

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	M X	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	[Remains Unchanged]													
LIMITED AGRICULTURAL ACTIVITY			E	E	E	E	E	E						

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

(A) Customary accessory uses permitted on residential properties include the following.

[(1) and (2) (a) remain unchanged]

(b) Keeping of farm animals in residential districts on a lot containing 3 acres or more provided no pens, stalls or runs will be located closer than 50 feet of any lot line, **UNLESS APPROVED AS A LIMITED AGRICULTURAL ACTIVITY AS PROVIDED IN § 1-19-5.310 AND §1-19-8.325.**

[(3) through (6) remain unchanged]

[(B) remains unchanged]

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.325. ~~RESERVED~~ LIMITED AGRICULTURAL ACTIVITY IN THE RESIDENTIAL DISTRICTS.

A LIMITED AGRICULTURAL ACTIVITY SHALL BE PERMITTED IN THE RESIDENTIAL DISTRICTS WHERE THE FOLLOWING PROVISIONS ARE MET:

(A) **THE KEEPING OF FARM ANIMALS IN CONJUNCTION WITH A SINGLE FAMILY RESIDENCE, ON LOTS LESS THAN 3 ACRES, SHALL BE PERMITTED IN RESIDENTIAL DISTRICTS PROVIDED THAT NO PENS, STALLS, OR RUNS WILL BE LOCATED CLOSER THAN 50 FEET OF ANY LOT LINE (SEE ALSO § 1-19-8.240).**

(B) **ALL CRITERIA IN SECTION 1-19-3.210 AND ALL OTHER PROVISIONS OF THIS CHAPTER SHALL BE MET.**

(C) **THE LIMITED AGRICULTURAL ACTIVITY SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION OR UNREASONABLE NOISE WHICH CAN BE DETECTED AT OR BEYOND THE PROPERTY LINE.**

(D) **APIARIES IN RESIDENTIAL DISTRICTS ON LOTS LESS THAN THREE ACRES SHALL MEET THE FOLLOWING CRITERIA IN ADDITION TO ALL OTHER CRITERIA IN THIS SECTION:**

(1) **THE APIARY SHALL BE LOCATED AT LEAST 10 FEET FROM ANY LOT LINE.**

(2) THE APIARY SHALL BE LOCATED BEHIND A SOLID FENCE, HEDGE, OR OTHER BARRIER THAT IS AT LEAST 6 FEET IN HEIGHT, RUNS PARALLEL TO THE PROPERTY LINE, AND EXTENDS 10 FEET BEYOND THE APIARY IN EACH DIRECTION.

(3) THE APIARY ENTRANCE SHALL BE DIRECTED AWAY FROM NEIGHBORING PROPERTIES.

(4) A WATER SUPPLY SHALL BE PROVIDED TO MINIMIZE HONEYBEES FROM SEEKING WATER OFF-SITE.

(5) APIARIES SHALL COMPLY WITH MARYLAND DEPARTMENT OF AGRICULTURE REGULATIONS AS THEY PERTAIN TO BEEKEEPING.

(6) BEEKEEPERS SHALL BE REGISTERED BY MARYLAND DEPARTMENT OF AGRICULTURE AND FAILURE TO MAINTAIN REGISTRATION WITH THE STATE CONSTITUTES A VIOLATION OF THIS SECTION.

ARTICLE XI: DEFINITIONS
DIVISION 1. DEFINITIONS
§ 1-19-11.100 DEFINITIONS.

APIARY. A COLLECTION OF ONE OR MORE BEE COLONIES.

BEE COLONY. THE BEE HIVE, INCLUDING BEES, COMBS, HONEY, AND RELATED EQUIPMENT.

AGRICULTURAL ACTIVITY, LIMITED. THE KEEPING OF FARM ANIMALS IN RESIDENTIAL DISTRICTS ON LOTS WITH LESS THAN 3 ACRES.

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.230.1 LIMITED FUNERAL ESTABLISHMENT ACCESSORY TO A SINGLE-FAMILY DETACHED DWELLING IN THE RC ZONING DISTRICT.

(A) THE PROPOSED USE MUST MEET THE DEFINITION OF LIMITED FUNERAL ESTABLISHMENT AS PROVIDED IN SECTION 1-19-11.100.

(B) THE LIMITED FUNERAL ESTABLISHMENT INCLUDES ACTIVITIES ASSOCIATED WITH THE PRACTICE OF MORTUARY SCIENCE BUT SHALL NOT INCLUDE THE PRACTICE OF FUNERAL DIRECTION AS DEFINED BY THE ANNOTATED CODE OF MARYLAND HEALTH OCCUPATIONS ARTICLE TITLE 7 MARYLAND MORTICIANS AND FUNERAL DIRECTORS ACT.

(C) THE LIMITED FUNERAL ESTABLISHMENT SHALL NOT INCLUDE ACTIVITIES ASSOCIATED WITH CEMETERY/MEMORIAL GARDEN, CREMATORIAL, STONE MONUMENT SALES, OR FUNERAL HOME.

(D) THE LIMITED FUNERAL ESTABLISHMENT SHALL BE CONDUCTED ON A MINIMUM OF 5 ACRES.

(E) MINIMUM SETBACKS AND HEIGHT ARE AS REQUIRED IN SECTION 1-19-6.100 FOR A SINGLE-FAMILY DETACHED RESIDENTIAL USE IN THE RC ZONING DISTRICT.

(F) NO RETAIL SALES OR SERVICE OTHER THAN THE PRACTICE OF MORTUARY SCIENCE SHALL BE CONDUCTED ON THE SITE.

(G) THE BUSINESS MUST BE CONDUCTED BY A FULL-TIME RESIDENT OF THE PROPERTY.

