# ZONING ORDINANCE

*TOWN*
*OF*
*FUNKSTOWN*

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# ARTICLE 1: TITLE, PURPOSE, INTERPRETATION, APPLICABILITY AND SEPARABILITY

## 100 Short Title

This Ordinance shall be known and may be cited as the "Funkstown Zoning Ordinance.".

## 101 Purpose

The purpose of this Ordinance is to promote the public health, safety, morals or the general welfare of the present and future inhabitants of Funkstown by:

A. Giving reasonable consideration, among other things, to the character of districts and their suitability for particular uses.

B. Encouraging orderly development and the most appropriate use of land.

C. Conserving the value of land and buildings.

D. Promoting the conservation of natural resources.

E. Preventing environmental pollution.

F. Promoting health and the general welfare.

G. Avoiding undue concentration of population.

H. Providing for adequate light and air.

I. Securing safety from fire, panic and other dangers.

J. Lessening congestion in the roads and streets.

K. Facilitating the adequate provision of transportation, parking, water, sewerage, parks and other public facilities.

L. Giving effect to the policies and proposals of the Comprehensive Development Plan for the Town of Funkstown, Maryland.

## 102 Interpretation

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promoting the public health, morals, safety, comfort, convenience and general welfare, except that when the provisions imposed by any statute, other ordinance, rule, regulations or permit or by any easement, covenant, or agreement are more restrictive than the provisions of this Ordinance, the provisions of such statute, other ordinance, rule, regulation, permit, easement, covenant or agreement shall prevail.

## 103 Applicability

A. All departments, officials and public employees of the Town of Funkstown vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

B. Previous ordinances, resolutions, rules and regulations adopted by the Mayor and Council of Funkstown are hereby repealed to the extent that they conflict with or impose less restrictive standards than the provisions of this Ordinance.

104 Separability

It is hereby declared to be the legislative intent that the provisions of this Ordinance are separable, whereby:

A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the provision, expressly stated in the court's decision, and all other provisions of this Ordinance shall continue to be separately and fully effective, the Mayor and Council hereby declaring that they would have adopted the remaining provisions without the word, phrase, clause, items, sentence, paragraph or section, or the application thereof, so declared invalid.

B. If a court of competent jurisdiction finds the application of any provision of this Ordinance to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the court's decision, and the application of any such provision to other persons, properties or situation shall be not affected thereby.

# ARTICLE 2: DEFINITIONS

## 200 General Provisions

A. The following rules of construction shall apply in interpreting this Ordinance.

1. Words used in the present tense include the future.

2. The singular number includes the plural, and the plural the singular.

3. The word "shall" is always mandatory; the word "may" is permissive.

4. The word "used" or "occupied", as applied to any land or building, includes the words "arranged or designed or intended to be used or occupied."

A. Unless otherwise expressly stated, the definitions of words and terms contained in this Article shall be used in interpreting this Ordinance. Words not herein are used with a meaning of standard usage.

## 201 Definitions

### 201.1 Accessory Apartment

A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling.

### 201.2 Accessory Use or Building

A subordinate use or building customarily or intended to be incidental to, and located on the same lot occupied by a principal use or building. The term Accessory Building includes but is not limited to private garage, garden or barn, private playhouse, private greenhouse, private swimming pool, patios and decks.

### 201.3 Adult Bookstore

An establishment that has as a majority portion of its stock-in-trade and offers for sale or rental, for any form of consideration, any one or more of the following: 1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

201.4 Adult Mini-Motion Picture Theater

An enclosed building with a capacity for less than 50 persons used for presenting motion pictures or slides with such establishment customarily not being open to the public generally but only to one or more classes of the public, excluding any minor by reason of age.

201.5 Agriculture

The cultivation of soil and the raising and harvesting of products of the soil, including customary soil and water conservation practices, but not including the raising or keeping of livestock, poultry, pigs, horses, sheep or the like.

201.6 Alley

The right-of-way, other than a street, used for secondary access to the side or rear of abutting property.

201.7 Alterations

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.

201.8 Amusement Center

A commercial operated indoor facility providing a variety of coin-operated amusement devices suitable for participation by people of all ages, including, but not limited to, television games, electronic novelty games, electro-mechanical and electronic target games, driving games, pinball machines, small kiddie rides, and other similar devices. Does not include billiard or pool tables.

201.9 Aquaculture

Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

201.10 Area

201.10.A. Building Area - The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, decks, unroofed porches, paved terraces, steps, eaves and gutters.

201.10.B. Lot Area - The area contained within the property lines of a record lot, including the area within all easements, but excluding the area within all existing or dedicated street rights-of-way or future rights-of-way reserved or dedicated for use by the public.

201.11 Automobile Service Station

A building or premise where gasoline, oil, grease, batteries, tires and automobile accessories, or any combination therefore, are sold at retail and where incidental servicing and mechanical repairs may be conducted; provided, however, that this term shall not be deemed to include motor vehicle repair garages.

201.12 Bed and Breakfast Home

A home occupation that provides one to three rooms for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost.

201.13 Bed and Breakfast Inn

A tourist home that provides four to twelve rooms for paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on premises at no additional cost.

201.14 Billiard or Pool Room

A business establishment where the principle use is the playing of pool or billiards and at least 75 percent of the net floor area of the establishment's interior space is devoted exclusively to this use.

201.15 Building

A combination of materials having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall include any part thereof.

201.16 Building Coverage

A percentage of the lot area covered by the building area.

201.17 Building Height

A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof.

201.18 Building Setback Lines

The minimum distance required from the property line to provide adequate front, rear, and side yards as required in section 401 for primary structures.

201.19 Business - General Retail

A retail business establishment for the sale of products to the general region to include the uses listed in sub-section 201.21. And also to include shops for the sale of antiques, appliances, automobiles, truck and other vehicle parts and accessories, beverages and bottled goods, books, periodicals and stationery, drugs and sundries, including food services as an accessory use, furniture and other home furnishings, general merchandise, gifts and jewelry, hardware, hobby and craft supplies, pets, shoes, specialty items, sporting goods, tobacco, and lawn and garden stock and supplies excluding commercial wholesale greenhouses and nurseries.

201.20 Business - Personal Service

A business establishment providing personal services to include barber shops, beauty salons, cold storage lockers, photography studios; repair shops for appliances, bicycles, electronic equipment, furniture, guns, locks, shoes or watches; dry cleaning or laundromat and tailoring and dressmaking.

201.21 Business - Neighborhood Retail

A retail business establishment for the sale of product intended primarily for neighborhood convenience shopping to include baked goods stores, dairy products stores, food and grocery stores, fruit and vegetable stores or produce stands, meat markets, pharmacies, household items, and other goods commonly associated with the same. The retailing floor area of any such business shall not exceed 2000 square feet.

201.22 Business - Service

A business establishment providing services to include banks, credit unions, saving and loan and similar institutions; business offices, real estate, and insurance agencies.

201.23 Child

An individual younger than 16 years old or an individual younger than 21 years old, who has a handicapping condition or other emotional, developmental, physical, educational, or medical aced necessitating child care beyond the age of 16.

201.24 Child Care Center

An agency, institution, or establishment that, for part or all of the day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage. (parental lineage)

201.25 Child Care Center-Licensed

Non-parental care of children for part of a 24-hour day not in the child's own home, in a group setting such as a child care center, preschool, child development center, nursery school, before-school and after-school program, school age child care, or early learning center, by whatever name known, under private nonprofit, proprietary, public, or religious auspices.

201.26 Convenience Store

Any retail establishment offering for sale prepackaged or preprocessed food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet. Such establishments may also sell gasoline at retail prices. The area utilized for the sale of gasoline shall be considered as part of the gross floor area.

201.27 Drive-in\Drive-Through Restaurant

A restaurant designed and equipped with facilities for drive-through purchase of "take-out" food to be consumed by the customers in their motor vehicles or off the premises including those establishments where patrons, in addition to being accommodated in the vehicles, may also be accommodated within the premises.

201.28 Drop-in Center

A child care center which provides care exclusively to children on an intermittent and occasional basis for less than 4 hours a day while parents are not on the same premises or not immediately available or both.

201.29 Duplicating Service Business

A business establishment containing no more than 3,000 square feet of net floor area where the principal use is the provision of quick-copy duplicating and printing of reports, resumes, correspondence, office forms and other similar services to businesses and individuals. For the purpose of this definition, the term net floor area includes selling and working space and accessory storage areas, but it does not include areas intended and utilized for permanent uses such as sanitary facilities, stairwells, heating equipment, fire corridors and enclosed parking.

201.30 Dwelling

A building or portion thereof arranged or designed to provide one or more dwelling units.

A. Dwelling Unit - A dwelling or portion thereof providing complete living facilities for one (1) family; provided, however, that this term shall not be deemed to include rooming, boarding or lodging houses, or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.

B. Single-Family Detached Dwelling - A building, commonly known as a single-family house, designed for and occupied exclusively as a residence having one dwelling unit from ground to roof and open space on all sides; where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof.

C. Two-Family ("Duplex") Dwelling - A single building containing two dwelling units located on one lot, intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.

D. Two-Family Semi-Detached Dwelling - one of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof along the dividing lot line, and separated from any other building or structures by space on all sides.

E. Single-Family Attached ("Townhouse") Dwelling - A portion of a building designed for and occupied exclusively as a residence for only one family and having 1) only one dwelling unit from ground to roof, 2) two points of independent outside access, 3) at least two other dwellings built in conjunction therewith with, 4) any portion of one or two walls in common with an adjoining dwelling shall extend without openings from the cellar floor to the highest point of the roof along the dividing lot line.

F. Multi-Family ("Apartment") Dwelling - A building containing one dwelling unit above another dwelling unit or building containing three or more dwelling units and designed to be occupied by three or more families living independently of one another.

G. Condominium - A system of separate ownership of individual units in multi-unit projects on land in common ownership established under the provisions of title 11, Maryland Condominium Act, of the real property article of the Annotated Code of Maryland.

201.31 Essential Utility Equipment

Underground or overhead electrical, gas, communications, water or sewage systems, including poles, towers, rights-of-way, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone booths, police call boxes, traffic signals, hydrants, regulating and measuring devices, and the structures in which they are housed, and other similar equipment and accessories in connection therewith; provided, however, that this term shall not be deemed to include buildings, yards or areas for the storage, repair or processing of equipment or material with the exception of buildings utilized as water well houses or water and/or sewage pumping stations; nor does it include sewage treatment plants, lagoons, settling basins and the like conducted as a principal use; nor does it include yards, areas or substations for the above-ground generation, transforming or switching of electricity.

201.32 Family

An individual or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

201.33 Family Day Care

Care given to a child younger than 13 years old or to a developmentally disabled person younger than 21 years old, in place of parental care for less than 24 hours a day, in a residence other than the child's residence and for which the provider is paid. Family day care shall be registered with and meet all the requirements of the Maryland Office of Child Care Licensing and Regulation.

201.34 Family Day Care Provider

A private residence wherein care, protection and supervision is provided for a fee for part or all of a day at least twice a week to no more than eight (8) children at one time including children of the adult provider.

201.35 Farmers' Co-op Roadside Stand

A principal building other than a dwelling which is used by one or more individuals commonly engaged in the sale of mutually grown seasonal produce and nursery stock from their respective farms or satellite farms.

201.36 Group Home for the Handicapped

A dwelling shared by not more than eight handicapped persons, excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participating in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; 2) a record of having such an impairment; or 3) having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

201.37 Halfway House

A licensed home for people on release from more restrictive custodial confinement or as remanded by court directive, wherein supervision, rehabilitation, and counseling are provided to main stream residents back into society, enabling them to live independently. Such residents shall include, but not be limited to, persons under the supervision of the state department of corrections and those under medical supervision for substance abuse and mental conditions.

201.38 Health/Recreation Facility

An indoor commercial or private facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and or sauna and pro shop.

201.39 Highway Service Plaza

A business occupying not less than ten (10) acres of land at or near an interchange of a limited access highway and intended primarily to provide services for travelers, which consists of an integrated group of at least three establishments such as service stations, restaurants, and motels, intended primarily to provide services to highway travelers. The plaza shall be at least ten acres in area and located at or near an interchange of a limited access highway and provide off-street parking in accordance with applicable provisions of Section 600.E.

201.40 Home Occupation

Any use of a dwelling or accessory building conducted solely by a member or members of the family residing therein, which is incidental or subordinate to the main use of the building for dwelling purposes; which utilizes not more than twenty-five (25) percent of the floor space of the dwelling; which does not generate vehicular parking or nonresidential traffic to a greater extent than would normally result from residential occupancy; in connection with which no inventory or stock in trade is kept for regular sale to persons coming to the premises; and with no other evidence being visible, other than a sign as provided in subsection 707.B; from the outside of the dwelling nor shall any noise, odors, fumes and other nuisances extend beyond the property boundary which would indicate it is being used for anything other than residential purposes.

201.41 Homeowners' Association

An association or other legal entity comprised of owners of land or dwellings, organized to own, operate or maintain open space or facilities used in common by such owners.

201.42 Hospital

An institution which is licensed as a hospital by the state and which receives inpatients and provides medical, surgical, psychiatric, or obstetrical care. This term includes any health-related facilities which are established in connection with a hospital and are located on the same site as the hospital. Such health-related facilities shall include, but not be limited to, diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care and elderly housing facilities.

