

Article 18. Uses

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18-1 GENERAL USE REGULATIONS

All uses shall comply with the use standards of this Article, as applicable, as well as all other regulations of this Ordinance and other County ordinances as well as State and Federal Laws and regulations.

- A. Tables 18-1 (Outside Town Center Uses), 18-2 (Town Center Uses), and 18-3 (Solomons Town Center Uses) list the different uses and the zoning districts in which they are permitted.
- B. If a use is not listed or does not fall within one of the general categories, it is not a permitted use in any district. If a use is specifically listed in the tables, it takes precedence over general use listings. All permitted uses require the approval of a use permit, unless otherwise determined by the Department of Planning & Zoning.
- C. A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support or are functionally integrated into the principal use.
- D. All uses shall be designed, constructed, and operated in accordance with all applicable County, State, and Federal requirements.
- E. All required State and County Licenses and Permits shall be obtained and maintained.
- F. All required Health Department and Fire Marshall approvals shall be obtained.
- G. All uses shall be constructed and maintained in accordance with the Comprehensive Water and Sewerage Plan and the Comprehensive Solid Waste Management Plan when applicable.
- H. Conditions for accessory structures and uses are provided in Article 19 of this Ordinance.
- I. Regulations for the development of the waterfront areas of the County, and, specifically, of marine and water-dependent facilities, are provided in Article 23 of this Ordinance.
- J. Site development and design standards are provided in Article 25 of this Ordinance.
- K. Outdoor lighting shall be provided in accordance with Article 26 of this Ordinance.
- L. All uses shall comply with the parking requirements of Article 27 of this Ordinance when applicable.
- M. All uses shall comply with the screening and landscaping requirements of Article 28 of this Ordinance when applicable.
- N. Sign requirements are provided in Article 29 of this Ordinance.
- O. Use types requiring site plan or plot plan approval are listed in Section 30-3.B of this Ordinance.
- P. Regulations for non-conforming uses and structures are provided in Article 32 of this Ordinance.

Q. Agricultural buildings used for agritourism are subject to the provisions of Maryland Annotated Code, Public Safety Article § 12-508.

18-2 USE TABLES

A. The tables of Article 18 identify the principal, temporary, and accessory uses allowed within each zoning district as follows:

1. Prohibited uses are indicated by a blank space.
2. "P" indicates a permitted use.
3. "C" indicates a permitted use that shall meet specific conditions that may not be waived or subject of a variance unless expressly permitted.
4. "S" indicates a special exception use that requires review and approval by the Board of Appeals.
5. "SC" indicates a special exception use that requires review and approval by the Board of Appeals and shall meet specific conditions that may not be waived or subject of a variance unless expressly permitted.
6. "S1" indicates a permitted use subject to special exception if less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District.
7. "S2" indicates a permitted use subject to special exception if less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District.
8. "SH" indicates a special exception use that requires review and approval by the Board of Appeals in a Historic District. In addition, if the property is within a recorded subdivision containing more than five lots, the use shall only be permitted if:
 - a. Access to the Historic District is not through the subdivision.
 - b. All owners of lots within the subdivision sign the special exception application.
9. In the C5 Sub-area of Solomons Town Center, "*" indicates the use is only allowed if the Agricultural Preservation District is lifted and conditions, if any, are met.

B. The abbreviations in Table 18-1: Outside Town Center Uses represent the Zoning Districts and Overlay Districts as follows:

1. HD is the Historic District (Overlay District). See Article 9 for a detailed description of the HD.
2. APD is the Agricultural Preservation District (Overlay District). See Article 4 for a detailed description of the APD. Note: The uses listed in this Article apply to APDs in the County Agricultural Preservation Program only. If a property is in a State agricultural preservation program, the uses are required to be permitted by the Maryland Agricultural Land Preservation Foundation.
3. FFD is the Farm and Forest District. See Article 4 for a detailed description of the FFD.
4. RCD is the Rural Community District. See Article 5 for a detailed description of the RCD.
5. RND is the Rural Neighborhood District. See Article 5 for a detailed description of the RND.
6. WCD is the Waterfront Community District. See Article 5 for a detailed description of the WCD.
7. RD is the Residential District. See Article 6 for a detailed description of the RD.
8. RC is the Rural Commercial District. See Article 7 for a detailed description of the RC.
9. MC is the Marine Commercial District. See Article 7 for a detailed description of the MC.

10. EC is the Employment Center District. See Article 7 for a detailed description of the EC.
 11. I-MU is the Industrial Mixed-Use District. See Article 8 for a detailed description of the I-MU.
 12. I-1 is the Light Industrial District. See Article 8 for a detailed description of the I-1.
 13. I-2 is the Heavy Industrial District. See Article 8 for a detailed description of the I-2.
- C. The abbreviations in Table 18-2: Town Center Uses represent the Zoning Districts as follows:
1. "Village Res-Office" is the Village Residential-Office District in Lusby Town Center.
- D. For detailed descriptions of Town Center Districts and Sub-areas see the Town Center Zoning Ordinances.
- E. The proposed Employment Overlay District in St. Leonard Town Center received no application for official designation, therefore the St. Leonard Town Master Plan declares the Village District and the Residential District as the only two districts in St. Leonard Town Center. The Employment Overlay District will be struck from the St. Leonard Town Center Zoning Ordinance upon updates to the Town Center Zoning Ordinance.
- F. For permitted uses in the C1 Sub-area of Solomons Town Center, see Section 6-12.07 of the Solomons Town Center Zoning Ordinance.

18-3 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

A. Agritourism Enterprise

Activities conducted on a working farm and offered to the public or to invited groups for recreational or educational purposes in order to experience, learn about, and participate in various facets of a farm operation. Examples include farm tours, hayrides, corn mazes, classes, and picnic facilities. The following shall apply where applicable.

1. Such activities shall relate to on premises agriculture and the activities shall be incidental to the agricultural operation; and
2. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

B. Campground, Farm

An area on a farm property where tent campsites are rented or leased or held out for rent or lease for the use of camping parties. The following shall apply where applicable.

1. The campground shall be located on a property at least 20 acres in size; and
2. No more than 10 designated campsites are permitted and no more than 6 people are permitted per campsite; and
3. The designated campsite areas shall be located at least 300 feet from any adjoining properties and roads; and
4. Only tent camping is permitted (recreational vehicles and travel trailers are prohibited); and
5. No permanent structures are permitted with the exception of tent platforms and cooking grills; and
6. Temporary restrooms and potable water shall be provided within 75 feet of the campsites; and
7. Shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with the campground; and
8. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

C. Canoe or Kayaking Launching Site, Commercial

A waterfront site where canoes and kayaks are launched into the water for a fee. The following shall apply where applicable.

1. Portage and launch areas shall be stabilized to prevent erosion and there shall be no exposed soils; and
2. Except in the MC District, no motorized watercraft are permitted; and
3. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

D. Commercial Kitchen, Farm

A food preparation facility on a farm property not associated with an eating establishment used for the preparation of foods for sale for human consumption. A commercial kitchen (farm) may be attached to a farm stand. The following shall apply where applicable.

1. The total gross floor area of the kitchen shall not exceed 2,000 square feet; and
2. Goods produced shall incorporate farm commodities produced on the farm where the kitchen is located.

E. Ecotourism Enterprise

Activities conducted on a property and offered to the public or to invited groups for the close observation of nature. Uses include, but are not limited to, birdwatching, walking trails, and fishing ponds. This use does not include motorized activities except to provide for handicapped access.

F. Farm Support Business

An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation. The following shall apply where applicable.

1. Fertilizer mixing or manufacture is prohibited; and
2. The enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

G. Hunting Service, Farm

A service on a farm provided for the hunting of game birds and mammals that are managed by the Maryland Department of Natural Resources. A hunting service (farm) may include guide service, or the care of game birds and mammals killed.

18-4 AGRICULTURAL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Animal Husbandry

The care or breeding of livestock on a farm and raised for sale or profit, including, but not limited to, the following animals: horses, cattle, sheep, swine, goats, bison, llamas, alpacas, rabbits, and poultry. The following shall apply where applicable.

1. The lot or parcel is a minimum of three acres; and
2. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.

B. Aquaculture

1. Aquaculture, Freshwater and Land-based

The culture of aquatic species under natural or artificial conditions in freshwater ponds, tanks, raceways or other freshwater impoundments. This definition excludes commercial seafood processing, packing and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it is subject to zoning ordinance requirements applicable to the principal use. The following shall apply where applicable.

- a. Any water discharged shall be treated through land application; and
- b. Any buildings used for aquaculture that are 1,000 square feet or greater in gross floor area shall be located at least 100 feet from all property lines; and
- c. In the FFD and Solomons Town Center, the total gross floor area of all buildings used for aquaculture shall not exceed 1,000 square feet per acre of lot or parcel area; and
- d. In the Rural Community District and Historic Districts, only freshwater impoundments are permitted; and
- e. If located in an Agricultural Preservation District, approval of the Agricultural Preservation Advisory Board is required for aquaculture facilities.

2. Aquaculture, Marine/Estuarine

The culture of salt-tolerant aquatic species under natural or artificial conditions in tidal waters and coastal ponds including, but not limited to: fish farming utilizing pens, tanks or impoundments; the culture of shellfish on the bay floor or stream or river beds, in cages, or suspended from structures in the water; and the culturing of aquatic plants. This definition excludes commercial seafood processing, packing, and storage plants. When aquaculture is clearly accessory to other land uses such as raising fish on the same site in conjunction with recreational uses, or for personal, noncommercial purposes, it is subject to Ordinance requirements for the principal use. The following shall apply where applicable.

- a. All structures shall meet the lateral line setback requirements and variances to reduce these setbacks are not permitted; and
- b. In the RCD, WCD, RD, and Solomons Town Center:
 - i. The aquaculture operation shall be part of a controlled environmental remediation project; and
 - ii. No pens, tanks, or impoundments are permitted on land; and
 - iii. The operation is limited to the raising of shellfish and aquatic plants only; and

C. Commercial Greenhouse, Retail

A structure or building constructed in such a way as to be conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale. The following shall apply where applicable.

1. The use shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall consist primarily of plant materials and their containers; and
3. Retail sales of pots, mulch, topsoil, soil amendments, and other such accessory sales items are restricted to no more than 1% of the lot or parcel area, not to exceed one acre in size; and
4. A 50-foot minimum setback is required from all property lines; and
5. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

D. Commercial Greenhouse, Wholesale

A structure or building constructed in such a way as to be conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only. The following shall apply where applicable.

1. The use shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and

2. The sales inventory shall include plant materials and their containers only; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

E. Commercial or Non-Profit Stable or Horseback-Riding Club

An establishment in which horses are kept, trained, boarded, handled, or ridden for a fee. The following shall apply where applicable.

1. The lot or parcel is a minimum of five acres.

F. Commercial Raising of Dangerous or Wild Animals

The production of dangerous or wild animals, other than livestock or household pets, for commercial purposes. The following shall apply where applicable.

1. In Dunkirk Town Center all dangerous or wild animals shall be kept indoors.

G. Commercial Raising of Fur-Bearing Animals

The production of fur-bearing animals, other than livestock or household pets, for commercial purposes, such as breeding stock or for the reclamation of pelts. The following shall apply where applicable.

1. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation.

H. Farm

Property receiving agricultural use assessment from the Maryland Department of Assessments and Taxation or within a recorded Agricultural Preservation District (APD).

I. Farm Alcohol Production Facility

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, using ingredients produced on the farm where the facility is located for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and items related to beverages manufactured on-site. The following shall apply where applicable.

1. Capacity limit and ingredient source:
 - a. The facilities shall be designed and managed to meet all applicable required State regulations for limits on alcohol production; and
 - b. At least one of the primary ingredients shall be produced on the farm where the facility is located; and
2. Sampling and the sale for on and off-site consumption of the product is permitted in accordance with state and county alcohol laws and regulations; and
3. Public events/public assemblies on farmland and rental facilities on farms are permitted on the site in accordance with the requirements of this Ordinance and with state and county alcohol laws and regulations; and
4. Retail sales of items may be permitted subject to the following additional conditions:
 - a. The items sold are primarily associated with the farm alcohol production facility (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an artisan's and crafter's market or farmers' market, as defined by this Ordinance; and
 - b. The retail sales are conducted within the farm alcohol production facility or an accessory structure; and
 - c. In no case may the area designated for the retail sales exceed 20% of all buildings combined that are supporting the use; and
5. If located in an Agricultural Preservation District, approval of the Agricultural Preservation Advisory Board is required; and

6. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

J. Farm Stand

A facility located on a farm that sells produce, including value-added agricultural products, nursery products, and other agricultural goods. The following shall apply where applicable.

1. Items sold are restricted to produce, value-added agricultural products, and nursery products only; and
2. A temporary farm stand without a permanent foundation shall be set back a minimum of 30 feet from the right-of-way.

K. Farm, Tree/Forestry

The operation of timber tracts, tree farms, forest nurseries, and the gathering of forest products.

L. Forest Product Processing

The post-harvest processing of timber and non-timber materials from forests off-site. Such uses may include fixed-location stump-grinding and the production of mulch. This definition does not include commercial sawmills, portable sawmills, paper mills, or chip mills. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be located at least 500 feet from any lot or parcel with a residential building or active residential building permit; and
2. A 100-foot vegetated buffer shall be provided between the use and adjacent properties with a residential building or active residential building permit; and
3. Hours of operation are restricted to daylight hours on weekdays only.

M. Garden Center or Farm Supply Store

An establishment with retail sales of nursery stock, landscaping or gardening equipment and tools, seeds, or the sale of supplies related to farming including, but not limited to, animal feeds, fencing, irrigation supplies, fertilizer, small equipment, pesticides, and similar goods. The following shall apply where applicable.

