

1     **ARTICLE 3.     ZONING DISTRICTS**

2     This article includes regulations for base zoning districts. Districts are organized to implement the policies  
3     and action statements of the Comprehensive Plan.

4     **CHAPTER 30   ESTABLISHMENT OF DISTRICTS**

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5     Sections:

- 6         30.1     Purpose.
- 7         30.2     Relation to Comprehensive Plan.
- 8         30.3     Establishment of Districts.
- 9         30.4     Purposes of Base Districts.
- 10        30.5     Purposes of Special Districts.

11    **30.1.    Purpose.**

12    The purpose of this chapter is to establish zoning districts that will implement the land use concept and the  
13    goals and objectives of the Comprehensive Plan.

14    **30.2.    Relation to Comprehensive Plan.**

15    Comprehensive Plan goals, objectives, policies, and land use concepts for designated areas are hereby  
16    incorporated by reference for the purpose of interpreting legislative intent and providing guidance for  
17    administration of this Ordinance. The Comprehensive Plan identifies the following “planning area”  
18    designations:

19    1.     **Growth Areas**

- 20        a.     *Development Districts:* Lexington Park, Leonardtown
- 21        b.     *Town Centers:* Charlotte Hall, New Market, Mechanicsville, Hollywood, and Piney Point
- 22        c.     *Village Centers:* Callaway, Chaptico, Clements, Loveville, Ridge, St. Inigoes and Valley  
23             Lee

24    2.     **Rural Areas**

- 25        a.     *Rural Preservation Districts*
- 26        b.     *Rural Service Centers:* Budds Creek, Avenue, Helen, Oraville, St. James, Park Hall, and  
27             Dameron
- 28        c.     *Rural Commercial Limited*

29    3.     **Protected Areas**

- 30        a.     *Neighborhood Conservation Districts*
- 31        b.     *Resource Protection Areas*

32    As shown in Table 30.3, base districts are herein established to implement the planning areas of the  
33    Comprehensive Plan. These districts designate the desired development types in this Ordinance. Special  
34    districts modify or provide additional regulation of the base district. The Official Zoning Maps identify the  
35    specific areas to which the base and special district regulations apply.

36    **30.3.    Establishment of Districts.**

37    Zoning districts are hereby identified in Table 30.3A, established in order to:

- 38    1.     Allow, regulate, and restrict the location and use of buildings and land for agriculture, forestry,  
39           aquaculture, trade, industry, residence, parks and recreation, transportation, communications and  
40           public facilities, and other purposes.
- 41    2.     Allow, regulate, and restrict the location, height and size of buildings and structures, the size of  
42           yards, setbacks, and other open spaces, and the density of population;
- 43    3.     Establish site development and design standards and requirements for adequate public facilities  
44           and services.

45    Special districts identified in Table 30.3B include corresponding overlay districts and floating zones  
46    established to add to or modify the regulation of the base zoning districts.

1 **Table 30.3A: Base and Zoning Districts**

Base Districts	Zoning Districts
Rural and Residential Districts	Section: 31.1 <u>      </u> Rural Preservation District (RPD) Section: 31.2 <u>      </u> Rural Service Center (RSC) Section: 31.3 <u>      </u> Rural Commercial Limited (RCL) Section: 31.4 <u>      </u> Residential, Low Density – <del>Transitional</del> (RL-T) Section: 31.5 <u>      </u> Residential, Low Density – <del>Transitional</del> (RL-T) <del>Section: 31.5 <u>      </u> Residential, Low Density (RL)</del> Section: 31.6 <u>      </u> Residential, Medium Density (RM) <del>Section: 31.7 <u>      </u> Residential, High Density (RH)</del> Section: 31.78 <u>      </u> Residential, Neighborhood Conservation (RNC)
<del>Commercial and</del> Mixed <del>Use-use</del> Districts	Section: 31.89 <u>      </u> Residential Mixed Use (RMX) Section: 31.910 <u>      </u> Village Center Mixed use (VMX) Section: 31.4011 <u>      </u> Town Center Mixed use (TMX) <del>Section: 31.11 <u>      </u> Downtown Core Mixed Use (DMX)</del> Section: 31.12 <u>      </u> Corridor Mixed Use (CMX) Section: 31.13 <u>      </u> High-intensity Mixed Use (MXH) <del>Section: 31.14 <u>      </u> Medium-intensity Mixed Use (MXM)</del> <del>Section: 31.15 <u>      </u> Low-intensity Mixed Use (MXL)</del>
Industrial, <del>Commercial</del> and Office-Districts	Section: 31.4416 <u>      </u> Limited Commercial Industrial (LCI) <del>Section: 31.17 <u>      </u> Office and Business Park (OBP)</del> Section: 31.4518 <u>      </u> Industrial (I)
Commercial Marine Districts	Section: 31.4619 <u>      </u> Commercial Marine (CM)

2 **Table 30.3B: Special Districts**

Special Districts	Overlay Districts and Floating Zones
Overlay Districts	Chapter 41, Critical Area (IDA, LDA, RCA) Chapter 42, <del>Historic Resources (H)</del> Chapter 43, <del>Air Installations Compatible Use Zones, (AICUZ), and Airport Environs, (AE), Zones</del>
Floating Zones	Chapter 44, Planned Unit Development (PUD)

3 **30.4. Purposes of Base Districts**

4 The purposes of the base districts shall be considered when requests for conditional use, rezoning, floating  
5 zone approvals, or variances from the provisions of this Ordinance are made.

