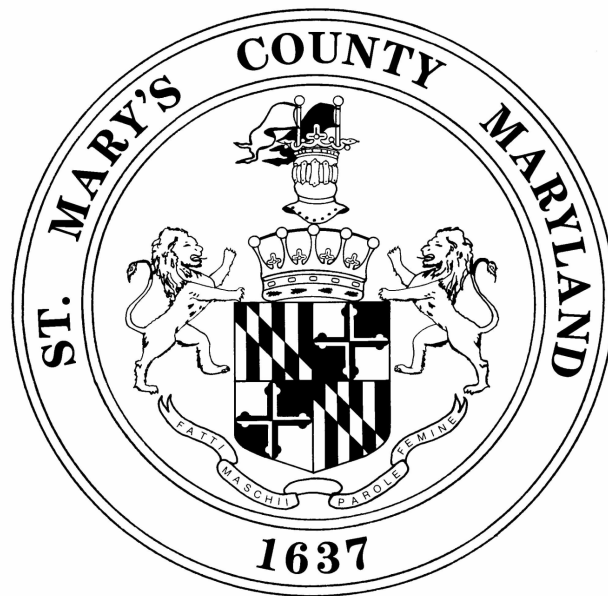


THE  
ST. MARY'S COUNTY  
COMPREHENSIVE ZONING ORDINANCE



ADOPTED AUGUST 31, 2010  
EFFECTIVE SEPTEMBER 14, 2010  
(AMENDED AUGUST 2, 2011)  
(AMENDED SEPTEMBER 6, 2011)

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## **PREFACE**

By the enactment of County Commissioners Ordinance No. Z-10-02, this Comprehensive Zoning Ordinance and its accompanying Official Zoning Map were adopted, and were subsequently recorded in the Land Records of the St. Mary's County Circuit Court. Copies of the Comprehensive Zoning Ordinance and representations of the of the Official Zoning Map are available for viewing or for sale from the County Commissioners by way of the St. Mary's County Department of Land Use and Growth Management, 23150 Leonard Hall Drive, Leonardtown, Maryland 20650.

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**ORDINANCE**

WHEREAS, Article 66B of the Maryland Annotated Code empowers the St. Mary's County Board of County Commissioners (hereinafter the "Board") to adopt a Comprehensive Plan and to enact a zoning ordinance to promote the health, safety and welfare of St. Mary's County and to provide for its administration, enforcement and amendment in accordance with the Comprehensive Plan; and

WHEREAS, on March 23, 2010, the Board executed Ordinance 2010-01 to adopt the St. Mary's County Comprehensive Plan (hereinafter the "Comprehensive Plan") and to make the Plan effective as of April 6, 2010; and

WHEREAS, the Board thereafter directed the St. Mary's County Planning Commission (hereinafter the "Planning Commission") to prepare amendments to the St. Mary's County Comprehensive Zoning Ordinance and Official Zoning Maps to implement the Comprehensive Plan; and

WHEREAS, the Planning Commission directed the St. Mary's County Department of Land Use and Growth Management (hereinafter "Staff") to accordingly prepare a draft Comprehensive Zoning Ordinance, including draft zoning maps, dated April 30, 2010 (hereinafter the "Draft Ordinance"); and

WHEREAS, the Planning Commission and the Board conducted joint public hearings on said Draft Ordinance on May 18, 19 and 20, 2010, following due notice published in the April 30 and May 5, 2010 editions of The Enterprise, a newspaper of general circulation in St. Mary's County; and

WHEREAS, the public hearing record remained open for additional written testimony until June 15, 2010; and

WHEREAS, during May and June 2010 the Planning Commission held eight (8) work sessions to deliberate on the public testimony received at the hearings and during the open record period, and gave direction to Staff to make certain changes to the Draft Ordinance; and

WHEREAS, on June 28, 2010, Staff delivered to the Planning Commission a modified Draft Ordinance, including zoning maps, which incorporates all revisions directed by the Planning Commission; and