(H) ONE NONRESIDENT EMPLOYEE (FULL-TIME OR PART-TIME) IS PERMITTED TO WORK ON THE PREMISES.

(I) THERE SHALL BE NO EXTERIOR EVIDENCE OTHER THAN THE SIGN AS REQUIRED BY TITLE 10 SUBTITLE 29 CHAPTER 3, SECTION 3, CODE OF MARYLAND REGULATIONS LICENSE REQUIREMENTS FOR FUNERAL ESTABLISHMENTS TO INDICATE THE BUILDING IS BEING USED FOR ANY PURPOSE OTHER THAN THAT OF A DWELLING OR AN ACCESSORY STRUCTURE.

(J) THE OPERATION SHALL NOT CAUSE ANY ODOR, DUST, SMOKE, VIBRATION, OR NOISE THAT CAN BE DETECTED AT OR BEYOND THE PROPERTY LINE.

(K) THERE SHALL BE NO OUTSIDE STORAGE OF EQUIPMENT, MATERIAL OR STOCK.

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100 DEFINITIONS.

LIMITED FUNERAL ESTABLISHMENT. A FUNERAL ESTABLISHMENT LICENSED BY THE MARYLAND STATE BOARD OF MORTICIANS AND FUNERAL DIRECTORS, MEETING THE DEFINITION OF FUNERAL ESTABLISHMENT IN THE ANNOTATED CODE OF MARYLAND HEALTH OCCUPATIONS ARTICLE TITLE 7 MARYLAND MORTICIANS AND FUNERAL DIRECTORS ACT, AND MEETING THE CRITERIA AS PROVIDED IN SECTION 1-19-8.230.1 OF THE FREDERICK COUNTY ZONING ORDINANCE. THE LIMITED FUNERAL ESTABLISHMENT SHALL BE OPERATED BY A LICENSED MORTICIAN AS DEFINED BY THE ANNOTATED CODE OF MARYLAND HEALTH OCCUPATIONS ARTICLE TITLE 7 MARYLAND MORTICIANS AND FUNERAL DIRECTORS ACT.

ARTICLE VIII. SPECIFIC USE REGULATIONS

DIVISION 4. PERMITTED USES

§ 1-19-8.420 COMMUNICATION TOWERS.

§ 1-19-8.420.2 CRITERIA

The following design criteria shall apply to all communication towers in the GC, ORI, LI, GI, MM and non-residential MXD zoning districts as well as special exceptions in the RC and A Districts.

[(A) remains unchanged]

(B) The tower shall be utilized continuously for wireless communications. In the event the tower ceases to be used for wireless communications for a period of 6 months, the approval will terminate. **IN THE EVENT A TOWER EXISTING ON OR BEFORE NOVEMBER 26, 1999 CEASES TO BE USED FOR WIRELESS COMMUNICATIONS FOR A PERIOD OF 12 MONTHS, THE APPROVAL WILL TERMINATE. IN BOTH CASES**, the property owner shall remove the tower within 90 days after termination. The property owner shall insure the tower removal by posting an acceptable monetary guarantee with the county on forms provided by the office of the Zoning Administrator. The guarantee shall be for an amount equal to the cost estimate approved by the Zoning Administrator for the removal of the tower, plus a 15% contingency.

[(C) through (P) remain unchanged]

(Q) Communications towers in existence on the effective date of this ordinance (Ord. 99-14-241) shall not be required to comply with these provisions, except in the event they increase the height, **AND EXCEPT AS PROVIDED IN § 1-19-8.420.2(B).**

[(R) remains unchanged]

(S) **ANY COMMUNICATION TOWER LOCATED IN THE RC OR A DISTRICT THAT IS SUBJECT TO THE OPERATIVE PROVISIONS OF § 1-19-8.420.2.(B) SHALL NOT BE PERMITTED TO BE RESTORED TO SERVICE WITHOUT OBTAINING NEW SPECIAL EXCEPTION APPROVALS, INCLUDING A DEMONSTRATION OF COMPLIANCE WITH § 1-19-8.332.**

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

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(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

	Zoning Districts													
Uses	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Temporary Housing</i>														
Bed and breakfast	PS	PS	E	E	E	E	E	E	PS	PS	PS			

ARTICLE VI: DISTRICT REGULATIONS

DIVISION 2. PARKING AND LOADING

§ 1-19-6.220. PARKING SPACE REQUIREMENTS AND DIMENSIONS.

(A) *Generally.*

[(1) through (4) remain unchanged]

Type of Use	Parking Spaces Required
Temporary Housing	
Bed and breakfast	2 spaces per the primary dwelling, plus 1 space for each guestroom (see § <u>1-19-8.410</u> AND § <u>1-19-8.326</u>)

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 3. SPECIAL EXCEPTION USES

§ 1-19-8.320. GENERALLY.

General conditions for granting a special exception are outlined in § 1-19-3.210 of this Code, and specific requirements for different uses are established in this article. The following are specific conditions which will be met for each special exception. In addition, site development plan approval shall be obtained **THROUGH THE APPLICABLE REVIEW PROCESS AS PROVIDED IN § 1-19-3.300 THROUGH 1-19-3.300.4 OR AS DETERMINED BY THE ZONING ADMINISTRATOR** from the Planning Commission. These **FOLLOWING** standards apply only to special exceptions.

§ 1-19-8.326. **RESERVED BED AND BREAKFAST IN THE RESIDENTIAL ZONING DISTRICTS.**

THE FOLLOWING PROVISIONS SHALL APPLY TO BED AND BREAKFASTS IN THE RESIDENTIAL ZONING DISTRICTS.

(A) THE MAXIMUM STAY FOR GUESTS SHALL NOT EXCEED 30 DAYS DURING A PERIOD OF 6 MONTHS AND NO ONE VISIT SHALL EXCEED MORE THAN 14 CONSECUTIVE DAYS.