- 6 1. The purposes of the *Rural Districts* are to:
- 7 a. Preserve prime farm-land, timber-land, and mineral resource land and encourage resource  
8 based industries agriculture, forestry, mining, fisheries, aquaculture, and tourist-oriented  
9 and outdoor recreation businesses.
  - 10 b. Accommodate land-intensive rural industrial activities outside growth areas.
  - 11 c. Limit form, type and extent of development in rural areas in order to conserve the land  
12 and resource base needed to maintain and support preferred land uses.
  - 13 d. Permit low-density residential development that is designed to preserve or enhance the  
14 County's rural character.
  - 15 e. Allow home occupations and supplemental income-producing activities, subject to  
16 standards, at a scale and intensity that do not unduly change the character of the area.
  - 17 f. Allow continuing non-conforming commercial and residential activities on existing  
18 parcels throughout the district but limit their expansion or creation outside of crossroads  
19 areas designated or traditionally used for such activities.
  - 20 g. Provide for continuation of commercial uses and accommodate new construction of  
21 commercial uses in specifically designated areas where such uses and/or commercial

- 1 zoning predate the Comprehensive Plan and where such continuation or construction  
2 would not detract from the rural character of the area.
- 3 2. The purposes of **Residential Districts** are to:
- 4 a. Provide for residential development consistent with the Comprehensive Plan.
- 5 b. Encourage cluster design that preserves open space.
- 6 c. Emphasize quality of life in developing a variety of community types by:
- 7 (1) Providing opportunities for a variety of housing types throughout the County;  
8 and
- 9 (2) Promoting open space-oriented site designs, waterfront access, and a mix of  
10 private and public services, facilities, and amenities; and
- 11 (3) Promoting safe, affordable, and energy-efficient housing stock; and
- 12 (4) In growth areas, accommodating mixed use communities that offer housing,  
13 employment, transportation, shopping, recreation and education with reduced  
14 need for automobile travel.
- 15 d. Allow home occupations and supplemental income-producing activities, subject to  
16 standards, at a scale and intensity that do not unduly change the character of the  
17 neighborhood.
- 18 e. Allow for the provision of services and facilities needed to accommodate planned  
19 population densities.
- 20 3. The purposes of ~~Commercial and Mixed Use Districts~~ are to:
- 21 a. Provide and protect land within growth areas for ~~commercial and~~ mixed use development  
22 at various scales consistent with the Comprehensive Plan.
- 23 ~~b. Accommodate a central core with Create large blocks of mixed uses surrounded by larger~~  
24 ~~intermixed blocks of with residential, commercial, office, and industrial, and business~~  
25 ~~uses in within growth areas by:~~
- 26 ~~(+)b. Accommodating. Assure that infill development and redevelopment complies with~~  
27 ~~standards that correct inefficient transportation and land use patterns; and by:~~
- 28 ~~(1) Avoiding new strip development along the principal roadways. Vertically and~~  
29 ~~horizontally integrating new and existing uses on large sites and among adjacent~~  
30 ~~sites; and~~
- 31 ~~(2) Linking new, infill, and existing uses and developments by providing new and~~  
32 ~~infill transportation connections that accommodate travel by foot, bicycle, public~~  
33 ~~transit and private vehicle.~~
- 34 c. Encourage cluster ~~design designs~~ that ~~preserves both preserve~~ open space and  
35 environmentally sensitive lands and provide access to these areas via greenways and  
36 trails.
- 37 d. Encourage adaptive reuse of historic structures, and protect and incorporate historic  
38 landscapes into site designs.
- 39 e. Provide standards for landscaping, site and building design, signage, access, lots  
40 coverage and open space that foster efficient use of land and urban development patterns  
41 and assure major development meets minimum priority funding areas densities.
- 42 f. ~~Allow for the provision of~~ Assure that infrastructure, services and facilities ~~needed are~~  
43 provided to accommodate the scale and intensity of planned development.
- 44 4. The purposes of the **Industrial, Commercial, and Office Districts** are to:
- 45 a. Provide and protect areas for industrial, ~~commercial~~ and office ~~development~~ consistent  
46 with the Comprehensive Plan.

1 b. Accommodate new and existing technology-based and other industries and businesses in  
2 campus settings within the growth areas with adequate infrastructure and facilities, and  
3 provide for nearby services for employees.

4 c. ~~Allow for the provision of~~Provide services and facilities needed to accommodate planned  
5 employment densities.

6 d. In the AICUZ accommodate low-occupancy commercial and industrial uses appropriate  
7 for location in the LPDD. Accommodate continued presence but assure elimination over  
8 time of non-conforming uses and structures by limiting expansion and by encouraging  
9 adaptive reuse of existing nonconforming structures for reoccupation by conforming  
10 uses.

11 5. The purposes of the *Commercial Marine Districts* are to:

12 a. Accommodate and protect areas for commercial marine activities consistent with the  
13 Comprehensive Plan.

14 b. Require compatibility between commercial marine and water-dependent facilities and  
15 activities and surrounding sensitive environmental resources or adjacent uses.

16 c. Provide for continued and expanded fisheries, aquaculture, publicly accessible facilities  
17 for recreational boating and fishing activities, and tourist-oriented services and facilities  
18 with waterfront access.

19 d. Allow for the provision of services and facilities needed to accommodate new or  
20 expanded commercial marine activities and waterfront businesses.

21 **30.5. Purposes of Special Districts.**

22 The purpose of a particular special district shall be considered when requests for floating zone or overlay  
23 district approvals or variances from the provisions of an overlay district or floating zone are made.

