

ARTICLE V SPECIFIC SUPPLEMENTARY USE REGULATIONS

The following specific supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as indicated in the Table of Permissible Uses.

Part I Agricultural Uses

Section 57. Agricultural Equipment Sales (1.01.200)

Agricultural machinery and equipment sales may be permitted as a Special Exception in the NAR and SAR provided:

- 1.** Machinery and equipment shall be stored or parked only within a hard surfaced area constructed of material that will assure a surface resistant to erosion and adequately treated to prevent dust emission.
- 2.** Signs, product displays, parked vehicles, and other obstructions that would adversely affect visibility at intersection or to driveways shall be prohibited.
- 3.** Lighting shall be low level and so arranged as not to reflect or to cause glare into any residential use or zone.
- 4.** When such use abuts a residential zone or use and is not effectively screened by a natural terrain feature, the use shall be screened by a bufferyard meeting the D standard in Appendix B.
- 5.** The Board of Appeals may permit signs as permitted in the BL zone provided all signage is included in the Special Exception.

Section 58. Animal Husbandry (1.01.300)

Animal husbandry shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, M1, M2, MEA and OS zones, provided that:

- 1.** The minimum lot size is one acre.
- 2.** Commercial feedlots shall be setback 100 feet from all property lines and 300 feet from any legally existing residences on adjacent lots.
- 3.** Swine farms of 500 or more head, excluding nursing piglets, must comply with and keep up to date both a waste management plan and a nutrient management plan approved by the Natural Resources Conservation Service and University of Maryland Cooperative Extension Service:
 - a.** Swine farms of 500 or more head, excluding nursing piglets, must have their feedlots set back 300 feet from all property lines and 600 feet from any legally existing residence on an adjacent lot. The feedlot must be screened by a bufferyard meeting the "A" standard of appendix B.
 - b.** Swine farms of 500 or more head, excluding nursing piglets, must demonstrate that they own or have a lease of at least 3 years on enough acreage to satisfactorily dispose of the waste from said operation in accordance with the approved waste management plan.
- 4.** Swine farms in existence upon the adoption of these regulations are exempt from these regulations.

(Amended 6/3/97)

Section 59. Slaughterhouses (1.01.400)

Slaughterhouses may be permitted as a Special Exceptions in the NAR and SAR zones and shall be permitted in the MI zones provided:

1. No slaughterhouses shall be constructed or established within 1/2 mile of any neighborhood of 20 lots or more in which the average density is one (1) dwelling unit per five (5) acres or more.
2. Stock pens or buildings associated with the slaughterhouse operation must be at least three hundred (300) feet from any public right-of-way and must be at least five hundred (500) feet from any other property line.
3. Proposed slaughterhouses shall meet the following site plan and operational requirements:
 - a. Waste or any decomposable residue from the slaughterhouse operations may not be disposed of by spreading on and/or plowing under on a farm unless the farm contains at least one hundred (100) acres and Health Department approval is obtained.
 - b. Adequate measures must be developed for the abatement of offensive and obnoxious odors, dust, smoke, or similar nuisances, to the degree that such odors, dust, smoke, or similar nuisances will be confined within the boundaries of the slaughterhouse site boundaries.
 - c. Design, construction, and operation of the facility must meet or exceed the requirements of all relevant State and Federal regulations. Specifically, the operation must conform to the requirements of "Agricultural Handbook 570, U.S. Inspected Meat and Poultry Packing Plants, a Guide to Construction and Layout", published by the U.S. Department of Agriculture in February 1981, as amended or succeeded.
 - d. Waste, by-products, or any decomposable residue which results from the slaughtering of animals must be refrigerated while on the premises.
 - e. There must be provided adequate off-street parking and loading and unloading facilities for customers and employees.
4. If the use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 60. Roadside Stand (1.01.500)

Roadside stands shall be permitted in all zones provided that:

1. Roadside stands are limited to 1,000 square feet.
2. Off-street parking is provided at the ratio of one (1) parking space per 200 square feet of roadside stand, with a minimum of two (2) parking spaces.
3. A zoning certificate for the roadside stand is approved by the Office of Planning and Zoning.
4. Roadside stands in the MB zone shall be located outside of the Buffer.
5. Roadside stands shall be located at least twenty-five (25) feet from the edge of the roadway.

Section 61. Commercial Stables (1.01.600)

Commercial stables shall be permitted in the NAR, SAR, RR, SR, TR, VR, and OS zones provided no building shall be located less than 100 feet from the nearest property line.

Section 62. Topsoil/Mulch/Aggregate Sales (1.05.000)

Topsoil/mulch/aggregate sales shall be permitted in the NAR and SAR zones provided that:

1. The sales are an accessory use to a nursery.
2. The sales area is shown on the site plan for the nursery.

Section 63. Farmers Market (1.06.000)

Farmers markets may be permitted as a Special Exception in the NAR and SAR zones provided:

1. Any permanent structure for the display and sale of locally produced agricultural and fisheries products shall be no larger than 3,000 square feet.
2. Buildings shall maintain the front yard setback for the zone in which it is located.
3. Exits and entrances shall be provided which shall be at least one hundred (100) feet from any intersection on a local road and two hundred (200) feet from all other intersections.

4. A minimum of three (3) off-street parking spaces and one (1) space per 300 square feet of building area over 900 square feet shall be provided.
5. A minimum of one (1) self-contained privy shall be maintained on the site while the operation is in use.
6. No temporary structure shall be permitted for a period exceeding three (3) years, subject to renewal.
7. The farmers market is used for the sale of predominantly locally produced agricultural products.

Section 64. Livestock Market (1.07.000)

Livestock markets may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the M1, M2, and MEA zones provided:

1. The minimum lot area is ten (10) acres.
2. Stock pens and main buildings are located at least three hundred (300) feet from any street or highway and at least eight hundred (800) feet from any residence existing at the time of application.
3. Adequate off-street parking and off-street loading space is provided for customers and employees.
4. Bufferyards conforming to the E standard in Appendix B shall be required along all property boundaries.
5. A site plan meeting the requirements of Section 291 shall accompany an application for a livestock market.

Section 65. Greenhouses with On-Premises Sales Permitted (1.09.000)

Greenhouses with on-premises sales shall be permitted in the NAR, SAR, RR, SR, TR, and DR zones provided:

1. Sales limited to plants, trees, shrubs, seeds, fertilizers, plant foods, hand tools, hand spraying and watering equipment, and pesticides directly related to residential gardening shall be permitted, provided that such tools and equipment are not displayed outdoors.
2. Sales of products described in 1. above are accessory to the greenhouse operation and the floor area for such sales shall be limited to 3,000 square feet.

3. Greenhouses shall have a minimum setback of twice the height of the building, but in no case less than fifty (50) feet, and storage of all materials which produce odors or attract pests shall be effectively covered.
4. Topsoil mulch and gardening/landscaping aggregates sales shall be permitted provided that they are accessory to the Greenhouse and that no more than 100 cubic yards of each product are stockpiled at any time.

Section 66. Kennels, Commercial (1.10.000)

Commercial kennels may be permitted as a Special Exception in the NAR and SAR zones provided:

1. Minimum acreage - five acres if dogs are outside, two acres if placed in soundproof building.
2. Kennels are not located within 200 feet of a residential dwelling on an adjacent parcel.
3. The proposed use conforms to the Animal Regulations of Cecil County, Maryland in regard to sanitary practices and animal care and treatment.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Part II Mineral Extraction Uses

Section 67. Mineral Extraction (2.00.100)

1. Mineral extraction shall be permitted in the MEA zone provided that any mineral extraction activity in the MEA zone shall only be permitted in accordance with a site plan prepared in accordance with Section 291 of this Ordinance, and shall meet the following requirements:
 - a. No excavation shall take place within 100 feet from any right-of-way line of any road.
 - b. No excavation shall take place, nor shall the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred (100) feet to any property line. This setback shall not apply where the adjoining property is used for mineral extraction.
 - c. All of the Environmental Performance Standards, except the regulations pertaining to steep slopes, in Article IX of this Ordinance are met.
 - d. Operation structures shall not be erected within two hundred (200) feet of any property line or within one hundred (100) feet of any road. The setback to

(Amended 7/22/2008)

adjoining property lines shall not apply where the adjoining property is used for mineral extraction or heavy industry.

- e.** A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.
 - f.** Mineral extraction may be permitted in the MEA zone within the Chesapeake Bay Critical Area provided that:
 - (1)** No mineral extraction activity takes place within the Buffer.
 - (2)** The mineral extraction activity is consistent with the Habitat Protection Program Element of the Cecil County Critical Area Program.
 - (3)** The mineral extraction activity is consistent with the Mineral Resources Program Element of the Cecil County Critical Area Program.
 - (4)** The requirements of the applicable Critical Area land use management area are met.
 - (5)** The applicable requirements of Article XI, Part I are met.
- 2.** Mineral Extraction may be permitted as a Special Exception in any zoning district in the MEB overlay zone provided:
- a.** Excavation shall not take place within 100 feet from any right-of-way line of any road or 300 feet from any lawfully permitted residential or institutional building.
 - b.** Excavation shall not take place, nor the slope of the natural land surface be altered as a result of such excavation, nor shall the storage of materials take place nearer than one hundred (100) feet to any property line.
 - c.** Operation structures shall not be erected nor storage of material take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of way line of any road.
 - d.** A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.
 - e.** All of the Environmental Performance Standards, except the regulations pertaining to steep slopes, in section Article IX of this Ordinance are met.

- f. The use of heavy machinery for refining or processing other than for extracting, crushing, moving, washing and screening shall be permitted only with a Heavy Industrial (M2) parent zone.
 - g. New wash plants shall not be located within the Buffer of the Chesapeake Bay Critical Area.
 - h. No mineral extraction activity takes place within the Buffer.
 - i. The mineral extraction activity is consistent with the Habitat Protection Program Element of the Cecil County Critical Area Program.
 - j. The mineral extraction activity is consistent with the Mineral Resources Program Element of the Cecil County Critical Area Program.
 - k. The requirements of the applicable Critical Area land use management area are met.
3. The use of coal combustion byproducts, such as flyash, bottom ash, boiler slag, pozzolan, and other solid residuals removed by air pollution control devices from the flue gas and combustion chambers of coal burning furnaces and boilers including flue gas desulfurization sludge and other solid residuals from flue gas by wet or dry methods are prohibited in the reclamation of noncoal surface mines.

