X
75.	Landscape plan and details, including required Bufferyards.		X		X	X
76.	Forest Conservation Plan				X	X
77.	Proposed street names.				X	X
78.	New block and lot numbers.				X	X
79.	Solid waste management plan.				X	X
80.	Preliminary architectural plan and elevations.				X	X
81.	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.		X			X
82.	Department of Public Works signature on final Site Plan					
83.	Public works agreement and surety instruments.					X

## **APPENDIX B BUFFERYARD REQUIREMENTS AND LANDSCAPE GUIDELINES**

### **PART I Bufferyard Requirements**

#### **Bufferyard Specifications**

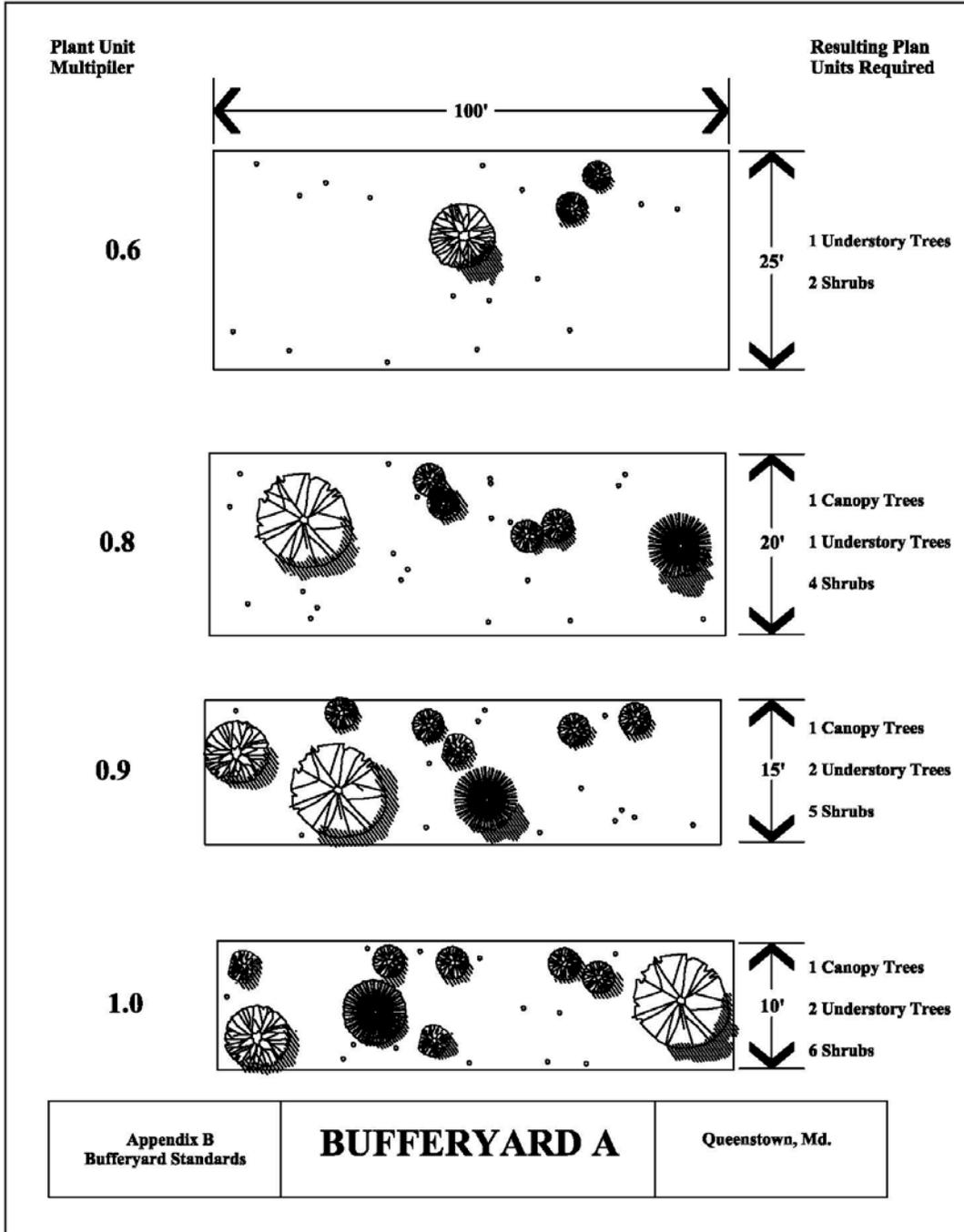
The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The recommended bufferyard should be one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. Alternative planting requirements apply to Buffer planting in the Critical Area.

