

Pertaining to the Amendment of the Land Use Charts, Section 3 of the Calvert County Zoning Ordinance Pursuant to Conditions Regarding Access for Agricultural, Agritourism, Ecotourism, and Heritage Tourism Uses, Home Occupations, and Day Care Centers less than 20 clients, and Section 12 Definitions
(Text Amendment Case No. 12-01)

WHEREAS, *Article 66B* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment; and

WHEREAS, pursuant to that authority, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance (May 1, 2006, as amended), hereinafter referred to as the "Calvert County Zoning Ordinance;" and

WHEREAS, after study and evaluation, the Department of Planning and Zoning of Calvert County recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance, Land Use Charts, Section 3-1.01, Uses 1, 2, 6a, 6b, and 10, Section 3-1.02, Uses 3a, 3b, 4a, 4b, 7b, 7d, 7g, 12a, and 12b, Section 3-1.05, Uses 14a and 14b, Section 3-1.10, Uses 2a and 2b, and Section 12, Definitions; and

WHEREAS, after due notice was published, the Planning Commission and the Board of County Commissioners of Calvert County conducted a joint public hearing on January 17, 2012, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited; and

WHEREAS, at the conclusion of said public hearing the Planning Commission voted to hold the record open for two weeks to receive additional public comment; and

WHEREAS, at its special meeting on February 22, 2012, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments, the Planning Commission voted to recommend approval of the amendments as proposed with minor changes; and

WHEREAS, the Planning Commission conveyed its recommendation to the Board of County Commissioners by letter dated March 6, 2012; and

WHEREAS, during its regular session on March 20, 2012, after considering the evidence which had been presented at the public hearing regarding the proposed text amendments and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, to adopt the amendments proposed the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance as set forth in Exhibit "A" attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland, that Sections 3-1.01, 3-1.02, 3-1.05, 3-1.10, and Section 12 of the Calvert County Zoning Ordinance **BE**, and hereby **ARE**, amended by adopting amendments to the Calvert County Zoning Ordinance as set forth in Exhibit "A"

hereto and hereby incorporated by reference such that the effect of such revisions is as reflected in Exhibit "B" hereto and hereby incorporated by reference; and

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED AND ORDAINED, by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation.

DONE, this 20th day of March, 2012 by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 4
Nay: 0
Absent/Abstain: 1 - Gerald W. Clark

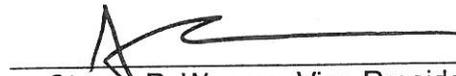
ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**


Corinne J. Cook, Clerk

Gerald W. Clark, President

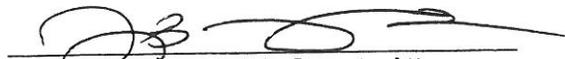
Approved for form and legal
sufficiency on
March 29 2012
by:



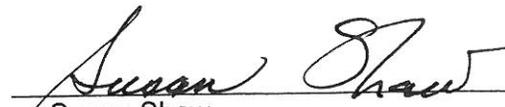
Steven R. Weems, Vice-President



Pat Nutter



John B. Norris, III, County Attorney



Susan Shaw

Received for Record March 30 2012
at 11:26 o'clock A M. Same day
recorded in Liber KPS No. 39
Folio 40 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.



Evan K. Slaughenhoupt Jr.



USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1.	<p>Agritourism Enterprise (10/13/10) <u>(3L /12)</u> <i>Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in a farm operation. Such activities include farm tours, hayrides, corn mazes, classes, and picnic facilities.</i></p>	C	C	C		C	C					<p>1. The activity shall be related to agriculture or natural resources and incidental to the primary operation of the farm; and</p> <p>2. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right of way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>2. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>3. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>4. <u>A Special Exception shall be required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</u></p> <p>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</p> <p>a. <u>The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Galvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2.	<p>Campground, Farm (10/13/10) <u>(3/1/12)</u> <i>An area of a farmland where tent campsites are rented or leased or held out for rent or lease for the use of camping parties.</i></p>	C	C			C	SC					<p>1. No more than 15 campers shall be permitted; and 2. only tent camping shall be permitted (recreational vehicles and travel trailers shall not be permitted); and 3. no permanent structures shall be permitted with the exception of tent platforms and cooking grills; and 4. temporary restrooms and potable water shall be provided within 75 feet of the campsites; and 5. shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with the campground; and 6. the campsites shall be located at least 300 feet from any adjoining properties and the road; and 7. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 8. the use may be permitted on a lot without a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way. 9. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u> 10. <u>A Special Exception shall be required if the use does not meet Condition 8 or 9 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</u> a. <u>The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> a.b. <u>The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
	<p>Farm Support Business</p> <p><i>An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation.</i></p>											
6a.	<p>Farm Support Business, Less than 5,000 square feet (9/22/09) (10/13/10) <u>(3/1/12)</u></p>	C	C			C						<p>1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and</p> <p>2. fertilizer mixing and/or manufacture is not permitted; and the enterprise shall be specifically associated with farming.</p> <p>3. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not; and</p> <p>4. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>5. if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>6. A Special Exception shall be required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</p> <p>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</p> <p>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</p>

