

### Article III Land Uses

*§ 190-16. General Table of Land Uses*

- A. The following table establishes permitted uses, special exception uses and accessory uses in the zoning districts set forth in this Article.
- B. All uses not listed in the Table are prohibited except as provided below in paragraph C.
- C. The uses listed under the major use headings may be interpreted by the Planning Director, after a recommendation from the Planning Commission, to include other uses that have similar impacts to listed uses. The listed uses within the Table which are subject to interpretation are those which are not in bold type.
- D. This section shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another listed use that is allowed in other zoning districts.

**Table III-1. General Table of Land Uses**

Table	P = permitted use; S = special exception; A = accessory use										
Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<b>Agricultural Processing</b>  Includes raw product packaging, freezing and canning See regulations for specific land uses in this Article.	S	S	S								P
<b>Agricultural Production</b>  Includes growing field crops, grazing, livestock and supplemental feeding, hay production, orchards, vegetable growing, sod farming, vineyards and Christmas tree growing	P	P	P	P	P	P	P	P	P	P	P

<b>Table</b>	P = permitted use; S = special exception; A = accessory use										
<b>Land Use</b>	<b>Agricultural Conservation</b>	<b>Countryside Preservation</b>	<b>Western Rural Conservation</b>	<b>Rural Conservation</b>	<b>Rural Residential</b>	<b>Town Conservation</b>	<b>Town Residential</b>	<b>Village Center</b>	<b>Limited Commercial</b>	<b>General Commercial</b>	<b>Limited Industrial</b>
<p><b>Agricultural Research Facilities (commercial)</b></p> <p>Includes facilities involved in agricultural study, research, or experimentation for which a significant fee or other significant remuneration will be paid. See regulations for specific land uses in this Article.</p>	S	S	S	S							
<p><b>Agricultural Uses And Structures, Accessory</b></p> <p>Includes farm buildings, barns, dairy barns, cribs, sheds, stables, tool rooms, workshops, farm-related offices, tanks, and silos; open or enclosed storage of farm materials, products, equipment or vehicles; petroleum storage, not for resale, subject to County, state, and federal regulations; and grain flow and field blending and packaging including milling, drying and storing.</p> <p>Includes value-added uses such as pick-your-own produce operations, corn mazes, cut-your-own Christmas trees farms and flower operations, sales of decorative plant materials, farm tours for fee, and petting zoos.</p> <p>Includes value-added processing. See regulations for specific land uses in this Article.</p>	A	A	A	A	A	A	A	A			
<p><b>Agricultural Uses and Structures - Poultry and Hog Houses Larger Than 1,500 Square Feet on Parcels Smaller Than 20 Acres</b></p> <p>See regulations for specific land uses in this Article.</p>	S	S	S	S							

Table	P = permitted use; S = special exception; A = accessory use										
Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<p><b>Agricultural Uses and Structures - Poultry and Hog Houses, Livestock Feeding Lots and Agricultural Lagoons</b></p> <p>See regulations for specific land uses in this Article. In the VC District, limited to poultry houses.</p>	P	P	P	P				S			
<p><b>Animal Hospital, Veterinary Clinic and Associated Boarding of Animals</b></p> <p>See regulations for specific land uses in this Article.</p>	S	S	S	S	S	S		P	P	P	
<p><b>Antenna Tower for Essential Communications</b></p> <p>Includes towers for essential telecommunications and emergency service radio communications antennae. See regulations for specific land uses in this Article.</p>	S	S	S	S	S	S	S	S	P	P	P
<p><b>Antenna Tower for Radio and Television Transmissions and Other Non-essential Radio Communications</b></p> <p>Includes towers for public and commercial radio and television antennas, business band radio antennas and necessary transmission facilities. Includes associated broadcasting studios in the LC, GC, and LI Districts. See regulations for specific land uses in this Article.</p>	S	S	S	S					P	P	P
<p><b>Aquaculture (retail)</b></p> <p>See regulations for specific land uses in this Article.</p>	S	S	S	S				S	P	P	S

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<b>Aquaculture (wholesale)</b> Excludes on-premises processing of aquaculture products See regulations for specific land uses in this Article.	P	P	P	P				S	P	P	P
<b>Auction House</b> See regulations for specific land uses in this Article	S										
<b>Automobile Service, Repair, Washing, and Fuel Sales</b> Includes trucks and recreational vehicles. See regulations for specific land uses in this Article.								P	P	P	P
<b>Bed-and-Breakfast</b> See regulations for specific land uses in this Article.	A	A	A	A	S	A	A	A			
<b>Bridges, Private Which Cross Tidal Waters</b> See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S	S	S	S
<b>Bridges, Other Private</b>	A	A	A	A	A	A	A	A	A	A	A
<b>Building Supply and Lumber Yards with Outside Storage</b> Includes home and garden supplies and equipment. See regulations for specific land uses in this Article.								S	S	P	P
<b>Cemeteries and Mausoleums/Columbarium, Non-Church-Related, for Humans and Animals and Family Cemeteries</b> See regulations for specific land uses in this Article.	P	P	P	P							
<b>Churches and Related Cemeteries</b> See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	P	P	P	

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<b>Community and Cultural Facilities</b> Includes public and quasi-public buildings and structures for recreation, conservation, cultural, museum, library and public service uses. See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	P	P	P	S
<b>Compounding Industries (permanent)</b> Includes concrete and asphalt plants See regulations for specific land uses in this Article. See Temporary uses for temporary compounding of paving material.											S
<b>Conservation Areas (public or private)</b> Includes arboretums, bird sanctuaries, demonstration forests, hunting preserves, reforestation areas, wildlife reservations and regulated hunting areas.	P	P	P	P	P	P	P	P	P	P	P
<b>Contracting and Maintenance</b> Includes air conditioning, building, electrical, excavation, floor covering, glass repair, heating, landscaping, plumbing and tree trimming. See regulations for specific land uses in this Article.									P	P	P
<b>Cottage Industry</b> See regulations for specific land uses in this Article.	S	S	S	S		S		S			
<b>Day-Care Center, Group</b>	S	S	S		S	S	S	S	P	P	P
<b>Day-Care Center, Small Group</b>	S	S	S		S	S	S	S	P	P	P
<b>Day-Care Center, Family</b> See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	P	P	P

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<b>Land Use</b>	<b>Agricultural Conservation</b>	<b>Countryside Preservation</b>	<b>Western Rural Conservation</b>	<b>Rural Conservation</b>	<b>Rural Residential</b>	<b>Town Conservation</b>	<b>Town Residential</b>	<b>Village Center</b>	<b>Limited Commercial</b>	<b>General Commercial</b>	<b>Limited Industrial</b>
<b>Dwelling, Accessory Apartment</b> See regulations for specific land uses in this Article.								A			
<b>Dwelling, Accessory, in the RC District</b> See regulations for specific land uses in this Article.				A							
<b>Dwelling, Accessory to Agricultural Use - Mobile home: 1 or 2 dwellings</b> See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
<b>Dwelling, Accessory to Agricultural Use - Mobile home: 3 or 4 dwellings</b> See regulations for specific land uses in this Article.	S	S	S		S	S	S	S	S	S	S
<b>Dwelling, Accessory to Agricultural Use - Dwelling other than a mobile home</b> See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
<b>Dwelling, Accessory to Commercial Use</b> Commercial use must remain in operation.									A	A	A
<b>Dwelling, Seasonal Agricultural Employee</b> See regulations for specific land uses in this Article.	S	S	S								
<b>Dwelling, Employee</b> See regulations for specific land uses in this Article.	A	A	A		A	A	A	A	A	A	A
<b>Dwelling, Guest House</b> See regulations for specific land uses in this Article.	A	A	A		A	A	A	A			
<b>Dwelling, Rehabilitation</b> See regulations for specific land uses in this Article.	S	S	S	S		S		S			

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Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<b>Dwelling, Single-Family (detached)</b> Includes modular homes and doublewide manufactured homes. Excludes single-wide manufactured homes and mobile homes. See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	A	A	A
<b>Dwelling, Single-Family (duplex)</b> Includes two attached single-family dwellings constructed on site or modular dwellings manufactured off site. Excludes manufactured homes and mobile homes. See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P	A	A	A
<b>Educational Institutions, Public or Private, Boarding and Non-Boarding</b> See regulations for specific land uses in this Article.	S	S	S	S		S	S	S	S	S	S
<b>Emergency Services</b> Includes fire, police, rescue and ambulance uses. See regulations for specific land uses in this Article.	P	P	P	P		P	P	P	P	P	P
<b>Exposition Center</b> Includes fairgrounds.	S	S	S								S
<b>Farm Equipment Service and Repairs</b> See regulations for specific land uses in this Article.	S	S	S					S	P	P	P
<b>Farm Machinery and Supplies Sales</b> Includes agricultural vehicles and implements, and agricultural supplies. Includes home and garden supplies and equipment, except in the AC, CP, and WRC districts. See regulations for specific land uses in this Article.	S	S	S						S	P	P

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<b>Farm Market</b> See regulations for specific land uses in this Article.	P	P	S	S				S			
<b>Fish and Game Hatcheries</b>	P	P	P	P							
<b>Fisheries Activities Facilities</b>				S				S			S
<b>Flammable Liquid Storage, Wholesale Distribution, and Resale</b> See regulations for specific land uses in this Article.									S	S	S
<b>Food Packing and Processing</b>										P	P
<b>Funeral Home and Crematorium</b>									P	P	P
<b>Golf Courses and Country Clubs (public or private)</b> Excludes miniature golf courses Excludes driving ranges not primarily associated with the golf course. See regulations for specific land uses in this Article.	P	P	P		S	S	S				
<b>Grain processing, drying and storage (wholesale commercial)</b> See regulations for specific land uses in this Article.	P	P	P	P		S		S	S	S	S
<b>Greenhouse and Plant Nursery (retail)</b> See regulations for specific land uses in this Article.	S	S	S	S		S	S	S	P	P	P
<b>Greenhouse and Plant Nursery (wholesale)</b> See regulations for specific land uses in this Article.	P	P	P	P		S	S	S	S	P	S
<b>Group Homes, Large</b>	S	S	S	S	S	S	S	S	S	S	
<b>Group Homes, Small</b>	P	P	P	P	P	P	P	P			
<b>Home Occupation - See regulations for specific land uses in this Article.</b>	A	A	A	A	A	A	A	A			
<b>Hospital</b> See regulations for specific land uses in this Article.										S	

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<b>Hotel/Motel</b> See regulations for specific land uses in this Article.								S	S	P	
<b>Inn</b> See regulations for specific land uses in this Article.								S	P	P	
<b>Junkyard</b> See regulations for specific land uses in this Article.											S
<b>Kenel, accessory residential</b>	A	A	A	A	A	A	A				
<b>Kenel, commercial</b> See regulations for specific land uses in this Article.	S	S	S						S	S	
<b>Laboratories for Scientific Research and Experimentation</b>											P
<b>Landing Strips</b> See regulations for specific land uses in this Article.	S										
<b>Livestock Auction House</b> See regulations for specific land uses in this Article.	S	S	S								
<b>Manufacturing Operations</b> Includes any uses involved in assembling, processing or packaging operations. See regulations for specific land uses in this Article.								S	S	S	P

