



**City of Cambridge**  
Department of Public Works  
Planning and Zoning Division  
1025 WASHINGTON STREET  
CAMBRIDGE, MARYLAND 21613  
410-228-1955  
**Planning and Zoning**  
**Staff Report**  
**July 7, 2020**

**I. BACKGROUND INFORMATION:**

**P & Z Case No.: P&Z TA # 2021-003**

**II. NATURE OF THE REQUEST:** To amend section § 4.2.3.

**DISCUSSION:** In 2016, staff and the Planning Commission recommended allowing for an Administrative Review process for some of the conditional uses in this section. Upon further review, staff believes that some of those uses should actually remove the Administrative Review process as those uses would actually need to come before the Planning Commission or they are of a minor nature that the additional steps are not warranted.

Please see attached.

### **§ 4.2.3 Standards for Conditional and Special Exception Uses**

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

#### **A. Residential Uses**

##### **1. Single-Family Residences, Attached (Townhouse)**

Subject to the following conditions, a townhouse development shall be a Special Exception with Conditions (SC) in the Residential district:

- a. A minimum of 60 percent of the total tract area shall be open space, which shall be distributed on the tract in one of two ways: either located entirely on the separate lots, or distributed between the separate lots and between set aside areas held in common as community open space. Such open space shall not be devoted to streets, service driveways, off-street parking, or loading spaces. At least 50 percent of the open area shall be suitable for usable recreational space and any recreational space held in common shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The number of units in a row or block of townhouses shall be limited to a maximum of six (6).
- d. The minimum distance between any blocks of units shall be 45 feet, except that a break between the side of one block and the side of another block may be reduced to a minimum distance of 30 feet.
- e. The minimum lot area for a townhouse development shall be five acres.

##### **2. Primary residence with (one) accessory dwelling unit (ADU)**

An accessory dwelling unit (ADU) to a primary residence shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and MR districts subject to the following conditions:

- a. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot or a corner commercial lot in the district where located or be at least 5,000 square feet in size, the only principal use on the lot at the time of application is a detached single-family dwelling or commercial use which has already been approved by the Board of Zoning

Appeals, and which is already in operation, and the existing dwelling unit is the principal residence of the applicant(s).

- b. The owner of the property on which the ADU would be located shall reside in at least one of the dwelling units on the lot at all times.
- c. An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than one thousand (1,000) square feet or less than three hundred (300) square feet or have more than two (2) bedrooms.
- d. There shall be no more than one ADU permitted per existing single-family dwelling.
- e. If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view than the main entrance of the principal dwelling unit and the ADU's stairway may not be constructed on the front of the principal dwelling unit or any side visible from a public right-of-way.
- f. At least one off-street parking space is required per ADU. The Board of Appeals may permit off-street parking in setback areas or through tandem parking if the off-street parking would not block access by emergency vehicles to the principal dwelling unit or ADU and it is permitted and occurs in the neighborhood.
- g. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot or a corner commercial lot in the district where located or be at least 5,000 square feet in size, the only principal use on the lot at the time of application is a detached single-family dwelling or commercial use which has already been approved by the Board of Zoning Appeals, and which is already in operation, and the existing dwelling unit is the principal residence of the applicant(s).

If the Board of Appeals finds favorably, the approval shall be subject to the following requirements which shall be included as conditions of approval of the ADU and made part of the hearing record and statement of findings:

- a. Within 30 days of securing approval for an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the City of Cambridge limiting the occupancy of either the principal dwelling unit or the ADU to the owner of the property. The owner shall provide proof that such a restriction has been recorded to the Board of Appeals prior to the City's issuance of an occupancy permit for the ADU.
- b. The owner of the ADU shall, by the 15<sup>th</sup> days of every year, sign and file a written statement with the Zoning Official that the ADU remains in compliance with City Zoning. Failure to fulfill this requirement will be

grounds for revocation of the Board of Appeals approval and prosecution for violation of the conditions of approval of the ADU and this Chapter.

- c. A mobile home or manufactured home may not be used as an ADU as provided under this Section.

### **3. Multi-Family Residences**

Subject to the following conditions, multi-family buildings shall be a Special Exception with Conditions (SC) in the R district:

- a. A minimum of 30 percent of the total tract area shall be maintained as open area and shall not be devoted to streets, service driveways, off-street parking, or loading spaces. Forty (40) percent of the open area shall be suitable for usable recreational space and each recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The minimum setback between any two principal buildings on the same lot shall be 45 feet.
- d. The minimum lot area for a multi-family use shall be two acres.

### **4. Homeless Shelters**

Subject to the following conditions, homeless shelters shall be a Special Exception with Conditions (SC) in the I district and a Permitted Use with Conditions (C) within the CMU and CG districts.

- a. No shelter shall be located within 500' of a public playground or public school.
- b. All shelters shall provide, as a part of the special exception application, proof that all necessary governmental requirements and licenses have been obtained prior to the application being reviewed by the Planning Commission and the Board of Zoning Appeals.
- c. Notice and posting of property within the CMU and CG districts.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and

addresses as shown on the current real property tax records for Dorchester County.

- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

## **5. Day Care, Home**

Subject to the following conditions, Day Care, Home shall be Permitted Use with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, MR, and RC districts:

- a. The Planning Commission shall be the reviewing board and may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- b. This use shall require a public meeting with all required advertisements and notifications.
- c. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
- d. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
- e. The Day Care Home Use Permit shall be issued to the applicant at the property identified within the application and shall not be transferable to any subsequent resident or other location.
- f. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.
- g. The family day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.
- h. Approval is subject to all building code requirements for safety and health having been met.
- i. A Family Day Care Home shall not have more day care children than the number which appears on the certificate of registration issued by the

Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.

- j. At any one time, a Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
- k. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) children permitted under paragraph D above only if all of the following conditions are met:
  - i. The child is less than six (6) years old;
  - ii. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
  - iii. The child cannot be sent home immediately.
- l. The applicant shall have two hundred (200) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
- m. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
- n. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
- o. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
- p. Within the NC 1, NC2, NC3 and NC4 Zone Districts, there shall be one-day care home within a whole City block, exclusive of alley.
- q. The establishment, maintenance and operation of the day care home at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
- r. The day care home at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- s. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
- t. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.

- u. The day care home shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
- v. The day care home shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
- w. The proposed use at its proposed location conforms to the Comprehensive Plan.