Section 68. Mineral Processing (2.00.200)

Mineral processing shall be permitted in the MEA and M2 zone provided that:

- 1. Operation structures shall not be erected and storage of materials shall not take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of-way of any road.
- 2. The setback from property line shall not apply if the adjoining lot is being used for heavy industry or mineral extraction.
- 3. A bufferyard meeting the Bufferyard Standard D in Appendix B shall be required between any operation structures and the right-of-way of any road.

(Amended 6/17/08)

Part III Residential Uses

Section 69. Dwelling - Detached (3.01.100)

Dwelling - detached shall be permitted in the BL, BG, BI, MB, M1, and M2 zones provided that the dwelling is for the owner, operator, or employee of an on-site business.

Section 70. Dwelling - Manufactured Home - Double-wide (3.01.200)

1. Double-wide manufactured homes shall be permitted as a principal structure, tenant house, or guest house in the NAR, SAR, SR, TR, VR, DR, RM and MEA zones, and may be permitted as a Special Exception in the RR zone, provided:
 - a. The home has a length not less than 40 feet and a width not less than 24 feet;
 - b. The pitch of the home's roof has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction with a minimum four (4) inch roof overhang;
 - c. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
 - d. The home is enclosed by a continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
 - e. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
2. Double-wide manufactured homes may be permitted as a Special Exception in the BG, BI, M1, M2 and MEA zones as on-site security provided that the unit is not on a permanent foundation.
3. Double-wide manufactured homes shall be permitted in the BL, BG, BI, MB, M1, and M2 zones provided that the unit is for the owner/operator or employee of an on-site business and the conditions set forth in 1.a. through 1.e above are met.
4. Double-wide manufactured homes may be permitted as a Special Exception in the NAR and SAR zones for an employee of an agricultural operation conducted on a parcel where the manufactured home is to be located, provided that the home is not on a permanent foundation.

5. Double-wide manufactured homes may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, or DR zones, when not on a permanent foundation, and in the MH zone provided that it is not on a permanent foundation and if a manufactured home presently exists on the property, provided the Board of Appeals finds that a hardship exists involving a member of the immediate family.

Section 71. Dwelling - Manufactured Home - Single-wide (3.01.300)

1. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, and DR zones provided that the manufactured home is for an employee of an agricultural operation conducted on the parcel where the manufactured home is to be located.
2. A single-wide manufactured home may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, and DR zones provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.
3. A single-wide manufactured home may be permitted as a Special Exception in the BL, BG, BI, M1, M2 and MEA zones provided that the manufactured home is for the purposes of providing security for a business or industry conducted on the parcel where the manufactured home is to be located.
4. A single-wide manufactured home may be permitted as a special exception in the MH zone provided that a manufactured home presently exists on the property and provided that the Board of Appeals finds that a hardship exists involving a member of the immediate family. For the purposes of this provision, "immediate family" shall only include a child, grandchild, parent or grandparent, step-child or step-parent.

Section 72. Dwelling - Duplex (3.02.100)

1. Dwelling - duplex shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - duplex shall be permitted in the DR zone if served by public sewer.
3. Dwelling - duplex shall be permitted in the VR zone if served by public sewer and if in accordance with Section 28.

Section 73. Dwelling - Semi-Detached (3.02.200)

1. Dwelling - semi-detached shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - semi-detached shall be permitted in the DR if served by public sewer.
3. Dwelling - semi-detached shall be permitted in the VR zone if served by public sewer and if in accordance with Section 28.

Section 74. Dwelling with Accessory Apartment (3.02.300)

An accessory apartment in association with a primary residence shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, and MH zones provided:

1. An accessory apartment shall only be permitted for occupancy by a member of the immediate family.
2. The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.
3. An accessory apartment may be located either in the principal dwelling unit or in an accessory building.
4. The minimum floor area for an accessory apartment within a principal dwelling shall be three hundred (300) square feet but in no case shall it exceed thirty percent (30%) of the gross floor area of the dwelling in which it is located. For accessory apartments located in accessory buildings, the minimum floor area shall also be three hundred (300) square feet, there shall be no more than two (2) bedrooms in the apartment and the apartment shall not occupy more than 50% of the accessory structure.
5. There shall be no more than one (1) accessory apartment permitted per existing single family dwelling.
6. If an accessory apartment is located in the principal dwelling building, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the appearance of the building will remain as a single-family residential structure and that no external entrance that faces a road or street will be added.
7. Off-street parking shall be provided in accordance with the standards and requirements of Article XIV.

Section 75. Dwelling - Townhouse (3.03.100)

1. Dwelling - townhouse shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - townhouse shall be permitted in the MB zone provided that
 - a. The density is limited to four (4) units per acre, and
 - b. No more than four (4) townhouses shall be permitted in one (1) building block.

Section 76. Dwelling - Apartment (3.03.200)

1. Dwelling - apartment shall be permitted in the SR, TR and DR zones provided that the units are part of a PUD approved in accordance with Article XII.
2. Dwelling - apartment shall be permitted in the BL, BG, and MB zones, provided that:
 - a. The apartments are limited to two (2) units per lot, and
 - b. The apartments are accessory to a permitted use.
3. Dwelling - apartment shall be permitted in the M2 zone provided that:
 - a. A maximum of one apartment is provided per lot, and
 - b. The apartment is an accessory to a permitted use.

Section 77. Dwelling - Apartment Conversion (3.03.300)

Dwelling - apartment conversion may be permitted as a Special Exception in the DR zone, provided that:

1. The apartment units are within a dwelling that existed at the time of adoption of this Ordinance.
2. The maximum number of apartments shall not exceed the maximum permitted density and shall not in any case exceed four (4) apartment units on any one lot.
3. The owner of the dwelling resides permanently within the dwelling. The Special Exception shall terminate six (6) months after the date the owner no longer resides permanently within the dwelling.
4. One (1) parking space per apartment unit, and two (2) parking spaces for the primary dwelling are provided on the parcel.
5. Parking areas are adequately screened from adjacent lots and roadways.

Section 78. Manufactured Home Park (3.04.000)

Manufactured home parks shall be permitted in the MH zone provided:

1. Manufactured home parks shall be developed upon property served by water and sewer systems approved by the Health Department.

2. Manufactured home parks shall be developed on a tract of land encompassing not less than ten (10) acres in area.
3. Each manufactured home site shall measure not less than four thousand (4000) square feet in area.
4. Not less than fifteen (15) percent of the gross area of a manufactured home park shall be devoted to open space and recreation area. Required open space shall not include roadways and bufferyards.
5. Density of manufactured home parks shall not exceed six (6) manufactured home sites per acre.
6. Each manufactured home site shall measure not less than fifty (50) feet in width at the setback line.
7. Minimum setbacks on all manufactured home sites shall be fifteen (15) feet front and rear and ten (10) feet on each side.
8. Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B of this Ordinance.
9. All required bufferyards shall be unoccupied except for utility facilities, identification signs or exits and entrances.
10. Each manufactured home site shall be provided with two (2) off-street parking spaces.
11. In addition to the standards of this Section, all manufactured home parks shall also meet the applicable requirements of the Cecil County Subdivision Regulations.
12. Where an existing manufactured home park is expanded either at the same time or in stages to include the addition of one (1) or more manufactured home sites, the expanded area must conform to the provisions of this Section and the existing portion shall, in lieu of the requirements above, conform to the following:
 - a. General Requirements. Condition of soil ground water level, drainage, and topography shall not create hazards to the property, surrounding area or the health and safety of the occupants.
 - b. Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of the manufactured home development shall be protected with materials capable of preventing soil erosion and elimination of objectionable dust.

- c. Site Drainage Requirements. The ground surface in all parts of each manufactured home development shall be graded and equipped to drain all surface water in a safe, efficient manner.
- d. Street System and Car Parking. All manufactured home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Street construction shall be a minimum of two (2) inches blacktop or triple surface treatment with adequate side drainage ditches and grades no greater than 10%. Internal streets shall be of sufficient width to accommodate anticipated traffic.
- e. Density. Density in the existing portion of any manufactured home development may remain the same or may increase up to a maximum of six (6) units per acre.
- f. Except as herein provided, design standards as described in the Cecil County Subdivision Regulations, shall be followed.

Section 79. Home occupations (3.05.000)

Home occupations may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and MEA zones provided that:

- 1. Home occupations are in the same building as the residence, and do not change the residential character and appearance of the dwelling.
- 2. No type of advertisement for the home occupations shall be carried out on the property, except one (1) unlighted sign identifying the home occupation, limited to three (3) square feet in size.
- 3. No goods for sale or rent shall be stored on the property in a manner as to be seen from off the premises.
- 4. Parking is provided in accordance with Article XIV.
- 6. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable outside of the dwelling unit.

Section 80. Day Care Center, Group (3.06.220)

A group day care center shall be permitted in the BI and M1 zones provided the establishment is designed to serve employees of commercial and/or industrial sites in the immediate vicinity.

Section 81. Halfway House (3.06.300)

Halfway houses may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM, BL, BG, BI and OS zones provided:

1. The site is a minimum of three (3) acres in residential zones.
2. Applicant shall demonstrate the ability to maintain the safety of patients and of the residents in the surrounding neighborhood.
3. Any structure is located at least one hundred feet from any adjacent residential lot.

Section 82. Retirement Housing Complex (3.06.400)

A retirement housing complex may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH Zones provided:

1. Density shall not exceed the base density for the zoning district.
2. The minimum area shall be one and one-half acres.
3. There shall be off-street parking as required in Article XIV.

Section 83. Boarding Houses (3.07.100)

Boarding houses may be permitted in the NAR, SAR, RR, SR, TR, VR, DR, and RM zones as a Special Exception and shall be permitted in the BL, BG and BI provided:

1. One off-street parking space shall be provided for each guest room and shall be located at the rear of the site. Further, parking areas shall be 50 feet from any adjacent residentially zoned property and shall be adequately screened.
2. The establishment shall be owner or manager occupied and managed
3. Facilities for dining shall be in the location customarily used by a single family in the structure.
4. No separate kitchen shall be provided.