24 1. The purpose of *Overlay Districts* is to:

25 a. Provide specific additional regulations for the protection of existing land uses and natural  
26 resources, and to maintain compatibility between adjacent uses.

27 2. The specific purposes of *Floating Zones* are to:

28 a. Allow discretionary review of development proposals by providing flexibility in existing  
29 regulations in exchange for meeting or exceeding Comprehensive Plan goals for  
30 enhanced site and building design, efficient use of land, increased environmental  
31 protection, improved amenities and services and coordinated pedestrian, bicycle and  
32 vehicular circulation systems.

33 b. Achieve efficient land use patterns while permitting creative and innovative approaches  
34 to the development of rural, residential, commercial and industrial land.

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**CHAPTER 31 PURPOSES OF ZONING DISTRICTS**

Sections:

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

**31.1. Rural Preservation District (RPD).**

The regulations of ~~the Rural Preservation Districts~~District zoning district 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 District~~ (RSC).**

The regulations for the Rural Service Center zoning district provide for crossroads commercial, retail, and business development at designated crossroads in Avenue, Budds Creek, Dameron, Helen, Oraville, Park Hall, and St. James. (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 zoning district accommodate existing, small-scale commercial uses ~~servicing localized markets in the County~~ that are scattered along the highways and, in some cases, clustered at intersections to serve localized markets in the County. Where such existing uses are compatible in scale with the character of the rural area, and are devoted to a local market, their

1 continued operation and opportunity for reasonable expansion is consistent with the policies of the  
2 Comprehensive Plan. RCL districts provide for the continuation and limited expansion of such uses.

3 **31.4. Residential, Low-Density – Transitional (RL-T).**

4 Development in the Residential, Low-Density – Transitional zoning district should consist of low-density  
5 detached residences with substantial accommodation for preservation of open space or forest retention.  
6 Although base density is 1 dwelling unit per acre, development at density up to 3.5 dwellings per acre with  
7 the use of transferred development rights (TDRs) and clustering of duplexes on minimum 2 acre lots. All  
8 major subdivisions must achieve at least 3.5 dwellings per acre within the development envelope.

9 ~~31.4. — Purpose of the Residential, Low Density District (RL).~~

10 ~~The regulations for the Residential Low Density District are intended to provide for low to medium density~~  
11 ~~residential development in areas designated in the Comprehensive Plan. Compatible institutional uses are~~  
12 ~~allowed, subject to appropriate standards.~~

13 ~~31.5. — Purpose of the Residential, Low-Density—Transitional District (RL-T).~~

14 ~~The regulations for the Residential, Low-Density—Transitional District are intended to protect community~~  
15 ~~character and provide for low density residential development with substantial accommodation for~~  
16 ~~preservation of open space or forest retention for those areas where Development Districts meet Rural~~  
17 ~~Preservation Districts, thus fostering a transition from one area to the other.~~

18 **31.5. Residential, Low-Density (RL).**

19 Development in the Residential, Low-Density zoning district should consists of low-density detached  
20 residences with substantial accommodation for preservation of open space or forest retention. Although  
21 base density is 1 dwelling unit per acre, development at density up to 3.5-5.0 dwellings per acre with the use  
22 of transferred development rights (TDRs) and clustering is preferred. Each major subdivision must achieve  
23 at least 3.5 dwellings per acre within the development envelope.

24 **31.6. Residential, Medium Density (RM)**

25 Development in the Residential, Medium Density zoning district zone consists of medium density  
26 residences with preservation of sensitive areas. Although base density is 1 dwelling unit per acre,  
27 development at density up to 10 dwellings per acre with the use of transferred development rights (TDRs)  
28 is preferred. All major subdivisions and residential site plans must achieve at least 5 dwellings per acre  
29 within a development envelope.

30 **31.7. Residential, High-Density (RH).**

31 Development in the Residential, High-Density zoning district consists of high density residences with  
32 preservation of sensitive areas. Although base density is 10 dwelling unit per acre, development at  
33 densities up to 20 dwellings per acre with the use of transferred development rights (TDRs) is preferred.  
34 All major subdivisions and residential site plans must achieve at least 10 dwellings per acre within the  
35 development envelope.

36 ~~31.6. — Purpose of the Residential, High-Density District (RH).~~

37 ~~The regulations for the Residential High-Density district are intended to provide opportunities for high-~~  
38 ~~density residential development, accessory uses and higher intensity residential services such as day care.~~  
39 ~~Standards promote clustered development while providing additional open space areas for common use by~~  
40 ~~local residents and the adjacent community.~~

41 ~~31.7.~~ **31.8. Purpose of the Residential Neighborhood Conservation District (RNC).**

42 The regulations for the Residential Neighborhood Conservation ~~District~~zoning district are intended to  
43 preserve the character of established neighborhoods while providing opportunities for infill development  
44 that is consistent with and enhances this prevailing character. All other standards having been met, RNC  
45 lots ~~in growth areas~~ may be resubdivided to the base density of the RNC. TDRs may be used to increase  
46 density in growth areas. No resubdivision of any lot of record shall be permitted in an RNC outside growth  
47 area.

48 ~~31.8.~~ **31.9. Purpose of the Residential Mixed Use District (RMX).**

49 The regulations for the Residential Mixed Use ~~District~~zoning district provide opportunities for residential,  
50 office, personal, and business development and services subject to standards that will ensure land use  
51 compatibility with adjacent residential areas.

