



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

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CONDITIONAL USES

Development in St. Mary's County (County) and implementation of the St. Mary's County Zoning Ordinance are based upon the division of the County into districts within which the use of land, buildings, the bulk and location of buildings and structures in relation to the land are substantially uniform. Certain uses, because of their particular characteristics, cannot be permitted without case by case consideration, of their impact upon neighboring land and of the public need for the particular use at the particular location. The following are procedures and minimum standards that will be applied for the consideration and authorization of conditional uses, including expansion or intensification of such uses.

Initiation of Conditional Uses

Any property owner or other person with an enforceable legal interest in property may file an application to use such land for one or more of the conditional uses permitted in the zoning district in which the land or a portion thereof is located. The Board of Appeals (Board) will hear and decide upon all applications for conditional use approval.

Standards for conditional use approval.

No conditional use shall be approved by the Board unless it finds that:

- The conditional use complies with the standards of the district in which it is to be located and standards applicable to that use; and
- The establishment, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, safety, convenience, morals, order, or general welfare; and
- The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood; and
- The proposed use at the proposed location will not have adverse effects above and beyond those inherently associated with the proposed use irrespective of its location within the zoning district; and
- Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided; and
- Adequate measures have been or will be taken to provide ingress and egress following a design that minimizes traffic congestion in the public streets; and
- The proposed conditional use is not contrary to the goals, objectives, and policies of the Comprehensive Plan; and
- The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located or to the special requirements established for the specific conditional use in the Ordinance.

Application for Conditional Use

Application for conditional use will be filed with the Department of Land Use and Growth Management. The application process is as follows:

Pre-Application Meeting – The first step in the application process is to schedule a pre-application meeting with the Zoning Administration Planner. The Zoning Administration Planner can be contacted by dialing 301-475-4200, ext 1523. The pre-application meeting is a short meeting designed to review your application with you and assist you in fulfilling application requirements.

Application Submission – In order to be scheduled for a hearing you must have provided us with the following:

- Board of Appeals Application Form
- Typed Letter of Intent addressing the standards for conditional use
- Copy of the deed
- 12 copies (14 Critical Area) of your site plan drawn to scale
- A check made out to the Board of County Commissioners (see current schedule of fees).
- Technical Evaluation Committee (TEC) Comments and/or Approvals

Additionally, the following approvals must be received before your case can be scheduled:

- Successful completion of the Technical Evaluation Committee (TEC) process. This includes adequately addressing all TEC comments.
- Approval from the Health Department.
- Approval from the Soil Conservation District.
- If applicable, comments from the Chesapeake Bay Critical Area Commission. (Comments will come directly to the Department of Land Use and Growth Management.)

Once you have successfully completed TEC and all approvals have been received, you will be scheduled for inclusion on the next available meeting agenda. You will be notified by telephone that you have been scheduled and the date and time of the meeting.

NOTE

You must give notice to your neighbors and the general public 15 days prior to the date of your hearing. Customer Assistance Guide 41 explains specific notification requirements.

Board of Appeals Hearing

The Board of Appeals will hold a public hearing on your application for a conditional use. A record of the proceedings will be made. Before granting any conditional use, the Board of Appeals may stipulate conditions and restrictions upon the establishment, location, construction, maintenance, and operation or expansion of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of the Ordinance. In all cases in which conditional uses are granted, the Board may require guarantees it deems necessary. The Board will report its findings and

decisions, including the stipulations or conditions and guarantees deemed necessary for the protection of the public interest.

Effect of Denial of a Conditional Use

No application for a conditional use that has been denied wholly or in part by the Board of Appeals will be resubmitted for a period of two years from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board.

Limitation on Conditional Use Approval

Unless an extension of time is granted by the Board, a conditional use approval expires after one year unless:

- a site plan is approved
- a building permit is issued
- construction is actually begun within that period and is thereafter diligently pursued to completion, or
- The certificate of occupancy is issued and use is commenced within that period.