

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

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**ORDINANCE**

**TO AMEND CHAPTER 285 OF THE CODE OF ST. MARY'S COUNTY, MARYLAND, BY AMENDING CHAPTER 30, TABLE 30.3.A. BASE AND ZONING DISTRICTS; AMENDING CHAPTER 31, PURPOSES OF ZONING DISTRICTS; REPEALING AND REPLACING SCHEDULE 32.1, DEVELOPMENT STANDARDS; REPEALING AND REPLACING SCHEDULE 32.2, MODIFICATIONS TO DEVELOPMENT STANDARDS; AMENDING SCHEDULE 50.4 USE CLASSIFICATIONS, USE TYPES, AND LOCATION WITHIN ZONING DISTRICTS; AMENDING SECTION 51.3, SPECIFIC REGULATIONS AND STANDARDS, USE TYPE NUMBERS 49, CORPORATE CAMPUS; 57, MAINTENANCE AND REPAIR SERVICE, MAJOR; 58, MAINTENANCE AND REPAIR SERVICE, MINOR; 63, OFFICE; 65, PERSONAL OR BUSINESS SERVICE; 75, RETAIL SALES OR SERVICE, VEHICLES; 100, BOATYARD; AND 106, MARINE TERMINAL; AMENDING SCHEDULE 75.8.1 AFFORESTATION REQUIREMENTS AND SCHEDULE 75.8.2 FOREST CONSERVATION THRESHOLDS; AND AMENDING SECTIONS 43.3, FIGURE 43.3B COMPATIBLE LAND USE RECOMMENDATIONS WITHIN THE AIRPORT ENVIRONS (AE) SUBDISTRICTS; 43.4, SITE DEVELOPMENT STANDARDS; AND 51.3.90, SPECIFIC REGULATIONS AND STANDARDS, USE TYPE NUMBER 90, COMMUNICATION TOWER, PUBLIC SAFETY OR OTHER NON-COMMERCIAL OF THE ST. MARY'S COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING THE AIRPORT ENVIRONS (AE) OVERLAY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to §4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts; and

**WHEREAS**, the St. Mary's County Planning Commission conducted a public hearing on June 24, 2019, and adopted Resolution \_\_\_\_\_ recommending this Ordinance be adopted by the Commissioners of St. Mary's County to amend the Comprehensive Zoning Ordinance of St. Mary's County; and

**WHEREAS**, a notice of a public hearing was advertised on \_\_\_\_\_, 2019, and \_\_\_\_\_, 2019, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on \_\_\_\_\_, 2019, to receive public comment and consider these amendments to the Comprehensive Zoning Ordinance of St. Mary's County; and

**WHEREAS**, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend chapter 285 of the code of St. Mary's County, Maryland, by amending chapter 30, table 30.3.a. base and zoning districts; amending chapter 31, purposes of zoning districts; repealing and replacing schedule 32.1, development standards; repealing and replacing schedule 32.2, modifications to development standards; amending schedule 50.4 use classifications, use types, and location within zoning districts; amending section 51.3, specific

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regulations and standards, use type numbers 49, corporate campus; 57, maintenance and repair service, major; 58, maintenance and repair service, minor; 63, office; 65, personal or business service; 75, retail sales or service, vehicles; 100, boatyard; and 106, marine terminal; amending schedule 75.8.1 afforestation requirements and schedule 75.8.2 forest conservation thresholds; and amending sections 43.3, figure 43.3b compatible land use recommendations within the airport environs (ae) subdistricts; 43.4, site development standards; and 51.3.90, specific regulations and standards, use type number 90, communication tower, public safety or other non-commercial of the St. Mary’s County Comprehensive Zoning Ordinance regarding the airport environs (AE) overlay,

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of St. Mary’s County, pursuant to §4-101 through §4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

**SECTION I.** Chapter 30, Table 30.3A: Base and Zoning Districts is hereby amended to read as follows:

Table 30.3A: Base and Zoning Districts

Base Districts	Zoning Districts
Rural and Residential Districts	Section: 31.1 Rural Preservation District (RPD) Section: 31.2 Rural Service Center (RSC) Section: 31.3 Rural Commercial Limited (RCL) Section: 31.4 Residential, Low Density (RL) Section: 31.5 Residential, Low Density – Transitional (RL-T) Section: 31.6 Residential, Medium Density (RM) Section: 31.7 Residential, High Density (RH) Section: 31.8 Residential, Neighborhood Conservation (RNC)
Commercial and Mixed Use Districts	Section: 31.9 Residential Mixed Use (RMX) Section: 31.10 Village Center Mixed use (VMX) Section: 31.11 Town Center Mixed use (TMX) Section: 31.12 Corridor Mixed Use (CMX) Section: 31.13 Low-Intensity Mixed-Use (MXL) Section: 31.14 Medium Intensity Mixed-Use (MXM) Section: 31.15 High Intensity Mixed-Use (MXH)
Industrial and Office Districts	Section: 31.16 Limited Commercial Industrial (LCI) Section: 31.17 Industrial (I) Section: 31.18 Office and Business Park (OBP)
Commercial Marine Districts	Section: 31.19 Commercial Marine (CM)

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

**SECTION II:** Chapter 31, Purposes of Zoning Districts is hereby amended as follows:

CHAPTER 31 ZONING DISTRICTS

Sections:

- 31.1 Rural Preservation District (RPD)
- 31.2 Rural Service Center District (RSC)
- 31.3 Rural Commercial Limited District (RCL)
- 31.4 Residential, Low-Density District (RL).
- 31.5 Residential, Low-Density – Transitional District (RL-T).
- 31.6 Residential, Medium Density District (RM).
- 31.7 Residential, High-Density District (RH).
- 31.8 Residential Neighborhood Conservation District (RNC).
- 31.9 Residential Mixed Use District (RMX).
- 31.10 Village Center Mixed Use District (VMX).
- 31.11 Town Center Mixed Use District (TMX).
- 31.12 Corridor Mixed Use District (CMX).
- 31.13 Low Intensity Mixed-Use District (MXL)
- 31.14 Medium Intensity Mixed-Use District (MXM).
- 31.15 High Intensity Mixed-Use District (MXH).
- 31.16 Limited Commercial Industrial District (LCI).
- 31.17 Industrial District (I).
- 31.18 Office and Business Park District (OBP).
- 31.19 Commercial Marine District (CM).

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

### 31.1 Purpose of the Rural Preservation District (RPD).

The regulations of Rural Preservation Districts are intended to foster agricultural, forestry, mineral resource extraction, and aquacultural uses and protect the land base necessary to support these activities. Low-density residential development in this type of district is permitted subject to performance standards that maintain the rural character of the district in recognition of the fact that a full range of public facilities is not provided or planned. The farmer has the right to farm without being restricted by neighboring residential areas. Restricted hours of operation for farm equipment, restricted odor-producing fertilizers, or mandatory noise reductions may not be imposed on farmers in an RPD zoning district. The general intent of the district is to encourage farming without undue burden on the landowner. In accordance with these intentions, the following provisions for the protection of agricultural uses will apply:

- (1) Any farm use of land is permitted.
- (2) Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.
- (3) Normal agricultural activities and operations in accordance with good husbandry practices, which do not cause bodily injury or directly endanger human health, are permitted and preferred activities, including activities that may produce normal agriculture related noise and odors.
- (4) The sale of farm products produced on the farm where the sales are made is permitted.

### 31.2 Purpose of the Rural Service Center (RSC).

The regulations for the Rural Service Center district provide for crossroads commercial, retail, and business development at designated locations within the County that have traditionally provided very localized services to support agricultural activity and serve rural residents. The RSC designation provides sites for infill development at commercial nodes in the rural areas, consistent with the Comprehensive Plan. Mapped locations are at crossroads in Avenue, Budds Creek, Dameron, Helen, Oraville, Park Hall, and St. James.

### 31.3 Purpose of the Rural Commercial Limited District (RCL).

The regulations for the Rural Commercial Limited District accommodate existing, small-scale commercial uses serving localized markets in the County that are scattered along the highways and, in some cases, clustered at intersections. Where such existing uses are compatible in scale with the character of the rural area, and are devoted to a local market, their continued operation and opportunity for reasonable expansion is consistent with the policies of the Comprehensive Plan. RCL districts provide for the continuation and limited expansion of such uses.

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31.4. Purpose of the Residential, Low-Density District (RL).

The range of density of residential development in the Residential, Low-Density zoning district is between 1 and 5 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 1 dwelling unit per acre. The uses allowed in the RL zoning district are identified in Schedule 50.4 Use Classifications.