**6. Group Home**

Subject to the following conditions, Group Home (no more than 8 clients) shall be Permitted Use with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and GC districts:

- a. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity.
- b. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in excessive concentration of similar uses in the same general neighborhood of the proposed use.
- c. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
- d. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- e. Applicant shall meet requirements of the State and local Departments of Health.
- f. Approval is subject to all building code requirements for safety and health having been met.
- g. The Zoning Official may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- h. Parking and loading shall be provided at the rear of the site.
- i. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

- j. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents.
- k. Notice and posting of property within the CMU and CG districts.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

**7. Bed and Breakfast**

Subject to the following conditions, a Bed and Breakfast shall be Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, GC, MR, and RC districts:

- a. Bed and Breakfast establishments in the NC-1, NC-2, NC-3, NC-4 and the R districts shall be located in an existing structure. Additions to such to accommodate the proposed Bed and Breakfast establishments may be permitted.
- b. Applicants shall submit a floor plan of the single-family dwelling unit and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Bed and Breakfast establishments shall be inspected by the Zoning Official annually prior to license renewal.

- c. Bed and Breakfast operations shall be confined to the principal dwelling unit on the proposed property. The facilities shall be subject to the following:
  - i. There shall be at least two exits from the facility to the ground.
  - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
  - iii. Maximum number of sleeping rooms shall be six in addition to the owner-occupant's sleeping room.
  - iv. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate city officials at all times.
  - v. The maximum consecutive length of stay for any guest in the facility shall be 14 days.
  - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.
  - vii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
  - viii. Only breakfast may be served to guests, and no commercial activities, such as but not limited to the sale of food or alcoholic beverages, catering or other similar commercial activities, are allowed.
  - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Bed and Breakfast facility existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Bed and Breakfast facility for a period of one year is considered an abandonment of such use.

**8. Country Inn**

Subject to the following conditions, a Country Inn shall be Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, GC, and RC districts:

- a. Country Inns in the NC-1, NC-2, NC-3, NC-4 and R districts shall be located in an existing structure. Additions to such to accommodate the proposed Country Inn may be permitted.
- b. Applicants shall include a site plan which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Country Inn establishments shall be inspected by the Zoning Official annually prior to license renewal.
- c. In the NC-1, NC-2, NC-3, NC-4 and R districts, Country Inns shall be confined to the principal building on the proposed property, and shall be subject to all applicable city codes and regulations and state regulations. The facilities shall be subject to the following:
  - i. There shall be a manager occupant who shall be responsible for the day-to-day operation of the Country Inn.
  - ii. There shall be at least two exits from the facility to the ground.
  - iii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
  - iv. Maximum number of sleeping rooms shall be fifteen (15) in addition to the resident manager's sleeping room.
  - v. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate City officials at all times.
  - vi. The maximum consecutive length of stay for any guest in the facility shall be thirty (30) days.
  - vii. Smoke detectors shall be maintained in an operating condition in each sleeping room.
  - viii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
  - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Country Inn establishment existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the

adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Country Inn establishment for a period of one year is considered an abandonment of such use.

## **9. Boarding House**

Subject to the following conditions, a Boarding House shall be Special Exception with Conditions (SC) in the I and Ind districts:

- a. Boarding Houses in the I and Ind districts shall be located in an existing structure. Additions to such to accommodate the proposed Boarding House may be permitted.
- b. Applicants shall include a floor plan of the proposed facility and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Boarding Houses shall be inspected by the Zoning Official annually prior to license renewal.
- c. Boarding House operations shall be confined to the principal dwelling unit on the proposed property, and shall be subject to all applicable City codes and regulations and state regulations. The facilities shall be subject to the following:
  - i. There shall be at least two exits from the facility to the ground.
  - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
  - iii. Maximum number of sleeping rooms shall be six (6) in addition to the owner-occupant's sleeping room.
  - iv. Every operator of a facility named in this section shall maintain a register of persons staying therein, and it shall be available for inspection by appropriate City officials at all times.
  - v. The maximum consecutive length of stay for any boarder in the facility shall be 120 days.
  - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.

- vii. Proper and convenient lavatory and bathing facilities shall be available to all boarders in addition to lavatory facilities for the owner.
- viii. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Boarding House existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Boarding House for a period of one year is considered an abandonment of such use.

## **10. Home Occupations**

Subject to the following conditions, home occupations shall be Permitted Use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and RC districts as a Permitted Use with Conditions (C):

- a. Not more than one person (employee) other than members of the family residing on the premises shall be engaged in such occupation.
- b. The occupation is conducted principally within the dwelling or accessory building on the premises and is clearly secondary to the use of the dwelling for residential purposes.
- c. There shall be no change in the outside appearance of the building or premises, other than one sign. Residential appearance shall be maintained.
- d. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
- e. No outside storage of equipment, materials, or items to be repaired or sold shall be permitted.
- f. No more than 35 percent of the floor area of the principal dwelling may be used on the property for the home occupation.
- g. No article or commodity shall be offered for sale, except that incidental to services offered, or publicly displayed on the premises.
- h. Parking generated by the conduct of such home occupation shall be met off the street, unless adequate on-street parking is determined to be available. Parking shall not be located in the required front yard.
- i. The home occupation shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.

j. Uses which are not permitted in the district shall not be allowed by virtue of operating as a home occupation.

~~k. Notice and posting of property within the R-CMU and RC districts.~~

~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~

~~ii. Written notice shall be sent to the Planning Commission.~~

~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~

~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

## 11. Beekeeping

Subject to the follow conditions, beekeeping shall be a Permitted Use with Conditions (C) in the Residential, Neighborhood Conservation, Resource Conservation, Open Space and Maritime Resort districts:

a. All apiaries shall be registered annually with the Maryland Department of Agriculture in accordance with applicable State laws and regulations.

b. Notice and posting of property.

i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred (200) feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

ii. Written notice shall be sent to the Planning Commission.

iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature

of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.
- c. In each instance in which any apiary is situated within fifteen (15) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier with a maximum height of six (6) feet consisting of a solid wall, vegetative screen and/or fence that is parallel to the property line and extends ten (10) feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Flyways are not required if the property is zoned Resource Conservation and/or adjoining the apiary lot line is a vacant property.
- d. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may come into contact with humans, birds or domestic pets.
- e. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the apiary, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- f. All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.
- g. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
  - i. One-quarter acre or less tract size — two (2) colonies;
  - ii. More than one-quarter acre but less than one-half acre tract size — four (4) colonies;
  - iii. More than one-half acre but less than one (1) acre tract size — six (6) colonies; and
  - iv. One (1) acre or larger tract size — eight (8) colonies;

- v. Regardless of tract size, where all colonies are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- vi. Regardless of tract size, so long as all properties other than the tract upon which the apiary is situated, within a radius of at least two hundred (200) feet from any colony, remains undeveloped property, there shall be no limit to the number of colonies.
- vii. For every two (2) colonies authorized under subsection (g) herein, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date is acquired.
- h. In apiaries, the beekeeper shall conspicuously post a sign setting forth his/her name, telephone number and registration yard marker. It is a defense against prosecution under this subsection that an apiary is kept upon the same tract upon which the owner resides.
- i. Unless marked in accordance With subsection (h) herein, it shall be presumed for purposes of this article that the beekeeper is the owner of the tract upon which an apiary is situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the apiary upon the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.
- j. Upon receipt of information that any apiary situated within the city is not being kept in compliance with this section, the Zoning Official shall initiate an investigation. If he/she finds grounds to believe that one or more violations have occurred, he/she will cause a written notice of a Planning Commission hearing to be issued to the beekeeper.

