

INITIALLY APPROVED JANUARY 10, 2005

TOWN OF SUDLERSVILLE
ZONING ORDINANCE



Recommended to:

The Town Commissioners of Sudlersville

By:

**Vote of the Planning Commission
June 20, 2006**

Adopted with revisions on August, 17, 2006

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ARTICLE 1

GENERAL PROVISIONS

1-100 TITLE

The regulations set forth in this document including the Articles shall be known as the “Zoning Ordinance of the Town of Sudlersville, Maryland.” The Zoning Ordinance includes both the text and the Official Zoning District Map herein adopted.

1-200 PURPOSE

This Zoning Ordinance and the zoning districts contained herein are established in accordance with the policies contained in Article 66B of the Maryland Annotated Code and to implement the Comprehensive Plan of the Town of Sudlersville. Reasonable consideration is given for, among other things, the character of each district and its suitability for particular uses with a view to conserving the value of buildings and property and encouraging orderly development and the most appropriate use of land and is intended to promote the health, safety and general welfare of the public. This Zoning Ordinance includes regulations whose purpose is to control congestion in the streets; secure the public safety; promote health and the general welfare; provide adequate light and air; promote the conservation of natural resources; prevent environmental pollution and avoid undue concentration of population; to promote the orderly and controlled growth of the Town; and facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other requirements. It is also the purpose of this Ordinance to simplify the regulation of land uses in Town and to eliminate or minimize instances wherein the regulations create non-conformities. Finally, it is the purpose of this Ordinance to minimize instances in which actions and requests must be brought before the Board of Appeals for resolution.

1-300 APPLICABILITY

1-301 Territorial Application

The provisions of this Ordinance shall apply to all land and all improvements in the incorporated boundaries of the Town of Sudlersville, Queen Anne’s County, Maryland.

1-302 Land

Where land is subdivided, the division shall be effected in a manner that will not violate the provisions of this Ordinance.

1-303 Yards

- A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- B. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

1-304 Improvements

- A. No building, structure, or land shall be used, and no building, structure, or part of a building or structure shall be constructed, extended, moved, structurally altered internally or externally, or enlarged except in conformity with this Ordinance and all the regulations herein specified for the zoning district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to:
- Exceed the height;
 - Accommodate or house a greater number of families;
 - Occupy a greater percentage of lot area;
 - Have narrower or smaller rear yards, front yards, side yards or other open spaces; than herein required; or in any other manner contrary to the provisions of this Ordinance.

1-400 INTERPRETATIONS

1-401 Minimum Requirements

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare of the Town of Sudlersville.

1-402 Conflicting Resolutions

Whenever any provisions of this Ordinance impose a stricter requirement or a higher standard than is required in any Federal or State statute or other Town ordinance or regulation, the provisions of this Ordinance shall govern. Whenever any provision of any Federal or State statute or other Town ordinance or regulation imposes a stricter requirement or higher standard than is required by these regulations, the provision which is more restrictive or imposes the higher standard or requirement shall govern.

1-500 SEVERABILITY

Should any section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

1-600 EFFECTIVE DATE

This Ordinance was adopted by the Town Commission of the Town of Sudlersville by Ordinance Number 2005-07 dated August 2, 2005, and became effective at 12:01 AM on August 3, 2005 at which time the Sudlersville Zoning Ordinance adopted December 4, 1990, as amended was repealed, along with The Subdivision Ordinance of Sudlersville as adopted February 11, 1992 and any and all other Sudlersville Zoning Ordinances and/or amendments which may have been adopted prior to August 2, 2005.

ARTICLE 2

ZONING DISTRICTS AND MAPS

2-100 ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES

2-101 Zoning Districts Established

The incorporated territory of the Town of Sudlersville shall be divided into zoning districts defined in Article 3.

2-102 Zoning Map

- A. The locations and boundaries of the zoning districts are established on the “Official Zoning Map, Sudlersville, Maryland.” The Official Zoning Map and all explanatory material on the map is incorporated by reference and made a part of the Ordinance. The Official Zoning Map is located in the Sudlersville Town Hall and shall be the final authority as to the current zoning status of any property within the Town’s jurisdiction. Copies of the map may be prepared and published for guidance but shall not be considered to supercede the Official Zoning Map.
- B. The Official Zoning Map shall be identified by the signature of the President of the Town Commissioners and attested by the Town Clerk upon adoption.
- C. If, in accordance with the provisions of this Ordinance and Article 66B, Title 2, Annotated Code of Maryland, changes are made in zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Town Commissioners.
- D. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures set forth in this Ordinance.

2-103 Interpretation of Official Zoning Maps

Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Maps, or under circumstances not covered under this section, the Board of Appeals shall interpret the location of the zoning district boundaries.

2-104 Replacement of Official Zoning Map

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or becomes difficult to interpret because of the nature of number of changes and additions, the Town Commissioners may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
- B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map and may incorporate validly enacted amendments to the official zoning map, but no such correction shall itself have the effect of amending the original zoning ordinance or any subsequent amendment of the zoning map.
- C. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Town Commissioners. The new Official Zoning Map shall be identified by the signature of the Town Commissioners attested to by the Town

Clerk, and bearing the seal of the Town under the following words: “This is to certify that this Official Zoning Map adopted (date of adoption of map being replaced) is part of the Zoning Ordinance of the Town of Sudlersville, Maryland.”

2-200 RULES FOR INTERPRETATION OF ZONING BOUNDARIES

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
- D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
- E. Where a lot is divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through E above, the Board of Appeals shall interpret the zone boundaries.
- G. The regulations pertaining to a zoning district shall extend throughout the whole area bounded by the zoning district lines.
- H. Where a boundary line is shown as being located a specific distance from a street or other physical feature, this distance shall control and shall be measured from the center of the feature.

2-300 ANNEXED LANDS

Should lands be proposed for annexation to the Town, the Planning Commission, concurrently with the annexation proceedings, shall propose district boundaries for the new lands. Upon adoption of the resolution for annexation, the Town Commission shall amend this Ordinance to zone the new lands with the effective date of amendment to be that of the annexation date.

ARTICLE 3
ZONING DISTRICTS

3-100 PURPOSE AND INTENT OF DISTRICTS

3-101 Purpose of Districts Generally

Zoning districts are established to provide appropriate location for different types of land uses. The appropriate location for a particular land use is determined by:

- A. The character of the area and current land uses.
- B. The suitability of each district for the uses permitted in each.
- C. The encouragement of the stability of the district and of land values therein.
- D. Environmental considerations.
- E. Recommendations of the Town of Sudlersville Comprehensive Plan.

3-102 TCC: Town Central Commercial

The TCC District is intended to preserve, protect, and enhance the area considered to be the historical core of Sudlersville. Land uses are a mixture of residential and commercial including a variety of intensities in site utilization. The intent of this district is also to legitimize existing structures and uses and to minimize instances in which existing development is classified as “nonconforming.”

3-103 CFZ: Commercial Floating Zone

The CFZ district is to preserve, protect and enhance the commercial land uses existing in Sudlersville on the date of adoption of this Ordinance. The CFZ district is intended to provide for small scale low intensity commercial development in scattered locations in the traditional predominantly single-family residential areas in town. The small scale of the commercial development makes it compatible with the surrounding residential uses and legitimates existing structures and uses. (see page 3-12/13 for a more complete description of CFZ)

3-104 MU: Mixed Use

The MU District is intended to provide for higher intensity non-residential uses in the existing light industrial and heavier commercial areas of Town and in some adjacent potential annexation areas. A limited amount of higher density residential uses are also appropriate. Mixed-uses are encouraged. It is the further intent of this district to legitimize existing structures and uses and to minimize instances in which existing development is classified as “nonconforming.” Commercial uses existing as of the date of adoption of this Ordinance are expressly deemed consistent and compatible with the purpose of this Ordinance.

3-105 TR: Town Residential

The TR District is intended to preserve and protect the Town's traditional primarily residential neighborhoods and allow certain non-residential uses that are compatible with residential character; and to encourage and facilitate redevelopment and infill that is compatible in use, scale, and impact with residential uses and the existing pattern of buildings, streets and blocks.

3-106 SF: Single-Family Residential

The SF District is to promote harmonious living in single family residential dwellings with allowable low impact home occupation uses.

3-200 LAND USES BY DISTRICT

Table 1 lists the different uses and zoning districts in which they are permitted. If a use is not listed or does not fall within any of the general use categories, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings. The categories in Table 1 ("Institutional," "Retail- Light Use," etc.) refer to the level of possible impact of the use on adjoining landowners and do not define the use itself.

The letters in Table 1 correspond to the following:

P: Permitted Use: Uses designated by the letter "P" shall be permitted subject to all applicable regulations.

C: Permitted Use with Conditions: Uses designated by the letter "C" shall be permitted subject to certain conditions and all applicable regulations. The conditions only apply when the property is being redeveloped and a site plan is required. The conditions are listed in Section 3 of this Article.

E: Special Exceptions: Special Exceptions are granted by the Board of Appeals in accordance with the conditions of Sections 3 and 4 of this Article. Uses requiring a Special Exception are designated by the letter "E."

TABLE 1, LAND USE CLASSIFICATIONS

LAND USE CLASSIFICATIONS	P: Permitted Use C: Permitted Use with Conditions E: Special Exception Use Granted by Board of Appeals					Conditions or Additional Use Regulations
	USE	CFZ	TCC	MU	TR	
RESIDENTIAL						
Single Family Residential-Detached	P	P		P	P	
Two Family Residential	P	P		P		
Accessory Apartment	P	P	C	P	C	3-300A
Home Day Care				C	C	3-300B
Multi-family Dwelling, Townhouse	C	C	E	C	E	4-300
Senior Housing project	C	C	E	C	E	4-300
Emergency Mobile Home	C	C	C	C	C	3-300C
INSTITUTIONAL						
Civic Community Center	P	P	P	C		3-300D
Fire or Rescue Service	P	P	C	C		3-300D
Family Day Care Center	P	P		P	C	3-300D
Group Day Care Center, Group Home, Nursery School, Preschool			P	E	E	3-300D
Hospital			E			3-300D
Library, Museum, similar	P	P	P			
Community Center, Service Club, Private Club	C	C	P	C		3-300D
Nursing Home, Convalescent Home			C	C		3-300D
Place of Worship, Parish Hall or Rectory	C	C		C	C	3-300D
Public or Governmental Building	P	P	C	C	C	3-300D
Public/Private Primary or Secondary or Collegiate School	P	P		C	C	3-300D
Trade, Vocational, Commercial or Business School	E	E	P	C		3-300D
RETAIL- LIGHT USE						
Artist, Photographer Gallery, similar	P	P	P	P		
Bed and Breakfast	P	P		P		
Boarding House, Lodging House	C	C		C		3-300E
Business Service Shop	P	P	P	C		3-300E
Catering Services	P	P	P	P		
Coffee Shop, Ice Cream Shop	P	P	P	C		3-300E
Retail Bakery	P	P	P	C		
Salon, Barber	P	P	P	P		
Specialty Retail selling primarily one type of goods	P	P	P	C		3-300E

LAND USE CLASSIFICATIONS	P: Permitted Use C: Permitted Use with Conditions E: Special Exception Use Granted by Board of Appeals					
	CF Z	TCC	MU	TR	SF	Conditions or Additional Use Regulations
RETAIL-INTENSIVE USE						
Bank, Financial Institution	P	P	C			3-300F
Convenience, Grocery, Hardware, Drug	P	P	P			
Dry Goods Store	P	P	P			
Health Clinic	C	C	C			3-300F
Hotel, Motel			C			
Restaurant, Class I	P	P	P			
Restaurant, Class II	P	P	P			
Shopping Center			C			3-300F
Tavern, Night Club, Lounge			E			3-300F
OFFICE/SERVICE-LIGHT USE						
Dry Cleaner (dry cleaning performed off site)	C	C	P			3-300G
Professional Office, Business Office (non-medical)	C	C	P	C		3-300G
Repair Shop, including service/repair such as clocks, jewelry, small appliances, shoe, television and radio and associated storage facility	C	C	P	C		3-300G
OFFICE/SERVICE-INTENSIVE USE						
Dry Cleaner(full service)	P	P	P			
Funeral Home			E			3-300F
Health Spa/Fitness Center/Tanning Salon	P	P	P			
Plumbing Shop, Contractor Shop			P			
Printing, Publishing	P	P	P			3-300F
Professional Office (medical)	E	E	P			3-300F
Small Scale Manufacturing and Assembly such as cabinet making, furniture upholstery	P	P	P	C		3-300F
Studio for Instruction in Dance, Art, Music, similar	P	P	P			
ENTERTAINMENT/RECREATION						
Outdoor Recreational Facility			C			3-300F
Movie, Cinema, Theater			C			3-300F
Outdoor Commercial Amusement, Indoor Arcade			C			3-300F
Public or non-profit Park and/or Recreational area	P	P	P	P	P	