(B) MEAL SERVICE SHALL BE LIMITED TO OVERNIGHT GUESTS ONLY.

(C) THERE SHALL BE NO SEPARATE KITCHEN OR COOKING FACILITIES IN ANY GUESTROOM.

(D) THE USE OF AMENITIES, SUCH AS A SWIMMING POOL, SHALL BE RESTRICTED TO USE BY GUESTS OF THE ESTABLISHMENT.

(E) MINIMUM LOT SIZE AND SETBACKS SHALL BE AS PROVIDED IN SECTION 1-19-6.100 FOR A SINGLE FAMILY DWELLING IN THE DISTRICT WHERE THE USE IS ALLOWED.

(F) PARKING SHALL NOT BE LOCATED WITHIN REQUIRED SETBACK AREAS.

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 4. PERMITTED USES

§ 1-19-8.410. BED AND BREAKFAST.

The following provisions shall apply to bed and breakfast.

(A) Minimum lot area of 1 acre.

(B) The maximum stay for guests shall not exceed 30 days during a period of 6 months and no 1 visit shall exceed more than 14 consecutive days.

(C) Meal service shall be limited to overnight guests only.

(D) There shall be no separate kitchen or cooking facilities in any guestroom.

(E) The use of amenities, such as a swimming pool, shall be restricted to use by guests of the establishment.

(F) MINIMUM LOT SIZE AND SETBACKS SHALL BE AS PROVIDED IN SECTION 1-19-6.100 FOR A SINGLE FAMILY DWELLING IN THE DISTRICT WHERE THE USE IS ALLOWED.

(G) Parking shall not be located within required setback areas.

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100 DEFINITIONS.

BED AND BREAKFAST (B&B). An owner-occupied **SINGLE FAMILY DETACHED DWELLING** residence, in which primarily sleeping accommodations are provided for compensation to transient guests in not more than four guest rooms. A B&B may include the provision of meals for overnight guests only. A B&B is not a home occupation. (See *COUNTRY INN*.)

ARTICLE VI: DISTRICT REGULATIONS

DIVISION 3. SIGNS

§ 1-19-6.320. SIGNS PERMITTED AND REGULATED IN THE ZONING DISTRICT.

For the purpose of this chapter, the following sign requirements will apply, unless otherwise provided in this chapter. For uses not listed in the following table or otherwise provided in this chapter, the Zoning Administrator shall determine the permitted signage. The determination shall be based upon similarity to an existing sign type within the table below or use within this chapter.

Sign Type	Maximum Size Permitted ¹		Zoning District Permitted*	Setback From Property Line ³			Conditions Required to be Met
	Area sf = sq. feet	Height ² f (feet)		Front	Side	Rear	
[(1) Through (4) (a) remain unchanged]							
(5)	Home occupation	(2 sf)	RC and A Districts (6 f)	In district where use is permitted	1/230 ⁴	1/240 ⁴	1/240 ⁴
(5)(a)	PROFESSIONAL OFFICE AS ACCESSORY USE ON RESIDENTIAL PROPERTIES	(6 SF)	(6 F)	WHERE USE IS PERMITTED BY THIS CHAPTER	1/2	1/2	1/2
[(6) Through (13) remain unchanged]							

[Footnotes remain unchanged]

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

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X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts												
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI
<i>Commercial Amusements</i>													
[Bowling alley through Indoor sports recreation facility remain unchanged]	-	-	-	-	-	-	-	-	-	-	-	-	-
Video lottery facility	-	-	-	-	-	-	-	-	-	-	-	-	-

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 8. ~~PROHIBITION OF VIDEO LOTTERY FACILITIES RESERVED~~

§ 1-19-8.800. ~~VIDEO LOTTERY FACILITIES PROHIBITED RESERVED~~

~~No building, land or structure in any zoning district shall be used for a video lottery facility. This provision does not apply to gaming permitted under § 1-2-101 et seq.~~

~~(Ord. 05-25-386, 9-27-2005; Ord. 08-26-502, 10-14-2008)~~

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100. DEFINITIONS.

VIDEO LOTTERY FACILITY. A facility at which video lottery terminal players play video lottery terminals.

VIDEO LOTTERY TERMINAL. Any machine or other device that, on insertion of a bill, coin, token, ticket, coupon or similar item, or on payment of any consideration:

(a) Is available to play or simulate the play of any game of chance in which the results, including the options available to the video lottery terminal player, are randomly and immediately determined by the machine or other device; and

(b) By the element of chance, may deliver or entitle the video lottery terminal player who operates the machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payout is made automatically from the device or in any other manner.

VIDEO LOTTERY TERMINAL includes a machine or device:

(a) That does not directly dispense money, tokens, or anything of value to winning video lottery terminal players; and

(b) Described in this definition that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

~~VIDEO LOTTERY TERMINAL~~ does not include a machine or device that is available to play the Maryland State Lottery conducted under § 9-101 and following of the state government article of the Annotated Code of Maryland.

~~VIDEO LOTTERY TERMINAL PLAYER~~. An individual who plays a video lottery terminal in a video lottery facility.

ARTICLE VI: DISTRICT REGULATIONS

DIVISION 3. SIGNS

§ 1-19-6.310. GENERAL REGULATIONS.

The following regulations will apply to all permitted sign uses.

(A) No sign, other than an official traffic sign, will be located within the right-of-way lines of any street, except as provided in subsection (G) and subsection (I). **A SIGN ATTACHED TO A PASSENGER SHELTER AT A BUS STOP OR TRANSIT CENTER INFORMATION KIOSK IS EXEMPT FROM THIS CHAPTER.**

[B] through [I] remain unchanged]

ARTICLE III: REVIEW AND APPROVAL PROCEDURES

DIVISION 1. ZONING AMENDMENTS

§ 1-19-3.110 ZONING MAP AMENDMENTS

§ 1-19-3.110.2 APPLICATION.