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
6b.	Farm Support Business. More than 5,000 square feet (9/22/09) (10/13/10) <u>(3/12)</u>	SC	SC			SC	SC					<p>1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and</p> <p>2. fertilizer mixing and/or manufacture is not permitted; and the enterprise shall be specifically associated with farming.</p> <p>3. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not.</p> <p>4. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and</p> <p>5. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>5. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>6. <u>A Special Exception shall be required if the use does not have direct access on to a publicly-owned and maintained right-of-way, and The Board of Appeals shall consider adding the following conditions if the use does not have direct access to a public road: following additional conditions shall be met:</u></p> <p>a. <u>The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u></p> <p>b. <u>The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.</u></p>

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
10.	Rental Facilities on Farms (9/22/09) (10/13/10) <u>(3/ /12)</u> <i>Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties.</i>	SC	SC	SC		C	SC					<p>1. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts; and</p> <p>2. in addition to the above condition, the requirements of Section 2-10.04 shall apply to Historic Districts; and</p> <p>3. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly-owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>3. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>4. <u>A Special Exception shall be required if the use does not have direct access on to a publicly-owned and maintained right-of-way, and The Board of Appeals shall consider adding the following conditions if the use does not have direct access to a public road: following additional conditions shall be met:</u></p> <p>a. <u>The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u></p> <p>a. <u>The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Galvert County Road Ordinance. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3a.	Commercial Greenhouse, Retail (9/22/09) (10/13/10) <i>(3/ /12)</i> <i>A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale.</i>	C	SC	SC		C	C		P			<p>1. Outdoor lighting of the sales area is permitted subject to Article 6; and</p> <p>2. the retail greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and</p> <p>3. the sales inventory shall include plant materials and their containers only; and</p> <p>4. the use may be permitted on a lot within a subdivision if the following additional condition is met: if the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>4. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>5. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>6. <u>A Special Exception shall be required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition:</u> <u>following additional conditions shall be met:</u> <u>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> <u>b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3b.	Commercial Greenhouse, Wholesale (9/22/09) (10/13/10) (3/ /12) <i>A structure or building made with translucent (light transparent) walls conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only.</i>	C	SC	SC		C	C	P	P		P	<p>1. Outdoor lighting of the sales area is permitted subject to Article 6; and</p> <p>2. the wholesale greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and</p> <p>3. the sales inventory shall include plant materials and their containers only; and</p> <p>4. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>4. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>5. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>6. <u>A Special Exception shall be required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</u></p> <p>a. <u>The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u></p> <p>a. b. <u>The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4a.	Commercial Kennel, with Indoor Facilities Only (9/22/09) (10/13/10) (3/1/12) <i>An establishment in which household pets are kept, boarded, groomed or bred for a fee entirely within an enclosed structure.</i>	C	C			C	C		C			<p>1. all structures or accessory uses shall be at least 100 feet from any property line and 100 feet from a right-of-way. These setbacks may not be reduced; and</p> <p>2. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>2. <u>The use shall have direct road access on to a publicly owned and maintained right-of-way, or</u></p> <p>3. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>4. <u>A Special Exception shall be required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition:</u> <u>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> <u>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Galver County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4b.	<p>Commercial Kennel, with Outdoor Facilities (9/22/09) (9/21/10) (10/13/10) (3/ /12)</p> <p><i>An establishment in which household pets are kept, boarded, groomed or bred for a fee where outdoor facilities such as runs, pens, and walking areas are provided.</i></p>	C	C			C			C			<p>1. all structures or accessory uses shall be at least 500 feet from any property line and 300 feet from a right-of-way. These setbacks may not be reduced; and</p> <p>2. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>2. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>3. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>4. <u>A Special Exception shall be required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition:</u> <u>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> <u>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards..</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7b.	<p>Farm Brewery (05/12/09) (9/22/09) (10/13/10) <u>(3/ /12)</u> <i>An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.</i></p>	C	C	C		C	C		C			<p>1. The brewery shall be designed and managed to brew no more than 15,000 barrels of beer per year; and</p> <p>2. at least one of the primary ingredients shall be produced on the farm where the brewery is located; and</p> <p>3. sampling and the sale for on- and off-site consumption of the brewery's products shall be permitted in accordance with State and County alcohol laws and regulations; and</p> <p>4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the brewery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and</p> <p>5. the brewery shall be operated in accordance with all local, state, and federal laws; and</p> <p>6. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>6. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>7. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>8. <u>A Special Exception shall be required if the use does not meet Condition 6 or 7 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</u></p> <p>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; <u>and</u></p> <p>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</p> <p>9. 7. retail sales of items may be permitted subject to the following additional conditions:</p> <p>a. the items sold are primarily associated with the farm brewery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and</p> <p>b. the retail sales are conducted within the brewery or an accessory structure; and</p> <p>c. in no case shall the area designated for the retail sales exceed 20 percent of all brewery buildings combined.</p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7d.	<p>Farm Distillery (05/12/09) (9/22/09) (10/13/10) <u>(3/12)</u> <i>A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.</i></p>	C	C	C		C	C		C			<p>CONDITIONS</p> <ol style="list-style-type: none"> 1. The distillery shall be capable of producing no more than 500 liters (132 gallons); and 2. at least one of the primary ingredients shall be produced on the farm where the distillery is located; and 3. sampling and the sale for on- and off-site consumption of the distillery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the distillery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the distillery shall be operated in accordance with all local, state, and federal laws; and 6. the use may be permitted on a lot within a subdivision if the following additional condition is met: if the lot is not served by a publicly-owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way. 6. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 7. if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 8. A Special Exception shall be required if the use does not meet Condition 6 or 7 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met: <ol style="list-style-type: none"> a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and a. The right-of-way shall be maintained in accordance with the current standards for residential local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards. 9. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm distillery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the distillery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all distillery buildings combined.