## **12. Conversion of Commercial Property to Residential Property**

Subject to the following conditions, the conversion of commercial property to residential property in the GC Zoning District shall be a Permitted Use with Conditions:

- a. It must be substantiated to the satisfaction of the Zoning Official that the subject property was previously used for residential purposes;

- b. The exterior of the structure(s) proposed to be used for residential purposes on the subject property must be residential in nature;
- c. There are residential uses located in close proximity to the subject property and converting the commercial property to a residential property is in keeping with the character of the neighborhood; and
- d. The parking for the residential property shall be consistent with the parking in the neighborhood.

**B. Commercial Uses**

**1. Uses classified as an NC District Corner Store/Commercial Use**

Subject to the following conditions and provided the use is located at the intersection of two public streets within an NC district, it may be proposed as a Corner Store/Commercial Use and shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts:

- a. The property owner, lessee, or property manager may reside on the premises, or the property owner shall contract with a qualified resident of Dorchester County to act as a property manager of the establishment. The property shall be maintained in a well manner to the satisfaction of the Zoning Official.
- b. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use.
- c. The use is located on a street with width sufficient to allow on-street parking accommodate for the proposed use and provided on-street parking is permitted in the vicinity of the proposed use.
- d. Any new corner store/commercial building shall be designed to appear as a residential building and the use of the building shall be limited in the following ways: commercial use shall be limited to the ground floor only and shall not exceed 1,000 square feet in gross floor area, and there shall be no more than two residential dwelling units on the upper levels.
- e. The use shall be primarily oriented to serve the residents in the immediately surrounding neighborhood.
- f. As a portion of the clientele will be pedestrians or cyclists, the parking requirements are minimal but must contain at least two spaces plus one space per employee which requirement shall be considered met if there is sufficient on-street and/or off-street parking.
- g. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or

electrical interference detectable beyond the property line of the premises.

- h. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.

## **2. Animal Hospital, Veterinarian Clinic**

Subject to the following conditions, animal hospital and veterinarian clinic uses shall be Permitted Use with Conditions in the CMU and GC districts (C):

- a. All operations in connection with the clinic must be conducted indoors.
- b. Screening and vegetative landscaping shall be used along lot lines which adjoin a residential lot or a residential zoning district.
- c. No work on large animals (bovine or equine) is to be performed on the premises.
- ~~d. Notice and posting of property within the CMU and GC districts.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~

- ~~ii. Written notice shall be sent to the Planning Commission.~~

- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~

- ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

## **3. Kennel, Cattery**

Subject to the following condition, a kennel and cattery shall be Permitted Use with Conditions in the CMU and GC districts (C):

- a. A kennel/cattery shall be an ancillary use to an animal hospital or veterinarian clinic and primarily operated in a manner that supports the animal hospital or veterinarian clinic use.

~~b. Notice and posting of property within the CMU and CG districts.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~
- ~~ii. Written notice shall be sent to the Planning Commission.~~
- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~
- ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

**4. Filling Stations, Service Stations**

Subject to the following conditions, filling stations and service stations shall be a Special Exception with Conditions (SC) in the CMU district and Permitted Use with Conditions in the GC district (C):

- a. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 25 feet from the front property line.
- b. Bulk storage of flammable liquids shall be underground.
- c. The entrance and exit of any such establishment shall be at least 50 feet from any residential lot.
- d. No storage or stockpiling of tires or any trash shall be permitted.
- e. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- f. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
- g. No fuel pumps, structures or buildings shall be erected within 150 feet of any dwelling.

~~b. Notice and posting of property within the CMU and CG districts.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property~~

~~owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~

~~ii. Written notice shall be sent to the Planning Commission.~~

~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~

~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

## **5. Automotive Repair and Service**

Subject to the following conditions, an automotive body shop shall be a Special Exception with Conditions (SC) in the CMU and GC districts:

- a. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or a residential zoning district.
- b. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- c. There shall be no bulk storage of flammable liquids on the premises.
- d. No storage or stockpiling of tires or trash shall be permitted.

## **6. Small-Scale Manufacturing and Assembly**

Subject to the following conditions, small-scale manufacturing and assembly uses shall be Permitted Use with Conditions in the CMU districts (C):

- a. Minimum lot area shall be 10,000 square feet and minimum lot width shall be 150 feet.
- b. All manufacturing and assembly shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured or sold on the premises may be stored in the open only if screened from the street by landscaping, fences, or walls.
- c. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any dwelling.

- d. No parking or storage of material or products shall be permitted in the required front yard.
- ~~e. Notice and posting of property within the CMU districts.
  - ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~
  - ~~ii. Written notice shall be sent to the Planning Commission.~~
  - ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~
  - ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~~~

## **7. Warehouse Medium**

Subject to the following conditions, warehouse medium uses shall be Permitted Use with Conditions in the CMU district (C):

- a. Minimum lot area shall be 25,000 square feet and minimum lot width shall be 200 feet.
- b. Rooftop and exposed mechanical electrical equipment shall be screened from view. Screening shall be architecturally integrated with buildings.
- c. Building orientation: buildings and their main entrances shall face the front yard.
- d. This use shall not be visible from roads shown within the City's Comprehensive Plan's Conceptual Circulation Plan (pg 91) and shall be inclusive of the entire length of Crusader Road and Meteor Avenue. ( US 50, Dorchester Avenue, Cedar Street, Washington Street, Crusader Road, Woods Road, Roslyn Avenue, Rambler Road and Meteor Avenue.)
- e. The Planning Commission may also include the criteria listed below in their review process:
  - i. The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal.

- ii. Large disparities between the height, width, and length of a building shall be avoided.
- iii. Large blank walls shall be avoided. Buildings shall be designed to support a human-scale environment with architectural elements that creates visual interest and eliminates blank walls.
- iv. All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.
- v. Large buildings shall be designed to promote a pattern of closely spaced buildings with multiple entrances.
- vi. Enhanced landscaping to soften the building's mass.