(A) An application for an individual zoning map amendment or floating zone reclassification may be made by any property owner or his duly authorized agent, a contract purchaser or any other person with at least a 50% proprietary interest in the area covered by any individual zoning map amendment or floating zone reclassification application. ~~Applications for individual zoning map amendments (not including applications for floating zones), will be accepted only in the months of April and October.~~ Each individual zoning map amendment or floating zone reclassification application must cover a contiguous area.

[(B) through (D) remain unchanged]

§ 1-6A-5. REQUIREMENT TO BUILD MPDU'S; AGREEMENTS; ALTERNATIVES.

- [(A) Remains unchanged]
- [(B) Remains unchanged]
- (C) Density bonuses are permitted as part of the MPDU program in the following districts: Residential (MXD), **R1**, R3, R5, R8, R12, R16, PUD, Village Center (VC), and MX.
- [(D) through (M) remain unchanged]

§ 1-19-8.620.2. SCOPE AND REQUIREMENTS.

The provisions of this division shall apply to all residential developments consisting of 25 units or more on public water and sewer. Residential developments consisting of 25 units or more are required to provide no less than 12.5% of the total units as MPDUs. This includes all developments in VC, **R-1**, R-3, R-5, R-8, R-12, R-16 residential districts, MX, MXD, and PUD districts.

§ 1-19-8.620.3. DENSITY BONUS.

(A) Density bonuses ranging from 1% to 22% with a corresponding increase in the MPDU requirement from 12.5% to 15% are permitted in **R-1**, R-3, R-5, R-8, R-12, and R-16 residential districts, VC, MX, MXD, PUD and co-housing.

- [(B) Remains unchanged]

§ 1-19-8.620.5. LOT AREA, WIDTH AND YARD MEASUREMENTS.

Use Classification	Current Min. Lot Area	Proposed Min. Lot Area	Current Lot Width	Proposed Lot Width	Current Front Yard	Proposed Front Yard	Current Side Yard	Proposed Side Yard	Current Rear Yard	Proposed Rear Yard	Current Height	Proposed Height
<i>RESIDENTIAL ONE DISTRICT R-1</i>												
RESIDENTIAL												
SINGLE FAMILY	40,000	12,000	100	80	40	30	10	10	30	25	30	30
DUPLEX DWELLING	1ACRE	12,000**	100	80	40	30	10	10	30	25	30	30
TWO FAMILY DWELLING	2 ACRE	12,000**	150	100	40	30	15	10	30	25	30	30
<i>[Residential Three District R-3 Remain Unchanged]</i>												

* Minimum 4 ft. with minimum 10 ft. between structures.

** Minimum lot area per unit.

ARTICLE X: OPTIONAL METHODS OF DEVELOPMENT

DIVISION 4. MINERAL MINING DISTRICT (MM)

§ 1-19-10.400. MINERAL MINING (MM).

§ 1-19-10.400.1. PURPOSE AND INTENT.

THE MINERAL MINING DISTRICT (MM) IS A FLOATING ZONE ESTABLISHED FOR THE PURPOSE OF PROVIDING FOR THE DEVELOPMENT OF NEEDED MINERAL RESOURCES IN AREAS WHERE SUCH RESOURCES EXIST SUBJECT TO ADEQUATE SAFEGUARD FOR THE CONSERVATION OF THE ENVIRONMENT.

§ 1-19-10.400.2. SIZE AND LOCATION.

THE MINERAL MINING DISTRICT (MM) SHALL BE A FLOATING ZONE WHICH MAY BE ESTABLISHED WHERE SPECIFICALLY DESIGNATED ON THE COMPREHENSIVE PLAN MAP AS APPROPRIATE.

§ 1-19-10.400.3. APPROVAL CRITERIA

MINING ACTIVITIES HAVE THE POTENTIAL TO ADVERSELY IMPACT THE SURROUNDING AREA BY VIRTUE OF THE NOISE, DUST, LIGHT, GLARE, VIBRATIONS AND TRAFFIC GENERATED, AND MAY ALSO IMPACT GROUNDWATER SUPPLIES. THEREFORE, COMPLIANCE WITH OR SATISFACTION OF THE CRITERIA CONTAINED IN THIS DIVISION SHALL NOT REQUIRE THE GRANTING OF THE REQUESTED RECLASSIFICATION. BECAUSE OF THE POTENTIALLY ADVERSE IMPACT ON THE AREA, THE APPLICANT SHALL DEMONSTRATE THE FOLLOWING:

- (A) IN ADDITION TO THE CRITERIA SET FORTH IN SECTION 1-19-3.110.4, THE APPLICATION MAY BE GRANTED IF THE BOARD OF COUNTY COMMISSIONERS FINDS THAT THE PROPOSED USE CONCEPTUALLY SATISFIES THE DEVELOPMENT STANDARDS AND PROVISIONS SET FORTH IN THIS DIVISION TO DEMONSTRATE COMPATIBILITY WITH USES IN THE NEIGHBORHOOD WHERE THE PROPOSED USE IS TO BE LOCATED; AND
- (B) THE EXISTENCE OF A MINERAL DEPOSIT WHICH IS ECONOMICALLY IMPORTANT AND COMMERCIALLY VALUABLE, WHICH CAN BE EXTRACTED WITHIN THE LIMITATIONS SET FORTH BY THIS ARTICLE AND APPLICABLE STATE, FEDERAL AND LOCAL LAWS.