Section 84. Bed and Breakfast (3.07.200)

1. A Bed and Breakfast may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and RM zones provided:
 - a. One off-street parking space shall be provided for each guest room and shall be located at the rear of the site as much as possible.
 - b. Parking areas shall be adequately screened from adjacent properties.
 - c. The establishment shall be owner or manager occupied and managed.
 - d. The facility may provide food and beverages (both non-alcoholic and alcoholic) to transient guests as breakfast, or in conjunction with weddings, business meetings and conferences.
2. A Bed and Breakfast shall be permitted MB zone provided that new bed and breakfast facilities are located outside of the Buffer.

Section 85. Conference Centers (3.07.300)

Conference centers may be permitted as a Special Exception in the NAR, SAR, SR, and DR zones and shall be permitted in the MB, and M2 zones provided:

1. In the NAR, SAR, SR and DR zones:
 - a. Not more than ten (10) percent of the land may be occupied with buildings.
 - b. All building and parking lots shall be set back from all adjoining property lines, including publicly dedicated streets, roads, and highways, not less than 200 feet, and the maximum height of any building shall be set by the Board of Appeals.
 - c. The land shall have direct access to a public highway of a collector or arterial classification designated on the Official Roadway Classification Map. The major point of vehicular access to and from the lands shall be provided by this collector or arterial road.
 - d. Any retail business conducted on the premises shall be primarily for the use of the guests of the center, and there shall be no entrances directly from the road to such businesses, and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.
 - e. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and

receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

2. In the MB zone the conference center and all associated structures and uses, unless proven to be water dependent, shall be located outside of the Buffer.
3. In the M2 zone the conference center shall be clearly accessory to a permitted industrial use. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.
4. In the NAR, SAR, SR, DR, BG, BI, MB, M1 and M2 zones, conference centers may provide food and beverages (both non-alcoholic and alcoholic) to guests of the center attending functions, meetings, conferences and other events at the facility. Service of food and beverages shall only be provided to guests of the center and not to the general public. Conference centers in the NAR, SAR, SR, and DR zones that have received special exception approval previous to the enactment of this language, will need to obtain Board of Appeals approval to provide alcoholic beverages to their guests.
5. All conference center structures in which alcoholic beverages are being served to guests and areas where alcoholic beverages are being consumed by guests shall be located a minimum of 1,000 feet from any structure on an adjoining parcel that is being used as a hospital, church or school or facility that serve youth.

(Amended 3/7/06)

Section 86. Hotels (3.08.000)

1. Hotels shall be permitted in the M1 zone provided:
 - a. The parcel on which the hotel is to be located is part of a business park or industrial park.
 - b. It contains at least fifty (50) rooms, and either a standard restaurant or meeting facilities of at least 5,000 square feet.
 - c. It serves primarily as an accessory use to those businesses in the business/industrial park.
2. Hotels shall be permitted in the MB zone provided the hotels do not exceed 15 rooms.
3. Hotels may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, RM, and MH zones as a special exception provided:
 - a. Hotels do not exceed ten (10) rooms; and
 - b. Access is directly from a collector or arterial road; and
 - c. A bufferyard meeting the “D” standard of appendix B is provided between the Hotel, its parking area and all property lines; and
 - d. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Section 87. Motels (3.09.000)

1. Motels shall be permitted in the MB zone provided the motels do not exceed fifteen rooms.
2. Motels may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, RM, and MH zones as a special exception provided:

(Amended 9/7/04)

- a. Motels do not exceed ten (10) rooms; and
- b. Access is directly from a collector or arterial road;
- c. A bufferyard meeting the “D” standard of appendix B is provided between the motel, its parking areas and all property lines; and
- d. All outdoor storage and refuse areas shall be fenced or screened from view; and
- e. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Part IV Institutional Uses

Section 88. Schools, Private (4.01.100)

Private schools, including elementary and secondary schools, including pre-school, kindergarten, as well as colleges, universities, community colleges, including associated facilities such as dormitories, offices, buildings, athletic fields, etc., shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and OS zones provided:

1. That such use can and will be developed in conformity with the following area, density, building coverage, frontage, setback, access, and screening requirements, where specified:
 - a. Minimum lot area, street frontage, and lot line setbacks shall be specified in a major site plan of development approved by the Office of Planning and Zoning, provided that in no event shall such standards be less than the area regulations for the zone in which the private school is proposed to be located; and
 - b. Building coverage and screening shall be specified in a Major Site Plan of development approved by the Office of Planning and Zoning; and
2. The requirements of subsection 1. above shall not apply to the use of any lot or tract of land for any private educational institution or parochial school that is located in a building or on premises owned or leased by any church or religious organization.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 89. Trade and Vocational Schools (4.01.200)

Trade or vocational schools shall be permitted in the MB zone provided that the educational training is associated with maritime activities.

Section 90. Private Clubs (4.04.000)

Private clubs shall be permitted in the M1 and M2 zones provided:

1. They are accessory to a permitted use, and
2. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive,

Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 91. Hospitals (4.05.100)

Hospitals and other inpatient medical facilities, including mental health treatment facilities, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones provided:

1. The minimum site area shall be five (5) acres
2. The minimum street frontage shall be 200 feet
3. All structures shall be located at least 200 feet from any adjacent residential lot line and 50 feet from any other use.
4. All parking areas shall be located at least 50 feet from any adjacent residential lot.
5. Accessory uses may include recreational and educational services, therapy areas, retail stores, personal and professional services, and health services.
6. A minimum of twenty (20) percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents, and protective of natural features.
7. Building height limit shall be as determined by the Board of Appeals but in no case more than 100 feet.
8. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 92. Nursing Care Facility (4.05.200)

Nursing care facilities may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH and RM zones and shall be permitted in the BG and BI zones provided that:

1. The minimum lot size is one (1) acre.
2. All structures shall be located at least one hundred (100) feet from adjacent residential property lines.

3. A road front bufferyard meeting the Bufferyard standard C in Appendix B shall be provided.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 93. Cemeteries (4.06.120)

Cemeteries, not located on church grounds, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided a buffer meeting Bufferyard standard C in Appendix B is provided between any burial plot and all lot lines.

Section 94. Crematorium (4.06.200)

Crematoriums may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided:

1. Bufferyards shall be required by the Board of Appeals to adequately separate this use from adjacent uses or properties in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce impacts of noise, odor, or danger from fires or explosions.
2. This use is only permitted when in conjunction with a funeral home or cemetery.
3. Any crematorium shall be located at least two hundred (200) feet from any residential lot line.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Part V Recreation, Amusement, Entertainment Uses

Section 95. Indoor Recreation (5.01.000)

Indoor recreation, for example bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses shall be permitted in the M1 and M2 zone provided the use is primarily for the benefit of employees working in the area. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and

receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 96. Theater - Drive-in (5.01.200)

Theaters - drive-in, open air theaters, and amphitheaters shall be permitted as Special Exceptions in the BG and BI zones provided:

1. The picture face of the screen shall be so located that the picture will not be visible from adjacent roads and dwellings.
2. The screen shall be set back not less than two hundred (200) feet from all property lines.

Section 97. Indoor Rifle or Pistol Ranges (5.01.300)

Indoor rifle or pistol ranges may be permitted as a Special Exception in the BL, BG, BI, M1 and OS zones provided that such range is constructed in such a manner as to eliminate all danger to people and property from flying projectiles.

Section 98. Off-Track Betting (5.01.400)

Off-track betting shall be permitted in the BG, BI and OS zones provided no such establishment is located nearer than 1,000 feet to any principal structure used as a house of worship, school, hospital, or similar institution for human care.

Section 99. Coliseums and Stadiums (5.01.500)

Coliseums and stadiums may be permitted as a Special Exception in the BG, BI and M1 zones provided:

1. The principal vehicular access for the use is located on an arterial street or collector street and is not located on a local street.
2. The use does not draw vehicular traffic to or through local streets adjacent to residential areas.
3. The use is located at least 200 feet from any residential zone.
4. Adequate reservoir space for stacking of vehicles is located at the vehicular entrance, and sufficient vehicular entrances and exits are provided to prevent traffic congestion.
5. Automobile parking spaces are not located within a required setback area and are at least 50 feet from any lot line.

Section 100. Privately-Owned Outdoor Recreation Facilities (5.02.000)

Outdoor recreation facilities such as golf and country clubs, swimming or tennis clubs, not constructed as part of a residential development project, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, and RM zones provided:

1. The provision of food, refreshments, and entertainment may be allowed in connection with such use.
2. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
3. A bufferyard meeting the C standard in Appendix B shall be provided adjoining single-family zoning or uses not part of the golf course development.
4. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.
5. Driving ranges shall be located at least 300 feet from any residential or commercial property line or right-of-way line of any road.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas developed for club houses, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 101. Campgrounds and Recreational Vehicle Parks (5.05.000)

Campgrounds and recreational vehicle parks may be permitted as a Special Exception in the NAR, SAR and MH zones provided:

1. The maximum density does not exceed twenty (20) campsites per acre.
2. Each camp shall make available an adequate potable water supply and a sewage disposal system at such locations and of such construction as may be required by the Cecil County Health Department.
3. Each camp shall provide facilities for sanitary and health purposes in accordance with Health Department requirements.
4. A minimum of thirty (30) percent of the total camp area shall be reserved for open space. For campgrounds in the Critical Area, a minimum of sixty (60) percent open

space shall be provided. Open space areas shall not include areas required for individual campsites, roads, or service areas.