~~f. Notice and posting of property within the CMU districts.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~
- ~~ii. Written notice shall be sent to the Planning Commission.~~
- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~
- ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

**8. Temporary or seasonal activities or development**

Subject to the following conditions, temporary or seasonal activities uses shall be Special Exception with Conditions (SC) in any zoning district:

- a. All applications shall be submitted in writing by the owner of the real property on which the activity is to be located and by the operator of the proposed activity if it is not to be operated by the owner of the real property. The owner's name, home address, business address, telephone number (including cell number) and email address shall be included on all applications.
- b. The application shall contain: the specific location of the commercial activity, a site plan which clearly identifies the location of all structures, parking, access to and from streets and roads, distances between from

permanent buildings and structures existing on site, a photograph of the proposed site, the hours of operation and days of the week during which the activity will be open, a detailed sketch plan of the proposed structure(s), including building materials, colors, size and dimensions, a list of the types of specific products to be sold at the site, and specific dates on which the seasonal/temporary activity shall begin and end during the year.

- c. All Special Exceptions for temporary and/or seasonal commercial activities shall not be issued for a period of more than a year. If the seasonal/temporary activity is proposed for consecutive years, then another application shall be submitted by the applicant(s) for each year and subject to staff review pending no complaints have been filed against this use. The Board of Appeals shall review the use after every five (5) year interval.
- d. Factors to be considered in approving or rejecting an application include, but not limited to: whether the structure will be in keeping in character of the neighborhood, the effect of the activity on traffic, parking and noise, the materials used for part or all of the structures shall comply with the City's building code or are of such a character as to not create a safety hazard, the comments of the Planning Commission; the comments, if any, of the City's Traffic and Safety Committee; the comments, if any of the City Police Department.
- e. Any and all structures shall be constructed in a good workmanlike manner, and shall provide for a means of securing the site when not in use. No wire fencing or temporary framing shall be permitted. Carts and other kiosks which are well maintained and which can be secured when not in use are encouraged.
- f. The applicant shall comply with all requirements as set forth in this section of the City's Unified Development Code.

**9. Pub with Associated Microbrewery and/or Distillery**

Subject to the following conditions, a pub with an associated microbrewery and/or distillery shall be permitted as a Conditional Use (C) in the General Commercial and Corridor Mixed-Use Zoning Districts:

- a. The microbrewery/distillery shall be built and/or operated in such a manner to be compatible with adjacent uses.
- b. All production shall be conducted in a completely enclosed building with no outside storage.
- c. While the facility may have some odors associated with the production of alcoholic beverages, they shall not be overwhelming or noxious as determined by the Zoning Official.

- d. Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and/or the Planning Commission.
- e. Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.

**10. 10. Auctions (General Commercial Zoning District)**

Subject to the following conditions, auctions shall be a Permitted Use with Conditions (C) in the General Commercial district:

- a. Auctions shall be determined to be compatible with the surrounding land uses by the Zoning Official and/or the Planning Commission.
- b. Auctions shall not be located within one thousand five hundred (1,500) feet of a similar use.
- c. Auctions shall be primarily accessed from an arterial road:
- d. Auctions shall not be located in a primarily residential neighborhood.
- e. Auctions shall not negatively affect the neighborhood by additional traffic.
- f. All parking shall be located on site.
- g. Loading and unloading shall be located in the rear of the building and shall not be visible from any public right-of-way or entrance to the commercial center.
- h. Hours of operation shall be from 9 a.m. to 10 p.m.
- i. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

## 11. Auctions (Industrial Zoning District)

Subject to the following conditions, auctions shall be a Permitted Use with Conditions (C) in the Industrial district:

- a. Auctions shall be determined to be compatible with the surrounding land uses by the Zoning Official and / or the Planning Commission.
- b. Auctions shall not be located within one thousand five hundred (1,500) feet of a similar use.
- c. Auctions shall not negatively affect the neighborhood by additional traffic.
- d. All parking shall be located on site.
- e. Loading and unloading shall be located in the rear of the building and shall not face a residential neighborhood.
- f. Hours of operation shall be from 9 mm. to 10 p.m.
- g. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

## 12. Mobile Food Establishments

Subject to the following conditions, Mobile Food Establishments shall be a Permitted Use with Conditions (C) in all districts

- a. Mobile Food Establishments may only be located and operated on private property with the property owner's written consent and may only be located and operated on City-owned property with the City Council's written consent.

- b. Mobile Food Establishments may only be located and operated in the public ways to the extent permitted under Chapter 11 of the City Code; provided, however, that no Mobile Food Establishment may remain parked in the same location on any public way for more than three (3) consecutive hours notwithstanding any provision in Chapter 11 of the City Code to the contrary unless servicing a private event, in which case it must be removed from the subject premises no later than one (1) hour after the event has concluded.
- c. Mobile Food Establishments shall be located and operated appropriately and unobtrusively. Mobile Food Establishments located and operating on public property have no exclusive right to any particular location; however, the City may provide designated parking areas for Mobile Food Establishments in City parks.
- d. Mobile Food Establishments shall not be located within one hundred fifty (150) feet of a permanent structure occupied by a restaurant.
- e. Vending shall not take place from any Mobile Food Establishment to an individual while he/she is standing in a street, road, highway, or other public thoroughfare unless such street, road, highway, or other public thoroughfare has been closed to traffic in accordance with a special event or street closure permit.
- f. No signage shall be displayed on any Mobile Food Establishment other than that displaying a menu or otherwise imprinted on the vehicle. Signage shall comply with the sign regulations set forth in § 6.5 of this Code; provided, however, that the following signage shall be prohibited despite any language therein to the contrary:
  - i. Advertisements for other businesses;
  - ii. Use of “A frame” or remote signs;
  - iii. Attached balloons or windblown signs; or
  - iv. Animated or electronic signs.
- g. Mobile Food Establishments shall comply in all respects with Chapter 8 (Health and Sanitation) of the City Code, including but not limited to those provisions therein relating to noise and nuisances. Portable receptacles for the disposal of waste and other litter shall be provided by the Mobile Food Establishment vendor for the use of the vendor’s customers, and all such waste and other litter shall be properly removed and disposed of by the vendor.
- h. City Hall shall issue a permit for a Mobile Food Establishment, which shall be valid for one (1) year, upon:

- i. Written approval from the Zoning Official that the use complies in all respects with this section and from the Dorchester County Health Department that the use complies in all respects with applicable State and County laws and regulations;
  - ii. Payment of the permit fee, the amount of which shall be established and amended from time to time by resolution of the City Council; and
  - iii. Written authorization from the property owner upon whose property the Mobile Food Establishment is to be located, if applicable.
- i. A violation of any provision of the foregoing provisions relating to Mobile Food Establishments shall be subject to the penalties set forth in § 2.5.2(A) and (B) of this Code. Additionally, the Zoning Official shall have the right to revoke a Mobile Food Establishment permit in accordance with § 2.5.2(C) of this Code.