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Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<p><b>Marinas</b> Includes piers, wharves, berthing and boat docking facilities, launching ramps, wet and dry storage facilities for seaworthy craft in operable condition, yacht clubs, retail sale of maritime-related items (fishing equipment, bait, ice, etc.), minor repair of watercraft, watercraft sales, rental and charter, marine equipment sales, watercraft fuel sales, fishing facilities (crab sheds, fish off-loading docks, shellfish culture operations, and fishery activities), guestroom rental (no more than 10 rooms), cafes. See regulations for specific land uses in this Article.</p>				S				S	S	S	S
<p><b>Marine and Boat Equipment Sales and Assembly</b> Includes outdoor commercial storage and sales. See regulations for specific land uses in this Article.</p>									S	P	P
<p><b>Marine Contracting</b> Includes businesses that install or repair pilings, piers and similar structures located in or over water to include shoreline stabilization.</p>								S	S	S	P
<p><b>Marine Equipment Service and Repairs</b></p>								S	P	P	P
<p><b>Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies</b> Excludes gun and firearm shooting clubs See regulations for specific land uses in this Article.</p>	S	S	S	S		S		S	P	P	

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<b>Mineral Extraction</b> Includes sand and gravel operations. See regulations for specific land uses in this Article.	S	S	S	S							
<b>Monuments and Memorial Stones, Production and Sales -</b> See regulations for specific land uses in this Article.										P	P
<b>Nursing Homes and Assisted Living Facilities</b> See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S			
<b>Off-Road Outdoor Recreation (Public or Private)</b> Includes motorized and non-motorized vehicle race and other recreation courses, excluding automobiles and trucks See regulations for specific land uses in this Article.	S	S									
<b>Offices, General</b>								P	P	P	P
<b>Offices, Government</b> In the LI District limited to offices offering agricultural, technical, investigative, or community outreach and support services.								P	P	P	P
<b>Parks and Playgrounds (public or private)</b> See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P			
<b>Piers and Related Boat Facilities</b> - Includes community piers, private piers, boat ramps and raised walkways. See regulations for specific land uses in this Article.											
<b>Piers, Community</b>				A	A		A	A			
<b>Piers, Private</b>				S	S		S	S	S	S	S
<b>Boat Ramp</b>				A	A		A	A	A	A	A
<b>Raised walkway</b>				A	A		A	A	A	A	A

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Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<b>Ports and Related Industry</b>											P
<b>Post Offices</b>								P	P	P	
<b>Produce Stands</b> See regulations for specific land uses in this Article.	A	A	A	A		A		P	P	P	
<b>Pump Stations for Gas and Oil Pipelines</b>	S	S	S	S	S	S	S	S	S	S	S
<b>Recreation Activities, General Outdoor Commercial</b> Includes miniature golf, driving ranges and commercial ball fields										S	S
<b>Recreation Facilities, Indoor (commercial or noncommercial)</b> Includes billiard/pool halls, bowling alleys, health clubs, indoor ball courts, skating rinks, theaters with fewer than 500 seats, and sports arenas with fewer than 500 seats See regulations for specific land uses in this Article.								S	P	P	P
<b>Recycling Collection Center</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Recycling, Product</b> Includes masonry products (including concrete, asphalt, brick, block and stone) and material products (including trees, stumps, branches, leaves, grass trimmings and soil) See regulations for specific land uses in this Article.	S	S	S	S							
<b>Recycling Processing Center</b> See regulations for specific land uses in this Article.											P

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Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<b>Residential Structures and Uses, Accessory</b> Includes detached carports and garages, game courts, greenhouses, storage sheds, swimming pools and pool houses, and other structures not for human occupation. See also §190-118 for specific requirements.	A	A	A	A	A	A	A	A	A	A	A
<b>Restaurant with Drive-Through Facilities</b>										S	
<b>Restaurants, Bars and Night Clubs</b> Excludes uses with drive-through facilities See regulations for specific land uses in this Article.								S	P	P	
<b>Restoration of Boats, Vehicles and Furniture</b> Limited to repair and restoration of antique furniture and antique or classic vehicles. See regulations for specific land uses in this Article.	S							S	P	P	P
<b>Retail, General</b> Includes sales of antiques, books, baked goods, clothing, crafts, drugs, dry goods, furniture, gifts, groceries, hardware, household items, liquor, plants (flowers, shrubs, and trees), seafood, sports equipment, and items generally found in department stores, general stores or variety stores. See regulations for specific land uses in this Article.								S	P	P	
<b>Retail, Incidental</b> See regulations for specific land uses in this Article.											A
<b>Retail, Major</b> See regulations for specific land uses in this Article.								S	P	P	

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<b>Roadside Vendor</b>									A	A	A
<b>Satellite dishes</b> See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A	A	A	A
<b>Sawmills</b> Includes temporary noncommercial sawmills when associated with on-site timber harvests. See regulations for specific land uses in this Article.	P	P	P	P				S	S	P	P
<b>Scrap Metal Processing</b> See regulations for specific land uses in this Article.											P
<b>Septage Treatment Facilities</b> See regulations for specific land uses in this Article.	S	S	S								S
<b>Septic Systems</b> See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A	A	A	A
<b>Services, General</b> Includes beauty parlor, barbershop, blacksmith, dry cleaning, equipment rental, laundromats/laundry, locksmith, outdoor power equipment repair, photo processing, shoe repair, tailor shop, signs, sheet metal, printing/publishing, appliance repair, upholstery, taxidermy, woodworker/ carpenter and welding. See regulations for specific land uses in this Article.								S	P	P	P

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<b>Services, Professional</b> Includes accounting, architecture, chiropractic medicine, medical clinics (medical or veterinary), dentistry, financial institutions, insurance, land planning, law, medicine, real estate, veterinary medicine See regulations for specific land uses in this Article.								P	P	P	P
<b>Shooting Range, Indoor</b>	S	S	S					S	S	S	S
<b>Shoreline Stabilization Measures</b> Includes bulkheads, riprap and other shoreline protection measures.				P	P		P	P	P	P	P
<b>Short Term Rental</b> See regulations for specific land uses in this Article.	P	P	P	P	P	P	P	P			
<b>Solid Waste Disposal Facilities</b> These uses may be permitted in any zoning district but require approval from the County Council. See Article IX and regulations for specific land uses in this Article.											
<b>Solid Waste Transfer Stations</b> See regulations for specific land uses in this Article.	S	S	S			S	S	S	S	S	S
<b>Stables, Accessory to Residential Uses</b> See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
<b>Stables, Riding, Trails and Horse Boarding (commercial)</b> See regulations for specific land uses in this Article.	S	S	S	S		S					
<b>Storage, accessory to commercial and industrial uses</b> Requires a simplified site plan								A	A	A	A

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Land Use	Agricultural Conservation	Countryside Preservation	Western Rural Conservation	Rural Conservation	Rural Residential	Town Conservation	Town Residential	Village Center	Limited Commercial	General Commercial	Limited Industrial
<b>Storage building prior to construction of principal structure</b> This use allows a storage building where it would not be permitted as an accessory use because there is no principal use established for the lot.	S	S	S	S	S	S	S	S			
<b>Storage of inoperable or unregistered motor vehicles accessory to a dwelling</b> See regulations for specific land uses in this Article.	A	A	A	A	A	A	A	A			
<b>Studios For Instruction in Art, Music, Dance, Drama, Crafts or Physical Education</b> See regulations for specific land uses in this Article.						P	P	P	P	P	S
<b>Temporary Uses</b> See regulations for specific land uses in this Article. This use includes the following::	P	P	P	P	P	P	P	P	P	P	P
Accessory building prior to a principal structure											
Paving Material Compounding											
Portable storage units											
<b>Timber Harvesting (commercial)</b> Includes parcels 10 acres or larger in Critical Area RR, TR, VC, and LC.	P	P	P	P	P	P	P	P	P	P	P
<b>Timber Harvesting (commercial)</b> Includes parcels smaller than 10 acres in Critical Area RR, TR, VC, and LC.					S		S	S	S		
<b>Trucking Terminals, Warehouses, and Storage Yards</b> Not allowed in Critical Area.											P

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<b>Utility Services, Nonessential</b> Excludes essential utility services. Includes utility transmission facilities. In the RC District, excludes generation of electricity. See regulations for specific land uses in this Article.	S	S	S	S	S	S	S	S	S	S	S
<b>Utility Services, Essential</b>	P	P	P	P	P	P	P	P	P	P	P
<b>Utility Structures</b> Excludes essential utility services.	S	S	S	S	S	S	S	S	S	S	S
<b>Vehicle and Boat Parking and Storage (commercial)</b> Excludes any vehicle repairs and maintenance in the AC, CP, WRC and RC Districts. See regulations for specific land uses in this Article.	P	P	P	P				P	P	P	P
<b>Vehicle Sales, Automobile, Truck and Recreational</b>										P	P
<b>Warehouse, self storage</b> See regulations for specific land uses in this Article.								S	P	P	P
<b>Wastewater Treatment Plant</b>	S	S	S	S	S	S	S	S	S	S	S
<b>Water Treatment and Storage Facilities</b>	S	S	S	S	S	S	S	S	S	S	S
<b>Water-Oriented Public Recreation, Education, Research Areas</b> See regulations for specific land uses in this Article.				S			S	S	S	S	
<b>Wireless Communication Towers 100 Feet or Higher</b> See regulations for specific land uses in this Article	S	S	S	S					S	S	S
<b>Wireless Communication Towers Less Than 100 feet</b> See regulations for specific land uses in this Article	P	P	P	P				P	P	P	P

*§ 190-17. Regulations for specific land uses*

- A. The following sections list the regulations for uses identified in the Table of Land Uses. The requirements in this section are in addition to other requirements of this Chapter.
- B. The requirements below apply to the listed uses regardless of whether the use is a permitted, special exception, accessory or nonconforming use.

***§ 190-18. Agricultural Processing***

200-foot setback from property lines.

***§ 190-19. Agricultural Research Facilities (commercial)***

- A. The operation shall be conducted on a site of at least 25 acres.
- B. Livestock, wildlife and crops shall not be offered for commercial resale;
- C. Any structure, including feeder lots and barns, and research plots and ponds, shall be constructed at least 200 feet from any property lines, residential structures, tributary streams, drainage swales or ditches with landscape buffering as necessary.
- D. Maximum site coverage for all principal and accessory buildings: 10%;
- E. A fence shall be constructed around all structures, research plots and ponds within the research facility;
- F. An incinerator shall be constructed on the premises for the disposal of all non-liquid waste generated on the site;
- G. Any research involving fish or marine life shall be conducted in aboveground facilities, except that agriculturally related products registered with the United States Environmental Protection Agency may be applied to in-ground ponds, provided that the amount applied does not exceed the maximum recommended label rate of application for such products on crops or land. Ponds for such research shall be constructed in a manner which shall preclude leaching of any liquid from the facility or pond.

***§ 190-20. Agricultural Uses and Structures: Poultry and Hog Houses Larger than 1,500 Square Feet on Parcels Smaller Than 20 Acres***

Minimum setback from property lines: 200 feet.

***§ 190-21. Agricultural Uses and Structures: Poultry and Hog Houses, Livestock Feeding Lots and Agricultural Lagoons***

- A. Minimum setback from property lines in the AC, CP, WRC and RC Districts: 200 feet.
- B. Minimum lot size for poultry and hog houses larger than 1,500 square feet in the AC, CP, WRC and RC Districts: 20 acres. In the VC District, must be located outside the Chesapeake Bay Critical Area.

***§ 190-22. Agriculture Uses and Structures, Accessory***

- A. Minimum setback for structures for animal manure, composting and similar purposes: 200-feet.
- B. Minimum setback for stables and dairy barns: 100 feet.
- C. For uses including pick-your-own produce operations, corn mazes, cut-your-own Christmas tree or flower operations, farm tours for fee, petting zoos or similar uses:
  - (1) Site plan approval is required.
  - (2) Hours of operation shall be established as part of the site plan.
  - (3) Minimum use setback: 30 feet from property lines and 100 feet from any off-site residence.
- D. For value-added uses and associated processing:
  - (1) Site plan approval is required.
  - (2) The primary product being processed shall be grown on or produced by the farm business doing the processing.
  - (3) The processing use shall be subordinate to and will support the agricultural use of the property.
  - (4) Includes cheese making and wineries.