5. Garbage and trash collection stations shall be provided in such numbers and at such locations so as to provide for the convenient and sanitary storage and collection of garbage and trash.
6. Each park shall provide such fire protection equipment as may be required by the County or State Fire Marshall.
7. Interior roadways serving individual campsites in campgrounds shall be a minimum of twenty (20) feet in width and interior collector roads shall be a minimum of forty (40) feet in width. All roads shall be constructed of a durable surface to adequately serve all campsites.
8. All sites shall be setback a minimum of fifty (50) feet from adjacent property lines and State and County roads in the MH zone and one hundred (100) feet in the NAR and SAR zones. All sites shall be set back twenty (20) feet from all interior roads.
9. All campgrounds shall be surrounded by a bufferyard meeting the C standard in Appendix B. Existing natural vegetation, if appropriate, may be utilized to satisfy this requirement.
10. Each site shall contain a stabilized parking pad of shell, marl, paving, or other suitable material. No part of any unit placed on a campground site shall be closer than five (5) feet to a site line. Exposed ground surfaces in all parts of the campground shall be paved, or covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
11. There shall be at least three (3) off-street parking spaces designated for each two campground sites. Such parking may be provided in common areas or on individual sites.
12. All campgrounds, including all facilities, roadways, and landscaping thereon shall be maintained in a neat, orderly and attractive appearance.
13. Commercial uses are permitted, but shall be limited to grocery stores and laundry establishments to serve the users of the campground. No such commercial establishment shall be larger than five (5) square feet for each campsite and such establishments shall be shown on the approved site plan.
14. A major site plan shall be submitted to and approved by the Office of Planning and Zoning in accordance with Section 291.

15. No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp or campground permitted under this Ordinance for a period longer than 100 days in succession or for a total of more than 150 days within any one calendar year.
16. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas for camp buildings, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 102. Festivals or Events (5.06.000)

Festivals or events may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BG, BI, MB and OS zones provided:

1. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
2. No temporary sanitary facility or trash receptacle may be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
3. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
4. Seasonal business uses shall not exceed a total of 180 days in any 12 consecutive months.
5. Activity areas shall be at least 500 feet from a residential district.
6. A minimum of one parking space shall be provided for every 500 square feet of ground area of the total site.

Section 103. Automobile and Motorcycle Racing Tracks (5.07.000)

Automobile and motorcycle racing tracks may be permitted as a Special Exception in the BI, M2, and MEA zones provided:

1. Any lot, parcel, or tract used for this purpose shall not be less than twenty-five (25) acres for motorcycle racing and seventy-five (75) acres for automobile racing.
2. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.
3. Bufferyards meeting the E standard shall be required to screen this use from adjacent uses or properties.

4. The Board of Appeals may determine the hours of operation as appropriate.
5. Access shall be from an arterial or collector road.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 104. Go Cart Track (5.08.000)

Go cart tracks shall be permitted in the BG and BI zones provided:

1. No structure or enclosed racing area shall be located within 500 feet of any residential lot line.
2. Bufferyards meeting the E standard shall be required to screen this use from adjacent uses or properties.
3. Access shall be from an arterial or collector road.

Section 105. Amusement Parks (5.09.000)

Amusement parks may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BG and BI zones provided:

1. The principal access shall be provided from an arterial or collector road.
2. Separate vehicular entrances and exits shall be provided at least four hundred (400) feet away from any road intersection.
3. No buildings or structures including rides or other apparatus shall be located less than fifty (50) feet from any parcel boundary, or less than two hundred (200) feet from any adjacent residential lot.
4. No automobile parking space shall be located within any required setback area, nor within fifty (50) feet of any adjacent residential lot.
5. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 106. Golf Courses, Public (5.10.000)

Public golf courses, including associated driving ranges may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM and OS zones provided:

1. The provision of food and refreshments may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets.
2. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
3. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to residential districts or uses.
4. Vehicular access shall be derived from an arterial street.
5. A bufferyard meeting the C standard in Appendix B shall be provided adjacent to the pro-shop/office and parking areas when said facilities are located adjacent to residential districts.
6. A bufferyard meeting the C standard in Appendix B shall be provided adjoining residential districts not part of the golf course development.
7. Off-street parking and loading areas, golf tees, and maintenance facilities shall be screened by a bufferyard meeting the B standard in Appendix B at a minimum.
8. Driving ranges shall be located at least 300 feet from any property line or right-of-way line of any road unless perpendicular to, and hitting from said lines.
9. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation (around areas developed for club houses, or other structures, roads and/or buildings) as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 107. Golf Driving Ranges, not part of a golf course (5.11.000)

Golf driving ranges not part of a golf course shall be permitted in the BG and BI zones and may be permitted as a Special Exception in the OS zone, provided the driving range shall be located at least 300 feet from any property line or right-of-way line of any road unless perpendicular to, and hitting from said lines.

Section 108. Rifle and Pistol Ranges, War Games, Archery Ranges, Skeet Shooting Ranges, or Other Recreational Weapons, Outdoor (5.13.000)

Outdoor rifle and pistol ranges, war games, archery ranges, skeet shooting ranges, or other recreational weapons ranges may be permitted as a Special Exception in the NAR, SAR, BG BI and OS zones provided:

1. Such use shall not be located nearer than 1,000 feet to the boundary of any residential, commercial or industrial zone or nearer than 1,000 feet to any residence.
2. Ranges shall be designed to insure the safety of users and passers-by.

Section 109. Swimming Pool, Commercial (5.14.000)

A commercial swimming pool, including accessory buildings, shall be permitted in the BG, BI and MB zones, and may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, DR, MH and RM zones provided:

1. The minimum area shall be one acre.
2. A commercial swimming pool in the MB zone shall be accessory to a marina.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Part VI Emergency Services Uses

Section 110. Fire Stations with Assembly Hall (6.02.000)

Fire stations with assembly hall may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones provided:

1. The proposed site is large enough to accommodate peak parking demand.
2. That such use will not adversely affect the present character or future development of the surrounding residential community.

Part VII Public and Semi-public Facilities

Section 111. Airports (7.02.000)

Airports may be permitted as a Special Exception in the NAR, SAR, SR, BI, M1, M2, and OS zones provided:

1. A satisfactory airspace analysis by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA) for operation under visual flight rules shall be submitted with the permit application.
2. Landing areas for rotary wing aircraft shall be designed to comply with the Airport Design Guide of the FAA and MAA.
3. Each landing, takeoff and utility area used by self-powered aircraft is provided with a dustproof surface.
4. Each structure or area used for servicing or storing aircraft is located at least:
 - a. 200 feet from any residential property line.
 - b. 1,000 feet from any public or private institution.
5. Parking of vehicles is not permitted within 100 feet of a property line.
6. Appropriate airport accessory uses such as restaurants, snack bars, automobile rental agencies, airline business offices, and service facilities, but not manufacturing uses, may be permitted within the terminal building.
7. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 112. Helicopter Facilities (7.03.000)

Helicopter facilities may be permitted as a Special Exception in the NAR, SAR, BG, BI, M1, M2 and OS zones provided:

1. The facility meets the standards of the Federal Aviation Agency and the Maryland Aviation Administration.
2. The landing areas to be used by helicopters are provided with a dustproof surface.

3. Parking of vehicles is not permitted within the setback requirements for the district in which the facility is located.
4. In all heliports, the housing and repair of helicopters and all structures or facilities used to house and repair helicopters are located at least:
 - a. 50 feet from any property line, and
 - b. 200 feet from any dwelling or public or private institution.
5. Each heliport facility is surrounded by a sturdy and well-constructed fence or by dense planting at least six feet in height, with a suitable gate effectively controlling access to the area.
6. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 113. Prisons (7.04.000)

Prisons may be permitted as a Special Exception in the M1, M2 and OS zones provided:

1. The applicant shall demonstrate the ability to maintain the safety of the residents in the surrounding neighborhood.
2. Bufferyards meeting the E standard in Appendix B shall be provided as required along the perimeter of the property.

Part VIII Utilities

Section 114. Electric Power, Gas Transmission and Telecommunications Buildings and Structures (8.02.000)

Electric power, gas transmission and telecommunications buildings and structures, including substations, shall be permitted in all zones provided:

1. Public utility buildings, whenever practicable, shall have the exterior appearance of residential buildings when in a residential zone and shall have suitable landscaping, screen planting, and fencing.
2. Examples of electric power, gas transmission and telecommunication buildings and structures are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices.

Section 115. Communication Towers (8.04.000)

Communication towers may be permitted as a Special Exception in the NAR, SAR, SR, TR, DR, MH, and RM zones and shall be permitted in the BG, BI, M1 and M2 zones provided:

- 1.** Except in the NAR & SAR zones, the proposed tower shall have a setback of one foot from all property lines for every foot of height of the tower and associated antennae. Upon a showing by the applicant that the proposed tower is structurally engineered in such a manner that a reduced fall zone is adequate, the Board of Appeals may reduce the setback to no less than one half (1/2) the height of the proposed tower. Such a showing must be based on the written testimony of a structural engineer or other qualified professional.

In the NAR & SAR zones, the proposed tower shall have a setback of three times the height of the tower from the nearest principal roadway and a setback of one foot from all other property lines for every foot of height of the tower. New towers shall be built at the lowest height possible that will still allow for co-location and will not necessitate the construction of additional towers to achieve the same service coverage objectives.

- 2.** The applicant shall demonstrate that a diligent effort has been made to locate the proposed communication facility on an existing structure or in a non-residential zoning district, and that due to valid considerations, including physical constraints and economic or technical feasibility, or other appropriate location is available. An alternatives analysis prepared by the applicant shall address the following:
 - a.** all reasonably feasible alternative locations or facilities that would provide the proposed communication service;
 - b.** an analysis indicated whether an existing facility can be structurally modified to accommodate the applicant's proposed use and coverage;
 - c.** the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area;
 - d.** the rationale for the selection of the proposed site in view of relative merits of any feasible alternatives;
 - e.** a system design plan that shall include:
 - i.** radio frequency parameters;
 - ii.** tower height;
 - iii.** number of antennas that the proposed tower can accommodate at capacity;
 - iv.** radio frequency output; and
 - v.** effective radiated power and azimuth antenna type.
 - f.** demonstration of a good faith effort to co-locate with other carriers including a survey of all existing structures that may be reasonable for co-location and contacts with other service providers in the County.