LAND USE CLASSIFICATIONS						
USE	CFZ	TCC	MU	TR	SF	Conditions or Additional Use Regulations
AUTOMOTIVE						
Agricultural Machinery, Equip. or supplies sales & repair	P	P	P			
Automobile or Boat sales, rental	E	E	P			
Automobile Parking Lot (non-accessory use)	P	P	P			
Engine and Motor sales and service	P	P	P			
Gasoline Service Station, Auto repair	P	P	P			
Large Truck Repair or Service shop	P	P	P			
Small auto, small truck and tractor repair	P	P	P			
Temporary Storage and service of transient Trailers, Camping Trailers, Touring Vans, etc.			P			
AGRICULTURE/AGRICULTURAL						
Animal Care and Services			P			
Auction House, Sale Barn			P			
Commercial Greenhouse or Nursery			P			
Farmer's Market	P	P	P	P		
INDUSTRIAL						
Agricultural Products Processing Plant			E			3-300H
Bulk Plant			E			3-300H
Utility Building or Facility	E	E	E			
Feed and Grain Supply and Storage Facility			P			
Fuel Storage over 10,000 Gallons			E			3-300H
Lumber Yard, Storage Yard, Stone Monument Dealer			P			
Other General Manufacturing, assembly or light industrial plant and uses			E			3-300H
Research and Development Facility			E			3-300H
Sawmill, Commercial			E			3-300H
Water and/or Waste Water Treatment Supply Facility (non-accessory)			E	E	E	3-300I
Wholesale Distribution Warehouse, Commercial			P			
UNCLASSIFIED						
Accessory Buildings or Uses	P	P	P	P	P	Articles 3 & 5
Adult Oriented Businesses			C			3-300N
Cemetery or Memorial Garden				P		

Communication Tower	E	E	E	E	E	3-300J
Game Check-in Station	P	P	P			
Garage/Yard Sale	P	P	P	P	P	3-300K
Home Occupation	P	P	P	P	P	
Outdoor Storage	C	C	C	C	C	3-300L
Temporary Structure incidental to Construction	P	P	P	P	P	3-300M

3-300 CONDITIONS AND STANDARDS FOR CONDITIONAL AND SPECIAL EXCEPTION USES

The following conditions and specific standards apply only to land uses designated “C” (Conditional) and “E” (Special Exception) in Table 1. When applying for a zoning permit, the applicable conditions shall be satisfied during the period of the use and occupancy.

A. Accessory Apartment. A Conditional use in the SF and MU districts and subject to the requirements of that district except as herein provided:

1. In the SF district the principal dwelling shall be a single-family detached dwelling and shall be located on a lot of at least 10,000 sq. ft. In the MU district the principal structure may be in commercial use. Residential apartments may be placed over commercial and institutional uses where accessory apartments are permitted.
2. Only one (1) accessory apartment will be allowed per lot.
3. At least one (1) off street parking space must be provided for the apartment.
4. For accessory apartments in the SF and MU districts, the owner shall reside either in the principal dwelling or in the accessory apartment on the property.
5. The accessory apartment shall contain a minimum of seven hundred fifty (750) sq. ft. and a maximum of one thousand (1,000) sq. ft. of gross floor area.
6. All design and lot dimension requirements for the underlying zoning district shall be met.
7. The exterior appearance of the apartment must be compatible with the principal structure.

B. Group Home, Home Day Care. A Special Exception use in the MU and TR districts and subject to the requirements of that district except as herein provided:

1. The maximum number of residents of the facility shall be eight (8).
2. In addition to the residents, there shall be a maximum of three (3) full-time non-resident employees on the premises.
3. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a group home without a Special Exception granted by the Board of Appeals.
4. Besides the required parking for the dwelling unit, one (1) additional parking space per each non-resident employed on the premises is to be located to the side or rear yard.
5. No outside storage of equipment shall be permitted.

C. Emergency Mobile Home. A Conditional use in all districts subject to the following requirements:

1. A mobile home on the premises may provide emergency housing in the event of the original housing is destroyed by fire, flood or any other sudden catastrophe to a degree so as to make it unsafe or unhealthy for human occupancy. The Administrator may issue a Zoning Permit and/or Building Permit for the sole purpose of providing housing for the displaced persons.
2. The mobile home shall be removed from the premises when the damaged dwelling is habitable or within six (6) months, whichever comes first, unless the Board of Zoning Appeals shall grant a Special Exception Use to extend the time to a total of no more than twelve (12) months.

3. The mobile home shall meet all requirements of the “Mobile Home Construction and Safety Standards” of the US Department of Housing and Urban Development, or it shall bear the insignia of the Maryland Department of Housing and Community Development in accordance with the “Industrialized Building and Mobile Homes Act.”

D. Institutional. Special Exception and Conditional uses categorized as Institutional in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

1. To reduce the impact of traffic and parking, the total floor area devoted to the use shall be limited to 15,000 square feet (in addition to any basement or attic areas used solely for storage).
2. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of any adjoining residential properties as described in Article 4, Section 5.
3. No building shall be located within 30 feet of any property line unless the lot is adjacent to a non-residential use, in which case, the side yard adjoining the non-residential use may be reduced to 10 feet.
4. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building scale and massing, materials, colors, roofs and rooflines as described in Article 4, Section 2.
5. All exterior lights must be directed downward and not produce glare on adjoining residential properties.
6. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as described in Article 4, Section 5.
7. All establishments must adhere to all other State or federal applicable restrictions on use, location and space requirements.
8. If the establishment is a Family Day Care Center, the day care provider is registered with the Maryland Department of Human Resources pursuant to Section 5-557 of the Family Law Article, Annotated Code of Maryland and a copy of the registration is on file at the Town Hall and the owner or manager shall live on the premises and shall have quarters that are separate and distinct from the facilities used for the operation of the day care center.

E. Retail- Light Use. Special Exception and Conditional uses categorized as Retail- Light Use in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

1. The principal building shall be no closer than 10 feet to any lot line that adjoins a property in residential use.
2. To reduce the impact of traffic and parking, the total floor area devoted to any establishment in the Retail- Light Use category shall be limited to a maximum of 3,000 sq. ft. (in addition to any basement or attic areas used solely for storage) in the TR district.
3. Establishments which serve or sell food or beverages must be located or have access onto MD Route 300, MD Route 313, or other primary collector road.
4. Establishments shall not seat or accommodate more than thirty (30) customers.
5. If the establishment provides overnight accommodations, the owner shall reside on the premises and there shall be no separate kitchens provided for guests. The maximum number of guest rooms is five (5). Fire Marshall and Health Department approvals shall be obtained.
6. Off-street parking shall be provided in the side or rear yard and shall be completely screened from view of adjoining residential properties as described in Article 4, Section 5.
7. Vegetative screening and buffers shall be provided along lot lines that abut properties in residential use and screen all trash facilities. All exterior lights must be directed downward and not produce glare on adjoining residential properties.
8. Any new buildings shall be designed to be architecturally harmonious with buildings in the neighborhood including but not limited to building scale and massing, materials, colors, roofs and rooflines as described in Article 4, Section 2.

F. Retail- Intensive Use or Office/Service- Intensive Use. Special Exception and Conditional uses categorized as Retail- Intensive Use or Office/Service- Intensive Use in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

1. Off-street parking shall be provided as required in Table 2 (located in Article 4).
2. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as described in Article 4, Section 5. Lights must be directed to prevent the direct transmission of light into adjacent residential properties after dark.
3. Buildings shall be designed so that facades, signs, and other architectural details will have an integrated and harmonious appearance and in a manner which will not adversely affect the appearance of surrounding development as described in Article 4, Section 2.
4. Any Retail or Office/Service business establishment over 3,000 s.f. GFA is categorized as a Retail- Intensive or Office/Service Intensive Use and subject to the conditions imposed on those businesses.
5. Customer parking areas and shipping and loading areas shall be separately located and safety provisions must be made for the protection of pedestrians, including appropriate location of roadways, parking areas, sidewalks, entrances, exits, which shall be provided with drainage; lighting, directional signs as may be needed or required by the Planning Commission. Parking areas and pedestrian walkways shall be constructed of a durable material to withstand the expected traffic.
6. Hours of operation shall be limited to midnight.
7. Live entertainment shall be limited to non-amplified acoustic music and shall not be permitted outside of the establishment. Music shall not be audible outside the establishment.
8. All trash and refuse shall be stored in self-enclosed trash storage areas which may consist of a properly screened (as described in Article 4, Section 5) and maintained dumpster in the rear of the property on which the establishment is located.
9. Except where trash is placed in a properly screened and maintained dumpster as in the condition above, trash receptacles shall not be placed outside for pickup until one-half hour prior to the scheduled pickup time and shall be removed within one-half hour after trash pickup.

G. Office/Service- Light Use. Special Exception and Conditional uses categorized as Office/Service- Light Use in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

1. There is no show window or display window. Buildings shall be designed so that facades, signs, and other architectural details will have an integrated and harmonious appearance and in a manner which will not adversely affect the appearance of surrounding development as described in Article 4, Section 2. All exterior lights must be directed downward and not produce glare on adjoining residential properties.
2. In the CFZ, TCC, and TR districts there shall be no more than 6 full-time (or their equivalent) employees and the gross floor area of the establishment, excluding attic and basement storage, shall not exceed 3,000 sq. ft.

H. Industrial. Special Exception and Conditional uses categorized as Industrial in Table 1 are subject to the following requirements in addition to the requirements of the zoning district where the use is located:

1. The industrial development tract must be at least 20,000 sq. ft. in size.
2. The maximum allowable plant size shall be one hundred thousand (100,000) sq. ft. unless a Special Exception is granted by the Board of Appeals.
3. The total number of employees per plant shall not exceed one hundred (100) employees per plant unless a Special Exception is granted by the Board of Appeals.
4. Each industrial establishment shall be designed, operated, maintained, and buffered so as to offer reasonable protection to the surrounding neighborhood and the environment particularly regarding the hazards of fire, explosion and any adverse impacts of noise, dust, light, vibration and traffic

congestion from the industrial development. All exterior lights must be directed downward and not produce glare on adjoining residential properties. There shall be extensive vegetative and other buffering or screening from any adjoining residential properties.

5. The manufacture of material or products which decompose by detonation will be limited to five (5) pounds per year.
6. The storage of solid flammable materials shall be contained within walls having a fire resistance of no less than two hours or protected by an automatic fire extinguishing system or be in a building no less than forty (40) feet from all lot lines. The outdoor storage shall be located no less than fifty (50) feet from all lot lines.
7. The storage capacity of flammable liquids shall not to exceed sixty thousand (60,000) gallons. The storage of flammable gases shall not exceed two hundred thousand (200,000) standard cubic feet (scf) at 60°F and 2992 Hg in above ground storage and four hundred thousand (400,000) scf stored below ground.
8. Approval must be obtained from all appropriate local, state, and federal authorities before development may commence.
9. The location of the container which holds flammable liquids and gases is subject to the restrictions of Queen Anne's County or the State of Maryland, whichever is more strict.

I. Waste Water Treatment Facility- Non-Accessory. A Special Exception use in the SF and MU districts subject to the requirements of that district, except as herein provided:

1. Waste water treatment facilities shall render waste water fit for disposal on the premises or as an alternative shall treat waste water to make it acceptable for discharge so that no odors or other air pollution carry beyond the property lines, the water quality of the effluent conforms in all respects to according to the applicable standards of the controlling water quality control agencies.
2. The waste water treatment facilities shall be located not less than one hundred (100) feet from any adjoining property lines or public ways.
3. Spray irrigation is a permitted means of dealing with waste affluent.
4. The Board of Zoning Appeals affirmatively finds such facilities will not adversely affect any other property and any waters of this State.

J. Communication Towers. A Conditional use in the SF district subject to the requirements of that district, except as herein provided:

The minimum lot size on which a communication tower shall be located is five (5) acres.

K. Home Occupation. A Conditional use in the SF district subject to the requirements of the districts where located, except as herein provided:

1. The occupation is conducted entirely within the dwelling or accessory building and is clearly secondary to the use of the dwelling for residential purposes.
2. The occupation uses no more that twenty-five percent (25%) of the dwelling floor area.
3. In addition to the employed residents, there shall be a maximum of three (3) full-time non-resident employees on the premises.
4. No outside storage of equipment, materials or items to be repaired or sold shall be permitted.
5. No article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the services offered.
6. No display of products may be shown as to be visible from outside the dwelling.
7. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
8. Besides the required parking for the dwelling unit, additional parking located to the side or rear yard shall be provided as follows: one (1) space for each non-resident employed on the premises.

L. Outdoor Storage. A Conditional use in all districts subject to the requirements of the districts where located, except as herein provided. Outdoor storage is a place in or outside of a building or structure, where goods or supplies are put or stored. Outdoor storage shall be neat, orderly and as inoffensive as practical; and shall be typical to the use of the lot; and shall not exceed 20% of the total area within the building envelope and shall be contained within the building envelope area.