WHEREAS, the Planning Commission completed its deliberations and by way of adopting Planning Commission Resolution No. 10-04, did recommend to the Board the repeal of the St. Mary's County Comprehensive Zoning Ordinance (Ordinance Z-02-01), and the adoption of said revised Draft Ordinance, including the adoption of revised zoning maps, dated June 28, 2010 (hereinafter the "Recommended Ordinance"); and

WHEREAS, during July and August 2010 the Board held seven (7) work sessions to deliberate on the public testimony received at the hearings and during the open record period, as well as on said Recommended Ordinance; and

WHEREAS, as a result of these deliberations the Board gave direction to Staff to make certain revisions to the Recommended Ordinance, including revisions to the accompanying zoning maps; and

WHEREAS, on August 31, 2010, Staff delivered to the Board a Final Ordinance, including zoning maps, which incorporates all revisions directed by the Board; and

WHEREAS, the Board finds that adoption and implementation of the Final Ordinance is necessary to protect and promote the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the St. Mary's County Board of County Commissioners that the St. Mary's County Comprehensive Zoning Ordinance and Official Zoning Maps (Ordinance Z-02-01) is hereby repealed in its entirety; and

BE IT FURTHER ORDAINED by the St. Mary's County Board of County Commissioners that said Final Ordinance dated August 31, 2010 as set forth in Attachment 1 hereto, and the accompanying zoning map set forth in Attachment 2 hereto, are together hereby adopted as the St. Mary's County Comprehensive Zoning Ordinance; and

BE IT FURTHER ORDAINED by the St. Mary's County Board of County Commissioners that the foregoing recitals are hereby incorporated and adopted as if fully set forth; and

BE IT FURTHER ORDAINED by the St. Mary's County Board of County Commissioners that in the event any portion of this ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the ordinance, or unless deletion of the invalid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this ordinance; and

BE IT FURTHER ORDAINED by the Board of County Commissioners for St. Mary's County that this enactment shall be effective on the date written below.

Those voting Aye: 4 *Mattingly, Dement, Russell, Raley*

Those voting Nay: 1 *Jarboe*

DATE OF ADOPTION: August 31, 2010

EFFECTIVE DATE: September 14, 2010

BOARD OF COUNTY COMMISSIONERS  
ST. MARY'S COUNTY, MARYLAND

*Francis J. Russell*  
Francis J. Russell, Commissioner President

*Kenneth R. Dement*  
Kenneth R. Dement, Commissioner

— No —  
Lawrence D. Jarboe, Commissioner

*Thomas A. Mattingly, Sr.*  
Thomas A. Mattingly, Sr., Commissioner  
*Daniel H. Raley*  
Daniel H. Raley, Commissioner

ATTEST:

*John Savich*

John Savich  
County Administrator

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

*George Sparling*  
George Sparling  
County Attorney

# GENERAL TABLE OF CONTENTS

<b>ARTICLE 1.</b>	<b>GENERAL PROVISIONS.....</b>	<b>10-1</b>
CHAPTER 10	TITLE, PURPOSE AND ORGANIZATION.....	10-1
CHAPTER 11	RULES.....	11-1
<b>ARTICLE 2.</b>	<b>ADMINISTRATION .....</b>	<b>20-1</b>
CHAPTER 20	AUTHORITY OF REVIEWING/DECISION MAKING BODIES AND OFFICIALS .....	20-1
CHAPTER 21	GENERAL APPLICATION AND PUBLIC HEARING PROCEDURES .....	21-1
CHAPTER 22	ADMINISTRATIVE DECISIONS.....	22-1
CHAPTER 23	APPEALS .....	23-1
CHAPTER 24	VARIANCES .....	24-1
CHAPTER 25	CONDITIONAL USES.....	25-1
CHAPTER 26	TRANSFERABLE DEVELOPMENT RIGHTS (TDRs) .....	26-1
CHAPTER 27	VESTED RIGHTS AND AUTHORITY TO CONTINUE NONCONFORMING PROJECTS.....	27-1
CHAPTER 28	AMENDMENTS .....	28-1
CHAPTER 29	DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT (DRARA) .....	29-1
<b>ARTICLE 3.</b>	<b>ZONING DISTRICTS.....</b>	<b>30-1</b>
CHAPTER 30	ESTABLISHMENT OF DISTRICTS .....	30-1
CHAPTER 31	ZONING DISTRICTS .....	31-1
CHAPTER 32	PROPERTY DEVELOPMENT REGULATIONS .....	32-1
<b>ARTICLE 4.</b>	<b>OVERLAY DISTRICTS AND FLOATING ZONES.....</b>	<b>40-1</b>
CHAPTER 40	OVERLAY DISTRICTS, FLOATING ZONES: PURPOSE, STANDARDS, PERMITTED USES ....	40-1
CHAPTER 41	CHESAPEAKE BAY CRITICAL AREA (IDA, LDA, RCA).....	41-1
CHAPTER 42	HISTORIC LANDMARKS AND DISTRICTS OVERLAY (H).....	42-1
CHAPTER 43	AIR INSTALLATIONS COMPATIBLE USE ZONE (AICUZ) .....	43-1
CHAPTER 44	PLANNED UNIT DEVELOPMENT (PUD) FLOATING ZONE .....	44-1
<b>ARTICLE 5.</b>	<b>REGULATION OF USES.....</b>	<b>50-1</b>
CHAPTER 50	USE CLASSIFICATIONS .....	50-1
CHAPTER 51	USE REGULATIONS AND STANDARDS .....	51-1
CHAPTER 52	NONCONFORMING USES, STRUCTURES, AND SIGNS.....	52-1
CHAPTER 53	RIGHT TO FARM.....	53-1
<b>ARTICLE 6.</b>	<b>DEVELOPMENT STANDARDS AND APPROVALS .....</b>	<b>60-1</b>
CHAPTER 60	SITE PLAN REVIEW .....	60-1
CHAPTER 61	GENERAL DEVELOPMENT STANDARDS.....	61-1
CHAPTER 62	DESIGN .....	62-1
CHAPTER 63	LANDSCAPING AND BUFFER YARDS .....	63-1
CHAPTER 64	OFF-STREET PARKING AND LOADING.....	64-1
CHAPTER 65	SIGNS.....	65-1
CHAPTER 66	STREET ADDRESSING AND NAMING .....	66-1
<b>ARTICLE 7.</b>	<b>SITE DEVELOPMENT AND RESOURCE PROTECTION STANDARDS.....</b>	<b>70-1</b>
CHAPTER 70	ADEQUATE PUBLIC FACILITIES.....	70-1
CHAPTER 71	RESOURCE PROTECTION STANDARDS.....	71-1
CHAPTER 72	FOREST AND WOODLAND RESOURCES IN THE CRITICAL AREA .....	72-1
CHAPTER 73	AGRICULTURAL RESOURCES IN THE CRITICAL AREA .....	73-1
CHAPTER 74	SUPPLEMENTAL CRITICAL AREA RESOURCE STANDARDS.....	74-1
CHAPTER 75	FOREST CONSERVATION .....	75-1
CHAPTER 76	FLOODPLAIN REGULATIONS .....	76-1
<b>ARTICLE 8.</b>	<b>ENFORCEMENT .....</b>	<b>80-1</b>
CHAPTER 80	ENFORCEMENT .....	80-1
CHAPTER 81	ABATEMENT OF NUISANCES .....	81-1
<b>ARTICLE 9.</b>	<b>DEFINITIONS AND RULES OF MEASUREMENTS.....</b>	<b>90-1</b>
CHAPTER 90	DEFINITIONS.....	90-1
CHAPTER 91	RULES FOR MEASUREMENT .....	91-1

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1 **ARTICLE 1. GENERAL PROVISIONS**

2 **CHAPTER 10 TITLE, PURPOSE AND ORGANIZATION**

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3 Sections:

- 4 10.1 Title.
- 5 10.2 Authority.
- 6 10.3 Purpose.
- 7 10.4 Organization of the Zoning Ordinance.
- 8 10.5 Official Zoning Map.
- 9 10.6 Applicability.
- 10 10.7. Minimum Standards.

11 **10.1. Title.**

12 This document shall be known as the “St. Mary’s County Comprehensive Zoning Ordinance” and may also  
13 be referred to as “the Zoning Ordinance”, or “this Ordinance”.