The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the applicants network, an evaluation of existing structures taller than 50 feet, and communication towers,

electrical transmission towers, and water towers within a one-half mile radius of the proposed tower, aerial and ground photographs of the site and surrounding areas, elevation drawings of all equipment and storage buildings on the property, and the color and building materials to be used on the proposed telecommunication facility.

3. New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical, or physical reasons. Unless co-location has been determined to be infeasible, the Plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.
4. Where feasible, the tower shall be situated within or adjacent to mature tree growth and under story vegetation that provides an effective year round visual buffer and should only be considered elsewhere on the property when technical or aesthetic reasons indicate there are no other preferable locations. Ground level equipment and buildings and the tower base shall be screened from public streets and residentially zoned properties. Ground level equipment buildings shall be constructed of either masonry or wood with either wood, vinyl, reinforced concrete, or other good quality siding material.
5. Communication Towers shall be gray or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
6. No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.
7. A Communication Tower that is no longer in use shall be removed from the site within six (6) months of the date that the uses cease.

Part IX Commercial Service Uses

Section 116. Commercial Service Establishments Less Than 5,000 Square Feet (9.01.000)

1. Commercial service establishments less than 5,000 square feet in floor area shall be permitted in the MH zone provided:
 - a. The commercial service establishment is located in a manufactured home park.
 - b. The floor space does not exceed 10 square feet per permitted manufactured home.
 - c. No establishment shall be larger than 1,000 square feet.

- d.** The BL zone portion of the Table of Permissible Uses shall apply to business uses in a manufactured home park.
 - e.** The number and location of such establishments is shown on the approved plat or site plan.
 - f.** The requirements of the BL zone shall apply to business uses in a manufactured home park.
- 2.** Commercial service establishments less than 5,000 square feet in floor area shall be permitted in the RM zone provided:
 - a.** The gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the development and no individual establishment shall exceed 1,000 square feet.
 - b.** Business uses shall only be approved under these provisions for developments approved after the adoption of this Ordinance.
 - c.** The BL zone portion of the Table of Permissible Uses shall apply to business uses in a development in the RM zone.

- d. The requirements of the BL zone shall apply to business uses in a development in the RM zone.
 - e. No business establishment in a RM zone shall have direct access onto a major collector roadway or arterial roadway as defined on the Official Cecil County Roadway Classification Map.
 - f. Where such business uses are located in apartment buildings, they shall be limited to the first floor of such buildings, and shall not be permitted in more than one building on the development tract.
 - g. Business Establishment Phasing
 - (1) Any portions or parcels of a development in the RM zone designated for business uses shall be shown as such on the site plan to be reviewed.
 - (2) No business establishment shall be permitted to operate until twenty-five percent (25%) of the residential units are constructed.
3. Commercial service establishments less than 5,000 square feet shall be permitted in the MB zone provided the commercial establishments are clearly accessory to a permitted use and the uses are located outside of the Buffer.
4. Commercial service establishments less than 5,000 square feet shall be permitted in the M1 and M2 zones provided that:
- a. The establishments are designed to serve employees of industrial sites in the immediate vicinity.
 - b. The commercial establishments are clearly accessory to a permitted use.
 - c. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 117. Commercial Service Establishments Greater than 5,000 square feet (9.02.000)

Commercial service establishments greater than 5,000 square feet shall be permitted in the MB zone provided that the commercial service is associated with watercraft.

Section 118. Office Building, Class A (9.03.100)

Office buildings, Class A shall be permitted in the M2 zone provided it is accessory to a permitted use. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 119. Office Building, Class C (9.03.300)

Office Buildings, Class C, may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR, MH and RM zones provided:

1. The maximum floor area for office use is less than 3,000 square feet.
2. The maximum sign area shall be three (3) square feet.

Section 120. Banks, Drive-in (9.04.000)

Drive-in banks shall be permitted in the BL, BG and BI zones provided:

1. Entrances and exits to drive-in banks shall be located at least fifty (50) feet from adjacent intersections.
2. Drive through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to building or to off-street parking spaces otherwise required on the site.
3. Adequate spaces for stacking (line-up) at drive through facilities shall be provided.
4. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

Section 121. Health Club (9.06.000)

Health clubs shall be permitted in the M1 and M2 zones, provided:

1. The Health Club is designed to serve employees of industrial establishments in the immediate vicinity.
2. The health club is clearly accessory to a permitted use.

Section 122. Funeral Parlors (9.08.000)

Funeral parlors or undertaking establishments may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, and DR zones provided:

1. No cremation will occur on site.
2. The grounds and exterior of all buildings shall be kept and maintained in conformity with the prevailing standards of the community.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 123. Animal Hospitals (9.09.000)

Animal hospitals may be permitted as a Special Exception in the NAR and SAR zones and shall be permitted in the BL and BG zones provided:

1. Outdoor animal boarding places shall be located at least 100 feet from any street or the nearest property line, and
2. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Part X Commercial Retail and Wholesale Uses

Section 124. Commercial Retail Establishments Less Than 5,000 Square Feet (10.01.000)

1. Commercial retail establishments less than 5,000 square feet in floor area shall be permitted in the MH zone provided:
 - a. The commercial retail establishment is located in a manufactured home park.
 - b. The floor space does not exceed 10 square feet per permitted manufactured home unit.
 - c. No establishment shall be larger than 1,000 square feet.

- d. The BL zone portion of the Table of Permissible Uses shall apply to business uses in a manufactured home park.
 - e. The number and location of such establishments is shown on the approved plat or site plan.
 - f. The requirements of the BL zone shall apply to business uses in the manufactured home park.
2. Commercial retail establishments, less than 5,000 square feet in floor area shall be permitted in the RM zone provided:
- a. The gross floor area of such establishments does not exceed ten (10) square feet for every dwelling unit approved in the development and no individual establishment shall be larger than 1,000 square feet.
 - b. Retail uses shall only be approved under these provisions for developments approved after the adoption of this Ordinance.
 - c. The BL zone portion of the Table of Permissible Uses shall apply to business uses in a development in the RM zone.
 - d. Where such business uses are located in apartment buildings, they shall be limited to the first floor of such buildings, and shall not be permitted in more than one building on the development tract.
 - e. The requirements of the BL zone shall apply to business uses in the RM zone.
 - f. The location of such establishments is shown on the approved plat or site plan.
 - g. Business Establishment Phasing
 - (1) Any portions or parcels of a development in the RM zone designated for business uses shall be shown as such on the site plan to be reviewed.
 - (2) No business establishment shall be permitted to operate until twenty-five percent (25%) of the residential units are constructed.
3. Commercial retail establishments less than 5,000 square feet shall be permitted in the MB zone provided the commercial establishments are clearly accessory to a permitted use and are located outside of the Buffer.

4. Commercial retail establishments less than 5,000 square feet shall be permitted in the M1 and M2 zones provided that:
 - a. The establishments are designed to serve employees of industrial sites in the immediate vicinity.
 - b. The commercial establishments are clearly accessory to a permitted use.

Section 125. Commercial Retail Establishments Greater than 5,000 square feet (10.02.000)

Commercial retail establishments greater than 5,000 square feet shall be permitted in the MB zone provided that the commercial retail is associated with watercraft.

Section 126. Adult Bookstore and/or Entertainment Center (10.03.000)

Adult bookstore and/or entertainment center may be permitted as a Special Exception in the BG and BI zones provided that no such establishment shall be nearer than 1,500 feet to any principal structure used as a house of worship, school, hospital, or similar institution for human care.

Section 127. Alcoholic Beverage Sales/Liquor Store (10.04.000)

Alcoholic beverage sales and/or liquor stores may be permitted as a Special Exception in the BL and MB zones and shall be permitted in the BG and BI zones provided that no such establishment is located nearer than 1,000 feet to any principal structure used as a hospital, house of worship, or school.

Section 128. Antique Shops (10.05.000)

Antique shops may be permitted as a Special Exception in the NAR, SAR, RR, SR, TR, VR, DR and MH zones in an existing building or part of an existing building provided:

1. The original character of the building be maintained.
2. Signs shall be limited to an identification sign with a maximum area of three (3) square feet.

Section 129. Auction Houses (10.06.000)

Auction houses may be permitted as a Special Exception in the NAR, SAR and OS zones provided that the products offered at auction are limited to farm animals, agricultural products and/or agricultural machinery. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant

must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 130. Shopping Center (10.11.000)

Shopping centers shall be permitted in the BL, BG and BI zones, provided that:

1. A traffic impact study is submitted with the site plan for the shopping center.
2. The shopping center will provide establishments of integrated and harmonious design, together with adequate and properly arranged traffic and parking activities and landscaping which will be attractive, efficient, convenient, pleasant, and safe, and which will fit harmoniously into, and will have no adverse impact upon the adjoining and surrounding development.

Section 131. Restaurants, Standard (10.12.100)

1. Standard restaurants shall be permitted in the M1 and M2 zones provided the restaurant is designed to serve employees of industrial establishments in the immediate vicinity. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.
2. Standard Restaurants shall be permitted in the MB zone provided:
 - a. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the C standard in Appendix B.
 - b. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
 - c. It shall be located outside of the Buffer.
3. Standard restaurants may be permitted in the NAR, SAR, RR, SR, DR, TR, VR, MH and RM zones as a special exception provided:
 - a. Access is directly from a collector or arterial road; and
 - b. A bufferyard meeting the D standard of appendix B is provided between the restaurant, its parking area, and all property lines; and
 - c. All outdoor storage and refuse areas shall be fenced or screened from view; and
 - d. Lighting shall be designed and controlled so that any light source, including interior of structure, shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.

Section 132. Restaurants, Carry-Out/Delivery (10.12.200)

1. Carry-out/delivery Restaurants shall be permitted in the M1 and M2 zones, provided the restaurant is designed to serve employees of industrial establishments in the immediate vicinity. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

2. Carry-out/delivery Restaurants shall be permitted in the MB zone if the restaurant is an accessory use in a marina and provided:
 - a. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the C standard in Appendix B.
 - b. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.
 - c. It shall be located outside of the Buffer.