31.5 Purpose of the Residential, Low-Density – Transitional District (RL – T).

The range of density of residential development in the Residential, Low-Density – Transitional zoning district is between 1 and 3 dwellings per acre, except in the Critical Area where the maximum density is 2 dwelling units per acre. The residential density outside the Critical Area can be increased by 1 dwelling unit per acre by providing affordable housing. The uses allowed in the RL – T zoning district are identified in Schedule 50.4 Use Classifications.

31.6. Purpose of the Residential, Medium Density District (RM).

The range of density of residential development in the Residential, Medium Density zoning district zone is between 1 and 10 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density of more than 5 dwelling units per acre. The uses allowed in the RM zoning district are identified in Schedule 50.4 Use Classifications.

31.7. Purpose of the Residential, High-Density District (RH).

The range of density of residential development in the Residential, High-Density zoning district is between 10 and 20 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 10 dwelling units per acre. The uses allowed in the RH zoning district are identified in Schedule 50.4 Use Classifications.

31.8. Purpose of the Residential Neighborhood Conservation District (RNC).

The uses allowed in the development regulations applicable to the Residential Neighborhood Conservation zoning district are intended to preserve the character of established neighborhoods while providing opportunities for infill development that is consistent with this prevailing character. When all other standards have been met, RNC lots of record in growth areas designated in the Comprehensive Plan may be resubdivided to the base density of the RNC of 1 dwelling unit per acre. Transferable development rights are required to achieve a residential density of two dwelling units per acre in a growth area. The uses allowed in the RNC zoning district are identified in Schedule 50.4 Use Classifications.

31.9 Purpose of the Residential Mixed Use District (RMX).

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The regulations for the Residential Mixed Use District provide opportunities for residential, office, personal, and business development and services subject to standards that will ensure land use compatibility with adjacent residential areas. The range of density of residential development in the Residential Mixed Use zoning district zone is between 1 and 10 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density of more than 5 dwelling units per acre. The uses allowed in the RMX zoning district are identified in Schedule 50.4 Use Classifications.

#### 31.10 Purpose of the Village Center Mixed Use District (VMX).

The regulations for the Village Center Mixed Use District provide opportunities for residential development and compatible commercial development at locations and at a scale designated by the Comprehensive Plan as village centers. This district is not intended to create an urban character. The range of density of residential development in the VMX zoning district is between 1 and 5 dwelling per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 1 dwelling unit per acre. The uses allowed in the VMX zoning district are identified in Schedule 50.4 Use Classifications.

#### 31.11 Purpose of the Town Center Mixed Use District (TMX).

The regulations for the Town Center Mixed Use District provide opportunities for residential and commercial development within town centers, consistent with the Comprehensive Plan. Standards are intended to create an urban character and make the core area safe, pedestrian friendly, and visually attractive. The range of density of residential development in the TMX zoning district is between 1 and 5 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 1 dwelling unit per acre. The uses allowed in the TMX zoning district are identified in Schedule 50.4 Use Classifications.

#### 31.12. Purpose of the Corridor Mixed Use District (CMX).

The Corridor Mixed Use District provides sites for a broad range of uses within transportation corridors in growth areas, consistent with the Comprehensive Plan. Standards are intended to accommodate auto oriented uses but also create a viable, visually attractive environment. The range of density of residential development in the CMX zoning district zone is between 1 and 15 dwellings per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 1 dwelling unit per acre. The uses allowed in the CMX zoning district are identified in Schedule 50.4 Use Classifications.

#### 31.13. Purpose of the Low Intensity Mixed-Use District (MXL).

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The uses allowed in and development regulations for development in the Low Intensity Mixed-Use zoning district are intended to allow residential, office uses, integrated work spaces, personal and business services, minor product development and evaluation companies, audio visual, information technology, and electronic surveillance security and monitoring companies that are compatible with adjoining residential uses. Mixed-use non-residential developments and mixed-use developments of residential and non-residential uses are possible. The range of residential density is between 1 and 20 dwelling units per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 5 dwelling units per acre. The uses allowed in the MXL zoning district are identified in Schedule 50.4 Use Classifications.

31.14. Purpose of the Medium Intensity Mixed-Use District (MXM).

The uses allowed in and development regulations for development in the Medium Intensity Mixed-Use zoning district are intended to create large-scale and clustered commercial and residential uses adjacent to existing or planned principal transportation corridors. Mixed-use non-residential developments and mixed-use developments of residential and non-residential uses are possible. The range of residential density is between 1 and 25 dwelling units per acre. Transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 5 dwelling units per acre. The uses allowed in the MXM zoning district are identified in Schedule 50.4 Use Classifications.

31.15. Purpose of the High Intensity Mixed-Use District (MXH).

The uses allowed and development regulations applicable to the High-Intensity Mixed-Use zoning district are intended to create areas of urban character. The design of buildings, landscaping, and public spaces will form a visually attractive and functional urban environment for people to live, work, eat, shop, enjoy recreation, and congregate. Mixed-use non-residential developments and mixed-use developments of residential and non-residential uses are possible. The range of residential density is between 7 and 30 dwelling units per acre. The use of transferable development rights (TDRs) or providing units of affordable housing is required to achieve residential density greater than 7 dwelling units per acre. The uses allowed in the MXH zoning district are identified in Schedule 50.4 Use Classifications.

31.16. Purpose of the Limited Commercial Industrial District (LCI).

The Limited Commercial Industrial zoning district is intended for low-occupancy commercial and industrial uses appropriate for location within the AICUZ. The LCI zoning district provides property owners a range of economically viable uses that are appropriate for locations within or adjacent to the AICUZ. The uses allowed in the LCI zoning district are identified in Schedule 50.4 Use Classifications.

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31.17. Purpose of the Industrial District (I).

The Industrial zoning district allows industrial use, office uses, and integrated work spaces, minor product development and evaluation companies, audio visual, information technology, and electronic surveillance security and monitoring companies. The uses allowed in the I zoning district are identified in Schedule 50.4 Use Classifications.

31.18 Purpose of the Office Business Park Zoning District (OBP)

The Office Business Park zoning district provides sites for offices, integrated work spaces, research and development facilities, minor product development and evaluation companies, audio visual, information technology, and electronic surveillance security and monitoring companies, limited industrial facilities, and supporting commercial uses. No residential uses are permitted in this zoning district. The uses allowed in the OBP zoning district are identified in Schedule 50.4 Use Classifications.

31.19. Purpose of the Commercial Marine District (CM).

The Commercial Marine zoning district allows marine sales and services, including marinas, dry storage for vessels and boats, boat-yards and vessel-yards, vessel and boat and equipment sales and rentals, marine-related retail sales, yacht clubs, visitor accommodations, food and beverage sales and eating and drinking establishments. The uses allowed in the CM zoning district are identified in Schedule 50.4 Use Classifications.

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**SECTION III:** Schedule 32.1, Development Standards is hereby repealed and replaced with Attachment 1:

Schedule 32.1 Development Standards

Residential Medium Density **RM**; Mixed-use Low Intensity **MXL**; Mixed-use Medium Intensity **MXM**; Mixed-use High Intensity **MXH**; and Limited Commercial / Industrial **LCI**

