

ARTICLE VI. SPECIAL PROVISIONS

SECTION 1. PARKING AND LOADING REQUIREMENTS

1.1 PURPOSE

The purpose of this section is to set forth the minimum standards for parking and loading and to ensure adequate parking for permitted uses.

1.2 OFF-STREET PARKING

No *building, structure, or premises* shall be erected, unless *off-street parking*, consistent with the provision of this section, is provided. Each required parking space shall be at least 20 feet in length and nine feet in width and contain at least 180 square feet. The number of parking spaces provided shall be determined according to the minimum standards set forth in this Article.

The *Planning Commission* shall use the parking standards as guidelines and may allow fewer total spaces where one or more of the following situations apply:

1. Two or more uses share the same parking in such a way that the hours or days of peak usage are so different that a lower total number will provide for all uses adequately.
2. The clientele of the use is such that a reduced number of spaces is appropriate, such as a neighborhood grocery, a business likely to be frequented by pedestrians, and so on.
3. The use is water dependent or water related to an extent that most of the activity would be from the water, such as a fish processing facility without a retail outlet. Parking for employees and visitors would still be required.
4. Employees are residents of the *structure* housing the use, such as in a *home occupation*.

The applicant and the *Planning Commission* may agree to a reduced number of parking spaces below the number required with the agreement and condition that if more spaces are required in the future because of miscalculation, unanticipated growth, or other error, those spaces and associated maneuvering area shall be provided by the applicant. The *Planning Commission* may require that additional *open space* be kept for this purpose. An agreement shall be drafted to this effect. The *Planning Commission* may also limit the maximum number of parking spaces above the number required through *site plan* review to encourage innovative design and safe and efficient vehicular and pedestrian circulation.

1.3 PARKING REQUIREMENTS

Residential	2 per dwelling unit
Residential, Duplex	2 per dwelling unit
Residential, Multi-family, Townhouses	1 per unit, plus 2 spaces for each bedroom in the dwelling
Lodging, Rooming, or Boarding houses, Bed & breakfast	1 per guest unit, plus 1 per employee
Commercial Riding Academies, Stables	1 per 2 horse stalls
Kennel	1 per 400 sq. ft of gross floor area but not less than 4
Golf Course	5 per green and 50% of the requirement for accessory uses, if on-site
Country inns, Tourist Homes, Courts, Motels, Hotels	1 per guest unit, plus 1 per employee
Community Centers, Civic Clubs, Museums	1 per 50 sq. ft. of gross floor area
Assembly Halls	1 per 3 seats
Restaurants or establishments for on premises consumption of food, or beverages	1 per 150 sq. ft. of floor area, minimum of 3 spaces
Laundromat	1 per 2 washer/dryer units
Professional offices, clinics	4 per professional person
Houses of worship	1 per 5 seating spaces
Office Buildings	1 per 400 sq. ft. of gross floor area
Banks	1 per 150 sq. ft. of gross floor area
Funeral Home, Mortuary	1 per 150 sq. ft. of gross floor area
Private clubs	1 per 5 members
Retail or wholesale stores	1 per 200 sq. ft. of gross floor area
Automobile Sales	1 per every 300 sq. ft gross floor area and 1 per each employee and 1 per service bay.
Industrial uses, warehousing	1 per 2 employees in principal shift
Marinas, multi-level boat storage building, public landings	1 per slip, plus 1 per every 2 full time employees
Hospital	1 per 2 patient beds
Convalescent Home	1 per 5 patient beds.

1.4 OFF-STREET LOADING

Any *building* or part thereof having a gross *floor area* of 5,000 square feet or more and which is to be occupied by manufacturing, storage, warehousing, wholesale or retail store, *hotel*, *restaurant*, industrial, funeral home, or other uses requiring the receipt or dispatch of materials by vehicles, shall provide a minimum of one off-street *loading space* plus one additional space for each 20,000 square feet of gross *floor area* or major fraction thereof in excess of the first 20,000 square feet. Each *loading space* shall be a minimum of 12 feet in width, 45 feet in length and with a clear height of not less than 14 feet.