201.43 Hotel, Motel or Motor Hotel

A building or group of buildings containing sleeping rooms for the accommodation of transient guests.

201.44 Junk Yard

Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled, or handled. This includes auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawnshops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

201.45 Local Convenience Center

A group of at least two, but not more than five stores, offering products and services intended for use by nearby residents. The center shall be designed as an integrated unit with off-street parking provided in accordance with Section 600.E.8.

201.46 Landfills - Sanitary and Rubble

A tract of land used for the disposal of materials, garbage or any refuse, by dumping, reduction, incineration or burial which said activity is controlled by Maryland law and/or the regulations of the Maryland Department of the Environment.

201.47 Lot

A parcel or plot of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded deed filed among the Land Records of Washington County.

A. Lot, Corner - A lot abutting two or more streets at their intersections, where the interior angle of the intersection does not exceed one-hundred thirty degrees (130°). When one or more of the intersecting streets is classified as a collector or arterial the interior angle of the intersection shall not exceed one hundred fifteen (115°) degrees.

B. Lot, Panhandle - A lot with the appearance of a "frying pan" or "flag and staff" in which the "handle" is most often used as the point of access to a street or road. The "handle", when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required area or delineating the minimum required "building envelope". The "handle" shall not be less at any point than the required twenty-five (25) feet minimum road frontage. (Panhandle lots, although permitted, are discouraged)

C. Lot, Width - The width of a lot as measured. By the horizontal distance between the mid-points of the side lot lines.

D. Lot, Depth - The depth of a lot as measured by the average horizontal distance between the front lot line and the rear lot line.

201.48 Lot, Cul-de-sac

A lot fronting and accessible from a circular turnaround at the permanent closed end of a street.

201.49 Lot Line

Any boundary line of a lot.

A. Lot Line, Front - The street line, which shall be the same as the legal right-of-way line, provided that along streets for which a future right-of-way width is dedicated and legally adopted, pursuant to Article 66B of the Annotated Code, the front lot line shall be the future right-of-way line thus established.

B. Lot Line, Rear - Any lot line which is parallél to or within forty-five degrees (45°) of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

C. Lot Line, Side - Any lot line which is not a street line or a rear lot line.

201.50 Mayor and Council

"The elected Mayor and Council of the Town of Funkstown."

201.51 Medical Clinic

A term including ambulatory care centers, diagnostic centers, birthing centers, and dialysis units. Does not include ambulatory surgical facilities.

201.52 Medical Office

A building housing offices for the treating of outpatients by one or more medical practitioners. This term does not include a veterinarian's office, medical clinic, ambulatory care center, diagnostic center, birthing center, or dialysis satellite unit The term does not include ambulatory surgical facilities.

201.53 Mobile Home

A single-family detached dwelling unit manufactured in one or two complete sections, designed for long-term occupancy, containing sleeping accommodations, a flush toilet, a bathtub or shower, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers; arriving at the site where it is to be occupied as a complete dwelling, and ready for occupancy except for minor and incidental unpacking and assembly operations; provided, however, that (sectional "double-wide" homes) travel trailers shall not be considered mobile homes for the purposes of this Ordinance.

201.54 Mobile Home Park

A processing or manufacturing facility to include finished or intermediate products from natural raw materials, such as; building materials, including brick, cinder block, concrete pipe, firebrick stone, terra cotta, tile and similar clay, cement and refactory products; clay pulverizing for ceramics or other kiln products, and limestone, sandstone or other stone drying, crushing or grinding.

201.63 Processing or Manufacturing - Secondary

A processing or manufacturing facility to include assembling, altering, cleaning, finishing, maintenance packaging or other processing and incidental storage of previously prepared material including bone canvas, cellophane, concrete, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, plastic, precious or semi-precious gems or metal, shell, stone, straw, textiles, wax, wood or yarn, to produce finished or intermediate products, such as: china, figurines, pottery and similar ceramic products, excluding pulverizing or grinding of clay, cosmetics, toiletries, drugs or pharmaceutical products; clothing, fabrics, hosiery, and the printing or finishing of textiles; handicrafts; boats, bicycles, mobile homes and similar assemblies; wooden baskets, boxes, crates, furniture, general carpentry items, veneer and similar wood products and assemblies, excluding pulping for paper manufacture; tire recapping and retreading, printing, publishing, binding and related processing and reproduction of paper and cardboard products; electrical or electronic appliance; light metal fabrication and products, including metal machining, finishing, grinding and polishing, stamping or extrusion of small products, including costume jewelry, kitchen utensils, hand tools, nuts, bolts, rivets, screws, washers and the like; and musical instruments, communications, drafting, electrical, optical and similar precision instruments, jewelry, toys and novelties.

201.64 Professional Office Building

A structure used for professional office purposes by any member or members of a recognized profession, such as, but not limited to, doctors, lawyers, architects, accountants, engineers and veterinarians. This does not include medical, dental or veterinarian clinics or in-patient treatment facilities.

201.65 Riding Stable and Academy

Any lot used primarily for the commercial hiring out of horses or ponies, whether with or without instruction in riding.

201.66 Rooming Boarding or Lodging House

A dwelling in which for compensation, lodging will be provided and meals may be provided to permanent residents of the dwelling or to no more than three (3) transient guest of the dwelling. A rooming, boarding or lodging house is not a home occupation or a group home.

201.67 Safe House

A group home to serve as sheltered housing for women and their dependent children which is managed by an institutional or non-profit agency. Maximum number of residents of the safe house shall not exceed eight excluding employees of the organization.

201.68 Satellite Dish Antennae

A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may typically be a solid, open mesh, or bar-configured structure.

201.69 Sectional ("double-wide") Dwelling

A single-family detached dwelling unit manufactured in two or more sections, designed for permanent occupancy, and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this Ordinance, "Sectional Dwelling" includes modular, prefabricated and other similar types, but mobile homes and travel trailers are not considered to be "sectional dwellings."

201.70 Sewage Disposal System

A. Centralized Sewage Disposal System - A utility system serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State health regulations.

B. Private Sewage Disposal System - A system of sewers, pipes, treatment tasks or other facilities serving only a single dwelling unit or a single business, commercial, industrial or other establishment, which is designed and operated for the collection, treatment and disposal of sewage in compliance with County and State health regulations.

201.71 Shopping Center and Mall

A group of six (6) or more retail stores, service establishments and other similar uses, which are designed as an integrated unit.

201.72 Sign

Any permanent or temporary structure or part thereof, or any device attached, painted or represented directly or indirectly on a structure or other surface that displays or includes any letter, work, insignia, flag, or representation used as, or which is the nature of, an advertisement, announcement, visual communication, direction, or is designed to attract the eye, or bring the subject to the attention of the public.

A. On-Premises Sign - A sign which directs attention to a business, profession, product, home occupation, service or activity conducted or sold on the same lot.

B. Off-Premises Sign - A sign which directs attention to a business, profession, product, home occupation, service or activity not conducted or sold on the same lot.

C. Commercial Advertising Sign - An advertising sign, structure or symbol, commonly known as a billboard, erected and maintained by a person or corporation engaged in the sale or rental for profit of the space thereon to a clientele of manufacturing, service, commercial or other business enterprises upon which sign there is displayed, generally for a limited period of time, advertising matter describing a variety of products or services widely or generally available, but usually not produced, assembled, stored or sold on the lot or premises upon which the advertisement is located.

D. Business Advertising Sign - An advertising sign, structure or symbol erected and maintained by or for the benefit of a specific individual manufacturing, service, commercial or other business enterprise and used exclusively to advertise the location or the products or services offered by said enterprise, rather than for the periodic advertising of products and services generally available.

E. Double-faced Sign - A sign which has two identical sized faces.

F. Perpendicular Sign - A sign which is mounted so as to project perpendicular from a building or structure or face and shall include all double-faced signs.

G. Permanent Residential Identification Sign - Signs of a permanent nature setting forth the name of a residential subdivision or development it is identifying.

201.73 Special Exception Use

A use for which the Board of Appeals may grant permission following a public hearing and findings of fact consistent with the provisions of this Ordinance, and provided the use complies with specified conditions and standards outlined in this Ordinance.

201.74 Street

A strip of land, including the entire width of the right-of-way between street lines, used or intended for use by the public for vehicular, travel parking or to provide vehicular access to three (3) or more abutting lots or principal uses.

201.75 Street Line

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that where a future right-of-way width for a street is of officially established pursuant to Article 66B, Annotated Code of Maryland, then the street line shall be the side of the future right-of-way so established.

201.76 Structure

A combination of materials assembled, constructed or erected at a fixed location, the use of which requires location on the ground or attachment to something having location on the ground. The word "structure" shall include any part thereof.

201.77 Tanning Salon

An establishment housing indoor equipment for the purpose of giving artificial tans to customers.

201.78 Traditional Neighborhood Design (TND)

The use of traditional or neighborhood design standards to ensure that new development resembles and becomes an extension of existing neighborhoods in terms of scale, size, layout, and density.

201.79 Travel Trailer

A portable or vehicular unit a) having a width not exceeding eight (8) feet and a length not exceeding thirty-two (32) feet; b) built on a chassis or designed to be transported on a truck or other vehicle; and c) designed for temporary use as a dwelling for travel, recreation, vacation or similar short-term uses.

201.80 Use

Any activity, occupation, business or operation conducted, or intended to be conducted, in a building or other structure or on a tract of land.

201.81 Video Store

An establishment renting video cassette or disc recorder\players and video tapes or discs with incidental sale of these items.

201.82 Water Supply System

A. Centralized Water Supply System - A utility system serving two (2) or more dwelling-units, business, commercial, industrial or other establishments, which is designed and operated to supply potable water, in compliance with County and State health regulations.

B. Private Water Supply System - A utility system serving only one (1) dwelling unit or a single commercial, business, industrial or other establishment, which is designed and operated to supply potable water, in compliance with County and State health regulations.

201.83 Yard

A portion of a lot adjoining and extending inward from a lot line or street line, and which shall remain unobstructed by buildings or structures or portions thereof except overhanging eaves, gutters or cornices.

A. Yard, Front - A yard adjoining and extending parallel to a street line.

B. Yard, Side - A yard adjoining and extending parallel to a side lot line and lying between a front yard and a rear yard.

C. Yard, Rear - A yard adjoining and extending parallel to a rear lot line.

# ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

## 300 Zoning Districts and Map

A. For the purpose of this Ordinance, zoning districts are hereby established as follows:

RR - Rural Residential District
SR - Suburban Residential District
TR - Town Residential District
TC - Town Center District
GC - General Commercial District
NC - Neighborhood Commercial District
EC - Employment Center District
TND - Traditional Neighborhood Design (Floating Zone)

B. For the purposes of this Ordinance, the zoning districts established by sub-section A. shall be of the number, size, shape and location shown on the "Town Zoning Map".

C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map, which shall be maintained in the Town Hall, shall be the final authority as to the current zoning status of land, buildings, and other structures.

## 301 Interpretation of District Boundaries

A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:

1. Boundaries drawn approximately along the center lines of streams, drainage ways, streets, roads, alleys, or railroads or other rights-of-way shall be construed to follow such center lines.

2. Boundaries drawn approximately parallel to the center lines of streams, drainage ways, streets, roads, alleys, or railroad or other rights-of-way, or parallel to property lines shall be construed to lie parallel to such center lines or property lines at the distance therefrom noted upon the zoning map.

3. Boundaries drawn approximately along platted lot lines or other property lines shall be construed to follow such lines.

4. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.

B. Where a zoning district boundary line as shown on the zoning map divides a lot or property which was in single ownership and of record at the effective date of this Ordinance, the uses permitted thereon and the other district requirements applying to the least restricted portion of such lot shall be considered as extending over the entire lot or for a distance of fifty (50) feet from the district boundary line into the more-restricted portion of the lot, whichever distance is less.

302 Uses Permitted in Zoning Districts

A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted, as specified in this Article, in the zoning district within which the land or building or structure is located.

B. No use shall be permitted except in compliance with the laws of the State and the regulations of the Maryland Department of the Environment and Washington County Health Department regarding water supply and waste disposal, as evidenced by the written approval of the Washington County Health Department.

C. A use listed in Section 305 of this Ordinance is permitted by right in any zoning district under which it is denoted by the letter "P," provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance. Such uses permitted by right shall be principal uses within the meaning of this Ordinance, unless otherwise specified.

D. A use listed in Section 305 of this Ordinance is permitted as accessory use, as defined in Article 2, in any zoning district under which it is denoted by the letter "A," provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance.

E. A use listed in Section 305 shall not be permitted in any zoning district under which it is denoted by the letter "N." Such uses lawfully existing at the effective date of this ordinance shall be construed as nonconforming uses subject to the provisions of Article 8.

F. A use listed in Section 305 may be permitted as a special exception in any zoning district under which it is denoted by the letters "SE" provided that approval for said use has been granted by the Board of Appeals pursuant to Article 10, and further provided that said use shall be subject to the conditions and requirements specified in Article 305 and elsewhere in this Ordinance and to such further requirements as the Board of Appeals may establish in granting the special exception.

G. Any use lawfully existing on the effective date of this Ordinance which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of operations or structure existing on the effective date of this Ordinance shall require a special exception granted by the Board of Appeals pursuant to Article 10.