are the new zoning districts created for the Lexington Park Development District

	RPD	RSC	RCL	RNC	RL-T	RL	<b>RM</b>	RH	RMX	VMX	TMX	CMX	<b>MXL</b>	<b>MXM</b>	<b>MXH</b>	<b>LCI</b>	I	OBP	CM
<b>Residential Density</b>																			
Base Density Units per Acre	1 du / 5 acres Notes 1 & 2	None Note 4	None Note 4	1 du / 1 acre	1 du / 1 acre Note 5	1 du / 1 acre	<b>1 to 5 du / 1 acre</b>	1 to 10 du / 1 acre	1 du / 1 acre	1 du / 1 acre	1 du / 1 acre	1 du / 1 acre	<b>1 to 5 du / 1 acre</b>	<b>1 to 5 du / 1 acre</b>	<b>1 to 7 du / 1 acre</b>	<b>None</b>	None	None	None Note 4
Maximum Density Units per Acre See Table 32.2 for methods to increase density	1 du / 3 acres Note 3	None	None	2 du / 1 acre Note 6	3 du / 1 acre Note 5	5 du / 1 acre	<b>10 du / 1 acre</b>	20 du / 1 acre	5 du / 1 acre	5 du / 1 acre	5 du / 1 acre	15 du / 1 acre	<b>20 du / 1 acre</b>	<b>25 du / 1 acre</b>	<b>30 du / 1 acre</b>	<b>None</b>	None	None	None
Increase over base density for providing affordable housing units	None	None	None	None	1	1	<b>1</b>	1	1	1	1	1	<b>1</b>	<b>1</b>	<b>1</b>	<b>None</b>	None	None	None
<b>Development Intensity: Floor Area Ratio per Acre</b>																			
Base Floor Area Ratio	0.05	0.10	0.25	0.10	0.10	0.10	<b>0.10</b>	0.30	0.20	0.20	0.30	0.40	<b>0.50</b>	<b>0.60</b>	<b>0.70</b>	<b>0.30</b>	0.40	0.40	0.20
Maximum Floor Area Ratio See Table 32.2 for methods to increase FAR	0.15	0.30	0.30	0.15	0.20	0.20	<b>0.25</b>	0.30	0.35	0.45	0.60	0.50	<b>0.65</b>	<b>0.75</b>	<b>0.85</b>	<b>0.45</b>	0.60	0.50	0.30
<b>Minimum Lot Dimensions</b>	Minimum lot dimensions may vary from these standards within cluster development: See Section 32.3.3																		
Minimum Lot Area	None	None	None	None	None	None	<b>None</b>	None	None	None	None	None	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	None	None	1 acre
Width in feet	150	None	None	75	75	75	<b>None</b>	None	None	80	80	None	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	100	100	None
Depth in feet	160	None	None	100	100	100	<b>60</b>	60	None	100	100	None	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	200	200	None
Frontage in feet	75	None	None	50	50	50	<b>None</b>	None	None	50	50	None	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	None	None	None

	RPD	RSC	RCL	RNC	RL-T	RL	RM	RH	RMX	VMX	TMX	CMX	MXL	MXM	MXH	LCI	I	OBP	CM	
<b>Principal Structure Setbacks Notes 7, 8</b>																				
Minor Collector or Lesser	25	25	25	25 Note 9	25	25	25	25	25	25	25	20	25	20	5	20	25	25	25	
Major Collector	35	35	35	35 Note 9	35	35	35	35	35	35	35	30	35	30	10	30	35	35	35	
Arterial	50	50	50	50 Note 9	50	50	50	50	50	50	50	50	50	50	50 / 10 Note 10	50	50	50	50	
Side Note 11	15	15	15	10	10	10	10	10	15	15	15	10 Note 12	20	10	10	10	25	20	25	
Rear Note 11	20	20	20	20	20	20	20	20	25	25	25	20 Note 12	30	20	20	20	25	25	25	
Minimum separation between detached principal structures on a site	Zero side setbacks are allowed when (1) fire rated walls are provided and (2) site access design provides an unobstructed route for emergency vehicles to the rear yard.																			
<b>Other Requirements</b>																				
Maximum footprint of a Commercial Structure on a site by right in square feet	5,000	10,000	15,000	5,000	20,000	20,000	None	None	20,000	15,000	30,000	50,000	30,000	40,000	50,000	50,000	None	50,000	None	
Maximum footprint of a Commercial structure on a site with purchase of TDRs	7,000 Note 13 for Auction House	12,000	25,000	7,000	24,000	24,000	None	None	26,000	25,000	50,000	60,000 Note 14	60,000 Note 14	60,000 Note 14	60,000 Note 14	60,000 Note 14	None	60,000 Note 14	None	
Added square feet per TDR	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	2000	None
Maximum Height Notes 15, 16, 17, 18	40 Note 19	40 Note 19	40 Note 19	40 Note 19	40 Note 19	40 Note 19	75	75	40 Note 19	40 Note 19	40 Note 19	100	100	100	100	100	100	100	60	

	RPD	RSC	RCL	RNC	RL-T	RL	RM	RH	RMX	VMX	TMX	CMX	MXL	MXM	MXH	LCI	I	OBP	CM
Minimum Landscaping percent of site area	None	15%	15%	20%	None	None	15%	15%	20%	20%	20%	20%	10%	20%	20%	20%	20%	20%	20%
<b>Minimum Open Space Note 20</b>																			
Useable Open Space for Public, Semi-public, or Commercial Use classifications as percent of development envelope	5%	None	None	None	5%	5%	5%	5%	5%	5%	2%	2%	5%	5%	10%	5%	2%	5%	None
Useable Open Space in square feet per residential unit in developments with 25 or more	2000	None	None	None	2000	2000	200	200	2000	200	200	200	200	200	200	200	None	None	None
Undeveloped Open Space	50%	None	None	50%	50%	50% Note 20	50% Note 20	50% Note 20	50% Note 20	20%	15%	20%	None	None	None	None	None	None	None

Notes

1. TDR(s) required after initial residential lot or dwelling per Section 26.4.5.
2. **Five acres are necessary for the first lot or dwelling. Ten acres are required for any lot or dwelling after the first lot or dwelling, Section 26.4.5.**
3. **For RPD properties located in a Rural Legacy Area: Land zoned RPD which is designated as a Rural Legacy Area by the Maryland Rural Legacy Board shall not be developed to a density greater than one (1) dwelling unit per five (5) acres of gross area Section 26.2.2.b.**
4. One single-family dwelling is permitted per site.
5. Density in the RL-T in the Critical Area shall not exceed 1 dwelling per 2 acres.
6. The increase in density of one dwelling unit per acre with the purchase of TDRs is only available in growth areas: development districts, village centers, and town centers.

7. Lots fronting on roads identified as existing or future Arterial Roads in the 2020 Transportation Plan in the Comprehensive Plan shall meet the 50 foot setback.
8. Permitted obstructions in required yards are described in Section 61.7, Yards Requirement
9. In the RNC District, setback averaging, as defined in Chapter 91 Rules for Measurement, may be used to determine front yard requirements.
10. On Great Mills Road (Route 246), from Route 235 to Saratoga Street the minimum front yard setback is 10 feet and the maximum shall be 25 feet.
11. Modification of Side or Rear Setback requirements defined in Section 61.7.4. Minimum Accessory structure setback shall be 5 feet from a side or rear lot line.
12. In CMX, 50 feet shall be added to a rear and/or side yard setback where the abutting property is an RL or RNC zone, and the required buffer yard shall be twice the depth and planted with a "C" buffer.
13. Auction houses may be increased to 20,000 square feet with TDRs in the RPD.
14. A building in the Lexington Park Development District and Leonardtown Development District may increase its footprint above 60,000 square feet with additional TDRs. An additional 1,000 square feet of building footprint area may be added for each additional TDR.
- 15. The height of all structures will be reviewed for compliance with Chapter 43 AICUZ and AE height limitations.**
16. Structures with a building height over 45 feet must have a sprinkler system.
17. The height of communication towers is regulated by the provisions of Chapter 51 and is exempt from the height limitations of Section 32.1.
18. Existing buildings constructed as of May 8, 2007, are not considered to be a non-conforming building height.
19. Principal structures may be erected to a maximum height of 50 feet when the side and rear yards are increased 1 foot for each foot of height in excess of the height restrictions for the zone.
20. Minimum undeveloped open space may be reduced in these zones per Section 32.3.4: Alternative Open Space Standards in the RL, **RM**, RH, and RMX Zones.