1.5 BICYCLE PARKING

No new commercial, industrial, marine or multi-family residential use shall be erected, unless bicycle parking at a rate of one bicycle parking space per 20 required auto parking spaces is provided. Bicycle parking spaces shall be visible and convenient to cyclists. Bicycle parking requirements may be met by providing lockers or racks inside a *building*, adjacent to the *building*, in an accessory parking lot, or underneath an awning or marquee. A bicycle parking space shall be a minimum of six feet long by one foot wide and if enclosed a minimum of 4 feet high.

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SECTION 2. SIGNS

2.1 STATEMENT OF INTENT

The purpose of this section is to establish minimum *regulations* for the design and display of signs. The *regulations* and standards provide sufficient identification of property while preserving the overall attractiveness of the County. Incentives are provided for design excellence.

2.2 DEFINITIONS

For the purpose of this section, certain terms and words pertaining to signs are hereby defined. The general rules of construction contained in Article X of this Ordinance are applicable to these definitions.

1. Accessory Sign - A sign relating only to uses of the *premises* on which the sign is located or products sold on the *premises*, or indicating the name or address of a *building* or the occupants or management of a *building* on the *premises* where the sign is located.
2. Detached Sign - A sign not attached to or painted on a *building*, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall not a part of a *building*, shall be considered a detached sign.
3. Double-Faced Sign - A sign with two parallel faces, back to back, and located not more than 24 inches from each other.
4. Flashing Sign - An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign that revolves or moves shall be considered a flashing sign.
5. Flat Sign - A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any *building* and which projects from that surface less than 12 inches at all points.
6. Illuminated Sign - Any sign designed to give forth artificial light, reflect light from another source, or is back lighted by spotlights or flood lights not a part of or attached to the sign itself.
7. Marquee Sign- Any sign attached to or hung from a marquee. For the purpose of this Article a marquee is a covered *structure* projecting from and supported by the *building* with independent roof and is erected over a doorway or doorways.
8. Projecting Sign - A sign, other than a wall sign, which projects from and is supported by a wall of a *building* or *structure*. The term projecting sign includes a marquee sign.
9. Sign - Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any place, subject, *person*, firm, corporation, public performance, article, machine, or merchandise, whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes. Interior signs, if located on a window or within a distance equal to the greatest dimension of the window and if obviously intended for viewing from the exterior, shall be considered an exterior sign for the purposes of this Ordinance.

10. Sign Area - That area within a line including the outer extremities, letters, fixtures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area.

The support for the sign, whether it be columns, a pylon, or a *building* or part thereof, shall not be included in a computation of sign area. Only one side of a double-faced sign shall be included in a computation of sign area. The area of a cylindrical sign shall be computed by multiplying one-half of the circumference by the height of the sign.

2.3 GENERAL

1. No sign shall be erected, hung, placed, or painted in any District except as herein provided, unless otherwise provided in this Ordinance.
2. No sign shall be erected, hung, affixed, painted or otherwise displayed or altered in size or location unless a permit has been issued by the Zoning Administrator.
3. Permitted signs for a nonconforming business or industry and *cottage industries* shall consist of those signs permitted in the "V," Village District.
4. Signs existing at the time of enactment of this Ordinance and not conforming to its provisions but which were constructed in compliance with previous *regulations* shall be regarding as nonconforming signs.

Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance. Nonconforming signs destroyed or damaged by accident or Act of God shall comply immediately with all provisions of this Ordinance.

5. Area available for changeable letters shall be limited to 15% of the total sign area. This subsection is not applicable to volunteer fire companies.

2.4 EXEMPTIONS

1. Public signs of a noncommercial nature and in the public interest, erected by, or on the order of a public official such as safety signs, danger signs, trespassing, traffic, memorial plaques, signs of historic interest and the like.
2. Institutional signs setting forth the name or simple announcement for any public, charitable, educational, or religious institution, located entirely on the *premises* of that institution, up to an area of 25 square feet. Institutional signs setting forth the name or simple announcement for any public, charitable, educational, or religious institution, located on the *premises* of that institution are eligible for bonus sign area as described in Article VI, Section 2.7 of this Ordinance. Volunteer fire companies are permitted to have signs up to an area of 32 square feet.*
3. Real Estate signs limited in area to 6 square feet, advertising the sale, rental or lease of the *premises* on which the sign is displayed. Such signs shall be removed within 14 days of the sale or lease of the *site*. Open house directional signs are prohibited.
4. Construction signs that identify the architects, engineers, contractors and other individuals or firms involved in the construction, limited in area to 6 square feet. The sign shall be confined to the construction *site* and shall be removed within 14 days of the beginning of the intended use of the project or completion of construction.