***§ 190-23. Animal Hospital, Veterinary Clinic and Associated Boarding of Animals***

- A. Minimum 50-foot setback from all property lines.
- B. No outside animal pens in a VC district.
- C. In the RC district, must be accessory to a farm use and lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.

***§ 190-24. Antenna Tower for Essential Communications***

- A. New antenna towers shall not be located within a three-mile radius of any existing antenna towers in the unincorporated area of the County.
- B. See Wireless Communications Towers for regulations for other types of towers.

***§ 190-25. Antenna Tower for Radio and Television Transmissions and Other Non-essential Radio Communications***

- A. New antenna towers shall not be located within a three-mile radius of any existing antenna towers in the unincorporated area of the County.
- B. See Wireless Communications Towers for regulations for other types of towers.

***§ 190-26. Aquaculture (retail)***

- A. Fifty-foot front setback and 200-foot setback from all other property boundaries.

- B. Ten-acre minimum lot size.
- C. No on-site processing allowed.
- D. All aquaculture products must be raised on site.

***§ 190-27. Aquaculture (wholesale)***

200-foot setback for related ponds, in AC, CP, WRC, RC, and VC districts.

***§ 190-28. Auction House***

- A. Minimum lot size: 5 acres.
- B. Minimum setbacks for parking and display areas: 20 feet from road right-of-way and 50 feet from other property boundaries.

***§ 190-29. Automobile Service, Repair, Washing, and Fuel Sales***

- A. Access driveways shall be at least 50 feet from any AC, CP, WRC, TC, RC, RR, and TR district.
- B. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991 and shall not exceed 2,000 square feet of gross floor area.

***§ 190-30. Bed-and-Breakfast***

- A. A use certificate is required.
- B. The use certificate shall be renewed annually. Renewal may require a site inspection.
- C. In the Chesapeake Bay Critical Area, a bed-and-breakfast shall only be permitted in a principal dwelling existing as of August 13, 1989. Enlargement of the principal dwelling may not exceed 50 percent of the gross floor area which existed as of August 13, 1989.
- D. Minimum lot size in an RC (Rural Conservation) or RR (Rural Residential) Zoning District: two acres.
- E. Bed-and-breakfast uses shall be a minimum of 500 feet apart. For purposes of this subsection the measurement shall not be taken over navigable water and shall be taken between structures used for the bed-and-breakfast use and not between property lines.
- F. A bed-and-breakfast enterprise shall have no more than six guest bedrooms, accommodating no more than 12 guests at any one time. No paying guest shall stay on any one visit for more than 30 days.
- G. Guestrooms shall have no primary outside entrance.
- H. Guest parking shall be provided in a side or rear yard.
- I. Meal service is limited to one daily meal between 4:00 a.m. and 11:00 a.m. per paying overnight guest. Meal service is subject to State Health Department approval of food preparation areas;

- J. Bed-and-breakfast accommodations shall be operated by the property owner who must occupy the residence. Any new owner of a residence in which a bed-and-breakfast is operated must apply for a new use certificate.
- K. Bed-and-breakfast enterprises shall pay the Talbot County Accommodations Tax for each guest bedroom. Should such accommodation tax not be paid for a two-year period, the use certificate will be revoked.
- L. A bed-and-breakfast may be used for weddings, receptions and similar events provided that:
  - (1) All areas used for such events shall be at least 500 feet from a primary residential structure on a neighboring property;
  - (2) Each event shall be limited to no more than 100 guests;
  - (3) No outdoor music shall be permitted after 10:00 p.m.;
  - (4) No more than six such events shall be permitted within a calendar year; and,
  - (5) The operator of the bed-and-breakfast must apply for a use certificate at least 30 days prior to the event.
- M. In the RC district rental of non-motorized water craft may be permitted as a special exception, accessory to the bed-and-breakfast use, subject to the following:
  - (1) Rental shall be limited to guest(s) of the bed-and-breakfast.
  - (2) Only structures existing on November 25, 2003, may be used for the rental and storage associated with the use.
  - (3) Access to the structure shall be from a collector or arterial highway.
  - (4) Maximum number of craft: 12.

***§ 190-31. Boat and Marine Equipment Sales and Assembly***

In an LI district sale of boats is limited to boats fully assembled on site.

***§ 190-32. Bridges, Private, Which Cross Tidal Waters***

- A. A private bridge should be necessary to provide access to a property for a residential or water-dependent use.
- B. Setbacks for the private bridge shall be the same as for other structures unless the bridge directly abuts an existing public road; then setbacks are waived.

***§ 190-33. Building Supply and Lumber Yards with Outside Storage***

- A. No structure shall exceed 65,000 square feet in gross floor area.  
For the purposes of this subsection, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or

parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.

- B. A building supply and lumber yard in a single or multiple building(s), occupying more than 25,000 square feet of gross floor area shall follow the standards for “Retail, Major” uses in §190-83 of this Article.

***§ 190-34. Cemeteries and Mausoleums/Columbarium, Non-Church-Related, for Humans and Animals and Family Cemeteries***

- A. 20-acre minimum lot size for cemeteries.
- B. 5-acre minimum lot size for pet cemeteries.
- C. 2-acre minimum lot size when limited to use of property owner and owner's family members and their pets.
- D. Non-church-related cemeteries are prohibited in the RC district, excepting family cemeteries. For family cemeteries lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to § 190-176).
- E. A minor site plan shall be required.

***§ 190-35. Churches and Related Cemeteries***

The following regulations apply in an RC district:

- A. Church-related cemeteries are allowed, provided the church was in existence prior to August 13, 1989, and lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less.
- B. In an RC district, includes columbarium associated with a church, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less.
- C. Notwithstanding the 20,000 square foot limitation in A and B, the lot coverage may be increased through the use of growth allocation subject to § 190-176.

***§ 190-36. Community and Cultural Facilities***

- A. In the VC district, uses shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991, and shall not exceed 2,000 square feet of gross floor area.
- B. In the RC district, lot coverage shall be limited to 15% of the site or 20,000 square feet, whichever is less.
- C. Structures existing in the RC district prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to 190-176.

***§ 190-37. Compounding Industries (permanent)***

- A. 1,000-foot setback from existing residences unless consent to reduce the setback is received from all residence owners within 1,000-foot setback.
- B. The use is not permitted in the Chesapeake Bay Critical Area.
- C. Shall have direct access to a major collector highway or higher designation road.

***§ 190-38. Contracting and Maintenance***

No exterior storage is permitted in the LC district.

***§ 190-39. Cottage Industry***

See also Home Occupation

- A. Uses appropriate as cottage industries

The following list indicates uses that would be appropriate as cottage industries.

- (1) Craftsman (cabinetmaker, furniture maker, saddler, etc.);
- (2) Excavator and landscaping contractors;
- (3) Farm equipment services and repairs;
- (4) Firewood harvesting and sales;
- (5) Home improvement contractors (plumber, heating/air-conditioning technician, carpenter, mason, electrician, roofer, glazier, painter, etc.);
- (6) Septic, sewer or drain service.
- (7) Vehicle and boat repair, detailing or painting conducted exclusively inside an accessory structure.
- (8) Wholesale seafood distribution without operation of truck refrigeration units on the property.

- B. Standards for cottage industries

- (1) Minimum lot size: five-acres.
- (2) The cottage industry shall not occupy more than 3,000 square feet in a single accessory structure or in a combination of accessory structures.
- (3) No more than one cottage industry per residence or lot is permitted.
- (4) Site plan approval is required. See Article IX.
- (5) The property used for the cottage industry shall contain the primary residence of the proprietor.
- (6) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the cottage industry must be provided to the Planning Director.

- (7) Setbacks:
  - (1) From neighboring property lines: 150-feet
  - (2) From neighboring residences: 200-feet
  - (3) From tidally influenced waters: 100-feet for work, storage, and vehicle parking areas.
- (8) All outdoor storage associated with the cottage industry, equipment, and work areas shall be screened from adjacent properties and public ways. Equipment does not include properly licensed and tagged vehicles.
- (9) Any change, enlargement or alteration of a cottage industry use, or of the structure and facility occupied by the use, shall require special exception approval.
- (10) New accessory structures for cottage industries:
  - (1) Proprietors who desire to construct a new accessory structure for a cottage industry must own and reside on the property.
  - (2) Proprietors of a cottage industry operated on land owned by an immediate family member may be allowed to construct a new accessory structure.
  - (3) Proprietors who rent their primary residence on property that contains the cottage industry must operate the cottage industry using existing accessory structures only.
  - (4) New accessory structures shall be limited to a roof ridge height of not greater than 25 feet.
- (11) No more than five nonresident employees shall report to a cottage industry site.
- (12) In the VC district employees shall not report prior to 7:00 a.m. or leave after 9:00 p.m.
- (13) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.
- (14) Sale of any manufactured item related to a cottage industry shall occur off premises.
- (15) Cottage industries on lots less than five acres and approved prior to adoption of this chapter:
  - (1) All work associated with the cottage industry must be carried out in an accessory structure.
  - (2) All materials and equipment associated with the cottage industry shall be stored inside the accessory structure.

***§ 190-40. Day-Care Center, Family***

In the RC District the following regulations apply:

- A. The use shall be located in a structure existing prior to August 13, 1989.

- B. Expansion is permitted, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to § 190-176.

***§ 190-41. Dwelling, Accessory Apartment***

- A. Permitted only in conjunction with a single-family detached dwelling unit.
- B. The dwelling retains the appearance of a single-family home.
- C. When the apartment is located in the residence, the owner of the property must reside in either the principal residence or in the apartment.
- D. An apartment within or attached to the principal residence is limited to a minimum of 300 square feet and a maximum of no more than 35% of the gross floor area of the principal residence.
- E. An apartment in a detached accessory residential structure is limited to 900 square feet, including gross floor area plus the area of porches and decks, and not more than two bedrooms.
- F. An accessory apartment in a detached accessory structure shall not be rented or sold separately from the principal residence.

***§ 190-42. Dwelling, Accessory, in the RC District***

A single accessory dwelling is permitted in the RC District subject to the following requirements.

- A. Maximum 900 square feet gross floor area per dwelling including porches and decks.
- B. The entire perimeter of the accessory dwelling must be located within 100 feet of the primary dwelling unit.
- C. Housing shall be served by the same sewage disposal system as the primary dwelling unit.
- D. The additional dwelling unit may not be subdivided or conveyed separately from the primary dwelling unit.
- E. The County shall maintain records of all building permits issued under this section for additional dwelling units considered part of a primary dwelling unit, and shall provide this information on a quarterly basis to the Critical Area Commission.

***§ 190-43. Dwelling, Accessory to Agricultural Use***

- A. Mobile homes

Mobile homes accessory to agricultural uses are permitted for full-time tenant labor or members of the immediate family of the owner of the farm subject to the following conditions:

- (1) Required minimum acreage in active farm production: 50 acres.

- (2) The mobile home(s) shall be located in the immediate vicinity of and be an integral part of the complex composed of other major farm buildings and shall be located no more than 300 feet from the complex.
- (3) Minimum setbacks from property lines: 200 feet.
- (4) Maximum number of homes without a special exception: two.
- (5) Maximum number of homes with a special exception: four. An additional 50 acres of farm property in active production is required for each additional home above two.
- (6) The mobile home shall not be rented or sold separately from the principal residence.