1 **31.9,31.10. Purpose of the Village Center Mixed Use District (VMX).**

2 The regulations for the Village Center Mixed Use ~~District~~zoning district provide opportunities for  
3 residential development and compatible commercial development at locations and at a scale designated by  
4 the Comprehensive Plan as village centers. This ~~type of district is not~~zone is intended to ~~create an urban~~  
5 ~~character~~be the location for rural community facilities, services and activities.

6 **31.10,31.11. Purpose of the Town Center Mixed Use District (TMX).**

7 The regulations for the Town Center Mixed Use ~~District~~zoning district provide opportunities for residential  
8 and commercial development within town centers, consistent with the Comprehensive Plan. Standards are  
9 intended to create an urban character and make the core area safe, pedestrian friendly, and visually  
10 attractive.

11 **31.11. Purpose of the Downtown Core Mixed Use District (DMX).**

12 ~~The regulations for the Downtown Core Mixed Use District provide sites for a broad range of uses within~~  
13 ~~the core of Lexington Park, consistent with the Comprehensive Plan and the Lexington Park Plan.~~  
14 ~~Standards are intended to create an urban character, make the core area safe, pedestrian friendly and~~  
15 ~~visually attractive.~~

16 **31.12. Purpose of the Corridor Mixed Use District (CMX).**

17 The Corridor Mixed Use ~~District~~zoning district provides sites for a broad range of uses within  
18 transportation corridors in growth areas, consistent with the Comprehensive Plan. Standards are intended  
19 to accommodate auto-oriented uses but also create a viable, visually attractive environment.

20 **31.13. Purpose of the Community Commercial District (CC).**

21 ~~The Community Commercial District provides for large scale, and clustered commercial and retail~~  
22 ~~businesses primarily intended to serve the needs of County residents, workers and visitors on lots where~~  
23 ~~both public water and sewer services are provided.~~

24 **31.13. Purpose of the High Intensity Mixed-Use (MXH)**

25 ~~Development in the High Intensity Mixed-Use zoning district is intended to create dense areas of urban~~  
26 ~~character that accommodate a full range of residential, office and retail uses that are conveniently~~  
27 ~~accessible via many modes of transportation. The design of buildings, landscaping, and public amenity~~  
28 ~~spaces should assure a visually attractive town like environment and provide an inviting environment for~~  
29 ~~people to work, eat, shop and congregate. Projects creating more than 3,000 square feet of floor area will~~  
30 ~~be required to achieve a mix of uses. Nonresidential floor area should be equal to or exceed the floor area~~  
31 ~~devoted to residential development on the site. Although base density is 7 dwelling unit per acre,~~  
32 ~~development at density up to 30 dwellings per acre via use of transferred development rights (TDRs) is~~  
33 ~~preferred. Major residential subdivisions and site plans must average at least 7 units per acre within the~~  
34 ~~development envelopes on the site and should be physically and visually integrated with nonresidential~~  
35 ~~uses.~~

36 **31.14. Medium Intensity Mixed-Use (MXM)**

37 ~~Development in the Medium Intensity Mixed-Use zoning district should create large-scale and clustered~~  
38 ~~commercial and residential uses adjacent to existing or planned principal transportation corridors with~~  
39 ~~reasonable preservation of open space or forest retention. The design of buildings, landscaping, and public~~  
40 ~~amenity spaces should assure a visually attractive suburban environment with inviting areas for people to~~  
41 ~~work, eat, shop and congregate. Any development within an envelope exceeding 5 acres would incorporate~~  
42 ~~a mix of uses or multifamily residences to occupy at least 20% of the constructed floor area. Major~~  
43 ~~residential subdivisions and site plans must average at least 3.5 units per acre within the development~~  
44 ~~envelopes on the site.~~

45 **31.15. Low Intensity Mixed-Use (MXL)**

46 ~~Development in the Low Intensity Mixed-Use zoning district should consist of residential and office uses~~  
47 ~~and personal and business services that are compatible with adjoining residential uses. The design of~~  
48 ~~buildings, landscaping, and public amenity spaces should assure a visually attractive neighborhood~~  
49 ~~environment with inviting areas for people to work, eat, and shop. Where residential development is~~  
50 ~~provided, minimum density of 3.5 units per acre is required within the development envelope. Any~~  
51 ~~development within an envelope exceeding 3 acres would incorporate a mix of uses or multifamily~~  
52 ~~residences to occupy at least 20% of the constructed floor area. Major residential subdivisions and site~~  
53 ~~plans must average at least 3.5 units per acre within the development envelopes on the site.~~

1 **31.16. Limited Commercial Industrial (LCI)**

2 ~~The regulations for the Limited Commercial Industrial zoning district are intended to accommodate low-~~  
3 ~~occupancy commercial and industrial uses appropriate for location in the AICUZ and to achieve a long-~~  
4 ~~term goal for phased elimination of non-conforming uses and structures from the AICUZ. Compliance~~  
5 ~~with the Comprehensive Plan means adhering closely, but not exclusively, to national standards for AICUZ~~  
6 ~~compatibility. Non-conforming structures and AICUZ incompatible uses lawfully occupying a site within~~  
7 ~~the LCI on the effective date of this ordinance may continue subject to provisions of Chapter 52 except that~~  
8 ~~in the LCI:~~

9 ~~Structures exceeding allowed FAR which have been vacant for less than 24 months may be~~  
10 ~~adaptively reused for AICUZ incompatible uses that conform to AICUZ limits for occupancy per acre.~~

11 ~~Structures exceeding allowed FAR which have been vacant 24 months or more, may either be~~  
12 ~~occupied by AICUZ compatible uses that conform AICUZ limits for occupancy per acre or be replaced.~~

13 ~~AICUZ incompatible uses in the LCI may not expand or be replaced unless resulting occupancy is~~  
14 ~~less than or equal to 25 persons per acre in the APZ-1 or less than or equal 50 persons per acre in the APZ-~~  
15 ~~2.~~

16 ~~31.14.31.17.~~ **Office and Business Park District (OBP).**

17 The Office Business Park ~~District~~ zoning district provides sites for offices, research and development  
18 facilities, limited industrial facilities, and supporting commercial uses in a campus setting, and excludes  
19 residential use.