2.5 PERMITTED SIGNS

Incidental – The following signs are permitted in any district:

1. One nameplate, limited in area to 2 square feet, to identify the owner or occupant of a dwelling.
2. One sign, limited in area to 2 square feet, to identify a permitted *home occupation*.
3. No trespassing or no hunting signs, without limitation on number or placement, limited in area to 2 square feet.
4. Directional signs, limited in area to 4 square feet.
5. One sign, limited in area to 10 square feet, to identify an approved *subdivision* except in AZD.
6. Three flags of any Nation, State, County or Municipality provided the flags are not used for commercial promotion or as an advertising device.

Agriculture – The following signs are permitted in the Agricultural Zoning District and on bona fide *farms* in any other district:

1. One sign, limited in area to 4 square feet, to identify a *farm* or approved *subdivision*.
2. One sign, limited in area to 16 square feet, advertising products raised on the *premises* and agricultural industries.

Village, Intense Village and Intense Village Critical Area – The following signs are permitted in the Intense Village, Intense Village *Critical Area* and Village District provided that the total sign area shall not exceed one and one half (1-1/2) square feet for each linear foot of building frontage and that the maximum total area shall not exceed 100 square feet.

1. One flat sign per establishment, limited in area to 25 square feet or 5% of the front facade of the establishment, whichever is the least *

OR

One projecting sign per establishment, limited in area to 5 square feet.

2. One detached sign, limited in area to 25 square feet. *
3. One flag in addition to the incidental flags provided the area of the flag does not exceed 15 square feet and the flag is mounted on the building facade (not roof) or approved flagpole.
4. One neon sign attached to a window or inside the *building*, limited to 2 square feet in Intense Village and Intense Village *Critical Area*.
5. The TOTAL SIGN AREA SHALL NOT EXCEED one and one-half square feet for each linear foot of building frontage. The maximum total area shall not exceed 100 square feet.

Crossroads Commercial, Commercial, Commercial Critical Area, Industrial, Industrial Critical Area, Industrial Critical Area - LDA, Employment Center, and Marine – The following signs shall be permitted in the Commercial, Crossroads Commercial, Commercial *Critical Area*, Marine, Employment Center, Industrial, Industrial *Critical Area - LDA*, and Industrial *Critical Area* districts.

1. On buildings with a building size less than 20,000 square feet, one flat sign per establishment limited to 5% of the façade fronting the road, not to exceed 25 square feet or one projecting sign per establishment limited in area to 10 square feet.

On buildings that exceed 20,000 square feet in size, one flat sign per establishment limited to one-half (½) square foot per linear foot of building frontage, not to exceed 100 square feet, provided the sign uses colors approved by the Planning Commission and is illuminated with steady external lighting (if illuminated at all). The bonus sign area section does not apply to signs approved under these criteria.*

OR

One projecting sign per establishment, limited in area to 10 square feet.

2. One detached sign per parcel, limited to 25 square feet and a height of 25 feet.
3. A waterfront business may have one detached or one attached sign to be read from the water, limited in area to 20 square feet and limited in height to 20 feet.
4. Directory signs identifying three or more establishments shall not exceed 65 square feet.
5. One flag in addition to the incidental flags provided the area of the flag does not exceed 15 square feet and the flag is mounted on the building facade (not roof) or approved flagpole.
6. One neon sign attached to a window or inside the *building*, limited to 2 square feet.
7. In no instance shall the total sign area on buildings less than 20,000 square feet exceed one-half (½) square foot per linear foot of building frontage.*

Prohibited Signs – The following signs are prohibited in all districts:

1. Prohibited signs existing as of August 1, 1989 shall be considered nonconforming signs.
2. Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or *street* sign or signal.
3. Signs advertising an activity, business, product, or service no longer conducted on the *premises*.
4. Signs which contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other moving devices.
5. Signs that may move or swing as a result of wind pressure, unless approved by the *Planning Commission*.
6. Flashing signs or exposed neon tubing, unless otherwise permitted by this Ordinance.