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**SECTION IV:** Schedule 32.2, Modifications to Development Standards is hereby repealed and replaced with Attachment 2:

### Schedule 32.2 Modifications to Development Standards

Residential Medium Density **RM**; Mixed-use Low Intensity **MXL**; Mixed-use Medium Intensity **MXM**; Mixed-use High Intensity **MXH**; and Limited Commercial / Industrial **LCI**

are the new zoning districts created for the Lexington Park Development District

		RPD	RSC	RCL	RNC	RL-T	RL	<b>RM</b>	RH	RMX	VMX	TMX	CMX	<b>MXL</b>	<b>MXM</b>	<b>MXH</b>	<b>LCI</b>	I	OBP	CM
<b>Methods for Achieving Residential Density Increase</b>																				
Base Density Increase	Affordable Housing / units per acre	None	None	None	None	1.00	1.00	<b>1.00</b>	1.00	1.00	1.00	1.00	1.00	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>None</b>	None	None	None
	Increase in units per acre with purchase of TDRs	<b>Notes 1, 2, 3</b>	None	None	<b>1 Note 4</b>	<b>2 Note 5</b>	4	<b>5</b>	10	4	4	4	14	<b>19</b>	<b>20</b>	<b>23</b>	<b>None</b>	None	None	None
<b>Methods for Achieving Floor Area Ratio Increase</b>																				
Added square feet with TDRs or percent increase LEED Certification: total square footage may not exceed maximum FAR	Added square feet per TDR	2,000	2,000	2,000	2,000	NA	2,000	<b>2,000</b>	2,000	2,000	2,000	2,000	2,000 Note 6	<b>2,000 Note 6</b>	<b>2,000 Note 6</b>	<b>2,000 Note 6</b>	<b>2,000</b>	None	2,000 Note 6	2,000
	FAR Increase for LEED Certified Site or Building Design	None	None	None	None	None	None	<b>0.05</b>	0.05	0.02	0.05	0.05	0.05	<b>0.05</b>	<b>0.05</b>	<b>0.05</b>	<b>0.05</b>	0.05	0.05	None
	FAR increase for LEED Silver Certified Site or Building Design	0.03	0.05	0.05	None	0.05	0.03	<b>0.10</b>	0.10	0.05	0.10	0.10	0.10	<b>0.10</b>	<b>0.10</b>	<b>0.10</b>	<b>0.10</b>	0.10	0.10	None
	FAR increase for LEED Gold Certified Site or Building Design	0.05	0.10	0.10	None	0.10	0.10	<b>0.15</b>	0.15	0.20	0.15	0.15	0.15	<b>0.15</b>	<b>0.15</b>	<b>0.15</b>	<b>0.15</b>	0.15	0.15	None

Notes

**1. TDR(s) required after initial residential lot or dwelling per Section 26.4.5.**

**2. Five acres are necessary for the first lot or dwelling. Ten acres are required for any lot or dwelling after the first lot or dwelling. Section 26.4.5.**

**3. For RPD properties located in a Rural Legacy Area: Land zoned RPD which is designated as a Rural Legacy Area by the Maryland Rural Legacy Board shall not be developed to a density greater than one (1) dwelling unit per five (5) acres of gross area Section 26.2.2.b.**

**4. The increase in density of one dwelling unit per acre with the purchase of TDRs is only available in growth areas: development districts, village centers, and town centers.**

**5. Density in the RL – T in the Critical Area shall not exceed 1 dwelling acre per 2 acres.**

**6. A building in the Lexington Park Development District and Leonardtown Development District may increase its footprint above 60,000 square feet with additional TDRs. An additional 1,000 square feet of building foot print area may be added for each additional TDR.**

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

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**SECTION V:** Schedule 50.4 Use Classifications, Use Types, and Location within Zoning Districts is hereby repealed and replaced with Attachment 3:

Schedule 50.4 Use Classifications

P	Use is permitted in accordance with Chapter 51 General Standards
L	Use is permitted in accordance with Chapter 51 General and Limited Standards
C	Use is permitted in accordance with Chapter 51 General and Conditional Standards
A	Use is permitted as accessory to an allowable use (1.2.4.b: Accessory type uses on vacant lots may be permitted as principal structures subject to the provisions of this ordinance and the zoning district in which the property is located.)
PD	Use is permitted only within a Planned Unit Development subject to the review, conditions, and approval of the Commissioners of St. Mary’s County
-	Use is prohibited within the zone
RCA	Use may be allowed in the Resource Conservation Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
LDA	Use may be allowed in the Limited Development Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
IDA	Use may be allowed in the Intensely Developed Area Overlay in accordance with the provisions of this Ordinance only if use is allowed in the base zoning district.
X	In the Critical Area, new non-maritime industries may be permitted only in the IDA and then only if the facility or activity demonstrates that there will be a net improvement in water quality to the adjacent body of water.
<b>AICUZ</b>	<b>Non-residential uses allowed in the Air Installation Compatible Use Zone overlay are indicated with the maximum floor area ratio that is allowed for that use. Permitted residential uses are indicated by the Accident Potential Zone designation where they are allowed.</b>
<b>APZ-1</b>	
<b>APZ-2</b>	

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	<b>RM</b>	RH	RNC	RMX	VMX	TMX	CMX	<b>MXH</b>	<b>MXM</b>	<b>MXL</b>	<b>LCI</b>	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
<b>Agriculture Uses</b>																							
1	Agricultural Industry, Major	High	C	C	-	-	-	⚡	-	-	-	C	C	-	⚡	⚡	⚡	⚡	P	-	-	LDA IDA	<b>APZ-2 (0.56)</b>
2	Agriculture Industry, Minor	High	P	P	-	-	-	⚡	-	-	-	P	P	-	⚡	⚡	⚡	⚡	P	-	-	RCA LDA IDA	<b>APZ-2 (0.56)</b>

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
3	Animal Husbandry	Low	P	P	-	P	P	⚡	-	-	-	-	-	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IDA	APZ-2 (0.56)
4	Aquaculture	Low	P	-	-	L	L	⚡	-	L	L	L	L	-	⚡	⚡	⚡	⚡	P		P	RCA LDA IDA	APZ-2 (0.56)
5	Crop Production and Horticulture	Low	P	P	P	P	P	⚡	-	-	P	P	P	P	⚡	⚡	⚡	⚡	P	P		RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
6	Farmer's Market	Low	P	P	P	P	P	⚡	P	P	P	P	P	P	⚡	⚡	⚡	⚡	P	P	P	RCA LDA IDA	APZ-2 (0.24)
7	Auction House	Low	C	-	-	-	-	⚡	-	-	-	-	-	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
8	Roadside Stand	Low	P	P	P	P	P	⚡	P	P	P	P	P	P	⚡	⚡	⚡	⚡	P	P	P	RCA LDA IDA	APZ-2 (0.24)
9	Silviculture	Low	P	P	P	P	P	⚡	P	P	P	P	P	P	⚡	⚡	⚡	⚡	P	P	P	RCA LDA IDA	APZ-1 (0.01) APZ-2 (0.02)
10	Equestrian Facility, Major	Low	C	-	-	C	C	⚡	-	-	-	C	C	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
11	Equestrian Facility, Minor	Low	P	-	-	L	L	⚡	-	L	-	P	P	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
12A	Distillery	High	P	P	-	P	-	⚡	-	-	-	P	P	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IDA	APZ-2 (0.56)
12B	Winery	High	P	P	-	-	-	⚡	-	-	-	P	P	-	⚡	⚡	⚡	⚡	-	-	-	RCA LDA IPA	APZ-2 (0.56)

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
12C	Farm Brewery	High	P	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	-	-	-	RCA LDA IPA	APZ-2 (0.56)
13	Agricultural Tourism	Low	A	A	A	A	A	!	-	-	A	A	A	A	!	!	!	!	A	A	-	RCA LDA IDA	APZ-2 (0.22)
<b>Residential Uses</b>																							
14	Dwelling Unit, Attached	High	L	-	-	L	P	P	P	-	P	P	P	P	P	P	P	!	-	-	-	RCA LDA IDA	-
15	Dwelling Unit, Detached	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	!	-	-	P	RCA LDA IDA	APZ-2
16	Dwelling Unit, Multi-Family Residence	High	-	-	-	-	P	P	P	-	P	P	P	P	P	P	P	!	-	-	-	LDA IDA	-
17	Group Home	Low	L	A	A	P	P	P	P	P	P	P	P	P	P	P	P	!	-	-	A	RCA LDA IDA	APZ-2
18	Halfway House	Low	C	-	-	C	C	C	C	-	C	L	L	L	L	L	L	!	-	-	-	LDA IDA	APZ-2
19	Institutional Residence	High	A	-	-	L	L	L	P	-	-	P	P	-	P	P	P	!	-	-	-	LDA IDA	-
20	Mobile Home	Low	P	-	-	L	L	L	-	-	-	-	-	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-2
21	Mobile Home Park or Subdivision	High	-	-	-	-	PD	PD	PD	-	-	-	-	-	!	!	!	!	-	-	-	LDA IDA	
22	Residential Services	High	C	-	-	C	C	P	P	-	-	L	L	P	P	P	P	!	-	-	-	LDA IDA	
23	Single-room Occupancy Units	High	-	-	-	-	-	!	-	-	P	P	P	P	P	P	P	!	-	-	-	LDA IDA	-