Section 133. Restaurants, Drive-thru or Fast Food (10.12.300)

Drive-in/drive thru restaurants shall be permitted in the BG and BI zones provided:

1. Not more than two such establishments shall be located at an intersection and ingress and egress to such establishments shall be located at least 150 feet from an intersection.
2. The ingress and egress of such establishments to or from a collector or arterial highway shall not be located nearer than 1,000 feet to each other in any direction, except at intersections and except where such establishments may be on opposite sides of a divided highway.
3. When such use abuts a residential zone or institutional premises the use shall be screened by a bufferyard meeting the D standard in Appendix B.
4. Drive through lanes shall be marked with distinctive pavement markings and/or special striping.
5. Adequate spaces for stacking (line-up) at drive through facilities shall be provided.
6. Vehicular access shall not be by means of any street internal to a subdivision for single-family dwellings.

Section 134. Taverns (10.12.400)

Taverns shall be permitted in the BL, BG, BI and MB zones provided that no such establishment is located nearer than 1,000 feet to any principal structure used as a hospital, church, or school and shall be accessory to a standard restaurant in the MB zone and must be located outside the Buffer insofar as possible.

Part XI Motor Vehicle Related Sales and Service Uses

Section 135. Motor Vehicle Filling Station (11.02.000)

Motor vehicle filling stations shall be permitted in the BL, BG and BI zones, provided:

1. Pump location:
 - a. Each pump shall be at least 30 feet from any street line and 50 feet from any residential property line.
 - b. No canopy over a pump island shall project within 15 feet from a street line.
2. In the BL zone the gasoline sales shall be accessory to a permitted use and no service, repair or storage of motor vehicles shall take place on the premises.
3. Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine into residential structures.
4. Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design.
5. The establishment shall provide a minimum of three (3) spaces for each grease rack or working bay, plus one (1) space for each employee on duty, plus a separate parking space for each accessory vehicle, such as tow trucks.
6. A motor vehicle filling station shall only be permitted if all adjoining properties adjacent to the filling station are served by public water.

Section 136. Motor Vehicle Rental (11.03.000)

Motor vehicle rentals shall be permitted in the MB zone provided:

1. The rentals are accessory to a marina, and
2. The number of motor vehicles located in a marina and offered for rent is limited to five (5).

Section 137. Motor Vehicle Repair and Maintenance (11.04.000)

Motor vehicle repair and service shops shall be permitted in the BL zone provided that:

1. No abandoned vehicles are kept on the property.

2. No more than five (5) vehicles shall be kept outdoors at any one time pending repair unless fully screened from the road and adjacent properties.
3. No auto bodywork or painting shall be permitted.

Section 138. Salvage Yards (11.05.000)

Salvage yards may be permitted as a Special Exception in the NAR, SAR and BG zones and shall be permitted in the M2 zone provided:

1. The parcel on which the use is situated shall be enclosed with a continuous fence or evergreen shrubbery screen, as approved by the Office of Planning and Zoning. Existing evergreen vegetation may be used as the shrubbery screen, provided that no activities of said salvage yard are visible from any roadway or adjacent property.
2. In the NAR, SAR or M2 zones, no inoperable or operable vehicles or vehicle parts shall be located outside the fence or evergreen shrubbery screen.
3. In the BG zone no inoperable vehicles or vehicle parts shall be located outside the fence or evergreen shrubbery screen. For the purposes of this section an operable vehicle is able to be driven off the lot under its own power.
4. There shall be no stacking of vehicles, one upon the other, and any materials shall not be stacked or piled so as to reach a height of six (6) feet or greater.
5. Burning of junk shall only be permitted in the M2 zone provided that the applicable Health Department permits are received.
6. No materials or refuse shall be collected, accumulated or stored within twenty-five (25) feet of any lot line or right-of-way line. All materials or refuse shall be located within the fence or evergreen shrubbery screen.
7. All fluids (oil, gasoline, transmission fluid, windshield washer fluids, etc.) and batteries from the salvaged vehicles shall be removed from said vehicles and disposed or recycled according to the Maryland Department of the Environment prior to dismantling and/or storage of the vehicle.
8. New salvage yards shall be permitted on parcels ten (10) acres or larger. Existing salvage yards on parcels less than ten (10) acres shall be considered a non-conforming use.
9. New salvage yards shall be required to submit a Site Plan in accordance with Section 291.

10. Expansions of existing salvage yards shall be required to submit a Site Plan in accordance with Section 291.
11. **Salvage Yard License Required.** The proprietor of any proposed or existing salvage yards shall be required to obtain a Salvage Yard License from the Office of Planning and Zoning. Salvage Yard Licenses shall be renewed every two (2) years. Salvage Yard Licenses issued under the previous Zoning Ordinance shall be renewed within one year of the date of the last renewal and every two (2) years thereafter. Salvage Yard Licenses shall not be issued to those salvage yards not in compliance with items 1-7 above. Salvage Yard Licenses may be revoked by the Office of Planning and Zoning if the salvage yard is not in compliance with items 1-7 above. Salvage yards shall not operate without a valid Salvage Yard License and any salvage yard operating as such shall be issued a Stop Work Order by the Office of Planning and Zoning. In determining whether or not to issue a Salvage Yard License, the Office of Planning and Zoning may require any information as necessary from the Salvage Yard proprietor to determine compliance with this Ordinance. Inspectors from the Office of Planning and Zoning may inspect any salvage yard at any reasonable time to ensure compliance with the provisions of this Ordinance.
12. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 139. Towing Services (11.06.000)

Towing services shall be permitted in the BG, BI and M1 zones provided:

1. Any automobile and light truck storage is enclosed with a continuous fence or evergreen shrubbery so that storage is not visible from roads or adjoining properties.
2. The lot may not be used for the permanent storage of junked cars.

Section 140. Travel Trailer (11.07.000)

Travel trailers may be permitted as a temporary residence in the NAR, SAR, and MH zones provided that the travel trailers are located within a legally existing campground.

Section 141. Storage Trailer Facility (11.09.000)

Storage trailer facilities shall be permitted in the BG, BI and M2 zones provided the trailers are not located in the required bufferyards. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant

must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 142. Bus Storage (11.10.000)

Bus storage may be permitted as a Special Exception in the NAR and SAR zones provided:

1. The lot that the storage is located on must be at least five (5) acres or larger.
2. Bufferyards meeting the C standard of Appendix B shall be provided at property boundaries.
3. No materials or vehicles shall be collected, accumulated, or stored within one hundred (100) feet of any front property line or within fifty (50) feet of any side or rear property line.
4. Any maintenance of these vehicles must be within the prescribed areas above, and should be done in a manner which does not create a nuisance to adjoining property owners.
5. Fuel storage of any kind shall be done in a manner which has been approved by all Federal, State, and Local Regulating authorities (i.e., EPA, Fire Marshall, Environmental Health).
6. Storage of unlicensed vehicles is prohibited.
7. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Part XII Industrial Uses

Section 143. Light Industrial Use (12.01.200)

Light industrial uses may be permitted as a Special Exception in the NAR and SAR zones provided that:

1. There is no outdoor storage.
2. The minimum parcel size shall be ten (10) acres.
3. The minimum building setbacks for front, rear and sides shall be three hundred (300) feet. Side and rear setbacks may be reduced to fifty (50) feet when adjacent to a

business or industrial zone. Front setbacks off of internal roads shall be 50 feet. Principal buildings shall be separated by at least one hundred (100) feet. Setbacks for parking areas shall be one hundred (100) feet from all residential zones and existing roadways.

4. The maximum building coverage of the entire site is twenty-five (25) percent.
5. The maximum height of the buildings shall be seventy-five (75) feet.
6. A minimum of thirty (30) percent of the development envelope shall be landscaped in accordance with Article X. The landscaping shall include screening to insure that loading and unloading activities are not visible from any public road or street.
7. All new distribution utility lines shall be underground except relocation of existing lines.
8. Bufferyards meeting the D standard of Appendix B shall be provided at property boundaries and street trees shall be provided in accordance with Article X.
9. The lot on which the facility is located and the principal entrance(s) for employees and for shipping and receiving are located in a controlled access or major arterial highway as proposed in the Comprehensive Plan (U.S. 40, U.S. 301, MD 213, and MD 273) or on the following other major highways: MD 222, MD 272, MD 274, MD 275, MD 276, MD 279, and MD 316.
10. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 144. Sawmills (12.05.000)

Sawmills may be permitted as a Special Exception in the NAR and SAR zones provided:

1. No saw or other machinery shall be less than 300 feet from any lot or street line.
2. All power saws and machinery will be secured against tampering or locked when not in use.
3. Such a use shall be for a period of three years only, subject to renewal.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive,

Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 145. Winery (12.06.000)

Wineries shall be permitted in the NAR, SAR, RR, SR, DR, VR, TR, MH, and RM zones provided:

1. The winery is accessory to a vineyard; and
2. Access is not derived from an internal street of a subdivision; and
3. Adequate off street parking is provided. Parking shall be adequately screened from adjacent properties; and
4. The facility may provide food and beverages at events such as wine tastings, weddings, business meetings and conferences; and
5. No type of advertising for the winery shall be carried out on the property except one (1) sign identifying the winery, limited to sixteen (16) square feet in size.

Section 146. Concrete and Asphalt Plant (12.08.000)

Concrete and asphalt batching plants shall be permitted in the M2 and MEA zone, provided:

1. Operation structures shall not be erected and storage of materials shall not take place within two hundred (200) feet of any property line or one hundred (100) feet to the right-of-way of any road.
2. The setback from property line shall not apply if the adjoining lot is being used for heavy industry or mineral extraction.
3. A bufferyard meeting the E standard in Appendix B shall be provided between the operation structures and any right-of-way of any road.
4. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 147. Mini-Storage (12.12.000)

Mini-storage shall be permitted in the BG and BI zones provided:

1. No activities other than the dead storage or transfer of non-volatile goods or leasing of storage space are permitted.
2. A bufferyard meeting the D standard of Appendix B shall be provided at property boundaries when adjoining properties used or zoned for residential purposes.
3. A bufferyard meeting the C standard of Appendix B shall be provided at property boundaries when adjoining properties used or zoned for other than residential purposes.