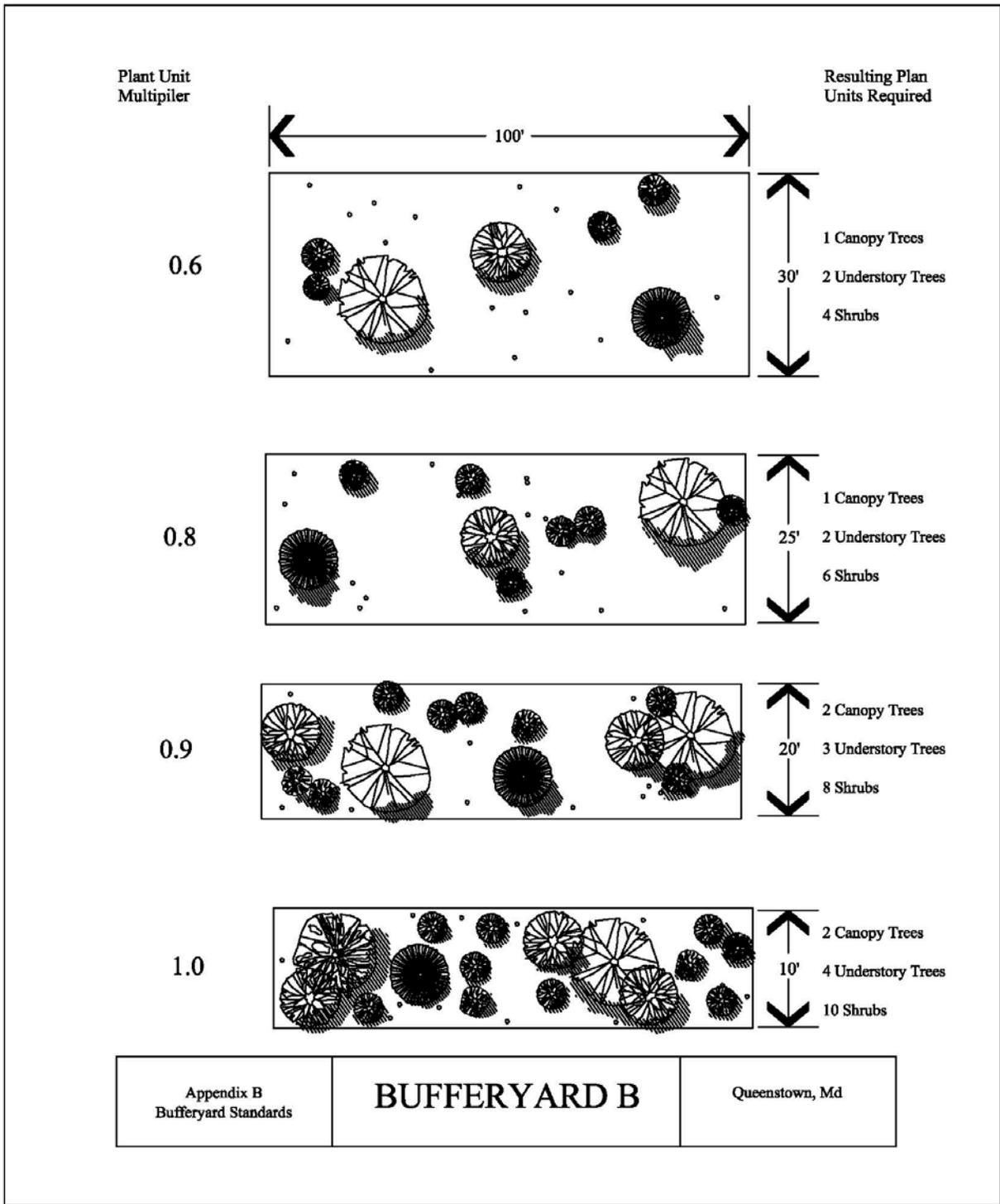
Afforestation and reforestation plantings required under the Forest Conservation requirements contained in the Zoning Code may occur in bufferyards provided such plantings meet the minimum requirements for afforestation or reforestation.