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	<b>RM</b>	RH	RNC	RMX	VMX	TMX	CMX	<b>MXH</b>	<b>MXM</b>	<b>MXL</b>	<b>LCI</b>	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
<b>Public and Semi-Public Use Classifications</b>																							
24	Burial Grounds	Low	P	A	A	P	P	<b>P</b>	A	A	A	P	P	A	<b>A</b>	<b>A</b>	<b>A</b>	<b>P</b>	A	A	-	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
25	Clubs or Lodges	High	C	P	P	C	C	<b>C</b>	C	C	C	P	P	P	<b>P</b>	<b>P</b>	<b>C</b>	<b>!</b>	-	-	A	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
26	Cultural Institutions	Low	C	C	C	-	-	<b>C</b>	C	-	P	P	P	P	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	A	A	A	LDA IDA	-
27	Day Care Facility, Medical	Low	-	-	-	P	P	<b>P</b>	-	-	P	P	P	P	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	P	P	-	LDA IDA	-
28	Day Care Facility, Non-medical	Low	P	P	P	P	P	<b>P</b>	P	C	P	P	P	P	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	P	P	-	LDA IDA	-
29	Education Facility, College	High	C	-	-	C	C	<b>C</b>	C	-	C	P	P	P	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	L	L	-	LDA IDA	-
30	Education Facility, School	High	C	-	P	P	P	<b>P</b>	P	L	P	P	P	-	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	C	-	-	LDA IDA	-
31	Government Facility	High	C	P	C	C	C	<b>C</b>	C	L	P	P	P	P	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	P	P	C	LDA IDA	APZ-2 (0.24)
32	Hospital	High	-	-	-	-	-	<b>!</b>	-	-	-	L	L	-	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	-	-	-	LDA IDA	-
33	Long-term Care Facility	High	-	-	-	C	C	<b>C</b>	C	-	-	P	P	C	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	-	-	-	LDA IDA	-

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
34	Outpatient Care Center	High	-	L	L	-	-	!	-	-	P	P	P	P	P	P	P	!	-	-	-	LDA IDA	-
35	Public Recreation Facility	Low	P	-	P	P	P	P	P	L	P	P	P	P	P	P	P	P	P	P	P	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
36	Public Maintenance Facility	High	P	-	C	-	-	!	-	-	C	C	C	-	C	C	C	C	P	-	-	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
37	Public Safety Facility	High	C	C	P	L	L	L	C	L	P	P	P	P	P	P	P	P	P	C	L	LDA IDA	APZ-2 (0.24)
38	Religious Assembly	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	!	-	-	-	LDA IDA	-
39	Rural Medical Practice	High	L	P	P	-	-	!	-	-	-	-	-	-	!	!	!	!	-	-	-	LDA IDA	-
<b>Commercial Uses</b>																							
* NOTE: Any low intensity commercial use that exceeds 20,000 square feet shall be considered a high intensity use.																							
40	Adult Entertainment	High	-	-	-	-	-	!	-	-	-	-	-	-	C	!	!	C	-	-	-	LDA IDA	APZ-2 (0.16)
41	Animal Boarding	Low *	P	P	L	A	A	A	-	-	-	L	L	L	L	L	L	L	-	-	-	LDA IDA	APZ-2 (0.22)
42	Animal Hospital	Low *	L	-	L	-	-	!	-	-	L	L	L	L	L	L	L	L	P	-	-	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
43	Animal Sales and Service	Low *	P	L	P	-	-	!	-	-	L	L	L	P	L	L	L	L	-	-	-	LDA IDA	APZ-2 (0.16)
44	Campground and Day or Boarding Camp	High	C	-	-	-	-	!	-	-	-	-	-	-	C	C	C	!	-	-	C/A	LDA IDA	-

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
45	Commercial Parking Facility	High	C	A	A	A	A	A	-	-	L	L	L	P	P	P	P	P	P	-	-	IDA LDA	APZ-1 (0.28) APZ-2 (0.56)
46	Conference Facility	Low *	C	P	-	C	C	!	-	-	P	P	P	P	P	P	P	C	A	A	A	LDA IDA	-
47	Construction Materials and Equipment Storage	High	L	-	-	-	-	!	-	-	-	-	-	-	!	!	!	L	L	-	C	LDA IDA	APZ-1 (1.00) APZ-2 (2.00)
48	Convenience Store	Low *	-	L	L	-	-	!	-	-	-	P	P	P	P	P	P	P	-	P	A	LDA IDA	APZ-2 (0.16)
49	Corporate Campus	High	PD	-	-	-	-	!	-	-	-	-	-	-	P	P	!	!	-	P	-	LDA IDA	APZ-2 (0.22)
50	Fairgrounds and Flea Markets	Low *	P	P	-	-	-	!	-	-	P	P	P	P	!	!	!	!	A	A	A	LDA IDA	-
51	Financial Institution	Low *	-	P	P	-	-	!	-	-	P	P	P	P	P	P	P	P	P	P	-	LDA IDA	APZ-2 (0.22)
52	Funeral and Internment Service	Low *	C	-	-	-	-	!	-	-	P	P	P	P	P	P	P	P	-	-	-	LDA IDA	APZ-2 (0.22)
53	Golf Course	Low *	C	-	-	C	C	C	-	L	-	-	C	-	!	!	!	!	-	C	-	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
54	Laboratory	Low *	-	-	-	-	-	!	-	-	P	P	P	P	P	P	P	P	P	P	-	LDA IDA	APZ-2 (0.22)
55	Lodging, Bed and Breakfast Inn	Low *	P	P	P	P	C	C	-	-	P	P	P	P	P	P	P	!	-	-	P	RCA LDA IDA	-

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
56	Lodging, Hotel and Motel	Low *	-	-	-	-	-	!	-	-	P	P	P	P	P	P	P	!	P	P	A	LDA IDA	-
57	Maintenance and Repair Service, Major	High	L	C	C	-	-	!	-	-	L	L	L	L	L	L	L	L	P	L	A	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
58	Maintenance and Repair Service, Minor	Low *	L	P	P	-	-	!	-	-	P	P	P	P	P	P	P	P	P	-	A	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
59	Manufactured Home Sales	High	-	-	-	-	-	!	-	-	-	P	P	P	!	!	!	!	A	-	-	LDA IDA	APZ-2 (0.16)
60	Fuel Sales	Low *	-	L	L	-	-	!	-	-	-	L	P	P	P	P	!	P	A	L	A	LDA IDA	APZ-1 (0.14) APZ-2 (0.28)
61	Motor Vehicle Maintenance Service, Major	High	-	L	L	-	-	!	-	-	-	L	P	L	P	P	!	P	P	-	A	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
62	Motor Vehicle Maintenance Service, Minor	Low *	-	L	L	-	-	!	-	-	-	L	P	P	P	P	!	P	P	-	A	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
63	Office	Low *	-	P	L	-	-	!	-	-	P	P	P	P	P	P	P	P	P	P	A	LDA IDA	APZ-2 (0.22)
64	Personal Improvement Service	Low *	L	P	P	-	-	C	C	-	P	P	P	P	P	P	P	P	P	P	A	LDA IDA	APZ-2 (0.22)
65	Personal or Business Service	Low *	-	P	P	-	-	C	-	-	P	P	P	P	P	P	P	P	-	P	-	LDA IDA	APZ-2 (0.22)
66	Personal Storage	Low *	-	-	P	-	-	!	-	-	-	L	L	L	P	P	P	P	P	P	-	LDA IDA	APZ-1 (1.00) APZ-2

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
																							(2.00)
67	Recreational Facility, Major	High	PD	-	-	-	-	!	-	-	-	-	-	PD	P	P	P	C	PD	-	-	LDA IDA	-
68	Recreational Facility, Motor Sports Facilities	High	C	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	-	-	-		-
69	Recreational Facility, Minor Indoor	Low *	C	P	L	-	-	!	-	-	P	P	P	PD	P	P	P	P	PD	-	-	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
70	Recreational Facility, Minor Outdoor	High	C	L	-	-	-	C	C	-	P	-	P	L	P	P	P	P	L	-	-	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
71	Rental and Leasing	High	-	P	P	-	-	!	-	-	-	P	P	P	P	P	P	P	P	-	L	LDA IDA	APZ-2 (0.22)
72	Research and Development Service	Low *	C	-	-	-	-	!	-	-	C	L	L	L	P	P	P	P	P	P	-	LDA IDA	APZ-2 (0.22)
73	Restaurant	Low *	-	P	P	-	-	!	-	-	P	P	P	P	P	P	P	P	A	A	A	LDA IDA	-
73a	Micro-Brewery	Low *	-	P	P	-	-	!	-	-	P	P	P	P	P	P	P	P	-	-	-	LDA IDA	-
73b	Pub-Brewery	Low *	-	P	P	-	-	!	-	-	P	P	P	P	P	P	P	P	-	-	-	LDA IDA	-
74	Restaurant, Fast Food	High	-	L	C	-	-	!	-	-	-	L	L	P	P	P	P	P	-	-	-	LDA IDA	-
75	Retail Sales or Service, Vehicles	High	-	-	L	-	-	!	-	-	-	-	P	P	P	P	P	L	-	-	A	LDA IDA	APZ-1 (0.14) APZ-2 (0.28)