7. Roof signs and signs fastened to or supported by the roof of a *building*; no projecting sign shall extend over or above the roofline.
8. Outdoor advertising *structures*, poster panels, billboards, or signs of any other type advertising products or services not available on the *premises*.
9. Signs painted on vehicles or parts of vehicles, i.e. tractor trailer bodies, that are not used regularly as a part of the business.

Illumination

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public *street* or adjacent property.

2.6 INSPECTION, REMOVAL, AND SAFETY

1. Inspection – Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this and other codes of the County.
2. Maintenance – All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
3. Removal of Signs – The Zoning Administrator may order the removal of any sign erected or maintained in violation of this code. The Zoning Administrator shall give 30 days notice in writing to the owner of such signs, or of the *building*, *structure* or *premises* on which such sign is located, to remove the sign or to bring it into compliance. Upon failure to comply with this notice the Zoning Administrator or duly authorized representative may remove the sign at cost to the owner. The Zoning Administrator may remove a sign immediately and without notice if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.
4. Abandoned Signs – A sign shall be removed by the owner or lessee of the *premises* upon which the sign is located when the business that it advertises is no longer conducted on the *premises*. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator, or the Zoning Administrator’s duly authorized representative, may remove the sign at cost to the owner.

Where a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

2.7 CRITERIA FOR BONUS SIGN AREA

To encourage design excellence, the maximum sign area for certain businesses (not including directional signs or signs for *home occupations*), industries, and agricultural uses, may be increased by the percentages herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage is based on the original sign area. In no instance shall the sign area exceed 32 square feet except for directory signs.

- A. Detached signs may be increased as follows:
 - 1. Twenty percent when the sign is constructed of solid wood and uses colors approved by the *Planning Commission*.
 - 2. Ten percent when a directory sign utilizes uniform coloring and lettering for all establishments listed in the directory except the one major facility.
 - 3. Twenty percent when the sign is installed in a landscaped planter having an area twice the area of the resultant sign and the entire area is approved by the *Planning Commission*.
 - 4. Fifteen* percent when the sign is not designed or used with illumination, or the sign uses indirect lighting.
 - 5. Twenty percent when the sign uses a pedestal or monument base and does not exceed 5 feet in height.
- B. Attached signs may be increased as follows, but only if the projection does not exceed 12 inches:
 - 1. Ten percent when all the lettering and background is uniform in style and color for signs in a *shopping center* or for any three consecutive separate establishments.
 - 2. Fifteen* percent if the sign is not designed or used with any illumination or the sign uses indirect lighting.
 - 3. Five percent if the sign design compliments and utilizes the architectural details of the facade, particularly with respect to historic *structures*.

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SECTION 3. SUPPLEMENTARY REGULATIONS

3.1 STATEMENT OF INTENT

The purpose of this section is to set forth *regulations* to supplement the *regulations* appearing elsewhere in this Ordinance.

3.2 MODIFICATION OF HEIGHT REGULATIONS

1. Except within an area defined as an *Airport Approach Zone* by the Federal Aviation Agency or in the Kent County *Airport Safety Area*, the height limitations of this Ordinance shall not apply to:

- | | |
|--|---|
| Belfries | Ornamental towers and spires |
| Church spires | Public monuments |
| Conveyors | Silos and corn dryers |
| Elevator bulkheads | Stage towers or scenery lofts |
| Fire towers | Tanks |
| Flag poles | Water towers and stand pipes |
| Personal wireless facility, commercial radio, and television towers less than 200 feet in height | <i>Wind energy systems, small, with a height not to exceed 80 feet unless a special exception is granted*</i> |

2. Except within an area defined as an *Airport Approach Zone* by the Federal Aviation Agency or the Kent County *Airport Safety Area*, public, semi-public or service *buildings*, hospitals, and institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet and *houses of worship* may be erected to a height not exceeding 75 feet when the required *side* and *rear yards* are each increased by at least one foot for each one foot of additional building height above the height *regulations* for the district in which the *building* is located.