§ 1-19-10.400.4. REVIEW AND APPROVAL PROCEDURES

(A) PHASE I JUSTIFICATION AND FLOATING ZONE RECLASSIFICATION. THE APPLICATION SHALL BE FILED AND PROCESSED IN THE SAME MANNER AS A ZONING MAP AMENDMENT AS SET FORTH IN SECTION 1-19-10.3.110 THROUGH 1-19-3.110.6.

(B) PHASE II EXECUTION. THE PROCEDURE FOR PHASE II APPROVAL SHALL FOLLOW THE SITE DEVELOPMENT PLAN REVIEW OR SUBDIVISION PROCESS.

(C) SITE DEVELOPMENT PLAN REVIEW SHALL OCCUR IN ACCORDANCE WITH SECTION 1-19-3.300 THROUGH 1-19-3.300.4. SUBDIVISION SHALL OCCUR IN ACCORDANCE WITH COUNTY SUBDIVISION REGULATIONS.

§ 1-19-10.400.5. APPLICATION

(A) THE APPLICANT SHALL SUBMIT AN APPLICATION IN A FORMAT ACCEPTABLE TO THE ZONING ADMINISTRATOR INCLUDING:

(1) A CONCEPT PLAN IN A SIZE ACCEPTABLE TO THE ZONING ADMINISTRATOR SHOWING THE LOCATION OF ALL LOT LINES; THE GENERALIZED LOCATION, CONFIGURATION, AND DESCRIPTION OF EXISTING AND PROPOSED LAND USE AREAS INCLUDING ZONING AND COUNTY COMPREHENSIVE LAND USE DESIGNATION; THE LOCATION, USE, SIZE AND HEIGHT OF EXISTING BUILDINGS AND STRUCTURES; THE LOCATION OF ALL ROADS, PARKING LOTS, TRUCK LOADING AREAS, INTERNAL CIRCULATION PATTERNS, AND INGRESS/EGRESS DRIVES; HAUL ROUTES AND ADEQUACY THEREOF; THE LOCATION, CONFIGURATION, AND DESCRIPTION OF EXISTING LAND USES SURROUNDING THE SUBJECT PROPERTY INCLUDING ZONING AND COUNTY COMPREHENSIVE LAND USE DESIGNATION;

(2) A MINING AND RECLAMATION PLAN WHICH MEETS THE REQUIREMENTS OF MD. ANNOTATED CODE, SUBTITLE 7-6A, NATURAL RESOURCES ARTICLE;

(3) IF THE APPLICANT IS LICENSED, A COPY OF ITS MARYLAND SURFACE MINING LICENSE OR EVIDENCE OF APPLICATION FOR THE LICENSE; IF THE APPLICANT IS NOT LICENSED, A COPY OF THE LICENSE OF THE PROPOSED OPERATOR;

(4) THE APPLICANT SHALL SUBMIT A JUSTIFICATION STATEMENT DESCRIBING THE MANNER IN WHICH THE PROPOSED DEVELOPMENT WILL, AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW, COMPLY WITH THE GENERAL DEVELOPMENT STANDARDS AS SET FORTH IN 1-19-10.400.7.

§ 1-19-10.400.6. LAND USE.

MINERAL MINING, AS USED HEREIN, APPLIES TO THE EXTRACTION AND PROCESSING OF CRUSHED STONE, BUILDING STONE, SAND, CLAY, LIMESTONE, GRAVEL DEPOSITS, AND OTHER MINERALS MINED IN A QUARRY TYPE OPERATION. THE STANDARDS SET FORTH IN THIS SECTION DO NOT REGULATE OR PERMIT THE EXTRACTION OF METALLIC MINERALS, FOSSIL FUELS OR OTHER MINERALS NOT SPECIFICALLY ENUMERATED ABOVE.

(A) THE USES PERMITTED IN THE MINERAL MINING DISTRICT SHALL BE AGRICULTURAL ACTIVITIES AND FORESTRY ACTIVITIES PERMITTED IN THE AGRICULTURAL ZONE OVER WHICH THE MINERAL MINING DESIGNATION WAS ATTACHED AND THE FOLLOWING:

(1) MINERAL EXTRACTION AND PROCESSING, INCLUDING GRINDING, POLISHING, WASHING, MIXING AND SORTING, STOCKPILING, AND MANUFACTURE OF FINISHED PRODUCTS WHICH CONTAIN AT LEAST 40% OF MATERIAL DERIVED ON SITE;

(2) BORROW PITS AND RUBBLE FILLS; AND

(3) ACCESSORY USES OPERATED IN CONJUNCTION WITH THE MINERAL EXTRACTION SUCH AS BUSINESS OFFICE, CARETAKER'S OR WATCHMAN'S STRUCTURES, OR FACILITIES FOR THE REPAIR OF EQUIPMENT USED IN CONJUNCTION WITH THE MINING OPERATION.

(4) ALL ACCESSORY USES SHALL OCCUPY NO MORE THAN 25% OF THE LAND ZONED MINERAL MINING.

§ 1-19-10.400.7. GENERAL DEVELOPMENT STANDARDS

(A) THE FOLLOWING GENERAL DEVELOPMENT STANDARDS SHALL BE MET AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW IN ADDITION TO THE APPROVAL CRITERIA FOUND IN SECTION 1-19-3.300.4.

(1) *ON SITE.*

(a) MINIMUM LOT SIZE SHALL BE 25 ACRES.

(b) REQUIRED SETBACKS:

TYPE OF OPERATION:	ADJACENT ZONING:	
	RC, R, ORI, GC, MX, RR*	ADJACENT ZONING: A, GI, LI
CRUSHING OR ROCK PROCESSING OF STONE, GRAVEL OR OTHER MATERIAL	300 FT.	150 FT.
STOCKPILE OF MATERIALS	300 FT.	150 FT.
BUILDING USED FOR MINERAL MINING OPERATION	300 FT.	50 FT.