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
76	Retail Sales, General	Low *	-	P	P	-	-	!	-	-	-	P	P	P	P	P	P	P	-	-	-	LDA IDA	APZ-2 (0.16)
77	Retail Sales, Limited	Low *	-	P	P	-	C	C	C	-	A	P	P	P	P	P	P	P	A	A	A	LDA IDA	APZ-2 (0.16)
78	Take-Out Food and Beverage Sales	Low *	-	P	P	-	-	!	-	-	A	P	P	P	P	P	P	P	A	A	A	LDA IDA	APZ-2 (0.24)
79	Tavern	High	-	P	P	-	-	!	-	-	-	P	P	P	P	P	P	P	-	-	A	LDA IDA	-
80	Warehousing and Storage	High	-	-	-	-	-	!	-	-	-	-	-	-	!	!	!	P	P	P	-	LDA IDA	APZ-1 (1.00) APZ-2 (2.00)
81	Wholesaling and Distribution Center	High	-	-	-	-	-	!	-	-	-	-	-	P	!	!	!	P	P	-	-	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
Industrial Use																							
82	Extractive Industry	High	L	-	-	L	L	!	-	-	L	L	L	-	!	!	!	!	L	-	-	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
83	Production Industry, Custom	Low	P	L	L	-	-	!	-	-	-	L	L	L	L	L	L	L	P	-	-	IDA	APZ-1 (0.28) APZ-2 (0.56)
84	Production Industry, General	High	L	-	-	-	-	!	-	-	-	-	-	-	!	!	!	L	L	-	-	IDA	APZ-1 (0.28) APZ-2 (0.56)
85	Production Industry, Limited	High	-	-	-	-	-	!	-	-	-	-	P	P	L	L	!	L	P	L	-	IDA	APZ-1 (0.28) APZ-2 (0.56)

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
86	Slaughterhouse	High	C	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	C	-	-	IDA	APZ-2 (0.56)
87	Wrecking and Salvage	High	PD	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	P	-	-	IDA	APZ-1 (0.28) APZ-2 (0.56)
<b>Transportation, Communication, and Utility Use</b>																							
88	Airport, Landing Strip and Heliport	High	C	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	P/C	C	-	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
89	Antennae and Microwave Equipment	Low	L	L	L	L	L	!	L	L	L	L	L	L	!	!	!	!	L	L	L	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
90	Communication Tower, Public Safety or Other Non-Commercial	High	P	P	P	P	P	!	P	P	P	P	P	P	!	!	!	!	P	P	-	-	APZ-1 (0.28) APZ-2 (0.56)
91	Communication Tower, Commercial	High	C	-	C	C	C	!	-	-	-	C	C	C	!	!	!	!	C	C	-	-	APZ-1 (0.28) APZ-2 (0.56)
92	Freight Terminal	High	-	-	-	-	-	!	-	-	-	-	-	-	!	!	!	!	P	L	P	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
93	Passenger Terminal	High	-	-	-	-	-	!	-	-	-	-	P	P	!	!	!	!	P	-	-	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
94	Regional Flood and Storm Water Management Facility	High	P	P	P	P	P	!	P	P	P	P	P	P	!	!	!	!	P	P	P	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
95	Small Wind Energy System	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
96	Solid Waste Acceptance, Processing, Transfer and/or Resource Recovery Facility	High	C	-	-	-	-	⚠	-	-	-	-	-	-	⚠	⚠	⚠	⚠	L	-	-	IDA	-
97	Utility, Major	High	C	-	-	C	C	⚠	-	-	-	-	-	-	⚠	⚠	⚠	⚠	C	C	-	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
98	Utility, Minor	Low	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
<b>Marine Use</b>																							
99	Boatel (multi-level watercraft storage rack building)	High	PD	-	-	PD	PD	⚠	-	PD	-	-	PD	-	⚠	⚠	⚠	⚠	-	-	C	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
100	Boatyard	High	PD	-	-	PD	PD	⚠	-	-	-	-	PD	-	⚠	⚠	⚠	⚠	P	-	P	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
101	Charter Fishing Facility	Low	C	-	C	-	-	⚠	-	C	-	-	C	-	⚠	⚠	⚠	⚠	-	-	P	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
102	Commercial Dock	Low	L	-	A	L	L	⚠	-	L	-	-	L	-	⚠	⚠	⚠	⚠	-	-	L	RCA LDA IDA	APZ-1 (0.28) APZ-2

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
																							(0.56)
103	Dock, Ramp and / or Railway, Public	Low	P	-	-	P	P	⚡	-	L	-	-	P	-	⚡	⚡	⚡	⚡	-	-	P	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
104	Marina	High	PD	-	PD	PD	PD	⚡	-	PD	-	-	PD	-	⚡	⚡	⚡	⚡	-	-	P	LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
105	Marine Services	High	A	-	A	A	A	⚡	-	A	-	-	A	-	⚡	⚡	⚡	⚡	-	-	P	LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
106	Marine Terminal	High	PD	-	-	-	-	⚡	-	-	-	-	-	-	⚡	⚡	⚡	⚡	PD	-	C	IDA	APZ-1 (0.28) APZ-2 (0.56)
107	Seafood Industry	High	L	-	L	L	L	⚡	-	L	-	L	L	-	⚡	⚡	⚡	⚡	-	-	P	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
Accessory Use																							
108	Accessory Apartment	low	A	A	A	A	A	⚡	A	A	A	A	A	A	⚡	⚡	⚡	⚡	-	-	A	RCA LDA IDA	APZ-2
109	Automated Teller Machine (ATM)	Low	-	A	A	-	-	⚡	⚡	-	A	A	A	A	⚡	⚡	⚡	⚡	A	A	A	RCA LDA IDA	APZ-1 APZ-2
110	Bus Shelter	Low	A	A	A	A	A	⚡	⚡	A	A	A	A	A	⚡	⚡	⚡	⚡	A	A	A	RCA LDA IDA	APZ-1 APZ-2
111	Collection Receptacles for Recyclable Materials	Low	A	A	A	A	A	⚡	A	A	A	A	A	A	⚡	⚡	⚡	⚡	A	A	A	RCA LDA IDA	APZ-1 APZ-2
112	Day Care, Family Home	Low	P	P	P	P	P	⚡	P	P	P	P	P	P	⚡	⚡	⚡	⚡	P	P	P	RCA LDA	APZ-2

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
																						IDA	
113	Dock, Ramp and / or Railway, Private	Low	A	-	A	A	A	!	-	A	-	-	A	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-2
114	Dock, Ramp and / or Railway	Low	A	-	A	A	A	!	-	A	-	-	A	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
115	Drive-Through Services	High	-	A	A	-	-	A	A	-	A	A	A	A	A	A	A	A	A	A	-	RCA LDA IDA	APZ-1 APZ-2
116	Home Occupation	Low	A	A	-	A	A	A	A	A	A	A	A	A	A	A	A	!	-	-	A	RCA LDA IDA	APZ-1 APZ-2
117	Live Entertainment	High	-	A	A	-	-	!	-	-	-	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
118	On-Site Workers' Housing	Low	A	-	-	A	A	!	-	-	-	A	A	A	A	A	A	A	-	-	-	RCA LDA IDA	APZ-2
119	Accessory General	None	P	P	P	P	P	A	P	P	P	P	P	P	A	A	A	A	P	P	P	RCA LDA IDA	APZ-1 APZ-2
120	Outdoor Storage	High	-	A	A	-	-	!	-	-	-	A	A	A	A	A	A	A	A	A	A	LDA IDA	APZ-1 (1.00) APZ-2 (2.00)
121	Recreational Vehicles	None	A	A	A	A	A	A	A	A	A	A	A	A	!	!	!	!	-	-	A	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
122	Swimming Pool, Private, Non-	Low	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	RCA LDA IDA	APZ-1 APZ-2