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7g.	<p>Farm Winery (05/12/09) (9/22/09) (10/13/10) <u>(3/12)</u> <i>An establishment located on a farm with a growing vineyard, orchard, or similar area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by state law.</i></p>	C	C	C		C	C		C			<p>1. at least one of the primary ingredients shall be produced on the farm where the winery is located; and</p> <p>2. sampling and the sale for on- and off-site consumption of the winery's products shall be permitted in accordance with State and County alcohol laws and regulations; and</p> <p>3. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Renal Facilities on Farms) shall be permitted on the site of the winery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and</p> <p>4. the winery shall be operated in accordance with all local, state, and federal laws; and</p> <p>5. the use may be permitted on a lot within a subdivision if the following additional condition is met: if the lot is not served by a publicly-owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>5. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>6. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>7. <u>A Special Exception shall be required if the use does not meet Condition 5 or 6 above, and the Board of Appeals shall consider adding the following condition: following additional conditions shall be met:</u> <u>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> <u>b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p> <p>8. retail sales of items may be permitted subject to the following additional conditions: a. the items sold are primarily associated with the farm winery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the winery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all winery buildings combined.</p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
12a.	<p>Nursery, Retail (9/22/09) (10/13/10 <u>(3/12)</u>) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public.</i></p>	C	C	C		C	C		P			<p>1. Outdoor lighting of the sales area is permitted subject to Article 6; and</p> <p>2. the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and</p> <p>3. the sales inventory shall include plant materials and their containers only; and</p> <p>4. the use may be permitted on a lot within a subdivision if the following additional condition is met: if the lot is not served by a publicly-owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>4. <u>The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</u></p> <p>5. <u>if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</u></p> <p>6. <u>A Special Exception shall be required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition:</u> <u>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</u> <u>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</u></p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
12b.	Nursery, Wholesale (9/22/09) (10/13/10) <u>(3/12)</u> <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale to retailers or other businesses, but not directly to the general public.</i>	C	C	C		C	C		P			<p>1. Outdoor lighting of the sales area is permitted subject to Article 6; and</p> <p>2. the wholesale nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and</p> <p>3. the sales inventory shall include plant materials and their containers only; and</p> <p>4. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly owned and maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way.</p> <p>4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>5. if the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>6. A Special Exception shall be required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition:</p> <p>a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and</p> <p>a. b. The right-of-way shall be maintained in accordance with the current standards for residential/local roadway on Plate RD-4 of the Calvert County Road Ordinance. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</p>