303 Newly Annexed Areas

A. All areas annexed to the Town after the effective date of this Ordinance shall automatically be classified in the Rural Residential district or RR with a TND zone, provided that the Mayor and Council may, after public notice and hearing pursuant to Article 10, provide for the classification of such annexed areas or part thereof in another zoning district or districts, effective upon the date of such annexation.

B. If the Mayor and Council does not provide in advance for the zoning classification of newly-annexed areas in the manner provided in sub-section A., above, the Planning Commission shall within six (6) months of the date of such annexation, prepare and recommend to the Mayor and Council comprehensive development plans and recommendations for zoning of such annexed areas.

304 Legislative Intent and Purposes for Zoning Districts

A. As an aid in interpreting the provisions of Section 305, the Mayor and Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Comprehensive Development Plan. The continuation of the traditional grid development pattern is encouraged.

1. Rural Residential District - This district provides for low-density development in areas where natural constraints limit development. Construction is limited to single-family detached homes, institutional and public structures, and similar uses responding to these constraints.

2. Suburban Residential District - This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require they type of development. Development is thus permitted at moderate density consistent with State health standards, and the residential areas are protected from the intrusion of incompatible non-residential uses.

3. Town Residential District - This district provides for somewhat higher densities than the Suburban Residential District. In the Town Residential District, centralized water and sewerage facilities exist, and future development of this type can safely proceed. The Town Residential District is intended to recognize existing Town development and its logical extension; it accommodates a variety of residential uses, plus limited "convenience" retail commercial uses desirable to serve only residential areas.

4. Town Center District - This district provides for the continuation of the Town's core area which generally contains a mixture of residential, commercial and public service uses.

5. General Commercial District - This district provides for commercial uses mainly for retail sales and service, and related activities requiring good highway access.

6. Neighborhood Commercial District - This district provides for the establishment of uses intended primarily to serve the daily and convenience shopping and personal service needs of residents in sub-sections of the Town.

7. Employment Center District - This district provides for industries, and areas which are ideally suited for desirable types of light-industrial development because of their proximity to major highways, and utility services. Because of the need to promote the public welfare by encouraging additional employment opportunities, such land should not be pre-empted by other permanent uses, and is therefore designated solely for manufacturing, office and related activities which would provide new jobs in the Town's economy.

8. Traditional Neighborhood Design - This district provides for more flexible standards in the development of residential single-family, multi-family and neighborhood commercial in a patter similar to the existing town. Lots and yards may be smaller than otherwise required.

| TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| **A. Natural Resources And Agricultural Uses** | | | | | | | |
| 1. Forests, forest conservation practices, and the harvesting of forest products, excluding sawmilling. | SE | N | N | N | N | N | N |
| 2. Fish and wildlife preserves and propagation areas, excluding commercial or membership wildlife hunting preserves. | SE | N | N | N | N | N | N |
| 3. Mining, quarrying, or the removal of coal, clay, sand, gravel, peat, topsoil, natural mountain or spring waters or any other natural resources, excluding natural gas, from, on, or beneath the land surface for commercial purposes. | N | N | N | N | N | N | N |
| 4. Agriculture, as defined in Article 2. | P | P | P | N | P | P | P |
| **B. Residential Uses** | | | | | | | |
| 5. Single-family detached dwellings, including pre-fabricated, modular, panelized or sectional dwellings. | P | P | P | P | N | N | N |
| 6. Mobile homes, as defined in Article 2. | N | N | N | N | N | N | N |
| 7. a. Two-family "duplex" dwellings, as defined in Article 2. | N | N | P | P | N | N | N |
| b. Two-family semi-detached dwelling. | N | N | P | P | N | N | N |
| 8. Single-family attached "townhouse" dwellings, as defined in Article 2. | N | N | SE | P | N | N | N |

P - Permitted Use
SE - Special Exception
A - Accessory Use
N - Not Permitted

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 9. a. Multi-family "apartment" dwellings, as defined in Article 2. | N | N | SE | P | N | N | N |
| *a.* Multi-family condominium dwelling units, as defined in Article 2. | N | N | SE | P | N | N | N |
| 10. Mobile home parks or subdivisions. | N | N | N | N | N | N | N |
| 11. Dwelling unit in conjunction with a principal non-residential use. | N | N | N | P | N | P | N |
| 12. Conversion of a single-family dwelling or other building into not more than two dwelling units subject tot he provisions of Section 401. No expansion of the building area shall be made except as necessary for safety. | N | N | P | P | N | N | N |
| 13. a. Conversion of a dwelling or other building into multi-family apartments containing more than two dwelling units. | N | N | SE | P | N | N | N |
| b. Conversion of a dwelling or other building into multi-family condominiums containing more than two dwelling units. | N | N | SE | P | N | N | N |
| 14. Bed-and-breakfast, rooming, or temporary boarding houses, as defined in Article 2. | SE | SE | SE | P | N | N | N |
| 15. Customary home occupations and home professional offices, as defined in Article 2. | SE | SE | SE | P | N | SE | N |
| 16. In-home service as a family day care provider, as defined in Article 2. | SE | SE | SE | SE | N | N | N |
| **C. Public Or Private Recreational Uses** | | | | | | | |
| 17. Parks designed or intended for passive recreation or open space. | P | P | P | P | P | P | P |
| 18. Areas designed, equipped or intended for non-commercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like. | P | P | P | N | N | N | SE |

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 19. Swimming pool (or beach) conducted as a principal use. | SE | SE | SE | N | P | SE | N |
| 20. Outdoor riding stables, subject to the setback requirements specified in Section 501. | SE | N | N | N | SE | N | N |
| 21. Private or membership clubs or lodges not operated commercially, nor conducted primarily as a business enterprise. | N | N | SE | SE | SE | SE | N |
| 22. Golf courses. | P | SE | SE | N | N | N | N |
| 23. Golf driving or practice ranges, batting cages, racquet clubs/courts or miniature golf courses and the like, conducted as a principal use. | P | N | N | N | P | SE | N |
| 24. Commercial outdoor recreation or amusement areas not otherwise described within section 305 including rod and gun, archery, skeet shooting establishments, and go-karts. | SE | N | N | N | N | N | N |
| 25. Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts, health/recreation, billiard or poolroom, facilities and the like. | N | N | N | SE | P | SE | N |
| 26. Fairground and race tracks or courses for the conduct of season or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like. | N | N | N | N | N | N | N |
| **D. Institutional, Education, And Utility Uses** | | | | | | | |
| 27. Churches and other places of worship | P | P | P | P | SE | P | N |
| 28. Cemeteries. | SE | SE | SE | SE | N | N | N |
| 29. Public and private licensed hospitals, sanatoria and inpatient drug and alcohol rehabilitation facilities subject to provisions of Section 501. | N | N | N | N | SE | N | N |
| 30. Charitable or religious institutions and licensed nursing homes, or the like. Institutions for human care and the treatment of non-contagious diseases, but excluding prisons and insane asylums. | SE | SE | SE | SE | SE | N | N |

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 31. Group Homes | | | | | | | |
| a. Halfway houses and juvenile institutions | N | N | N | N | N | N | N |
| b. Handicapped and safe houses | SE | SE | SE | SE | SE | SE | SE |
| 32. Meeting or assembly halls for philanthropic, religious, fraternal, civic or other non-profit organizations/corporations, see setback requirement in Section 501. | SE | SE | SE | P | P | SE | N |
| 33. Communications facilities not limited to radio or television broadcasting or relay towers and accessory equipment except those utilities allowed under 87.A&B, including community and cable television systems, provided that no tower shall be located closer to any lot line than a distance equal to its height plus 100 fee, and shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes. | SE | SE | P | P | SE | SE | SE |
| 34. Water reservoir and/or storage facilities, sewage treatment plants, lagoons, settling basins and the like, conducted as a principal use. | SE | SE | SE | SE | SE | SE | SE |
| 35. Substations, yards or areas of transforming or switching electricity, excluding pad mounted transformers. | SE | SE | SE | N | SE | SE | SE |
| 36. Civic buildings, including community centers, museums, post offices, libraries, fire and rescue stations and halls and public office buildings erected or used by Federal, State, County or municipal governments or agencies thereof. | SE | SE | SE | P | P | SE | N |
| 37. Child care centers - licensed, or drop-in centers as defined in Article 2. | SE | SE | SE | SE | N | N | N |
| 38. Public or private elementary schools or middle schools. | P | P | P | N | N | N | N |
| 39. Public or private high schools or colleges. | P | SE | SE | N | SE | N | N |
| 40. Public or private trade or professional schools or the like. | N | N | N | SE | P | N | P |
| 41. Penal institution. | N | N | N | N | N | N | N |

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| E. Retail And Commercial Services Uses | | | | | | | |
| 42. Automobile carwashes; motor vehicle repair garages. | N | N | N | N | SE | N | N |
| a. Small engine and related equipment repair and maintenance to include lawn mowers. | N | N | N | SE | SE | N | N |
| 43. Automobile, truck, farm equipment, trailer, motorcycle, recreational vehicles and accessory equipment, snowmobile or mobile home display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that: | N | N | N | N | P | N | N |
| a. Repair and maintenance, except to farm equipment, recreational vehicles and accessory equipment, and mobile homes, shall be conducted within enclosed buildings; and, | | | | | | | |
| *b.* All outdoor storage areas and all outdoor repair and maintenance areas for farm equipment, recreational vehicles and mobile homes shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained. | | | | | | | |
| 44. Automobile service stations, except highway service plazas as defined in Article 2. | N | N | N | N | P | SE | N |
| 45. Highway service plazas, see setback requirement in Section 501. | N | N | N | N | SE | N | SE |
| 46. Shopping center or mall. See Section 505. | N | N | N | N | P | N | N |
| 47. Building materials or supplies, for sale, provided that outdoor storage areas shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained. | N | N | N | N | P | P | P |

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 48. Animal hospitals and kennels. Setback requirements in Section 501. | N | N | N | N | SE | N | N |
| 49. Veterinarians' offices limited to small animal practice and providing that no overnight boarding occurs for non-medical reasons. | N | N | N | SE | P | SE | N |
| 50. Business - services. | N | N | N | P | P | SE | P |
| 50A. Adult Bookstores and Mini Theatres. | N | N | N | N | SE | N | N |
| 51. Professional offices. | N | N | N | P | P | SE | P |
| 52. Medical and dental offices or clinics for out-patient treatment, including accessory laboratory facilities. | N | N | N | P | P | SE | SE |
| 53. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage. | N | N | N | N | P | N | SE |
| 54. Funeral homes, mortuaries and the like. | SE | N | N | N | P | N | N |
| 55. Greenhouses and nurseries, including sales facilities. | N | N | N | N | P | SE | SE |
| 56. Hotels, motels, and the like. See Section 506. | N | N | N | N | P | N | SE |
| 57. Printing, photographic processing, blueprinting, photocopying and similar reproduction services, and facsimile transmission except publishing. | N | N | SE | P | P | SE | SE |
| 58. Parking lot or garage as a commercial or public enterprise, provided that such parking lot shall be screened by a solid wall, screen or fence at least three (3) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained. | N | N | N | P | P | SE | SE |
| 59. Business - personal service. | N | N | N | P | P | P | SE |
| 60. Furniture to include upholstery, repair, and refinishing. | N | N | N | N | P | N | SE |
| 61. Restaurants and the like, except drive-in and drive-through | N | N | SE | P | P | SE | N |

| 305 TABLE OF USE REGULATIONS | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| restaurants as defined in Article 2. | | | | | | | |
| 62. Drive-in and drive through restaurants. | N | N | N | N | P | N | N |
| 63. Business - neighborhood retail. | N | N | N | P | P | P | N |
| 63A. Antique Shops | SE | N | SE | P | P | P | N |
| 64. Convenience stores and centers. | N | N | N | SE | P | SE | N |
| 65. Specialty auto services to include glass repair, lubrication, brake repair, and upholstering or the like. | N | N | N | N | P | N | N |
| 66. Business - general retail. | N | N | N | P | P | SE | N |
| 67. Signs, see the provision of Article 7, including: | | | | | | | |
| a. On-premises identification signs. See Section 707-B. | A | A | A | A | A | A | A |
| b. On-premises advertising signs. See Section 707-C. | A | A | A | A | A | A | A |
| c. Off-premises directional signs. See Section 708-B. | N | SE | P | P | P | P | P |
| d. Off-premises business advertising signs. See Section 708-C-1. | N | N | N | N | N | N | N |
| e. Off-premises commercial advertising signs. See Section 708-C-1. | N | N | N | N | N | N | N |
| f. Temporary signs. See Section 707-D and 708-D. | P | P | P | P | P | P | P |
| 68. Taverns | N | N | N | SE | SE | SE | N |
| 69. Warehousing and similar storage completely within enclosed buildings, including wholesale business, motor trucking terminals and accessory truck servicing but excluding motor vehicle repair garages. | N | N | N | N | P | P | P |

| F. Manufacturing And Industrial Uses | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 70. Processing - commercial | N | N | N | N | N | N | P |
| 71. Processing or the manufacturing of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils. | N | N | N | N | N | N | N |
| 72. Processing or manufacturing - primary. | N | N | N | N | N | N | N |
| 73. Processing or manufacturing - secondary. | N | N | N | N | N | N | P |
| 74. Research, design and development laboratories. | N | N | N | N | N | N | SE |
| 75. Commercial bulk cleaning and laundering. | N | N | N | N | N | N | P |
| 76. Wholesale distribution of petroleum products including accessory storage facilities. | N | N | N | N | N | N | N |
| 77. Blacksmith, welding, sheet metal, tool, die, gauge and machine shops less than 10. | N | N | N | N | P | N | P |
| 78. Contractor's equipment and material storage yards, provided that such shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained. | N | N | N | N | P | P | P |
| 79. Industrial parks, subject to the provisions of Section 507. See setback requirements in Section 501. | N | N | N | N | N | N | P |
| **G. Miscellaneous And Accessory Uses** | | | | | | | |
| 80. Junkyards | N | N | N | N | N | N | N |
| 81. Sanitary and rubble landfills. | N | N | N | N | N | N | N |
| 82. Other uses substantially similar in character and impact to uses ordinarily permitted by this Ordinance by right or by special exemption within the same Zoning District. | SE | SE | SE | SE | SE | SE | SE |

| | RR | SR | TR | TC | GC | NC | EC |
|---|---|---|---|---|---|---|---|
| 83. Accessory uses, including: | | | | | | | |
| a. Accessory use or building as defined in Article 2. | A | A | A | A | A | A | A |
| b. Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas. | A | A | A | A | A | A | A |
| c. Temporary buildings accessory to a construction project. | A | A | A | A | A | A | A |
| d. Fences, walls, landscaping materials, subject to the traffic visibility requirements specified in Section 406. | A | A | A | A | A | A | A |
| e. Off-street parking, see provisions of Article 6. | A | A | A | A | A | A | A |
| 84. a. Essential utility equipment as defined in Article 2. | P | P | P | P | P | P | P |
| b. Utility equipment - other, prior to the construction of or any overhead electrical power line of 69 KV or greater capacity, of any cross country telephone trunk line including microwave facilities, of any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission. | P | P | P | P | P | P | P |