1. In the RC District, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
2. In Dunkirk Town Center, if the combined gross floor area of all buildings supporting the use is over 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
3. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
4. In the Old Town, Old Town Transitional, New Town, and Forest Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Entry and Village Districts, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
5. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If a garden center or farm supply store over 5,000 square feet in gross floor area is located less than 150 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required; and
6. In Lusby Town Center, if the combined gross floor area of all buildings supporting the use is over 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
7. In the B4, C2, and E1 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 2,500 square feet. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

N. Livestock Auction or Sales Barn, Commercial

A place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis. Auctions conducted by non-profit organizations such as Future Farmers of America and 4-H

groups, auction sales conducted in conjunction with carnivals or fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person, are not included in this definition.

O. Nursery, Retail

An area or establishment where trees, shrubs, or plants are grown for transplanting, for use as stock for budding and grafting, or for sale directly to the general public, and where non-plant items may be sold on a limited basis. The use includes delivery and installation of purchased trees, shrubs, plants, and non-plant items, landscaping, and tree trimming. Storage of machinery and equipment required for nursery maintenance, delivery, installation, landscaping, and tree trimming is permitted on-site. The following shall apply where applicable.

1. The nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall consist primarily of plant materials and their containers; and
3. Retail sales of pots, mulch, topsoil, soil amendments, and other such accessory sales items are restricted to no more than 1% of the lot or parcel area, not to exceed one acre in size; and
4. A 50-foot minimum setback is required from all property lines; and
5. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

P. Nursery, Wholesale

An area or establishment where trees, shrubs, or plants are grown for transplanting, for use as stock for budding and grafting, or for sale to retailers or other businesses, but not directly to the general public. The following shall apply where applicable.

1. The nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. The sales inventory shall include plant materials and their containers only; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

18-5 RESIDENTIAL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

A. Assisted Living Facility

A group home with more than 16 residents that provides housing and supportive services, including health-related services for its residents, in a home-like environment.

B. Bed and Breakfast Facility

A residence, where the owner or operator resides, where paying guests are lodged overnight and meals are served to overnight guests. The bed and breakfast facility may be part of the primary dwelling unit or an existing dwelling accessory to the residence. The following shall apply where applicable.

1. No separate kitchens shall be provided; and
2. Meals shall be served to overnight lodgers only.

C. Dormitory

A building designed and intended to be used principally for sleeping accommodations, typically with a common kitchen and common gathering rooms for social purposes. The following shall apply where applicable.

1. Dormitories are only permitted when in association with a school.

D. Dwelling, Accessory to a Residence

A second dwelling unit either within or added to a single-family detached dwelling, or in a separate structure on the same lot or parcel as the principal dwelling, that functions as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. The following shall apply where applicable.

1. Only one accessory dwelling, either attached or detached, is permitted on a lot or parcel with a single-family dwelling; and
2. The accessory dwelling shall be clearly subordinate to the single-family dwelling; and
3. A detached accessory dwelling cannot exceed 1,500 square feet gross floor area of enclosed space, including enclosed porches; and
4. An attached accessory dwelling (i.e., it shares a common interior element such as a wall, floor, or ceiling with the principal single-family dwelling) is further limited to no more than 40% of the total gross floor area of the building, unless it is located within the basement. If the attached accessory dwelling is located in the basement of the dwelling, then it can consist of the entire basement; and
5. An owner of the lot or parcel shall occupy at least one of the dwelling units on the premises except for temporary absences, as determined by the Zoning Officer; and
6. A detached accessory dwelling shall meet the setback requirements of a primary structure; and
7. Only one kitchen is permitted within the accessory dwelling; and
8. If located in the Critical Area, the provisions for accessory apartments in Article 22 of this Ordinance apply.

E. Dwelling, Attached – Duplex

A structure on a permanent foundation containing two dwelling units. A single family detached dwelling with an attached accessory dwelling unit is not considered a duplex. The following shall apply where applicable.

1. In Owings and St. Leonard Town Centers, the combined lot or parcel area of the attached dwelling development shall be at least 30,000 square feet. The architecture of the attached dwelling development is such that the building looks like a single-family detached dwelling, and the entryways for each unit shall be located on different walls; and
2. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
3. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, office or industrial uses; and
4. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

F. Dwelling, Attached – Multi-Family

A structure on a permanent foundation containing five or more dwelling units. Townhouse developments are not included within this definition. The following shall apply where applicable.

1. In Dunkirk Town Center, the multi-family dwelling development shall be for age-restricted housing only, and no more than 10 percent of the Town Center shall be eligible for such age-restricted housing at a maximum density of 4 units per net acre; and

2. In Huntingtown Town Center, multi-family dwelling development is restricted to housing for the elderly where at least one resident of each apartment is over age 65. The property shall abut an arterial or collector street.; and
3. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, or service related uses. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, office or industrial uses; and
4. In the Old Town Transition District of Prince Frederick Town Center, provided that:
 - a. At least 50 percent of the site is reserved for commercial or office use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial or service related uses; and
 - b. The site is immediately adjacent to Route 2/4 or Dares Beach Road; and
5. In Fairgrounds District of Prince Frederick Town Center, provided that no more than 20 percent of the dwelling units on the site are multi-family dwellings; and
6. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
7. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

G. Dwelling, Attached to a Non-Residential Building

A dwelling unit structurally attached to a building with a non-residential use that functions as a complete independent living facility with provisions for cooking, eating, sanitation, and sleeping. Multi-family residential development is not permitted under this use. Item 1 below applies to Historic Districts and items 2 and 3 below apply only in the RC, MC, and EC Districts.

1. Historic District

If located in an Historic District, only one dwelling attached to a non-residential use is allowed; and

2. Workforce Housing

Dwellings intended for occupancy by persons who meet the criteria for workforce housing are subject to the following. The owner or applicant shall provide verification of compliance with these conditions prior to approval of the site plan.

a. The total gross floor area of all dwellings combined cannot exceed the gross floor area of the non-residential use; and

b. Prior to final site plan approval, covenants shall be recorded in the Land Records of Calvert County indicating that the dwellings are restricted to occupants who qualify for workforce housing in perpetuity; and

c. Renter eligibility shall be verified by the Calvert County Housing Authority; and

3. Non-Workforce Housing

For dwellings that are not intended for occupancy by persons who meet the criteria for low-income or workforce-housing the total gross floor area of all dwellings combined cannot exceed the gross floor area of the non-residential use.

H. Dwelling, Attached - Townhouse

A structure on a permanent foundation consisting of two or more dwelling units each on a separate lot, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard area. The following shall apply where applicable.

1. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
2. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may reduce the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, or service related uses; and
3. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
4. In St. Leonard Town Center, the townhomes shall be located within an approved residential subdivision recorded prior to the adoption of zoning in 1967 and the lots within the recorded residential subdivision do not meet current minimum lot size requirements. The total number of townhouses must not exceed the total number of undeveloped recorded lots within the approved subdivision. The lots within the recorded residential subdivision shall not front directly onto Rt. 2/4, Rt. 765 or Ball Road. The townhomes shall be located within Sub-area B and all of the conditions of the St. Leonard Town Center Zoning Ordinance except lot size and setback requirements shall be met; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

I. Dwelling, Attached - Triplex or Quadraplex

A structure on a permanent foundation containing three or four dwelling units. Townhouse developments are not included within this definition. The following shall apply where applicable.

1. In the Fairgrounds District of Prince Frederick Town Center, provided that at least 40 percent of the units on the site are single family detached dwellings; and
2. In Entry District, Village District, and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, service related uses; and
3. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a whole that is roughly equal to the required housing mix on the site; and
4. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

J. Dwelling, Detached – Single-Family

A detached structure on a permanent foundation containing only one dwelling unit, with the exception of any permitted accessory dwelling unit. Manufactured homes or recreational vehicles are not included within this definition. The following shall apply where applicable.

1. Only one single-family detached dwelling shall be permitted per buildable lot or parcel; and
2. In the FFD, RCD, RND, WCD, and RD if the lot or parcel does not meet the density requirements as required in this Ordinance, a maximum of one single-family dwelling is permitted per lot or parcel of record, provided the lot or parcel meets the requirements of a buildable lot or parcel in accordance with Section 25-6 of this Ordinance; and
3. In Entry District, Village District and New Town District of Prince Frederick Town Center, provided that at least 50 percent of the site is reserved for commercial, office or industrial use. The Planning Commission may waive the percentage ratio of the required condition to a minimum of 40 percent commercial if it can be demonstrated that the proposed development will either contribute comprehensively to a housing mix within the Town Center or contribute to a true integrated mixed use including but not limited to residential, commercial, service related uses; and
4. In Forest District of Prince Frederick Town Center, provided that dwelling units are part of a comprehensively designed community Where 30 percent of the dwelling units are single family detached, 30 percent are single-family attached, and 30 percent are multifamily. The remaining 10 percent may be any of the above. The Planning Commission may waive this requirement if it can be demonstrated that the proposed development will contribute to a housing mix within the Town Center as a Whole that Is roughly equal to the required housing mix on the site; and
5. In the C7 Sub-areas of Solomons Town Center, at least 60 percent of the site shall be reserved for non-residential uses.

K. Group Home

A community-based living facility offering a family or home-like environment for up to 16 residents for people who need assistance or care in some form (e.g., seniors, disabled, etc.). The following shall apply where applicable.

1. No more than 16 residents may reside on the premises, excluding the owner or employees; and
2. No separate kitchens shall be provided.

L. Liveaboards

Permanent occupancy of watercraft. This definition also applies to short-term rental use of watercraft. The following shall apply where applicable.

1. Marinas with one to 100 wet slips shall have no more than one liveaboard. Marinas with 101 to 200 wet slips shall have no more than two liveaboards, marinas with 201 to 300 slips shall have no more than three liveaboards, and marinas with 300+ slips shall have no more than four liveaboards; and
2. The marina shall have pump-out facilities and shower facilities available year-round; and
3. The sewage systems on liveaboards shall be closed systems. No overboard discharge is permitted.

M. Manufactured Home Community

Any property containing two or more manufactured homes sold, leased, or held out for lease to residents or prospective residents. The following shall apply where applicable.

1. Only expansion of manufactured home communities in existence as of May 1, 2006 shall be permitted, subject to the standards of Section 25-8 of this Ordinance.

N. Manufactured Home on Individual Lot or Parcel

A manufactured home located on an individual lot or parcel. The following shall apply where applicable.

1. One manufactured home is permitted per buildable lot or parcel; and
2. The unit shall have a permanent and continuous foundation; and
3. The unit has a pitched roof; and

4. The exterior walls of the unit shall have the appearance of wood or masonry, regardless of their actual composition; and
5. The unit is constructed to the latest HUD standards at the time of installation on the lot or parcel; and

O. Tenant House

A farm dwelling, other than the main farm house, for occupancy by a person or family associated with the operation of the farm. The following shall apply where applicable.

1. One tenant house is permitted per lot or parcel; and
2. Provided that the property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
3. The tenant house counts towards the permitted density for the property; and
4. The property shall consist of a minimum of 25 acres; and
5. The tenant house shall meet all setback requirements for a single-family dwelling in the district; and
6. The tenant house shall not exceed 1,500 square feet in gross floor area; and
7. Manufactured homes are permitted as tenant homes, except in Owings Town Center and the Old Town Residential District in Prince Frederick Town Center.

18-6 COMMERCIAL RETAIL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Agricultural Machinery, Service or Supplies

A facility designed for the maintenance and sale of goods related to farm machinery including tractors, plows, backhoes, balers, harrows, harvesters, manure spreaders, seeders, and similar machinery used directly in agricultural production.

B. Antique Sales

An establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period. All sales, display and storage occur inside a building. The following shall apply where applicable.

1. In Neighborhood District of Huntingtown Town Center, provided that the property has frontage on arterial or collector streets; and
2. In the C3 Sub-area of Solomons Town Center located along the public boardwalk, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
3. In the B2, B4, C2, C6, C7, E1, and E2 Sub-areas of Solomons Town Center, the footprint of the antique sales building is limited to 5,000 square feet; and
4. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
5. In the C6 Sub-area of Solomons Town Center, an antique sales building is permitted only on properties which border on South Solomons Island Road.

C. Art Gallery

An establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period. All sales and storage occur inside a building. The following shall apply where applicable.

1. In Dunkirk Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and

2. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and
3. In Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet in the Entry and Village Districts and 25,000 square feet in the Old Town, Old Town Transitional, New Town, and Forest Districts; and
4. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If an art gallery over 5,000 square feet in gross floor area is less than 150 feet from a lot or parcel with a residential building or active residential house permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In Lusby Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
6. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
7. In the B4, C2, C6, C7, and E1 Sub-areas of Solomons Town Center, the footprint of the art gallery is limited to 5,000 square feet; and
8. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
9. In the C6 Sub-area of Solomons Town Center, an art gallery is permitted only on properties which border on South Solomons Island Road.

D. Auction Building

A place where auctions are held or merchandise for auctions is displayed. Merchandise to be auctioned may be stored and displayed prior to the auction. This definition does not include livestock auction barns. The following shall apply where applicable.

1. Outside storage of items to be sold is prohibited; and
2. The auction building cannot be used for the sale or auction of motor vehicles, unless located in a district where a Motor Vehicle Dealership is permitted and provided all conditions for a Motor Vehicle Dealership are met; and
3. In Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

E. Boat Dealership

The use of any building, land area, or other premise for the sale, exchange, rental, or lease with option to purchase, of more than two new or used watercraft per year.

F. Home Improvement Center

A commercial retail store that sells lumber and other building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, home appliances, and lawn and garden equipment and supplies. Includes stores selling to the general public even if contractor sales account for a major proportion of total sales. The following shall apply where applicable.

