



St. Mary's County
Department of Land Use & Growth Management
Customer Assistance Guide

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**A Guide to the Details of the 2010
Comprehensive Zoning Ordinance**

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The following questions and answers will help you use this Ordinance. Numbers refer to the appropriate article and sections of the Ordinance. **If you are proposing an individual home on an existing recorded lot, or an addition to an existing residential lot, you should refer to Customer Guide #1. The references in that guide will provide the information necessary for these residential improvements and you may not need to use the zoning ordinance to complete your residential project.**

- A. How do I find out if my proposed use is authorized?
- First, refer to the Zoning Maps to determine the zoning of your property and if an overlay zone applies. These maps are located in the Department of Land Use & Growth Management and at the Public Libraries.
 - Second, refer to Schedule 50.4, page 50-3 in this Ordinance to determine whether your proposed use is permitted in the zoning district indicated. If your property is also included in an overlay district, refer to Article 4.
 - Third, check Section 51.3 for the same # use as in Schedule 50.4. There may be requirement for the use listed there.
- B. Are there conditions or special approvals needed?
- Sometimes a use is permitted if it meets certain limitations or “standards”. This is referred to as a “limited use”, and is indicated by an “L” in Schedule 50-4. Standards are listed in Section 51.3 for these limited uses.
 - In some cases, a use may be permitted if it is granted as a conditional use by the Board of Appeals. Uses that require a conditional use permit are listed in Schedule 50.4. Conditions for these uses are listed in Section 51.3 and “findings” that govern the granting of conditional uses are listed in Section 25.6.
- C. Are there building requirements?
- Yes, building requirements are included in the St. Mary's County Building Code, which is available at the public library or from book stores.
- D. What if my use was existing before the first Zoning Ordinance was adopted in 1974 or was legally established before a change to the Ordinance made it “nonconforming”?
- Chapter 52 permits such uses to continue as long as certain provisions are met. However, certain off-premise signs must be removed as specified in Section 52.9.

Complying with Regulations

- A. Who interprets and enforces the Zoning Ordinance?
 - The Planning Director interprets the Ordinance and may direct compliance action.
- B. What if I do not comply with zoning regulations?
 - Zoning violations are misdemeanor “municipal infractions” enforced by citation, fine or taken to the District Court according to Chapter 80.

Variances and Appeals

- A. What if strict compliance with certain setback, height, or area requirements of the regulations creates an undue hardship or unusual practical difficulty?
 - The Board of Appeals may consider variances (Chapter 24) in such cases. However, the Board cannot change the uses permitted in Article 5.
- B. What if I disagree with a decision made in enforcing the regulations?
 - You may appeal to the Board of Appeals within 30 days of the decision being disputed. Decisions of the Board of Appeals may be appealed to the Circuit Court.

Organization

Administrative provisions which govern the use interpretation and approvals of the Ordinance are contained in Articles 1 and 9 and Chapters 20 through 25. The procedures to amend the text or zoning maps are located in Chapter 28. The Ordinance establishes transitional provisions for “grandfathering” applications in process in Chapter 27. Special flexible provisions for Transferable Development Rights (TDRs) and Development Rights and Responsibilities Agreements (DRARAs) are contained in Chapters 26 and 29, respectively.

The County is divided into zoning districts established in Chapters 30 and 31 and shown on the draft zoning map. The minimum development regulations for residential, commercial and other uses are shown in Chapter 32. Special zoning districts for the Chesapeake Bay Critical Area, airport districts and planned unit developments are contained in Article 4.

Article 5 contains the heart of the zoning ordinance, the land use classification system (Chapter 50), and use regulations and standards (Chapter 51) for development. Treatment of uses that become “nonconforming” because of the new ordinance is explained in Chapter 52. Protection of agricultural land use is established in Chapter 53, “Right to Farm”.

Article 6 is comprised of seven Chapters that address various aspects of site design, including general site standards, access design, design guidelines, landscaping and buffer yards, off-street parking and loading, signs, and street addressing. The requirements for development design layout, parking landscaping, and signs are within Article 6.

Article 7 contains the requirements for environmental analysis, preservation and protection. Chapter 70 establishes minimum requirements for public facilities to be provided to serve new development. Finally the means for the County assure compliance with the Ordinance and to prosecute violations, where necessary, are provided in Article 8, Enforcement.