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USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
14a1	<p>Home Occupation <i>Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit. This definition does not apply to business activities conducted on farms, as permitted by this Zoning Ordinance.</i></p> <p>Home Occupation – Class I – All Employed are Residents (9/22/09) (9/21/10) (3/12)</p>	C	C	C		C	C	C	C	C	C	<p>1. <u>Employees shall only be permanent residents of the dwelling in which the home occupation is located, and no on-site appointments, customers, or clients are permitted, and</u></p> <p>2. <u>1. The occupation shall be conducted entirely within the dwelling or an enclosed accessory structure; and</u></p> <p>3. <u>no outside storage of equipment, materials or items to be repaired shall be permitted; and</u></p> <p>4. <u>no article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to the services offered; and</u></p> <p>5. <u>applicable State and County Licenses and Permits shall be obtained; and</u></p> <p>6. <u>The space occupied by all the occupations on a single site shall not exceed 600 square feet including storage. Exception: The use of a tobacco barn for a home occupation is permitted, regardless of size, with the conditions that (a) the barn shall have been in existence as of the effective date of this condition (05/01/06); and (b) the barn shall be constructed of wood; and</u></p> <p>7. <u>if road access to the home occupation is gained through another person's property via an easement-type road right-of-way, written approval of these property owners shall be obtained.</u></p> <p>8. <u>Condition #6 above applies to all home occupations in which customers come to the premises.</u></p> <p>9. <u>Non-medical and medical offices, office support services, home studios, indoor commercial kennels, commercial kitchens, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Commercial Studios, Commercial Performing Arts Studios, etc.).</u></p> <p>10. <u>Total signage for home occupations shall be restricted to four square feet, and all signs shall be erected at least 10 feet from the edge of the right-of-way.</u></p>

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USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
14a2.	Home Occupation – <i>Class II (3/ /12)</i>	SC	SC	SC		SC	SC	C	C	C	C	<ol style="list-style-type: none"> 1. <u>Employees shall only be permanent residents of the dwelling in which the home occupation is located, and on-site appointments of customers and/or clients are permitted, and</u> 2. <u>MUST MEET CONDITIONS 3 – 9 OF USE #14a. - CLASS I HOME OCCUPATION, PLUS:</u> 3. <u>The requirements of Section 2-10.04 shall apply to Historic Districts.</u>
14b.	Home Occupation – <u>Class III</u> with up to 2 Equivalent Full-time non-resident employees (9/22/09) <u>(3/ /12)</u>	SC	SC	SC		SC	SC	C	C	C	C	<p>SAME CONDITIONS AS ABOVE, PLUS:</p> <ol style="list-style-type: none"> 1. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts. 1. <u>Permitted to employ up to 2 equivalent full-time employees in addition to employees that are permanent residents of the dwelling in which the home occupation is located, and</u> 2. <u>on-site appointments of customers and/or clients are permitted, and</u> 3. <u>MUST MEET CONDITIONS 3 – 4 OF USE #14b. - CLASS II HOME OCCUPATION.</u>

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USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2a.	<p>Day Care Center <i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i></p> <p>Day Care Center, 8 Clients or Less (10/20/11) <u>(3/1/12)</u></p>	C	C	C		C	C	C	C	C	C	<p>1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and</p> <p>2. if road access to the day care center is gained through another person's property via an easement-type road right-of-way, written approval of that property owner(s) shall be obtained.</p> <p>2. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>3. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>4. 3. A Special Exception shall be required if the use does not have direct access on a publicly-owned and maintained right-of-way. meet Condition 3 or 4 above, and the Board of Appeals shall consider adding the following condition:</p> <p>a. The Department of Public Works shall review and approve the access and impose appropriate construction standards</p>

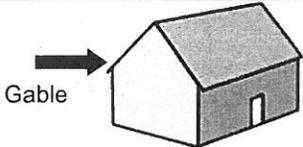
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USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2b.	Day Care Center, 9 to 19 Clients (9/22/09) (10/20/11) <u>(3/12)</u>	C	C	SC		C	C	C	C	C	C	<p>1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and</p> <p>2. in the I-1 and EC Districts the Day Care Center shall serve the on-site businesses, and</p> <p>3. if road access to the day care center is gained through another person's property via an easement type road right-of-way, written approval of that property owner(s) shall be obtained;</p> <p>3. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>4. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>5. A Special Exception shall be required if the use does not have direct access on a publicly-owned and maintained right-of-way. meet Condition 3 or 4 above. and the Board of Appeals shall consider adding the following condition:</p> <p>a. <u>The Department of Public Works shall review and approve the access and impose appropriate construction standards</u></p>