3.3 YARDS AND OPEN SPACE GENERALLY

1. Whenever a *lot* abuts upon a public *alley*, one-half of the *alley* width may be considered as a portion of the required *yard*.

2. Every part of a required *yard* shall be open to the sky, except as authorized by this Article, and except ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features which may project to a distance not to exceed 24 inches into a required *yard* but not into a required *buffer*

3. More than one main *building* may be located upon a *lot* or *tract* in the following instances:

- a. Institutional *buildings*
- b. Public or semi-public *buildings*
- c. *Multi-family dwellings*
- d. Commercial or industrial *buildings*
- e. Homes for the aged.
- f. Permitted agricultural and marine uses

The provisions of this exception shall not be construed to allow the location or erection of any *building* or portion of a *building* outside of the *buildable area* of the *lot*.

3.4 FRONT YARDS

1. Where an official line has been established for the future widening or opening of a *street* or *major thoroughfare* upon which a *lot* abuts, then the depth of a *front* or *side yard* shall be measured from such official line. Unless otherwise provided, the *right of way* of any arterial *street*, so designated on the Major Thoroughfare Map shall be assumed to extend 40 feet on each side of the center line of the existing *right of way* for the purpose of measuring *front yards* required by this Ordinance.
2. On *through lots*, the required *front yard* shall be provided on each *street*.
3. There shall be a *front yard* of at least 15 feet on the side *street* of a *corner lot* in any district; provided, however, that the *buildable width* of a *lot* existing as of August 1, 1989 of this Ordinance shall not be reduced to less than 28 feet.

3.5 REAR YARDS

Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required *rear yard* for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

3.6 ACCESSORY BUILDINGS AND STRUCTURES

Except as herein provided, no accessory *building* shall project beyond a required *yard* line along any *street*. Accessory *buildings* in the *rear yard* may be located 3 feet from the side line and 5 feet from the rear line. *Farm* accessory *buildings* shall be a minimum of twenty-five feet from the side and rear property lines.

3.7 SPECIAL REQUIREMENTS FOR WATER DEPENDENT USES

The following *regulations* shall apply to *boathouses*, boat docks, *piers*, and wharves, in any district:

1. *Boathouses* that extend channelward of mean high tide (*boathouses* over water) are prohibited. *Boathouses* shall not be permitted in areas where such would obstruct the view of those using the *waterway* so as to endanger navigation.
2. A *boathouse* may not be used as a dwelling, *guest house* or *servants' quarters*.
3. No *boathouse* or *pier* may be closer to the side property line than the required *side yard* width of the district in which it is located. A *pier* shall not be closer to the side line or its extension over water than the required *side yard* width of the district in which it is located.
4. Dwellings and other non-water dependent facilities are prohibited on piers.
5. Projections of docks, wharves, and *piers* into *waterways* beyond the *waterway line*, *lot lines*, or established bulkhead lines shall be limited by applicable county ordinances, state laws, and applicable *regulations* of the United States Army Corps of Engineers.