1. Outside of Town Centers, the combined gross square footage of all buildings supporting use, shall not exceed 25,000 square feet; and
2. In Dunkirk Town Center, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
3. In Owings and Huntingtown Town Centers, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and

4. In the New Town District of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 150,000 square feet. If the gross floor area exceeds 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
5. In the Entry and Village Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 120,000 square feet. If the gross floor area exceeds 75,000 square feet, the conditions of Section 18-6.L.3 (Retail, General) shall be met; and
6. In the Old Town, Old Town Transitional, Fairground, New Town, and Forest Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Fairground District, if the home improvement center is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
7. In St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If the home improvement center is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
8. In the Neighborhood Commercial and Village Commercial District of Lusby Town Center, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the conditions of Section 18-6.L.3 (Retail, General) shall be met. In the Village Edge District, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
9. In Solomons Town Center, any outdoor storage of building material or lumber shall be screened from adjacent properties and the road. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

G. Manufactured Home Dealer

An establishment that sells manufactured homes. The following shall apply where applicable.

1. Outdoor display of manufactured homes shall be screened from adjoining properties and the road.

H. Market, Artisans' and Crafters'

A site with or without permanent structures, operated on a seasonal or year-round basis as a principal use that allows multiple artists or crafters to retail products that they produced directly to consumers. The market may operate independently or in conjunction with a farmers' market or a waterman's market. The following shall apply where applicable.

1. It is located on property with the permission of the owner; and
2. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
3. In the B4, C2, C6, and E1 Sub-areas of Solomons Town Center, the footprint of the artisans' and crafters' market is limited to 5,000 square feet; and
4. In the D1, D4, and D5 Sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
5. In the C6 Sub-area of Solomons Town Center, an artisans' and crafters' market is permitted only on properties which border on South Solomons Island Road.

I. Market, Farmers'

A structure, either permanent or temporary, operated on a seasonal or year-round basis as a principal use that allows one or more agricultural producers to retail their products and agriculture-related items directly to consumers. Farmers' markets are restricted to selling farm-produced or value-added products only. The market may operate in conjunction with a watermen's market or an artisans' and crafters' market. The following shall apply where applicable.

1. The farmers' market shall be restricted to selling farm-produced or value-added products only; and

2. The farmers' market shall be located on property with the permission of the owner; and
3. A temporary farmers' market without a permanent foundation shall be set back a minimum of 30 feet from all rights-of-way; and
4. In the FFD, RCD, RND, WCD, and RD if the farmers' market is located in a permanent structure the footprint of the structure is limited to 1,500 square feet; and
5. In Solomons Town Center, if the farmers' market is located in a permanent structure, the following additional conditions apply:
 - a. In the B4, C2, C6, and E1 Sub-areas, the footprint of the farmer's market is limited to 5,000 square feet; and
 - b. In the D1, D4, and D5 Sub-areas, the combined gross floor areas of all buildings supporting the use is limited to 75,000 square feet; and
 - c. In the C3 Sub-area located, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

J. Market, Flea

An occasional or periodic market usually held in an open area, but which may be held indoors, as a principal use where an individual or groups of individual sellers offer goods for sale to the public for a fee or other compensation paid to a for-profit entity. There may exist long-term or short-term leases between the sellers and operators and the sellers may use their own vehicles for display or set up temporary tables or booths for their wares or stalls or other means of display may be provided. The following shall apply where applicable.

1. Provided that each organization operates a market no more than one day per year.

K. Market, Waterman's

A site with or without permanent structures, operated on a seasonal or year-round basis as a principal use that sells locally sourced seafood. The market may operate in conjunction with a farmers' market, farm stand, or an artisans' and crafters' market. The following shall apply where applicable.

1. The market is restricted to selling seafood only and shall be located on property with the permission of the property owner; and
2. The following conditions apply in the FFD, RCD, RND, WCD, RD, APD and HD Districts:
 - a. The market shall be in association with an approved farm stand or farmer's market; and
 - b. Only seasonal markets are be permitted; and
3. In Solomons Town Center, the following conditions apply:
 - a. In the C3 Sub-area located along the public boardwalk, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
 - b. In the B2, B3, B4, C2, C6, C7, E1, and E2 Sub-areas, the footprint of the waterman's market is limited to 5,000 square feet; and
 - c. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet; and
 - d. In the C6 Sub-area, a watermen's market is permitted only on properties which border on South Solomons Island Road.

L. Retail, General

An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase. The following shall apply where applicable.

1. In the RC District, the combined gross floor area of all buildings supporting the use is limited to a floor area ratio of 0.2 and a maximum of 60,000 square feet; and
2. In the MC District, the general retail use shall be marine-related; and
3. In Dunkirk, Prince Frederick, and Lusby Town Centers, if the combined gross floor area of all buildings supporting the use exceeds 75,000 square feet the following conditions apply:

a. Building and Site Design

In addition to specific requirements of the Town Center Zoning Ordinance and Article 25 of this Ordinance, the following provisions shall apply:

- i. Any outdoor sales areas shall be specifically designed as such and shall include fencing and landscaping around their entire perimeter in accordance with the Architectural Review Standards of this Town Center Zoning Ordinance. They shall not impede pedestrian circulation and shall not be located within parking lots; and
- ii. An outdoor area or areas totaling a minimum of 2000 sq. ft. shall be provided for a bus stop and outdoor seating. The area(s) shall be landscaped and shall be conveniently located near the public entrance and pedestrian travel ways; and
- iii. All sides having a public entrance shall include some combination of the following features along no less than 70 percent of the horizontal length of any facade with a public entrance: recesses, projections, awnings, arcades, display windows and entry areas. (see Guidelines Appendix attached to the Town Center Ordinance).

b. Maintenance Agreement

Before a building permit is issued, a maintenance agreement shall be executed between the landowner and the Board of County Commissioners, which agreement shall apply whether the building is fully occupied, partially occupied or vacant. The agreement shall provide for the maintenance of the building exterior, signage, lighting, landscaping, parking lots, sidewalks, and trash removal. It shall contain provisions whereby the County shall give the landowner notice of any violations of the agreement and a reasonable time to correct the violation. The agreement shall further provide that if the violation has not been corrected within the specified time, the County shall be permitted to enter the premises, correct the violation and add the costs incurred to the landowner's next tax bill or file lien with Clerk of the Circuit Court of Maryland for Calvert County. The agreement shall be recorded among the land records of Calvert County and shall be binding on all subsequent owners so long as the building creating the need for the agreement remains standing.

c. Co-location

For the purposes of these regulations, co-location is defined as: The placement of smaller retail and service buildings with individual outside entrances on the same site as a large (75,000 sq. ft. +) retail building. The total gross floor area of the smaller buildings shall equal at least 20 percent of the large retail building. (See design guidelines for examples of co-location.) The gross floor area of the co-located buildings shall be excluded from the maximum square footage permitted. The requirements for co-location may apply to each phase of a development or to the entire site, at the developer's discretion.

d. Waivers for Co-location

The Planning Commission may waive the requirements for co-location in cases where a large retail store in existence as of August 10, 2004, is to be expanded on-site by no more than 50% of its gross square footage. No waivers shall be granted for: (1) the expansion of a large retail store in existence as of August 10, 2004, if the expansion is more than 50% of its gross floor area; or (2) the expansion of large retail stores constructed after August 10, 2004. Allowed waivers shall only be granted if the applicant demonstrates that an undue hardship will be imposed due to exceptional narrowness, shallowness, or shape of particular parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions affecting the property. Self-imposed hardship and financial hardship shall not be considered.

4. In Huntingtown Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and

5. In the Old Town, Old Town Transitional, New Town, and Forest Districts of Price Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. In the Entry and Village Districts, the combined gross floor area of all buildings supporting the use is limited to 120,000 square feet. In the New Town District, the combined gross floor area of all buildings supporting the use is limited to 150,000 square feet; and

6. In the Village District of St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet. If the general retail establishment is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

7. In the C3 Sub-area of Solomons Town Center only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. In the B3, B4, C2, C7, E1, and E2 Sub-areas, the footprint of the general retail building is limited to 5,000 square feet. In the D1, D4, and D5 Sub-areas, the combined gross floor area of all buildings supporting the use is limited to 75,000 square feet.

18-7 BUSINESS AND PERSONAL SERVICE

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Animal Shelter, Municipal or Non-Profit

A facility used to house or contain stray, homeless, abandoned, quarantined, seized, or unwanted animals. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be at least 100 feet from any property line and 100 feet from a right-of-way; and
2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

B. Boat Service or Repair

A facility designed for the maintenance of watercraft and watercraft-related equipment and accessories including engines, hulls, masts, trailers, and sails.

C. Boat Storage, Commercial

A facility designed for the keeping of watercraft and associated trailers for a fee. The following shall apply where applicable.

1. No multi-level boat storage is permitted unless completely enclosed within an approved building.

D. Boatel

A combination of a motel and marina which is accessible to boats as well as automobiles and may include boat sales and servicing facilities, has overnight accommodation for transients, and may have eating and drinking facilities.

E. Commercial Kennel

An establishment where three or more dogs are kept, boarded, groomed, trained, or bred for a fee. Outdoor facilities such as runs, pens, and walking areas may be provided. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be at least 100 feet from any property line and 100 feet from all rights-of-way; and
2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

F. Commercial Kitchen

A food preparation facility not associated with an eating establishment used for the preparation of foods for sale for human consumption off-site. The following shall apply where applicable.

1. Retail sales are prohibited; and
2. No on-site consumption of prepared food is permitted.

G. Commercial Pier

A pier used for commercial purposes such as chartering fishing boats, selling gas, shipping, fishing or passenger transport. The following shall apply where applicable.

1. In Solomons Town Center, an existing commercial pier may be extended in length as long as all other requirements are met but shall be restricted to a total length of no more than 117 feet as measured from mean high tide; and
2. In the C3 Sub-area of Solomons Town Center, the pier shall have been in existence as of the date of adoption of the Solomons Town Center Zoning Ordinance (9/22/09).

H. Commercial Trade or Business School

A building or land where instruction is given to pupils in professional trades or business and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation. Commercial trade and business schools include general licensure such as drivers, cosmetology, real estate, commercial driver, and other licenses. The following shall apply where applicable.

1. In the MC District, the school shall provide instruction primarily in a marine-related trade or business.

I. Crematorium

A building or portion of a building that houses the necessary equipment and facilities for the cremation of human or animal remains. The following shall apply where applicable.

1. Outside Town Centers, a crematorium shall be associated with a funeral home or animal shelter located on the same property; and
2. In Huntingtown Town Center, allowed where access is provided from an arterial or major collector road.

J. Eating Establishment with No Outdoor Patron Area

A public eating place that serves food for consumption at tables or counters located entirely within a structure on the premises, or by carry-out or delivery. This term includes, but is not limited to, an establishment known as a cafeteria, delicatessen, cafe, smorgasbord, diner, or similar business where the sale of alcohol constitutes less than 50% of the total sales. The following shall apply where applicable.

1. Drive-through facilities are only permitted in the districts where drive-through facilities are permitted as an accessory use, with the following additional conditions or exceptions:
 - a. In Dunkirk Town Center, if the eating establishment has a drive-through facility and is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
 - b. In Owings Town Center, drive-through facilities are not permitted for eating establishments; and
 - c. In Huntingtown Town Center, if the eating establishment has a drive-through facility, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
 - d. In the Old Town and Old Town Transitional Districts of Prince Frederick Town Center, drive-through facilities are not permitted for eating establishments; and
 - e. In Village District of St. Leonard Town Center, if the eating establishment has a drive through facility and is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

2. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted.

K. Eating Establishment with Outdoor Patron Area

A public eating place that serves food for consumption at tables or counters located on the premises, both indoors or outdoors, or in parking spaces intended for consumption of food in motor vehicles parked in those spaces, or by carry-out or delivery. This term includes, but is not limited to, an establishment known as a cafeteria, delicatessen, cafe, smorgasbord, diner or similar business where the sale of alcohol constitutes less than 50% of the total sales. The following shall apply where applicable.

1. The conditions for Eating Establishment with No Outdoor Patron Area shall be met; and
2. In Solomons Town Center, provided there are adequate safeguards to protect against noise levels that would exceed Calvert County Code and all patron areas are shown and approved on the site plan.

L. Entertainment Business, Adult Enterprises

Enterprises that provide activities characterized by live, closed circuit, or reproduced material, including print, audio, and audiovisual media, that has an emphasis on nudity or sexual activity or sexual stimulation. Adult entertainment businesses include, but are not limited to, the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, gentlemen's clubs or shows, strip clubs or shows, burlesque clubs or shows, adult paraphernalia shops, and other establishments that feature a combination of activities or merchandise described above that collectively make up a majority of the establishment's activities or merchandise. The term adult entertainment business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit, or reproductions using all types of media), or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity or sexual activity or sexual stimulation, and limiting entrance to patrons who are over 18 years of age.

M. Funeral Home

An establishment, licensed by the state, that prepares human remains for burial; coordinates the cremation of remains; and arranges, manages, and/ or conducts funeral services and memorial services. A funeral home may also sell burial goods as ancillary to the primary use. A funeral home may include a chapel or other facility in which funerals are conducted. This definition does not include crematoriums or cemeteries. The following shall apply where applicable.

1. The funeral home shall be accessory to an existing public cemetery as of the adoption of this ordinance.

N. Home Occupation

Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit where there are on-site appointments of customers or clients or where there are employees that are not permanent residents of the dwelling. Non-medical offices, home studios, commercial kennels, pet grooming establishments, commercial kitchens, non-farm alcohol production facilities, online retail sales, in-home day cares, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Crematorium, Veterinary Hospital, etc.).

1. Home Occupation - Class A

A home occupation is considered Class A if all below conditions are met.