**C. Institutional Uses**

**1. Day Care Center (between 9 to 16 clients)**

Subject to the following conditions, Day Care Center shall be a Special Exception with Conditions (SC) in the R district.

- a. At least 200 square feet of usable outdoor recreational area shall be provided per individual that may use the center at any one time. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
- b. The use shall be located and arranged so as to permit the safe pickup and delivery of all clients on this site.
- c. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
- d. The use shall have obtained all required State permits. Approval is subject to all building code requirements for safety and health having been met.

**D. Miscellaneous Uses**

**1. Public Utility Buildings and Public Utility Structures with Towers or Antennas**

Subject to the following conditions, Public Utility Buildings and Public Utility Structures with Towers or Antennas, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts) shall be a Special Exception with Conditions (SC) in the zoning districts as referenced in Table 1:

- a. The proposed building or structure at the location selected is necessary for public convenience and service.
- b. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- c. Public utility buildings in any predominately residential area shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Planning Commission.
- d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height above the then existing height.
- e. Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service; telephone offices; railroad, bus, trolley, air, and boat passenger stations; radio or television transmitter towers and stations.
- f. In any residential area, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where:
  - i. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the Comprehensive Plan or portion thereof; and
  - ii. The proposed use will not adversely affect the health and safety of the residents or workers in the area; and
  - iii. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.
- g. In making such findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:

- i. Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
- ii. Proximity of the line to schools, churches, theaters, clubs, museums, fairgrounds, or other places of assembly, existing or proposed;
- iii. The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, existing or proposed;
- iv. Any fire hazard or interference with firefighting equipment due to the location and construction of the proposed line;
- v. Proximity of the line to public parks and recreational areas, existing or proposed;
- vi. Effect upon property values of those who will not be compensated for a taking under the laws of the State;
- vii. The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and greenbelt areas surrounding community development; and
- viii. Proximity of the line to historic sites and structures.

## 2. Temporary Structures Incidental to Construction

Subject to the following conditions, Temporary Structures Incidental to Construction shall be Permitted Use with Conditions in all districts (C):

- a. That it is removed when construction is finished.
- b. That the structure remains for only a period of one year with extensions totaling one year permitted upon application to and approval of the Zoning Official.

### ~~c. Notice and posting of property.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~
- ~~ii. Written notice shall be sent to the Planning Commission.~~
- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature~~

~~of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~  
~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

### **3. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor**

Subject to the following conditions, occasional outdoor festivals or special events including, but not limited to, horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., shall be Permitted Use with Conditions in all districts (C):

- a. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
- b. No temporary sanitary facility or trash receptacle shall be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
- c. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
- d. Non-recurring festivals or events shall not exceed seven (7) days in any 12 consecutive months.
- e. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 pm.
- f. In cases where it is deemed necessary, the Mayor and City Council may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.
- g. The permit applicant requests the City to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

~~h. Notice and posting of property.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City~~

~~Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~

- ~~ii. Written notice shall be sent to the Planning Commission.~~
- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~
- ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

#### **4. Christmas Tree Sales**

Subject to the following conditions, Christmas Tree Sales shall be a Permitted Use with Conditions (C) in the R district:

- a. The lot shall not be in a residential use;
- b. Adequate area is provided for off-street parking, loading, and unloading.

~~c. Notice and posting of property within the R district.~~

- ~~i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.~~
- ~~ii. Written notice shall be sent to the Planning Commission.~~
- ~~iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.~~
- ~~iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.~~

#### **5. Medical Cannabis Grow Facility Permitted Use with Conditions in the Industrial Zone District**

The facility shall:

- a. Not be located within one-thousand (1,000) feet of a school.

**6. Medical Cannabis Processing Facility Permitted Use with Conditions in the Industrial Zone District**

The facility shall:

- a. Not be located within one-thousand (1,000) feet of a school.

**7. Medical Cannabis Dispensing Facility Permitted Use with Conditions in the CMU and Industrial Zone Districts**

The facility shall:

- a. Not be located within one-thousand (1,000) of a school or drug rehabilitation center.
- b. Not be located within 2,500 feet of another dispensing facility.

**8. Medical Cannabis Grow/Processing Facility Permitted Use with Conditions in the Industrial Zone District**

The facility shall:

- a. Not be located within 1,000 feet of a school.

**9. Medical Cannabis Independent Testing Laboratory Permitted Use with Conditions in the CMU and Industrial Zone Districts**

The facility shall:

- a. Not be located within one-thousand (1,000) of a school.

**10. Solar Energy Systems**

a. Zoning Districts

- i. Small-Scale Solar Energy Systems shall be permitted throughout the City.
- ii. Medium and Large-Scale Solar Energy Systems shall be permitted by Special Exception (SE) in the Resource Conservation Zoning District and subject to the acreage limitation in Subsection (c) herein.
- iii. Community Solar Energy Systems shall be permitted by Special Exception (SE) in all Zoning Districts except the Resource Conservation Zoning District, in which they are not permitted, and subject to the acreage limitation in Subsection (c) herein.

b. Critical Area

Medium, Large, and Community Solar Energy Systems shall conform to the State's Critical Area requirements.

c. Acreage Limitations

No more than a total of three hundred fifty (350) acres shall be approved for Medium, Large, or Community Solar Energy Systems within the

incorporated limits of the City of Cambridge. The calculation of acreage for the Solar Energy Systems subject to this limitation shall include the panels, any accessory buildings, and the seventy-five (75) foot buffer area. This limitation shall not include off-site facilities required for the connection or transmission of the electricity to the grid.

d. Procedure

- i. Small-Scale Solar Energy Systems require a building permit and, if ground mounted and visible from a City right-of-way, a landscaping and screening plan.
- ii. Medium and Large-Scale Solar Energy Systems require a Category 1 Site Plan, Special Exception, building permit, a landscaping and screening plan, and a decommissioning plan.
- iii. Community Solar Energy Systems require a Category 1 Site Plan, Special Exception, building permit, a landscaping and screening plan, and a decommissioning plan. As part of the Special Exception process, the applicant may request an exemption from the acreage limitation set forth in Subsection (c) herein. As used throughout § 4.2.3(D)(5) of this Ordinance, the term “applicant” shall mean and refer to the applicant for City approval of a Solar Energy System hereunder, as well as the owner of the Solar Energy System, the operator of the Solar Energy System, and the owner of the property or properties upon which the Solar Energy System is located, if any such person(s) is not the person applying for approval.
- iv. Documentation of the site’s soil composition is required for ground mounted projects.
- v. Other site-specific approvals from appropriate federal, State, or local authorities, such as nontidal wetland permits, forest conservation plans, forest preservation plans, and habitat protection plans are also required, as applicable.