Section 148. Non-Automotive Fuel Sales or Storage (12.13.000)

Non-automotive fuel sales shall be permitted in the BG, BI, M1 and M2 zones provided:

1. All storage tanks are setback 300 feet from all property lines.
2. The sale of kerosene or propane shall be permitted as an accessory use at motor vehicle filling station and all pumps shall be setback according to the motor vehicle filling stations requirements.
3. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 149. Research and Development Facilities (12.14.000)

Research and development facilities and laboratories without processing of materials may be permitted as a Special Exception in the NAR, SAR, SR, TR and DR zones provided:

1. The site area shall be ten (10) acres.
2. Structures erected or to be used shall not be less than 100 feet from any external property line.
3. Such uses shall be confined to a structure(s).
4. Off-street parking shall not be less than 100 feet from an external property line.
5. Goods or products are manufactured or processed only to the extent necessary for testing, evaluation, and test marketing to reach a commercialization decision and permit safe transfer to full manufacturing facilities.
6. A bufferyard meeting the C standard in Appendix B shall be required at property boundaries that adjoin a residential use and roadways.
7. If this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 150. Petroleum Products Recycling Facilities (12.15.200)

Petroleum products recycling may be permitted as a Special Exception in the M2 zone provided that any recycling structures or tanks storing fuel are setback five hundred (500) feet from any residential or commercial property line or right-of-way line of any road. Further, if this use is to be located in the Resource Conservation Area (RCA) of the Cecil County Chesapeake Bay Critical Area the applicant must apply for, and receive, Growth Allocation as described in Article XI, Part I of this Ordinance prior to any approvals.

Section 151. Hazardous Waste Recycling Facility (12.15.300)

Hazardous waste recycling facility may be permitted as a Special Exception in the M2 zone provided that:

1. No part of the facility shall be permitted within 1,000 feet of any legally permitted residence or within 500 feet of an adjoining property line.
2. A 200 foot buffer is provided from the edge of any defined 100 year floodplain, perennial stream or non-tidal wetland. This buffer may be increased up to 300 feet to contain contiguous slopes over fifteen (15) percent or hydric soils.
3. A major site plan is approved in accordance with Section 291.
4. No hazardous waste is permanently stored in landfills under any circumstances.
5. Storage of hazardous waste must meet all State and Federal regulations.

Section 152. Hazardous Waste Incineration Facility (12.15.400)

Hazardous waste incineration facility may be permitted as a Special Exception in the M2 zone provided that:

1. No part of the incineration facility shall be within 1,000 feet of any legally permitted residence or within 500 feet of any property line.
2. A 200 foot buffer is provided from the edge of any defined 100 year floodplain, perennial stream or non-tidal wetland. This buffer may be increased up to 300 feet to contain contiguous slopes over fifteen (15) percent or hydric soils.
3. A major site plan is approved in accordance with Section 291.
4. No hazardous waste is permanently stored in landfills under any circumstances.
5. Storage of hazardous waste must meet all State and Federal regulations.

Section 153. Rubble Landfill (12.15.500)

Rubble landfills may be permitted as a Special Exception in the OS zone provided:

1. The rubble landfill is publicly owned.
2. Prior to review by the Planning Commission and the public hearing before the Board of Appeals, the applicant shall prepare an assessment of the effects of the planned activities on the immediately surrounding environment, addressing all major environmental issues referenced in COMAR 26.04.07.06B. and any amendments thereto, and a generalized site plan of sufficient detail to show access, site activities and phasing of proposed activities.
3. A minimum of 100 acres shall be required for a rubble landfill site.
4. The rubble landfill shall not adversely impact a potable water supply.
5. All areas in which solid waste is deposited shall be at least 500 feet from the edge of any 100-year floodplain boundary line.
6. Rubble landfills shall be developed so that dumping areas shall not be nearer than one hundred (100) feet to any street line or property line and shall not be nearer than one thousand (1,000) feet from any lawfully permitted residential or institutional building.
7. The rubble landfill shall be contoured to substantially conform to the highest point of original grade of the site and in any case, the height of the landfill shall not exceed the height of the tallest structure or natural feature within 2,500 feet of the parcel in existence at the time of adoption of this Ordinance.
8. A bufferyard meeting the E standard in Appendix B shall be provided around the perimeter of the rubble landfill.
9. All approved rubble landfills shall have a one (1) foot thick clay bottom of 1.0×10^{-7} cm/sec. or less permeability and a minimum thirty (30) millimeter thickness synthetic liner of 1.0×10^{-10} cm/sec. permeability. Leachate collection and treatment shall be required. All side slopes shall not exceed 4 to 1.
10. The land area for the operation shall not be in the Critical Area.
11. Only the following materials may be disposed of in a rubble landfill:
 - a. Land clearing debris
 - (1) earthen material such as clay, sand, gravel and silt

- (2) topsoil
- (3) tree stumps
- (4) root materials
- (5) limbs - over 6" in diameter
- (6) logs
- (7) vegetation; and
- (8) rock

b. Demolition Debris

- (1) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, brick (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement, shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure.
- (2) Unacceptable demolition debris includes industrial waste or by-products including paper, cardboard, household appliances and white goods - any other material on the County recycle list including liquid waste, sludge, contaminated soils, paint, glaze and caulk containers - any waste materials, contained within structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.

c. Construction Debris

- (1) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics.
- (2) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other preservatives or their containers, tile,

paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the Department of Public Works to be unacceptable.

- d.** Asbestos Waste. Asbestos waste is acceptable provided that the material that is received is packaged and labelled as specified in COMAR 16.11.15.04, and is managed in the following manner:
 - (1)** Prior notification to the landfill supervisor is required;
 - (2)** The waste asbestos is unloaded carefully to prevent emission of fibers in the air;
 - (3)** The areas used for burial of asbestos shall be restricted to the working face of the landfill, or a separate cell dedicated solely to asbestos disposal;
 - (4)** The waste shall be completely covered immediately with earth and may not be compacted or driven over until sufficient cover has been applied as specified by standards developed by the Department of Public Works to prevent the release of asbestos fibers to the atmosphere during compaction or application of other cover material; and
 - (5)** Operators of the landfill shall wear respiratory protection approved by the National Institute for Occupational Safety and Health for protection against asbestos fibers, and the protective clothing when considered necessary.
- e.** Other Waste Materials. Waste materials not specifically listed in this section may not be disposed of in a rubble landfill before receiving written approval of the Department of Public Works.
- f.** Disposal of tires shall not be permitted.
- g.** Disposal of coal combustion byproducts shall not be permitted.

12. General Provisions

- a.** Bonding. Bonding shall be required by Environment Article, § 9-211(c), Annotated Code of Maryland. Evidence of bonding shall be provided to the Director, Cecil County Department of Public Works.
- b.** No dumping or construction may begin on a rubble landfill approved under special exception unless and until the Cecil County Solid Waste Management Plan has been amended to incorporate the proposed facility and a State permit has been obtained.

(Amended 6/18/08)

- c. Upon approval, the applicant shall be required to submit an annual report to the Cecil County Commissioners listing the following:
 - (1) The amount of capacity utilized to date;
 - (2) The remaining capacity of the landfill;
 - (3) The projected amount of time the landfill may remain open before reaching capacity; and
 - (4) any restrictions the operator intends to impose to prolong the landfill's life.
- d. Based upon information received with respect to all the above factors, the Board of Appeals may grant or deny the requested special exception or may, in the interests of the health, welfare and safety of the citizens of Cecil County, increase, decrease or otherwise alter the requested special exception or grant it upon special conditions, or in other ways alter the distance and other requirements as set forth in this section.
- e. The Board of Appeals shall condition any special exception for a rubble landfill upon consent by the applicant to inspection of the site, or any aspect of the operation of the facility, for compliance with the terms of the special exception, or any requirement of federal, state or local law, regulation, or permit applicable to the landfill, by appropriate county employees, at reasonable times, without any prior notice to the owners or operator of the landfill.
- f. The rubble landfill operator shall grant county inspectors and checkers access to any part of the site during operating hours to allow the inspectors and checkers to determine whether the landfill is being operated in accordance with all applicable laws, regulations, and permits.

Section 154. Sanitary Landfill (12.15.600)

- 1. Sanitary landfills may be permitted as Special Exceptions in the OS zone provided:
 - a. No dump shall be maintained, nor any trash, refuse, or junk discarded at any location other than a sanitary landfill operated for public use.
 - b. The sanitary landfill shall be developed so that dumping areas shall not be nearer than one hundred (100) feet to any street line or property line.
- 2. Prior to review by the Planning Commission and the public hearing before the Board of Zoning Appeals, the applicant shall prepare an assessment of the effects of the

planned activities on the immediately surrounding environment, addressing all major environmental issues referenced in COMAR 26.04.07.06B. and any amendments thereto, and a generalized site plan of sufficient detail to show access, site activities and phasing of proposed activities.

3. All areas in which solid waste is deposited shall be at least 500 feet from the edge of any 100-year floodplain boundary line.
4. Disposal of coal combustion byproducts shall not be permitted. .

Section 155. Sludge Handling (12.15.700)

Sludge handling may be permitted as a Special Exception in the NAR, SAR, OS and MEA zones provided that:

1. Prior to review by the Planning Commission and the public hearing before the Board of Appeals, the applicant shall prepare an environmental impact statement. This report shall include, but is not limited to:
 - a. A site plan incorporating an approved conservation plan for sludge application, using the universal soil loss equation for the computation of soil loss; said site plan shall be kept on file in the Soil Conservation Office of Cecil County and implemented.
 - b. Description of the project, including application rates, soil conservation measures, sludge source, means of transportation to the site(s), biological and chemical composition of the sludge as determined by the State Department of Agriculture and/or the University of Maryland Department of Agronomy and a comparison to the existing maximum concentrations and limits of its contents according to the Maryland State Department of Environment permissible limits, application method, the name of the contractor who will apply the sludge, and a certificate of sludge origin.
 - c. A three year plan for crop planting following sludge application.
 - d. An analysis of the project's positive and negative environmental impacts relating but not limited to ground water quality, surface water runoff, sediment transport, soil chemistry, heavy metals, pathogens, toxic organic, odor, and wildlife.
 - e. A description of potential impacts on other uses of the property and the uses of other properties in the vicinity.
 - f. A monitoring program to assure uniform methods of application and the nature of sludge material as approved by the Board of Appeals. The program must

(Amended 6/18/08)

also provide data on ground water and surface water conditions using standard scientific method.