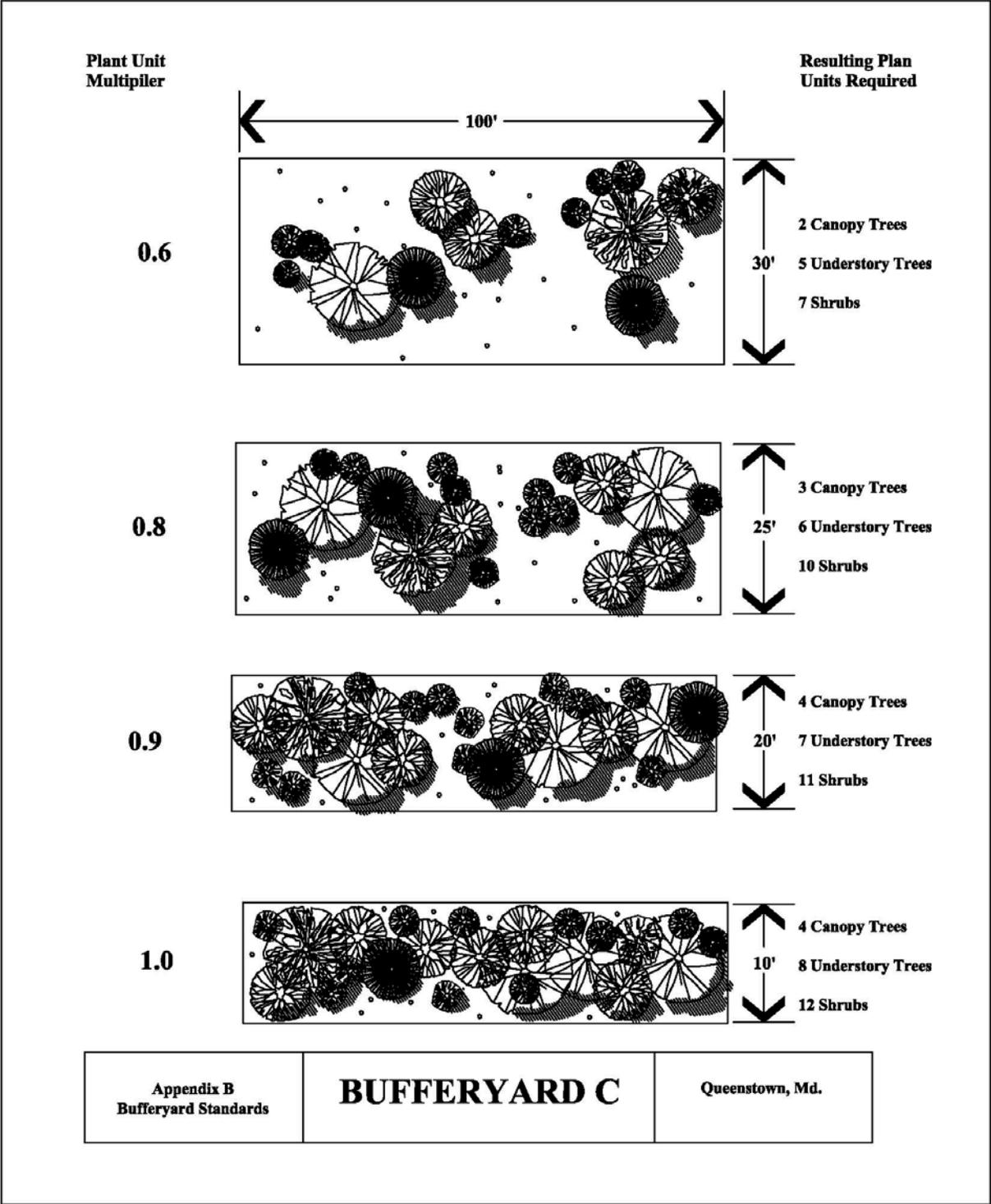
The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. Each illustration depicts the total bufferyard located between two uses.