14 **10.2. Authority.**

15 Pursuant to Article 66B of the Annotated Code of Maryland, and other statutory provisions cited in other  
16 Articles of this Ordinance, the Board of County Commissioners of St. Mary’s County (hereinafter, “County  
17 Commissioners”) has adopted this Zoning Ordinance.

18 **10.3. Purpose.**

19 The purposes of this Zoning Ordinance are to protect and promote the public health, safety and general  
20 welfare; to implement the St. Mary’s County Comprehensive Plan; and to accomplish the County’s pursuit  
21 of the vision in the Plan:

22 “Preserve and enhance the quality of life by recognizing and protecting the unique character of St.  
23 Mary’s County as a rural Chesapeake Bay peninsula. Foster economic growth and create an  
24 atmosphere of excellence by focusing and managing growth to create vibrant, attractive  
25 communities; by protecting the rural character and economy of the countryside; by nurturing the  
26 shoreline and adjacent waters; and by preserving and capitalizing on the other natural resources and  
27 historical quality of the County.”

28 **10.4. Organization of the Zoning Ordinance.**

29 This Ordinance consists of nine (9) articles. Without superseding the specific regulations set forth in each  
30 article, the general structure and content of the articles are as follows:

- 31 1. **Article 1: General Provisions.** The overall organization and applicability of the regulations are  
32 included in this article. General rules are provided for interpretation of zoning boundaries, uses of  
33 vacant land, public nuisance, conflicts with other laws and regulations, relation to deed restrictions  
34 and prior regulations, construction of language, and severability.
- 35 2. **Article 2: Administration.** This article outlines detailed procedures for the administration of this  
36 Ordinance, including responsibilities of decision-making bodies, common procedures that apply to  
37 all development applications, notice and public hearing procedures, and requirements for (a)  
38 administrative decisions; (b) appeals of administrative decisions; (c) variances; (d) conditional  
39 uses; (e) site plan review, (f) transfer of development rights (“TDRs”); (g) vested rights and  
40 authority to continue nonconforming projects; and (h) amendments to the Ordinance text and  
41 Zoning Map, including amendments for planned unit developments (“PUDs”), (i) Development  
42 Rights and Responsibilities Agreements (“DRARAs”).
- 43 3. **Article 3: Zoning Districts.** This article establishes Base Districts (ruraland residential,  
44 commercial and mixed use, industrial and office, and commercial marine) and Special Districts  
45 (overlay districts and floating zones) and states their purposes. It also establishes specific Zoning  
46 Districts and their specific purposes, and specifies basic development standards for the Zoning  
47 Districts.

- 1 4. **Article 4: Special Districts and Overlay Districts.** This article includes specific purpose  
2 statements for the Critical Area, historic landmarks and districts, and air installation compatible  
3 use zones overlay districts and for the planned unit development floating zone. The article also  
4 establishes development standards and use regulations for the overlay districts and floating zones.
- 5 5. **Article 5: Use Regulations.** This article establishes use classifications, accessory uses, temporary  
6 uses, and use regulations and standards for each zoning district. The article also establishes  
7 provisions for nonconforming uses, structures and signs and “right-to-farm” provisions of this  
8 Ordinance.
- 9 6. **Article 6: Development Standards and Approvals.** This article establishes standards for site  
10 design, site plan review, and development design and layout including access, landscaping and  
11 buffering, off-street parking and loading, and signs.
- 12 7. **Article 7: Site Development and Resource Protection Standards.** This article includes provisions  
13 for adequate public facilities and standards and criteria for resource identification and protection.  
14 It also establishes Critical Area standards for managing forested and agricultural lands, forest  
15 conservation standards, and floodplain regulations of this Ordinance.
- 16 8. **Article 8: Enforcement.** This article provides for the prosecution of violations of this Ordinance.
- 17 9. **Article 9: Definitions and rules of Measurement.** This article includes a comprehensive list of  
18 terms and their meanings as used in this Ordinance. It also provides rules of measure.