# ARTICLE 4: LOT AREA AND YARD REGULATIONS

## 400 General Dimensional Requirements

A. The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be specified in Section 401, Table of Dimensional Requirements for Principal Uses, subject to any further applicable dimensional requirements or exemptions specified elsewhere in this Ordinance.

B. The minimum lot areas specified in Section 401 are based upon the availability of a public water supply system and a public sewage disposal system. If these systems are not available to serve a proposed use, the following other applicable standards of the Maryland Department of the Environment, as administered by the Washington County Health Department, shall be used in determining lot size:

| Percolation Rate (Time Required for a 1" drop) | Using a private water supply and a private sewage disposal system | | Using a public water supply and a private sewage disposal | | Using a public sewage disposal system and a private water supply | |
|---|---|---|---|---|---|---|
| Minutes | Minimum Lot Width (feet) | Minimum Lot Area (sq. ft.) | Minimum Lot Width (feet) | Minimum Lot Area (sq. ft.) | Minimum Lot Width (feet) | Minimum Lot Area (sq. ft.) |
| 1 to 5 | 100 | 20,000 | 100 | 15,000 | 75 | 12,000 |
| 6 to 15 | 125 | 25,000 | 100 | 17,500 | 75 | 12,000 |
| 16 to 25 | 150 | 30,000 | 100 | 20,000 | 75 | 12,000 |
| 26 to 30 | 150 | 40,000 | 150 | 30,000 | 75 | 12,000 |

C. Measurements of minimum land area and yards pursuant to Section 401 shall not include any land within the right-of-way of any existing or proposed street.

D. The uses listed in Section 401 shall only be permitted in any Zoning District in accordance with the provisions of Section 305.

E. Minimum lot areas listed in 400.B above shall not be less than the minimum lot size and lot width specified in 401. Nor shall 400.B supersede the policies and ordinances adopted by the Mayor and Council of Funkstown as they relate to public water and sewer requirements.

401 Table of Dimensional Requirements for Principal Uses

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side | Rear |
| A. Residential Uses | | | | | | | |
| 1. Single-family detached dwellings | RR | 20,000 | 20,000 | 120 | 35 | 20 | 40 |
| | SR | 15,000 | 15,000 | 100 | 20 | 15 | 25 |
| | TR | 10,000 | 10,000 | 80 | 15 | 10 | 20 |
| | TC | 5,000 | 5,000 | 50 | 10 | 8 | 20 |
| 2. Two-family ("duplex") dwellings, and two-family semi-detached dwellings | TR | 18,000 | 9,000 | 100 | 15 | 10[a] | 20 |
| | TC | 10,000 | 5,000 | 60 | 10 | 5[a] | 15 |
| 3. Single-family attached ("townhouse") dwellings | TR | 12,000 | 4,000[c] | 20 | 15 | 15[a] | 15 |
| | TC | 12,000 | 3,000[c] | 20 | 10 | 8[a] | 15 |
| 4. a. Multi-family ("apartment") dwellings | TR | 22,000 | 3,600[c] | 200 | 15 | 15 | 15 |
| | TC | 10,000 | 3,000[d] | 180 | 10 | 10 | 15 |
| b. Condominiums | TR | 22,000 | 3,600[c] | 200 | 15 | 15 | 15 |
| | TC | 10,000 | 3,000[d] | 180 | 10 | 10 | 15 |

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side | Rear |
| A. Residential Uses (cont.) | | | | | | | |
| 5. Dwelling unit in conjunction with a principal non-residential use, see Section 305.B.11 | All Permitted Districts | N/A | 5,000 | 50 | 10 | 5 | 10 |
| 6. Conversion of a building to two dwelling units, see Section 305.B.12 | All Permitted Districts | 10,000 | 5,000 | 60 | 10 | 5 | 10 |
| 7. a. Conversion of a building to more than two dwelling units, see Section 305.B.13.A | TR | 20,000 | 3,600[c] | 180 | 10 | 10 | 15 |
| | TC | 10,000 | 3,000[d] | 90 | 10 | 10 | 15 |
| b. Conversion of building into multi-family condominiums as per 305.B.13.B | TR | 20,000 | 3,600[c] | 180 | 10 | 10 | 15 |
| | TC | 10,000 | 3,000[d] | 90 | 10 | 10 | 15 |
| 8. Bed and Breakfast Establishment | TR | 15,000 | 15,000 | 80 | 15 | 10 | 20 |
| | TC | 5,000 | 5,000 | 50 | 10 | 8 | 20 |

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side[a] | Rear |
| B. Recreational and Institutional Uses | | | | | | | |
| 1. Swimming pool or other outdoor recreational use | All Permitted Districts | 2 Acres | -- | 200 | 100 | 50 | 50 |
| 2. Private clubs (see Section 305.C.21) or meeting halls (see Section 305.D.32) | TC | 20,000 | -- | 100 | 20 | 15 | 25 |
| | All Other Permitted Districts | 1 Acre | | 150 | 40 | 30 | 50 |
| 3. Human care facilities (see Section 305.D.29 & .30) | TC | 20,000 | -- | 100 | 20 | 15 | 25 |
| | All Other Permitted Districts | 2 Acres | | 200 | 100 | 50 | 50 |
| 4. Child care centers-licensed or drop-in centers (see Section 305.D.37) | RR | 3 Acres | -- | 300 | 100 | 50 | 50 |
| | SR | 3 Acres | -- | 300 | 50 | 50 | 50 |
| | TR, GC | 1 Acre | -- | 150 | 40 | 30 | 50 |
| | TC, NC | 20,000 | -- | 100 | 20 | 15 | 25 |
| 5. Water or sewage facilities (see Section 305.D.34) | All Permitted Districts | 2 Acres | -- | 200 | 100 | 50 | 50 |

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side[a] | Rear |
| B. Recreational and Institutional Uses (cont.) | | | | | | | |
| 6. Golf course or driving ranges, batting cages, miniature golf courses, riding stables and the like | All Permitted Districts | 5 Acres | -- | 300 | 40 | 50 | 50 |
| 7. Passive recreation park or open space | All Permitted Districts | -- | -- | -- | 5 | 5 | 5 |
| 8. Indoor recreation facilities and the like | TC | 20,000 | -- | 100 | 20 | 15 | 25 |
| | All Other Permitted Districts | 1 Acre | | 200 | 40 | 30 | 40 |
| 9. Fish and wildlife preserves and propagation areas | All Permitted Districts | 3 Acres | -- | 300 | 50 | 50 | 50 |
| 10. Other recreational, institutional, and utility uses (see Section 305.C and 305.D) | All Permitted Districts | 20,000 | -- | 100 | 20 | 15 | 25 |

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side[a] | Rear |
| C. Retail and Commercial Services Uses | | | | | | | |
| 1. Motor vehicle sales and service (see Section 305.E.43); building materials sales (305.E.47); animal hospitals (305.E.48); feed, grain, and farm supply stores (305.E.53); funeral homes (305.E.54); greenhouses and nurseries (305.E.55); warehousing (305.E.69); and parking lots/garages (305.E.58). | All Permitted Districts | 1 Acre | -- | 150 | 40 | 30 | 50 |
| 2. Shopping centers and malls, see Section 503 for additional requirements; hotels and motels (305.E.56), see Section 504 for additional requirements. | GC | 2 Acres | -- | 100 | 40 | 30 | 40 |
| 3. Other commercial uses (see Section 305.E), unless criteria within the Ordinance specifies an amount greater than that listed in this subsection. | TC | 5,000 | -- | -- | 5 | -- | 25 |
| | All Other Permitted Districts | 20,000 | -- | 100 | 20 | 15 | 25 |
| 4. Signs (see Section 305.67 and Article 7) | | | | | | | |

| Use | Zoning District | Minimum Total Lot or Land Area Per Use (sq. ft.) | Minimum Lot or Land Area Per Dwelling Unit (sq. ft.) | Minimum Lot Width (feet) | Minimum Yard Width (feet) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Front | Side[a] | Rear |
| D. Manufacturing and Other Uses | | | | | | | |
| 1. Uses permitted pursuant to Section 305.A, 305.F and 305.G. Industrial Parks see Section 505 for additional requirements. | All Permitted Districts | 20,000 | -- | 100 | 20 | 25 | 25 |
| 2. Utility Uses | All Permitted Districts | -- | -- | -- | -- | -- | -- |

NOTES:

a. Required side-yard dimension applies to each side of the lot; except that no side yard shall be required adjoining any lot line that coincides with a party-wall in an attached dwelling or other use.
b. Gross density shall not exceed six (6) dwelling units per acre.
c. Gross density shall not exceed eight (8) dwelling units per acre.
d. Gross density shall not exceed ten (10) dwelling units per acre.

402 Exceptions to Minimum Lot Sizes

A building may be constructed, provided the yard requirements are observed, on any lot which was lawful when created and which prior to the effective date of this Ordinance was in separate ownership duly recorded by plan or deed; provided, however at, or subsequent to the effective date of this ordinance if two or more contiguous lots in single ownership can be replatted that will create one or more lots which would conform to the above provisions no exception shall be granted.

403 Lot Area or Yard Required

The lot or yard areas required for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance. No required lot or area shall include any property, the ownership of which has been transferred after the effective date of this Ordinance, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

404 Front Yard Reduction

When there is an existing building on each of the lots adjoining the lot on which a building is proposed to be erected, and where each such existing building lies within one hundred (100) feet of such proposed building and lies nearer to the street line than the required front yard depth elsewhere specified in this Ordinance, and when each such existing building is within 100 feet of the proposed building, then the average of the existing front yard depths of such adjoining lots shall be the minimum required front yard depth for the lot on which the proposed building is to be erected.

405 Permitted Projections Into Required Yards

A. Subject to Section 406, the provisions of Section 401 shall not apply to fences, terraces or walls which are less than six (6) feet above the natural grade. Steps, uncovered porches, decks or other similar features not over three (3) feet high above the finished grade are limited to no more than 50% modification of the required yard setbacks.

B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and ladders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.

C. The yard requirements of Section 401 shall not apply to off-street parking areas or to accessory signs, except as expressly provided in Articles 6 and 7, and except as provided in Section 406.

406 Traffic Visibility at Corners

On every corner lot, abutting the intersection of two streets, a triangular area within the lot shall remain clear of any structure, wall, fence, planting or other visual obstruction which might cause danger to traffic by obscuring the view across the lot between the height of two (2) feet and seven (7) feet above the level of the intersecting streets; such triangular area shall be delineated by a line drawn across the lot to connect points on the two street lines at a distance of twenty-five (25) feet from the intersection of the street lines.

## 407 Accessory Buildings in Side and Rear Yards

Completely detached accessory buildings equal to or less than 100 sq. ft. in gross floor area may occupy required side and rear yards but shall not be located closer than five (5) feet to any side or rear property line. Any detached accessory building greater than 100 square feet in gross floor area shall have a minimum distance to the side or rear lot line not less than the longest horizontal dimension of the structure or the minimum distance specified for that district, whichever is the lesser of the two. In no case shall an accessory building that is to be permanently placed (footers/foundation) on a lot be allowed to occupy an easement established on a duly recorded subdivision plat.

## 408 Yards on Corner Lots

All yards adjoining public streets, except yards adjoining alleys, shall be deemed front yards.

## 409 Height Regulations

No principal building or structure shall exceed thirty-five (35) feet or three stories in height, and no accessory building or structure shall exceed twenty (20) feet in height; provided, however, that said height limitations shall not apply to barns, windmills, silos, or other accessory farm structures, or to belfries, steeples, spires, electric, broadcasting or utility poles, equipment or towers, water towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses or roof structures for housing stairways, or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building.