*RR IS A LAND USE DESIGNATION ON THE COUNTY COMPREHENSIVE PLAN AND FOR THE PURPOSE OF THESE STANDARDS IS INTENDED TO BE TREATED AS LAND ZONED RESIDENTIAL.

(c) BLASTING ACTIVITIES SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE OF MARYLAND, DEPARTMENT OF NATURAL RESOURCES, WATER RESOURCES ADMINISTRATION, APPLICABLE TO SURFACE MINING ACTIVITIES.

(d) BUILDING HEIGHT RESTRICTIONS. THE HEIGHT OF PRINCIPAL USE EQUIPMENT SHALL NOT EXCEED 100 FEET FROM GRADE; ACCESSORY STRUCTURES SHALL NOT EXCEED 60 FEET FROM GRADE. AGRICULTURAL BUILDINGS ARE EXEMPT FROM HEIGHT RESTRICTIONS.

(e) FRONTAGE. THE SITE SHALL HAVE A MINIMUM OF 80 FEET FRONTAGE ON A PUBLIC ROAD MEETING THE COLLECTOR STREET STANDARDS ESTABLISHED IN THE COMPREHENSIVE PLAN. ACCESS SHALL NOT BE PROVIDED BY USE OF A PANHANDLE.

(f) LOT WIDTH. THE LOT WIDTH AT THE FRONT BUILDING LINE SHALL BE A MINIMUM OF 300 FEET.

(g) OPEN SPACE/GREEN AREAS. ALL SETBACK AREAS SHALL BE LANDSCAPED AND MAINTAINED AS GREEN SPACE.

(h) EXCLUSIONS FROM SETBACKS. FENCES, RAILROAD ACCESS, WARNING SIGNS, SECURITY/NOISE BARRIERS, BERMS MAY BE LOCATED WITHIN THE SETBACK AREAS.

(i) FENCING. FENCING SHALL BE REQUIRED AROUND ALL MINERAL MINING AND ACCESSORY ACTIVITY AREAS.

(j) LIGHTING. LIGHTING SHALL BE DESIGNED AND DIRECTED SO AS NOT TO ADVERSELY IMPACT ADJOINING PROPERTIES AND SHALL BE SPECIFICALLY APPROVED DURING THE SITE PLAN APPROVAL PROCESS.

(k) ACCESS. COMMERCIAL/INDUSTRIAL ENTRANCE STANDARDS SHALL BE UTILIZED IN THE DESIGN OF ANY POINT OF ACCESS TO A PUBLIC ROAD, INCLUDING ACCELERATION AND DECELERATION LANES.

(2) OFF-SITE.

(a) THE APPLICANT SHALL ESTABLISH THAT THE ROADS SERVING THE SITE AND WHICH WILL BE UTILIZED AS HAUL ROUTES MEET THE COLLECTOR STREET STANDARDS AND ARE CAPABLE OF HANDLING THE TRAFFIC TO BE GENERATED BY THE PROPOSED ACTIVITIES.

(b) THE APPLICANT SHALL PROVIDE EVIDENCE AS TO WHAT EFFECT THE PROPOSED USE WILL HAVE ON THE GROUNDWATER SUPPLY AND QUALITY OF ALL ADJOINING PROPERTIES.

(3) **ADDITIONAL REGULATIONS.** MINERAL MINING AND ALL ACTIVITIES CONDUCTED ON SITE SHALL MEET ALL FEDERAL, STATE AND LOCAL REGULATIONS GOVERNING NOISE, DUST, AIR POLLUTANT EMISSIONS, VIBRATIONS, WATER APPROPRIATION AND DISCHARGE.

(B) **DEVELOPMENT STANDARDS FOR PROPERTY WITH EXISTING MINERAL MINING ZONING AS OF [THE EFFECTIVE DATE OF THIS ORDINANCE].**

(1) THE MINIMUM LOT SIZE FOR ALL PERMITTED USES WITHIN THE DISTRICT WILL BE 25 ACRES.

(2) ALL OPERATIONS INCLUDING STORAGE OR STOCKPILING OF EXCAVATED OR PROCESSED MATERIALS WILL BE LOCATED A MINIMUM OF 150 FEET FROM ALL PROPERTY LINES, EXCEPT LAND ZONED GI GENERAL INDUSTRIAL OR LAND UPON WHICH OTHER EXTRACTION OR PROCESSING OPERATIONS ARE BEING CONDUCTED, IN WHICH CASE THE SETBACK FROM ALL PROPERTY LINES WILL BE 50 FEET. THE REQUIRED SETBACK AREA WILL BE LANDSCAPED AND MAINTAINED AS GREEN AREA.

(3) THE PUBLIC ROAD PROVIDING ACCESS TO THE SITE WILL MEET THE MINIMUM PAVEMENT STANDARD OF A COLLECTOR STREET AS ESTABLISHED IN THE COUNTY COMPREHENSIVE PLAN.

(4) MINERAL MINING OPERATIONS SHALL CONFORM TO ALL STATE OF MARYLAND PERMITS AND OTHER APPROVALS.

§ 1-19-10.400.8. TRANSITIONAL PROVISIONS

(A) **EXISTING MINERAL MINING DEVELOPMENTS AS OF [THE EFFECTIVE DATE OF THIS ORDINANCE]:**

(1) SHALL RETAIN EXISTING APPROVALS AND CONDITIONS.
(2) AMENDMENTS TO EXISTING PHASE I OR PHASE II APPROVALS, OR EQUIVALENT EXISTING APPROVAL, RESULTING IN AN INCREASE IN INTENSITY SHALL COMPLY WITH THE PROVISIONS OF THIS DIVISION.