20 ~~31.15.31.18.~~ **Purpose of the Industrial District (I).**

21 The regulations for the Industrial ~~District~~ zoning district provide and protect sites for industrial use and for  
22 office uses related to activities that may produce sound, odors, levels of activity, truck traffic or handle  
23 hazardous materials that typically generate substantially more impact on surrounding properties.  
24 Preservation of sensitive areas is required.

25 ~~31.16.31.19.~~ **Purpose of the Commercial Marine District (CM).**

26 The Commercial Marine ~~District~~ zoning district provides ~~and protects~~ shoreline sites for a full range of  
27 marine sales and services, including marinas, dry boat storage, boat-yards, boat and equipment sales and  
28 rentals, marine-related retail sales, yacht clubs, visitor accommodations, food and beverage sales and eating  
29 and drinking establishments.



**CHAPTER 32 PROPERTY DEVELOPMENT REGULATIONS**

Sections:

- 32.1 Basic Standards.
- 32.2 Modifications to Basic Standards.
- 32.3 Supplemental Development Standards.

**32.1. Basic Standards.**

Schedule 32.1 prescribes basic development regulations for zoning districts. Schedule 32.1 sets forth density and development standards for residential development in a Rural Preservation District (RPD). Supplemental site regulations applicable to all districts are included in Article 6, Site design Standards and Approvals. Site Development and Resource Protection Standards are included in Article 7.

**32.2. Modifications to Basic Standards.**

Schedule 32.2 identifies modifications that can be used to increase intensity of residential and non-residential development through the use of enhanced site and architectural design, transfer of development rights, and provision of affordable housing. This schedule reduces existing requirements in order to allow greater flexibility in site design and building configuration.

**32.3. Supplemental Development Standards.**

**1. Affordable Housing Standards.**

- a. *Household Income Qualifications.* To qualify for a residential density increase for offering affordable housing, at least 12 percent, but not more than 25 percent, of the units in the proposed development shall be reserved for a minimum of 15 years for lower income households. Lower income households are defined as those whose gross income is no greater than 50 percent of the County's median household income for the prior year, as reported by the U.S. Department of Housing and Urban Development or the State of Maryland.
- b. *Location and Design of Lower Income Units.* Lower-income units shall be reasonably dispersed throughout the project and shall be comparable with other units in appearance, use of materials, and finish quality.

**2. Setback from Mandatory Buffers.**

- a. *Front, rear, and side setbacks* for all lots created after the effective date of this Ordinance are as shown in Schedule 32.1 and shall apply from the edge of any road right-of-way and from any Sensitive Areas, as defined in Chapter 71.
- b. *Front, rear, and side setbacks* on lots existing prior to the effective date of this Ordinance shall apply from the edge of any road right-of-way and from any Sensitive Areas, as defined in Chapter 71, except when an application leaves less than 15,000 sq. ft. of the lot buildable or, where public or community water and sewer are available, less than 5,000 sq. ft. of the lot remains. In these cases, setbacks shall be applied from the property line provided there shall be no encroachment or disturbance into the Sensitive Areas, as defined in Chapter 71.

**3. Cluster Development Standards.**

- a. A ~~residential~~ cluster development encourages and permits variation in developments by allowing variation in lot size, lot dimensions, and lot coverage from that which is normally required in the applicable zoning district. ~~Dwelling units~~ Residential and non-residential structures and associated impervious surfaces are concentrated in a selected area or selected areas of the development tract in order to meet minimum priority funding area (PFA) criteria, to achieve the density per acre in the development envelope or the mandatory mixed use criteria of Table 32.1, and to provide natural habitat or other open space uses (including agriculture) on the remainder of the tract.
- b. The minimum site area for any cluster development shall be ~~three (3)~~ two (2) acres unless adjoining adjacent to similar ~~residential~~ development.
- c. A structure containing three (3) or more dwelling units in a cluster development shall be ~~a minimum of 75 feet from the boundary of the site where the site adjoins a~~ designed to be compatible with adjacent single-family dwelling development.
- d. Minimum lot size for a single-family detached dwelling shall be 6,000 square feet.

~~e. Proposed residential cluster developments must obtain preliminary plan approval or site plan approval from the Planning Commission before proceeding to final approval.~~

4. *Alternative Open Space Standards in the RL, RM, RH, and RMX Zones.*

The 50% minimum open space requirement may be reduced in the RL, RH and RMX zones, to an amount determined by the Planning Commission that is not less than 30%, when:

~~a. The the applicant is providing affordable housing in compliance with Section 32.3.1; or,~~

~~b. The applicant is providing workforce housing in compliance with the Workforce Housing Policy adopted by the Board of County Commissioners.~~

5. *Implementation of the County Annual Growth Policy.*

The Board of County Commissioners ~~have may established~~ an Annual Growth Policy for the county that limits the total number of dwelling units that may be approved in each year within planned growth areas and planned rural areas.