## 410 Exemptions To Yard Requirements

A building in existence before the effective date of this Ordinance shall be exempt from front, side and rear yard requirements when the proposed use is a principle permitted use within that zoning district. This exemption is not applicable to any new yard requirement resulting from the establishment of a new line of subdivision nor to the expansion of said buildings or uses.

# ARTICLE 5: SPECIAL PROVISIONS

## 500 Environmental Protection

### 500.1 Flood Plains

A. Purpose. The purposes of this section are to minimize property damage, encourage appropriate construction practices to minimize future damage, protect water supply, sanitary sewage disposal and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the state, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified flood plains and by the issuance of permits for those activities that comply with the objectives of this section.

B. Administration. The Zoning Administrator shall only issue permits approvals when an application has met all criteria set forth in the 'Town of Funkstown' Floodplain Management Ordinance of 1992 as amended.

### 500.2 Forest Conservation

A. Purpose. The purpose of this section is to provide requirements and guidance for the preservation or replanting, whichever is applicable, of trees or forests during certain developments activities requiring forest stand delineations, forest conservation plans, maintenance agreements and sureties.

B. Administration. The Town of Funkstown pursuant to the natural resources article, 5-1603(a) assigned its obligation to have a Forest Conservation Ordinance to Washington County Maryland. The Board of County Commissioners adopted the Washington County Forest Conservation Ordinance on February 2, 1993. The Zoning Administrator shall only issue permit approval when an application has met all criteria set forth in the Washington County Forest Conservation Ordinance, as amended.

### 500.3 Stream Buffers

A. Setback: No new principal building, off-street parking, loading area, or commercial or industrial outdoor storage area shall be located:

1) Within 50 feet of the centerline of a perennial waterway, and
2) Within 25 feet of the centerline of an intermittent waterway.

B. Existing Vegetation: Existing natural vegetation shall be preserved to the maximum extent possible. An application for a permit for activity within such area shall: a) specify on the plan those trees or areas of trees and other vegetation intended to be preserved, removed or replaced by new trees and vegetation, and b) be accompanied by a detailed soil erosion and sedimentation control plan, which shall be carried out in full.

2. 4 Steep Slopes

A. Over 15 percent slope: any construction of a new principal building or a new parking lot on land with an existing natural slope of over 15 percent shall require special exception approval by the Board of Appeals. When special exception approval is required, the applicant shall:

1. Show that existing trees and other vegetation will be preserved to the maximum reasonable extent, or be immediately replaced by new trees and other vegetation, while avoiding excessive coverage by impervious surfaces;
2. Submit a plan showing that stormwater runoff will be properly controlled;
3. Submit and carry out a detailed soil erosion and sedimentation control plan, which shall be submitted in advance for review and acceptance by the town or its designee, and;
4. Submit a detailed grading plan.

A. Slopes on Proposed Lots:

2. This Section 500.4B shall only apply to a lot submitted for subdivision approval after the adoption of this Ordinance, and which includes over 500 square feet of natural slopes of over 15 percent.
3. As part of the subdivision plan, the applicant shall designate a "buildable area." The buildable area shall be the proposed maximum extent of portions of the lot where construction of a principal building shall be permitted. The applicant may voluntarily propose a smaller buildable area than is permitted by this ordinance.
4. If the subdivision plan shows a buildable area that includes natural slopes over 15 percent, then the minimum lot area for that lot shall be increased to twice the size that would otherwise be required.

500.5 Habitat of Threatened and Endangered Species

The Town of Funkstown will submit any development proposal, which could impact on a habitat, to the Department of Natural Resources, Natural Heritage Program.

501 Special Setback Requirements

All uses or buildings subject to compliance with this Section shall be located at least two hundred (200) feet from any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot or property as the said uses or buildings, or any lot which is within a residential land subdivision duly recorded in the Land Records of Washington County.

502 General Performance Standards

No land or structure in any Zoning District shall be used or occupied in any manner that creates any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust odor or other form of air pollution; heat, electromagnetic or other condition in such manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises.

3. No building or accessory structure shall be located within fifty (50) feet of any boundary line which adjoins a residential district. If deemed necessary by the

504 Standards for Hotels and Motels

A. Site coverage. Impermeable site coverage (parking areas, building area, and other paved surfaces) shall not be greater than 90% of the gross area of the site.

B. Adequate provision sha[redacted]

G. Landscaping and Buffer Areas

1. All open portions of any lot not improved for parking, loading, driveway

507 Cluster Development

The plans and other required supplementary data for a proposed Cluster Development shall be designed, prepared and submitted for review and approval in accordance with the requirement

6. Certificates of Appropriateness shall be issued upon a majority vote of the members of the Historic District Commission and shall be signed by the Chairman, or Vice-Chairman, and by the Secretary.

7. The Historic District Commission may request the advice and assistance of the Planning Commission, the Washington County Historic Society, the Maryland Historical Trust or any other person or organization with a relevant interest.

8. The Historic District Commission may adopt regulations for the equitable and expeditious review of applications for certificates of appropriateness. Such regulations may include the requirements that the applicant submit plans, drawings, color samples, photographs, and/or other information necessary for the Commission to judge the appropriateness of the proposed change.

A. Establishment of Historic Districts

Said Certificate shall explicitly describe the nature of the changes approved by the Commission or shall include and make reference to other plans, specifications or other

19. The arrangement and species of landscaping materials, if any.

20. The type and proportion of material used for sidewalks or other walkways.

21. Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

A. Limitations on the Commission's Authority

8. The Historic District Commission shall consider only the exterior features of a structure visible from an adjacent public way within a historic district, and shall not consider any interior arrangements.

9. The Historic District Commission shall not have the authority to approve uses not otherwise permitted by Section 305 of this Ordinance.

10. The Historic District Commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The Commission shall be lenient in its judgment of plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic or architectural value of surrounding structures of the surrounding area.

11. The Historic District Commission is not required to limit new construction, alteration, or repairs to the architectural style of any one period.

12. The Historic District Commission shall not disapprove an application except on the basis of the criteria specified in Sub-Section G, above.

509 TND Floating Zone

A. TND Established. TND is established as a floating zone.

B. Purpose. The intent of the TND zone is to implement the recommendations of the Comprehensive Plan to use traditional "small-town" or neighborhood design standards to create attractive living environments.

C. Goals and Objectives.

1. To use traditional neighborhood design characteristics for physically re-creating the intimate human scale and setting of Funkstown.

2. To create neighborhoods that are visually coherent.

3. To accommodate, in a manner that encourages community interaction and cohesion, a mix of housing densities and types.

4. To offer planned, strategically-located open spaces to encourage social interaction, recreation, and sensitive areas protection.

5. To create attractive living areas that will reduce pressure and demand for sprawl development.

A. Zoning Approval

No property shall be zoned TND except upon an approved application under the terms of this Ordinance or when Applications for TND shall only be accepted from the property owner, the owner's agent, or a holder of an option contract for purchase requested or proposed annexation agreement. Town of Funkstown shall not affix a floating zone to the Zoning Map upon its own initiative.

Approval of the TND zone shall adhere to the requirements of Article 11 Section 1104 of this Ordinance except that proof of a "change in the character of the neighborhood" or a "mistake in the existing zoning" shall not be required. Any development that has been designated TND at the time of annexation is exempt from Section 1104.

Approval of the TND zone requires express findings of fact by the approving authority that approval of the application for TND:

1. Satisfies the stated purpose, goals, and objectives at Section 509Z and B of this Ordinance;
2. Supports and is consistent with the Comprehensive Plan;
3. Will not result in extra-ordinary impacts on adjacent properties;
4. Supports and positively reinforces the character of the neighborhood in which it is proposed; and
5. Will not have adverse impacts on the adequacy of public facilities and services in the community.

Conditional Approval. The Planning Commission may require that conditions be attached to the approval of the TND zone to ensure that development adheres to the Comprehensive Plan; fulfills the purpose, requirements, and standards of the TND zone; and promotes the health, safety, and welfare of the community and public-at-large.

E. Locations and Zone Boundaries. TND may be located in any area described in the Comprehensive Plan as potentially suitable for traditional small-town development.

F. Permitted Uses

The following uses shall be permitted by right in TND zones, subject to the supplemental provisions in this ordinance.

1. Single-family detached, single-family attached or multifamily dwellings, subject to the provisions of Section 509 H-I.
2. Commercial, to include retail and service, business and professional offices consistent in use and scale with the purpose, goals, and objectives of the TND zone (Sections 509-A.B and C). No drive-in commercial establishments shall be allowed. Commercial uses are subject to the provisions of Section 509H-2.

Appropriate commercial uses include:

- Business Services
- Professional Offices
- Medical and Dental Offices or Clinics for Outpatient Treatment
- Business Neighborhood Retail
- Business Personal Services
- Restaurants
- Antique Shops

3. Civic and municipal uses, such as a town hall, public parks and village squares.

C. Permitted Density and Lot Size

7. Density.

a) Growth and annexation areas recommended in the Plan may develop under the TND zone at a minimum density of four units per acre and up to a maximum density of eight units per acre.

1. Lot Size. The TND zone does not establish a minimum lot size.

B. Supplemental Provisions

8. Provisions governing residential land use, lots and buildings.

a) Different types of residential dwellings may be mixed on the same block or lot. A residential building may be mixed with a non-residential building on the same block or lot. A residential use may be mixed with nonresidential uses in the same building provided the residential use is not on the ground floor.

b) Building cover shall not exceed more than sixty percent of lot area.

c) Multifamily buildings shall not exceed three stories in height. When fronting a street or square, multifamily buildings shall be no less than two stories in height. Single family buildings shall not exceed three stories in height.

d) Multifamily buildings shall be set back 0 to 25 feet from the front lot line. All other residential buildings shall be set back 0 to 25 feet from the front lot line.

e) Multifamily buildings shall have no required setbacks from side lot lines; other residential buildings shall be set back the aggregate of 20 feet, all of which may be allocated to one side.

f) All residential and accessory buildings, except as otherwise provided, shall have a setback of no less than 20 feet from the rear lot line. Garages accessed through a rear alley shall have a zero-foot setback.

g) At least 70% of the net building area shall be designated for single-family residential development.

1. Provisions governing commercial land use, lots an buildings.

b) No more than two percent of the gross land area, or 5,000 square feet, whichever is greater, may be reserved for commercial use.

c) Buildings on commercial lots shall have the facades within five feet of the frontage line along at least 70% of their length. When such buildings are adjacent to existing development, facades shall be built within a distance of the frontage line that equals the average of five feet and the setback distance of adjacent development.

d) Building coverage shall not exceed 70% of the lot area.

A. Provisions governing streets and transportation

9. A comprehensive pedestrian and bicycle circulation system may link all uses, with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.

10. All roads shall connect with other roads within the subdivision and roads must be placed to link in a grid pattern to facilitate neighborhood blocks, unless the applicant presents evidence satisfactory to the Planning Commission that it is not possible for all roads to connect or to be placed in a grid pattern. The use of alleys to provide rear access to lots fronting on public roads is encouraged.

11. Sidewalks and curbs are required along all streets within the TND development, unless the developer can prove that sidewalks will not be beneficial in meeting the purpose and goals outlined in this section.

12. Individual road widths shall be determined by the topography, use, and traffic pattern anticipated for each road. The minimum roadway width for alleys connecting the rear access of lots fronting on public roads shall be 12 feet. The minimum roadway width for roads shall be:

| Description | Width (feet) |
|---|---|
| No parking allowed on road | 12 |
| Parking allowed one side only | 20 |
| Parking allowed both sides | 28 |

5. The perimeter of blocks within the subdivision should not exceed 1300 feet. No block face should be greater than 300 feet without an alley providing through access.

6. No less than 75% of commercial parking spaces shall be to the rear of the building. The Planning Commission may reduce or waive on-site parking requirements where suitable an adequate parking will be achieved off-site or on-street.

7. All off-street parking for multifamily buildings shall be to the rear of the buildings.

E. Design Provisions

10. The neighborhood shall have an identifiable edge. Accordingly, each TND development shall be surrounded by a buffer comprising no less than 30% of the parcel's gross land area, excluding alleys, streets and other public ways, and no less than 150 feet wide at any point.

This requirement shall not apply in those cases where the use of TND involves the continuation of expansion of an existing traditional design neighborhood or other traditional design pattern of development.

2. A consistently high quality of architecture should be used throughout the development. The mass and spatial relationships should emulate traditional villages and local character.

3. New buildings should be compatible in size, scale and mass with buildings and architectural style prevalent in the area.

4. Building frontages shall face the street whenever possible.

5. Front porches are encouraged on all single-family detached homes.

6. Exterior materials shall be natural in appearance, with preference given to wood, wood siding, stone, brick or stucco, or to contemporary materials and details that closely replicate such traditional materials.

7. Similar land use categories shall generally face across the streets, dissimilar categories may abut at rear lot lines.

8. Shade trees and other plant materials should be provided along street frontages occupied by homes and can be provided within sidewalks.

9. All deciduous trees planted shall not be less then eight feet in height and one inch (minimum) caliper.

B. Site Plan

An approved site plan for TND development shall be required and shall follow the procedural and substantive requirements for plan submittal, review, and approval, as set forth in the Subdivision Ordinance.