e. Siting Requirements

- i. Rooftop Small-Scale Solar Energy Systems shall not extend more than ten (10) feet above the surface of the roof. Visual analysis and approval shall be required, including but not limited to building sections and site distance evaluations. The total height of the building or structure, including the solar collection devices, shall comply with the height regulations established in this Ordinance.
- ii. Ground-mounted Solar Energy Systems shall not exceed sixteen (16) feet in height.
- iii. Small-Scale Solar Energy Systems in residential districts shall be located in a side or rear yard to the extent practicable.
- iv. Solar Energy Systems shall be located in such a manner to minimize adverse impacts to view sheds of historic sites and scenic corridors.

- v. Solar Energy Systems shall not be located on the State's scenic byways or on mostly wooded lots.
- vi. Projects that result in significant loss of prime agricultural land or undue impacts to forests, wetlands, other natural resources, or environmentally sensitive areas are strongly discouraged.
- vii. All projects within the City's Historic Preservation District are subject to review and approval by the Historic Preservation Commission.

f. Aviation Analysis

If a Solar Energy System is proposed to be located within two (2) miles of an airport perimeter, the applicant must complete a glare analysis and Notice of Proposed Construction or Alteration (Form FAA 7460-1) and submit the same to the City prior to approval.

g. Visual Impact Analysis

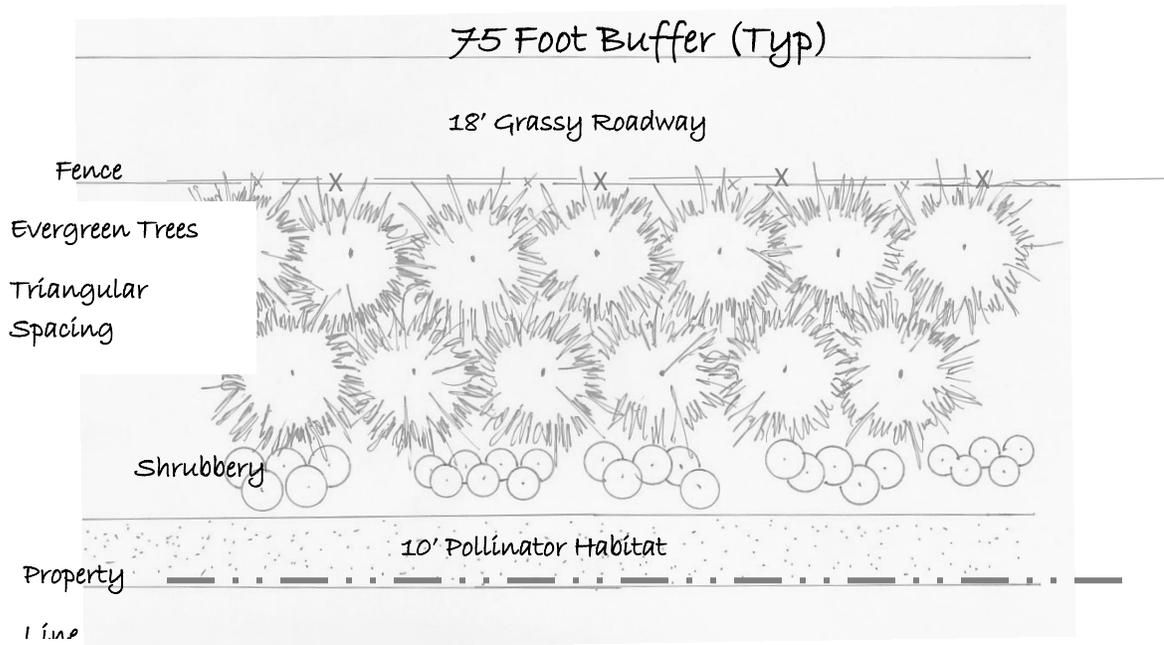
An analysis of potential visual impacts to adjacent properties resulting from the project, including solar panels, roads, accessory structures, and fencing, along with a discussion of measures to avoid, minimize, or mitigate such impacts shall be required. A plan shall be submitted for review and approval, showing vegetative screening or buffering of the Solar Energy System to mitigate any adverse visual impacts.

h. Screening

- i. Small-Scale and Community Solar Energy Systems shall be screened so as to be shielded from public view to the maximum extent practicable. Ground-mounted Solar Energy Systems shall require a landscape screening plan for review and approval by the Zoning Official, and such screening shall be maintained in good health throughout the existence of the Solar Energy System.
- ii. Medium and Large-Scale Solar Energy Systems shall be screened from all City rights-of-way and from adjoining properties with vegetation. The vegetative screen may consist of existing vegetation as determined by the City. A landscape plan, prepared by a third party licensed landscape architect and paid for by the applicant, shall be submitted for review and approval by the City as part of the application process. The plan set shall show and identify all existing vegetation to remain or proposed to be removed, pending City approval. Any trees with a six (6) inch or greater caliper to be removed shall be shown on the plan set, along with a mitigation plan for their removal with a two (2) for one (1) tree replacement ratio with a minimum caliper of three (3) inches, measured at the DBH

(diameter at breast height, or four and a half (4.5) feet above the ground). The landscape plan shall include:

1. A minimum of a seventy-five (75) foot buffer with two (2) staggered rows of six (6) foot tall native evergreen trees located on a three (3) foot average undulating, naturalized berm. Evergreen tree species shall be a varied mixture of compatible types. The trees shall be planted using triangular spacing and attain an eight (8) foot height in two (2) years. Actual spacing of the trees will be dependent on species selection. The buffer shall include evergreen shrubs and a ten (10) foot-wide flowering ground cover/pollinator habitat area with the remaining area planted in native, warm season, low growing grasses/clovers. The Planning Commission and/or the Board of Appeals may remove or modify the berm requirement on a case by case basis.



2. All plantings, excluding trees, shall benefit pollinators. The screen plantings, the flowering ground covers, and warm season, low growing grasses and clovers shall be considered "beneficial habitat."
3. Seed mixture shall be reviewed and approved by the City in conjunction with State agencies.
4. Flowering ground cover shall have a minimum of ten (10) plant species with a minimum of two (2) flowering seasons in addition to spring.