- a. Employees shall only be permanent residents of the dwelling in which the home occupation is located; and
- b. On-site appointments of customers or clients are permitted. With the exception of home day care centers, only two clients or fewer are permitted on premise at a time; and
- c. The occupation shall be conducted entirely within the dwelling or an enclosed accessory structure; and
- d. No outside storage of equipment, materials, or items to be repaired shall be permitted; and
- e. No article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to the services offered; and

f. There shall be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use; and

g. The space occupied by all the occupations on a single site shall not exceed 600 square feet including storage with the following exceptions.

i. The use of a tobacco barn for a home occupation is permitted, regardless of size, with the conditions that: (a) the barn shall have been in existence as of the effective date of this condition (05/01/06); and (b) the barn shall be constructed of wood; and

ii. In-home day cares are exempt from this condition; and

h. In-home day cares are allowed a maximum of 12 clients and all conditions required for Day Care Centers (Section 18-12.E.1 below) and all parking requirements for Day Care Centers (Article 27) shall be met.

2. Home Occupation - Class B

A home occupation is considered Class B if all below conditions are met.

a. Permitted to employ up to two equivalent full-time employees in addition to employees that are permanent residents of the dwelling in which the home occupation is located; and

b. On-site appointments of customers or clients are permitted. With the exception of in-home day care centers, only two clients or fewer are permitted on premise at a time; and

c. All home occupations shall meet conditions 1.c through 1.h of Home Occupation – Class A above.

O. Laundry/Laundromat

A place where patrons wash or dry clothing and other fabrics in machines operated by the patron. Laundromats may offer services where employees operate machines for patrons in exchange for a fee.

P. Medical Office or Clinic

An establishment used by members of licensed health care and medical professions to provide diagnosis and treatment to the general public without overnight accommodation and with ancillary uses or may include reception areas, administrative offices, consultation rooms, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building or structure. Examples of such professions include dentists, chiropractors, osteopaths, physicians, and occupational therapists. This definition does not include personal services, such as licensed massage therapists. The following shall apply where applicable.

1. In the RC District, the combined gross floor area of all buildings supporting the use is limited to 10,000 square feet; and

2. In Dunkirk Town Center, if the medical office or clinic is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

3. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the medical office or clinic is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

4. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the medical office or clinic is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and

5. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and

6. In the C6 Sub-area of Solomons Town Center, such a use is permitted only on properties which border on South Solomons Island Road.

Q. Motel or Hotel

A facility which offers transient lodging accommodations to the general public and may provide additional services or may include restaurants, meeting rooms, and recreation facilities.

R. Non-Farm Alcohol Production Facility

A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. Facilities include a tasting room and may include retail areas for the purchase of beverages manufactured on-site and related items. The following shall apply where applicable.

1. The facilities shall be designed and managed to meet all required State regulations for limits on alcohol production; and
2. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning; and
3. In Dunkirk, Huntingtown, and Prince Frederick Town Centers, if the non-farm alcohol production facility is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
4. In St. Leonard Town Center, if the non-farm alcohol production facility is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location.

S. Office

An establishment for professional, executive, and administrative offices, including those of accountants, lawyers, architects, engineers, drafting offices, insurance agents, real estate agents, banks, medical offices and clinics and other occupations that are of similar character to those enumerated, but not including medical professions, barbers, beauty parlors, cosmetologists, or other personal service establishments. The following shall apply where applicable.

1. In the RC and MC Districts, the combined gross floor area of all buildings supporting the use is limited to 10,000 square feet per lot or parcel; and
2. In the MC District the office use shall be marine-related; and
3. In Dunkirk Town Center, if the office is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
4. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the office is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the office is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential permit, or 150 feet from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
6. In the C3 Sub-area of Solomons Town Center, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted; and
7. In the C6 Sub-area of Solomons Town Center, such a use is permitted only on properties which border on South Solomons Island Road; and

8. In the C7 Sub-areas of Solomons Town Center, if the gross floor area is greater than 2,500 square feet the office shall be marine-related.

T. Personal Services

An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty salons, barbershops, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. The following shall apply where applicable.

1. Outside Town Centers, an individual personal service establishment shall be limited to no more than 5,000 square feet in gross floor area. The combined gross floor area of all buildings supporting the use is limited to 10,000 square feet per lot or parcel; and
2. In Dunkirk Town Center, if the personal service establishment is greater than 5,000 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
3. In the Neighborhood District of Huntingtown Town Center, access shall be provided from an arterial or major collector road and the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet; and
4. In the Old Town Residential and Fairground Districts of Prince Frederick Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet. If the personal service establishment is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In the Village District of St. Leonard Town Center, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet; and
6. In the B3, B4, D5, E1, E2, and F1 Sub-areas of Solomons Town Center, if the personal service establishment is greater than 2,500 square feet in gross floor area and is less than 150 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required; and
7. In the C3 and C6 sub-areas of Solomons Town Center, the combined gross floor area of all buildings supporting the use is limited to 2,500 square feet. In the C3 Sub-area, only buildings in existence as of the date of the adoption of the Solomons Town Center Zoning Ordinance (9/22/09) shall be used, and no expansion of such buildings shall be permitted. In the C6 Sub-area, such a use is permitted only on properties which border on South Solomons Island Road; and
8. In the C7 Sub-areas of Solomons Town Center, if the gross floor area is greater than 2,500 square feet the personal service establishment shall be marine-related.

U. Pet Grooming Establishment

An establishment that provides grooming services for domestic animals with no boarding of animals.

V. Tavern, Bar, or Nightclub

An establishment, either open to the public or operated as a private club, where more than 50% of the total sales are from the sale of alcohol, and which may or may not include the sale of food or other beverages, with indoor or outdoor patron areas. The following shall apply where applicable.

1. All patron areas shall be shown and approved on the site plan; and
2. Outdoor bar facilities are not permitted in Dunkirk, Owings, Huntingtown, Prince Frederick, St. Leonard, and Lusby Town Centers; and
3. In Dunkirk, Huntingtown, and Prince Frederick Town Centers, if the tavern, bar, or nightclub is less than 300 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and

4. In St. Leonard Town Center, if the tavern, bar, or nightclub is less than 150 feet from a lot or parcel with a residential building or an active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
5. In Solomons Town Center, provided there are adequate safeguards to protect against noise levels that would exceed State standards.

W. Veterinary Hospital or Clinic, Livestock

A licensed facility where livestock is given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the medical use. Such use may include outdoor facilities such as runs, pens, and walking areas.

X. Veterinary Hospital or Clinic, Small Animals and Household Pets

A licensed facility where small animals or household pets are given medical or surgical treatment. The boarding of animals is limited to short-term care incidental to the medical use. The following shall apply where applicable.

1. In the Historic District, the minimum lot or parcel size shall be one acre and the boarding of animals is limited to indoor, short-term care incidental to animals receiving medical treatment; and
2. In the I-MU, I-1, EC, and Town Center Districts, small animals and household pets may be boarded, groomed, or bred indoors, regardless of whether the animals are receiving medical services.

18-8 RECREATION

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Amphitheater

An open-air venue used for entertainment and performances. The following shall apply where applicable.

1. The main amphitheater structure shall be at least 200 feet from any lot line or parcel line and 200 feet from all rights-of-way.

B. Campground or Recreational Vehicle Camp, Non-Farm

An outdoor area together with sanitary facilities used or designed to accommodate two or more recreational vehicles, tents, or similar temporary accommodations, including all buildings, structures, and appurtenances used or intended as part of such recreational vehicle camp, whether or not a charge is made for use of the camp or its facilities. Campgrounds and recreational vehicle camps are referred to as camps in this section. The following shall apply where applicable.

1. The use is not permitted on a lot, parcel, or open space within a subdivision; and
2. Any vehicle, building, tent, or other structure in the campground shall be located at least 150 feet from the right-of-way of any adjoining public road, and at least 100 feet from the nearest boundary line of the campground; and
3. The density of recreational vehicle spaces cannot exceed 15 spaces per acre of the gross acreage of the campground. Each designated recreational vehicle space shall have a minimum width of 25 feet, and a minimum area of 1,500 square feet; and
4. Recreational vehicle camps shall provide sanitary sewage dumping stations; and
5. Campgrounds and recreational vehicle camps shall provide an adequate potable water supply; and
6. Service building(s) shall be provided; and
7. Stations shall be provided in such numbers and at such locations so as to facilitate storage and collection of garbage and trash; and

8. Interior roads shall have a minimum width of 20 feet except that one-way roads may have a minimum width of 12 feet, unless otherwise required by the Department of Public Works; and

9. The campground shall be surrounded by a minimum 20 foot wide vegetative buffer. Special conditions, such as the provision of fencing or planting or other landscaping, additional setback from property lines, provisions for lighting, and other reasonable requirements deemed necessary to safeguard the general community interest and welfare, may be required by the Board of Appeals as part of a special exception; and

10. In the FFD, access shall be provided from an arterial or collector road.

C. Commercial or Non-Profit Meeting Hall or Banquet Hall

Any structure maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving or consumption of alcoholic beverages and food.

D. Convention Center

A facility in a completely enclosed building used for corporate, trade, and professional meetings, training seminars, trade shows or exhibition of products and technology and that may include supporting dining, lodging, and recreational facilities as ancillary uses. The following shall apply where applicable.

1. In the Residential District of Huntingtown Town Center, permitted upon the condition access is provided from an arterial or major collector road and the lot or parcel is a minimum of 10 acres.

E. Country Club/Sportsman Club

An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which has indoor or outdoor recreation or sporting facilities, eating and drinking establishments, meeting rooms, or similar uses. The following shall apply where applicable.

1. The country club/sportsman club shall be in association with a golf course.

F. Drive-In Theatre

An outdoor area with its appurtenant facilities devoted primarily to showing motion pictures on a paid admission basis to patrons seated in automobiles.

G. Golf Course

A facility designed for the playing of the game of golf. Driving range, putting green and miniature golf facilities may be included as accessory to the golf course.

H. Golf - Driving Range

An area of land for practicing long golf shots, especially drives, with clubs or balls available for rent from the management.

I. Golf, Miniature

An area of land or a building, structure or premises or part thereof, in which facilities are provided to simulate the game of golf, or any aspect of the game, on a small scale, but does not include a driving range.

J. 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.

K. Recreation Facility, Indoor Commercial

An entirely enclosed building or facility that offers commercial indoor recreational activities that may include, but not limited to, tennis, batting cages, bowling, skating, racquetball, arcade games, volleyball, basketball, indoor soccer, martial arts, miniature golf, paint ball, laser tag, gymnastics, play gallery, the study of performing arts and related training, the production of arts and crafts products, or similar activities. This use also includes establishments offering or providing facilities in controlled exercise, weightlifting, calisthenics, aerobics, and general physical fitness. This use may include associated ancillary eating and drinking areas, retail sales areas (limited to items customarily associated with the principal use only), and staff offices. The following shall apply where applicable.

1. Outside Town Centers, the combined gross floor area of all buildings supporting the use is limited to 25,000 square feet; and

2. In the MC District, the only indoor commercial recreational facility permitted are studios. However, performing arts studios are not permitted; and
3. Movie theaters are not permitted outside Town Centers or in the Village Residential-Office District of Lusby Town Center; and
4. In the B2, B3, and B4 Sub-areas of Solomons Town Center, a performing arts studio requires special exception approval.

L. Recreation Facility, Outdoor Commercial

An area or structure that offers commercial entertainment or recreation where any portion of the activity takes place outside. This includes, but is not limited to, a batting cages, riding arenas and corrals, racquet sports, miniature golf, paint ball, archery range, or similar activities. This use may include associated ancillary eating and drinking areas, retail sales areas and staff offices. This definition does not include motorized vehicle sports such as go-cart tracks, dirt bike trails, and all-terrain vehicle trails. The following shall apply where applicable.

1. Outside Town Centers and within Owings Town Center, sufficient buffering and screening shall be imposed. A minimum 100 foot wide buffer shall be maintained between the outdoor recreation facility and all adjoining lots or parcels with a residential building or an active residential buildings permit. A minimum 50 foot wide buffer shall be maintained between the outdoor recreation facility and all adjoining non-residential lots and parcels; and
2. In Lusby Town Center, allowed provided that the outdoor commercial recreational facility is accessory to the principal use.

M. Retreat, Day

A facility designed with the specific intent of facilitating spiritual or educational enrichment needs, and that may include supporting dining and recreational facilities as ancillary uses. The following shall apply where applicable.

1. Outside Town Centers and in the C5 sub-area of Solomons Town Center, a minimum lot or parcel size of 20 acres is required; and
2. In Huntingtown Town Center, access shall be provided from an arterial or major collector road and the lot or parcel shall be a minimum of 10 acres.

N. Target Range, Indoor

A building that is used for the purpose of organized shooting events or practice using rifles, shotguns, pistols, and other firearms. The following shall apply where applicable.

1. The target range site, including any ancillary uses such as parking, shall be located at least 200 feet from any lots or parcels with a residential building or active residential building permit; and
2. A site plan is required, which, at a minimum, incorporates best management practices.

O. Target Range, Outdoor

A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment but does not permit the use of air guns or paintball guns. The following shall apply where applicable.

1. The target range site, including any ancillary uses such as parking, shall be located at least 1,000 feet from all lot or parcel lines; and
2. A site plan is required, which, at a minimum, incorporates best management practices.

P. Target Range, Institutional

A target range which may be either indoor or outdoor for the purpose of training law enforcement or military forces including the National Guard. The following shall apply where applicable.

1. An institutional target range site that allows the discharge of a firearm only within an enclosed structure or building shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit; and

2. An institutional target range site that allows the outdoor discharge of a firearm shall be located at least 500 feet from all property boundaries; and
3. A site plan is required, which, at a minimum, incorporates best management practices to ensure safety.
4. Institutional target ranges located in Town Centers shall meet the conditions for indoor target ranges. No institutional target ranges that allow the outdoor discharge of firearms are permitted in a Town Center; and
5. All institutional target ranges that allow the outdoor discharge of firearms shall be located at least 0.25 mile from schools, hospitals, and nursing homes; and

18-9 COMMERCIAL WHOLESALE

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Mini-Storage

A structure containing separate storage spaces that may be of varying sizes leased or rented on an individual basis. The following shall apply where applicable.