B. Farm tenant dwelling units other than mobile homes

The following non-mobile home dwellings for full-time tenant labor shall be permitted:

- (1) For a farm with more than 150 contiguous acres in active production, one additional dwelling unit.
- (2) For each additional 100 acres in excess of 150 acres, one additional dwelling unit.
- (3) A farm with the additional tenant dwelling units shall not exceed the maximum density allowed under this chapter.
- (4) A dwelling accessory to agricultural use shall not be rented or sold separately from the principal residence unless the newly created parcel meets density and design standards and does not create a nonconforming lot or structure.

*§ 190-44. Dwelling, Seasonal Agricultural Employee*

- A. 20-acre minimum lot size.
- B. 200-foot setback from property lines.
- C. Not more than 15 units with six persons per unit.
- D. A seasonal agricultural employee dwelling shall not be rented or sold separately from the principal residence.

*§ 190-45. Dwelling, Employee*

- A. Maximum employee dwelling size: 1,500 square feet, including the gross floor area of the dwelling plus the area of porches and decks, except on parcels 20 acres or larger in the AC, CP, WRC or TC districts.
- B. At least one-half of the household income of the employee dwelling shall be obtained from the property owner.
- C. An employee dwelling shall not be a manufactured home or mobile home unless it is accessory to agriculture. (See “Dwelling, accessory to agricultural uses and activities.”)
- D. An employee dwelling shall not be rented or sold separately from the principal residence unless the newly created parcel meets density and design standards and does not create a nonconforming lot or structure.

***§ 190-46. Dwelling, Guest House***

- A. Minimum parcel size: two acres
- B. No more than one guest house per parcel is permitted.
- C. Mobile homes may not be used as guest houses. A manufactured dwelling may be used provided it meets the standards of §190-48.B.
- D. Maximum guest house size: 1,500 square feet, including the gross floor area of the dwelling plus the area of porches and decks, except on parcels 20 acres or larger in the AC, CP, WRC, or TC districts.
- E. A guest house shall not be occupied by the same individual for longer than six months.
- F. An individual occupying a guest house for more than three months shall not reoccupy the residence for one month after ceasing occupancy.
- G. A guest house may be indefinitely occupied by an individual related by blood or marriage to the property owner.
- H. A guest house shall not be rented or sold separately from the principal residence unless the newly created parcel meets density and design standards and does not create a nonconforming lot or structure.

***§ 190-47. Dwelling, Rehabilitation***

- A. Minimum lot area: 2 acres per dwelling unit.
- B. Adequate supervision and professional services shall be provided.
- C. The dwelling shall be of sufficient size to accommodate the proposed number of residents and staff.
- D. The site shall provide adequate outdoor space free from hazard and appropriately equipped for the age and number of persons residing.

***§ 190-48. Dwelling, Single-Family (detached)***

- A. Limited to one single-family principal residence per parcel or lot.
- B. The following standards apply for the placement of double-wide manufactured homes permitted as single-family residences on individual lots or parcels:
  - (1) The home must be manufactured after January 1, 2001, and be in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
  - (2) The base width of the home for any front, side and rear elevation must be 22 feet wide and it must have eaves on each side with a minimum of one-foot overhang beyond the base width, such that the total width from eave to eave shall be at least 24 feet.
  - (3) The home must have a minimum 4/12 roof pitch.

- (4) The roof must be finished with shingles or other conventional roofing materials common to residential construction, and the exterior siding must be similar in appearance to common residential construction.
- (5) The home must have a County-approved permanent continuous masonry foundation, unpierced except for required ventilation and utilities access installed under the home. The permanent masonry or brick foundation shall be left exposed or skirted with other masonry or brick.
- (6) Permanent landing and steps with handrails are required at each exterior doorway.
- (7) The tongue, axles, transporting lights and removable towing apparatus must be removed after placement on the lot and before occupancy.
- (8) Standards (1) through (7) above are not applicable to the following:
  - (a) Manufactured homes located in a manufactured home rental community,
  - (b) Manufactured home subdivision located in a Manufactured Home Development Floating Zone, or
  - (c) Manufactured or mobile homes accessory to agricultural uses and activities.

***§ 190-49. Dwelling, Single-Family (duplex)***

- A. Each dwelling unit must be located on a separate lot, and the side yard setback where the dwelling units are attached is waived.
- B. The use is allowed only on individual lots smaller than two acres.

***§ 190-50. Educational Institutions, Public or Private, Boarding and Non-Boarding***

- A. In RC and TR districts, limited to nursery schools and schools with Grades K through 8.
- B. In the RC district:
  - (1) Public allowed, in accordance with COMAR 27.02.02 (State and Local Agency Actions Resulting in Development Of Local Significance on Private Lands or Lands Owned by Local Jurisdictions), and
  - (2) Private allowed, subject lot coverage limitation of 15% of the site or 20,000 square feet, whichever is less.
- C. Private institutions existing in the RC district prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that except that lot coverage may be increased through the use of growth allocation subject to §190-176.

***§ 190-51. Emergency Services***

- A. In the AC, CP, WRC or RC districts the use shall be within 0.25 miles of a collector or arterial highway.
- B. In the RC District the following regulations apply:

- (1) Public and quasi-public services are permitted.
- (2) Privately owned and operated services in operation prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.

***§ 190-52. Farm Equipment Service and Repairs***

150-foot setback in the AC, CP, WRC and VC districts.

***§ 190-53. Farm Machinery and Supplies Sales***

In the AC, CP, and WRC districts, 200-foot setback for structures used for milling of grain and feed, and chemical and fertilizer storage.

***§ 190-54. Farm Market***

- A. Maximum farm market size: 2,000 square feet.
- B. Site plan approval is required.

***§ 190-55. Golf Courses and Country Clubs (public or private)***

Courses shall not be lighted for night play.

***§ 190-56. Grain processing, drying and storage (wholesale commercial)***

- A. In the RC district (wholesale only), limited to an accessory use to a farm operation existing as of August 13, 1989.
- B. 200-foot setback from property lines.

***§ 190-57. Greenhouse and Plant Nursery (retail)***

- A. In AC, CP, WRC, RC and TC districts:
  - (1) Areas devoted to growing of plants or trees shall be set back 20 feet from all property boundaries.
  - (2) Parking and sales structures shall be set back 200 feet from rear and side property lines and 100 feet from the front property line.
- B. In the RC zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic species) and associated planting supplies, including fertilizer, peat moss, planting soil, etc. for the purpose of sale.

***§ 190-58. Greenhouse and Plant Nursery (wholesale)***

In the RC zone, limited to establishments for the growing and holding of trees, shrubs, plants and flowers (i.e., native, ornamental and hydrophytic species) for the purpose of sale.

*§ 190-59. Home Occupations*

See also Cottage Industry

A. Uses appropriate as home occupations

The following list indicates uses that would be appropriate as home occupations:

- (1) Art, handicraft, music, writing, photography, or similar studios;
- (2) Business or professional office;
- (3) Catering and baked goods;
- (4) Direct sale product distribution (Amway, Avon, Tupperware, etc.);
- (5) Dressmaker, seamstress, tailor;
- (6) Hair cutting and styling limited to two stations;
- (7) Manicure, pedicure and tanning;
- (8) Massage therapists;
- (9) Mental health care practitioner.
- (10) Pet grooming without overnight boarding or exterior kennels;
- (11) Repair of small appliances, small engines and limited machining of small parts, office machines, cameras, and similar small items;
- (12) Taxidermy;
- (13) Tutoring, counseling, and other individualized instruction
- (14) Vending machine business.

B. Standards for home occupations

- (1) A use certificate is required.
- (2) Home occupation use certificates shall be renewed every two years. Renewal may require a site inspection.
- (3) The home occupation must be conducted within a residence and/or an accessory structure on the same lot as the residence.
- (4) The use must be incidental and secondary to the use of the dwelling for residential purposes.
- (5) The home used for the home occupation shall be the primary residence of the proprietor.
- (6) If the proprietor is not the property owner, evidence of permission of the property owner to use the property for the home occupation must be provided to the Planning Director.

- (7) No more than three nonresident employees shall report to a home occupation site. Only one nonresident employee may remain on the site during any portion of the day.
- (8) Residential character
  - (a) The use shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.
  - (b) Home-based occupations shall be conducted in such a manner as to not produce noise, dust, vibration, glare, smoke or smell, electrical interference, fire hazard, traffic, or any other nuisance not typically experienced in the zoning district where property is located.
  - (c) No use shall require internal or external construction features or the use of electrical, mechanical, or other equipment that would change the fire rating of the structure or in any way increase the fire danger to neighboring structures or residences.
- (9) Area
  - (a) All work associated with a home occupation shall be performed inside the residence or an accessory structure not to exceed 1,500 square feet. No more than 1,500 square feet of an accessory structure may be used for a home-based occupation. A combination of existing accessory structures may be used to achieve the 1,500-square-foot maximum.
  - (b) The area used for the home occupation shall not exceed 25% of the gross floor area of the residence or 500 square feet, whichever is less.
  - (c) More than one home-based occupation per residence or lot may be allowed, provided that the area limitations of (a) and (b) above are not exceeded.
- (10) Outdoor storage of materials is not permitted.
- (11) Deliveries of equipment, parts and supplies shall be limited to commercial delivery services (i.e. UPS, Federal Express, etc.).
- (12) Customer, client or student visitation to the home-based occupation shall be scheduled to prevent an increase in vehicle trips not normally expected in a residential zone.
- (13) Sale of any manufactured item related to a home-based occupation shall occur off premises.

***§ 190-60. Hospital***

200-foot setback.

***§ 190-61. Hotel/Motel***

In the VC District, the use must be limited to 75 rooms and served by public sewer.

***§ 190-62. Inn***

- A. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- B. An inn shall have no more than 10 guest rooms and no more than 30 guests.
- C. An inn may be used for weddings, receptions and similar events subject to the following:
  - (1) A use certificate issued on an annual basis.
  - (2) Prior to issuing a use certificate, the Planning Director, in addition to considering the general standards for issuing use certificates in §190-183.C., shall determine that the use will not adversely affect neighboring properties as a result of traffic, noise, lighting, or extensive parking area.

***§ 190-63. Junkyard***

- A. Setback for outdoor storage and processing areas:
  - (1) 100 feet from road right-of-way;
  - (2) 50 feet from adjacent properties in the same zoning district;
  - (3) 300 feet from other zoning districts.
- B. Outdoor storage areas shall be completely enclosed by a solid wood or masonry wall or fence at least six feet high, of a design approved by the Board of Appeals. Building walls may form part of the enclosure.
- C. Walls and fences shall be maintained in good condition.
- D. Adequate environmental controls shall be employed.

***§ 190-64. Kennel, commercial***

- A. 200 foot setback in AC, CP and WRC Districts.
- B. Outside pens must be screened.

***§ 190-65. Landing Strips, Private***

- A. 40-acre minimum lot size.
- B. Minimum 200-foot setback.
- C. Shall be maintained in grass or similar low vegetation.
- D. Helicopter landing facilities are prohibited.

***§ 190-66. Livestock Auction House***

- A. 10-acre minimum lot size.
- B. 200-foot setback for buildings and structures.
- C. 50-foot setback for parking areas.

***§ 190-67. Manufacturing Operations***

- A. In VC, LC and GC shall be located in a structure existing as of June 22, 1991.
- B. Not allowed in the Critical Area.
- C. In a VC district the use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.