	Use Type	Use Intensity	RPD	RSC	RCL	RL-T	RL	<b>RM</b>	RH	RNC	RMX	VMX	TMX	CMX	<b>MXH</b>	<b>MXM</b>	<b>MXL</b>	<b>LCI</b>	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
	Commercial																						
123	Stables	Low	A	A	-	A	A	!	-	A	-	A	A	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-1 (0.11) APZ-2 (0.22)
124	Charter Fishing	None	A	-	A	A	A	!	-	-	-	-	A	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-1 (0.28) APZ-2 (0.56)
<b>Temporary Use</b>																							
125	Construction Trailer / Office	N/A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA	APZ-1 (0.01) APZ-2 (0.01)
126	Sales Office / Model Home	Low	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	RCA LDA IDA	APZ-1 APZ-2
127	Shows and Events, Indoor	N/A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	RCA LDA IDA	APZ-2
128	Shows and Events, Outdoor	N/A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	RCA LDA IDA	APZ-2
129	Temporary Residence During Construction	NA	P	-	-	P	P	P	-	P	-	-	-	-	!	!	!	!	-	-	-	RCA LDA IDA	APZ-2

**Subject: Land Use** - To amend Chapter 285 of the Code of St. Mary's County, Maryland, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

**SECTION VI:** Section 51.3 Specific Regulations and Standards is hereby amended as follows:

49	<p><i>Corporate Campus.</i>                  Large office complex planned, developed and operated to serve a single corporate user in an integrated facility with special attention given to circulation, parking, utility needs, and provision of services and amenities to employees and clients. The office uses allowed on a Corporate Campus include integrated work spaces, personal and business services, minor product development and evaluation services, audio visual services, information technology, and electronic surveillance security and monitoring.</p>
57	<p><i>Maintenance and Repair Service, Major.</i>                  Establishments engaged in maintenance and repair of industrial equipment and machinery and any other repair maintenance service that provides outdoor storage and work areas in addition to interior shop space for working on agricultural equipment and implements. Use may include the sale, installation, and service of related equipment and parts. Use excludes maintenance and repair of vehicles, boats, vessels, or ships.</p>
58	<p><i>Maintenance and Repair Service, Minor.</i>                  Repair and incidental sales of supplies for appliances, office machines, home electronic equipment, bicycles, tools, small engines or garden equipment. This classification includes furniture refinishing and repair, but excludes maintenance and repair of vehicles, boats, vessels, or ships, or industrial equipment.</p>
63	<p><i>Office.</i>                  Offices of firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. An office may include integrated work spaces, personal and business services, minor product development and evaluation services, audio visual services, information technology, and electronic surveillance security and monitoring. This classification excludes financial institutions.</p>
65	<p><i>Personal or Business Service.</i>                  Establishment providing a range of support activities for services and incidental sales to persons and businesses. This classification includes, but is not limited to, barber and beauty shops, watch and jewelry repair shops, engraving studios; picture framing</p>

**Subject: Land Use** - To amend Chapter 285 of the Code of St. Mary's County, Maryland, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

	shops; shops for tailors, shoe repair, dry cleaners, locksmiths, film developing, telegraph and fax services, mail receiving and boxes, delivery services and self-service laundries. Also includes janitorial or building maintenance services, construction services, document delivery, mail receiving and distribution, drafting, blueprinting, typesetting, copying, photographic, or other similar services. The office uses allowed in Personal or Business Service include integrated work spaces, personal and business services, minor product development and evaluation services, audio visual services, information technology, and electronic surveillance security and monitoring.
75	<i>Retail Sales or Service, Vehicles.</i> Establishments engaged in the retail sale of new or used vehicles of all types of cars, trucks, recreational vehicles, motorcycles, ATV, bicycles, boats, vessels, watercraft, outboard motors. They may have showrooms or open lots for selling vehicles, may provide repair and maintenance services and may sell related parts, accessories and equipment.
100	<i>Boatyard.</i> Facility providing services for construction and repair and overhaul of watercraft. May include accessory retail sale of boats and vessels.
106	<i>Marine Terminal.</i> Commercial or industrial piers or port facility for the loading and offloading of passengers, vehicles, bulk materials, and cargo on boats, vessels, ships, tankers, or barges. Includes shipping terminals, ferry terminals, tanker ports, and barge loading facilities. (Use may be accessory to an Extractive Industry or General production industry.)

**SECTION VII:** §§ Schedule 75.8.1 Afforestation Requirements and Schedule 75.8.2 Forest Conservation Thresholds are hereby amended to read as follows:

Land Use Categories	Zoning Districts	Minimum Afforestation Ratio
Areas zoned for fewer than one dwelling unit per acre or less	RPD, RSC, RCL	20% Note 1
Areas zoned for one dwelling unit per acre or more	RNC, RL – T, RL, RM, RH, RMX, VMX, TMX, CMX, MXL, MXM, MXH	15% Note 2
Mixed-Use areas, Public / Semi-Public uses, Planned	RMX, VMX, TMX, CMX, MXL, MXM, MXH, PUD	15% Note 2

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

Unit Developments		
Commercial and Industrial Areas	RMX, VMX, TMX, CMX, MXL, MXM, MXH, LCI, I, OBP	15% Note 2

Note 1 For a tract having less than 20 percent of net tract area in forest cover prior to cutting or clearing  
 Note 2 For a tract having less than 15 percent of the net tract area in forest cover prior to cutting or clearing

Land Use Categories	Zoning Districts	Minimum Forest Conservation Threshold (Percent of Net Tract Area)
Areas zoned for fewer than one dwelling unit per acre	RPD, RSC, RCL	50%
Areas zoned for one dwelling unit per acre or more	RNC, RL – T, RL, RM, RH, RMX, VMX, TMX, CMX, MXL, MXM, MXH	20%
Mixed-Use areas, Public / Semi-Public uses, Planned Unit Developments	RMX, VMX, TMX, CMX, MXL, MXM, MXH, PUD	15%
Commercial and Industrial Areas	RMX, VMX, TMX, CMX, MXL, MXM, MXH, LCI, I, OBP	15%

**SECTION VIII:** Figure 43.3B Compatible Land Use Recommendations within the AE Subdistricts and Areas of Chapter 285 of the *Code of St. Mary's County, Maryland*, is hereby amended to read as follows:

**FIGURE 43.3.B: COMPATIBLE LAND USE RECOMMENDATIONS WITHIN THE AE SUB-DISTRICTS**

LAND USE CATEGORY	COMPATIBILITY		
	AREA 1 / 2	AREA 3	AREA 4
<b>RESIDENTIAL</b>			
Residential-other than mobile home parks, transient lodgings	D/D	B	B
Mobile home parks / mobile homes	D/D	B	B
Transient lodgings, hotels, motels	D/D	B	B
<b>PUBLIC USE AND TRANSPORTATION</b>			
Places of public assembly (nursing homes, schools, hospitals, churches, auditoriums)	D/D	B	B
Government Buildings	D/D	B	B

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

Transportation (parking, highways, bus and rail terminals, aviation terminals)	D/B	B	A
<b>COMMERCIAL AND RETAIL TRADE</b>			
Offices-business and professional	D/D	B	B
Wholesale/Retail-materials, food, hardware and farm equipment	D/D	B	B
Retail trade-general, animal-related services (grooming etc.)	D/D	B	B
Utilities	D/D	B	A
Communications (telephone, exchange stations, relay towers, transmission stations)	D/D	C	A
<b>INDUSTRIAL AND MANUFACTURING</b>			
Manufacturing - general	D/D	B	B
Agricultural (except livestock)	D/B	B	A
Livestock farming and breeding	D/B	B	A
Resource extraction (mining)	D/D	D	A
Forestry	D/D	B	A
<b>RECREATIONAL</b>			
Outdoor sports arenas	D/D	D	B
Nature exhibits, zoos	D/D	D	B
Amusement parks, resorts, camps	D/D	D	B
<b>Land Use Recommendations do not reflect an FAA standard or guideline; areas are based on FAR Part 77 and FAA Safety Zones.</b>			

**KEY TO FIGURE 43.3.B**

<b>A: CLEARLY COMPATIBLE</b>	Exposure to accident potential is such that the activities associated with the land use may be carried out with essentially no interference and no substantial loss of life and property.
<b>B: NORMALLY COMPATIBLE</b>	Exposure to accident potential is great enough to be of some concern, but density of people and structures, when properly planned, will allow the accident potential environment to be acceptable.
<b>C: NORMALLY INCOMPATIBLE</b>	The exposure to accident potential is significantly more severe so that unusual density restrictions are necessary for safety of life and property.
<b>D: CLEARLY INCOMPATIBLE</b>	The exposure to accident potential at the site is so severe, due to potential loss of life and property, that performance of land use activities is not advisable.