5. In addition to the evergreen trees, cluster plantings of seven (7) to nine (9) native deciduous trees randomly planted to break up the evergreen screen shall be planted with spacing of fifty (50) to seventy-five (75) feet between clusters.
  6. A minimum of sixty (60) percent of the site shall consist of flowering ground cover/pollinator habitat for the panel area, with the remaining portion of the site seeded with native, warm season, low growing grasses/clovers that benefit pollinators.
- iii. The applicant shall be responsible for maintaining all required screening and “beneficial habitat” for the life of the Solar Energy System, and the applicant shall replace or repair the same immediately to preserve the required screening and habitat, to the satisfaction of the Zoning Official.
  - iv. Screening shall minimize glare on all City rights-of-way and adjacent properties.
  - v. The fencing for the project shall be no less than six (6) feet nor more than eight (8) feet tall and shall have no barbed wire.
  - vi. The applicant shall provide a detailed establishment, maintenance, and monitoring plan for the vegetation. These plans shall include best management practices (BMP) and schedules of inspections.
    1. *All mowing shall be done in compliance with the vegetation plan required in this subsection.*
    2. Invasive species shall be removed annually either by herbicide or manually.
  - vii. If complaints regarding glare/reflection are received by the applicant and/or the City, within two (2) years of installation, these complaints shall be addressed/mitigated by the applicant to the City’s satisfaction, and a written solution shall be submitted to the City for review and approval.
  - viii. Medium and Large-Scale Solar Energy Systems shall require a performance bond of one hundred twenty-five (125) percent of the landscape’s installed value. The bond shall be held by the City for a period of three (3) years, at which time which the City shall inspect the vegetative buffer to ensure its viability and require replacement of dead or dying material. Upon inspection and replacement of the planting material, the bond will be reduced to twenty-five (25) percent of the initial bond and held by the City for an additional three (3) years to ensure proper maintenance of the planting material. The City reserves the right to inspect and require replacement of plant material for the duration of the life of the Solar Energy System.

i. Setbacks

- i. Small-Scale Solar Energy Systems shall comply with required accessory structure setbacks for the parcel size in the zoning district where the project is located.
- ii. Medium and Large-Scale and Community Solar Energy Systems shall be set back seventy-five (75) feet from residentially zoned property lines and seventy-five (75) feet from all other property lines. The setback applicable to residentially zoned properties may be increased by the Planning Commission or the Board of Appeals, in their sole discretion and for good cause shown, up to two hundred (200) feet. Setbacks shall be measured from the nearest solar array and/or structure within the Solar Energy System, excluding security fencing, screening, access roads, or berms.
- iii. Notwithstanding the provisions of Sections 6.1.2, 6.1.3 and 6.1.4 of this Ordinance and without a variance or buffer modification, solar panels mounted at least twenty-four (24) inches above existing grade and related rack and pile systems, fencing, landscaping, and access paths shall be subject to a twenty-five (25) foot setback from perennial and intermittent streams, nontidal wetlands, and features for which buffers are expanded under subsections (B) thereof, provided that the ground surface of or under such components is established in natural vegetation. Additionally, within Solar Energy System sites, access paths, culverts, and roads may cross and/or be constructed within twenty-five (25) feet of perennial or intermittent streams or nontidal wetlands, provided that such crossings minimize impacts to such features and are authorized by all applicable State and federal agencies.

j. Lighting

If lighting is required it shall be activated by motion sensors and shall be fully shielded and downcast to prevent the light from shining onto adjacent parcels or into the night sky.

k. Abandonment or useful life of the SES

- i. Medium and Large-Scale and Community Solar Energy Systems that cease to produce electricity for six (6) months shall be presumed abandoned. The applicant may overcome this presumption by presenting substantial evidence, satisfactory to the Zoning Official, that cessation of the use occurred from causes beyond the applicant's reasonable control, that there is no intent to abandon the Solar Energy System, and that resumption of use of the existing Solar Energy System is reasonably practicable.
- ii. If the Solar Energy System has been destroyed or substantially damaged and shall not be repaired or replaced, or repair or

replacement has not commenced with due diligence, the City may direct the applicant to begin the decommissioning process within sixty (60) days of the date of the incident that rendered the Solar Energy System unserviceable.

- iii. The applicant shall provide to the City an annual report regarding the Solar Energy System's power production.
- iv. Following project abandonment (as defined above), the applicant shall remove the Solar Energy System and restore the site in accordance with the approved decommissioning plan. The failure of the applicant to remove the Solar Energy System and restore the site in compliance with the approved decommissioning plan, shall entitle and authorize the City, without further notice, to abate the violation and thereby remove the Solar Energy System and restore the site, the costs for which restoration shall constitute a lien on the property to the extent not covered by the bond requirement for decommissioning. Said lien shall be collected in the same manner as delinquent real property taxes.

#### I. Decommissioning Plan

A decommissioning plan prepared by a licensed third party shall be required. The applicant shall be responsible for the implementation of the decommissioning plan, which shall include:

- i. At least ninety (90) days prior to the start of construction, the applicant shall submit a decommissioning plan to the City for review and approval. The decommissioning plan shall describe the responsible party(ies), timeframes, and estimated costs for decommissioning, dismantling, and lawful disposal of all components, including cables, wiring, and foundations below ground surface. The plan shall address site conditions after decommissioning, including stabilization, grading, and seeding of all disturbed areas. The plan shall maximize the extent of component recycling and reuse, where practicable, and ensure all materials are handled in accordance with applicable federal, State, County, and local requirements. The applicant shall not begin construction of the Solar Energy System until the City has approved the plan.
- ii. The expiration date of the contract, lease, easement, or other agreement for installation and maintenance of the Solar Energy System, and shall provide for the removal of the Solar Energy System within one hundred twenty (120) days following abandonment thereof to the satisfaction of the Zoning Official.
- iii. A requirement that the operator and property owner provide written notice to the City whenever a Solar Energy System is out of active production for more than six (6) months.