Where appropriate as determined by the Administrator, outdoor storage shall be effectively and attractively screened. There shall be no storage or accumulation of junk, junked vehicles or scrap.

- M. Temporary Structure Incidental to Construction Operations. A Conditional use in all districts subject to the requirements of the districts where located, except as herein provided:
1. Provided that it is removed within thirty (30) days following the completion or abandonment of construction, when the Zoning Permit and/or Building Permit expires or is revoked, or within twelve (12) months from the date of placement or erection of the temporary structure, whichever comes first.
 2. The one (1) year time limitation may be extended for six months by the granting of a Special Exception by the Board of Appeals.
 3. If the temporary structure is a mobile home, its placement is determined to be incidental to the construction to be performed on the premises and the Administrator has issued a Zoning Permit and/or Building Permit for said construction.
 4. If the temporary structure is a mobile home, it shall be occupied by the property owner(s) or security guard.
 5. If the temporary structure is a mobile home, it shall meet all requirements of the "Mobile Home Construction and Safety Standards" of the US Department of Housing and Urban Development, or it shall bear the insignia of the Maryland Department of Housing and Community Development in accordance with the "Industrialized Building and Mobile Homes Act."
- N. Adult Oriented Business: Such business shall be located not less than 500 feet, measured in a straight line, from any school, place of worship or park, in addition to all other requirements of the zoning district.

3-400 SPECIAL EXCEPTIONS

3-401 Purpose and Intent

There are certain uses, which by their nature or design can have an undue impact upon or be incompatible with other uses of neighboring land. These uses may be allowed to locate within given designated zoning districts under the controls, limitations and regulations of a special exception.

3-402 Authorization

In consideration of an application filed with the Planning Commission, the Board of Appeals may authorize the establishment of those special uses that are explicitly listed in a particular district in Table 1 of this Ordinance.

3-403 Status of Special Exception Uses

- A. Once a special exception has been approved, any site plan, subdivision plat, building permit, or zoning and occupancy permit afterwards submitted for the development or use of the property in accordance with the special exception shall conform with the approved special exception and no development or use shall be approved by the Administrator that violates any of the conditions of the special exception.
- B. Once established, the use shall be conducted in strict accordance with any condition or restriction imposed by the Board of Appeals and all other requirements of this Ordinance.
- C. Once a special exception is approved, it shall not be enlarged, expanded, increased in intensity or relocated and no condition of the special exception or a new special exception shall be modified unless an application is made and approved for an amendment to the special exceptions or a new special exception is approved.

- D. Once a special exception use is approved, the use shall not be considered a nonconforming use, but shall be, without further action, considered a conforming one.

3-404 Standards

The Board of Appeals shall grant a special exception only if it finds, from a preponderance of evidence of record, that any proposed use submitted for a special exception will meet all of the following general standards as well as any specific standards or conditions listed for the proposed use.

- A. The establishment, maintenance and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare.
- B. The special exception shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. The establishment of the special exception will not impede the normal and orderly development and improvement of surrounding properties for the uses permitted in the district.
- D. Adequate utilities, access roads, drainage, sidewalks, and necessary facilities have been or are being provided on a schedule that will make them available when needed.
- E. The special exception shall be such that pedestrian and vehicle traffic associated with such use will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
- F. The establishment, maintenance and operation of the special exception is consistent with the Town of Sudlersville Comprehensive Plan.

3-405 Burden of Proof

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact to be considered by the Board of Appeals.

3-406 Conditions and Restrictions

The Board of Appeals, in approving a special exception, may impose such conditions and restrictions upon the proposed use, as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted Sudlersville Comprehensive Plan.

3-407 Application Procedure

- A. The Board of Appeals shall not grant a special exception unless and until a written application is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- B. Applications for a special exception shall be submitted to the Planning Commission on forms supplied by the Town Clerk. The application shall be completed and shall be accompanied by information which will be necessary to evaluate a given proposed category or use. The Planning Commission, upon receipt of a properly completed and

documented application, shall refer the application along with pertinent evaluation material to the Board of Appeals.

- C. The Board of Appeals shall not grant a special exception unless and until the Planning Commission has reviewed the application and has made a favorable recommendation to the Board.
- D. An application for a special exception may be made by a property owner, lessee or contract purchaser. A lessee or contract purchaser must file with the application, a copy of the contract or some form of written statement, which indicates endorsement of the application by the property owner.

3-408 Processing and Public Hearing Requirement

- A. The Board of Appeals shall process all applications for a special exception in accordance with the provisions in this Section and the provisions of Article 6. The Board on the application for a special exception shall make no determination until a public hearing has been held on it.
- B. Notice shall be given at least fourteen (14) days in advance of public hearing. The owner of the property for which special exception is sought, or his agent shall be notified by certified mail with return receipt. Notice of such hearings shall be posted on the property for which special exception is sought and at the Town Hall, and notice shall be published in a newspaper of general circulation in the Town, at least fourteen (14) days prior to the public hearing.

3-409 Termination or Revocation

- A. A special exception shall be revocable on the order of the Board of Appeals at any time because of the failure of the owner or operator of the use covered by the exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the exception that were designated in issuing the same. Before revoking any special exception, however, the Board of Appeals shall give the holder thereof at least ten (10) days written notice of violation by certified mail return receipt. If within ten (10) days, the exception holder so requests, the Board of Appeals shall hold a hearing on the revocation of the exception, giving the applicant advance written notice of the hearing date.
- B. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provision of this Ordinance.
- C. A special exception shall terminate after a period of eighteen (18) months if the special exception use is discontinued.

3-500 COMMERCIAL FLOATING ZONE (CFZ)

3-501 Purpose

The purpose of the Commercial Floating Zone (CFZ) is:

- A. To preserve, protect, and enhance the commercial land uses existing in Sudlersville on the date of adoption of this Ordinance.
- B. To recognize the separated and disconnected nature of the Town's existing commercial land use pattern and through the initial application and mapping of the Commercial

Floating Zone to legitimize this pattern consistent with the goals and objectives contained in the Sudlersville Comprehensive Plan.

- D. To provide that through the use of a commercial floating zone, no commercial parcel existing as of the date of adoption of this Ordinance shall be construed or considered an instance of “spot zoning” by virtue of being surrounded by residential or other uses classified under another zoning classification.
- E. To establish a procedure that addresses the above stated purposes while also providing that existing residential properties and neighborhoods be protected; that property values be maintained and enhanced; and that residents should enjoy all the rights and opportunities that attend quiet and peaceful living in a small rural town.

3-502 Application

- A. Application for the Zoning Map amendment that results in the application of the Commercial Floating Zone to a particular parcel or parcels may be submitted for any parcel located within the CFZ boundary shown on the Official Zoning Map.
- B. Applications shall be submitted on a form determined by the Town Commissioners and made available at the Town Office and shall be accepted for review under the following conditions:
 - 1. The area proposed shall be in one (1) ownership or, if in several ownerships, the proposal for zoning map amendment shall be filed jointly by all of the owners of the properties included in the plan.
 - 2. The application shall include a written description of the proposed commercial use and the attachment of at least four color photographs or prints that show the front of the property from the other side of the roadway frontage, the properties on either side; and the property directly behind the subject property. The Planning Commission may require additional photographs of the site and adjoining lots and such features including existing buildings, structures, and trees to gain a better understanding of existing and proposed conditions.
 - 3. The application shall include a Concept Site Plan as described in Section 3-503.

3-503 Concept Site Plan

- A. Together with the application there shall be submitted a Concept Site Plan, which shall include at least the following information in the form specified:
 - 1. A location map that indicates the location of the parcel and development in relation to municipal boundaries and traffic facilities;
 - 2. The boundaries of the land that is the subject of the application specifying the location and position of the proposed development;
 - 3. A reference to the property deed;
 - 4. The development status of all land adjacent to the property that is the subject of the application;
 - 5. The existing characteristics of the site to be developed and all resources that require protection in accordance with the requirements of this Ordinance,

including well locations, buildings, structures, drives, and parking areas, slope, contours, wetlands, streams, buffers, and trees;

6. Dimensions and property line setbacks of all existing and proposed structures, buildings, and other site improvements;
 7. Preliminary information, as appropriate, in compliance with the forest conservation ordinance;
 8. Site statistics that locate and identify:
 - (a) Minimum required landscape surface area;
 - (b) Proposed landscape areas
 - (c) Maximum amount of allowable floor area;
 - (d) Proposed floor area;
 - (e) Number and location of required parking spaces;
 - (f) Zoning of adjacent parcels within 300 feet;
 - (g) Amount of allowable impervious area;
 - (h) Amount of proposed impervious area;
 - (i) A table containing total site area, open space, net buildable area, and impervious area;
 - (j) Orientation of the plan so that north is indicated toward the top of the drawing;
 - (k) A scale for the drawing appropriate to the size of the parcel and development proposal such that the plan will fit in a clear and understandable manner on either a standard C size paper (17 by 22 inches) or a standard D size paper (22 by 34 inches);
 - (l) Names of streets and the names of property owners adjacent, behind, and across from the subject parcel;
 - (m) Notes identifying all easements and restrictions that affect the subject parcel;
 - (n) A statement that acknowledges that approval of the Concept Site Plan does not constitute final approval for the proposed use but only grants the applicant permission to seek formal Site Plan approval, subject to the zoning reclassification by the Town Commissioners.
- B. Errors and omissions on the Concept Site Plan are the responsibility of the applicant. The Planning Commission may require additional information, as necessary in its opinion, on a case-by-case basis in order to complete its review.

3-504 Permitted Uses

- A. All uses in Table 1 of Article 3 allowed under CFZ [add last paragraph in 3-3 and all 3-4](#) are also permitted by right in the CFZ.
- B. There may from time to time be uses proposed that have not been anticipated in subsection "A" above. In that event, the Planning Commission shall review the proposed use(s) and make written findings of fact with regard to their compatibility with the Comprehensive Plan and the likely impacts of the proposed use(s) on surrounding properties.

3-505 Procedures for Approval

- A. Upon receipt of petition for a zoning map amendment and accompanying Concept Site Plan and at least 10 days prior to the date of the Planning Commission's meeting to review the application, the Town shall do the following to inform the public:

1. Post a prominent sign on the subject parcel. The sign shall be in a location clearly visible from the primary public right-of-way.
 2. Post a notice in the Town Hall.
 3. Mail notification of the requested map amendment to all property owners within 300 feet of the subject parcel to be postmarked no later than ten days prior to the date the Planning Commission shall review the request.
 4. Each of the three above forms of notification shall list the applicant's request and include the time, date, and place of the Planning Commission meeting and indicate the Commission's intention to solicit public comment on the proposal.
- B. Upon receipt of petition for a zoning map amendment and accompanying Concept Site Plan, the same shall be taken under consideration by the Planning. The Planning Commission shall recommend to the Town Commissioners approval, approval subject to plan modification, or disapproval of the proposed Concept Site Plan and rezoning petition for the property within 60 days after submission thereof to it; otherwise such Concept Site Plan shall be deemed to have been recommended to be approved unless a later date is mutually agreed upon by the Planning Commission and applicant.
- C. In reviewing the application, the Planning Commission shall consider the purposes of the Commercial Floating Zone with a view toward achieving compatibility with the existing settlement pattern of the Town of Sudlersville and a maximum protection of neighboring residential properties. To these ends the Commission shall consider the location of buildings, parking areas, and other features with respect to the topography of the site; the efficiency, adequacy, and safety of the proposed layout of internal streets, sidewalks, and driveways; the adequacy and location of the green areas provided; the location and screening of parking lots; the consistency in building patterns, architectural styles, and signage; the compatibility of the proposed development with the Town as a whole, the relationships between and compatibility among the different uses proposed and the means shown for buffering any incompatible uses from each other; the adequacy of documents concerning the ownership and maintenance of common land; and such other matters as the Planning Commission may find have a material bearing upon the stated purposes of the Commercial Floating Zone.
- D. If the Planning Commission finds that a proposed Concept Site Plan meets the purposes and standards of these regulations, it shall recommend approval of the Concept Site Plan and zoning reclassification to the Town Commissioners. If the Planning Commission finds that a proposed Concept Site Plan does not meet the purposes and standards of these regulations, it shall recommend disapproval of the plan and zoning reclassification to the Town Commissioners. The Planning Commission shall submit its decision and findings in writing, together with the reasons therefore to the applicant and the Town Commission.
- E. The Town Commissioners shall hold a public hearing on the reclassification and Concept Site Plan according to the provisions of Section 6-303 of this Ordinance. The Town Commissioners shall leave the record open for an additional ten (10) days following the public hearing to accommodate receipt of written testimony from parties of interest who may have been unable to attend the public hearing.
- F. The Town Commissioners shall review the entire record of such application and public hearing and may affirm, deny, modify or establish such other or additional conditions to the recommendations of the Planning Commission as it may deem appropriate regarding such application consistent with the intent of this Ordinance.