6. Groins, levees, bulkheads, pilings, breakwaters, and other similar *structures* shall be erected and maintained in accordance with applicable location and construction standards of the County, State, and the United States Army Corps of Engineers.
7. It shall be permissible for adjacent property owners to construct a single shared *pier*. The right of ownership and access to such *pier* shall be set forth in a property document that runs to the benefit of the owners of the *pier*, their heirs and assigns and shall be executed by the owners and recorded with the Kent County Clerk of Court and a copy filed with the Department of Planning and Zoning prior to such construction.
8. A *community pier*, for the use of three or more property owners, shall be permissible provided the *site plan* demonstrates that such *pier* does not adversely affect neighboring property owners or the public interest. The *site plan* must show all properties in the neighborhood, including the owners of the *community pier* and their access to such *pier*. The ownership and access shall further be set forth in a proper document that runs to the benefit of owners of the *pier*, their heirs and assigns, and shall be executed by all owners and recorded with the Kent County Clerk of Court and a copy filed with the Department of Planning and Zoning. Sanitary facilities approved by the Kent County Health Department shall be provided except where other acceptable facilities are available. For additional requirements see Article VI, Section 3.7.12 of this Ordinance.
9. If a shared *pier* or a *community pier* is allowed, then no other *piers* shall be permitted on the property of such owners. In the event such *piers* are removed or destroyed beyond use and not rebuilt or reestablished within one year, then the agreement for such *piers* shall become void. However, the one year requirement can be extended if hardship can be demonstrated.
10. It shall not be permitted for the owner or owners of a private *pier* or *boathouse* to receive compensation for use of their private *pier* or *boathouse*.
11. No private *pier* or *boathouse* shall occur within 100 feet of any other private *pier* or *boathouse* on the same side of a body of water except in the case where this would deny a property owner the right to a single *pier* or *boathouse*.
12. *Marinas* shall meet the sanitary requirements of the Maryland Department of the Environment.
13. The following shall apply to *community piers*, shared *slips*, and other related non-commercial boat docking and storage facilities:
 - a. New or expanded *community piers*, shared *slips*, *marinas* and other non-commercial boat-docking and storage facilities may be permitted in the minimum 100-foot *buffer* subject to the requirements of this Section; and
 - b. Provided that:
 - i. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
 - ii. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian *subdivision*;
 - iii. The facilities are associated with a residential *development* approved by Kent County for the *Critical Area* and consistent with all criteria and County *regulations* for the *Critical Area*;
 - iv. Disturbance to the *buffer* is the minimum necessary to provide a single point of access to the facilities;
 - v. If *community piers*, *slips*, or moorings are provided as part of the new *development*, private *piers* in the *development* are not allowed; and

- vi. Sanitary Facilities and pump-outs shall be provided *on-site*, except where other acceptable facilities are available.
- c. Provided that adverse effects on water quality, fish, plant and *wildlife habitat* are minimized; and
- d. The number of *slips, piers*, or mooring buoys permitted at the facility shall be the lesser of (1) or (2) below:
 - (1) One *slip* for each 50 feet of shoreline in a *subdivision* in the IDA or LDA, one *slip* for 300 feet of shoreline in a *subdivision* in RCA.
 - (2) A density of *slips, shared slips, or piers*, to platted lots or dwellings within the *subdivision* in the *Critical Area* according to the following schedule:

Platted Lots or Dwellings in the <i>Critical Area</i>	<i>Slips</i>
5 to 15	One for each <i>lot</i>
16-40	15 or 75% whichever is greater
Over 40	30 or 50% whichever is less

- 14. Public beaches or other *public water-oriented recreation* areas including, but not limited to publicly owned boat launching and docking facilities and fishing *piers* may be permitted in the *buffer* provided:
 - a. Adequate sanitary facilities exist;
 - b. Service facilities are to the extent possible, located outside the *buffer*;
 - c. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result.
 - d. Disturbance to *natural vegetation* is minimized; and
 - e. Areas for passive recreation, such as nature study, and hunting and trapping, may be permitted in the *buffer* within Resource Conservation Areas, if service facilities for these uses are located outside of the *buffer*.
- 15. Water-dependent research facilities or activities operated by State, Federal, or local agencies, or water-dependent educational institutions, may be permitted in the *buffer*.
- 16. Commercial water-dependent fisheries facilities including, but not limited to, *structures* for crab shedding, fish off-loading docks, shellfish culture operations, and shore-based facilities necessary for *aquaculture* operations and *fisheries activities*, may be permitted in the *buffer*.
- 17. The Department of Planning and Zoning shall review all applications for water-dependent facilities to determine that:
 - a. The activities will not significantly alter existing water circulation patterns or salinity regimes;
 - b. The water body upon which these activities are proposed shall have adequate flushing characteristics in the area;
 - c. Disturbances to *wetlands*, submerged aquatic plant beds, or other areas of important aquatic habitats shall be minimized and mitigated;
 - d. *Adverse impacts* to water quality that may occur as a result of these activities, such as non-point source runoff, sewerage discharge from land activities or vessels, or from boat cleaning and maintenance operations shall be minimized;
 - e. Shellfish beds shall not be disturbed or be made subject to discharge that will render them unsuitable for harvesting;