1. In Huntingtown Town Center, provided that bay doors are not visible from the adjoining public road; and
2. In Lusby Town Center, provided that the mini-storage facility is located at least 200 feet from any lot or parcel with a residential building or active residential building permit and screened from adjacent land uses and public rights-of-way.

B. Warehouse, Indoor

A structure used for the storage or distribution of products. The following shall apply where applicable.

1. In Lusby Town Center, provided that the warehouse is located at least 200 feet from any lot or parcel with a residential building or active residential building permit and screened from adjacent land uses and public rights-of-way.

C. Warehouse, Outdoor

Land area, which may have ancillary structures, used for the storage or distribution of products. The following shall apply where applicable.

1. In Owings Town Center, provided that the storage is completely screened from neighboring properties and public rights-of-way.

D. Wholesale Lumber or Other Building Materials

A business primarily engaged in sales to contractors of bulk or large building materials including, but not limited to, lumber, drywall, windows, doors, trusses, roofing, insulation, and masonry materials. The following shall apply where applicable.

1. In Dunkirk, Prince Frederick, and Lusby Town Centers, the requirements of 18-6.L.3 (Retail, General) shall be met. All storage is required to be 100 percent screened by wood fencing or landscaping.

E. Wholesaling, Indoor Only

Those uses primarily engaged in the sale of merchandise to retailers; to industrial, commercial, institutional or professional business users; or to other wholesalers. Wholesale or warehouse membership clubs are considered to be a commercial retail use. The following shall apply where applicable.

1. In Lusby Town Center, provided that the wholesaling establishment is located at least 200 feet from any lot or parcel with a residential building or active house permit and screened from adjacent land uses and rights-of-way.

18-10 MOTOR VEHICLE & RELATED SERVICE

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Automobile Filling Station

A building, lot, or parcel having pumps, storage tanks, electric vehicle charging stations or any combination at which automotive fuels, oils, electrical charge, accessories, or any combination are dispensed, sold, or offered for retail sale. An automobile filling station may include a building that is used for retail sales, an eating establishment without a drive-through facility, car wash or any combination listed. The following shall apply where applicable.

1. Pump islands at automobile filling stations shall meet the stacking requirements of Section 25-1.D.2 of this Ordinance; and
2. No visible appliance for servicing automobiles shall be located within 25 feet of the front lot or parcel line. No structure or building shall be located within 80 feet of any lot or parcel with a residential building or active residential building permit, except in Lusby and Solomons Town Centers, where no structure or building shall be located within 150 feet of any lot or parcel with a residential building or active residential building permit. In Owings Town Center, if there is a convenience store or eating establishment, no structure or building shall be within 150 feet of any lot or parcel with a residential building or active residential building permit is permitted. Variances to reduce these setbacks are not permitted; and
3. In Owings, Lusby, and Solomons Town Centers, fuel pumps shall be located to the rear of the building.

B. Automobile Parking Lot/Garage (Principal Use)

A public or private area, other than a street or public right-of-way, used for the temporary storage (parking) of operable passenger automobiles and commercial vehicles, and available either for compensation or free. The following shall apply where applicable.

1. The parking or storage of automobiles which have been dismantled, wrecked, or junked are prohibited; and
2. The sale of automobiles is prohibited.

C. Automobile Parts Dismantling or Storage

Any premises used for the dismantling or wrecking of motor vehicles and trailers including premises used in the storing, keeping, buying, selling, or dealing in dismantled wrecked, inoperable, or disabled vehicles or integral parts of component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperable vehicles and trailers, or parts thereof. Automobile dismantling does not include the incidental storage of inoperable or disabled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop while waiting for repair. The following shall apply where applicable.

D. Automobile Repair/Service Shop

Any building, lot, or parcel used for automobile repair or bodywork, and which may have automobile servicing. The following shall apply where applicable.

1. No visible appliance for servicing automobiles shall be located within 25 feet of the front lot line or parcel line. No structure or building shall be erected within 150 feet of any lot or parcel with a residential building or active residential building permit, except in Prince Frederick Town Center, where no structure or building shall be erected within 80 feet of any lot or parcel with a residential building or active residential building permit. Variances to reduce these setbacks are not permitted; and
2. No more than five inoperable vehicles are allowed, except for those that are completely screened from adjoining properties and public rights-of-way. An area for the storage of inoperable motor vehicles shall be so designated and separated from customer parking and shall be screened as per Section 28-8 of this Ordinance. Inoperable vehicles shall be removed after 30 days. The provisions concerning inoperable vehicles will go into effect immediately for new development and within one year of adoption of this Ordinance for existing development; and
3. No new service bay openings shall face a right-of-way.

E. Bus Lot or Garage

Location where more than one commuter, transit, school, or charter bus is parked or garaged.

F. Car Wash

Mechanical facilities for the washing or waxing of private automobiles, light trucks, and vans, but not commercial fleets. A car wash may include self-service facilities. The following shall apply where applicable.

1. The stacking requirements for drive-through facilities in Section 25-1.D of this Ordinance shall apply to car wash facilities; and
2. In the I-1 and I-2 Districts, a car wash shall be accessory to the industrial uses on site and shall only be used in service of the respective on-site industrial use; and
3. In Dunkirk Town Center, the Village District of St. Leonard Town Center, and the D5 Sub-area of Solomons Town Center, if the car wash is less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location.

G. Commuter Parking Lot

An area for the temporary storage (parking) of operable passenger automobiles that is designated for use by persons commuting to and from their place of employment and may be used for commuter bus connections or ridesharing or carpooling. This use includes private or leased park and ride lots. The following shall apply where applicable.

1. The parking or storage of automobiles which have been dismantled, wrecked, or junked are prohibited; and
2. The sale of automobiles is prohibited.

H. Impound Lot or Tow Lot

A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. Impound lot includes facilities owned and used by governmental authorities, or for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop, or an area where vehicles are temporarily stored and await pick up after being towed. The following shall apply where applicable.

1. All structures and outdoor storage areas shall be located at least 200 feet from any lot or parcel line; and
2. All outdoor facilities shall be screened with a solid fence a minimum of six feet in height to a maximum of eight feet in height; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

I. Inoperable Motor Vehicle

Any motor vehicle that cannot be started and moved along the road under its own power without assistance of another vehicle or gravity. "Inoperable" means junked, totaled, fully or partially, discarded, abandoned, or unable to perform the functions or purpose for which it was originally constructed. The placement of the vehicle or parts thereof upon jacks, blocks, or other supports shall raise a presumption that the vehicle is inoperable. This definition also includes any vehicle which does not have and display current registration with the relevant licensing authority, such as the Motor Vehicle, the Department of Natural Resources, Department of Transportation, Coast Guard, etc. The following shall apply where applicable.

1. In Huntingtown Town Center, the use may be allowed provided that the inoperable motor vehicle does not remain on lot or parcel for more than two months.

J. Motor Vehicle Accessory Shop

A retail establishment that specializes in the sale or installation of automotive accessories including but not limited to audio systems, alarm systems, windshields, and other items that do not involve exterior body modification that requires major painting or other body work, or the sale or service of tires. The following shall apply where applicable.

1. All automotive accessories shall be installed indoors; and
2. In the I-1 District, no retail sales are permitted except items that are installed on-site and items accessory to those that are installed in or on vehicles.

K. Motor Vehicle Dealership - New or Used

The use of any building, land area or other premise for the sale of new or used, motor vehicles, watercraft, or their display for sale. The use of any single property to sell or offer for sale three or more motor vehicles or watercraft during any 12 month period is considered a motor vehicle dealership. The following shall apply where applicable.

1. In the I-1 and I-MU Districts, sales are restricted to watercraft, all-terrain and recreational vehicles only; and

2. In Prince Frederick Town Center, provided that parking areas for motor vehicles that are for sale shall either meet the landscaping requirements for parking lots or the landscaping requirements for outdoor storage areas (see Article 28). Notwithstanding the above, a landscaped display area capable of displaying up to five motor vehicles may be located adjacent to the right-of-way.

L. Park-and-Sell Lot

An outdoor or indoor space where owners of motor vehicles or watercraft display their motor vehicles or watercraft for sale or trade. A landscaped display area capable of displaying up to five motor vehicles may be located adjacent to the right-of-way.

M. Parking of Commercial Motor Vehicles

The parking on a regular basis of motor vehicles that are commercially licensed or with business identification signs or lettering, including magnetic signs. This definition does not include the periodic parking of commercial motor vehicles on property for the purpose of conducting business on that property (e.g., service calls). The following shall apply where applicable.

1. Only commercial vehicles that are the residents' primary means of transportation to and from their place of work are permitted to be parked at residences.
2. In the I-1, I-2, I-MU, RC, MC, and EC Districts, parking of commercial vehicles shall be accessory to the on-site business.

N. Storage of Motor Vehicles

An area within a residential subdivision or development designated for the storage of operable motor vehicles or watercraft. The following shall apply where applicable.

1. In subdivisions or developments in the RCD, RND, WCD, and RD the area used to store motor vehicles or watercraft shall be shown on the recorded plat and may be used by residents of the subdivision only.

O. Truck, Bus, and Diesel Service and Repair Shop

An establishment that repairs heavy equipment such as trucks, construction equipment, diesel engines, and similar heavy equipment. Typical uses include truck and bus repair garages, excavation implement service, diesel engine repair, and shops related to the machining of related parts, but specifically excluding the dismantling or salvaging of vehicles. The following shall apply where applicable.

1. In the MC District, this use is restricted to marine engines.

P. Truck Terminal

A facility where truck transport goods are transferred or stored pending transfer, and which may include truck dispatching, parking, and servicing and temporary (not more than 24 hours) accommodation for truck drivers.

Q. Vehicle Ferry Service

The point-to-point transport of passenger and commercial vehicles aboard a waterborne vessel. This may be either a public or private service.

R. Vehicle Operations Service

Premises used for storing vehicles used for moving people, goods, or materials or any combination of these, and which may include ancillary dispatching, maintenance, service, and fueling areas for these vehicles. Examples include bus depots, taxi services, and vehicle rentals or leasing. The following shall apply where applicable.

1. In the Village District of Owings Town Center, only vehicle rental or leasing is permitted.

18-11 INDUSTRIAL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

A. Airport or Landing Field

Land that is used for the landing or taking off of aircraft and which may or may not have facilities for the shelter, supply, or care of aircraft. The following shall apply where applicable.

1. Runways and approach and takeoff areas shall be located no less than 1,000 feet from any public or private institution; and
2. Runways shall be no less than one-half mile from any adjoining zoning district boundary; and
3. Runways shall be no less than 200 feet from any adjoining property line. This setback may not be reduced by a variance; and
4. Runways shall be designed to minimize the approach or takeoff area over residential districts.

B. Agricultural/Seafood/Livestock Processing

A facility used for the handling, unloading, storing, shucking, freezing, preparing, changing into different market forms, manufacturing, preserving, packing, or labeling of agricultural commodities or fish, shellfish, and related products. The following shall apply where applicable.

1. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and
2. The design, construction, and operation of the facility shall meet requirements of appropriate state and federal regulatory agencies; and
3. Retail sales are permitted only as an accessory use; and
4. The following conditions apply to outdoor processing of meat/poultry/seafood only:
 - a. The use shall be at least 200 feet from any lot or parcel with a residential building or active residential building permit; and
 - b. All buildings and outdoor facilities supporting the use shall be located a minimum of 100 feet from all lot or parcel lines; and
5. In the FFD, RCD, RND, and RD this use is permitted on farm properties provided the farm has all required state licenses and approvals; and
6. In the Village District of St. Leonard Town Center, processing is restricted to seafood only and if located less than 300 feet from a lot or parcel with a residential building or active residential building permit, or from an established Historic District, special exception approval is required to ensure no adverse impact on the surrounding properties unique to that location; and
7. In Solomons Town Center and the MC District, processing is restricted to seafood only.

C. Asphalt Plant

An establishment in which a homogeneous product commonly referred to as asphalt, and intended mainly for the coating of roads, is manufactured from bituminous asphalt and other aggregate material.

D. Commercial Fuel Storage Business

A facility designed for bulk fuel storage for resale. Fuels include, but are not limited to, liquid natural gas, propane, fuel oils, alcohol fuels, gasoline, and diesel. The sale or rental of tanks may be an ancillary use.

E. Commercial Recycling Facility

An establishment that, accepts, stores, and processes reusable materials from commercial operations including, but not limited to, glass; plastics and synthetic materials; paper products (such as newspapers, stationery, scrap paper, computer paper and corrugated cardboard); rubber; batteries; ferrous and nonferrous metals; concrete; asphalt; wood and building materials; and tree wastes, but not including yard waste or mixed municipal solid waste. Processing includes, but is not limited to, bailing, briquetting, crushing, compacting, grinding, shredding, sawing, shearing, and sorting of recyclable materials and the heat reduction of such materials, but does not include incineration for any purpose. The following shall apply where applicable.

1. Incinerators are prohibited; and
2. Outdoor processing is prohibited; and

3. Outdoor areas shall be screened with a solid fence a minimum of six feet to a maximum of eight feet in height.

F. Data Center

An establishment, facility, building(s), or series of buildings which are part of a unified development and arranged in a campus setting engaging in the storage, management, processing, or transmission of digital data, and housing computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The following shall apply where applicable.