- G. Following the close of the public comment period, the Town Commissioners shall make written findings of fact with regard to at least the following matters:
 - 1. The nature and compatibility of the proposed commercial activity to the Comprehensive Plan and the permitted uses described for the zone in this Ordinance.
 - 2. The nature and compatibility of the proposed uses with existing adjoining uses and uses within 300 feet of the property.
 - 3. The likely impacts that can be reasonably anticipated associated with the proposed use.
 - 4. The comments submitted into the public record.

- H. The Town Commissioners shall maintain a complete record of their votes on the application and inform the applicant in writing of the decision within 30 days following the close of the public comment period. The written notification shall also include a copy of the findings that constitute the record of the proceeding.
 - 1. In the event of a favorable vote, the Commissioners shall cause the official Zoning Map to be amended and revised to reflect the application of the CFZ to the parcel in question and the reclassification of that parcel to Commercial Floating Zone, subject to Section 3-506A of this Article.
 - 2. No application denied for cause by the Town Commissioners shall be resubmitted for a period of at least one (1) year following the date of the public hearing.

- I. After the Town Commissioners have approved a Concept Site Plan, application may be made for the approval of a subdivision plat and/or a Category 1 Site Plan for all or a part of the area included in the Concept Site Plan. This application shall be subject to all of the requirements of the Sudlersville Subdivision Regulations and the site plan requirements of Article 5 of this Ordinance.

- J. An approved Concept Site Plan shall be binding upon the applicant and shall be the basis of a Category 1 Site Plan. No building, use, parking facility, open space or other such feature shall occupy a location other than indicated on the approved Concept Site Plan.

3-506 Expiration and Revisions

- A. Approval of a Concept Site Plan submitted under the provisions of this Article shall expire one (1) year after the date of such approval unless final site plan approval, per Article 5, has been obtained. Upon expiration of an approved Concept Site Plan the reclassification to CFZ shall be deemed null and void.

- B. The Town Commissioners may grant a one-time extension, at their sole discretion, based on information provided by the applicant concerning reasons why the project was unable to proceed in a timely manner. The period of such extension shall be for a period of six (6) months.

3-507 Appeals

Any party aggrieved by the decision of the Town Commissioners may appeal the decision to the Circuit Court of Queen Anne’s County. However, that appeal shall be limited to errors of procedure and/or the facts contained in the record of the proceedings.

3-600 PUBLIC UTILITY RIGHT-OF-WAYS

Public utility rights-of-way and structures customarily found to support development in the Town of Sudlersville such as telephone, electric, water, sewer, and gas lines, with necessary accompanying and incidental equipment for local distribution are permitted as a matter of right in any district. This does not include utility buildings or facilities enumerated as part of the definition “utility building or facility” in Article 8 of this Ordinance.

ARTICLE 4

DEVELOPMENT REQUIREMENTS

4-100 LOT SIZE AND BULK REQUIREMENTS

The purpose of lot size and bulk requirements are to ensure that the use of the property does not infringe on the rights of adjacent property owners. These requirements are also intended to ensure that there is adequate light and air for the health and safety of residents, business operators, and patrons. In addition, open space is required to make the entire area an attractive and pleasant place to be. Finally, certain requirements are intended to ensure the fire and rescue personnel and equipment will have sufficient access to the side and rear of structures in an emergency.

The lot size and building requirements that follow shall apply to new construction. The Administrator may approve in accordance with Article 5 and Section 6-102 of this Ordinance, exterior additions to structures existing at the date of adoption of this Ordinance which do not meet the minimum side yard setbacks as indicated in this Article as long as the structural additions do not further reduce a side yard setback that is less than the minimum required.

4-101 Lot Size and Lot Width¹

Zoning Districts

	TCC	CFZ	MU	TR	SF
A. Minimum Lot Size (sq.ft.)	5,000	5,000	*	5,000	10,000
B. Minimum Lot Size Per Family (sq.ft.) ²	*	*	3,000	3,000 ³	*
C. Minimum Lot Width (ft)	50	50	50	50	50

¹ Lot size and width must conform to State and County Health Department requirements where applicable.

² Applies only to multi-family, senior housing and townhouse developments where permitted.

³ In the TR district multi-family developments shall have no more than 5 units.

4-102 Setbacks and Height

	Zoning Districts				
	TCC	CFZ	MU	TR	SF
A. Minimum Front Yard Setback (ft)	10	15	30	15	25
B. Minimum Side Yard Setback (ft)	10	10	15	10	7
C. Minimum Rear Yard Setback (ft)	30	30	30	30	30
D. Minimum of Site in Open Space (%) ¹	20	35	20	35	35
E. Maximum Building Height (ft)	35	35	50	35	35

¹ Open space shall be landscaped or undeveloped land on individual lots. It shall not include any structures, roads, parking areas, and other impervious surfaces.

4-103 General Lot Requirements

- A. Except as provided herein, no more than one principal building shall be erected on a single lot.
- B. Where a lot is used for a commercial or industrial purpose, more than one principal building may be located on the lot, provided all minimum setback requirements are met for the zoning district in which the lot is located.
- C. A building or other improvements may be erected on any lot which of record prior to adoption of this Ordinance even if the lot is a nonconforming lot, provided the building or other improvements comply with the applicable minimum yard requirements and all other applicable provisions of this Ordinance to the extent practical. (See Article 6, Section 2.)
- D. Subdivision of existing lots is not permitted where the subdivision would create any lots which do not comply with all requirements of this Ordinance or where the subdivision would render any existing structure nonconforming.
- E. The minimum yards, setback requirements, parking, open space and lot areas required by this Ordinance for each and every structure shall not be encroached upon or considered yard or open space for any other building.
- F. Panhandle or flag lots are not permitted.

4-104 Yard Dimensions

- A. Front.
Interior lots with two street frontages must have at least the minimum required front yard on each street.
- B. Side.
For the purpose of side yard regulations, a group of commercial, residential, or industrial buildings separated by common walls shall be considered as one building.

4-105 Exceptions to Lot Size and Bulk Requirements

- A. Fences and walls are not subject to setback requirements from public ways and adjoining lots.

- B. Where a right-of-way has been established for the future widening or opening of a road upon which a lot abuts, then the depth of a front or side yard shall be measured from the nearest boundary of the right-of-way to the nearest point of the structure.
- C. Side or Rear Yard Setbacks.
1. Where a side or rear yard lot line of a non-residential use coincides with the side or rear yard lot line of a residential use, a side or rear yard setback shall be provided along such lot line not less than that which would be required under this Article for a residential use on the adjacent lot, or fifteen (15) feet, whichever is greater.
 2. Where a side or rear lot line of a non-residential use coincides with a side or rear lot of another non-residential use, the side or rear lot line may be reduced to zero provided the following three conditions are met.
 - (a) Emergency vehicle access and maintenance issues are addressed;
 - (b) Approval is given by the Fire Marshall; and
 - (c) The proposed use would not adversely impact the use, safety and welfare of the users of the adjoining use.
 3. The minimum depth of side yards for schools, libraries, places of worship, community centers, and other public and semi-public buildings shall be twenty-five (25) feet.
- D. In the case of the replacement of a damaged nonconforming structure, the yard setbacks of the previously existing structure may continue to exist as previously or altered within five (5) feet of the original building lines when such an alteration would bring the structure into greater conformity with the zoning district setback requirements. This provision does not apply to the redevelopment of nonconforming structures which substantially alters the structure from its original appearance and size.
- E. Extensions into Yard Area.
The following features may extend into required minimum yard setback areas but only as qualified below:
1. Cornices, canopies, awnings, eaves, or other such similar features, all of which are at least eight (8) feet above grade, may extend four feet into any required yard in any district. This exemption does not include garages.
 2. Any uncovered and completely unenclosed patio, terrace, porch or deck with its floor no higher than that of the first floor level of the building may extend eight (8) feet into any required yard, but not nearer to any lot line than a distance of four (4) feet.
- F. Adjustment of Front Yard Setbacks.
1. For new construction in an established neighborhood, front setbacks shall be equal to the average setbacks for buildings on the same side of the street within three hundred (300) feet of the building, or setback fifteen (15) feet whichever is less; or
 2. There shall be a front yard of at least fifteen (15) feet in depth on the side road of a corner residential lot in any zoning district. The Planning Commission shall be guided by the pattern of development in the vicinity of the lot in question in determining which road is the side road.

G. Special Application of Height Restrictions in the TCC, CFZ, and TR Districts.

In order to preserve community character and compatibility with existing residential development, new or remodeled residential buildings in the TCC, CFZ and TR districts shall adhere to an added height restriction. This special application of the height restriction shall apply to both principal and accessory structures. The height of new structures, redeveloped or remodeled structures shall follow the following guidelines:

1. The vertical distance from the lesser of the natural or finished grade measured at the location of the primary entrance at the base of the structure to the intersection of the exterior wall face with the roof or top surface of the structure (commonly known as “the eave”), except that portion of wall contained within a roof gable, shall not exceed twenty (20) feet;
2. No more than twenty-five percent (25%) of the structure’s gross floor area shall be above the second story eave line.
3. This height restriction shall not be applicable to the reconstruction, redevelopment or new development of a structure when the eave heights of the properties adjoining the proposed structure exceed twenty (20) feet. When adjoining properties’ roof eaves along the front building setback lines are higher than twenty feet, the height limit of the new construction’s eaves shall be no more than the average of the eaves of the adjoining existing structures. In no case shall the structure exceed thirty-five (35) feet in height.

4-106 Structures Permitted Above Height Limit

The building height limitations of this Ordinance shall not apply to roof structures for housing stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings; fire or parapet walls, elevator bulkheads, towers, church spires and steeples, flag poles, smoke stacks, fire towers, masts, radio and television antennas, windmills, solar panels, monuments, or other structures or roof ornamentation that project into the air. In addition, the height restrictions shall not apply toward agricultural structures such as grain elevators, conveyors, and silos.

Public and semi-public service buildings, hospitals, institutions, schools, and places of worship may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for every foot of additional building height above the height regulations for the zoning district in which the building is located.

4-107 Accessory Swimming Pools

Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard provided that they are not located closer than six feet to a rear lot line or ten feet to an interior side lot line. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls. Each swimming pool shall be protected by a minimum four (4) foot high safety fence or barrier approved by the Administrator.

4-108 Accessory Structures

Except for provisions regarding accessory structures, no structure shall exist within lot setback requirements described in this Ordinance nor project beyond a required setback line along any Town, County or State road. Other requirements:

- A. No accessory building shall be erected within any required front yard.

- B. Unless specified in this Ordinance, accessory structures of less than seven hundred fifty (750) square feet in floor area may be placed or erected within the side and rear building setback lines, but shall be at least five (5) feet from both the side and rear lot lines.
- C. Accessory structures of less than one hundred twenty (120) square feet in floor area and not constructed on a permanent foundation do not require a zoning permit.

4-109 Mix of Uses

Where a given use or building contains a mix of commercial and residential uses, the development requirements for commercial uses in this Ordinance shall apply.

4-110 Visibility at Intersections

On a corner lot in any zone, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between the height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the areas bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection of two residential streets and one hundred (100) feet from the point of intersection of a collector or arterial road.

4-200 COMMUNITY DESIGN STANDARDS

4-201 Purpose

Community design standards are meant to ensure that new development is compatible with the community character established by the existing architectural styles and scale of development in Sudlersville. These design standards recognize that the overall appearance of the Town bears a direct relationship to the social well being of residents and to property values. It is the intent of the standards to:

- A. Ensure that new development enhances the character, beauty, and livability of the Town.
- B. Ensure that infill and redevelopment of structures in established neighborhoods make a positive contribution to the Town's character;
- C. Ensure the historic and aesthetic integrity of existing Town structures is maintained as new development and redevelopment occurs;
- D. Enhance the environment for pedestrians in Town;
- E. Improve the quality of housing and commercial development;
- F. Promote natural resource conservation through energy efficient development;
- G. Achieve the purposes of this Ordinance and promote implementation of the Town's Comprehensive Plan.

4-202 Applicability

Except where specifically noted, these provisions shall apply to all development and redevelopment where site plan review is required in accordance with the provisions of Article 5 of this Ordinance and shall be enforced through the site plan approval process and the attendant notice and review procedures set forth in Article 5.

4-203 Definitions

- A. *Proportion* refers to the relationship between width and height of building facades.
- B. *Rhythm* refers to the repetition and space of opening (windows and doors) on individual buildings as compared with adjacent structures. Rhythm also refers to the space of repetitive building masses along a street.
- C. *Scale* refers to the size (height/width) relationship between adjacent structures. Human scale refers to the comfortable size relationship between buildings and people.