L. Developer Incentives

Bonus Provision

The Planning Commission may allow and approve more than the number of dwelling units permitted in Section 509, G-1, upon the Planning Commission's determination that the proposed development, through the quality of its site design and architecture, displays sensitivity to the purposes of this Section. The Planning Commission may require renderings, scale models, topographical exhibits, description of housing types, and material selection. The following amenities and characteristics shall serve as guidance for determination of the bonus percentage to be allowed.

a) No cul-de-sacs in the subdivision: 3% bonus.

b) Parking facilities are provided behind all dwelling units: 2% bonus.

c) If a stormwater management pond is used, the ration is restricted to 6:1 maximum: 2% bonus.

d) No roof line ratios are less than 12:10: 2% bonus.

e) 80% of single family dwellings have garages in rear: 3% bonus.

f) Copper or tin roofs are used on at least 20% of the dwelling units: 2% bonus.

g) 75% of front porches on single-family dwellings are deeper than six (6) feet and along at least 40% of the house front: 3% bonus.

h) Horizontal wood siding, stone, brick or contemporary materials closely replicating traditional materials is use don at least 80% of the dwelling units: 3% bonus.

i) 50% more than the minimum quantity required of specimen trees greater than three (3) inches caliper width are included in the subdivision design: 2% bonus.

j) Pedestrian and/or bicycle system linking uses within the development and or linking to existing town parks or open space: 3% bonus.

The aggregate density bonus over the permitted number of dwelling units shall not exceed 12% of the total permitted unless the developer meets all the incentives listed above (a-j), then the maximum density bonus can be 16% of the total.

# ARTICLE 6: OFF-STREET PARKING AND LOADING

600 Required Off-Street Parking Space

Off-street parking spaces shall be provided and satisfactorily maintained in accordance with the following provisions for each building or use, which, after the effective date of this Ordinance, is established, erected, enlarged or altered for use for any of the following purposes in any district; for uses not specifically listed, the requirements for the most similar use listed shall be followed:

| Use | One (1) off-street parking space required for each: | Plus one (1) off-street parking space required for each: |
|---|---|---|
| **A. Natural Resources And Agricultural Uses** | | |
| 1. Agricultural and other full-time employee uses listed in Section 305.A | | - - - - |
| **B. Residential Uses** | | |
| 1. Single-family and two-family dwellings | 0.5 dwelling unit (2 spaces per unit)<br>* If the development is designed to accommodate off-street parking, this requirement may be waived | - - - - |
| 2. Multi-family & townhouse units dwellings | 0.4 dwelling unit (2.5 spaces per unit) | - - - - |
| 3. Conversions and rooming houses | 1 dwelling unit | 1 rental unit |
| 4. Home occupations and home professional offices | See 201.40 | |
| **C. Public Or Private Recreational Uses** | | |
| 1. Commercial swimming pools | 4 persons of total capacity | Employee on duty |
| 2. Private or membership clubs or lodges | 3 persons of total capacity | Employee on duty |
| 3. Golf courses | 0.25 hole (4 spaces per hole) | Employee on duty |

| Use | One (1) off-street parking space required for each: | Plus one (1) off-street parking space required for each: |
|---|---|---|
| | | |
| C. Public Or Private Recreational Uses (cont.) | | |
| 4. Miniature golf | 0.5 holes (2 spaces per hole) | Employee on duty |
| 5. Batting cages, golf driving and indoor target ranges | Cage, practice tee or target | Employee on duty |
| 6. Amusement center, billiard hall, bingo parlor, health club, gymnasium | 100 square feet of gross floor area | Employee on duty |
| 7. Indoor/outdoor commercial racquet clubs or courts | 0.33 courts (3 spaces per court) plus 1 per 3 users at design capacity | Employee on duty |
| 8. Indoor/outdoor riding stables | 2 stables plus 1 per 3 users at design capacity | Employee on duty |
| 9. Bowling alleys | 0.2 lanes (5 spaces per lane) | Full-time employee on duty |
| 10. Theaters, auditoriums, stadiums | 3 seats (bench capacity computed at 1 seat for each 20 inches) | Two employees on duty |
| 11. Skating rinks | 100 square feet of skating area | Two employees on duty |
| 12. Recreational establishments other than those listed above | 80 square feet of floor space and/or as determined by extent of outdoor use | Two employees on duty |
| D. Institutional And Educational Uses | | |
| 1. Churches or other places of worship | 4 seats (bench capacity computed at one seat for each 20 inches) | Two employees on duty |

| D. Institutional And Educational Uses (cont.) | | |
|---|---|---|
| 2. Licensed hospitals, nursing homes and the list as listed in 305.D.29 and .30 | 3 patient beds | Visiting doctors plus one space for each two employees on duty |
| 3. Meeting or assembly halls for fraternal or civic organizations | 3 persons of total capacity | Employee on duty |
| 4. Community centers | 250 square feet of gross floor area used by the public | Two employees on duty |
| 5. Libraries and museums | 400 square feet of gross floor area used by the public | Two employees on duty |
| 6. Governmental office buildings | 200 square feet of gross floor area used by the public | Employee on duty |
| 7. Fire and rescue stations | Emergency motor vehicle | Employee on duty |
| 8. Child day care | 10 children | Employee on duty |
| 9. Elementary and middle schools | Employee on duty | 3 seats in auditoriums and other places of assembly |
| 10. High schools and colleges | Employee on duty | 2 students aged 16 years or older |
| 11. Trade and professional schools | Employee on duty | 1 student |

| E. Retail And Commercial Services Uses | | |
|---|---|---|
| 1. Automobile servicing and/or repair | ¼ service bay (4 spaces per bay) plus .5 spaces per fueling station | Employee on duty |

| | | |
|---|---|---|
| 2. Small engine and related equipment repair | 200 square feet of gross floor area | Employee on duty |
| 3. Automobile, truck, farm equipment, recreational vehicles, and mobile home sales and service | 500 square feet of enclosed sales, 1 per 2500 square feet of open sales plus 2 spaces per service bay | Employee on duty |
| 4. Furniture and appliance stores | 1000 square feet of sales floor plus 1 space per company vehicle | Employee on duty |
| 4a. Antique Store/Shop | 250 square feet | Employee on duty |
| 5. Building materials and supplies stores | 400 square feet of sales floor plus 1 space per 1000 square feet of warehousing area | Employee on duty |
| 6. Business service and professional offices | 200 square feet of gross floor area | Employee on duty |
| 7. Professional office for medical, dental and veterinarian | 0.25 practitioner (4 spaces per practitioner | Employee on duty |
| 8. Retail stores, business and local convenience stores | 150 square feet of area used for serving customers | Employee on duty |
| 9. Funeral homes | 50 square feet of gross floor area used by the public plus 1 space for each company vehicle | Full-time non-resident employee on duty |
| 10. Greenhouses and nurseries and other outdoor retail | 1000 square feet of lot or floor area used for display purposes | Employee on duty |
| 11. Hotels and motels | Rental room or suite plus parking figured separately for banquet meeting rooms, and restaurants | Employee on duty |

| | | |
|---|---|---|
| **E. Retail And Commercial Services Uses (cont.)** | | |
| 12. Personal service businesses | 200 square feet of floor area used for service customers | Employee on duty |
| 13. Restaurants, drive-in restaurants, taverns, lounges, night clubs | 50 square feet of gross floor area | Employee on duty |
| 14. Self-service Laundromats | 2 Washing-drying or dry-cleaning machines | Two full-time employees on duty |
| 15. Shopping centers and malls | 167 square feet of retail sales area (6 spaces per 1,000 square feet) | - - - - |
| **F. Manufacturing And Industrial** | | |
| 1. Wholesaling and warehousing | 350 square feet of office and customer-service floor area | Employee on duty |
| 2. Manufacturing and industrial uses as listed in Section 305.F | 1.5 employees on duty | Company vehicle used in the business |

601 General Regulations Applying to Required Off-Street Parking Facilities

A. Existing Parking - Structures and uses in existence at the effective date this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirement.

B. Alteration in Use - Whenever a building is altered or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 600, for an increase of ten percent (10%) or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.

C. Conflict with Other Uses - No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

D. Continuing Character of Obligation - All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

E. Joint Use

1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection E.(2), as follows.

2. Up to fifty percent (50%) of the parking spaces required for (a) theaters, auditoriums, bowling alleys, or private clubs, and up to one hundred percent (100%) of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Town Attorney, and filed with the application for the zoning permit.

F. Mixed Uses - Where a permitted use contains or includes more than one of the types of uses identified in Section 600, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.

G. Location of Parking Spaces - Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet walking distance of the principal use. A written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the town attorney, and filed with the application for the zoning permit.

H. Fractional Spaces - Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

I. Drive Through/In Facilities - At no time shall vehicular traffic utilizing the drive thru/in facilities of a commercial establishment interfere with the traffic flow pattern or decrease the design capacity of the off-street parking area serving the commercial establishment. In addition, at no time shall the aforementioned vehicular traffic interfere with the function or decrease the capacity of any public street.

J. TC Parking Exemption - Commercial uses located within the town center zoning district may be exempt from the off-street parking criteria of Section 600 determined on a case by case basis.

K. Landscaping and Buffer Area - In addition to specific requirements of this Ordinance, the Planning Commission may require effective vegetative screening or by such other device as may be deemed appropriate in areas between off-street parking and/or loading areas and adjacent properties. In all cases screening shall be continuously maintained.

## 602 Design Standards

The design standards specified in this Section shall be required for all new off-street parking facilities with a capacity of four (4) or more vehicles. Such facilities shall be designed so that their use shall not constitute a nuisance, or hazard, or unreasonable impediment to traffic.

A. Parking lot dimensions shall be no less than those listed in the following table:

| | | | Aisle Width | |
|---|---|---|---|---|
| Angle of Parking | Width | Stall Depth | One-Way | Two-Way |
| 1. Automobile parking | | | | |
| 90° | 9' | 19' | 22' | 24' |
| 60° | 9' | 21' | 18' | 21' |
| 45° | 9' | 20' | 15' | 18' |
| Parallel | 8' | 22' | 12' | 18' |
| 2. Automobile and trailer parking | | | | |
| 30° | 10' | 53' | 15' | -- |

B. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

C. The width of entrance and exit drives shall be:

1. a minimum of twelve (12) feet for one-way use only;

2. a minimum of twenty (20) feet for two-way use; and,

3. a maximum of forty (40) feet at the street line.

D. No parking areas shall be designed to require or encourage parked vehicles to back into public street in order to leave the lot.

E. Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways shall be graded, surfaced with asphalt or other suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties.

F. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

G. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb and by a planting strip which shall be not less than ten (10) feet in depth. This ten (10) foot landscaped planting strip shall be parallel to the street line and shall be measured from the future right-of-way.

603 Off-Street Loading Areas

A. Off-street truck-loading berths shall be provided as an accessory to any use specified below:

1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital, or sanitarium, nursing or convalescent home, institution for children or the aged, school, professional, governmental, or business offices, or laboratory establishments, with a gross floor area between ten thousand (10,000) and twenty-five thousand (25,000) square feet, one (1) additional berth for each additional twenty-five thousand (25,000) square feet, or fraction thereof.

2. For buildings with offices and retail sales and service establishments, with a gross floor area between eight thousand (8,000) and twenty-five thousand (25,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty-five thousand (25,000) square feet or fraction thereof.

3. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, with a gross floor area between five thousand (5,000) and ten thousand (10,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty thousand (20,000) square feet or fraction thereof.

B. Each required off-street truck-loading berth shall be at least fifty-five (55) feet long, measured perpendicular to the loading dock, shall be at least fourteen (14) feet wide, and shall provide a minimum overhead clearance of sixteen (16) feet.

C. Each required off-street truck-loading berth shall have unobstructed access to a public street. Such access may be combined with access to an off-street parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-street parking spaces or intrude into any street right-of-way. No off-street loading berth shall be located in any required front yard.

D. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except that berths may be provided in spaces designed to serve jointly two (2) or more adjacent establishments, provided that the number of berths in such joint facilities shall not be less than the total required separately for all such establishments.

# ARTICLE 7: SIGN REGULATIONS

## 700 Purpose

This article recognizes that signs perform an important function by identifying residences and businesses and that some control of signs is necessary to promote the community's safety and general welfare by lessening safety hazards to pedestrian and vehicular traffic, by conserving property values, by preventing unsightly and detrimental development which has a blighting influence upon residential, business and industrial uses, by preventing signs from reaching such excessive size that they obscure one another to the detriment of all concerned, and by securing fundamentals of design to protect the scenic qualities which form an essential basis for part of the Town's economic well-being.

## 701 Applicability and Exemptions

A. No sign shall be erected, hung, placed or painted in any district except as provided in this Ordinance.

B. For the purpose of this Ordinance, windows and those areas inside such windows that are visible from the exterior of a business premise shall be excluded from these regulations.

C. For the purpose of this Ordinance, any of the following words relating to signs are intended to include any tense or to read with the prefix "re": affix, alter, attach, display, erect, hand, move, paint, paper, paste, place, post, repair.

D. No sign erected before the enactment of these regulations shall be altered in any respect or moved, except in compliance with the provisions of this Ordinance, and except that any sign may be removed completely.