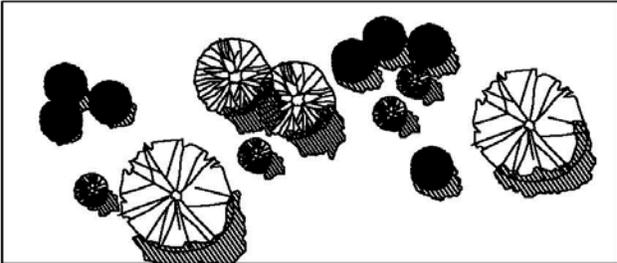
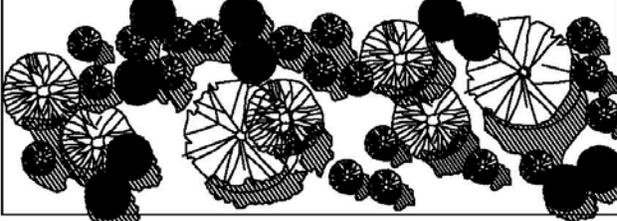
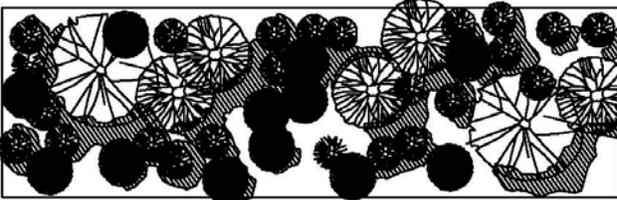
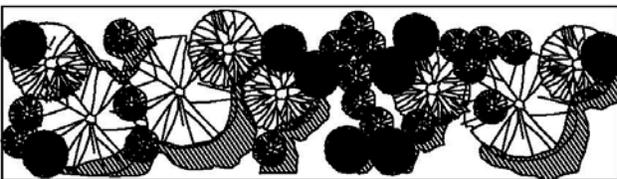
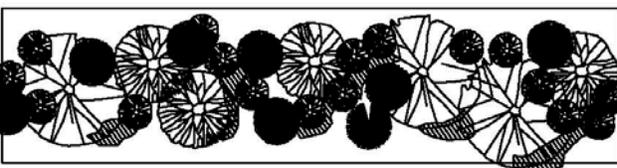
Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use.