(B) MINERAL MINING DEVELOPMENTS WITH PHASE I BUT WITHOUT PHASE II APPROVAL AS OF [THE EFFECTIVE DATE OF THIS ORDINANCE] SHALL COMPLY WITH THE PHASE II PROVISIONS OF THIS DIVISION.

(C) MINERAL MINING OPERATIONS IN EXISTENCE AS OF [THE EFFECTIVE DATE OF THIS ORDINANCE] SHALL RETAIN EXISTING APPROVALS AND, SHALL ADHERE TO THE FOLLOWING DEVELOPMENT STANDARDS AT THE TIME OF SITE DEVELOPMENT PLAN REVIEW:

(1) THE MINIMUM LOT SIZE FOR ALL PERMITTED USES WITHIN THE DISTRICT WILL BE 25 ACRES.
(2) ALL OPERATIONS INCLUDING STORAGE OR STOCKPILING OF EXCAVATED OR PROCESSED MATERIALS WILL BE LOCATED A MINIMUM OF 150 FEET FROM ALL PROPERTY LINES, EXCEPT LAND ZONED GENERAL INDUSTRIAL (GI) OR LAND UPON WHICH OTHER EXTRACTION OR PROCESSING OPERATIONS ARE BEING CONDUCTED, IN WHICH CASE THE SETBACK FROM ALL PROPERTY LINES WILL BE 50 FEET. THE REQUIRED SETBACK AREA WILL BE LANDSCAPED AND MAINTAINED AS GREEN AREA.
(3) THE PUBLIC ROAD PROVIDING ACCESS TO THE SITE WILL MEET THE MINIMUM PAVEMENT STANDARD OF A COLLECTOR STREET AS ESTABLISHED IN THE COUNTY COMPREHENSIVE PLAN.

§ 1-19-10.400.1. PURPOSE

~~The Mineral Mining District (MM) is a floating zone established for the purpose of providing for the development of needed mineral resources in areas where such resources exist subject to adequate safeguard for the conservation of the environment.~~

§ 1-19-10.400.2. GENERAL PROVISIONS

(A) (1) The Mineral Mining District (MM) shall be a floating zone which may be established:

- (a) Where specifically designated on the comprehensive regional plan map as appropriate; and
- (b) Within the Agricultural (A) Zone. A comprehensive regional plan map which designates appropriate mineral mining areas may include further criteria for the use of those areas in addition to any requirements set forth in this section (e.g., rail hauling, prohibited truck routes, etc.).

(2) Mining activities have the potential to adversely impact the surrounding area by virtue of the noise, dust, light, glare, vibrations and traffic generated, and may also impact groundwater supplies. Therefore, compliance with or satisfaction of the criteria contained in this section shall not create a presumption of compatibility with nearby land uses, nor shall it require the granting of the requested reclassification. Because of the potentially adverse impact on the area, the applicant shall demonstrate the existence of a mineral deposit which is economically important and commercially valuable, which can be extracted within the limitations set forth by this article and applicable state, federal and local laws.

(B) *Uses permitted.*

(1) Mineral mining, as used herein, applies to the extraction and processing of crushed stone, building stone, sand, clay, limestone, gravel deposits, and other minerals mined in a quarry type operation. The standards set forth in this section do not regulate or permit the extraction of metallic minerals, fossil fuels or other minerals not specifically enumerated above.

(2) The uses permitted in the Mineral Mining District shall be agricultural activities and forestry activities permitted in the agricultural zone over which the mineral mining designation was attached and the following:

- (a) Mineral extraction and processing, including grinding, polishing, washing, mixing and sorting, stockpiling, and manufacture of finished products which contain at least 40% of material derived on site;
- (b) Borrow pits and rubble fills; and
- (c) Accessory uses operated in conjunction with the mineral extraction such as business office, caretaker's or watchman's structures, or facilities for the repair of equipment used in conjunction with the mining operation.

(3) All accessory uses shall occupy no more than 25% of the land zoned mineral mining.

(C) *Application process.*

(1) The property owner or party having interest in the land shall submit to the Zoning Administrator:

- (a) An application;
- (b) Site plan;
- (c) Mining and reclamation plan which meets the requirements of Md. Code Ann., Subtitle 7-6A, Natural Resources Article;
- (d) If the applicant is licensed, a copy of its Maryland surface mining license or evidence of application for the license; if the applicant is not licensed, a copy of the license of the proposed operator;
- (e) A copy of the application for surface mining permit and evidence of its filing with the State of Maryland;
- (f) Plans showing:

1. Compliance with the development standards set forth below; and
2. Haul routes and adequacy thereof.

(2) The application shall be filed and processed in the same manner as a zoning map amendment. The application may be granted if the Board of County Commissioners finds that the proposed use is compatible with neighborhood uses, consistent with the comprehensive development plan for the county and the region in which it is to be located, and it satisfies the development standards and criteria set forth in this section and all other applicable provisions of this chapter.

(D) *Development standards.*

(1) *On site.*

- (a) Minimum lot size shall be 25 acres.
- (b) Required setbacks:

Adjacent Zoning:		
Type of Operation	RC, R, ORI GC, MX	Adjacent Zoning: A, GI, LI
Crushing or rock processing of stone, gravel or other material	300 ft.	150 ft.
Stockpile of materials	300 ft.	150 ft.
Building used for mineral mining operation	300 ft.	50 ft.

(c) Blasting activities shall be conducted in accordance with the rules and regulations promulgated by the State of Maryland, Department of Natural Resources, Water Resources Administration, applicable to surface mining activities.