4-204 General Design Standards

In addition to building setback and bulk requirements set forth in this Article, new construction must adhere to the following standards:

- A. The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal.
- B. Large disparities between the height, width, and length of a building shall be avoided.
- C. Buildings, accessory structures, and signs shall be compatible with each other and with neighboring buildings and structures in terms of building materials, height, proportion, rhythm, and scale.
- D. All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.
- E. Developments with more than one structure shall be designed to promote a pattern of closely spaced buildings with multiple entrances.
- F. Buildings and their primary entrances shall be oriented toward the front yard on the lot.
- G. Neighborhood context should dictate the choice of materials for exterior of buildings. Permitted exterior building materials include only the following: brick, natural stone, parged or painted concrete block, wood or wood appearance siding, vinyl or aluminum siding (provided samples are submitted for inspection and approval by the Planning Commission and the colors are muted). Materials prohibited include asbestos, reflective glass, unparged or unpainted concrete block, glazed brick, porcelain metal panels, permastone and fiberglass.
- H. Large blank walls and large areas of roof slopes uninterrupted by architectural elements shall be avoided. Buildings shall be designed to support a human-scale environment. Each floor level of building walls with frontage onto a street shall be emphasized with windows. The front elevation of large structures must be divided into smaller areas and planes. When the front elevation of a structure is more than five hundred (500) square feet in area, the elevation must be divided into distinct planes of five hundred (500) square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes.
- I. Rooftop mechanical/electrical equipment serving the structure shall be completely screened from view on all sides. Screening shall be architecturally integrated with the building. There shall be no mechanical or heating/cooling equipment in the front yard.
- J. New buildings shall have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.

4-205 Infill Design Standards

- A. In addition to the general guidelines established in Section 4-204, all new development in the TCC, CFZ, MU, and TR zoning districts shall comply with the specific minimum standards of this section.
- B. Purpose: Infill design standards are established to:
 - 1. Ensure that infill and redevelopment in Sudlersville is compatible with the existing development.
 - 2. Cultivate a clear and consistent image for development.
 - 3. Assure effective control over the design of new buildings.
- C. Application

The following specific minimum standards shall apply:

- 1. Front Façade Height: The principal structure on a lot must attain at least two (2) stories in height in actuality or appearance at the front build-to-line.
- 2. Accessory Structures: Accessory structures, including attached and detached garages must be at least fifteen (15) feet to the rear of the build-to-line of the principal structure.
- 3. Landscaping: Landscaping consisting of a combination of two or more of the following elements shall be provided between the structure and the right-of-way: understory trees, shrubs, ground cover, and lawn. All trees shall be at least 2.5 (2½) inches in caliper measured from four (4) inches above the root ball at time of planting. A development may be exempted from this particular landscaping requirement if the Planning Commission finds that at least one of the two following conditions are found to be met:
 - (a) A redeveloped building is proposed to be located on its same footprint and such footprint would be too close to the right-of-way to allow for the planting requirement to be met.
 - (b) Building entrance features such as porches and/or window treatments such as bay windows or awnings would prevent the planting requirement from being met.
- 4. Roof Eaves: New buildings shall have roof eaves along all elevations visible from a right-of-way that project from the building wall at a distance compatible in design with the entire structure.
- 5. In new construction, the roofs of buildings should conform to the predominant orientation of roofs on the street.
- 6. Windows: At least fifteen percent (15%) of the area of a street-facing façade must be devoted to windows. In a predominantly residential area, the show window or display window of a structure in commercial use shall be limited to 30% of the first floor front façade where such a window is permitted.

7. Lead walks. The principal entrance of all structures shall have a lead walk that connects the sidewalk to the front entry or porch of the structure. The lead walk shall be at least four (4) feet in width and be constructed of a one of the following surface materials: concrete, brick pavers, or stone.
8. Front entry elements. The principal structure on a lot shall have front entry elements such as a front porch, covered stoop, transom, fanlight, sidelight, portico, single story columns, or pediment above the front door on all main entrances that face a street.
9. All principal and accessory structures shall incorporate traditional architectural features and details common to the Town such as porches, pediments, front-end gables, cornices, lintels, sills, dormers, parapets, pilasters, belt courses and quoins in brick construction, columns, and window shutters. If a porch projects from the structure in the front yard, it shall have a roof.
10. No outside storage of any kind shall be permitted in the front yard.

4-206 New Town Design Standards

- A. In addition to the general guidelines established in Section 4-204, all new development in the SF zoning district shall comply with the specific minimum standards of this Section.
- B. Purpose: New town design standards are established to:
 1. Ensure that new development in Sudlersville is compatible with and similar in terms of architectural style and community design with traditional building styles and patterns in Sudlersville.
 2. Cultivate a clear and consistent image for new development.
 3. Assure effective control over the design of new buildings and the layout of new lots while promoting flexibility on part of developers and their design professionals to achieve the purposes of the Ordinance.
- C. Application: The requirements of this section shall be applied to all new major land subdivisions in the SF district.
- D. Administration
 1. This section shall be administered and enforced through the procedures for subdivision review and approval described in the Town of Sudlersville Subdivision Regulations and Article 5 of this Ordinance.
 2. Before the Administrator can grant final plat approval for any major subdivision, as defined in the Town of Sudlersville Subdivision Regulations, the developer must submit and the Administrator must approve a comprehensive list of design standards for the subdivision (Design Manual). The purpose of the Design Manual is to guide the developer and builders in the design of the community, the architecture of structures, the use and style of materials, landscaping, vegetation, and the siting of structures, paved surfaces, and landscaping on individual lots.
 3. The Administrator must review the Design Manual for completeness and consistency with the purposes of this Article. The Administrator shall render a

written decision on the Design Manual at the same time as the decision on the final plat, per section 4-409 of the Subdivision Regulations.

4. Copies of the proposed Design Manual shall be made available in the Town Hall for public inspection at least three weeks before the Administrator may render an opinion.
5. The Administrator may seek professional assistance as he/she deems necessary in the review of the Design Manual and shall include the findings of any such professional review in the written decision he/she renders.
6. The design standards shall be binding on all who would build on the new lots or develop property in the subdivision. The design standards in the Design Manual shall be enforced using deed restrictions or covenants on the subdivided lots and shall contain a developer sponsored and enforced review and approval procedure to ensure that the standards are consistently applied during the initial build-out of the subdivision.
7. In enforcing the provisions on Section 4-206, the Administrator shall not issue a zoning permit for any structure that does not conform to the specifications of an approved Design Manual or is located on a lot that does not conform to the specifications of an approved Design Manual.
8. A Design Manual may be amended upon approval of the Planning Commission after subdivision final plat approval provided the following conditions are met:
 - (a) The Planning Commission holds a public hearing that meets the requirements of Section 6-303 of this Ordinance.
 - (b) All owners of lots of record in the subdivision are notified of the date and purpose of the public hearing by mail within ten (10) days of the public hearing.
 - (c) The Planning Commission adopts finding of fact that show the amendments are consistent with the purposes of this Article.

The design standards shall be applied to all new development and redevelopment within the subdivision. The purpose of the standards is to guide the developer and builders in the design of the community, the architecture of structures, the use and style of materials, landscaping, and vegetation, and the siting of structures, paved surfaces, and landscaping on individual lots.

4-207 Design Manual Standards

The subdivision design manual shall provide architectural details supported by drawings that illustrate acceptable design and styles for the subdivision. At a minimum, the Design Manual must include examples of the following architectural elements and suggested construction materials:

A. Architecture

The Design Manual shall include a building architecture element prepared by a licensed architect that includes the following:

1. Elevations of the structures to be built in the subdivision. While more than one typical elevation is encouraged, the elevations shall cultivate a clear and consistent image for development in the subdivision. No structure shall be built

that does not conform to the standard elevations established in the Design Manual.

2. The architecture element shall describe how major building components will be treated including: windows and doors, front entry elements and door surrounds, roof pitches, gables, dormers, exterior ornamentation, porches and decks, garages and driveways, fences, and walls.
3. The architecture element shall show how the front entry of each building will be articulated such as a through the use of a covered front porch, covered stoop, transom, fanlight, sidelight, portico, single story columns, or a pediment above the front door on all main entrances that face a street.
4. The architecture element shall establish that the ground floor of principal structures on lots must be at least eight (8) inches above grade at the front build-to-line.
5. The architecture element shall designate acceptable exterior building material for all buildings within the subdivision. Materials not included on the list of permitted materials in Section 4-204 of this Ordinance shall be prohibited.
6. The architecture element shall require that all buildings have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.
7. The design standards shall encourage detached garages and discourage attached front-loaded garages. Standards guiding the placement of garages on lots, shall state the distance at which attached garages must be recessed from the front build-to-line. In no case shall a front-loaded attached garage not be recessed from the build-to-line of the principal structure. Detached garages may not be forward of the rear building line of the principal structure.
8. The design standards shall establish an acceptable minimum and maximum width of driveways; except in situations when a garage is accessed from a street or alley through a side or rear yard, such width shall be no more than ten (10) feet at the street right-of-way.
9. The Design Manual shall require that the principal entrance of all structures possess a lead walk that connects the sidewalk to the front entry or porch of the structure. The manual shall establish an acceptable width and acceptable surface material for the lead walk.
10. The Design Manual shall detail the acceptable street lighting, street light fixtures, curbing (no rollover curbs shall be permitted), fencing, garden walls, and other community design elements.
11. The Design Manual shall include other provisions as may be necessary to cultivate a clear and consistent image for the new development and achieves the purposes of this Article.

B. Landscaping.

The Design Manual shall include a comprehensive landscaping plan prepared by a licensed landscape architect or arborist which shall include the following:

1. It shall be intended to guide the selection and planting of acceptable vegetation on individual lots and on common open spaces and to ensure that such plantings

are properly coordinated with landscaping that may be required within the street right-of-ways.

2. The plan shall consist of recommended lists of shade trees, understory trees, and evergreen trees, shrubs, and ground cover, giving preference to native species. The plan shall include specifications including the species name, size at planting, directions on placement and pattern of plantings on individual lots and other items as may be necessary.
3. The Design Manual shall specify the requirements for plantings, fences or walls on all corner lots at edge of the right-of-way and shall require the planting of a hedge or other vegetation along the side yards of corner lots to screen the back yards from views from the street.
4. The Design Manual shall require a minimum number and a combination of tree plantings on each lot. It shall encourage the placement of appropriate trees to promote energy efficiency for the principal structure on each lot, without precluding the possible effectiveness of solar panels.
5. The Design Manual shall state that all planting shall be completed before a final zoning permit is granted, or during the next planting season. The plan shall guarantee the life of the planted material for at least one (1) year and shall then place responsibility for maintenance and/or replacement on property owners. The minimum required size of shade trees at time of planting shall be two and one half (2.5) inches caliper measured four (4) inches above the root ball. Understory and evergreen trees shall be at least six (6) feet tall at time of planting.
6. The landscaping plan shall include other provisions as may be necessary to cultivate a clear and consistent image for the new subdivision and achieves the purposes of this Article.

4-208 Modification

The Planning Commission may approve a modification of the design guidelines on a case-by-case basis. Such modification may be approved when such modification will not have any deleterious effect on the existing or planned development of adjacent properties.

An applicant seeking to appeal a denied modification request must follow the appeal procedure to the Board of Appeals outlined in Article 6 Section 5 of this Ordinance.

4-300 SPECIAL REGULATIONS FOR TOWNHOUSE, SENIOR HOUSING AND MULTI-FAMILY DEVELOPMENTS

4-301 Purpose

A. Purpose: The purpose of this section is to help ensure that townhouse, senior housing and multi-family developments will be designed to protect the health, safety and welfare of the residents within these communities as well as residents in the surrounding area; to protect the environment and to promote road safety and adequate vehicular and pedestrian circulation. The standards below are designed to be flexible in order to promote innovative, high quality design.

B. Applicability: The following special regulations shall apply in any district where townhouse, senior housing and multi-family developments are permitted, subject to the following additional restrictions:

1. Governmentally sponsored senior citizen housing on sites of 6 or more acres and which are deed restricted to provide that there shall be no sale of individual units, shall be exempt from the following requirements:

<u>Section</u>	<u>Title</u>
4-102	Setbacks and Height
4-105G	Special Height Restrictions in CFZ, TCC, and TR Districts
4-304	Building Arrangement, Building Design and Site Design

2. Such qualifying Senior Citizen housing shall be subject to the following requirements:
 - (a) Setbacks and Height: Building height shall be limited to 30 feet maximum plus one additional foot for each foot that the building setback from the nearest property line exceeds 50 feet, but in no case shall maximum height be more than 50 feet.
 - (b) There shall be no more than 2 bedrooms per unit and no more than 25% of the units may have more than one bedroom
 - (c) Building coverage shall not exceed twenty five per cent (25%) of the site.
 - (d) The multi-family development must have central water and sewerage systems.

C. The special requirements for townhouse, senior housing and multi-family dwellings set forth in this section shall be in addition to those otherwise noted in this Ordinance.