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<p>Term (Date of Amendment)</p>	<p>Definition</p>	
<p>Right-of-way</p>	<p>(1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or currently occupied by a road, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; (2) Generally, the right of one to pass over the property of another.</p>	
<p><u>Right-of-Way, Public</u> <u>(3/ /12)</u></p>	<p><u>Any street, avenue, boulevard, highway, alley or similar place which is owned or controlled by a governmental entity.</u></p>	
<p>Riparian Habitat</p>	<p>A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.</p>	
<p>Riparian Land</p>	<p>Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.</p>	
<p>Riparian Owner</p>	<p>One who owns riparian land.</p>	
<p>Road</p>	<p>(1) A vehicular way constructed within a public or private right-of-way (a.k.a. avenue, drive, circle, street, highway, thoroughfare or other similar terms, but not driveways, lanes, or alleys). (2) When applying setbacks, the term road refers to the right-of-way. Setbacks shall be measured from the edge of the right-of-way unless other means of measurement are specified.</p>	
<p>Road Direction</p>	<p>Relative to the premise addressing system, the direction any road travels the longest in the distance.</p>	
<p>Road, Arterial</p>	<p><u>See: Arterial Road</u></p>	
<p>Road, Collector</p>	<p><u>See: Collector Road</u></p>	
<p>Road in the Critical Area (05/04/10)</p>	<p>A public thoroughfare under the jurisdiction of the State, a County, a municipal corporation or any other public body. Road does not include a drive aisle or driveway.</p>	
<p>Road, Local</p>	<p><u>See: Local Road</u></p>	
<p>Road, Project</p>	<p><u>See: Project Road</u></p>	
<p>Road, Service</p>	<p><u>See: Service Road</u></p>	
<p>Roadside Stand</p>	<p><u>See: Farm Stand</u></p>	
<p>Roof Pitch (9/22/09)</p>	<p>The ratio of rise to run of roof slope.</p>	
<p>Roof, False Mansard (9/22/09)</p>	<p>An architectural feature added to a structure that is primarily decorative and serves only to hide a flat roof and/or equipment on the roof, or to provide a crawl space attic over an upper story.</p>	
<p>Roof, Gable (9/22/09)</p>	<p>A sloping (ridged) roof that terminates at one or both ends in a gable.</p>	

USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
1.	Agritourism Enterprise (10/13/10) (3/ /12) <i>Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in a farm operation. Such activities include farm tours, hayrides, corn mazes, classes, and picnic facilities.</i>	C	C	C		C	C					<ol style="list-style-type: none"> 1. The activity shall be related to agriculture or natural resources and incidental to the primary operation of the farm; and 2. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 3. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 4. A Special Exception is required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
2.	Campground, Farm (10/13/10) (3/ /12) <i>An area of a farmland where tent campsites are rented or leased or held out for rent or lease for the use of camping parties.</i>	C	C			C	SC					<ol style="list-style-type: none"> 1. No more than 15 campers shall be permitted; and 2. only tent camping shall be permitted (recreational vehicles and travel trailers shall not be permitted); and 3. no permanent structures shall be permitted with the exception of tent platforms and cooking grills; and 4. temporary restrooms and potable water shall be provided within 75 feet of the campsites; and 5. shower/bath facilities, electricity, and telephone lines shall not be permitted in conjunction with the campground; and 6. the campsites shall be located at least 300 feet from any adjoining properties and the road; and 7. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 8. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 9. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 10. A Special Exception is required if the use does not meet Condition 8 or 9 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.

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USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
6a.	<p>Farm Support Business</p> <p><i>An enterprise on a farm that is clearly and directly related to the practice of farming. Services include, but are not limited to, blacksmithing, farrier, farm implement repair, agricultural pest service, fertilizer service, irrigation installation service, and greenhouse construction and installation.</i></p>	C	C			C						<p>1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and</p> <p>2. fertilizer mixing and/or manufacture is not permitted; and</p> <p>3. the enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not; and</p> <p>4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>6. A Special Exception is required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition:</p> <p>a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</p>