***§ 190-68. Marinas***

- A. In the RC district, uses are limited to expansion of commercial marinas and piers existing as of August 13, 1989.
- B. In the Chesapeake Bay Critical Area, in addition to the general findings and requirements for special exceptions in Article IX, and the general requirements for the use in Article VI, Critical Area, the following regulations apply which the Board of Appeals shall review as part of the special exception:
  - (1) The operational procedures shall minimize the discharge of bottom wash water into tidal waters;
  - (2) The operational procedures shall meet the sanitary requirements of the Maryland Department of the Environment as required by COMAR 26.04.02.
  - (3) New marinas shall not be located adjacent to anadromous fish spawning waters, shellfish beds, and submerged aquatic vegetation areas;
  - (4) Expansion of existing marinas in the Rural Conservation District shall not degrade water quality and shall result in an overall net improvement in the water quality within and at the entrance to the marina; and
  - (5) The number of slips or mooring buoys shall not exceed two for each vehicle parking space which shall be provided outside the shoreline development buffer.
- C. Floating residences are prohibited.
- D. A café, limited to 20 seats, is permitted within a marina existing on the effective date of this ordinance.

***§ 190-69. Meeting Halls and Facilities for Clubs, Lodges and Fraternal Societies***

In the RC District the following additional regulations apply:

- A. Limited to service organizations and non-profit charitable organizations and institutions.
- B. Uses are subject to lot coverage limitation of 15% of the site or 20,000 square feet, whichever is less.
- C. Structures existing prior to August 13, 1989, may be expanded, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less except that lot coverage may be increased through the use of growth allocation subject to §190-176.

*§ 190-70. Mineral Extraction*

- A. The approved plans for the use shall identify and implement appropriate methods for protecting existing neighborhoods from the impacts of adjacent extraction operations and the transportation of extracted resources.
- B. Minimum 200-foot setback from property boundaries for power driven machinery, extractive operations and excavation pits.
- C. Access drives shall be dust proofed with a tar and chip surface, pavement or other acceptable means sufficient to control wind blown particulate matter.
- D. The Board of Appeals may require fencing where necessary for safety purposes.
- E. The Board of Appeals may require visual screening where necessary to mitigate aesthetic impacts on the surrounding neighborhood.
- F. Hours of operation are limited from sunrise to 7:00 p.m., Monday through Saturday.
- G. The reclamation plan for mining sites shall identify the intended post-extraction use of the property.
  - (1) The post-extraction use shall be consistent with County plans and regulations. The following shall be given priority for post-extraction uses: recreational uses such as parks and lakes; forestry; aquaculture; or residential development.
  - (2) Any post-extraction use as a rubblefill shall be limited to County generated rubble.
- H. In the Chesapeake Bay Critical Area, in addition to meeting the general standards for granting special exceptions, the following regulations apply which the Board of Appeals shall review as part of the special exception:
  - (1) The Board of Appeals must find that the use will meet the additional requirements for special exceptions that apply in the Critical Area (see Article VIII).
  - (2) The operational procedures shall protect the Critical Area from all sources of pollution from mineral extraction activities, including, but not limited to, sedimentation and siltation, chemical and petrochemical use and spillage, and storage or disposal of waste, dusts, and spoils; all runoff shall be retained on site;
  - (3) The post-extraction or post-excitation use(s) of the site shall be proposed with the operational procedures to ensure that extraction activities permit reclamation of the site within two years after excavation is completed;
  - (4) Mineral extraction activities shall not:
    - (1) Be located in habitat protection areas and Natural Heritage Areas;
    - (2) Be located in areas of highly erodible soils;
    - (3) Cause the loss for 25 years or more of productive forest and agriculture uses as determined by the Soil Conservation Service or Maryland Department of Natural Resources;
    - (4) Result in degradation of water quality or a loss of anadromous fish spawning waters, shellfish beds, and submerged aquatic vegetation areas;

- (5) Be located within the shoreline development buffer; or
  - (6) Have wash plants, including ponds, spoil piles, and equipment, located within the shoreline development buffer.
- (5) Surety shall be provided to guarantee that all proposed reclamation activities are accomplished.

***§ 190-71. Monuments and Memorial Stones***

100-foot setback for stone cutting activities.

***§ 190-72. Nursing Homes and Assisted Living Facilities (existing structure)***

- A. Outside the Critical Area a home or facility shall be located in a structure existing on June 22, 1991.
- B. Inside the Critical Area a home or facility shall be located in a structure existing prior to August 13, 1989.
  - (1) Maximum number of patients: eight.
  - (2) Expansion is permitted, provided lot coverage is limited to 15% of the site or 20,000 square feet, whichever is less, except that lot coverage may be increased through the use of growth allocation subject to §190-176.
- C. When an existing structure is converted into a nursing home:
  - (1) The exterior appearance of the structure shall be residential in nature and no enlargements over 25% of the existing structure shall be permitted;
  - (2) The structure shall be of sufficient size to accommodate the proposed number of patients and staff;
  - (3) The nursing home shall not constitute a nuisance caused by noise, vehicle traffic or parking, or other physical activity.

***§ 190-73. Off-Road Outdoor Recreation (Public or Private)***

- A. Minimum site size: 50 acres.
- B. Minimum setback from property lines: 200-feet, of which 100 feet shall be vegetative buffer of at least 10 feet in height.
- C. Minimum setback from existing inhabited dwellings: 1,000-feet.
- D. Site access shall be by arterial or collector road.
- E. Maximum merchandise retail sales area: 400 square feet.
- F. Entire course must be laid out so that vehicles shall not be driven on the courses above natural prevailing grade of surrounding land.
- G. The facility shall post rules and regulations regarding the use of safety equipment.
- H. Trained first aid personnel shall be on site during operating hours.

- I. Hours of operation may not exceed 9:00 a.m. to 7:00 p.m.
- J. Nighttime lighting is not permitted.
- K. Overnight camping or campgrounds are not permitted.
- L. The recreation area shall be fenced with at least a six-foot-high fence and locked during non-operating hours.
- M. No paid spectator tickets are permitted.

***§ 190-74. Parks and Playgrounds (public or private)***

In the RC district, this use is limited to passive recreation, except that commercial and public pools may be permitted in the RC District where growth allocation is approved subject to §190-176.

***§ 190-75. Piers and Related Boat Facilities (Community and Private)***

**A. Number of Piers, Community Piers, Private Piers, Compensation**

- (1) Parcels and lots shall be limited to one pier.
- (2) The owner(s) of a pier shall not be permitted to receive compensation for the use of their pier.
- (3) Community piers are permitted as an accessory use, subject to the following:
  - (1) A community pier shall serve at least two lots.
  - (2) The right of access to a community pier for at least two dwellings shall be adequately provided for in a properly recorded set of covenants that incorporate maintenance agreements.
  - (3) Footings and foundation members shall be in place and construction shall be diligently pursued on at least one lot prior to issuance of a permit for a community pier.
- (4) A private pier:
  - (1) Shall not be permitted on a lot served by a community pier.
  - (2) Is permitted by right on any lot created prior to the effective date of this ordinance.
  - (3) Is a special exception on any lot created after the effective date of this ordinance.

**B. Setbacks**

Except for a community pier located on a joint property line, piers may not be constructed closer to a side property line than the required side yard setback for the zoning district in which they are located.

**C. Water area for location**

- (1) The water area within which a pier may be located is defined by the harbor lines and lateral lines and shall be determined in accordance with §190-147, Critical Area.

- (2) All piers shall be located a minimum distance of 25 feet from the lateral lines. This setback may be reduced if a letter of no objection is obtained from the adjacent property owner.

D. Extension, width, length, impedance of natural channel

- (1) No new piers or expansion of existing piers shall extend into any body of water a distance greater than 150 feet measured from the mean high-water line. Notwithstanding any other section of this chapter, this limitation shall not be subject to modification by either a special exception or a variance.
- (2) The maximum width of a pier shall be five feet for a private pier and six feet for community pier.
- (3) Additional area at the end of the pier or along the pier, including finger piers, platform areas and floating docks associated with a pier, shall not exceed a cumulative total area of 200 square feet.
- (4) In no case shall any parts of a pier exceed one half of the distance from the mean high-water line to the center line of the body of water, said line herein established as the tributary harbor line.
- (5) In no case shall any parts of a pier impede the natural channel of the waterway.
- (6) When measuring the width of creeks or rivers with a total width of less than 500 feet, small and shallow coves along the shoreline shall not be used in determining the width of the waterway.
- (7) Replacement or extension of existing piers

The following requirements apply to piers completed prior to February 14, 2004.

- (1) A pier may be replaced in kind, even if it exceeds the maximum allowed width, the 150-foot extension into a body of water or the 200-square foot limit on additional area.
- (2) A pier narrower than the maximum permitted width may be upgraded to the allowed width of 5 feet for a private pier or 6 feet for a community pier, even if the pier exceeds the 150-foot extension into a body of water.
- (3) Finger piers, platform areas and floating docks may be added, only if the additional areas are in compliance with the requirements in D(1) through (6) above.

E. Mooring pilings, floating docks and platforms

All detached mooring pilings, floating docks and platforms associated with a land-based pier shall be considered a part of the land-based structure and shall comply with the applicable setback, pier length and platform area requirements contained in this chapter.

F. Additional Requirements for Community Piers

The following requirements apply to community piers, in addition to the supplemental requirements for the use in §190-147 of Article VI, Critical Area:

- (1) The facilities shall not offer food, fuel, or other goods and services for sale;

- (2) The facilities shall be community owned and operated for the benefit of the residents of a recorded riparian subdivision;
- (3) Disturbance to the shoreline development buffer shall be the minimum necessary to provide a single point of access through the buffer to the facilities;
- (4) The number of slips shall be the lesser of subsections (a) or (b) below:
  - (1) One slip for each 300 feet of shoreline in the subdivision in the Rural Conservation District or for each 50 feet of shoreline in the subdivision in a Rural Residential, Village Center, or Town Residential District; or
  - (2) A ratio of slips to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

<b>Lots or Dwellings</b>	<b>Slips</b>
Up to 15	1 for each lot
16 - 40	15 or 75% of total lots, whichever is greater
41 - 100	30 or 50% of total lots, whichever is greater
101 -300	50 or 25% of total lots, whichever is greater
Over 300	75 or 15% of total lots, whichever is greater

G. Walkway, raised, over nontidal wetlands

- (1) A raised walkway may be installed, subject to required permits, to provide access to a pier.
- (2) Maximum length over a nontidal wetland: 100 feet
- (3) Maximum width of walkway: 5 feet

H. Boathouses and floating residences are prohibited.

I. One boat ramp per lot shall be permitted, subject to the required side yard setbacks.

***§ 190-76. Produce Stands***

- A. A use certificate is required, which must be renewed annually.
- B. A produce stand structure shall not exceed 600 square feet in gross floor area; this may include space in an owner-occupied accessory farm building.
- C. All temporary structures shall be set back at least 20 feet from property lines and shall be located so as to provide safe ingress and egress from public roads;
- D. Produce stands shall not be erected until April 15 and shall be removed by November 30 of each year;
- E. A 25-foot deep area around the sales structure may be used for display of product.

***§ 190-77. Recreation Facilities, Indoor (commercial or noncommercial)***

- A. 100-foot setback from property lines.

- B. In the VC district, the use must be located within 0.25 miles of a collector or arterial highway.

***§ 190-78. Recycling, Product***

- A. Minimum property size: 75 acres.
- B. Maximum storage and operation area: 15 acres.
- C. Minimum equipment and storage setbacks from property lines: 500 feet.
- D. Minimum 1,000-foot equipment and storage facilities setback from existing residences unless consent to reduce the setback is received from all residence owners within the 1,000-foot setback. In no case shall the setback be reduced to less than 500 feet.
- E. The property shall have direct access to a major collector or arterial highway.
- F. Access drive(s) shall be gated and dust proofed from storage/processing area to the highway.
- G. The Board of Appeals may require fencing where necessary for safety purposes.
- H. The Board of Appeals may require visual screening where necessary to mitigate aesthetic impacts on the surrounding neighborhood.
- I. Operating hours shall be restricted to between sunrise and 7:00 p.m., Monday through Friday. Material may be received and sold on Saturday between 7:00 a.m. and 12:00 noon but no processing shall be permitted.
- J. If the operator is not the property owner, evidence of permission of the property owner to use the property for the use must be provided.