Approval for development density and intensity in accordance with schedules 32.1 and the timing of approvals for development shall be in accordance with the approved growth policy.

6. Standards for Development in Mixed Use Zones.

~~a. Mixed use development must include space for at least two of the following uses. The secondary use must comprise at least 10% of the building floor area. The secondary use may not be reserved for use only by the principal user (for example, a residents-only gym or an employee cafeteria). The secondary use must be a permitted or conditional use in the zoning district.~~

~~(1) Multifamily residential~~

~~(2) Office~~

~~(3) Light retailing (based on use intensity from Schedule 50.4)~~

~~(4) Personal service~~

~~(5) Eating and drinking~~

~~(6) Hotel~~

~~(7) Indoor recreation~~

~~(8) Public benefit use~~

~~(9) Child day care center~~

~~(10) Live/work units, defined as units that include a complete dwelling unit with kitchen and bathroom, as well as space suitable for running a business, provided that the business is a permitted or lawfully approved conditional use in the zoning district. To qualify as a live/work unit for the purposes of this part, the live/work unit must be occupied entirely by a single housekeeping unit.~~

~~(11) Publicly accessible open space that is open to the sky and at least 2,500 square feet in area. To ensure that the open space is functional, reasonably contiguous, and consistent with applicable design regulations, the site plan for the open space is subject to review and approval as part of the master plan or planned development zoning application.~~

~~(12) Ground floor space that is suitable for retail uses. For the purposes of this part, "suitable for retail uses" means, at a minimum, ceiling heights of at least 16', depth of at least 40' and street facing facades must be at least 30% transparent between 3' and 7' above grade.~~

~~b. Table 32.1 specifies mixed use zones and in footnotes 19, 20, and 21 requires parcels of certain sizes to provide a mix of residential and non-residential uses based on developed floor area. The mix of uses may be achieved either within multistory structures housing differing uses classification groups per §52.4.1 or within single-use types in multistory structures. The entire site shall be designed in a manner that integrates a mix of uses onsite, offsite and provides a walkable community.~~

~~(1) Single use residential development in Mixed use Zones. When a mix of residential and non-residential uses is required on a site based on parcel size, a single use residential development may be allowed if the development is clustered to achieve a minimum density of 3.5 units per acre in the development envelope and the site designed in a manner to integrate with the future development of an equivalent non-residential floor area on the site.~~

1 (2) Single use non-residential development in Mixed use Zones. When a mix of residential and  
2 non-residential uses is required on a site based on parcel size, a single use non-residential  
3 development may be allowed if the development is clustered and the site designed in a manner  
4 to integrate with the future development of the required minimum residential floor area on the  
5 site.

6 (3) Mixed use proposed Residential / Nonresidential in Mixed use Zones. When a mix of  
7 residential and non-residential uses is required on a site based on parcel size, the development  
8 phasing and design shall assure that a mix of uses is achieved prior to buildout of either of the  
9 planned residential or non-residential components of the development. Residential uses shall  
10 be clustered to achieve a minimum density of 3.5 units per acre in its development envelope.

11 (4) Redevelopment in Mixed Use Zones. When a mix of residential and non-residential uses is  
12 required on a site based on parcel size, a single use non-residential development may continue  
13 provide the redevelopment site is designed in a manner to accommodate the future  
14 development of the required minimum residential floor area on the site.

15 7. Density Bonus Options

16 The following list of design enhancements provide options for creating a superior development. A bonus shall not be  
17 considered an entitlement. In addition, the maximum available bonus may not be appropriate in all situations. In some  
18 locations, the full bonus may not be compatible with the surrounding neighborhood, or may need infrastructure that is  
19 unavailable or impossible to accommodate. If improvements to the streetscape, offsite locations, or public property are  
20 part of a proposal, then such improvements must be maintained by the property owner or owners of the subject  
21 development unless appropriate maintenance obligations are accepted by the County.

- 22 a. An additional 5 units for each acre of land donated to and accepted by the county as a site for the  
23 construction of facilities identified in an approved county masterplan for schools, recreation and parks,  
24 or capital facilities.
- 25 b. An additional 5 units for each permanent on-site bus stop with approved shelter subject to coordination  
26 with the St. Mary's Transit System;
- 27 c. An additional 2 units for installation with applicant funds of an approved shelter at a new or existing  
28 off-site bus stop subject to coordination with the St. Mary's Transit System;
- 29 d. An additional 1 units for each 1,000 square feet of sidewalk infill constructed with applicant funds in a  
30 public right-of-way within 1 mile of site (maximum 5 units) subject to coordination with the  
31 Department of Public Works and Transportation;
- 32 e. An additional 1 unit for each bike parking area totaling 1 bike space per 10 parking spaces;
- 33 f. An additional 2 units for each covered and enclosed bike storage area having the greater of 10 spaces or  
34 1 bike space for each dwelling or for each 10 employees in a mixed use structure;
- 35 g. An additional 1 units for each 1,000 square feet of Green-roof (maximum 10 units allowed);
- 36 h. An additional 1 units for each 1,000 square feet of active roof deck on a structure (limit 2 unit increase  
37 per structure);
- 38 i. An additional 1 unit for each 10KW's of rooftop solar panels while maintaining an attractive and  
39 cohesive architectural form and avoiding glare that interferes with aircraft flight or testing.