1. The Data Center shall be setback 200 feet from all property lines and 400 feet from any lot or parcel with a residential building or active residential building permit, except for adjacent properties under common ownership.
2. Primary building facades shall include at least two of the following treatments:
 - a. Fenestration;
 - b. Recesses in the building façade to avoid a continuous unbroken plane; or
 - c. Changes in building material, pattern, texture, color, or accent materials.
3. Any noise generated by the Data Center, including any accessory mechanical equipment must comply with Chapter 80 of the Noise Control Ordinance of the Calvert County Code.
4. Prior to any applicable Planning Commission meeting, the applicant shall conduct at least one public meeting in the election district in which the use is proposed. That meeting shall be held at the community center for that district, or such other suitable facility within that district. That meeting shall be advertised once a week for at least two consecutive weeks in a newspaper of general circulation within the County. The first advertisement shall be no more than 30-days before the public meeting. Each meeting shall have a sign-in sheet where citizens may register; no person shall be required to register as a condition of admission. The applicant shall submit the sign-in sheet and minutes of the public meeting to the Planning Commission Clerk at least two (2) weeks prior to the Planning Commission meeting.

G. Distillation of Alcohol as a Fuel

The fermentation and other refinement of grains or other biomass for the production of liquid fuel. This does not include the capture/reclamation of methane from agricultural or commercial operations. The following shall apply where applicable.

1. In the FFD, RCD, RND, RD and Owings, St. Leonard, and Prince Frederick Town Centers, the use shall be located on a farm for farm use only.

H. Grain Elevator

A storehouse for threshed grain or animal feed for wholesale or retail sale. The following shall apply where applicable.

1. The grain elevator shall be located at least 100 feet from all lot or parcel lines; and
2. Adequate measures shall be taken for the abatement of dust, noise, or similar nuisances.

I. Heliport

A permanent facility designed to accommodate the operation and routine servicing and maintenance of helicopters.

J. Landfill, Land-Clearing Debris

An area that accepts only land-clearing debris. Types of waste permitted are limited to those associated with land-clearing operations, including earthen material such as clay, sand, gravel, and silt, topsoil, tree stumps, root mats, brush and limbs, logs, vegetation, and rock. The following shall apply where applicable.

1. All materials shall be physically inert or biodegradable and occurring naturally such as stumps, brush, and logs; and
2. If in an individual recorded section in a major subdivision, all dumping shall cease after 75% of the lots in that section have been developed; and

3. On land that is designated as an APD, only debris originating on-site are permitted.

K. Landfill, Rubble

An area that accepts only rubble. Types of waste permitted are limited to those materials accepted at land-clearing landfills, along with demolition debris associated with the razing of buildings, roads, bridges and other structures including structural steel, concrete, bricks, lumber, plaster and plasterboard, sheet rock, insulation material, cement, shingles and roofing materials, floor and wall tile, asphalt, pipes and wires, and other items physically attached to structures, including appliances if they have been or will be compacted to their smallest practical volume. The following shall apply where applicable.

1. The landfill shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any public road right-of-way; and
2. The landfill shall be screened from adjoining properties and roads with a solid fence a minimum of six feet to a maximum of eight feet in height.

L. Landfill, Sanitary

An area used for the disposal of solid waste, operated and maintained in accordance with solid waste disposal regulations of the county and state. The following shall apply where applicable.

1. The landfill shall be located at least 500 feet from any adjacent property line of a property owned by a party other than the applicant (unless such adjacent property owner gives written consent) and 200 feet from any road right-of-way.

M. Manufacturing or Assembly, Heavy

Establishments involved in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials and that are generally not compatible with residential uses. This includes but is not limited to foundries, fossil fuel refineries, and similar heavy industrial uses.

N. Manufacturing or Assembly, Light

The production, processing, cleaning, testing and distribution of materials, goods, foodstuffs, and products which by the nature of the materials, equipment, and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous element. The following shall apply where applicable.

1. Manufacturing or Assembly, Light, less than 7,500 square feet or more of gross floor area

- a. In the FFD and RC, a minimum lot or parcel size of five acres is required. When an existing barn is used, this lot or parcel size requirement may be reduced by the Board of Appeals through a variance. No retail sales are permitted; and
- b. In Owings Town Center, provided adequate measures are taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and
- c. In Prince Frederick Town Center, provided that potential noise, odor and glare are comparable to retail commercial uses of similar size; and
- d. In St. Leonard Town Center, provided all buildings supporting the use are located at least 100 feet from all district boundary lines that form the edge of a district that does not permit, by right, this use, except where the district boundary line is formed by a public road right-of-way. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and
- e. In Lusby Town Center, provided that no structure supporting the use is located within 200 feet of any lot or parcel with a residential building or active residential building permit; adequate measures are taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and landscaping adjacent to buildings is provided to help reduce building mass, promote safe pedestrian circulation, accent buildings and draw attention away from parking lots, utility lines and outdoor storage areas; and

2. Manufacturing or Assembly, Light, more than 7,500 square feet or more of gross floor area

- a. In Dunkirk Town Center, the combined gross floor area of all buildings supporting the use is limited to 20,000 square feet; and
- b. In Owings and St. Leonard Town Center, provided all buildings supporting the use are located at least 100 feet from all district boundary lines that form the edge of a district that does not permit, by right, this use, except where the district boundary line is formed by a public road right-of-way. Adequate measures shall be taken for the abatement of offensive and obnoxious odors, dust, smoke, noise, vibration, or similar nuisances; and
- c. In Prince Frederick Town Center, provided that potential noise, odor and glare are comparable to retail commercial uses of similar size; and
- d. In Lusby Town Center, provided that the conditions of Section 18-11.N.1.e above are met.

O. Manufacturing or Assembly, Marine-Related

A facility designed for the construction of watercraft and ancillary items for commercial purposes. The following shall apply where applicable.

1. The sale of watercraft manufactured on-site is permitted only as an accessory use.

P. Power Generating Facility, Commercial

A generator that uses one or more sources or products for the production of power for sale. Types of power generating facilities include but are not limited to petroleum, methane, ethanol, thermal, nuclear, and hydroelectric. Wind and solar energy generating systems are not included within this definition. The following shall apply where applicable.

1. All structures shall be removed when no longer in use; and
2. In the FFD and RCD, commercial power generating facilities are limited to the production of electricity from hydroelectric fuel sources only.

Q. Research and Development Facility

A facility containing operations engaged in scientific research and investigation, the development of prototype products for test and evaluation, or the assembly or manufacture of prototype products. The following shall apply where applicable.

1. In the MC and EC Districts the combined gross floor area of all buildings supporting the use is limited to 7,500 square feet; and
2. In the MC District the research and development facility shall be marine-related; and
3. In the MC and EC Districts and in Solomons Town Center, provided no research or development involving the use of hazardous wastes is conducted on the premises.

R. Salvage or Junk Yard

Any premises used for the abandonment, sale, storage, collection, or baling of paper, scrap metal, other scrap or discarded materials, or for the abandonment of automobiles or other vehicles or for the abandonment of machinery, or parts thereof.

S. Sand, Gravel or Mineral Extraction and Processing

The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock, or other mineral resources. Includes the cleaning, mixing, sorting, washing, and other processing of this material including cement mixing. Does not include the manufacture of asphalt (see definition of asphalt plant). The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this title, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if processing of the material does not occur on the property, on-site stockpiles are fully depleted, and a mining permit is not required. The following shall apply where applicable.

1. The use shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit other than the residence of the property owner; and

2. No operation is conducted in a manner that would impede the flow of any waterbody or pollute its waters; and
3. All extractions shall be backfilled or regraded according to the Maryland Department of the Environment standards; and
4. The following provisions apply only in the Critical Area:
 - a. No important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur; and
 - b. No highly erodible soils exist; and
 - c. The use of renewable resource lands would not result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture or would result in a degrading of water quality or a loss of vital habitat, or the lands are not within 100 feet of the Mean High Water Line of tidal waters or the edge of tributary streams; and
 - d. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100 foot buffer of natural vegetation between the operation and the Mean High Water Line of tidal waters or the edges of tributary streams, and tidal wetlands, which is further inland; and
 - e. All new surface mines shall be reclaimed after the conclusion of a sand and gravel operation.

T. Sand, Gravel or Mineral Extraction - No Processing

The operations necessary to excavate, stockpile, or remove materials such as sand, gravel, aggregate, rock, or other mineral resources. The retail, wholesale, contract purchase, or transfer of mineral products is within the scope of this definition. For purposes of this use, the leveling, grading, filling, or removal of materials during the course of normal site preparation for an approved use (e.g., residential subdivision, commercial development, etc.) does not constitute a mining site/operation, if processing of the material does not occur on the property, does not occur over an extended period of time, on-site stockpiles are fully depleted, and a mining permit is not required. The following shall apply where applicable.

1. The use shall be located at least 200 feet from any lot or parcel with a residential building or active residential building permit other than the residence of the property owner; and
2. No operation shall be conducted in a manner that would impede the flow of any stream or pollute its waters; and
3. All extractions shall be backfilled or regraded according to the Maryland Department of Natural Resources standards; and
4. If the property is designated as an Agricultural Preservation District, the sand, gravel or mineral extraction operation is restricted to 5% of the Agricultural Preservation District; and
5. The following restrictions apply only in the Critical Area:
 - a. No important natural resources such as threatened and endangered species, areas of scientific value, or rare assemblages of species occur; and
 - b. No highly erodible soils exist; and
 - c. The use of renewable resource lands would not result in the substantial loss of long-range (that is, 25 years or more) productivity of forest and agriculture or would result in a degrading of water quality or a loss of vital habitat, or the lands are not within 100 feet of the Mean High Water Line of tidal waters or the edge of tributary streams; and
 - d. To the fullest extent possible, existing sand and gravel operations shall conduct their extraction activities so as to provide, at a minimum, a 100 foot buffer of natural vegetation between the operation and the Mean High Water Line of tidal waters or the edges of tributary streams, and tidal wetlands, which is further inland; and

- e. All new surface mines shall be reclaimed after the cessation of a sand and gravel operation.

U. Sawmill, Commercial

An indoor or outdoor facility where timber or logs are sawn into lumber or boards. The following shall apply where applicable.

1. All buildings and outdoor facilities supporting the use shall be at least 500 feet from any lot or parcel with a residential building or active residential building permit; and
2. The use shall be at least 100 feet from any public right-of-way; and
3. Adequate measures shall be taken for the abatement of obnoxious or offensive odor, dust, smoke, noise, vibration, or similar nuisance, and measures for protection against fire shall be employed; and
4. In the FFD and I-1, the combined gross floor area of all buildings supporting the use is limited to 5,000 square feet.

V. Solar Energy Generating Systems, Major

An energy generating system that derives energy from the sun to generate more than two megawatts (MW) of electricity, based upon nameplate capacity. Includes multiple minor solar energy generating systems that are co-located on the same parcel that collectively produce more than two megawatts of electricity. The following shall apply where applicable.

1. No solar energy generating system shall be more than 20 feet in height; and
2. All structures and uses shall meet a minimum setback of 50 feet from all property lines; and
3. A landscaped buffer as described in Sections 28-6.D and E of this Ordinance shall be provided between the solar energy generating systems and side and rear property lines, unless the Planning Commission determines that an alternative buffer is sufficient. Existing vegetation within or near a required planting area that meets or exceeds these standards may be used to satisfy buffer requirements; and
4. A front roadway buffer shall be provided along all public roads in the FFD and RCD, unless the Planning Commission determines that an alternative buffer is sufficient. The front roadway buffer shall meet one or more of the following requirements. Buffering along Rt. 4 and Rt. 2/4 shall be increased as indicated.
 - a. If a naturally vegetated buffer exists, it shall be maintained at a minimum of 100 feet in width from the right-of-way line to the closest solar energy generating system (200 feet in width from Rt. 4 and Rt. 2/4) on the site; and
 - b. In instances where only part of a naturally vegetated buffer exists, the existing buffer shall be enhanced to a 100-foot wide buffer (200 feet buffer from Rt. 4 and Rt. 2/4) with additional plantings approved through the site plan process; and
 - c. If a naturally vegetated buffer does not exist, the applicant shall plant a 100-foot wide vegetated buffer (200-foot wide vegetated buffer adjacent to Rt. 4 and Rt. 2/4) with plantings approved through the site plan process; and
 - d. No plantings are required if the closest solar energy generating systems are setback a minimum of 200 feet from the edge of the public right-of-way; and
5. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the solar energy generating system. The applicant shall provide the Department of Planning & Zoning with details regarding maintenance and access for the site; and
6. The solar energy generating system shall be enclosed by a fence or other appropriate barrier to prevent unauthorized persons or vehicles from gaining access. A secure fence a minimum of six feet and a maximum of

eight feet in height shall enclose the entire solar energy generating system to restrict unauthorized access. All security fencing shall be located between the landscaped buffer areas and the solar energy generating system; and

7. The applicant shall demonstrate that the solar energy generating system does not harm the scenic characteristics of the view of or from a public park, a national or state designated historic property or scenic byway, a road listed in the Scenic Roads Inventory, or a Historic District established by this Ordinance; and
8. The solar energy generating system shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard; and
9. The solar energy generating system shall be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the parcel, and in no event shall forested acreage comprising more than 2% of the gross acreage of the parcel be removed without demonstrating that such removal is necessary for the reasonable construction and efficient performance of the use. In addition, the forest conservation requirements of Article 20 of this Ordinance shall apply; and
10. The combined aggregate acreage in the Rural Legacy Areas utilized throughout the County by major and minor solar energy generating systems shall not exceed 0.5% of the total land area in the Rural Legacy Areas; and
11. In the event of abandonment, the follow applies:
 - a. A solar energy generating system that ceases to produce electricity continuously for one year shall be presumed abandoned. The property owner may overcome this presumption by substantial evidence, satisfactory to the Department of Planning & Zoning, that cessation of the use occurred from causes beyond the owner's reasonable control, that there is no intent to abandon the system, and that resumption of use of the existing system is reasonably practicable; and
 - b. Following abandonment, the operator and landowner shall remove all equipment and systems and restore the site as near as practicable to its original condition, in accordance with the approved decommissioning plan. The obligation of the operator and owner to remove the solar energy generating system and restore the site shall be joint and several; and
 - c. Failure to comply with the requirements of this Section shall authorize, but not require, the County to remove the solar energy generating system and restore the site in accordance with the approved decommissioning plan; and
12. A decommissioning plan shall be required. The plan shall include:
 - a. The expiration date of the contract, lease, easement, or other agreement for installation of the solar energy generating system and a timeframe for removal of the solar energy generating system within one year following termination of the use; and
 - b. A requirement that the operator and property owner provide written notice to the Department of Planning & Zoning whenever a solar energy generating system is out of active production for more than six months; and
 - c. Removal of all above and underground equipment, structures, fencing and foundations. All components shall be completely removed from the subject parcel upon decommissioning; and
 - d. Removal of substations, overhead poles, above ground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility; and
 - e. Re-grading and, if required, placement of like-kind topsoil after removal of all structures and equipment; and