USE #	3-1.01 AGRITOURISM, ECOTOURISM, & HERITAGE TOURISM USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
6b.	Farm Support Business, More than 5,000 square feet (9/22/09) (10/13/10) (3/ /12)	SC	SC			SC	SC					<ol style="list-style-type: none"> 1. Implements being kept for parts shall be kept inside or screened from view from all public roads and adjoining properties; and 2. fertilizer mixing and/or manufacture is not permitted; and 3. the enterprise shall be specifically associated with farming. For example, the repair of farm tractors and implements would qualify whereas general diesel service or general welding services would not. 4. In addition to the above conditions, the requirements of Section 2-10.04 shall apply to Historic Districts; and 5. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 6. The Board of Appeals shall consider adding the following conditions if the use does not have direct access to a public road: <ol style="list-style-type: none"> a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and b. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.
10.	Rental Facilities on Farms (9/22/09) (10/13/10) (3/ /12) <i>Facilities or areas on farms that are available for rent for private events such as weddings, company picnics, or private parties.</i>	SC	SC	SC		C	SC					<ol style="list-style-type: none"> 1. Approval from the Agricultural Preservation Advisory Board shall be required for properties located in Agricultural Preservation Districts; and 2. in addition to the above condition, the requirements of Section 2-10.04 shall apply to Historic Districts; and 3. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 4. The Board of Appeals shall consider adding the following conditions if the use does not have direct access to a public road: <ol style="list-style-type: none"> a. The business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way; and b. The Department of Public Works shall review and approve the road access and impose appropriate construction standards.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3a.	Commercial Greenhouse, Retail (9/22/09) (10/13/10) (3/ 12) <i>A structure or building made with translucent or light transparent walls conducive to plant growth, in which plants, vegetables, and flowers are grown for retail sale.</i>	C	SC	SC		C	C		P			<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the retail greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 6. A Special Exception is required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
3b.	Commercial Greenhouse, Wholesale (9/22/09) (10/13/10) (3/ /12) <i>A structure or building made with translucent (light transparent) walls conducive to plant growth, in which plants, vegetables, and flowers are grown for wholesale purposes only.</i>	C	SC	SC		C	C	P	P		P	<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the wholesale greenhouse shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 6. A Special Exception is required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
4a.	Commercial Kennel, with Indoor Facilities Only (9/22/09) (9/21/10) (10/13/10) (3/ /12) <i>An establishment in which household pets are kept, boarded, groomed or bred for a fee entirely within an enclosed structure.</i>	C	C			C	C		C			<ol style="list-style-type: none"> 1. all structures or accessory uses shall be at least 100 feet from any property line and 100 feet from a right-of-way. These setbacks may not be reduced; and 2. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 3. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 4. A Special Exception is required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.
4b.	Commercial Kennel, with Outdoor Facilities (9/22/09) (9/21/10) (10/13/10) (3/ /12) <i>An establishment in which household pets are kept, boarded, groomed or bred for a fee where outdoor facilities such as runs, pens, and walking areas are provided.</i>	C	C			C			C			<ol style="list-style-type: none"> 1. all structures or accessory uses shall be at least 500 feet from any property line and 300 feet from a right-of-way. These setbacks may not be reduced; and 2. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 3. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 4. A Special Exception is required if the use does not meet Condition 2 or 3 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards..

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7b.	<p>Farm Brewery (05/12/09) (9/22/09) (10/13/10) (3/ /12) <i>An establishment for the manufacture of malt liquors, such as beer and ale, using grains such as oats, hops, wheat and barley produced on the farm on which the farm brewery is located.</i></p>	C	C	C		C	C		C		EC	<p>CONDITIONS</p> <ol style="list-style-type: none"> 1. The brewery shall be designed and managed to brew no more than 15,000 barrels of beer per year; and 2. at least one of the primary ingredients shall be produced on the farm where the brewery is located; and 3. sampling and the sale for on- and off-site consumption of the brewery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the brewery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 5. the brewery shall be operated in accordance with all local, state, and federal laws; and 6. the use may be permitted on a lot within a subdivision if the following additional condition is met: If the lot is not served by a publicly-owned and-maintained right-of-way, written approval of the use shall be obtained from all property owners having an interest (by ownership or easement) in the right-of-way. 6. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 7. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 8. A Special Exception shall be required if the use does not meet Condition 6 or 7 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards. 9. 7. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm brewery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the brewery or an accessory structure; and c. in no case shall the area designated for the retail sales exceed 20 percent of all brewery buildings combined.

USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7d.	<p>Farm Distillery (05/12/09) (9/22/09) (10/13/10) (3/ /12) <i>A facility located wholly on a farm designed for the distillation of grains and fruits produced primarily on the farm into alcoholic beverages.</i></p>	C	C	C		C	C		C			<p>1. The distillery shall be capable of producing no more than 500 liters (132 gallons), and</p> <p>2. at least one of the primary ingredients shall be produced on the farm where the distillery is located; and</p> <p>3. sampling and the sale for on- and off-site consumption of the distillery's products shall be permitted in accordance with State and County alcohol laws and regulations; and</p> <p>4. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the distillery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and</p> <p>5. the distillery shall be operated in accordance with all local, state, and federal laws; and</p> <p>6. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or</p> <p>7. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way.</p> <p>8. A Special Exception is required if the use does not meet Condition 6 or 7 above, and the Board of Appeals shall consider adding the following condition:</p> <p>a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.</p> <p>9. retail sales of items may be permitted subject to the following additional conditions:</p> <p>a. the items sold are primarily associated with the farm distillery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and</p> <p>b. the retail sales are conducted within the distillery or an accessory structure; and</p> <p>c. in no case shall the area designated for the retail sales exceed 20 percent of all distillery buildings combined.</p>