19 **10.5. Official Zoning Map.**

20 The location and boundaries of the zoning districts established by this Ordinance are indicated on the  
21 Official Zoning Map, which is incorporated herein by reference. The Official Zoning Map, together with a  
22 record of all amendments, are located and may be viewed at the Department of Land Use and Growth  
23 Management. The Official Zoning Map shall constitute the official record of the zoning districts in the  
24 unincorporated lands of St. Mary's County. A copy of the Official Zoning Map currently in effect shall  
25 also be kept on file in the office of the St. Mary's County Clerk of the Circuit Court.

26 **10.6. Applicability.**

27 The provisions of this Ordinance shall apply to the development and use of all land within the  
28 unincorporated areas of St. Mary's County unless expressly and specifically exempted or provided  
29 otherwise in this Ordinance. No development may be undertaken without prior authorization, or exemption  
30 from regulation, by this Ordinance. All regulated development shall comply with the standards, criteria,  
31 and procedures of this Ordinance and any other applicable statute, law or regulation.

32 **10.7. Minimum Standards.**

33 Unless otherwise provided herein, the provisions of this Ordinance are minimum standards necessary to  
34 accomplish the purposes of this Ordinance, and nothing herein is intended, nor shall it be construed to,  
35 prevent any development or land use in St. Mary's County from exceeding the minimums.

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1 **CHAPTER 11 RULES**

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2 Sections:

- 3 11.1 Purpose.  
4 11.2 General Rules.  
5 11.3 Rules for Interpretation of the Boundaries on the Official Zoning Map.  
6 11.4 Rules for Construction of Language.  
7 11.5 Severability.

8 **11.1. Purpose.**

9 The purpose of this chapter is to establish general rules for the application of this Zoning Ordinance. The meaning  
10 and construction of words and phrases defined in this chapter apply throughout this Ordinance. Definitions of  
11 general terms and rules for measurement are presented in Article 9, Definitions and Rules of Measurement.

12 **11.2. General Rules.**

- 13 1. **Applicability to Roads, Streets and Rights-of-Way.** A road, street, utility easement, or other right-of-way is  
14 considered to be in the same zoning district as the abutting land. Where land on one side of a public road,  
15 street, utility easement, or other right-of-way is classified in a different zoning district from land on the  
16 other side, the centerline of the road, street, utility easement, or other right-of-way is the zoning district  
17 boundary unless otherwise depicted on the Official Zoning Map.
- 18 2. **Compliance Required.** No person, firm or entity may use, occupy, or develop land or structures, or any part  
19 thereof, or authorize or permit the use, occupancy, or development of land or structures under the control of  
20 such person, except in accord with all applicable provisions of this Ordinance.
- 21 3. **Lot of Record.** Every building hereafter erected, reconstructed, converted, moved, or structurally altered  
22 shall be located on a lot of record, with the exception of residential additions and accessory structures.  
23 There may be more than one principal building or use on a lot of record provided, however, that each such  
24 principal use shall be assessed density of residential use or intensity (measured as floor area ratio or F.A.R.)  
25 of non-residential use.
- 26 4. **Uses of Vacant Land.**
- 27 a. Where a lot is to be occupied for a permitted use without buildings, the yards required for such lot  
28 shall be provided and maintained unless otherwise stipulated in this Ordinance, except that side  
29 yards shall not be required on lots used for accessory purposes without buildings or structures or  
30 on lots used for public recreation areas.
- 31 b. Accessory type uses on vacant lots may be permitted as principal structures subject to the  
32 provisions of this ordinance and the zoning district in which the property is located.
- 33 5. **Conflict with Other Laws and Regulations.** Where a conflict occurs between this Ordinance and a state  
34 statute or another county ordinance or regulation, the more restrictive provision shall control.
- 35 6. **Relation to Deed Restrictions and Other Private Agreements.** This Ordinance does not abrogate or annul a  
36 private easement, covenant, agreement, deed restriction, recorded plat or other restrictive covenant. If,  
37 however, this Ordinance imposes a greater restriction than that imposed by such easement, covenant,  
38 agreement, recorded plat, deed restriction, or other restrictive covenant, this Ordinance shall control. In no  
39 circumstances, however, shall the County have any obligation to enforce a restrictive covenant, easement,  
40 or equitable servitude, not required as a condition of approval for any development activity or land use.
- 41 7. **Relation to Prior Regulations.** This Ordinance does not validate or legalize a land use or structure  
42 established, constructed, developed or maintained in violation of a prior ordinance, county resolutions or  
43 ordinances, easements, covenants, agreements, plots, deed restrictions or other restrictive covenants  
44 running in favor of the County in effect prior to the effective date of this Ordinance.