D. In this Section and elsewhere in this Ordinance, “multi-family” shall refer to townhouses, senior housing and multi-family developments unless otherwise specified.

4-302 Lot Size & Lot Width

A. The multi-family building shall comply with minimum lot requirements contained in Section 4-101. In addition, each dwelling unit of a multi-family building must comply with the minimum lot area per dwelling unit specified in Section 4-101. Each dwelling unit need not be located on a lot complying with minimum lot area per unit requirements in the table if the average for all dwelling units in the building or project equals or exceeds the minimum requirements. In the MU district the minimum acreage for a multi-

family development shall be at least two (2) acres prior to the proposed subdivision. In the TR district the minimum lot size shall be 10,000 sq. ft. and the number of dwelling units limited to 5 in any multi-family development in that district.

- B. Acreage required for Townhouse Development or Senior Housing Development: The total acreage must be a minimum of one (1) acre gross tract area for a townhouse or senior housing development.

4-303 Setbacks

- A. Purpose: The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors. However, the strict application of setback requirements can discourage innovation and promote unnecessarily monotonous site designs. Therefore, flexibility is incorporated into the following provisions in order to enable designers to address the problems of light, air, privacy and freedom from disturbance from traffic and neighbors through the use of techniques other than setback requirements.

- B. Basic Requirements: Building-to-Building Setbacks:

1. Front building to front building: 35 feet
2. Rear building to rear building: 50 feet
3. Side building to side building: 25 feet*
4. Front building to rear building: 75 feet
5. Front building to side building: 50 feet
6. Rear building to side building: 30 feet
7. Corner to corner: 30 feet*

*A break between clusters of four or fewer units may be reduced to a minimum of ten feet provided the space includes a paved walkway.

- C. Exceptions: If all of the following conditions are met, building-to-building setback requirements may be waived:

1. Private outdoor spaces, if provided, are visually screened from each other and from public travel ways (vehicular and pedestrian) to a height of at least four feet. (To qualify, screening must be permanent, year-round and require little to no maintenance).
2. Windows of individual units do not directly face each other unless a minimum of twenty-five (25) feet is provided between windows.
3. At least one wall of each unit is provided with windows looking onto a space at least fifty (50) feet square (50 feet by 50 feet).
4. Each unit is designed to ensure adequate ventilation.
5. No distinction is made, in terms of exterior siding and trim, between fronts, sides, and rears of buildings.
6. The waiver of building-to-building setbacks substantially improves the design and aesthetic quality of the project.

- D. Building Setback from Adjacent Property

1. Purpose: To protect the privacy of existing residents; to provide a visual transition between different housing densities and to help ensure compatibility with the existing character of the neighborhood.
2. When abutting a property in a residential zoning district (TR, TCC & SF), the minimum setback shall equal the height of the building, excluding the roof, or thirty (30) feet, whichever is greater. If variable roof heights are utilized, the average height of the building at the boundary to adjacent property shall be used to establish minimum setbacks.

4-304 Building Arrangement, Building Design and Site Design

- A. Purpose: The purpose of imposing regulations governing building arrangement, building design and site design is to help promote a sense of neighborhood and community identity and reduce the visual impact of high density residential developments on the surrounding area.
- B. Size, Scale and Building Mass
1. To avoid monotonous linear development, multi-family development shall be in small clusters designed as neighborhood units. A cluster shall not include more than six (6) units on the first floor level.
 2. The number of units in a row is to be limited to a maximum of six (6) units.
 3. Offsets at party walls and/or front and rear facades and/or similar devices are required to visually reduce building mass and create individualized spaces (courtyards, seating areas, etc.) for multi-family projects. If techniques other than offsets are utilized, building elevations prepared by a registered architect will be required.
 4. The facades of dwelling units in a multi-family building shall be varied by changed front yards of not less than three (3) feet and variation in materials or design, so that no more than three (3) abutting units will have the same front yard depth or the same or essentially the same architectural treatment of facades and roof lines.
- C. Building Design Standards
1. All buildings within the multi-family development shall be of compatible architectural design.
 2. There shall be no more than three (3) bedrooms per dwelling unit.
 3. The minimum width of a dwelling unit shall be eighteen (18) feet.
 4. One accessory building may be located in the rear yard of each dwelling unit.
 5. The multi-family development must have central water and sewerage systems.

4-305 Separate Dwelling Unit Sales

The dwelling units and individual lots may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the applicable regulations and standards governing the subdivision of land.

4-306 On-site Pedestrian and Bicycle Circulation

Purpose: the purpose of these requirements is to ensure adequate and safe pedestrian circulation.

1. Walkways and bicycle paths shall be provided to link residences with parking lots, recreation facilities (including park land and open space), school and church sites and commercial developments.
2. The design and construction of walkways will be evaluated on the basis of safety, accessibility, suitability for use by motor-impaired individuals, and surface suitability in terms of anticipated use and maintenance requirements. The applicant may be required to install hard surface walkways adjacent to units and along pedestrian circulation routes connecting units with each other and with recreation or commercial areas. In less intensive areas, other pervious and non-erodible surface materials may be approved.

3. Outdoor lighting is encouraged along all major pedestrian walkways and required between parking lots and residences. Lighting is to be limited to residential scale lighting fixtures. No pole type security lighting will be permitted except at the entrance to a development if it intersects an existing public road.

4-307 Parking and Parking Lots

Purpose: The purpose of this Section is to provide for adequate parking for multi-family developments.

1. A minimum of one and one-half (1 ½) parking spaces for one-bedroom units and two (2) parking spaces for two or more bedroom units is required.
2. No required off-street parking shall be further than two hundred (200) feet from the principal entry point of the multi-family building served to the nearest point of the parking area.
3. Parking lot surfaces are to be a minimum of two inches of bituminous concrete. Alternative surface materials may be approved by the Town Engineer where they equal or exceed these standards.
4. To avoid large expanses of paved parking area, the following provisions shall apply:
 - (a) No more than twelve (12) parking spaces will be permitted in a continuous row and the break between rows (island) must be landscaped with a minimum of one shade tree.
 - (b) The ends of parking rows and landscape islands shall be a minimum of eight feet wide and shall be adequately landscaped with shade trees and shrubs.
 - (c) Double rows of parking shall be separated by a minimum eight-foot planting strip adequately landscaped with shade trees and shrubs. If only one double row of no more than a total of twenty-four (24) spaces is provided in any given parking lot, this requirement may be waived.
5. Parking area design shall include provisions for compliance with the Maryland Accessibility Code (MAC).

4-308 Outdoor Storage

General requirements.

1. Outdoor trash receptacles for individual residences are to be screened from neighboring residences.
3. Large outdoor trash receptacles, such as dumpster boxes, shall be adequately screened and located so as to provide easy truck access and not conflict with parking or through traffic. Trash receptacles may not be located in residential parking spaces and must be on concrete or asphalt pads large enough to accommodate trash pick-up trucks.

4-309 Landscaping

- A. Purpose: Landscaping is required in order to promote attractive development, to protect and preserve the appearance and character of the surrounding area and to help delineate and define vehicular and pedestrian passageways and open space within the development.

B. General Requirements.

The front yard shall be landscaped with trees, grass, shrubs, and maintained in a neat and attractive condition.

1. All plant material installed shall be undamaged and of the best quality.
2. All plant material installed shall be balled and burlapped or container grown. Bare-root plant material is acceptable, provided it is installed by a licensed horticulturalist.
3. All trees shall be a minimum two-and-a-half-inch caliper (measured four (4) inches above the root ball) at installation.
4. A maintenance agreement for the plant material shall be included in the property covenants.
5. Plant material shall be bonded for one year. A planting schedule shall be included in the bond and shall be based on seasonal considerations.

C. Screening.

1. Purpose: the purpose is to protect residents and motorists from noise, glare, and uses which are visually incompatible with neighboring uses.

2. High Screening (minimum six (6) feet).

(a) High screening is to be used where the objective is to completely conceal a use from general view. High screening is required to conceal loading areas, outdoor storage areas, trash disposal sites, and any other uses which are visually incompatible with neighboring land uses.

(b) Materials:

Evergreens.

The minimum height is five (5) feet to six (6) feet at time of installation and where the plantings are capable of creating a continuous screen within three (3) to five (5) years. Evergreens may be planted in a close single row, staggered or offset rows or in clumps or groupings.

Masonry.

Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.

Chain link and picket fences are unacceptable. Berms may be utilized in conjunction with any of the above or combinations of the above.

3. Low Screening.

(a) Low screening is required along the perimeter of parking lots in cases where the parking lots are visible from roads or adjacent (off-site) properties to conceal accessory uses that are four (4) feet or less in height and to "enclose" outdoor spaces (such as pre-school play areas and playgrounds).

(b) Materials.

Evergreens.

The minimum height at time of planting is 12 inches to 18 inches and two-and-a-half feet to four feet within three to five years and where the

plantings are capable of creating a continuous screen within three to five years.

Masonry.

Solid/opaque wood fencing or other alternatives may be substituted for plant material screening with the approval of the Planning Commission.

- D. Landscaping within parking lots. Parking islands and ends of parking rows are to be landscaped with ground cover and at least one shade tree per island. A variety of shrubs and flowers are recommended in addition to the above.
- E. Landscaping along roadways. All roadways are to be planted with deciduous trees planted a minimum of one tree per every thirty (30) linear feet on both sides of the roadways. Where divided roadways are provided, the median strip is to be landscaped.

4-310 Open Space & Recreation Requirements

- A. Purpose: The purpose of these requirements is to ensure that open space and basic recreational facilities are available on suitable land at appropriate locations within multi-family developments.
- B. Basic minimum requirements: five one hundredths (0.05) acres of common open space per unit of which ten percent (10%) (218 square feet per unit) is developed for active recreation according to the active recreation design specifications of Article 6 of the Subdivision Regulations.
- C. The remaining required acreage shall be designed in accordance with the passive open space design standards found in Article 6 of the Subdivision Regulations. No part of required open space shall be used for storm water retention, unless specifically approved by the Planning Commission and no retention basin which requires fencing can be counted towards open space requirements in any case.
- D. All open space and recreation areas must be well maintained in a suitable manner.

4-311 Construction and Maintenance Requirements

- A. In cases where common area and/or facilities are required, all required common area facilities must be completed by the time seventy percent (70%) of the total number of units have been issued final zoning permits. If a project is developed in sections, all open space requirements for the number of units in each section must be completed by the time seventy percent (70%) of the total number of units in each section have been issued final zoning permits. The number of units in a section may be no more than the number of units allocated for sewerage each year.
- B. Prior to the transfer of title of any individual units, the applicant must submit verification that covenants are incorporated and in effect and that they contain the following provisions:
 - 1. All common areas and facilities and all residential unit areas are defined in the legal description and are consistent with the approved site plan. Common areas are not to be deeded to the association until they are fully completed.
 - 2. All owners within the development have a legal obligation to share the responsibilities for expenses associated with the management and maintenance of common areas and facilities.

3. All owners are granted perpetual easements or rights to the use of all common areas and facilities and all open space restrictions and reservations are permanent.
4. Owners are responsible for common areas and facilities as well as paying local taxes where applicable. The Town will not be liable for recreation facilities or common areas.
5. A system for assessing all units, including those still owned by the developer, and collecting dues sufficient to maintain the common facilities is provided.
6. A statement that the Town government has the right, under extreme circumstances, where the owners are unable to perform their responsibilities to protect health and safety, to maintain and operate the common areas or require a court-appointed trustee to administer the affairs of the owners, to assess the homeowners for the cost of this service and to provide a vehicle by which the homeowners can reassume management. The Town shall seek any advice necessary to insure compliance with this provision.

In addition, a statement must be provided and signed by the developer stating that all purchasers of units are to be fully informed of the existence of covenants, the extent of the common areas and facilities and the responsibilities of each homeowner to participate in the costs and maintenance of the common areas and facilities.

4-400 PARKING AND LOADING

4-401 Off-Street Parking Areas Required

- A. In all districts, space for off-street parking and storage of vehicles shall be provided in accordance with the Schedule of Minimum Off-Street Parking Requirements by Land Use set forth in Table 2 of this Ordinance. The parking space requirements for a use not specifically listed in Table 2 shall be the same for a listed use of similar characteristics as determined by the Administrator.
- B. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. No part of any parking area shall be closer than ten (10) feet to a Town, County or State road.
- C. Every off-street parking or loading space shall be accessible from a public way.
- D. Parking areas associated with public, semi-public, or commercial use shall have an all-weather surface or a permeable paver system.
 1. A permeable paver system shall be only be used when designed by a design professional in accordance with established industry standard practices of flexible pavement design procedures.
 2. All parking and loading areas shall be graded and drained using best management practices for stormwater management and comply with County grading, sediment control, and stormwater management ordinances.