- g.** A description of the relationship between the project and all County plans, policies and controls.
- h.** Description of all permits required by Federal, State, and local agencies and their status.

2. Co-landfilling shall meet the following requirements:

- a.** Co-landfilling shall not be permitted within 300 feet of a residence or within 100 feet of an adjoining property line.
- b.** A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval by the Director of Planning and Zoning.
- c.** There shall be no co-landfilling within a minimum of 200 feet of any surface water including springs, seeps, or intermittent streams. Greater distances may be required based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.
- d.** Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
- e.** Co-landfilling rates, method of operation and maintenance shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.

3. Composting shall meet the following requirements.

- a.** No composting of material shall take place within 300 feet of a residence or within 100 feet of an adjoining property line.
- b.** No composting shall be permitted within a minimum of 200 feet of any surface water including springs, seeps, and based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.
- c.** A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval by the Director of Planning.

of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.

- g.** In addition to the principles of decision governing Special Exception under Section 311, the Board of Appeals shall determine that:
 - (1)** The application rates on designated agricultural land shall be consistent with the long-term productivity of the soil for food chain crops and the application shall be performed in a manner consistent with good agricultural practices. Application rates for nonagricultural land shall be consistent with the site plan approved by the Director of Planning.
 - (2)** The Board of Appeals shall determine that application rates are consistent with good agricultural practices as determined by the University of Maryland Cooperative Extension Service, and that land application should be carried out using only those types of equipment which will result in a uniform application of the sludge. Any such equipment must have calibration capability.
 - (3)** The Board of Appeals shall be assured of the best method of application, either injected or incorporated into the root zone or soil profile.
 - (4)** Based upon information received with respect to all the above factors, the Board of Appeals may grant or deny the requested special exception or may, in the interests of the health, welfare and safety of the citizens of Cecil County increase, decrease or otherwise alter the requested special exception or grant it upon special conditions, or in other ways alter the distance and other requirements as set forth in this Ordinance.
- 6.** Any sludge handling shall meet the following requirements.
 - a.** Any proposed use within this provision shall not take place within 300 feet of a residence or within 100 feet of an adjoining property line.
 - b.** Any proposed use within this provision shall not be located on slopes greater than 15 percent.
 - c.** No handling of sludge shall be permitted within a minimum of 200 feet of any surface water including springs, seeps, and intermittent streams. Greater distances may be required based on factors that include but are not limited to: steepness of slopes, moisture saturation of the soil and season of the year.

- d. A site plan indicating the proposed use of the site prior to initiation of the project shall be submitted for approval to the Director of Planning.
- e. Access points and screening shall be provided at such locations and be of such types as may be required by the Director of Planning.
- f. Methods of operation and maintenance of facilities shall be governed by regulations or recommendations of the State Department of Agriculture and/or the University of Maryland Department of Agronomy and shall be overseen by the University of Maryland Cooperative Extension Service for Cecil County.
- g. Synthetic liners shall be required for storage pits and such liners shall be approved by the Maryland Department of the Environment and the Environmental Protection Agency for the proper control of leachate.

Section 156. Power Generating Facilities (12.16.000)

Power generating facilities may be permitted as a Special Exception in the NAR and SAR zones provided that the power is generated solely from solar, wind or water power sources.

Section 157. Public Golf Courses, privately owned Golf Courses, and public and privately owned golf courses approved as part of some residential development (5.03.000)

Public golf courses, privately owned golf courses, and public or privately owned golf courses approved as part of some residential development shall be permitted in the NAR, SAR, RR, SR, TR, VR, DR, MH, RM, and OS zones provided:

1. Centerline of fairway shall be setback two hundred (200) feet from adjacent property and/or lot lines. The setback can be reduced if vegetative buffering is provided on the golf course property.
2. Tees shall have a setback of one hundred (100) feet from adjacent property and/or lot lines and greens shall have a setback of one hundred seventy five (175) feet from adjacent property and/or lot lines. The setbacks can be reduced if vegetative buffering is provided on the golf course property.
3. A landscape plan shall be required for a vegetative screen along the perimeter of the course. The vegetative screen may have vista breaks that do not compromise the safety of the adjoining lots. Existing vegetation can be used to satisfy this requirement.

(Revised 6/30/05)

4. Dwellings on lots approved as part of the development proposal shall be setback a minimum of fifty (50) feet from the nearest lot line adjacent to the fairways, tees and greens unless a vegetative screen is provided. If a vegetative screen is provided, the fifty (50) foot setback shall not be required. The front, rear or side setbacks shall be those as required by the zoning district.
5. Driving ranges shall be located three hundred (300) feet from any property line or right of way unless perpendicular to and hitting away from said lines.
6. All outdoor lighting shall be located, shielded, landscaped, or otherwise buffered so that no direct light shall constitute an intrusion into any residential area.
7. The provision of food, refreshment and entertainment shall be permitted in connection with said use. Such facilities shall be open to the general public unless it is commercially zoned.
8. Off street parking and loading areas shall be screened with a Bufferyard meeting the B standard of appendix B.
9. Clubhouse and accessory parking areas shall not have access directly from the interior streets of the subdivision to the extent possible.
10. Projects that have received final approval prior to the adoption of these regulations shall be exempt from these regulations.

Section 158. Agricultural Product Sales (1.01.110)

Agricultural product sales shall be permitted in the NAR and SAR zones provided:

1. The outside storage of agricultural products offered for sale shall be screened from adjacent properties by a bufferyard meeting the “A” standard of appendix B.
2. Outside storage areas of agricultural products offered for sale shall be setback 50 feet from all property lines.
3. Signs, product displays, parked vehicles and other obstructions that would adversely affect visibility at intersections or to driveways shall be prohibited.
4. Lighting shall be low level and arranged so as not to reflect or cause glare into any residential use or zone.
5. Signage shall be erected in accordance with the NAR and SAR standards of Article XIII.
6. Floor area for the sales of agricultural products shall be limited to 3,000 square feet.
7. The owner of the agricultural product sales establishment shall reside on the property upon which the establishment is operated.

Section 159. Storage Trailer or Container (11.08.000)

Storage trailers or containers shall be permitted in the in the NAR, SAR, RR, SR, DR, VR, TR, RM and MH zones provided the following conditions are met:

1. The storage trailer or container is placed on the property due to new construction, remodeling, or emergencies such as fire, flood or other natural disasters;
2. Storage trailers or containers shall be permitted for an initial one year period, renewable for additional six month periods provided the construction or remodeling is continuing or the natural disaster repairs are still occurring;
3. The Office of Planning and Zoning shall issue a certificate of zoning to an applicant prior to the placement of a storage trailer or container on their property;
4. Storage trailers or containers shall be in good repair and shall not be a hazard to the community;
5. The maximum number of storage trailers or containers on a property shall be the minimum necessary to accommodate the immediate need for temporary storage identified on the certificate of zoning;
6. Storage trailers or containers shall not be placed closer than ten (10) feet to a side or rear property line.

Section 160. Neighborhood Essential Services

Neighborhood essential services shall be permitted in all zones provided:

1. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants shall be placed in a soundproof building that utilizes the latest odor control techniques and shall be screened by a vegetative buffer meeting the Bufferyard E 1.0 standard of Appendix B. The noise emitted from the structure shall not exceed 65 dBA during the day and 55 dBA at night at the nearest property line. The Bufferyard E 1.0 standard may be modified by the Office of Planning & Zoning to a 0.75 or 0.60 when it is demonstrated that the modification will not have an adverse effect on adjacent properties and that the modification will contribute to a better design. Water conveyance pipes and sewage collection pipes do not need to comply with this requirement;
2. All water and sanitary sewer pump stations, shared water systems, sewage treatment facilities and/or wastewater treatment plants established in existing communities shall be placed in a soundproof building and shall be screened by an evergreen vegetative buffer approved by the Office of Planning & Zoning. Water conveyance pipes and sewage collection pipes do not need to comply with this requirement;
3. The soundproof buildings will have an exterior façade that is harmonious and consistent with the character of the surrounding neighborhood. A lighting plan must be approved by the Office of Planning & Zoning. Exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect adjoining properties or shine into residential structures;
4. A landscape plan for the Bufferyard E or vegetative buffer, prepared by a Landscape Architect, shall be approved by the Office of Planning & Zoning. A landscape agreement must be executed for the Bufferyard E or vegetative buffer and be accompanied by a performance bond or other form of surety executed by the developer in the amount of 100% of the proposed plant materials, labor and maintenance costs. The minimum caliper of a canopy, understory or evergreen planting shall be 1". The amount of surety may be released in accordance with Article X, Section 188 of the Zoning Ordinance;
5. The developer shall notify all property owners within a 500' radius of the proposed location of the treatment plant and/or pumping station of the impending location of the facility and shall provide proof of said notification to the County.
6. These regulations shall only apply to any water treatment plant, wastewater treatment plant, or pump station constructed after the adoption of these regulations. Existing plants and pump stations will not be required to retrofit to meet these standards. Water treatment plants, wastewater treatment plants, or pump stations that are part of a project receiving final approval prior to the adoption of these regulations are exempt from these standards.

Section 161. Video Lottery Facility

Video lottery facilities shall be permitted in the BG, BI, M1 and M2 provided:

1. The facility has access directly from a collector or arterial road and not a local road.

2. The use is located at least 200 feet from any residential zone and a bufferyard meeting the E 0.60 standard of Appendix B is provided between the facility and any residential zone. A fence at least 6' in height that occludes the view of the facility from residential properties is included with the berm.
3. Automobile parking spaces are located at least 200 feet from any adjacent residential zone.
4. Restaurants, hotels, entertainment venues and retail commercial may be established in connection with said use and must be included on a major site plan submitted.
5. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall constitute a direct intrusion into a residential area.

Section 162. Reserved

Section 163. Reserved

Section 164. Reserved