(d) *Building height restrictions.* The height of principal use equipment shall not exceed 100 feet from grade; accessory structures shall not exceed 60 feet from grade. Agricultural buildings are exempt from height restrictions.

(e) *Frontage.* The site shall have a minimum of 80 feet frontage on a public road meeting the collector street standards established in the Master Highway Plan. Access shall not be provided by use of a panhandle.

(f) *Lot width.* The lot width at the front building line shall be a minimum of 300 feet.

(g) *Open space/green areas.* All setback areas shall be landscaped and maintained as green space.

(h) *Exclusions from setbacks.* Fences, railroad access, warning signs, security/noise barriers, berms may be located within the setback areas.

(i) *Fencing.* Fencing shall be required around all mineral mining and accessory activity areas.

(j) *Lighting.* Lighting shall be designed and directed so as not to adversely impact adjoining properties and shall be specifically approved during the site plan approval process.

(k) *Access.* Commercial/industrial entrance standards shall be utilized in the design of any point of access to a public road, including acceleration and deceleration lanes.

(2) *Off site.*

(a) The applicant shall establish that the roads serving the site and which will be utilized as haul routes meet the collector street standards and are capable of handling the traffic to be generated by the proposed activities.

(b) The applicant shall provide evidence as to what effect the proposed use will have on the groundwater supply and quality of all adjoining properties.

(3) *Additional regulations.* Mineral mining and all activities conducted on site shall meet all federal, state and local regulation governing noise, dust, air pollutant emissions, vibrations, water appropriation and discharge.

(E) *Development standards for property with existing mineral mining zoning.*

(1) The minimum lot size for all permitted uses within the district will be 25 acres.

(2) All operations including storage or stockpiling of excavated or processed materials will be located a minimum of 150 feet from all property lines, except land zoned GI General Industrial or land upon which other extraction or processing operations are being conducted, in which case the setback from all property lines will be 50 feet. The required setback area will be landscaped and maintained as green area.

(3) The public road providing access to the site will meet the minimum pavement standard of a collector street as established in the Master Highway Plan.

(4) Prior to the issuance of a zoning certificate, copies of all State of Maryland permits must be submitted to the Zoning Administrator in order that any conditions placed on the permits can be incorporated into the conditions under which the zoning certificate was issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they also should be made conditions of the zoning certificate.

ARTICLE IV: REGULATIONS APPLICABLE TO ALL DISTRICTS

DIVISION 3. ACCESSORY STRUCTURES

1-19-4.300.1. LOCATION.

[(A) through (C) remain unchanged]

(D) ACCESSORY STRUCTURES ON RESIDENTIAL PROPERTIES SEE ALSO SECTION 1-19-8.240.

§ 1-19-4.300.2. ACCESSORY STRUCTURES ON RESIDENTIAL PROPERTIES RESERVED.

~~(A) An accessory structure shall be limited in size when located on a residentially zoned property to the following (See § 1-19-8.240):~~

- ~~(1) The total square footage of all floors of the accessory structure shall not exceed that of the dwelling;~~
- ~~(2) The footprint of the accessory structure may not exceed the greater of:~~
 - ~~(a) One half of the footprint of the principal dwelling; or~~
 - ~~(b) Six hundred square feet; and~~
- ~~(3) The square footage allowed for business purposes in an accessory structure shall be 600 square feet.~~
- ~~(4) Accessory structures shall not exceed 70% of the maximum height allowed for the principal permitted use, except as otherwise provided within this chapter.~~
- ~~(5) Accessory structures over 12 feet in height shall be set back at least 1 additional foot from the minimum setback for each foot of height over 12 feet.~~

ARTICLE VIII: SPECIFIC USE REGULATIONS

DIVISION 2. ACCESSORY USES

§ 1-19-8.240. ACCESSORY USES ON RESIDENTIAL PROPERTIES.

[(A) Remains unchanged]

(B) An accessory structure shall be limited in size when located on a residentially zoned property to the following:

[(1) through (3) (including graphic) remain unchanged]

(4) ACCESSORY STRUCTURES SHALL NOT EXCEED 70% OF THE MAXIMUM HEIGHT ALLOWED FOR THE PRINCIPAL PERMITTED USE, EXCEPT AS OTHERWISE PROVIDED WITHIN THIS CHAPTER.

(5) ACCESSORY STRUCTURES OVER 12 FEET IN HEIGHT SHALL BE SET BACK AT LEAST 1 ADDITIONAL FOOT FROM THE MINIMUM SETBACK FOR EACH FOOT OF HEIGHT OVER 12 FEET.

ARTICLE XI: DEFINITIONS

DIVISION 1. DEFINITIONS

§ 1-19-11.100. DEFINITIONS.

FAMILY DAY CARE HOME. A private residence in which care, protection, and supervision is provided to no more than 8 children, with no more than 2 children under the age of 2, at 1 time for a fee. This number includes the provider's children under the age of 6. This use is permitted as a home occupation with minor impact.

FAMILY CHILD CARE HOME. THE USE OF PROPERTY WHICH IS LICENSED BY THE STATE OF MARYLAND, AS A LARGE OR SMALL FAMILY CHILD CARE HOME PURSUANT TO COMAR 13A, AS AMENDED. THIS USE IS PERMITTED AS A HOME OCCUPATION WITH MINOR IMPACT.

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310. USE TABLE.

(A) *Permitted uses and required development review.*

P Principal permitted use subject to design regulations

PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4

E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following

T Permitted as temporary use as a special exception. See § 1-19-8.300

X Permitted as temporary use only. See § 1-19-8.700

SW Solid Waste Floating Zone

A blank indicates that the use is not permitted under any situation

		Zoning Districts													
Uses		RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses</i>															
Farm winery tasting room	PS ***	PS ***													
Farm brewery tasting room	PS ***	PS ***													