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
7g.	<p>Farm Winery (05/12/09) (9/22/09) (10/13/10) (3/ /12) <i>An establishment located on a farm with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner manufactures wine and/or pomace brandy from fresh fruits or other agricultural products as allowable by state law.</i></p>	C	C	C		C	C		C			<ol style="list-style-type: none"> 1. at least one of the primary ingredients shall be produced on the farm where the winery is located; and 2. sampling and the sale for on- and off-site consumption of the winery's products shall be permitted in accordance with State and County alcohol laws and regulations; and 3. events allowed on farms (e.g., Section 3-1.01, Use #10, Public Events/Public Assemblies on Farmland, and Use #11, Rental Facilities on Farms) shall be permitted on the site of the winery in accordance with the requirements of this Ordinance and with State and County alcohol laws and regulations; and 4. the winery shall be operated in accordance with all local, state, and federal laws; and 5. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 6. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 7. A Special Exception is required if the use does not meet Condition 5 or 6 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards. 8. retail sales of items may be permitted subject to the following additional conditions: <ol style="list-style-type: none"> a. the items sold are primarily associated with the farm winery (e.g., glassware and souvenirs) or are locally produced goods which would be permitted to be sold at an Artisan's and Crafter's Market or Farmers' Market, as defined by this Ordinance; and b. the retail sales are conducted within the winery or an accessory structure; and c. in no case shall the area designated for the retail sales, exceed 20 percent of all winery buildings combined.

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USE #	3-1.02 AGRICULTURAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
12a.	Nursery, Retail (9/22/09) (10/13/10) (3/ /12) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale directly to the general public.</i>	C	C	C		C	C		P			<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the Retail Nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 6. A Special Exception is required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.
12b.	Nursery, Wholesale (9/22/09) (10/13/10) (3/ /12) <i>An area or establishment where trees, shrubs or plants are grown for transplanting, for use as stock for budding and grafting or for sale to retailers or other businesses, but not directly to the general public.</i>	C	C	C		C	C		P			<ol style="list-style-type: none"> 1. Outdoor lighting of the sales area is permitted subject to Article 6; and 2. the wholesale nursery shall be part of the overall agricultural activities on a property with an Agricultural Use Assessment from the Maryland Department of Assessments and Taxation; and 3. the sales inventory shall include plant materials and their containers only; and 4. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 5. If the use does not have direct access to a public road, the business owner(s) or owner(s) of the property where the use is located shall have sole ownership of the right-of-way. 6. A Special Exception is required if the use does not meet Condition 4 or 5 above, and the Board of Appeals shall consider adding the following condition: <ol style="list-style-type: none"> a. The Department of Public Works shall review and approve the access and impose appropriate construction standards.

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USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
	Home Occupation <i>Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit. This definition does not apply to business activities conducted on farms, as permitted by this Zoning Ordinance.</i>											
14a.	Home Occupation – Class I (9/22/09) (9/21/10) (3/ /12)	C	C	C		C	C	C	C	C	C	<ol style="list-style-type: none"> Employees shall only be permanent residents of the dwelling in which the home occupation is located, and no on-site appointments, customers, or clients are permitted, and The occupation shall be conducted entirely within the dwelling or an enclosed accessory structure; and no outside storage of equipment, materials or items to be repaired shall be permitted; and no article or commodity shall be offered for sale or publicly displayed on the premises except those incidental to the services offered; and applicable State and County Licenses and Permits shall be obtained; and The space occupied by all the occupations on a single site shall not exceed 600 square feet including storage. Exception: The use of a tobacco barn for a home occupation is permitted, regardless of size, with the conditions that (a) the barn shall have been in existence as of the effective date of this condition (05/01/06); and (b) the barn shall be constructed of wood; and Non-medical and medical offices, office support services, home studios, indoor commercial kennels, commercial kitchens, and personal service uses are permitted as home occupations. Other uses that are listed separately in the Land Use Charts shall not be permitted as home occupations (e.g., Automobile Repair, Commercial Studios, Commercial Performing Arts Studios, etc.). Total signage for home occupations shall be restricted to four square feet, and all signs shall be erected at least 10 feet from the edge of the right-of-way.
14b.	Home Occupation – Class II (3/ /12)	SC	SC	SC		SC	SC	C	C	C	C	<ol style="list-style-type: none"> Employees shall only be permanent residents of the dwelling in which the home occupation is located, and on-site appointments of customers and/or clients are permitted, and MUST MEET CONDITIONS 3 – 9 OF USE #14a. - CLASS I HOME OCCUPATION, PLUS: The requirements of Section 2-10.04 shall apply to Historic Districts.