E. Nothing in this Ordinance shall prevent the proper erection and maintenance of official signs by Federal, State, or county or municipal agencies for traffic control, directional or informational purposes, or by a private person or agency solely for the protection of public health, safety and welfare.

F. Where the flag, name, emblem, or insignia of a nation, governmental unit, non-profit educational, charitable, or religious group is used as a sign within the meaning of this Ordinance, such use shall comply with the provisions hereof, except that no fee shall be charged for issuing a permit for such use.

G. For the purpose of this Ordinance, cornerstones built into or attached to a wall or a building are not deemed signs.

H. Within the area of any Historic District, the Historic District Commission created pursuant to Section 508 shall have the authority, pursuant to the issuance of Certificates of Appropriateness, to modify the provisions of this Article regarding the size and placement of on premises signs. (See Section 709)

I. Once a business has ceased operating, all advertising signs, whether on the building or in windows, must be removed within fifty (50) days.

J. Signs within the Historic District should conform to the historic character of the District and should be approved by the Historic District Commission.

702 Permit Requirements

A. No on-premises sign over six (6) square feet in area and no off-premises sign (except governmental sign) of any size shall be erected, affixed, painted, hung, or otherwise displayed, altered or repaired, unless a permit therefor has been issued except those exempted hereafter.

B. All signs of any size must comply with all the regulations contained herein, regardless of whether a permit is required.

C. No permit shall be required for the repainting or repairing of a sign which conforms to the provisions of this Ordinance. Signs on theaters, fire hall, community organizations, and church advertising changes in program shall not require permits except for the initial installation thereof.

D. A fee shall be collected for each sign permit at the time of application.

E. The Zoning Administrator shall receive all sign permit applications and shall act upon such applications within ten (10) days after receipt thereof.

703 Measuring Sign Area

A. For the purpose of this Ordinance, the area of a sign shall be construed to mean the aggregate area of all signs located on the premises.

B. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.

C. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

D. Where the sign consists of individual letters or symbols attached to or painted on a surface, building or wall, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

E. In computing square-foot area, of a double-faced sign, only one side shall be considered, provided both faces are the same size.

704 General Sign Regulations

A. No sign shall project more than three feet above a roof nor shall it exceed the height limit permitted for structures in the zoning district in which it is located, except that the Board of Appeals may authorize a variance to such use provided that:

1. The variance shall be granted only for on-premises signs accessory to retail commercial uses such as gasoline service stations, restaurants, motels and the like offering services intended primarily or substantially for highway travelers and other transient users; and

2. Said users are or will be located at or near an interchange of a limited access highway; and

3. The sign shall contain only the name or the name and symbol or emblem of the use to which it is accessory; and

4. The area of the sign shall not exceed one hundred (100) square feet; and

5. Not more than one (1) structure for such sign shall be permitted on a single property, but said structure may be authorized to contain the sign of more than one permitted use if such use is on the same or contiguous property.

B. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises or the public safety, in the opinion of the Zoning Administrator, he shall order that such sign be made safe or removed. Such order shall be complied with within five (5) days of receipt thereof by the person, firm or corporation owning or using the sign or the owner of the building or premises on which such unsafe sign is affixed or erected.

C. Lighting devices shall be shielded so that they do not create a nuisance by shining directly into a public street or highway or into a residential district. No flashing, blinking or rotating illumination of a sign shall be permitted except for official traffic signs.

D. Except for official traffic signs, no sign shall project beyond the right-of-way line of a street.

705 Prohibited Features

A. No sign shall constitute a public safety or traffic hazard, such as by obstructing traffic signals, traffic signs, road warning signs, street name signs, or the full view of the traffic in all directions at driveways, entranceways or any other public road intersection.

B. No sign except official traffic signs shall be located within the right-of-way of any street or road or on any slope or drainage easement for a street or road.

C. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal.

D. Tacking, painting, posting or otherwise affixing of signs or posters on the walls of buildings, barns, sheds, trees, posts, poles, fences, walls or other structures is prohibited except as herein provided.

E. Signs shall not obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress for any building or structure.

706 Nonconforming Signs

A. Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the wording or content of the sign.

B. Every sign, billboard, and other outdoor advertising medium erected in the Town prior to the adoption of the Ordinance may continue to exist, despite lack of conformity with all of the provisions of this Ordinance, for an indefinite period after adoption hereof provided it is maintained in a safe condition or until such time as the information included thereon is altered in content, except that the information on a billboard may be periodically changed.

707 Permitted Signs Accessory to On-Premises Uses

A. Signs as specified hereinafter shall be permitted as authorized in Article 3, as an accessory use in conjunction with a permitted principal use when located on the same premises as the permitted use.

B. Identification Signs

1. A sign indicating the name or number of the building or premises or the accessory use of a dwelling for a home occupation, provided that such sign shall not exceed two (2) square feet in area, and provided that not more than one such sign shall be erected on a property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs, if illuminated shall be of an enclosed lamp design.

2. A sign indicating the name of an active farm, provided that such sign shall not exceed (10) square feet in area, and provided that not more than one such sign shall be erected along any road adjoining the farm.

3. Bulletin or announcement boards or identification signs for schools, churches, hospitals, and other principal uses and buildings other than dwellings, provided that the area of any such sign shall not exceed twenty (20) square feet and not more than one such sign shall be placed on a property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

4. Non-governmental traffic control and directional signs not exceeding two (2) square feet in area. Such signs shall not be illuminated, but may be of the beaded reflector type. No advertising matter whatsoever shall be contained on signs of this type.

5. Any signs used upon a property warning the public against hunting, fishing or trespassing thereon or indicating the private nature of a road, driveway or premises, provided that no individual sign shall exceed two (2) square feet in area.

C. Advertising Signs

1. A sign advertising the sale of agricultural products grown or produced on the premises, provided that the area of any such sign shall not exceed twenty (20) square feet and not more than one such sign shall be placed on the property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

2. Accessory signs identifying permitted non-residential uses, which may include business advertising signs as defined in Article 2, provided that:

   a. The aggregate area of all signs attached to or painted on a building shall not exceed twenty-four (24) square feet plus ten (10) percent of the area of the building face to which they are attached or printed, or one hundred (100) square feet, whichever is less.

   b. Perpendicular signs shall not exceed twenty-four (24) square feet in area nor shall they be mounted in such a way as to be a hazard to pedestrian or vehicular traffic.

   c. The area of any free-standing accessory sign shall not exceed one (1) square foot for each linear foot of street frontage of the property occupied by the principal use, and in no case shall the area of a sign exceed one hundred (100) square feet. Shopping center signage, see Section 503.F.

   d. Free-standing signs identifying a single building or other principal use shall be permitted in accordance with the following schedule. Shopping center signage, see Section 503.F.

| Total Street Frontage | No. Signs Permitted |
|---|---|
| 1 to 1,000 feet | 1 |
| Each full additional 1,000 feet | 1 |

   e. No exterior sign or signs pertaining to the use conducted on the premises and which is either integral with or attached to the principal use shall be attached to the side of the building that faces an adjoining residential use or district. No freestanding sign to be located on the side of the business lot shall face an adjoining residential use or district.

D. Temporary Signs

1. A temporary sign advertising sale or lease of the land or building upon which such sign is displayed, provided that the area of any such sign shall not exceed six (6) square feet and not more than one such sign shall be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Such signs shall be removed immediately upon final settlement or renting of property. A sign permit is not required.

2. A temporary sign advertising the development of the property upon which it stands or the opening of a new subdivision, provided that the area of any such sign shall not exceed one hundred (100) square feet, that not more than one sign may be placed on a property, unless such property fronts on more than one street, in which case one such sign may be erected

on each street frontage. Such signs shall be removed immediately upon completion of the development or 24 months after erection of the signs, whichever shall occur first.

3. Temporary contractors', architects' or builders' signs, provided that the area of any such sign shall not exceed twelve (12) square feet. Such sign shall be removed immediately upon completion of the work or 12 months after erection of the signs, whichever shall occur first.

4. Temporary signs announcing a campaign drive, or event of a civic, philanthropic educational, or religious organization. Such signs shall not exceed twelve (12) square feet in area and shall be removed not more than five (5) days after the event. A sign permit is not required.

708 Permitted Signs Relating to Off-Premises Uses

A. Signs directing attention to a person, business, profession, product, home occupation, service or activity not conducted or sold on the same property, herein designated "off-premises" signs, shall be permitted as authorized in Article 3, and as specified hereinafter.

B. Directional Signs

1. Signs for directing patrons, members, or audience to service clubs, churches, or other non-profit organizations, provided signs shall indicate only the name, emblem, meeting hours, address and direction of the facility, and shall not exceed four (4) square feet in area.

2. Directional signs relating to a place within the corporate limits, which includes without being limited to commercial and industrial establishments, intended to direct or point the way at street intersections toward said place which obviously could not easily be located without such sign or device, provided that such sign shall contain only the name, symbol or emblem of said place, and provided that no such sign shall be larger than twelve (12) square feet in area.

C. Advertising Signs

1. Off-premises business and commercial advertising signs as defined in Article 2, shall not be permitted.

D. Temporary Signs

1. Temporary signs for political campaigns, or directing patrons, members or audiences to exhibits, shows, or events, are subject to the following requirements:

a. No such sign shall exceed twelve (12) square feet in area.

b. Signs shall be removed within five days after the date of the election, exhibit, show or event; otherwise, the Town may cause such sign to be removed with the cost of said removal to be borne by the person or organization responsible for posting the temporary signs.

c. No such sign shall be posted earlier than four (4) weeks before the occurrence of the event to which it relates.

d. A sign permit is not required.

2. Temporary directional signs relating to a land subdivision or to a construction project, intended to direct or point the way at street intersections toward such subdivision or project, are subject to the following requirements:

a. No such directional sign shall be larger than two (2) square feet in area.

b. Such directional signs shall be removed within five (5) days after the completion of such subdivision or project.

c. A sign permit is not required.

709 Permanent Residential Identification Signs

A. No more than two (2) permanent identification signs may be placed at the primary residential roadway entrance. No more than one (1) sign may be placed at secondary entrances.

B. The sign must be designed so as not to obstruct full sight distance and shall be a minimum of ten (10) feet from the road right-of-way.

C. The size of the identification signs shall not exceed thirty-five (35) square feet in area (script) or seven (7) feet in height. The monument portion of all permanent residential signs must be constructed of a masonry material.

D. Sign maintenance is the sole responsibility of the developer and/or assigns.

# ARTICLE 8: NONCONFORMITIES

## 800 Continuation

Except as otherwise provided in this Article and in Section 706, the lawful use of any structure or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance, and becomes a nonconforming use as defined in Article 2.

## 801 Alteration or Extension

A. Structural alterations of a building or structure, or the use of a structure, building, parcel, lot, or tract of land which does not conform to the provisions of this Ordinance shall be allowed only if the building or structure to be altered or the structure, building, parcel, lot or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.

B. Upon application, the Board of Appeals may approve the structural alteration of a building or structure, or the extension of use of a structure, building, parcel, lot or tract of land which is not in conformance with the provisions of the Ordinance provided.

1. The alteration or extension of structure or use shall be restricted to a total expansion not to exceed thirty-five (35) percent of those existing buildings, structures, parcels, lots, or tracts of land devoted to the nonconforming structure or use.

2. The alteration or extension shall conform to the setback, yard and height regulations in the district in which the structure or use is located unless the existing nonconformity is in violation of a setback, yard and/or height regulation.

3. Alteration or extension as discussed in b(1) above shall be done no more than twice over any five (5) year period.

## 802 Restoration

A. Structures damaged by fire or other causes to the extent of more than seventy-five (75) percent of the market value of the structure shall not be repaired, reconstructed or used for the same nonconforming use without the approval of the Board of Appeals granted as a special exception pursuant to Article 10.

B. Structures damaged by fire or other causes to the extent of seventy-five (75) percent or less of the market value may be reconstructed, repaired or used for the same nonconforming use without action by the Board of Appeals.

C. Any such reconstruction or repair shall be subject to the following provisions:

1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure.

2. Reconstruction shall begin within one (1) year from the date of damage and shall be carried on without interruption.

3. The foundation of the reconstructed structure shall not be destroyed or enlarged unless relocation results in less of a nonconformity or brings the structure into conformance.

D. No provision of this chapter shall prevent the enforcement of orders to strengthen or restore to a safe condition, any structure declared to be unsafe by an official charged with protecting the public safety.

803 Abandonment

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of this Ordinance.

804 Changes

A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

B. The Board of Appeals may grant, as a special exception pursuant to Article 10, permission to change a nonconforming use to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use in regard to:

1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic;

2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;

3. Storage and waste disposal; and,

4. Appearance.

5. Any use that may adversely affect the general health and welfare of the public.

805 Nonconforming Use Certificate

Upon application by the owner or agent of any nonconforming use, structure or property, the Zoning Administrator shall issue a certificate recording the fact of such nonconforming use, structure or property. Such certificate may be used as evidence in asserting rights pursuant to this Article.

# ARTICLE 9: ADMINISTRATION

## 900 Zoning Administrator - Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Mayor and Council. The Zoning Administrator shall have the power to:

A. Receive and examine all applications for zoning permits.

B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals.

C. Inform the applicant following the refusal of the permit that they may submit applications for interpretations, special exceptions, and variances.