- f. Dredging shall be conducted in a manner, and using a method, which causes the least disturbance to water quality and aquatic and terrestrial habitats in the area immediately surrounding the dredging operation or within the *Critical Area* generally;
- g. Dredged spoil shall not be placed within the *buffer* or elsewhere in that portion of the *Critical Area* which has been designated as a Habitat Protection Area unless the Board of Appeals grants a special exception and only as is necessary for:
 - i. Backfill for permitted shore erosion protection measures;
 - ii. Use in approved vegetated shore *erosion* projects;
 - iii. Placement on previously approved channel maintenance spoil disposal areas; and
 - iv. Beach nourishment.
- h. Interference with the natural transport of sand shall be minimized;
- i. Information necessary for evaluating dredge spoil applications if not available locally, shall be obtained from appropriate State and Federal agencies.

3.8 HABITAT PROTECTION AREAS

The following areas shall be considered habitat protection areas:

All designated Habitat Protection Areas, *buffers* and protective zones including:

1. Colonial water bird nesting *sites*;
2. *Historic waterfowl staging and concentrations areas* in tidal water, *tributary streams* or tidal and *non-tidal wetlands*;
3. *Riparian forest*;
4. Forested areas of 50 acres or more and *forest corridors* connecting these areas;
5. *Anadromous fish spawning areas*;
6. Threatened and *endangered species* and *Species in Need of Conservation* with their habitat;
7. *Non-tidal wetlands*;
8. Minimum 100-foot *buffer*;
9. Other areas which because of their unique *wildlife habitat* types and plant communities are of local significance. These shall be managed to protect the unique habitat or community.
 - a. Lloyd Creek Habitat for proposed State threatened species;
 - b. Andover Branch
 - c. Sandy Bottom - St. Paul's Lake
 - d. Churn Creek (Still Pond Creek Headwaters)
 - e. Big Marsh
 - f. Swantown Creek
 - g. Jacobs Creek
 - h. Upper Sassafras
 - i. Sassafras Lake
 - j. Mill Creek (wooded swamp, 1118-555 on the Maryland Coordinated Grid System)
 - k. Still Pond Creek (inland open fresh water, 1050-540 on the MCGS)
 - l. East Langford Mill Pond (Shrub swamp, 1050-495 on the MCGS)

- m. Langford Creek East Fork Head (inland shallow fresh marsh, 1055-499 on the MCGS)
- n. N/W Fork Morgan Creek (inland shallow fresh marsh, 1077-536 on the MCGS)
- o. Tavern Creek

10. Any *Natural heritage areas* as may be designated by the State of Maryland.

3.9 FOREST INTERIOR DWELLING BIRDS

The following shall be considered the “safe dates” or nesting times for breeding species of *forest interior dwelling birds*.

<u>Common Name</u>	<u>Safe Dates/Nesting times</u>
Creeper, brown	May 15 - August 31
Hawk, broad-winged	June 5 - August 31
Flycatcher, acadian	May 25 - August 5
Hawk, red-shouldered	May 1 - August 31
Ovenbird	May 20 - August 5
Owl, barred	January 15 - August 31
Parula, northern	June 1 - August 31
Redstart, American	June 10 - July 20
Tanager, scarlet	May 25 - August 10
Veery	June 10 - August 31
Vireo, red-eyed	June 1 - July 31
Vireo, yellow-throated	May 25 - August 15
Warbler, black-and-white	May 15 - July 25
Warbler, black-throated green	June 10 - August 5
Warbler, cerulean	May 25 - August 5
Warbler, hooded	May 25 - July 25
Warbler, Kentucky	May 25 - July 15
Warbler, prothonotary	May 10 - July 20
Warbler, Swainson’s	April 20 - August 31
Warbler, worm-eating	May 20 - July 20
Waterthrush, Louisiana	May 1 - July 10
Whip-poor-will	May 10 - July 15
Woodpecker, hairy	April 1 - August 31
Woodpecker, pileated	April 1 - August 31
Wood Thrush	May 25 - August 20