45 **11.3. Rules for Interpretation of the Boundaries on the Official Zoning Map.**

46 Where uncertainty exists regarding the boundary of a zoning district on a zoning map, the following rules shall  
47 apply:

- 
- 1 1. A zoning district boundary shown as approximately following a property line shall be construed to follow  
2 that property line.
  - 3 2. On unsubdivided land, or where a zoning district boundary divides a lot, the location of the zoning district  
4 boundary shall be determined by using the scale appearing on the Official Zoning Maps, unless the zoning  
5 district boundary location is indicated by dimensions printed on the zoning map. In case of conflict  
6 between printed and scaled dimensions, the printed dimension shall control.
  - 7 3. A zoning district boundary shown as approximately following the right-of-way line of a highway, alley or  
8 railroad or a stream, river, irrigation ditch or other identifiable boundary line shall be construed to follow  
9 such right-of-way line or physical feature.
  - 10 4. A zoning district boundary shown as lying within, but not contiguous to, a right-of-way line of a public  
11 road, street, alley, railroad, or other identifiable boundary line shall be construed to follow the centerline of  
12 the right-of-way or boundary line.
  - 13 5. If uncertainty remains as to the location of a zoning district boundary or other feature shown on a zoning  
14 map, the location shall be finally and conclusively determined by the Director of the St. Mary's County  
15 Department of Land Use and Growth Management, whose decision shall be subject to appeal to the Board  
16 of Appeals.
  - 17 6. Where a property is split by a zoning boundary including special districts, the rules of the zone shall apply  
18 to that portion of the land located in each district.

19 **11.4. Rules for Construction of Language.**

20 The following rules shall apply to the construction of language in this Ordinance:

- 21 1. The specific controls the general.
- 22 2. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
  - 23 a. "And" indicates that all connected words or provisions apply;
  - 24 b. "Or" indicates that the connected words or provisions may apply singly or in any combination;  
25 and
  - 26 c. "Either or" indicates that the connected words or provisions apply singly but not in combination.
- 27 3. In case of conflict between the text and a diagram, the text controls.
- 28 4. References to departments, commissions, boards, and other offices or instrumentalities are to those of St.  
29 Mary's County, unless otherwise indicated.
- 30 5. A reference to days is to calendar days unless otherwise indicated in this Ordinance or specified by state  
31 law. If a deadline falls on a weekend or County holiday, the time for performing an act is extended to the  
32 next working day. A working day is any day that is not a Saturday, Sunday or official County holiday.
- 33 6. In computing a period of days, the day of the act or event from which the designated period of days begins  
34 to run is excluded, and the last day of the period is included, unless the last day is not a working day. If the  
35 last day is not a working day, the period runs until the end of the next day which is a working day. In  
36 computing a period of less than seven days, Saturdays, Sundays and County holidays are excluded.
- 37 7. Use of "shall," "will" or "must" is mandatory; "should" is directive, but not binding, and "may" is  
38 permissive.
- 39 8. Use of "including," "includes," "such as," "additional," or "supplemental" is illustrative and not intended  
40 as an exhaustive listing, unless the context clearly indicates the contrary.
- 41 9. Section and subsection headings contained in this Ordinance are for convenience only and do not govern,  
42 limit, modify or in any manner affect the scope, meaning or intent of any provision of this Ordinance.
- 43 10. Words used in the present tense include the future, words masculine in gender shall include the feminine  
44 gender and words used in the singular include the plural, and the plural, the singular, unless the context  
45 clearly indicates to the contrary.

1 **11.5. Severability.**

2 If any provision, section, subsection, sentence, paragraph, clause or phase or portion of this Ordinance is adjudged  
3 unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be  
4 affected. If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or  
5 invalid by a court of competent jurisdiction, such judgment shall not be applicable to any said structure, land or  
6 water not specifically included in said judgment.

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