***§ 190-79. Recycling Processing Center***

- A. Must be located in an opaque-fenced yard or enclosed structure.
- B. Shall not be used for a permanent storage or disposal site of recyclable materials

***§ 190-80. Restaurants, Bars and Night Clubs***

In the VC district the following regulations apply:

- A. The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
- B. Seating shall be limited to forty persons or as established by the Board of Appeals in its decision approving this use.
- C. Excludes bars and night clubs except liquor sales associated with a restaurant.

***§ 190-81. Restoration of boats, vehicles and furniture***

- A. In the AC District:
  - (1) Permitted only in a structure that existed on June 22, 1991.

(2) All restoration work and storage shall be indoors.

B. In the VC Districts, all restoration work and storage shall be indoors.

***§ 190-82. Retail, General***

A. General retail uses shall not exceed 25,000 square feet in gross floor area. For purposes of this section, the term “gross floor area” includes indoor and outdoor space utilized for retail display and sale of goods.

B. VC District

In the VC district the following regulations apply:

(1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.

(2) Maximum gross floor area: 2,000 square feet.

***§ 190-83. Retail, Major***

A. Applicability

(1) Major retail uses are all retail establishments in a single building or multiple buildings occupying more than 25,000 square feet but no more than 65,000 square feet of gross floor area.

(2) For purposes of this section, the term “gross floor area” shall include indoor and outdoor space utilized for retail display and sale of goods. No combination of structures, or structures and outside retail display and sales areas on the same or on contiguous lots or parcels, shall exceed 65,000 square feet in gross floor area for a single or commonly controlled retail business operation.

(3) The standards for major retail uses do not apply to:

(1) Non-retail commercial uses

(2) Automobile, truck and recreational vehicle sales, or

(3) Farm machinery and supplies sales

B. General design features

Buildings shall be designed to complement and replicate the character and vernacular of the area. Landscaping shall include a variety of trees, shrubs, and grassy areas in order to create an eye-pleasing addition to the community.

C. Facades and exterior walls

(1) All facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

(2) All facades shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.

D. Detail features

Building facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

- (1) Color change
- (2) Textured change
- (3) Material module change
- (4) Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

E. Roofs

Roofs shall have at least two of the following features:

- (1) Parapets completely concealing the flat roofs and all rooftop equipment from public view. The average height of such parapet shall not exceed 15 percent of the height of the supporting wall and such parapet shall not at any point exceed 1/3 of the height of the supporting wall. Such parapet shall feature three dimensional cornice treatments.
- (2) Overhanging eaves, extending no less than three feet past the supporting walls.
- (3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.
- (4) Multiple roof slope planes.

F. Materials and colors

- (1) Predominant exterior building materials shall be high-quality materials. These include, without limitation:
  - (1) Brick.
  - (2) Wood.
  - (3) Painted, textured, concrete masonry units.
  - (4) Other native materials.
- (2) The predominant facade color shall be low reflectance, subtle, neutral, or earth colors. The use of high intensity or fluorescent colors is prohibited.
- (3) Building trims and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (4) Predominant exterior building materials shall not include the following:
  - (1) Smooth faced block.
  - (2) Tilt up concrete panels.
  - (3) Prefabricated steel panels.

- (4) Vinyl siding.
- (5) Aluminum siding.

G. Entryways

- (1) Each principal building on the site shall have a clearly defined, highly visible customer entrance featuring at least three of the following:
  - (1) Canopies or porticoes
  - (2) Overhangs
  - (3) Recesses/projections
  - (4) Arcades
  - (5) Raised corniced parapets over the door
  - (6) Peaked roof forms
  - (7) Arches
  - (8) Outdoor patios
  - (9) Display windows
  - (10) Architectural details such as tile work and moldings which are integrated into the building structure and design.
  - (11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (2) Entrance

All sides of a principal building that directly face an abutting public street shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.

H. Parking lots

Not more than 50% of the off-street parking area for the entire property shall be located between the front facade of the principal building(s) and the primary abutting street.

I. Setbacks

The minimum setback for any portion of the structure shall be 50 feet from the nearest property line. In addition, when residentially or agriculturally zoned property either abuts the parcel on which the structure is to be located or is separated from the parcel by a public or private road, the 50-foot setback shall be increased by an additional setback (the "additional setback") which shall be calculated according to the following formula: an additional 50 feet plus one additional foot for each 1,000 square feet that the building exceeds 50,000 square feet in gross floor area. If either U.S. Route 50 or Maryland Route 322 acts as an intervening public street between the parcel on which the building is to be located and the adjacent residentially or agriculturally zoned property, the width of that

road's right-of-way shall be deducted from the additional setback otherwise required by this section.

J. Outdoor storage, trash collection, and loading areas

- (1) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other uses shall not be visible from abutting streets.
- (2) No areas for outdoor storage, trash collection, or trash or compaction, loading or other uses shall be located within 25 feet of any public street, public sidewalk or internal pedestrian way.
- (3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- (4) Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

K. Pedestrian flows and bicycle traffic

- (1) Sidewalks at least eight feet in width shall be provided along all sides of the lot that abut a public street.
- (2) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activities such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or such other materials for no less than 50% of its length.
- (3) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalk shall be located at least six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
- (4) Internal pedestrian walkways provided in conformance with Subsection (K)(2) above shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.
- (5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, no-maintenance service materials such as pavers, bricks,

or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- (6) Bicycle traffic shall be accommodated by provided adequate bicycle circulation routes (which may or may not be combined with the required pedestrian walkways and sidewalks) as well as bicycle storage facilities (i.e., racks or lockers).

L. Central features and community space

- (1) Each establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- (1) Patio/seating area.
- (2) Pedestrian plaza with benches.
- (3) Transportation center.
- (4) Window-shopping walkway.
- (5) Outdoor playground area.
- (6) Kiosk area.
- (7) Water feature.
- (8) Clock tower.
- (9) Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such community and public spaces.

- (2) Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape

M. Abatement of nuisance to neighboring properties

Neighboring properties shall be protected from site illumination, noise, odor, or any other impacts that could potentially be a nuisance to those properties. Lighting shall be designed to prevent any night sky illumination.

***§ 190-84. Retail, incidental***

- A. Must be accessory to a principal use allowed in the LI district.
- B. The area devoted to retail uses shall be approved by the Planning Commission through the site plan review process.
- C. The gross floor area devoted to incidental retail sales shall not exceed ten percent of the gross floor area of the principal use or 1,000 square feet, whichever is less.

***§ 190-85. Roadside Vendors***

- A. Use certificate, license

- (1) A use certificate and vendor's license is required. A separate license is required for each location.
- (2) The roadside vendor shall display the license in a conspicuous location at the site where the vendor is operating.
- (3) Fees for the use certificate and vendor's license shall be paid in accordance with the adopted fee schedule.

B. Roadside vendors shall meet the following standards:

- (1) Maximum number of days of operation per calendar year for short-term vendors: seven.
- (2) The Planning Director may waive license fees and extend the number of days that a short-term roadside vendor may operate provided the vendor holds federal tax-exempt status under § 501(c)(3) of the Internal Revenue Code or otherwise dedicates its proceeds to a charitable organization or valid fundraising activity.
- (3) Minimum distance from any other County licensed roadside vendor: 1,500 feet.
- (4) Vendors must obtain the written permission of each property owner on whose property the vendor's operation is located.
- (5) Maximum number of employees on site: three.
- (6) Vendors shall operate in a manner that permits safe ingress and egress to and from the operation.
- (7) Portable food vending equipment shall not be self-propelled.
- (8) Long-term roadside vendors shall not use tents or open air tables.
- (9) Comply with all design standards as pertaining to the zoning district and the Gateway Overlay District;
- (10) Remove all facilities associated with the roadside vendor immediately upon discontinuation of the use.

***§ 190-86. Satellite Dishes***

The following table lists requirements for different types of satellite dishes, permitted as an accessory use.

Table II-2. Satellite Dishes

<b>Type</b>	<b>Maximum number per lot, plus standards if any</b>
Residential-type UHF/VHF, radio, and compact satellite dishes, measuring less than 30 inches in diameter.	Three

Type	Maximum number per lot, plus standards if any
Dishes 30 inches or greater in diameter .	One, located on the principal building or on the ground. If located on a building, the dish must be located on the roof and be set back from the edge of the roof a distance equal to at least its height above the roof. Dishes may not be placed in a front yard. Screening is required when a ground mounted dish is visible from a public right-of-way or surrounding property when viewed from ground level.

***§ 190-87. Sawmills***

Minimum setback in all districts except VC, LC, GC, and LI: 200 feet.

***§ 190-88. Scrap Metal Processing***

This use is not permitted in the Critical Area

***§ 190-89. Septage Treatment Facilities***

- A. Minimum setback: 300 feet.
- B. Minimum distance from existing residences: 1,000 feet.

***§ 190-90. Septic Systems***

- A. Limited to on-site systems serving a residential or commercial/industrial establishment.
- B. Minimum setback from all property lines for sewage disposal area: 15 feet.
- C. No septic system shall be placed in the shoreline development buffer.
- D. Septic systems in the RC District shall not serve development outside of the RC district or Critical Area unless a development right is allocated from each zoning district.

***§ 190-91. Services, General***

- A. In the LC district, maximum gross floor area: 2,500 square feet.
- B. In the VC district the following regulations apply:
  - (1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
  - (2) Maximum gross floor area: 2,000 square feet.

***§ 190-92. Services, Professional***

- A. LC district:
  - (1) Maximum gross floor area: 2,500 square feet.
  - (2) Drive-through facilities not permitted.

- B. VC district:
  - (1) The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.
  - (2) Maximum gross floor area: 2,000 square feet.
  - (3) Drive-through facilities not permitted.

***§ 190-93. Short Term Rental***

- A. A use certificate in the form of a short term rental license is required. See Article IX for application requirements. The license shall be renewed annually, and may require a site inspection.
- B. A short-term rental license may be issued only as an accessory use for a primary dwelling unit and not for guest houses, tenant houses or other dwelling units.
- C. The owner of the short-term rental property shall be responsible for payment of the Talbot County Accommodations Tax.
- D. The maximum short-term rental occupancy: the lesser of 12 persons or two persons per bedroom, excluding infants under 18 months of age. The maximum number of occupants shall be stated on the license and on the lease.
- E. Subleasing of short-term rentals is prohibited.
- F. During any short-term rental, no dwelling, grounds, or associated appurtenances shall be used for any wedding, reception, banquet, corporate retreat, fundraiser, or similar activity.
- G. Pets shall be leashed or confined at all times.
- H. All short-term rental property shall comply with the International Residential Building Code, 2003 Edition, as amended, with respect to emergency escape and rescue openings, exits and smoke alarms. The property shall be equipped with fire extinguishers in the kitchen and any other area in which flammable or combustible materials are kept or stored. The property owner shall provide a signed affidavit to this effect.
- I. All conditions, restrictions, and limitations imposed by this chapter or by any regulation adopted by any governmental agency concerning use or occupancy, or the physical condition of a rental property shall be conspicuously included in a written lease signed by the parties.
- J. The applicant shall comply with all codes, regulations, and requirements administered by the Talbot County Health Department regarding sanitary facilities.