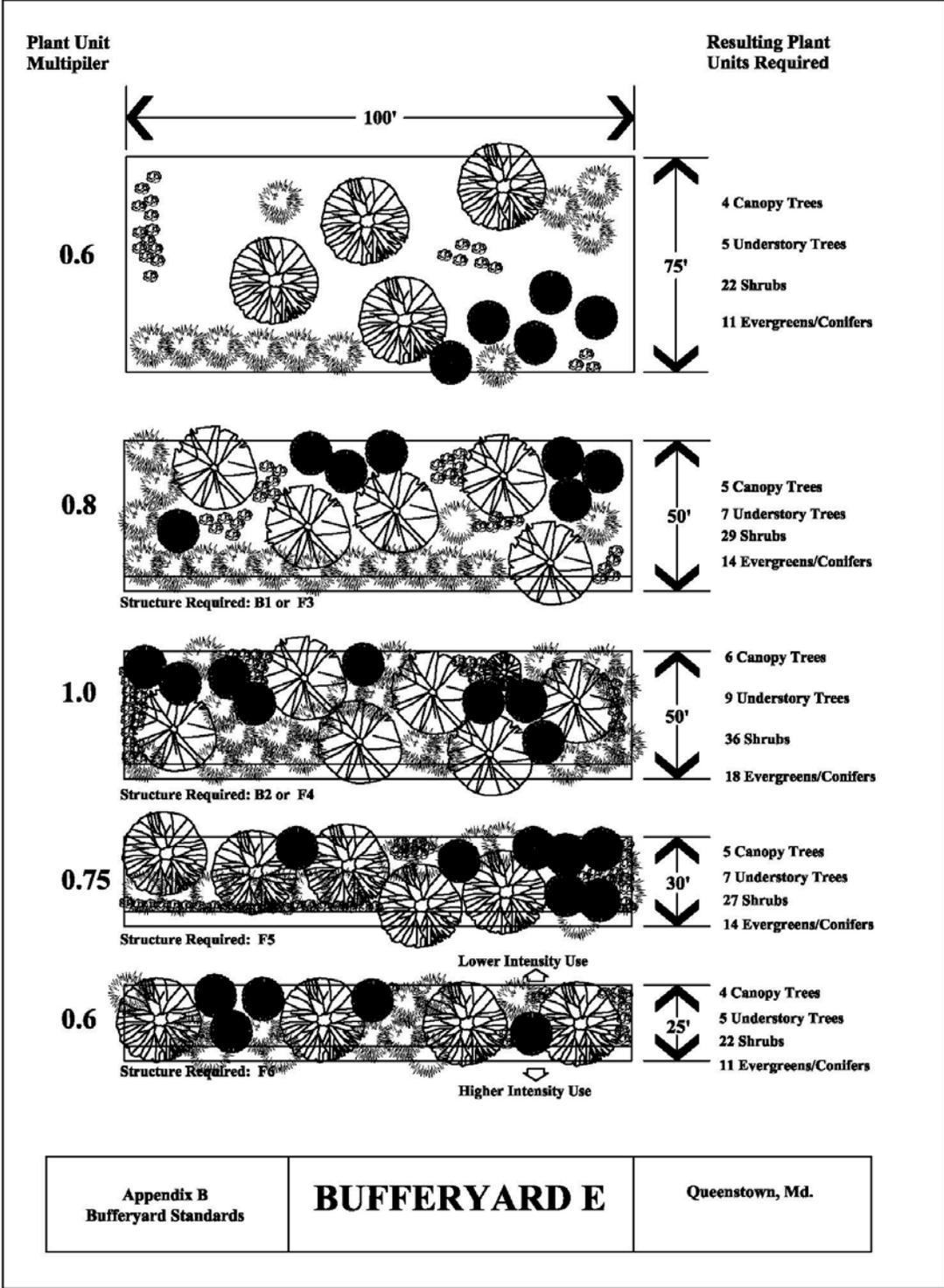
To the maximum extent possible, plants should be native.