Schedule 32.1 Development Standards

	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC <sup>9</sup>	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	OBP	I	CM	
<b>Residential Density</b>																				
Base density (units per acre)	1 dwelling per 5 acres subject to Footnote 13	none <sup>14</sup>	none <sup>14</sup>	1 <sup>16</sup>	1	1	10	1	1	1	1	1	3.5	3.5	3.5	none	none	none	none <sup>14</sup>	
Maximum density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	1 dwelling per 3 acres	none	none	3 <sup>16</sup>	5	10	20	2	5	5	5	15	30	25	20	none	none	none	none	
Minimum residential density required within the development envelope of major subdivisions	--	--	--	3.5 <sup>17,18</sup>	3.5 <sup>18</sup>	5 <sup>18</sup>	10 <sup>18</sup>	--	--	--	--	--	7 <sup>19</sup>	3.5	3.5	--	--	--	--	
<b>Development Intensity: Floor Area Ratio</b>																				
Residential	--	--	--	--	--	--	--	--	--	--	--	--	0.70	See Footnote 20	See Footnote 20	--	--	--	--	
Non-residential	0.05	0.10	0.25	0.10	0.10	0.10	0.30	0.10	0.20	0.20	0.30	0.40	0.70	0.60	0.50	Based on Use and AICUZ restrictions	0.40	0.40	0.20	
Residential and non-residential Mixed use development (See Table 32.2 for methods to achieve Density and FAR Increase)	--	--	--	--	--	--	--	--	--	--	--	--	1.40	1.20	1.00	Based on Use and AICUZ restrictions	--	--	--	
Maximum allowed for non-residential mixed-use development (See Table 32.2 for methods to achieve FAR Increase)	0.15	0.30	0.30	0.20	0.20	0.20	0.30	0.15	0.35	0.30	0.40	0.50	0.80	0.70	0.60	Based on Use and AICUZ restrictions	0.50	0.60	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 <sup>17</sup>	none	none	none	none	none	none	none	none	none	none	none	none	none	none	none	1 ac
Width	150	none	none	75	75	none	none	75	none	80	80	none	none	none	none	none	none	none	none	100
Depth	160	none	none	100	100	60	60	100	none	100	100	none	none	none	none	none	none	none	none	200
Frontage	75	none	none	50	50	none	none	50	none	50	50	none	none	none	none	none	none	none	none	none
<b>Principal Structure Setbacks</b> 1,2,3,4																				
Minor Collector or lesser	25	25	25	25	25	25	25	25	25	25	25	20	5	20	25	20	25	25	25	25
Major Collector	35	35	35	35	35	35	35	35	35	35	35	30	10	30	35	30	35	35	35	35
Arterial	50	50	50	50	50	50	50	50	50	50	50	50	50/10 <sup>2</sup>	50	50	50	50	50	50	50
Side <sup>4</sup>	15	15	15	10	10	10	10	10	15	15	15	10	10	10	20	10	20	25	25	25
Rear <sup>4</sup>	20	20	20	20	20	20	20	20	25	25	25	20	20	20	30	20	25	25	25	25
Minimum Separation between detached principal structures on a site	2 times the side yard setback; Zero side setbacks allowed when fire rated party walls are provided and site access design provides alley ways for rear yard access.																			
<b>Other Requirements</b>																				
Maximum footprint of each structure on a site by right	5,000	10,000	15,000	20,000	20,000	none	none	5,000	20,000	15,000	30,000	50,000	50,000	40,000	30,000	50,000	50,000	none	none	
Maximum footprint of each structure on a site	6,250 See Footnote 11	12,500	25,000	25,000	25,000	none	none	6,250	25,000	25,000	50,000	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	See Footnote 5, 6	none	none	
Maximum Height <sup>12</sup>	40 <sup>7</sup>	40 <sup>7</sup>	40 <sup>7</sup>	40 <sup>7</sup>	40 <sup>7</sup>	75	75	40 <sup>7</sup>	40 <sup>7</sup>	40 <sup>7</sup>	40 <sup>7</sup>	100	100	100	100	100	100	100	60	
Minimum Landscaping	none	15%	15%	none	none	15%	15%	20%	20%	20%	20%	20%	20%	20%	10%	20%	20%	20%	20%	
<b>Minimum Open Space<sup>10</sup></b>																				
Useable Open Space for Public, Semi-public or Commercial Use Classifications, (percent of development envelope)	5%	none	none	5%	5%	5%	5%	none	5%	5%	2%	2%	10%	5%	5%	5%	5%	2%	none	
Useable Open Space (sq. ft. per residential unit in developments with 25 units or more)	2000	none	none	2000	2000	200	200	none	2000	200	200	200	200	200	200	200	200	none	none	
Undeveloped Open space <sup>22</sup>	50%	none	none	50%	50% <sup>15</sup>	50% <sup>15</sup>	50% <sup>15</sup>	50% <sup>15</sup>	50% <sup>15</sup>	20%	20%	15%	See Footnote 23	See Footnote 23	See Footnote 23	20%	none	none	none	

Footnotes

1. 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.
2. 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.
3. Permitted obstructions in required yards are defined in Section 61.7.
4. 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 plantings of planted with a "C" buffer. 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.