***§ 190-94. Solid waste disposal facilities***

- A. This use requires County Council approval in accordance with Article IX.
- B. The following requirements apply to this use:
  - (1) Disposal areas shall be set back a minimum of 100 feet from public and private rights-of-ways;

- (2) Disposal areas shall not be located nor expanded within 300 feet of a dwelling, school, or church or within 100 feet of any boundary of the site;
  - (3) Solid waste disposal sites shall be effectively screened from public view by dense foliage, topography, or fencing. A surrounding security fence, a minimum of six feet in height, shall be constructed prior to operation of the site. The fence shall be of suitable construction, shall be unobtrusively painted or finished and shall be maintained in good condition. In addition, a landscaped buffer strip 100 feet in width, located outside of the security fence, shall be provided around the entire periphery of the site.
- C. Whenever possible, rubble fills or rubble recycling facilities shall be located in conjunction with mineral extraction sites.

***§ 190-95. Solid Waste Transfer Stations***

- A. Not permitted within the Critical Area.
- B. Minimum setback from property lines: 100 feet.
- C. Shall be fenced, and screened from view on all sides by plantings.

***§ 190-96. Stables, Accessory to Residential Uses***

- A. Minimum lot size: 2 acres for 1 horse and 1 additional acre for each additional horse.
- B. Minimum setback from property lines for stables and related manure storage areas is 100 feet.
- C. Minimum setback for stables on lots smaller than 3 acres: 75 feet.

***§ 190-97. Stables, Riding, Trails and Horse Boarding (commercial)***

- A. Minimum lot size: 10 acres or one acre per horse, whichever is greater.
- B. Minimum setback for related structures: 200 feet
- C. Minimum setback for feeding and watering stations: 50 feet from any body of water, including tributary streams and tidal wetlands.

***§ 190-98. Storage of inoperable or unregistered motor vehicles accessory to a dwelling***

- A. No more than two such vehicles shall be stored on a lot less than five acres.
- B. This restriction does not apply to vehicles stored within a completely enclosed building.

***§ 190-99. Studios for Instruction in Art, Music, Dance, Drama, Crafts or Physical Education***

In the VC district the following regulations apply:

- A. The use shall be within 300 feet of the primary structure associated with a general retail use or post office existing on June 22, 1991.

- B. Maximum gross floor area: 2,000 square feet.

*§ 190-100. Temporary Uses*

The following uses are permitted in all zoning districts subject to the conditions listed:

- A. Accessory building prior to construction of a principal structure
  - (1) The building may be used for storage during construction of the principal structure.
  - (2) A use certificate is required.
  - (3) Construction of the principal structure must begin within six months and be completed within 18 months of placement of the accessory building.
- B. Construction or sales office accessory to a construction site
  - (1) Includes an office trailer
  - (2) A use certificate is required.
  - (3) The certificate shall be issued for a period of six months. The Planning Director may grant six month extensions of the certificate if the extension is reasonably necessary to allow completion of the project.
  - (4) Structures must meet minimum setback requirements for the zoning district.
  - (5) Structures must be removed on completion of the construction and sales function.
- C. Paving Material Compounding
  - (1) Includes asphalt and concrete processing
  - (2) The use must be associated with a major public road or facility construction project.
  - (3) A use certificate is required and must be renewed after one year.
  - (4) 1,000-foot setback from any structure intended for human occupancy unless the owner of the structure consents to a lesser setback, no less than 200 feet.
- D. Portable storage units

A portable storage unit may be located in any yard for a maximum of 90 days in a calendar year.
- E. Temporary carnivals and similar events.
- F. Temporary anemometers and wind vane for purposes of gathering data for wind energy development.
  - (1) Minimum lot size 5 acres.
  - (2) Structure may not exceed 120 feet at top of blade.
  - (3) Must meet setback of height of structure plus 10 feet from all property lines.
  - (4) Upon expiration of use certificate the temporary structure and foundation must be removed unless a building permit is issued for a permanent facility.
- G. Other temporary uses not listed, provided that:

- (1) The use certificate shall be issued for a period not exceeding 90 days,
- (2) The Planning Director determines that:
  - (1) The use requires no permanent changes to existing topography, vegetation, structures or other site features.
  - (2) The use will not adversely affect neighboring properties.
- H. The Planning Director may solicit the recommendation of the Planning Commission before making a determination on a temporary use.
- I. The land shall be entirely cleared of the use within five days after the temporary authority expires.
- J. The Planning Director may:
  - (1) Approve specified extensions of time; and,
  - (2) Impose conditions on temporary uses in addition to those listed above to avoid adverse impacts.

***§ 190-101. Utility Facilities, Nonessential***

In the RC zone, must meet the definition of a local government agency action in accordance with COMAR 27.02.

***§ 190-102. Vehicle and Boat Parking and Storage (commercial)***

- A. Limited to indoor storage in structures existing as of August 13, 1989, in the RC district and June 22, 1991, for the AC, CP, WRC, VC, and LC districts.
- B. Outside boat parking and storage may be allowed by special exception in the LC district (See “Boat and Marine Equipment Sales and Assembly”)

***§ 190-103. Warehouse, self-storage***

In a VC district the following regulations apply

- A. Minimum property size: one acre.
- B. Minimum setback from property lines: 50 feet.
- C. Security fencing and landscaping is required.
- D. Maximum building height: 20 feet.

***§ 190-104. Water-Oriented Public Recreation, Education, Research Areas***

- A. In the TR district
  - (1) Minimum lot size: two acres.
  - (2) Limited to public schools and organizations holding federal tax exempt status under 501(c)(3) of the Internal Revenue Code.

- (3) Excludes use or rental of motorized watercraft (except boats used in connection with and during crewing or sculling).
- B. In the Chesapeake Bay Critical Area the following regulations apply for public beaches or other public water-oriented recreation or education areas, including, but not limited to, public boat dock facilities and publicly owned boat launching facilities and fishing piers. The Board of Appeals shall review these requirements as part of the special exception.
- (1) The use must conform to the general findings and requirements for special exceptions in Article IX and the general requirements for the use in Article VI, Critical Area.
  - (2) Sanitary facilities shall be provided meeting the requirements of Maryland state law.
  - (3) Permeable surfaces shall be used wherever standard engineering practices allow, if no degradation of groundwater would result.
  - (4) Not more than 15% of existing natural vegetation shall be permanently disturbed.
  - (5) Service facilities shall be located outside the shoreline development buffer wherever physically possible.
  - (6) Service facilities for passive recreation, such as nature study, and hunting and trapping, and for education, shall be located outside of the shoreline development buffer.

*§ 190-105. Wireless Communication Towers*

A. Exemptions

Private amateur (ham) radio towers less than 75 feet are exempt from the requirements of this section.

B. General requirements

The following requirements are applicable to all wireless communications towers regardless of height:

- (1) The ground base of any wireless communications tower structure shall be set back from any property line, road, or public recreation area a distance that is the height of the tower plus 10 feet. Any icefall or debris from tower structural failure shall be contained in the immediate tower area. Any accessory structures shall comply with the minimum building setback requirements of the applicable zoning district. These setback requirements may be reduced through a variance application as provided for in Article IX.
- (2) Wireless communications tower height shall be no higher than necessary to ensure the effective service for the relevant service area, but in no case shall exceed 200 feet.
- (3) The applicant for a wireless communications tower is required to have a letter of intent from at least two Federal Communications Commission (FCC) licensed operators to locate on the wireless communications tower at the time the application is filed with the Planning Office. The application shall not be accepted without proof

of the letter of intent. The applicant is required to have at least two FCC licensed operators under contractual agreement to locate on the wireless communications tower prior to issuance of a building permit.

- (4) The wireless communications tower shall be designed to minimize adverse visual and environmental impact (e.g., paint, camouflage, screening, stealth technology, color, use of existing structures and natural landscape, etc.). All equipment shelters shall be maintained in neutral shades consistent with the natural landscape.
- (5) The wireless communications tower and associated appurtenances shall not be lit unless required by federal or state regulations. If lighting is required, the least intensive lighting shall be used.
- (6) The wireless communications tower shall be either a self-supporting monopole or self-supporting lattice structure.
- (7) The applicant shall submit a landscaping plan which identifies existing vegetation and specifications, including species, size, and location, of all proposed plant materials to be utilized for buffering and screening of the wireless communications tower structure and equipment structures. A secure fence or enclosure, a minimum of eight feet in height, shall enclose the entire base of the wireless communications facility. All required plantings shall be kept in a live, healthy condition. Any plants not in a live, healthy condition shall be replaced by the applicant to the satisfaction of the Planning Director.
- (8) The owner of the new wireless communications tower shall post and maintain a bond (cashier's check or other surety acceptable to the County) of a sufficient amount determined by the Planning Director to cover the cost of removal of the tower, base, foundation to six feet below ground level, and accessory structures, if the tower's use is discontinued for 12 or more continuous months. Proof of the bond shall be submitted to the Planning Director annually. An abandoned wireless communications tower shall be removed within 90 days of abandonment. If the owner of the tower does not remove the tower, the cost of the removal of the tower shall lie with the property owner. Talbot County shall retain the right to place a lien against the property until the tower is removed.
- (9) A sign shall identify the property owner, tower owner, contact phone number, and emergency information, and shall comply with the sign requirements of this Chapter. Information on the sign shall be current, and the tower owner shall notify the Planning Director of any information change.
- (10) The applicant shall provide proof that the location of the new wireless communications tower shall not interfere with the County's Emergency Management Communication System. The applicant shall contact the Director of Emergency Management within four weeks of the application submittal date for any new tower and obtain written comments from the Director to be included in the application file.
- (11) Panel antennas shall not exceed seven feet in height or two feet in width. Whip antennas shall not exceed 12 feet in height or six inches in diameter. Satellite or dish antennas shall not exceed six feet in diameter. Applicants requesting an exception to

the maximum sizes stated above shall be required to apply for a variance from the Board of Appeals.

- (12) Existing wireless communications towers may be demolished and an in-kind replacement constructed within the approved compound of the original tower. The original tower must be removed within 60 days after the completion of the replacement tower. The in-kind replacement may not exceed the height of the original tower or its appurtenances, and all new antenna arrays and dishes must comply with the maximum size criteria. Replacement wireless communications towers shall be submitted for a site plan review in accordance with Article IX and receive a recommendation from the Planning Commission.
- (13) Calculation of height limits for new wireless communications towers shall include the tower and all antennas, lightning rods and miscellaneous appurtenances.
- (14) The applicant for a new wireless communications tower shall prove that existing wireless communications towers and other existing structures over 50 feet in height within a one-mile radius of the proposed location and structures 100 feet or higher from a one-mile to two-mile radius of the proposed location are not viable collocation opportunities.
- (15) Extension of wireless communications towers above the initial approved height shall require a special exception amendment if the original tower was 100 feet or higher.
- (16) Extension of wireless communications towers to 100 feet or higher after initial construction of a tower less than 100 feet shall require a special exception.
- (17) Extension of wireless communications towers to 75 feet, but still less than 100 feet after initial construction of a tower less than 75 feet, shall require a site plan review in accordance with Article IX and receive a recommendation from the Planning Commission.
- (18) The tower operator shall submit a report annually in January describing the services provided from the tower. The County may assess fines or revoke the tower permit if the report is not provided.

C. General application requirements

All applications shall provide the following information:

- (1) The name, address and telephone number of the corporate headquarters and local office, and current contact information for each office.
- (2) Proof of ownership of the proposed wireless communications tower site or proof of contract or license with owner of the site and the right to construct and operate the proposed tower.
- (3) A copy of FCC license number, date of issuance, and type of license (cellular, PCS, etc.).
- (4) A master report plan of applicant's current proposed communication network for Talbot County, including an illustrative wireless communications map detailing existing and proposed wireless coverage, antenna sites and collocation sites.