- f. Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan; and
- g. A recordable covenant executed by the property owner to reclaim the site in accordance with the decommissioning plan and associated approvals upon cessation of the use; and
- h. A requirement for County inspection and approval of the decommissioning and reclamation of the site; and

13. The operator or property owner of a solar energy generating system shall provide a bond, surety, letter of credit, lien instrument, or other financial assurance in a form and amount acceptable to the County to secure payment of 125% of the anticipated cost of removal of all equipment, structures, fencing, above or below ground level, and any accessory structures, and restoration of the site in accordance with the requirements of this Section if use of the solar energy system is discontinued continuously for one year. The financial assurance shall be provided prior to issuance of a building permit and shall be renewed so as to remain in full force and effect while the solar energy generating system remains in place. The financial assurance shall require the obligor and the owner to provide at least 90 days' prior written notice to the County of its expiration or nonrenewal. The Department of Planning & Zoning may adjust the amount of the surety as reasonably necessary from time to time to insure the amount is adequate to cover the cost of decommissioning, removal and restoration of the site; and

14. A sign, not to exceed one square foot, shall be posted at each entrance to the solar energy generating system to identify the property owner, the solar energy generating system owner, their contact phone numbers and emergency contact information. Information on the sign shall be kept current and the property and solar energy generating system owners shall provide all updated information to the Department of Planning & Zoning.

W. Solar Energy Generating Systems, Minor

An energy generating system that derives energy from the sun to produce two megawatts or less of electricity, based upon nameplate capacity. The following shall apply where applicable.

- 1. The conditions for a Major Solar Energy Generating System shall be met. The front roadway buffer requirements of Section 18-11.V.4 shall also apply in the RND and RD.

X. Storage of Machinery & Equipment in Connection with Excavating or Contracting Business

Implements commonly used in association with site preparation or building construction including, but not limited to, bulldozers, front-end loaders, backhoes, tank trucks or trailers, trenchers, tar boilers, cement mixers, dump-bed trucks or trailers, graders, street sweepers, snowplow blades, flat-bed trucks or trailers, large riding mowers, and paving equipment. Implements may be self-propelled, trailered, towed, dragged, pushed, or pulled. Does not include hand tools or walk-behind equipment such as small mowers or tillers. The following shall apply where applicable.

- 1. The machinery or equipment stored shall be screened from adjoining properties and the road; and
- 2. In Owings and St. Leonard Town Centers, provided the combined gross floor area of all buildings supporting the use is limited to 2,000 square feet and the owner lives on the premises.

Y. Wind Energy System, On-Site Service Only

A wind-powered electric system designed and constructed for the production of power for use on premises. The following shall apply where applicable.

1. General

- a. A wind energy system shall be located on the same property with the residence, business, or public building for which it generates power; and
- b. The height of wind energy systems is measured from ground level to the tip of a blade when the blade is at its highest point; and
- c. All obsolete or unused facilities related to wind energy systems shall be removed within 12 months of cessation of operations.

2. Wind Energy System, Ground Mounted

- a. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
- b. The applicant shall submit, with the building permit application, a certification by a professional engineer licensed in the State of Maryland that the foundation and support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
- c. Approval of the building permit application is subject to consultation with the Department of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and
- d. If located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 85 feet; and
- e. If located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 150 feet; and
- f. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet; and
- g. The support structure for the wind energy system shall not be climbable up to 12 feet above ground level; and
- h. The wind turbine and support structure shall be set back from all property lines and all above-ground utility lines a distance equal to its height. Variances to reduce these setbacks are not permitted; and
- i. Guy wires and accessory structures shall comply with the minimum setback requirements for the district within where the wind energy system is located; and
- j. The wind turbine shall be a non-reflective, neutral color; and
- k. The noise generated by the wind energy system cannot exceed limits established by any state or county noise ordinance in effect; and
- l. The wind energy system cannot be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
- m. No commercial advertising signs is permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and
- n. Small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws.

3. Wind Energy System, Roof Mounted

- a. Building and electrical permits shall be obtained prior to installation of the wind energy system and any accessory structures; and
- b. The applicant shall submit, with the building permit application, a certification by a Professional Engineer licensed in the State of Maryland that the support structure for the wind energy system is adequately designed to support the wind turbine and appurtenances; and
- c. Approval of the building permit application is subject to consultation with the Department of the Navy, Naval Air Station at Patuxent River, Maryland, that the wind energy system will not cause interference with military activities; and

- d. If located on a lot or parcel containing less than one acre, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 85 feet; and
- e. If located on a lot or parcel containing one acre or more, the height of the wind turbine and support structure, as measured from the ground level to the tip of a blade when the blade is at its highest point, cannot exceed 150 feet; and
- f. The structure on which the wind turbine is mounted shall be located within the required setbacks of the district within which it is located; and
- g. The wind turbine shall be positioned on the roof so that the minimum distance between it and all property lines and all above-ground utility lines is equal to or greater than its height; and
- h. Guy wires and accessory structures shall comply with the minimum setback requirements of the district where the wind energy system is located; and
- i. The wind turbine shall be a non-reflective, neutral color; and
- j. The noise generated by the wind energy system cannot exceed limits established by any state or county noise ordinance in effect; and
- k. The wind energy system cannot be artificially lighted unless required by the Federal Aviation Administration (FAA) or other authority; and
- l. No commercial advertising signs is permitted on the wind energy system. Signs warning of any danger and identifying the owners of the wind energy system, with emergency contact information, shall be displayed; and
- m. Small wind energy systems connected to the utility grid shall comply with the Maryland Net Metering Laws (Maryland Code, Utility Companies Article, Section 7-306).

18-12 INSTITUTIONAL

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as “C” or “SC”, the applicable conditions are listed below the definition.

A. Cemetery or Memorial Garden

A place used for the permanent interment of dead human or animal bodies or the cremated remains thereof. It may be a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of two or more interment methods. The following shall apply where applicable.

1. In Historic Districts and Agricultural Preservation Districts, the cemetery or memorial garden shall be for the private use of the property owners; and
2. In the Old Town, Old Town Transitional, Old Town Residential and Fairgrounds District of Prince Frederick Town Center, provided that it is an expansion of an existing cemetery or memorial garden.

B. College or University

An institutional facility for tertiary or higher levels of education. Includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students including associated uses, including, without limitation, dormitories, office buildings, athletic fields, etc.

C. Communications Towers and Antennas

For definitions of Communications Tower and Communications Antenna see Article 2 of this Ordinance. The following shall apply where applicable.

1. General Requirements

- a. Antennas and communications towers may be considered either principal or accessory uses. A different use on the same lot or parcel does not preclude the installation of an antenna or communications tower on such lot or parcel.

- b. The height of communications towers is measured from ground level to the highest point of the communications tower, including all attached antennas and appurtenances.
- c. The owner of any commercial communications tower or the installer of any new antennas on pre-existing towers shall submit a report to the Department of Planning & Zoning upon construction of the communications tower and every two years thereafter indicating the name(s) and addresses of all carriers with equipment located on the communications tower and a description of such equipment.
- d. A communications tower inspection report prepared by a licensed engineer in compliance with current American National Standards Institute (ANSI) standards shall be submitted upon construction, and every two years following construction, of any new commercial communications tower. Pre-existing communications towers shall be subject to similar reporting requirements upon installation of any new antennas installed after adoption of these regulations and every two years thereafter.
- e. All obsolete or unused facilities related to communications towers and antennas shall be removed within 12 months of cessation of operations.
- f. See Chapter 95 Public Safety of the Calvert County Code for regulations regarding noninterference with Emergency Communication's microwave system.

3. Conditions

a. Communications Tower, Commercial/Governmental on Government Property

- i. The property is government-owned or leased.
- ii. The tower shall be constructed so as to provide capacity for future co-location of other commercial or government operated antennas.
- iii. The tower shall be constructed and operated in compliance with all current Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Maryland Aviation Administration (MAA) requirements.

b. Communications Tower, Commercial on Private Property (No Height Restriction)

i. Tower System

(1) The application submitted by the applicant to the Board of Appeals shall include:

(A) A system design plan that includes, at a minimum, radio frequency parameters, tower height, number and location of all antennas on the tower (proposed by the applicant and future co-locations), radio frequency output, effective radiated power and azimuth antenna type;

(B) Coverage map of the area to be served by the proposed tower;

(C) Coverage map showing coverage available under existing towers and other appropriate structures; and

(D) An evaluation of the tower's relationship to the following: other antenna sites, existing buildings taller than 50 feet, and communication towers and water tanks within one mile of the proposed tower.

(2) The applicant for a new communications tower shall demonstrate to the Board of Appeals that co-location on existing towers or other appropriate structures is not feasible and that the proposed tower is the only feasible location for the antennas. Physical constraints and economic feasibility may be considered. Co-location will be deemed not possible if one or more of the following apply:

(A) Planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and such towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(B) Planned equipment will cause interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost.

(C) Existing or approved towers do not have space on which planned equipment can be placed so as to function effectively.

(D) Existing or approved towers will not provide effective signal coverage sought by the applicant.

(3) The applicant shall demonstrate that the proposed tower will not degrade or cause interference to the County's wireless communication systems which includes, but is not limited to, public safety, administrative, and school wireless systems.

(4) The applicant shall certify that the proposed tower meets Federal Communication Commission, Federal Aviation Administration, and Maryland Aviation Administration requirements.

ii. Tower Construction

(1) The applicant shall submit a certification by a professional engineer licensed in the State of Maryland that the tower foundation is adequately designed to support the tower and appurtenances, the design of the proposed tower is structurally sound and that the tower will be adequate to accommodate the initial antenna loading as well as anticipated future loading.

(2) The tower shall be constructed so as to provide capacity for future co-location of other commercial or government-operated antennas, unless the applicant demonstrates that such design is not economically or physically feasible. The system design plan shall delineate an area near the base of the tower to be used for the placement of additional equipment shelters or space for other users.

(3) All towers shall be of monopole construction and screened or camouflaged to reduce visual obtrusiveness, including but not limited to the use of compatible building materials and colors, screening, landscaping, and placement within trees. Lattice towers may be permitted if the applicant demonstrates that it is not feasible to construct a monopole tower to a height that will provide adequate space for future co-locations or that a monopole could not provide the structural support necessary for the antennas proposed.

iii. Tower Site

(1) The tower shall be set back a distance equal to the height of the tower from all property lines except for adjacent properties under common ownership. Guy wires and accessory buildings shall comply with the minimum setback requirements for the district within which the tower is located. The Board of Appeals may reduce this requirement if the goals of this section would be better served thereby.

(2) If the tower is not camouflaged or screened from adjacent properties and the road by existing vegetation, buildings, or structures, it shall be surrounded by a minimum 40 foot wide buffer of dense tree growth and understory in all directions to create an effective year round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both. Existing mature tree growth and natural contours of the site shall be preserved to the maximum extent possible. The vegetated buffer shall be of sufficient height and depth to effectively screen the base of the tower and all equipment and equipment shelters. The Department of Planning and Zoning will determine the types of trees and plant materials based on site conditions.

(3) The tower shall be constructed to minimize interference with the view of or from any public park or any Historic District.

(4) All new towers shall be surrounded by a locked security fence or wall that seals the area at the base of the tower from unauthorized entry or trespass.

(5) Towers shall not be artificially lighted, unless required by the FAA, MAA, or other regulating authority. If lighting is required, the lighting alternative and design that causes the least disturbance to the surrounding areas shall be utilized.

(6) No commercial advertising signs are allowed on the tower. Signs warning of any danger and identifying the owners of the tower and all antennas, with emergency contact information, shall be located on the fence or wall surrounding the tower.

iv. Pre-Existing Towers

(1) Legally nonconforming guyed towers, lattice towers, and monopoles may be reconstructed, altered, extended, or replaced on the same site by special exception, provided that the Board of Appeals finds that the proposed reconstruction, alteration, extension, or replacement will create public benefits such as opportunities for co-location, improvements in public safety, or reduction in visual and environmental impacts.