TABLE 2: MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE

Use	Parking Requirement
Residential	
Single Family Residential - detached	2/ dwelling unit
Two-Family Residential	"
Accessory Apartment	1 1/2 /dwelling unit
Group Home, Home Day Care	1/ 3 bedrooms + 1/employee
Multi-Family Dwelling, Townhouse	see Section 4-300
Senior Housing Project	2/dwelling unit
Emergency Mobile Home	2/dwelling unit
Institutional	
Civic Community Center	1/5 seats in main assembly room
Family Day Care Center	"
Group Day Care Center, Nursery School, Pre-School	2/classroom
Hospital	1/ patient bed
Library, Museum, similar	1/500 s.f. GFA + 1/employee*
Community Center, Service Club, Private Club	1/10 members
Nursing Home, Convalescent Home	1/5 patient beds +1/employee
Place of Worship, Parish Hall, Convent, or Rectory	1/5 seats in main assembly hall
Public or Governmental Building, Fire and Rescue Service	1/400 s.f. GFA
Public/Private Primary, Secondary, or Collegiate School	1/5 students +1/employee
Trade, Vocational, Commercial, Business School	1/5 students
Retail- Light Use	
Artist, Photographer Gallery, similar	1/500 s.f. GFA
Bed and Breakfast	2/owner, 1/guest
Boarding House, Lodging House	"
Business Service shop	1/400 s.f. GFA
Catering Services	1/employee
Coffee Shop, Ice Cream Shop	1/300 s.f. GFA
Retail Bakery	"
Salon, Barber	1/250 s.f. GFA
Specialty Retail, Retail Shop selling primarily one type of good	1/500 s.f. GFA
Retail- Intensive Use	
Bank, Financial Institution	1/300 s.f. GFA
Convenience, Grocery, Hardware, Drug, Dry Goods Store	1/300 s.f. GFA
Health Clinic	2/ examining room + 1/employee
Hotel, Motel	1/guest room +1/employee
Restaurant, Class I	1/3 patrons at max. capacity
Restaurant, Class II	"
Shopping Center	1/300 s.f. GFA
Tavern, Nightclub, Lounge	1/3 patrons at max. capacity
Office/Service- Light Use	
Dry Cleaner (dry cleaning performed off-site)	1/400 s.f. GFA
Professional Office, Business Office (non-medical)	1/300 s.f. GFA
Repair shop, including service/repair such as clocks, jewelry, small appliance, shoe, television and radio and associated storage facility	1/400 s.f. GFA

TABLE 2: MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE	
Use	Parking Requirement
Office/Service- Intensive Use	
Dry Cleaner (full service)	1/400 s.f. GFA
Funeral Home	1/4 seats in chapel
Health Spa / Fitness Center	1/300 s.f. GFA
Plumbing shop, Contractor shop	1/500 s.f. GFA
Printing, Publishing	"
Professional Office (medical)	2/ professional
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery	1/500 s.f. GFA
Studio for Instruction in Dance, Art, Music, similar	1/5 students
Entertainment/Recreation	
Indoor recreational facility	1/3 seats + 1/employee
Movie Cinema, Theater	"
Outdoor Commercial Amusement, Indoor Arcade	1/3 patrons at max. capacity
Public or non-profit park and/or recreational area	**
Automotive	
Agricultural Machinery, Equipment or Supplies Sales & Repair	1/300 s.f. GFA
Automobile or Boat sales, rental	1/300 s.f. GFA
Automobile parking lot (non-accessory use)	NA
Diesel and Gas Engine Sales and Service	1/service bay + 1/staff
Gasoline Service Station, Automotive Repair	1/pump + 1/service bay + 1/staff
Large Truck Repair or Service Shop	1/service bay + 1/staff
Small auto, small truck, and tractor repair	"
Temporary Storage and Service of Transient Trailer, Camping Trailer, Tent or Touring Van, etc.	NA
Agriculture/Agricultural Secondary Income	
Animal Care and Services	2/ examining table
Auction House, Sale Barn	1/3 seats in assembly room
Commercial Greenhouse or Nursery	**
Farmer's Market	**
Industrial	
Agricultural Products Processing Plant	**
Bulk Plant	**
Commercial Food Storage	**
Utility Building or Facility	**
Feed & Grain Supply & Storage Facility	**
Fuel Storage over 10,000 gallons	NA
Lumber yard, storage yard, stone monument dealer	1/500 s.f. GFA
Other General Manufacturing, Assembly or Light Industrial Plant & Uses	"
Research & Development Facility	**
Sawmill, Commercial	1/500 s.f. GFA
Water Supply and/or Wastewater Treatment Facility (non-accessory)	**
Wholesale, Warehouse-Commercial	1/1,500 s.f. GFA

Note: s.f. GFA= square feet Gross Floor Area

* An employee shall be full time non-residential or the equivalent thereof.

** As determined by the Planning Commission.

TABLE 2: MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE	
Use	Parking Requirement
Unclassified	
Accessory Buildings or Uses	**
Cemetery or Memorial Garden	NA
Game Check-in Station	**
Garage / Yard Sale	NA
Home Occupation	**
Outdoor Storage	NA
Temporary Structure Incidental to Construction Operations	NA

Note: s.f. GFA= square feet Gross Floor Area

* An employee shall be full time non-residential or the equivalent thereof.

** As determined by the Planning Commission.

4-402 Parking and Loading Space Standards

Off-street parking spaces and parking access required by this Ordinance shall adhere to the following standards.

- A. An off-street parking space shall measure at least 9' x 18' and comprise not less than one hundred sixty-two (162) square feet per parking stall plus necessary maneuvering space or aisles.
- B. Aisles shall have the following minimum widths based on the configuration of the adjacent parking spaces:
 - 1. Perpendicular 22 feet
 - 2. 60-75 Degrees 18 feet
 - 3. 45-59 Degrees 16 feet
 - 4. Parallel 10 feet
- C. Required off-street parking shall be provided on the same lot or within a walking distance of three hundred (300) feet measured from the principal entry point of the building or use to the nearest point of the parking area.
- D. Interior driveways for large commercial and industrial uses shall measure at least twelve (12) feet for one-way and at least twenty (20) feet for two-way traffic.
- E. Parking lots shall adhere to the screening and landscaping requirements found in Section 4-500.

4-403 Modification of Parking Requirement

Should the configuration of the lot, the placement of existing conforming structures, or a change of use to a conforming but more intensive use, preclude strict adherence to this paragraph, the Planning Commission may modify the parking requirements provided that the owner demonstrates:

- A. On-street parking is available and adequate and that the parking required by the contemplated use will not materially impede the flow of traffic or preempt existing parking, and/or;

- B. A written agreement, allowing parking required by the use of an adequate private or public off-street parking lot within a walking distance of three hundred (300) feet.
- C. In the situation of two or more establishments seeking to share the same off-street parking facility, the following conditions apply:
 - 1. Individual establishments shall not normally be opened or used during the same principal operating hours.
 - 2. The establishments sharing parking spaces shall be bound by a written legal agreement.

4-404 Minimum Bicycle Parking Requirements by Land Use

Bicycle parking shall be provided in accordance with the following schedule. In all districts, either space for parking and/or storage of bicycles shall be provided or the applicant shall demonstrate to the satisfaction of the Planning Commission that adequate bicycle parking is provided for.

Boarding house, Lodging House	2, or 1 per 10 units
Bed and Breakfast, Hotel, Motel	2, or 1 per 25 employees
Retail sales, Service Operations	2, or 1 per 5,000 s.f. GFA
Office building	2, or 1 per 5,000 s.f. GFA
Museum, Library, similar	4, or 1 per 3,000 s.f. GFA
Church, similar	1 per 50 members
Community center	1 per 250 s.f. GFA
Schools	
a) Elementary	3 per classroom
b) Middle and High	1 per 20 students
Indoor amusement	4, or 1 per 50 seats
Restaurant, Ice Cream Shops, Coffee Shop	4, or 1 per 50 seats
Other commercial	2 or 1 per 50 employees

Note: "s.f. GFA"= "square foot Gross Floor Area"

4-405 Design of Bicycle Parking Spaces

Bicycle parking spaces shall be provided in accordance with the amounts required by Section 4-404 and with the design regulations in this section.

- A. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker, or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
- B. When automobile parking spaces are provided in a structure, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.
- C. Bicycle parking spaces shall be located near the entrance of use being served and within view of pedestrian traffic if possible, and shall be sufficiently secure to reasonably reduce the likelihood of bicycle theft.

- D. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.
- E. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least 24 inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six (6) feet to the front or rear of a bicycle parked in the facility.
- F. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust. Bike parking facilities within auto parking areas shall be separated by a physical barrier such as curbs, wheel stops, poles or other similar features to protect bicycles from damage by cars.

4-406 Off-Street Loading Spaces Required

In any zone in connection with every building or part thereof, having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by small-scale manufacturing or assembly, goods display or sales, mortuary, or other uses similarly requiring the receipt and distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building or use, at least one off-street loading space plus one additional such loading space for each ten thousand (10,000) square feet of gross floor area or major fraction thereof. Each loading space shall not be less than ten (10) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height. Such space may occupy all or any part of any required yard or court, except a front yard. No such space shall be located closer than fifty (50) feet to any lot located in any TR or SF district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence, not less than six (6) feet in height.

4-500 LANDSCAPING AND SCREENING REQUIREMENTS

4-501 Purpose and Intent

The purpose and intent of this Section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of an attractive Town; to conserve natural resources including adequate air and water; to conserve properties and their values; and to encourage the appropriate use of land. More specifically this Section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, artificial light intrusion, and other objectionable activities or impact conducted or created by adjoining or nearby use. Additionally, this Section is intended to require the landscaping of certain parking lots in order to reduce the harmful effect of heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and lessen storm water drainage problems; to prevent soil erosion; to provide shade and to enhance the blighted appearance of parking lots.

4-502 Applicability

The provisions of this Article shall apply to all development where Category 1 site plans are filed in accordance with the provisions of Article 5 and to all public and private parking facilities.

4-503 Landscaping Requirements

- A. A landscaping scheme shall be submitted as part of every Category 1 site plan required by the provisions of Article 5.
- B. Such landscaping schemes shall include dimensions and distances and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials to be used.
- C. The landscaping measures shall be completed according to specifications prior to final approval of any zoning permit.

4-504 Screening Requirements for Commercial and Industrial Uses on Large Lots

All commercial and industrial development on lots of over twenty thousand (20,000) square feet for which Category 1 site plans are filed in accordance with the provisions of Article 5 shall be effectively screened or buffered from adjoining residential properties with the following bufferyard requirements:

- A. The bufferyard shall be a minimum of twenty-five (25) feet wide and shall serve as sound and visual barriers. This buffer can consist of alternative plant units depending on conditions. A combination of existing and new plant units may be used. A variety of mast or fruit producing species and conifer shall be included in the buffer.
- B. Eighty percent (80%) of the buffer can be planted as seedlings. In some cases the use of seedlings may require photodegradable tree shelters or larger growing stock such as four (4) to five (5) foot whips. An appropriate match of interplanted overstory and understory tree seedlings should be used.
- C. A minimum of twenty percent (20%) of the buffer shall be planted in larger stock trees with five (5) to six (6) foot overstory trees planted in a center row and two (2) to three (3) foot understory trees and shrubs on outside rows.

4-505 Perimeter Parking Lot Landscaping

All off-street parking facilities, whether or not located on the same lot as the use to which it is accessory, containing five (5) or more parking spaces shall meet the following perimeter landscaping requirements.

- A. A landscaping strip five (5) feet in width shall be located between the parking facility and the adjoining lot lines.
- B. A minimum of one (1) shade tree for every forty (40) feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or low shrubs shall be used as the primary landscape material.
- C. On the landscaping strip adjacent to a street right-of-way, or to a residential use, a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four (4) feet or greater than six (6) feet in height is required to reduce the visual impact of the parking facility.

4-506 Internal Landscaping of Surface Parking Facility

Any surface parking facility of twenty-five (25) or more spaces shall be landscaped with shade trees of not less than five percent (5%) of the internal area of the surface parking facility. The internal area of a parking facility is defined by the perimeter of the curbs or edge of paving. Planting area should be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.

4-507 Lighting in Parking Lots

Any lighting used to illuminate any parking area shall have full cutoff fixtures and be so arranged as to direct the light away from adjoining residential areas and from public roads. The height of exterior lights to illuminate parking areas shall not exceed twenty (20) feet.

4-508 Screening Trash Receptacles

Surrounding commercial or institutional trash dumpsters and/or receptacles a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four (4) feet or greater than six (6) feet in height is required to reduce the visual impact of the trash receptacles.

4-509 Maintenance

- A. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
- B. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Section.
- C. Besides essential road and utility uses, no use shall be allowed in a bufferyard which are harmful to the plant materials or detract from the purpose of the buffer.