- (5) The current zoning of proposed wireless communications tower site.
- (6) The maximum proposed wireless communications tower height.
- (7) The maximum proposed height of antenna in feet above ground level (AGL).
- (8) The wireless communications tower design (self-supporting lattice or monopole).
- (9) The number of potential collocation sites on the proposed wireless communications tower.
- (10) The name, address, and telephone number of the responsible entity for removal of the wireless communications tower if the tower's use is discontinued for 12 or more continuous months.
- (11) All available alternate locations analyzed for the application and a detailed narrative as to why those sites cannot be utilized.
- (12) A professional landscaping plan.
- (13) Proof that the site will not interfere with the County's Emergency Management Communication System. The applicant shall contact the Director of Emergency Management for any new wireless communications tower proposal, and obtain written comments from the Director.
- (14) A written statement that collocation sites on the tower shall be made available for lease at fair market rates.
- (15) Information on the type(s) of service (data or voice) to be provided by operators locating on the tower.
- (16) The time period before voice or data service will commence once the tower is constructed.

D. General collocation requirements

The following collocation requirements are applicable to all wireless communications towers and collocation applicants.

- (1) Collocation is permitted in all zoning districts if the individual antennas meet the size criteria stated in the general requirements section, the antennas are mounted on an existing structure, and the at-grade mechanical equipment meets all applicable zoning requirements.
- (2) The applicant may obtain a building permit if the proposed collocation on an existing wireless communications tower meets all applicable zoning requirements.
- (3) Collocation applications for structures other than existing wireless communications towers located in all zoning districts shall require a site plan review in accordance with Article IX including a recommendation from the Planning Commission.
- (4) As a condition of permitting and continued operation, collocation space on wireless communications towers constructed after January 26, 2002 shall be made available for lease at fair market rates.

- (5) All building permits shall contain a provision granting Talbot County the right of first refusal to lease or purchase tower space for installation of public telecommunications and data transmission equipment or antennas at negotiated fair market rates.

E. Specific tower requirements (towers less than 75 feet high)

The following requirements are applicable to all wireless communications towers less than 75 feet high:

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.
- (4) The new construction shall be designed to support a minimum of one FCC-licensed operator.
- (5) The applicant shall provide a project location map and narrative description of the proposed wireless communications tower site.
- (6) New construction of towers less than 75 feet is permitted in all zoning districts except Rural Residential (RR), Town Conservation (TC) and Town Residential (TR) if the individual antennas meet the size criteria stated in the general requirements section and all at-grade mechanical equipment meets all applicable zoning requirements.
- (7) Applications meeting the above criteria require a minor site plan in accordance with Article IX and a building permit.

F. Specific tower requirements (towers from 75 feet to less than 100 feet high)

The following requirements are applicable to all wireless communications towers from 75 feet to less than 100 feet high.

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.
- (4) The new tower construction shall be designed to support a minimum of two FCC-licensed operators.
- (5) Construction is allowed in all zoning districts except Rural Residential (RR), Town Conservation (TC) and Town Residential (TR) if the individual antennas meet the size criteria stated in the general requirements section and all at-grade mechanical equipment meets all applicable zoning requirements.
- (6) Applications meeting the above criteria require major site plan review in accordance with Article IX and a building permit.
- (7) Prior to submittal of the application, the applicant shall:

- (1) Notify all adjoining property owners by mail of the wireless communications tower proposal, including neighbors, across water bodies that are within 1,000 feet of the property containing the tower site.
  - (2) Erect a sign on the proposed site notifying the public of the applicant's intent to construct a wireless communications tower.
  - (3) Provide public notice in the local newspaper of the applicant's request for the new proposed wireless communications tower, identifying location, type, height, etc. at the applicant's expense. The newspaper notice shall include a map showing the proposed tower location, and be approved by the Planning Director.
- (8) The applicant shall provide evidence substantiating that construction of a new wireless communications tower shall not be detrimental to the use, peaceful enjoyment, or economic value of neighboring properties.
  - (9) No later than four weeks after application submittal for a new wireless communications tower, the applicant shall contact in writing the Talbot County Historic Preservation Commission, State Historic Preservation Office, Federal Aviation Administration, Maryland Aviation Administration, Easton Airport, and the Medivac Unit of the State Police, and any other agency required to be notified by federal or state law. Any comments received from these agencies shall be forwarded by the applicant to the Planning Director and included in the application file.
  - (10) A project location map and narrative description of the proposed wireless communications tower site documenting the area of potential effect, including, but not limited to, residential properties, public rights-of-way, historical sites, parks, conservation areas, and other significant existing structures, shall be provided.
  - (11) At the time of application, the applicant shall submit copies of the antenna propagation analysis or drive test studies used for analysis, type of coverage (i.e., single or system), including a coverage and interference analysis.
  - (12) The applicant shall provide a coverage/interference analysis and capacity analysis to demonstrate that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless communications facility, and to provide adequate coverage and capacity to areas that cannot be adequately served by locating the antenna at an alternative site.
    - (1) At the applicant's expense, the application for a new wireless communications tower shall include a report prepared by an independent engineer stating:
    - (2) It is technically impossible to provide a reasonable level of service by collocating wireless communications antennas on existing structures and that existing wireless communications towers are not adequate to meet the coverage needs for any proposed wireless communications tower, and providing sufficient factual detail to support those conclusions.

- (3) The proposed wireless communications tower and attached antenna does not exceed the minimum height necessary to accomplish the purpose for which it is constructed, and in no case shall exceed 200 feet.
  - (4) Frequency of transmission of all proposed antenna on the wireless communications tower.
  - (5) Power and size of proposed antenna in effective radiated power (ERP)
  - (6) Azimuth of antenna.
  - (7) Down-tilt of antenna.
  - (8) Calculations utilized to justify design requirements (i.e., engineering trade-off analysis between height, ERP, antenna performance and coverage area).
  - (9) The wireless communications tower has sufficient structural integrity for its current and future use, including multiple collocation antennas, and that the tower facility complies with all American National Standard Institute (ANSI) standards. Factors to be stated are the maximum wind load and snow/ice load calculations.
  - (10) Documentation that the proposed wireless communications tower, antenna, and equipment comply with all applicable FCC regulations to protect the public from unnecessary exposure to electromagnetic radiation.
- (13) The Planning Commission may require a review of the applicant's engineer's report by an independent consultant of its choosing, cost of the review to be borne by the applicant.

G. Specific tower requirements (towers 100 feet high or higher).

The following requirements are applicable to all wireless communications towers 100 feet high or higher:

- (1) All general requirements in part B. of this section.
- (2) All general application requirements in part C. of this section.
- (3) All applicable general collocation requirements in part D. of this section.
- (4) All wireless communications tower applications 100 feet or higher shall require a special exception. When considering approval or denial of a special exception application, the Board of Appeals shall place greater emphasis on the impact of a proposed tower site on the surrounding community when it is located within a three-mile radius of an existing wireless communications tower that is greater than 75 feet in height.
- (5) Applications meeting the above criteria require major site plan review in accordance with Article IX and a building permit.
- (6) The new construction of a tower from 100 feet to less than 150 feet shall be designed to support a minimum of three FCC-licensed operators.

- (7) The new construction of a tower from 150 feet to less than 180 feet shall be designed to support a minimum of five FCC-licensed operators.
- (8) The new construction of a tower from 180 feet to 200 feet shall be designed to support a minimum of six FCC-licensed operators.
- (9) Allowed by special exception in all zoning districts except Rural Residential (RR), Town Conservation (TC), Town Residential (TR) and Village Center (VC) if the individual antennas meet the size criteria stated in the general requirements section and at-grade mechanical equipment meets applicable zoning requirements.
- (10) The applicant shall provide evidence substantiating that construction of a new wireless communications tower shall not be detrimental to the use, peaceful enjoyment, or economic value of neighboring properties.
- (11) Prior to submittal of the application, the applicant shall:
  - (1) Notify all adjoining property owners by mail of the wireless communications tower proposal, including neighbors, across water bodies, that are within 1,000 feet of the property containing the tower site.
  - (2) Erect a sign on the proposed site notifying the public of the applicant's intent to construct a wireless communications tower. Said sign design and size shall be approved by the Planning Director.
  - (3) Provide public notice in the local newspaper of the applicant's request for the new proposed wireless communications tower, identifying location, type, height, etc. at the applicant's expense. The newspaper notice shall include a map showing the proposed tower location, and be approved by the Planning Director.
  - (4) Contact in writing the Talbot County Historic Preservation Commission, State Historic Preservation Office, Federal Aviation Administration, Maryland Aviation Administration, Easton Airport, and the Medivac Unit of the State Police, and any other agency required to be notified by federal or state law. Any comments received from these agencies shall be forwarded by the applicant to the Talbot County Office of Planning and Zoning and included in the application file.
- (12) The applicant shall conduct a community meeting open to the public to discuss the proposed application for any wireless communications tower. The applicant shall conduct the community meeting at least one week prior to the Planning Commission meeting at which the tower application is scheduled to be reviewed. The meeting shall be held at the applicant's expense and staffing. County staff is not required to attend the community meeting.
- (13) Prior to the Planning Commission meeting, the applicant shall perform a highly visible balloon test lasting a minimum of 30 minutes. The date, location, and beginning and ending time of the test shall be published in a local newspaper at least one week prior to the test. The Planning Director shall approve the newspaper notice. The results of the balloon test shall be incorporated into a computerized simulation submitted to the Planning Office 10 days prior to the Planning Commission meeting.

The computerized simulation shall illustrate the wireless communications tower at the proposed height, antenna arrangements, maximum number of collocation antennas, and the color scheme of the entire structure, including accessory structures.

- (14) A project location map and narrative description of the proposed wireless communications tower site documenting the area of potential effect, including, but not limited to, residential properties, public rights-of-way, historical sites, parks, conservation areas and other significant existing structures, shall be provided.
- (15) At the time of application, the applicant shall submit copies of the antenna propagation analysis or drive test studies used for analysis, type of coverage (i.e., single or system), including a coverage and interference analysis.
- (16) The applicant shall provide a coverage/interference analysis and capacity analysis to demonstrate that the location of the antenna as proposed is necessary to meet the frequency reuse and spacing needs of the wireless communications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the antenna at an alternative site.
- (17) At the applicant's expense, the application for a new wireless communications tower shall be accompanied by a report prepared by an independent engineer stating:
  - (1) It is technically impossible to provide a reasonable level of service by collocating wireless communications antennas on existing structures and that existing wireless communications towers are not adequate to meet the coverage needs for any proposed wireless communications tower, and provide sufficient factual detail to support those conclusions.
  - (2) The proposed wireless communications tower and attached antenna does not exceed the minimum height necessary to accomplish the purpose for which it is constructed, and in no case shall exceed 200 feet.
  - (3) Frequency of transmission of all proposed antenna on the wireless communications tower.
  - (4) Power and size of proposed antenna in effective radiated power (ERP).
  - (5) Azimuth of antenna.
  - (6) Down-tilt of antenna.
  - (7) Calculations utilized to justify design requirements (i.e., engineering trade-off analysis between height, ERP, antenna performance and coverage area).
  - (8) The wireless communications tower has sufficient structural integrity for its current and future use, including multiple collocation antennas and that the tower facility complies with all American National Standard Institute (ANSI) standards. Factors to be stated are the maximum wind load and snow/ice load calculations.
  - (9) Documentation that the proposed wireless communications tower, antenna, and equipment comply with all applicable FCC regulations to

protect the public from unnecessary exposure to electromagnetic radiation.

- (18) The Board of Appeals may require a review of the applicant's engineer's report by an independent consultant of its choosing, cost of the review to be borne by the applicant.