D. Receive applications for variances, special exceptions, and interpretations.

E. Submit applications for variances, special exceptions and interpretations, to the Planning Commission for its comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.

F. Schedule and advertise hearings and notify all adjoining property owners.

G. Formally present the application to the Board of Appeals at its public hearing and write the Board's decision and findings of fact as documented by the Board during its deliberation of the case.

H. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.

I. Issue stop, cease and desist orders; and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person in violation of any such order shall be guilty of a violation of this Ordinance.

J. With the approval of the Mayor and Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

K. Revoke by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance.

L. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.

M. Maintain a map or maps showing the current zoning classification of all land in the Town.

N. Maintain a map of all nonconforming uses or special exception uses in the Town and a file on each such use.

O. Upon the request of the Mayor and Council, the Planning Commission or the Board of Appeals, present to such bodies, facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.

901 Zoning Permits

A. Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.

B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of completion of the project.

902 Application Requirements for Zoning Permits

All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the Town and shall be filed with the Zoning Administrator.

903 Fees

All applicants for zoning permits, special exceptions and interpretations and variances shall at the time of making application, pay to the Town a fee in accordance with a fee schedule adopted by resolution of the Mayor and Council upon the enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Council.

904 Life of a Permit

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year after the date of issuance of the permit. If not, the permit shall be considered null and void.

905 Interjurisdictional Coordination

A.
B.

906 Streamlining

A.
B.

# ARTICLE 10: BOARD OF APPEALS

## 1000 Establishment of Board

To provide for the competent interpretation and the full and equitable achievement of the purposes of this Ordinance, there is hereby established a three (3) member Board of Appeals. Their terms of office, succession, removal, filling of vacancies, alternate membership, and their powers and duties shall be as provided in Article 66B, Annotated Code of Maryland.

## 1001 Membership, Terms of Office

The Board shall consist of three (3) members. The terms of office of the members shall be three years. The members terms shall be staggered. No member shall be an appointed or elected official of the Federal, State, County or Town Government. Members shall be appointed by the Mayor and Council, and shall be removable for cause upon written charges and after public hearing. Vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. The Mayor and Council shall designate one alternate member for the Board who shall be empowered to sit on the Board in the absence of any regular member of the Board. When the Mayor and Council-designated alternate member is absent or otherwise unable to sit on the Board, the Mayor and Council shall designate a temporary alternate member.

## 1002 Procedures, Meetings, Records and Decisions

A. Procedures - The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this Ordinance and of Article 66B of the Annotated Code of Maryland.

B. Meetings - Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Three members present shall constitute a quorum.

C. Records and Decisions - The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by vote in which three members, present during the proceedings, must concur. Each decision of the board shall contain a statement of the grounds and any findings forming the basis of such action or decision.

   The Board shall notify the Mayor and Council, Planning Commission and Zoning Administrator of all decisions.

## 1003 Who May Appeal to the Board

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decisions of the Zoning Administrator.

## 1004 Powers and Duties - Interpretation

Upon appeal from a decision by the Zoning Administrator, the Board shall decide any question:

A. Where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Administrator in the enforcement of this Ordinance or,

B. Involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

1005 Powers and Duties - Variances

A. Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions whereby such strict applications would result in either practical difficulty or unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.

B. In general the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.

C. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied.

The appellant must show that the variance will not be contrary to the public interest and that either practical difficulty or unnecessary hardship will result if it is not granted. In particular, the appellant shall establish and substantiate his appeal to show that the appeal for the variance is in conformance with the requirements and standards listed below:

1. That the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.

3. That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship.

4. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered

directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provisions to which variance applies.

1006 Powers and Duties - Special Exceptions

A. The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions and for no other use or purpose. The Board shall not grant a special exception except in conformance with the conditions and standards of this Ordinance.

B. In granting a special exception. the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:

1. In accord with the Comprehensive Development Plan for the Town of Funkstown and consistent with the spirit. purposes, and intent of this Ordinance.

2. Suitable for the property in question, and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.

3. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

C. The Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will secure substantially the objectives of this Ordinance. The Board shall consider recommendations of the Planning Commission, if any, prior to rendering a decision.

1007 Rules for Filing Appeals and Applications

A. General Rules

1. Any appeal shall be made by filing the same with the Zoning Administrator within 30 days after the date of the Zoning Administrator's decision.

2. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Board.

3. All appeals and applications shall list names and addresses of all adjoining owners including those across the streets from the subject property.

B. Interpretation Appeals

Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that the applicant is claiming.

C. Variance Appeals

Appeals for variance from the strict application of this Ordinance shall include the zoning permit application denied by the Zoning Administrator together with documentation supporting the basis as per section 1005, supporting their request.

D. Special Exception Applications

Applications for special exception shall include (a) the Zoning permit application denied by the Zoning Administrator with all information required therein and a statement with any supporting data regarding the merits of the proposed use at the proposed location and how the proposal complies with the general and specific requirements of this Ordinance.

1008 Effect of Appeals

An appeal stays all proceedings in furtherance of the action APPEALED FROM, unless the Zoning Administrator from whom the appeal is taken certifies to the board of appeals after notice of appeal shall have been filed with the Zoning Administrator that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application on notice to the Zoning Administrator and on due cause shown.

1009 Notice of Hearings

Upon transmittal to the Board of an application filed with the Zoning Administrator for a special exception, variance or appeal from alleged error of the Zoning Administrator, the Board shall fix a reasonable time (not less than 30 days nor more than 60 days) from the transmittal date for a public hearing thereon and give notice as follows:

A. At least 15 days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time, and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or of the variance or other question which is subject to appeal. in at least one newspaper of general circulation within the Town.

B. Post, in a conspicuous place on the property involved. a notice of pending action containing the same information as in A. above, such posting to take place at least 15 days prior to the date fixed for the public hearing.

C. Given written notice of the time and place of such hearing to the applicant or appellant and to the owners of record of property contiguous to or opposite the property affected.

1010 Review by the Planning Commission on Applications for Special Exceptions, Variances and Interpretations

The Board shall request an advisory opinion from the Planning Commission on any application for a special exception and the Board shall consider such advisory opinion, if any, prior to making a decision on an application.

The Board shall also request an advisory opinion from the Planning Commission on any application for a variance or interpretation.

1011 Decision by the Board

A. Decisions by the Board on special exception, variances and interpretation appeals shall be rendered within 10 calendar days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

The Zoning Administrator shall notify the applicant, the Mayor and Council, and the Planning Commission in writing concerning the Board of Appeals decision.

B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with law and the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

C. In making its decisions pursuant to the authority conferred by this Ordinance, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:

1. The orderly growth of the community, as expressed in the Comprehensive Development Plan for the Town of Funkstown.

2. The number of people residing or working in the immediate area.

3. Traffic conditions and facilities.

4. The effects of such use upon the peaceful enjoyment of people in their homes.

5. The conservation of property values.

6. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.

7. The most appropriate use of land and structure.

8. Decision of the courts.

9. The purpose of these regulations as set forth herein.

10. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

1012 Time Limitations on Board Approvals

A decision of the Board permitting the erection or alteration of a building shall be valid for a period of one year, unless a zoning permit for such erection or alteration is obtained within this period and the erection or alteration proceeds to completion in accordance with the terms of the decision. No decision of the Board permitting the use of a building or land shall be valid for a period longer than one year, unless such use is established within said period; except that, where such use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a zoning permit for such erection or alteration is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

1013 Disapproval of Application

If the application is disapproved, thereafter the Board shall take no further action on another application for substantially the same proposal, on the same premises, until after twelve (12) months from the date of such disapproval.

1014 Appeal to Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer of the Town or any officer, department, board or bureau of the Town may appeal the same to the Circuit Court of Washington County in a manner set forth in Section 4.08 of Article 66B of the Annotated Code of Maryland, 1970 edition, as amended.

# ARTICLE 11: AMENDMENTS, REMEDIES AND PENALTIES

## 1100 Power of Amendment

The Mayor and Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning map. When doing so, the Mayor and Council shall proceed in the manner prescribed in this Article.

## 1101 Who May Initiate

Proposals to amend, supplement, change, modify, or repeal may be initiated by the Mayor and Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

A. Proposals Originated by the Mayor and Council - The Mayor and Council shall refer every proposed amendment to the Planning Commission. Within thirty (30) days of the referral of said proposal, the Planning Commission shall submit to the Mayor and (Town) Council a report containing the Commission's recommendations, which may include any additions or modifications to the original proposal.

B. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Mayor and Council any proposal for amending this Ordinance.

C. Proposals Originated by a Citizen's Petition

1. Each petition by one or more owners of property to be affected by a proposed amendment shall be submitted to the Zoning Administrator on forms provided therefor. The Zoning Administrator shall transmit such petitions to the Mayor and Council, and a copy thereof to the Planning Commission.

2. The Planning Commission may, at its discretion, notify the Mayor and Council of its intention to conduct promptly a public hearing on such petition. Within thirty (30) days following receipt of such petition, or, if a public hearing is held, within thirty (30) days following such hearing, the Planning Commission shall transmit to the Mayor and Council a report containing its recommendations thereon, which may include additions or modifications to the original proposal.

3. The Mayor and Council shall then proceed in accordance with Section 1103 below.

## 1102 Fees

To assist the Town in meeting the administrative costs of amendments, all applicants petitioning for zoning amendments shall, at the time of making application, pay to the Zoning Administrator for the use of the Town, a fee in accordance with a fee schedule adopted by resolution of the Mayor and Council upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Council.

1103 Public Hearing and Notice

No amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Mayor and Council in relation thereto at which parties in interest and citizens shall have the opportunity to be heard, and of which a complete record shall be kept. Notice shall be given as follows:

A. Notice of the time and place of the public hearing, the name of the applicant, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least 1 newspaper of general circulation in the jurisdiction once a week for 2 successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.

B. When such hearing concerns a zoning map change, a notice of pending action containing the same information as in subsection A. above, shall be posted in a conspicuous place along all road frontages on the property involved, such posting to be done at least fifteen (15) days prior to the date fixed for public hearing.

C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing, shall be sent to the applicant, and to the owners of property contiguous to or opposite the property affected, and to the owner of the property.

D. At the discretion of the Mayor and Council, written notices of hearing may be sent to other interested persons, organizations or agencies.

1104 Map Amendment

Before enacting a map amendment that would modify, repeal or reclassify the zoning of land within the corporate limits of Funkstown as herein provided, the Mayor and Council shall make finding of facts in each specific case including, but not necessarily limited to, the following matters:

A. The report and recommendations of the Planning Commission.

B. Population change in the area of the proposed amendment.

C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.

D. Present and future transportation patterns in the area.

E. Compatibility with existing and proposed development of the area.

F. The relationship of the proposed change to the adopted plan for the Town.

G. Whether there has been a convincing demonstration that the proposed rezoning would be appropriate and logical for the subject property.

H. Whether these was a mistake made when the property was zoned at the adoption of this Ordinance.

I. There has been a substantial change in the character of the neighborhood where the property is located.

1105 Text Amendment

A text amendment to the zoning ordinance shall be made utilizing the procedure in Section 1103. The findings of fact contained in Section 1004 are not necessary for a text amendment.

1106 Action by the Mayor and Council

A. The Mayor and Council may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept.

B. The Mayor and Council upon the zoning or rezoning of any land pursuant to the provisions of this Article, may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, and changes to be made on the subject land to assure conformity with the intent and purpose of the Ordinance.

C. An application for the reclassification shall not be accepted for filing by the local legislative body if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the local legislative body on the merits within twelve (12) months from the date of the local legislative body's decision.

1107 Procedures to Maintain GC-General Commercial District and EC-Employment Center District Zoning Once Granted

The procedure for maintaining any change of the zoning district classification of land to GC-General Commercial District or EC-Employment Center District duly enacted and adopted as an amendment pursuant to this Article, such change having been petitioned by persons other than the Mayor and Council or Planning Commission, shall be as follows:

A. Within one (1) year of the granting of GC-General Commercial District or EC-Employment Center District zoning, application shall be made for a zoning permit for use of the said land; otherwise the zoning for the GC or EC District shall revert automatically to its prior district classification without notice and public hearings.

B. Within one (1) year after issuance of the zoning permit, construction or use shall be commenced on the land so zoned; otherwise the zoning for the GC or EC District shall revert automatically to its prior district classification without notice and public hearing, and the zoning permit shall become null and void.

C. Within two years of the issuance of zoning permits for the land so zoned, the subject land shall be substantially used for such purposes as may be permitted in the zoning district; otherwise the zoning for the GC or EC District shall revert automatically to its prior district classification without notice and public hearing.

1108 Enforcement and Remedies

A. As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, a violation of this Ordinance is declared to be a misdemeanor.

B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who commits, takes part, or assists in any such violation or who maintains or uses any building or premises in which any such violation shall exist, shall be, on conviction thereof, guilty of a misdemeanor and liable to a fine or penalty not to exceed one hundred ($100) dollars.

C. Whenever any such person specified in paragraph B. above shall have been notified in writing by the Zoning Administrator that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days notice and correct all violations within thirty (30) days thereafter. If corrections are not commenced within five (5) days and are not either completed within thirty (30) days or being pursued in good faith to completion, each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use or other violation continues will be deemed a separate offense punishable by the like fine.

D. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, sign or land is used in violation of this Ordinance, the appropriate authorities of the Town, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure or land; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.