**SECTION IX.** §43.4. of Chapter 285 of the *Code of St. Mary's County, Maryland*, is hereby amended to read as follows:

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

#### 43.4. Site Development Standards.

1. **General Requirements.** Within the AICUZ and AE, an application for subdivision or site plan approval, conditional use approval, or variance, except for agricultural uses, shall be subject to Site Plan Review pursuant to Chapter 60 of this Ordinance, and, shall not be approved except upon receipt of evidence of filing of a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration (FAA). Where required by 14 CFR Part 77, as amended, development applications are required to document site elevations in relation to the AE Overlay Subdistrict surfaces (43.1.2.b) and the AICUZ subdistricts (43.1.2.a). An area located in more than one of the AE Overlay Subdistrict surfaces is considered to be only in the surface with the more restrictive height limitation. Documentation of site elevations shall consist of a topographic map of the site showing contours for every five feet of elevation change to illustrate the elevation above mean sea level; the location and height of any proposed buildings or structures, as well as natural features that impinge upon the AE Overlay Subdistrict surfaces; and the elevation of the aviation facility affecting the applicant's property.
  - a. *Review by Airport Manager.* Any application for subdivision approval, site plan approval, or variance within the AE overlay shall be referred to the director of the Department of Public Works and Transportation for comment on the potential impact of the proposal on aviation or airport operations or proposed expansions to the approved Airport Master Plan prior to the issuance of any approval or building permit within the AE overlay.
2. **Construction or Alteration Requiring Notice.** Zoning approval for development requires the applicant to file a "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration, (FAA) as set forth below. Zoning approval shall be conditioned upon a favorable determination from the FAA. A Notice of Proposed Construction or Alteration shall be filed by the applicant and submitted to the director of the Department of Public Works and Transportation for any project that is subject to COMAR 11.03.05.05, Notice of Construction or Alteration and Federal Aviation Regulation (FAR) Part 77.9 for:
  - a. Any construction exceeding 100 feet in height above ground level at the site;
  - b. Any construction greater in height than an AE Overlay Subdistrict surface extending outward and upward at one of the following slopes:
    - (1) 100 feet horizontal to 1 foot vertical for a horizontal distance of 20,000 feet from the nearest runway (end or side) of an airport with at least one runway more than 3,200 feet in length, excluding heliports.

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

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- (2) 50 feet horizontal to 1 foot vertical for a horizontal distance of 20,000 feet from the nearest runway (end or side) of an airport with at least one runway no more than 3,200 feet in length, excluding heliports;
  - (3) 23 feet horizontal to 1 foot vertical for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport.
- c. Any transportation routes/structure (bridges, railways, highway, waterways) for which the height of the tallest vehicle anticipated to traverse the route/structure will exceed the height of an AE Overlay Subdistrict surface extending outward and upward as set forth at Section 43.4.2.b (1)-(3) above.
  - d. The applicant shall file a Notice of Proposed Construction or Alteration with the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) Division or applicable federal law. The applicant shall forward the FAA determination letter to the St. Mary's County Airport Manager referencing the appropriate development review control number.
  - e. The applicant must notify the Maryland Aviation Administration, Office of Regional Aviation Assistance, with the FAA obstruction evaluation control number for state review.
3. **Performance Standards.** The following performance standards shall apply to all uses within the AICUZ or the AE overlay districts:
- a. No proposed development or land use shall create electrical or electronic interference with communications among aviators and/or ground control personnel.
  - b. No proposed development or land use shall make it difficult for aviators to distinguish between airport lights and other lights or cause glare in the eyes of aviators using the airport or airport facilities.
  - c. No proposed development or land use may emit smoke, fly ash, dust, steam, vapor, gases or other forms of air emissions that would impair visibility in the vicinity of the airport; otherwise interfere with the safe operation of aircraft; or endanger the landing, take-off, or maneuvering of aircraft at the airport or in the vicinity of the airport.

**SECTION X.** §51.3.90 of Chapter 285 of the Code of St. Mary's County, Maryland, is hereby

**Subject: Land Use** - To amend Chapter 285 of the *Code of St. Mary's County, Maryland*, to incorporate amendments to the text in the St. Mary's County Comprehensive Zoning Ordinance pertaining to the Lexington Park Development District and the Airport Environs (AE) Overlay District.

amended to read as follows:

90. **Communication Tower, Public Safety or Other Non-Commercial.**

a. *General Standards:*

- (1) Site plan approval shall be required.
- (2) Purpose. In balancing the interests of County residents, tower contractors, telecommunications providers and telecommunications customers, and for the general health, safety, and welfare of the public, these regulations are intended to:
  - (a) Provide for the appropriate location and development of communication towers by maximizing the use of any new and existing towers, minimizing the need for new towers, encouraging the use of alternative tower structures or tower sites, and minimizing the number of towers in the County. (Note: The term “existing towers” includes towers already constructed and in use, as well as towers submitted to the St. Mary's County Department of Land Use and Growth Management for review and approval.) The Department of Land Use and Growth Management will continuously maintain a list of existing towers, including owner points of contact, and shall make this list available to all new tower applicants; and
  - (b) Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of tower structures and antennae; and
  - (c) Minimize the adverse visual impacts of communication towers through careful siting, design, screening, and camouflage; and
  - (d) Ensure that proposed siting and development of communication towers is done in a reasonable manner, that is, not to the detriment of the zone in which it is located and not contrary to the intent of the Comprehensive Plan. The preference of the Board of County Commissioner's is for communication towers to be sited on County or other publicly owned property. If this is not technically practical or feasible, then the preference is for siting communication towers on properties zoned for commercial and industrial purposes. If the facility is proposed on property zoned residential or Rural Preservation District, the design and siting shall include measures to preserve the rural and/or residential character of the area; and

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- (e) To encourage private / public partnerships for communications facilities, where appropriate, that promote the communications needs of the County.
- (3) All communication towers, structures and equipment shall meet or exceed current standards and regulations of the FAA and the FCC. Pursuant to Federal Communications Commission Regulations 1.1301-1.1319, as amended from time to time, communication towers shall be subject to the provisions of the National Environmental Policy Act (NEPA).
- (4) Approval of proposals for tower construction shall be subject to satisfactory completion of an aeronautical study. The resulting FAA aeronautical study shall address the following:
  - (a) What impact the construction of the tower will have on the Airport's current approach minimums based on a minimum descent altitude and visibility;
  - (b) What potential impact on the planned improvements will be realized in accordance with the Airport Master Plan; and
  - (c) Assurance that the FAA Flight Procedures Branch has also made a determination of whether there is an incompatibility with the published instrument approach procedures.
- (5) The applicant shall file a Notice of Proposed Construction or Alteration with the FAA's Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) Division or applicable federal law.
  - 1. The applicant shall forward the FAA determination letter to the Airport Manager and the Department of Land Use and Growth Management, referencing the appropriate development review control number.
- (6) The applicant must notify the Maryland Aviation Administration, Office of Regional Aviation Assistance, with the FAA obstruction evaluation control number for state review.
- (7) To the extent permitted by law, no tower or equipment or antennae attached thereto shall cause localized interference with reception of television and radio broadcasts, nor shall any tower or equipment or antennae attached thereto interfere with existing lines of communication used for public safety purposes.

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- (8) Minimum site size, setbacks, and buffers shall be identical to those required for commercial communication towers.
- (9) The normal lot setbacks for each district shall apply and may be reduced pursuant to Section 61.7, where applicable.

**SECTION XI:** That the St. Mary's County Office of Law, in consultation with and subject to the approval of the County Administrator, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in these changes, as finally adopted, that are incorrect or obsolete, with no further action required by the Commissioners of St. Mary's County. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

**SECTION XII:** This Ordinance shall be effective upon the date written below.

Those voting Aye: \_\_\_\_\_

Those voting Nay: \_\_\_\_\_

Those Abstaining: \_\_\_\_\_

Date of Adoption: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**ATTEST:**

**COMMISSIONERS OF ST. MARY'S COUNTY**

\_\_\_\_\_  
 Rebecca B. Bridgett  
 County Administrator

\_\_\_\_\_  
 James R. Guy, Commissioner President

\_\_\_\_\_  
 Eric Colvin, Commissioner

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
 Michael L. Hewitt, Commissioner

\_\_\_\_\_  
 David A. Weiskopf  
 County Attorney

\_\_\_\_\_  
 Todd B. Morgan, Commissioner

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John E. O'Connor, Commissioner