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>5. By right footprint may be increased with TDRs by 2,000 sq. ft. per TDR up to 60,000 sq. ft.</li> <li>6. Additional sq. ft. of footprint above 60,000 sq. ft. in the Development Districts may be achieved @ 1,000 sq. ft. per additional TDR.</li> <li>7. 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. Existing buildings constructed as of May 8, 2007 are not considered a non-conforming building height.</li> <li>8. RESERVED.</li> <li>9. In the RNC District, setback averaging, as defined in Chapter 91 Rules for Measurement, may be used to determine front yard requirements.</li> <li>10. An open space credit may be granted as determined by the Planning Commission if a project is connected to, and located within ¼ mile of, an improved public park by a continuous sidewalk.</li> <li>11. Auction houses may be increased to 20,000 square feet with TDRs in the RPD.</li> <li>12. Height of all structures subject to site-by-site analysis for compliance with Chapter 43 AICUZ and AE height restrictions. Structures with a building height greater than 45 feet shall install an approved sprinkler system. Height of communication towers is exempt from height restrictions of Schedule 32.1 and regulated by the provisions contained in Chapter 51 of this ordinance.</li> <li>13. TDR(s) required after initial residential lot or dwelling per Section 26.4.</li> <li>14. One single-family dwelling is permitted per site.</li> </ol> | <p>Minimum undeveloped open space may be reduced in these zones per Section 32.3.4.</p> <ol style="list-style-type: none"> <li>15. Density in the RL-T in the Critical Area shall not exceed 1 dwelling per 2 acres.</li> <li>16. <u>Minimum lot size shall be 2 acres- for any subdivision of land after [date of adoption]</u></li> <li>17. <u>All major subdivisions and residential site plans shall achieve at least 3.5 dwellings per acre within the development envelope.</u></li> <li>18. <u>Projects creating more than 3,000 square feet of floor area will be required to achieve a mix of uses.</u></li> <li>19. <u>Within a development envelope exceeding 5 acres, accommodate a mix of use types or provide multifamily residences occupying at least 20% of the developed floor area.</u></li> <li>20. <u>Within a development envelope exceeding 3 acres, accommodate a mix of use types or provide multifamily residences occupying at least 20% of the developed floor area.</u></li> <li>21. <u>Undeveloped Open space at a minimum shall include sensitive areas per Chapter 71.</u></li> <li>22. <u>Undeveloped open space shall encompass the regulated floodplain, wetlands and vernal pools with surrounding 25' buffers, perennial and intermittent streams with 100-foot stream buffers on each side, slopes of 25% or greater associated with any of the preceding, areas of priority forest per Chapter 75, and soils with severe development limitations per the soil survey due to high water table or erodibility.</u></li> </ol> |
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### SCHEDULE 32.2 MODIFICATIONS TO DEVELOPMENT STANDARDS

		RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	OBP	I	CM
<b>Methods for Achieving Residential Density Increase</b>																				
Base Density Increase	Affordable housing (units per acre)	none	none	none	1.00	1.00	1.00	1.00	none	1.00	1.00	1.00	1.00	3.0	2.5	1.5	none	none	none	none
	Increase in units with purchase of TDRs – See Section 26.4.2	See Section 26.4.2	none	none	2 <sup>1</sup>	5	See footnote 6		1 <sup>1</sup>	4	4	4	See footnote 6				none	none	none	none
	<u>Bonus Density Options</u>	<u>.See §32.3.7. for options to increase dwelling unit count.</u>																		
<b>Methods for achieving Floor Area Increase</b>																				
Added square feet or FAR increase for design enhancements (cumulative footage not to exceed maximum FAR)	Added square feet per TDR	2,000	2,000	2,000	n/a	2,000	none	none	2,000	2,000	2,000	2,000	2,000 <sup>2</sup>	2,000 <sup>2</sup>	2,000 <sup>2</sup>	2,000 <sup>2</sup>	none	2,000 <sup>2</sup>	2,000	2,000
	FAR increase for LEED Certified Site or Building Design	none	none	none	none	none	0.05	0.05	none	0.02	<del>0.50</del> 0.05	0.05	0.05	0.05	0.05	0.05	none	<del>0.50</del> 0.05	<del>0.50</del> 0.05	none
	FAR increase for LEED Silver Certified Site or Building Design (added to above)	0.03	0.05	0.05	0.05	0.03	0.10	0.10	none	0.05	0.10	0.10	0.10	0.10	0.10	0.10	none	0.10	0.10	none
	FAR increase for LEED Gold Certified Site or Building Design (added to above)	0.05	0.10	0.10	0.10	0.05	0.15	0.15	none	0.10	0.15	0.15	0.15	0.15	0.15	0.15	none	0.15	0.15	none

**Footnotes:**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. <u>Unit increase with purchase of TDRs is possible/available only in within growth areas.</u></li> <li>2. Additional square feet of first floor "footprint" above 60,000 sq. ft. in development districts may be achieved @ 1,000 sq. ft. per TDR</li> <li>3. In structure parking and structured parking shall not count toward FAR. Building height calculation shall exclude a single level of parking built within a building that also contains a principal use, except in the AICUZ.</li> </ol> | <ol style="list-style-type: none"> <li>4. Bonus density is not available in the Critical Area.</li> <li>5. <u>A bonus of one square foot for each square foot of amenity space provided, up to a maximum of 500 square feet per amenity, shall be provided for: (1) Outdoor seating areas, (2) Walking paths, (3) Public art, (4) Public gardens, (5) Plazas, (6) Water features, (7) Other amenity space approved by the Planning Director.</u></li> <li>5-6. <u>Unit increase with purchase of TDRs requires 1 TDR each for the first 4 dwellings units added then 0.5 TDRs each for the next 8 units added, and then 0.25 TDRs each for any additional units.</u></li> </ol> |
|---|---|