(2) Modifications to antenna systems on pre-existing towers, such as changing technology, frequencies, increasing power, or relocating or adding antennas in such a manner so as to significantly alter the original plans approved for the tower require approval by the Department of Planning and Zoning to assure that such modifications do not cause interference with or degradation to the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.

c. Communications Tower, Commercial on Private Property (Less than 75 Feet in Height)

i. The tower be constructed to minimize interference with the view of or from any public park or any Historic District.

ii. The minimum setback from all adjoining lots or parcels shall be equal to the height of the tower measured from its base to the adjoining property line. Guy wires and accessory buildings shall comply with the minimum setback requirements for the district within which the tower is located. The Board of Appeals may reduce the setback requirements if the purpose of these regulations would be better served.

iii. The height of a tower may be increased above 75 feet if the increase is used to facilitate the co-location of another communication provider. Such increase may be approved as a special exception by the Board of Appeals.

iv. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.

v. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.

d. Communications Tower, Private/Not-for-Profit (Non-Commercial/Governmental, Less than 100 Feet in Height)

i. The distance between the base of the tower and the nearest property line equals no less than 75% of the height of the tower. However, the setback for crank-up style towers and monopoles shall be no less than 100% of the nested height of the tower/monopole.

ii. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.

iii. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.

e. Communications Tower, Private/Not-for-Profit (Non-Commercial/Governmental, Greater than 100 Feet in Height)

i. The distance between the base of the tower and the nearest property line equals no less than 75%

of the height of the tower. However, the setback for crank-up style towers and monopoles shall be no less than 100% of the nested height of the tower/monopole.

- ii. Only one tower is permitted per lot or parcel unless a special exception is obtained from the Board of Appeals.
- iii. The base of the tower shall be adequately screened from adjoining properties and the road so as to decrease the visual impact.
- iv. The applicant demonstrates that the proposed tower will not degrade or cause interference to the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.

f. Antenna, Commercial/Governmental on Government Property

- i. A building permit shall be obtained prior to installation of the antenna.
- ii. The antenna shall be attached to public buildings, water towers, or existing towers (including street lights and utility poles) located on government property.
- iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- iv. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields.

g. Antenna, Commercial on Private Property

- i. A building permit shall be obtained prior to installation of the antenna.
- ii. The antenna shall be attached to public, commercial or industrial buildings or structures, steeples, smokestacks, water towers, or existing communications towers only.
- iii. The radio signals emanating from the proposed antennas shall not interfere with the County's wireless communication systems which include, but are not limited to public safety, administrative, and school wireless systems.
- iv. The owner of the antenna shall submit a radiation safety analysis demonstrating that the antenna will not pose a health threat to individuals due to excessive radiation emissions and that the antenna is in compliance with current FCC guidelines for human exposure to radio frequency electromagnetic fields.
- v. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- vi. A commercial antenna may be approved as an accessory use to any commercial, industrial, or institutional structure, or to any existing approved tower provided that:
 - (1) If attached to a building, the antenna cannot project above the roof line by more than ten feet.
 - (2) If attached to an approved tower, the antenna cannot exceed the maximum height originally approved for the tower.
 - (3) The antenna shall comply with the applicable FCC, MAA, and FAA regulations, and the applicant shall submit verification of same.

D. Cultural Facility/Library/Museum – Public or Private

A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, libraries, and cultural or historical centers. A cultural facility may include accessory uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

E. Day Care Center

A facility where, for a portion of a 24 hour day, care and supervision is provided for: 1) children not related to the owner or operator of the facility; or 2) elderly or functionally impaired adults in a protective setting that are not related to the owner or operator. The following shall apply where applicable.

1. All Day Care Centers

If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning. If variance approval is granted, the day care center is limited to a maximum of six clients; and

2. Day Care Centers with 20 or More Clients

The Day Care Center shall receive site plan approval in accordance with Article 30 of this Ordinance.

3. Day Care Centers with 41 or More Clients

- a. In the FFD the number of clients shall not exceed 80; and
- b. In the RC, RCD, RND, WCD, and RD, the number of clients shall not exceed 120.

F. Elementary or Secondary School

An educational facility that includes buildings, structures, or facilities that by design and construction are primarily intended for the education of students as well as associated uses such as office buildings, athletic fields, etc. An elementary school is a school including usually the first four to the first eight grades and often a kindergarten. A secondary school is a school intermediate between elementary school and college and usually offering general, technical, vocational, or college-preparatory courses. The following shall apply where applicable.

1. In the FFD, elementary and secondary schools are permitted on lots and parcels that have been operated as schools since before May 1, 2006 and on adjoining lots or parcels under common ownership to be used for a common purpose.

G. Fire or Rescue Service

An institutional facility that functions as a dispatch for fire or rescue services, which houses related equipment or personnel.

H. Hospital

An institution providing primary health services, medical and surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, and training facilities.

I. Nursing or Convalescent Home

A nursing home is a facility providing residential accommodations with healthcare. Convalescent homes are designed to provide care for patients who are recovering from surgeries or long-term illnesses.

J. Place of Worship

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and ancillary associated uses, such as rectories, parish halls, monasteries, and convents. The following shall apply where applicable.

1. Place of Worship, with seating capacity of all sanctuaries combined less than or equal to 1,500

- a. A place of worship as defined by this section, existed on the property prior to May 1, 2006; and
- b. There has been no lapse in use of the pre-existing place of worship, parish hall, convent, monastery or rectory since May 1, 2006; and
- c. If the expansion is to exceed that which is permitted by Section 32-2 of this Ordinance, the expansion shall be restricted to a maximum seating capacity of 400; and

- d. The expansion shall be restricted to the parcel area as it existed prior to May 1, 2006; and
- e. This use may be permitted as an accessory to a Cemetery or Memorial Garden which received site plan approval and existed on the property prior to May 1, 2006.

K. Public or Governmental Building

Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as state and county offices, post offices, public schools, and parks.

L. Public Recreation Area

An area open to the public with or without an entrance fee used primarily for recreational activities and owned by a government, institution, or non-profit organization. The following shall apply where applicable.

- 1. Only buildings that are associated with or accessory to the primary use such as but not limited to indoor recreational facilities, community centers, restrooms, locker rooms, equipment storage, maintenance buildings, open-air pavilions, accessory offices, and meeting space are permitted; and
- 2. Where there is one or more sports field, a permanent restroom is required.

M. Solid Waste Collection Site

A site for storage of garbage and recyclables collected by a contractor or other authorized haulers. The following shall apply where applicable.

- 1. In Huntingtown and Prince Frederick Town Centers, provided that the solid waste collection site does not exceed 100 square feet in size.

N. Treatment Facility, Wastewater

A facility used for the treatment of industrial or domestic wastewater. The following shall apply where applicable.

- 1. In the WCD, wastewater treatment facilities are only allowed when necessary to address public health and safety.

O. Treatment Facility, Water

Facilities within the water supply system that can alter the physical, chemical, or bacteriological quality of the water. The following shall apply where applicable.

- 1. In the WCD, water treatment facilities are only allowed when necessary to address public health and safety.

18-13 TEMPORARY

The definitions for each use are included below. Where the use is listed in the use tables of Article 18 as "C" or "SC", the applicable conditions are listed below the definition.

A. Classroom Relocatable

A structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction, not constructed with a permanent foundation and which cannot remain permanently on the site. The following shall apply where applicable.

- 1. Classroom relocatables are permitted as a temporary accessory use to any institutional use; and
- 2. No temporary structure may be placed within a parking lot that causes the minimum number of spaces required by this Ordinance to be reduced below the required amount or alter vehicular circulation.

B. Construction-Related and Sales or Rental Temporary Structures

The following construction-related uses and temporary uses related to sales or rental activities are permitted on active construction and sales or rental sites.

1. Model Home/Model Unit

A residential dwelling or commercial space temporarily used for display purposes as an example of dwelling units or commercial space available for sale or rental in a development. The following shall apply where applicable.

- a. For residential subdivisions (sale of single-family, duplex, or townhouse developments):
 - i. A model home shall be closed after 90% of the lots or units are sold or rented; and
 - ii. The model home shall only be used for the sale or rental of units within the development in which it is located.
- b. For multi-family, mixed-use developments, and non-residential developments:
 - i. One or more units within the development may be used for model units for sale or rental within the development, whether residential units or commercial spaces as applicable; and
 - ii. All model unit(s) shall be closed within 30 days after the sale or lease of the last unit or space of the development. In a mixed-use development, the residential model unit shall be closed with the sale or rental of the last unit, and a commercial model unit shall be closed with the sale or lease of the last commercial space.

2. Real Estate Project Sales Office

A temporary structure or unit(s) within a development that is temporarily used for sales or rental offices for dwellings within the development. The following shall apply where applicable.

- a. A development is limited to one temporary stand-alone real estate sales office, which cannot exceed 1,000 square feet in gross floor area and cannot be located in any required setback. There is no limit to the number or size of temporary real estate offices within the development structure itself; and
- b. All standalone real estate sales offices shall be closed and removed within 30 days after the sale or rental of the last unit of the development. Real estate sales offices within the development shall be closed within 30 days after the sale or rental of the last unit of the development.

3. Temporary Contractor's Office and Contractor's Yard

A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project. The following shall apply where applicable.

- a. A construction site is limited to one temporary stand-alone contractor's office, which cannot exceed 1,000 square feet in gross floor area and cannot be located in any required setback; and
- b. The temporary contractor's office and contractor's yard shall be removed within 30 days of completion of the construction project; and
- c. Temporary contractor yards shall be screened on all sides by a fence a minimum of six feet to a maximum of eight feet in height. Barbed wire fence is prohibited. Fencing is not required on shared lot lines or parcel lines if the abutting lot or parcel also has a fence or other barrier that prohibits entry onto the lot or parcel. In no instance can vegetation be used to substitute for fencing.

C. Emergency Manufactured Home or Recreational Vehicle

In case of fire or other disaster that was not intentionally caused by the owner and that destroys the livability of a residence, the Zoning Officer may issue a permit for one manufactured home or recreational vehicle to serve as a temporary shelter on the premises. If such temporary use exceeds six months, the Zoning Officer may approve an extension of such timeframe.

D. Food Truck

A motor vehicle or a food trailer designed and equipped to sell food or beverages directly to consumers. It does not include wholesale food distributors. This use does not apply to food sales from food trucks parked at events including but not limited to fairs, carnivals, festivals, public events/public assemblies on farmland, and rental facilities on farmland. The following shall apply where applicable.

1. The food truck shall be located on property with the permission of the property owner. If the food truck is scheduled to be located on the same property for three or more days per week a plot plan showing where the food trucks are located on-site shall be required and submitted with the use permit application; and

2. The food trucks shall not interfere with pedestrian or traffic flow on-site and shall not reduce the number of parking spaces required for the property.

E. Livestock Auction by a Non-Profit Organization or Farm Owner

A place of business to which the public may consign livestock for sale by auction open to public bidding conducted by non-profit organizations such as Future Farmers of America and 4-H groups, including auction sales conducted in conjunction with county, state, or private fairs, or auction sales conducted by or for a person at which livestock of such person's ownership are sold on the premises of the person. The following shall apply where applicable.

1. The property has received an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and
2. Livestock auctions by a non-profit organization or farm owner may take place no more than two times per year on a single property; and
3. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

F. Temporary Entertainment

1. Carnival, Fair, or Circus

A traveling or short-term enterprise that entertains the public and may include performances such as feats of skill or daring by humans or animals, amusement rides, exhibitions, games, food or beverage stands or any combination of attractions listed. The following shall apply where applicable.

- a. The permit for a carnival, fair, or circus is valid for a period of one event per calendar year no more than 14 days per event per site; and
- b. A County permit for the event is obtained before the event begins. The permit is to include approvals by the Health Department, Inspections & Permits Division, and the Public Safety Department.

2. Public Events/Public Assemblies on Farmland

An event held on a farm not related to farm activities. Such uses may include performing arts and concerts. This use is considered an agritourism use as it pertains to Section 18-1.Q of this Ordinance. The following shall apply where applicable.

- a. Approval from the Historic District Commission is required for properties in the Historic District and approval from the Agricultural Preservation Advisory Board is required for properties located in Agricultural Preservation Districts. Where applicable, approval from the Agricultural Preservation Advisory Board or Historic District Commission, or both if applicable, shall be required prior to special exception approval by the Board of Appeals; and
- b. No more than 12 events per year are permitted and each event is limited to a maximum timeframe of 14 days; and
- c. The sale or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and
- d. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

3. Rental Facilities on Farmland

Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties. This use is considered an agritourism use as it pertains to Section 18-1.Q of this Ordinance. The following shall apply where applicable.

- a. Approval from the Historic District Commission is required for properties in the Historic District and approval from the Agricultural Preservation Advisory Board is required for properties located in Agricultural Preservation Districts. Where applicable, approval from the Agricultural Preservation Advisory Board or

Historic District Commission, or both if applicable, shall be required prior to special exception approval by the Board of Appeals; and

b. The sale or serving of alcohol not produced on the farm is permitted for on-site consumption in accordance with the State and County alcohol laws and regulations of the Calvert County Board of License Commissioners; and

c. If the use does not have direct access to a public road the approval of an administrative variance shall be required, unless there are no affected property owners as determined by the Department of Planning & Zoning.

G. Temporary Outdoor Sales

1. Garage Sale, Yard Sale, or Estate Sale

All general sales, open to the public, conducted for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "estate," "porch," "room," "backyard," "patio," or "rummage" sale. This does not include "Market, Flea".

2. Temporary or Seasonal Outdoor Sales - General

Temporary use where goods are sold, such as, but not limited to, consignment auctions, arts and crafts, and temporary vehicle sales. Also includes the sale and/ or display of temporary seasonal retail items (e.g., fireworks stands, Christmas tree sales, etc.). This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase or outdoor storage for the commercial retail business. The following shall apply where applicable.

a. In the FFD, RCD, RND, WCD, and RD temporary or seasonal outdoor retail sales and display are only permitted in conjunction with events conducted by the following uses in any district: elementary or secondary school, college or university, or place of worship; and

b. Temporary or seasonal outdoor sales are limited to a maximum of 90 days per site (total for all events) per calendar year; and

c. A portion of a parking area may be used for temporary outdoor or seasonal sales. Permanent display structures are prohibited in parking areas. No more than 10% of the required parking area for the existing use may be used for the temporary outdoor sales and display. The sale or display area shall not be located within designated travelways; and

d. Temporary or seasonal outdoor sales shall be located at least 30 feet from any right-of-way.