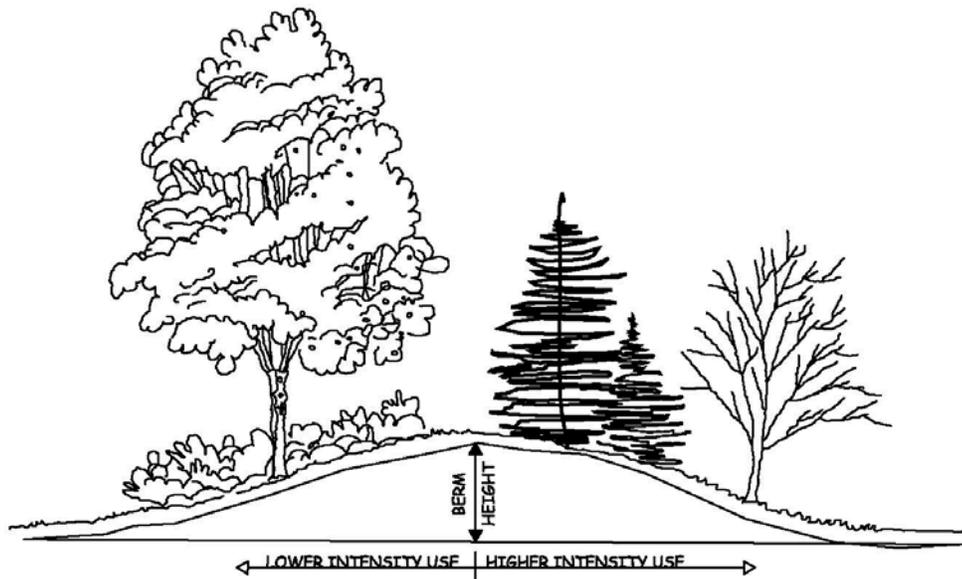




Plant Unit Multiplier	100'	Resulting Plan Units Required
0.6		40' 2 Canopy Trees 2 Understory Trees 4 Shrubs 7 Evergreens/Conifers
0.8		30' 2 Canopy Trees 5 Understory Trees 19 Shrubs 10 Evergreens/Conifers
0.9		25' 2 Canopy Trees 5 Understory Trees 24 Shrubs 12 Evergreens/Conifers
0.9		20' 3 Canopy Trees 5 Understory Trees 18 Shrubs 9 Evergreens/Conifers
B1 Berm Required		
0.7		15' 3 Canopy Trees 4 Understory Trees 17 Shrubs 8 Evergreens/Conifers
B2 Berm Required		
Appendix B Bufferyard Standards	<b>BUFFERYARD D</b>	Queenstown, Md.



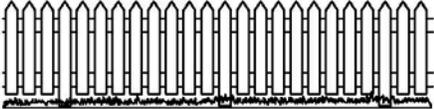
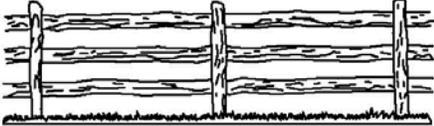
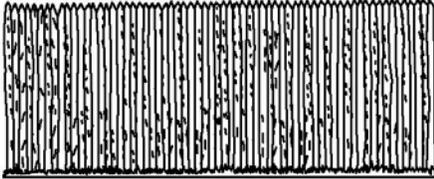
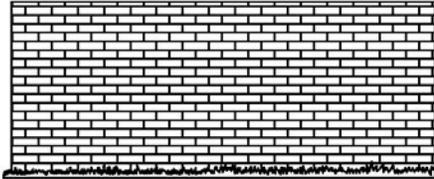
# BERMS



Symbol	Height	Material
B1	4'	Earth
B2	5'	Earth
B3	6'	Earth

Appendix B Bufferyard Standards	<b>BUFFERYARD BERMS</b>	Queenstown, Md.
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# FENCES

SYMBOL	HEIGHT	FENCES
F1	44"	 <p>Wood Picket</p>
F2	48"	 <p>Wood Rail</p>
F3	6'	 <p>Wood Stockade</p>
F4	8'	
F5	6'	 <p>Masonry Wall (Poured Concrete, Cement Block, Brick, etc.)</p>
F6	8'	

Appendix B Bufferyard Standards	<b>BUFFERYARD STRUCTURES</b>	Queenstown, Md.
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