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USE #	3-1.05 BUSINESS & PERSONAL SERVICE USES & DEFINITIONS (in italics)	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
14c.	Home Occupation – Class III (9/22/09) (3/ /12)	SC	SC	SC		SC	SC	C	C	C	C	<ol style="list-style-type: none"> 1. Permitted to employ up to 2 equivalent full-time employees in addition to employees that are permanent residents of the dwelling in which the home occupation is located, and 2. on-site appointments of customers and/or clients are permitted, and 3. MUST MEET CONDITIONS 3 – 4 OF USE #14b - CLASS II HOME OCCUPATION.

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USE #	3-1.10 INSTITUTIONAL USES & DEFINITIONS <i>(in italics)</i>	FFD	RCD	RD	WL	APD	HD	I-1	RC	MC	EC	CONDITIONS
	Day Care Center											
2a.	<i>An establishment enrolling four or more clients and where tuition, fees, or other forms of compensation for the care of the clients may be charged, and which is licensed.</i> Day Care Center, 8 Clients or Less (10/20/11) (3/ 12)	C	C	C		C	C	C	C	C	C	<ol style="list-style-type: none"> 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 3. A Special Exception is required if the use does not have direct access on a publicly-owned and maintained right-of-way.
2b.	Day Care Center, 9 to 19 Clients (9/22/09) (10/20/11) (3/ 12)	C	C	SC		C	C	C	C	C	C	<ol style="list-style-type: none"> 1. On-premise signs shall be limited to 16 square feet in size. No off-premise signs shall be permitted; and 2. in the I-1 and EC Districts the Day Care Center shall serve the on-site businesses, and 3. The use shall have direct road access on to a publicly-owned and maintained right-of-way, or 4. A Special Exception is required if the use does not have direct access on a publicly-owned and maintained right-of-way.

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<p>Term (Date of Amendment)</p>	<p>Definition</p>	
<p>Right-of-way</p>	<p>(1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or currently occupied by a road, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; (2) Generally, the right of one to pass over the property of another.</p>	
<p>Right-of-Way, Public (3/ /12)</p>	<p>Any street, avenue, boulevard, highway, alley or similar place which is owned or controlled by a governmental entity.</p>	
<p>Riparian Habitat</p>	<p>A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.</p>	
<p>Riparian Land</p>	<p>Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.</p>	
<p>Riparian Owner</p>	<p>One who owns riparian land.</p>	
<p>Road</p>	<p>(1) A vehicular way constructed within a public or private right-of-way (a.k.a. avenue, drive, circle, street, highway, thoroughfare or other similar terms, but not driveways, lanes, or alleys). (2) When applying setbacks, the term road refers to the right-of-way. Setbacks shall be measured from the edge of the right-of-way unless other means of measurement are specified.</p>	
<p>Road Direction</p>	<p>Relative to the premise addressing system, the direction any road travels the longest in the distance.</p>	
<p>Road, Arterial</p>	<p><u>See: Arterial Road</u></p>	
<p>Road, Collector</p>	<p><u>See: Collector Road</u></p>	
<p>Road in the Critical Area (05/04/10)</p>	<p>A public thoroughfare under the jurisdiction of the State, a County, a municipal corporation or any other public body. Road does not include a drive aisle or driveway.</p>	
<p>Road, Local</p>	<p><u>See: Local Road</u></p>	
<p>Road, Project</p>	<p><u>See: Project Road</u></p>	
<p>Road, Service</p>	<p><u>See: Service Road</u></p>	
<p>Roadside Stand</p>	<p><u>See: Farm Stand</u></p>	
<p>Roof Pitch (9/22/09)</p>	<p>The ratio of rise to run of roof slope.</p>	
<p>Roof, False Mansard (9/22/09)</p>	<p>An architectural feature added to a structure that is primarily decorative and serves only to hide a flat roof and/or equipment on the roof, or to provide a crawl space attic over an upper story.</p>	
<p>Roof, Gable (9/22/09)</p>	<p>A sloping (ridged) roof that terminates at one or both ends in a gable.</p>	