3.10 SHORE EROSION PROTECTION WORKS

The purpose of this section is to encourage the protection of rapidly eroding portions of the shoreline in the County by public and private landowners. When such measures can effectively and practically reduce or prevent shoreline erosion, the use of nonstructural shore protection measures shall be encouraged to conserve and protect plant, fish and wildlife habitat. The following criteria shall be followed when selecting shore erosion protection practices:

1. Nonstructural practices shall be used whenever possible.
2. Structural measures shall be used only in areas where nonstructural practices are impractical or ineffective.
3. Where structural measures are required, the measure that best provides for the conservation of fish and plant habitat and which is practical and effective shall be used.
4. If significant alteration of the characteristics of a shoreline occurs, the measure that best fits the change may be used for sites in that area.

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SECTION 4 SHORELINE CLIFF AREA

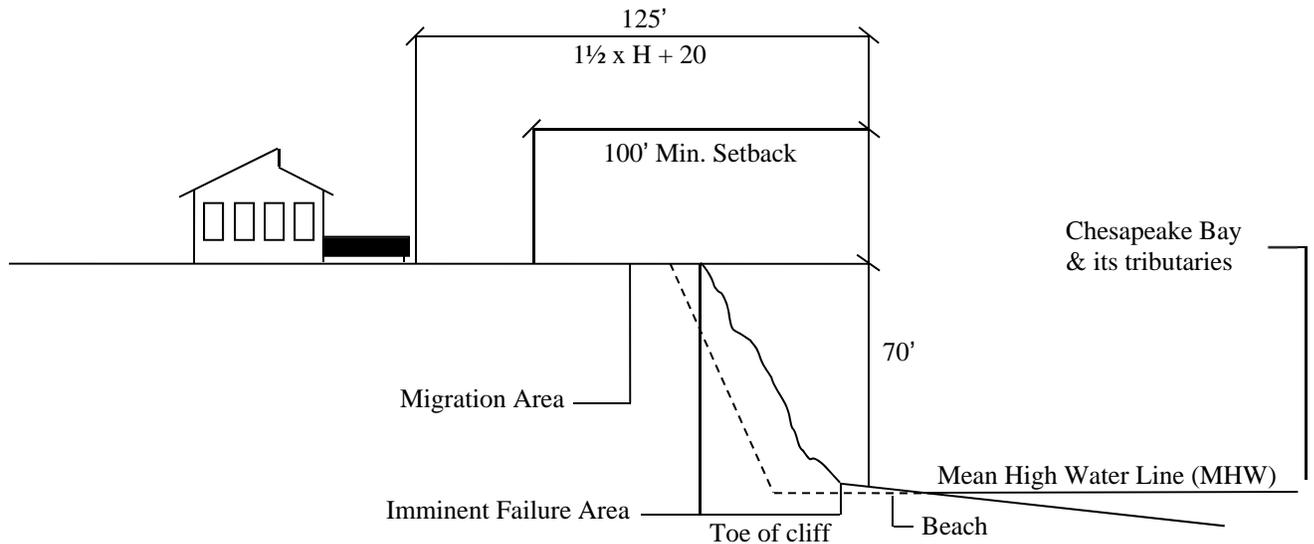
4.1 PURPOSE

The *shoreline cliff* setback is designed to allow *development* in a manner that will protect the property and the lives of residents and protect the scenic integrity of the shoreline

4.2 CONDITIONS FOR NEW SUBDIVISIONS AND EXISTING LOTS OF THREE ACRES OR GREATER

1. All *structures* shall be a sufficient distance form the cliff to ensure protection of *structures* and to allow for natural *erosion* and/or cliff failure with enough setback to be able to employ the use of conventional *erosion* control measures.
2. The minimum setback for a *shoreline cliff* is as follows:

For each foot of rise above the *mean high water line* (MHW), a one and one-half foot setback from the toe of the cliff measured landward plus 20 feet to the house *site* is required. The elevation measured will be the highest point on the *lot* fronting the water or measured in a direct line from the house placement to the cliff and water for large lots (one acre or more) with extensive water frontage.



3. When these conditions conflict with other waterfront *yard* requirements of this Ordinance, the stricter shall apply.

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