- iv. Removal of all above and underground equipment, structures, fencing, and foundations. Subject to (vi) below, all components shall be completely removed from the subject parcel upon decommissioning.
- v. Removal of substations, overhead poles, and above-ground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility.
- vi. Removal of lot coverage and access roads associated with the Solar Energy System, subject to the approval of the applicant (to include the property owner, if other than the applicant) and City staff.
- vii. Re-grading and, if required, placement of like-kind topsoil after removal of all structures and equipment.
- viii. Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan.
- ix. A recordable covenant executed by the applicant (to include the property owner, if other than the applicant) to reclaim the site in accordance with the decommissioning plan and associated approvals upon cessation of the use.
- x. A provision requiring City approval of the decommissioning and reclamation of the site, subject to consultation with and approval from the appropriate State agencies having authority, such as the Maryland Department of the Environment and the Public Service Commission.
- xi. The applicant shall demonstrate that the removal of the Solar Energy System has minimal impacts to the Dorchester County Landfill and its materials are repurposed/recycled to the greatest extent possible.
- xii. The decommissioning plan shall be updated and resubmitted to the City for review and approval every five (5) years.
- xiii. The applicant for a Medium or Large-Scale or Community Solar Energy System shall provide security in the form of a bond, surety, letter of credit, lien instrument, or other financial assurance by a financial institution, or other alternative security in a form and amount acceptable to the City to secure payment of one hundred twenty-five (125) percent of the anticipated cost of removal of all equipment, structures, and fencing, above or below ground level, and any accessory structures, as well as restoration of the site, and otherwise in accordance with the requirements of this section, subject to the following:
  - 1. The bond shall exclude all the salvage value of the improvements.

2. The security shall be provided prior to issuance of a building permit and shall be renewed so as to remain in full force and effect while the Solar Energy System remains in place.
3. The security shall require the obligor and the applicant (to include the property owner, if other than the applicant) to provide at least ninety (90) days' prior written notice to the City of its expiration or nonrenewal. The Zoning Official may adjust the amount of the security as reasonably necessary from time to time to insure the amount is adequate to cover the cost of decommissioning, removal, and restoration of the site.
4. The security shall ensure that decommissioning costs are not borne by the State, County, and/or the City at the end of the useful life of the Solar Energy System or in the event of its abandonment. The security is subject to the approval of the City, and evaluation thereof shall include the credit-worthiness and financial capabilities of the obligor(s).

## **11. Bingo**

Subject to the following conditions, bingo shall be a Permitted Use with Conditions in the General Commercial district:

- a. An organization desiring to conduct bingo within the corporate limits of the City must first obtain an annual license issued by City Hall.
- b. An applicant seeking to obtain or renew an annual bingo license shall provide the following documentation:
  - i. An IRS determination letter or other similar documentation that it is a bona fide nonprofit organization;
  - ii. A valid bingo license issued by the Clerk of the Circuit Court for Dorchester County pursuant to Md. Code Ann., Criminal Law § 13-1203, as amended from time to time;
  - iii. Financial statements (e.g. . IRS Form 990) verifying that the funds raised by the conducting of bingo have been used exclusively for charitable, athletic, or educational purposes consistent with the organization's bingo license issued by the Clerk of the Circuit Court, or, in the case of an organization which has not previously conducted bingo, a statement that the funds to be raised will be used exclusively for such purposes;
  - iv. A list of all individuals conducting or assisting in the conducting of bingo and certification that each such individual is a member of the organization and did not receive, or will not receive, in the case of an organization which has not previously conducted bingo, any compensation or award for conducting or assisting in the conducting of bingo; and

- v. Other documentation verifying that the organization is otherwise in compliance with Titles 12 and 13 of the Criminal Law Article of the Maryland Annotated Code applicable to Dorchester County, as amended from time to time.
- c. c. The premises upon which bingo is to be conducted is subject to a determination by the Zoning Official and/or the Planning Commission as to its compatibility with surrounding land uses, as set forth herein.
- d. d. No premises upon which bingo is to be conducted shall be located within one thousand five hundred (1,500) feet of another such premises.

**12. Small wireless facilities.**

Subject to the following conditions, small wireless facilities shall be a Special Exception with Conditions in all Districts:

- a. An applicant desiring to install a small wireless facility in, upon, or over private property shall provide the following information:
  - i. A technical description of the small wireless facility and support structure along with detailed diagrams accurately depicting all components and equipment;
  - ii. A detailed description of the design, location, and installation timeframe for the small wireless facility and any support structure;
  - iii. An engineering certification;
  - iv. A statement describing the applicant's intentions with respect to collocation if applicable, with collocation being preferred and more favorably viewed;
  - v. A statement demonstrating the applicant's ability to comply with all applicable safety standards;
  - vi. If the applicant is not the owner of the subject property, an executed attachment agreement with the property owner;
  - vii. A decommissioning plan; and
  - ix. Such other information as the Planning Commission and/or Board of Appeals may require.
- b. All small wireless facilities shall be located, designed, and operated in accordance with all applicable local, State, and federal laws and regulations and to minimize visual impact on surrounding properties to

the maximum extent practicable and shall otherwise comply with such requirements and conditions as the Planning Commission and/or Board of Appeals may deem appropriate to impose.

- c. Small wireless facilities shall not be located in an area where there is an overconcentration of small wireless facilities.
- d. The location selected and the scale and appearance of the small wireless facility shall be consistent with the general character of the neighborhood.
- e. Small wireless facilities located in a residential zoning district shall not generate any noise.
- f. If located in the Historic District, the small wireless facility shall be subject to Historic Preservation Commission review and approval.
- g. Support structures shall comply with the building setback provisions of the applicable zoning district. In addition, the minimum setback distance from the ground base of any new support structure to any property line, sidewalk, street, or public recreational area shall be the height of the support structure, including any antennae or other appurtenances. This setback is considered a "fall zone."
- h. The height of any new support structure, including any antennae or other appurtenances, shall not exceed the average height of the existing street light poles or utility poles within the area extending five hundred (500) feet in any direction from the proposed support structures.
- i. A small wireless facility and/or support structure shall be lighted only if required by the Federal Aviation Administration. Lighting of equipment shelters and other facilities on site shall be shielded from other properties.
- j. If metal, the support structure must be treated or painted with non-reflective paint and in a way to conform to or blend in with the surroundings.
- k. The small wireless facility and support structure shall be used continuously for wireless communications. In the event the small wireless facility and support structure cease to be so used for a period of six (6) months., the Board of Appeals may revoke any Special Exception approval granted pursuant to this section. The individual or entity to whom such approval has been granted shall be responsible for removing the small wireless facility and any support structure within forty-five (45) days following such revocation. Any portion of the small wireless facility and/or support

structure which has not been removed within forty-five (45) days following such revocation shall be considered abandoned and may be removed and disposed of by the City, with all such costs to be the sole responsibility of the individual or entity to whom the special exception was granted.

- I. In addition to the other criteria required for special exceptions, the Planning Commission shall not provide a favorable recommendation for, and the Board of Appeals shall not approve, an application for a small wireless facility when, in its sole judgment, sufficient capacity no longer exists for additional small wireless facilities to be placed in the proposed location without jeopardizing the physical integrity of other small wireless facilities, support structures, or other utilities already present in the proposed location.