4-510 Fences, Walls and Hedgerows

- A. Fences, walls and hedgerows do not require a Zoning Permit.
- B. Fences, walls and hedgerows are not subject to building setback requirements from public ways and adjoining lots.
- C. No fence, wall or hedgerow of over four (4) feet may project into or enclose any required front yard. No fence, wall or hedgerow more than eight (8) feet in height may project into or enclose any required side or rear yard.
- D. Fences, walls and hedgerows shall comply with Section 4-110 of this Article regarding visibility at street intersections.

4-511 Waiver or Modification

The Planning Commission under the provisions of Article 7 may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved:

- A. For an interim use of a specified duration, and/or where deemed appropriate due to the location, size, surrounding area or configuration of the lot; and
- B. When such waiver or modification will not have any deleterious effect on the existing or planned development of adjacent properties.

4-600 NATURAL RESOURCES PROTECTION

4-601 Purpose

Waterways and wetlands protection.

Waterways and wetlands require restrictive land use because of flooding hazards to human life and property in the immediate proximity and downstream; their groundwater recharge functions; their importance to water quality and the health of aquatic communities and other wildlife habitats.

Woodlands protection.

Woodlands offer a significant resource value for Town residents. Woodlands act as soil stabilizers and oxygen producers. Trees improve harsh microclimatic conditions in both summer and winter, provide habitats for birds, mammals and other wildlife, cleanse the air by transpiring clean water into the atmosphere, provide recreation areas, as visual buffers between areas of development and within development, and increase property values.

Habitat Protection.

In recognition that wildlife and endangered species may inhabit specific eco-systems and that development may impair or eliminate the ability of the species to live and propagate, particular habitats must be preserved to insure their survival.

4-602 General

Proposed developments in all districts shall be designed in ways that identify sensitive natural areas and provide measures to protect and minimize disturbance and damage to these areas. Sensitive natural areas include streams, waterways and wetlands; threatened and endangered wildlife habitats; floodplains; woodlands; and highly erodible and permeable soils. To the extent practical, sensitive natural areas shall be placed in open space areas.

4-603 Location of Buffers and Bufferyards

The following sensitive natural areas require protection and shall not be developed within the proscribed areas.

A. Waterways and Wetlands.

Waterways and wetlands shall require twenty-five (25) foot non-disturbance buffer from the one hundred (100) year floodplain boundary; or when floodplains are not delineated on Federal Emergency Management Agency (FEMA) maps, there shall be a fifty (50) foot non-disturbance buffer from waterways and wetlands. The required buffer shall be vegetated or planted with bufferyards in accordance with Section 4-604 of this Ordinance. Setbacks are required on these wetlands and waterways:

1. Perennial and ephemeral streams (Reference- USGS 7.5 Minute Quadrangle Maps)
2. Wetlands (Reference- National Wetlands Inventory Maps)
3. Areas of wetlands and waterways that by field observation of a qualified forester at the developer's expense, a Town official, or a State natural resources staff person are determined to exist upon a property.

B. Woodlands.

Woodlands shall be delineated at the developer's expense by a licensed forester, licensed landscape architect, or a qualified professional who meets the requirements stated in COMAR 08.19.06.01B.

C. Habitat Protection Areas.

Any development or significant land use change of a property located within a State-designated Natural Heritage area will require that the Town review the proposed activities on a case-by-case basis and seek technical advice from the Department of Natural Resources. Based on the Department's recommendations, additional research and site analysis may be required to identify the location of threatened and endangered species on a site. If any habitats are identified on a project site, the applicant shall develop a habitat protection plan to protect and conserve the habitats identified. The habitat protection plan may include buffers and bufferyards.

4-604 Buffer and Bufferyard Requirements

A. Wetlands and Waterways Buffers.

1. No development shall be permitted within twenty five (25) feet of a wetland or waterway plus, whenever a slope is present, an additional four (4) feet for every one percent (1%) of slope. Within this buffer area there shall be no tree or shrub removal, clearing, burning or grubbing. Activities shall be limited to best management practices to prevent soil erosion and to ensure soil stabilization.
2. Within the twenty-five (25) foot required buffer from wetlands and waterways, a bufferyard must be planted or existing vegetation preserved to substantively create this level of vegetative buffer:
 - (a) Eighty percent (80%) of the buffer can be planted as seedlings. In some cases the use of seedlings may require photodegradable tree shelters or larger growing stock such as four (4) to (5) foot whips. An appropriate match of interplanted overstory and understory tree seedlings should be used. A minimum of twenty percent (20%) of the buffer shall be planted in larger stock trees with five (5) to six (6) foot overstory trees planted in a center row and two (2) to three (3) foot understory trees and shrubs on outside rows.
 - (b) A mixture of different tree species shall be utilized to include canopy trees such as ashes, maples, oaks, ginkgos, conifers, etc. and understory trees such as dogwoods, redbuds, crabapples, pears, etc.
3. Bufferyards are subject to deed restrictions or they may be transferred to any consenting grantees, such as the Town of Sudlersville, or a homeowner's association, provided that any such ownership and conveyance adequately guarantees the protection of the bufferyards for the purpose of this Ordinance.

B. Woodlands.

1. Established woodlands and forests shall not be extensively cleared or developed. In no case shall more than fifty percent (50%) of an existing woodland of one-half (1/2) acre or more be developed.
2. At least twenty percent (20%) of a proposed open space area shall include existing woodlands or shall be afforested with bufferyards as outlined in this Section in order to establish woodlands. The developer shall provide forested wildlife corridors whenever practical. The creation and protection of woodlands shall be coordinated with an appropriate forester of the Maryland Department of Natural Resources.

3. All forests designated protected on site plans as required by this Section shall be maintained to the extent practicable, through recorded conservation easements, restrictive covenants, or other protective instruments.
4. Development sites containing woodlands of over one half (1/2) acre in size shall incorporate a wildlife corridor that connects the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with off-site habitats. Maintenance of the wildlife corridors must be insured by the establishment of conservation easements, restrictive covenants, or similar instruments through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts, and other organizations; said easements, covenants or similar instruments to be recorded among the Land Records of Queen Anne's County, Maryland.

4-605 Essential Roads and Utilities Disturbance

The construction of essential roads and utilities is permitted in sensitive natural areas if no other suitable areas or avenues are reasonably available and if mitigation and offsetting measures equal to or greater than the impacts of disturbance are provided.

4-606 Open Space Subtraction

With the agreement and approval of the Planning Commission, areas set aside for sensitive natural areas protection can qualify as the required open space area to a maximum of seventy percent (70%) of the passive open space requirement.

4-700 SIGNS

4-701 Purpose

The purpose of this Article is to permit signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, morals and general welfare; to permit and regulate signs in such a way as to support and complement land use objectives set forth in this Ordinance; to prevent the proliferation of signs which detract from the appreciation of the landscape; and to preserve and enhance the attractiveness of the Town of Sudlersville.

4-702 Applicability

Any sign erected, placed, attached, altered, reconstructed, or modified after the adoption or amendment of this Ordinance shall conform to the following. For purposes of this Section, the term "alter" shall mean any change whatsoever except mere repainting, minor repair or changing the message of a conforming sign.

For the purposes of this Section, the term "indirect illumination" shall mean a sign which does not produce artificial light from within itself but which is opaque, and illuminated by spotlights or flood lights, not a part of or attached to the sign itself.

These regulations do not apply to assign on a truck, bus, or other vehicle which identifies the product, service or activity for which the vehicle is used and which is incidental to the primary business use of the vehicle for transportation.

4-703 General Regulations

- A. No signs requiring permits shall be erected until approved by the proper authority. Signs for new permitted business, commercial and industrial establishments require approval during site plan review before the Planning Commission. The Administrator approves new signs for existing structures and businesses.
- B. No sign shall be fastened to, and supported by, or on the roof of a building; and no projecting sign shall extend over or above the roof (including mansard roofs) or a parapet wall of a building.
- C. No attached signs shall project more than three (3) feet beyond the building line.
- D. No freestanding signs shall project beyond the property line or road right-of-way nor shall they be placed in a location which obstructs pedestrian traffic or vehicular visibility. Official traffic signs may be located in the road right-of-way.
- E. Any freestanding sign shall be set back from the side and front lot lines a distance at least equal to the height of the sign or a minimum distance of ten (10) feet, whichever is greater.
- F. All real estate signs advertising property for sale shall be removed within seven (7) days following the sale of the property.
- G. Campaign or election signs shall be permitted, provided each of the following conditions is met.
 - 1. The signs are unlighted or indirectly lighted.
 - 2. The sign area is less than sixteen (16) square feet.
 - 3. The signs meet all applicable state and federal regulations.
 - 4. Campaign or election signs shall be removed no later than ten (10) days following the election unless such signs shall continue to be addressed to an election to be held within the next ninety (90) days.
- H. Upon written notice from the Planning Commission or its agent that a sign is unsafe, damaged or deteriorated, the owner of the site and/or the owner of the sign shall repair or remove the sign. Immediate action is required for the repair or removal of unsafe signs. If repair or removal is not achieved within the time period specified in the written notice from the Planning Commission or its agent, the sign shall be repaired or removed by the Town and the cost shall be assessed to the property owner.
- I. After a use is discontinued, all on-site signs pertaining to that use including display letters, numerals, symbols, figures, designs, or any other device for visual communication of that discontinued use shall be removed within fifteen (15) calendar days of the termination of the use. If any such sign is not removed within the fifteen (15) calendar-day limit, the Town may remove such signs after fifteen (15) calendar day's written notice. The cost of the removal shall be assessed to the property owner.

4-704 Maintenance of Signs

All signs shall be maintained in good condition or appearance. The Administrator shall remove or cause to be removed any sign which shows gross neglect, becomes dilapidated or where the area around the sign is not well maintained.

4-705 Prohibited Signs

Existing signs of a prohibited nature shall be considered non-conforming signs. The following signs are prohibited in all districts:

- A. Flashing or rotating signs except that a portion of a sign may indicate a changing time, temperature or date.
- B. Signs, by reason of their intensity, color, location, or movement interfere with traffic lights, signals, or in any other manner impair public safety or imitate a traffic control device. This includes signs with pennants, ribbons, streamers, strings of light bulbs, and all other fluttering, spinning or other moving devices. Beacon lights are not permitted.
- C. Signs advertising an activity, business, product, or service no longer conducted or available on the premises.
- D. Freestanding signs greater than six (6) feet in height and twenty-four (24) square feet in area.
- E. Flashing signs or signs with exposed neon tubing.
- F. Signs attached to utility poles or any other unapproved supporting structures. No sign which requires a zoning permit shall be attached to a tree.

4-706 Illumination

- A. The light from any illuminated sign shall be of low intensity and shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- B. Neither the direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- C. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb light or lamp to any public street or adjacent property.
- D. The owner of a sign and the owner of the site upon which the sign is located are jointly and severally responsible for maintaining the sign, including its illumination system.

4-707 Area of Sign

- A. The area of a sign shall be construed to include all lettering, working, 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 which are incidental to the display itself.
- B. 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.
- C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- D. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical.

4-708 Signs in the SF and TR Districts

Signs permitted in the SF district shall be limited or regulated in the following manner:

- A. An unlighted real estate sign not exceeding four (4) square feet square in area.
- B. A freestanding sign not to exceed four (4) square feet in area shall be permitted in conjunction with an accessory use. The base of a freestanding sign shall be solid and designed as an architecturally integrated element of the sign.
- C. A free-standing indirectly illuminated sign not to exceed four (4) square feet in area identifying an approved special exception use other than as specified in 4-708 B. The base of a freestanding sign shall be solid and designed as an architecturally integrated element of the sign.
- D. On a temporary basis not to exceed two weeks in length, an additional free-standing similar to one allowed in 4-708 B may be used for special events and promotions.
- E. Wall-mounted signs, name plates and projecting signs extending not more than thirty (30) inches from the front of the building are permitted to identify allowable non-residential uses including approved special exceptions uses provided they are compatible with the building and adjacent structures and do not exceed two (2) square feet in area.
- F. Historical markers/signs shall not exceed ten (10) square feet in area and must be designed to enhance and blend with its historical surrounding.
- G. No signs may be painted directly on any wall or roof of a building or a fence.
- H. Signs for garage and yard sales, name and address of occupant, owner, or property, construction site and public interest or caution messages are allowed as regulated in Table 3.
- I. The maximum sign area for these districts is twelve (12) square feet.

4-709 Signs in the TCC, CFZ, & MU Zoning Districts

Location, size, height of signs must follow the regulations listed in “Table 3: Permitted Signs in Sudlersville Zoning Districts,” except for signs in the SF and TR district which must adhere to Section 4-708 of this Article.

TABLE 3: PERMITTED SIGNS IN THE SUDLERSVILLE TCC, TTC, & MU ZONING DISTRICTS*

Type of Sign	Max. Number Allowed per Use	Max. Sign Area (sq.ft.) Allowed	Max. Height	Illumination Permitted	Permit Required	Time Limit	Zoning District Allowed
Garage or Yard Sales	2	6 each	4	No	No	Coincident with Use	All Districts
Farmer's Market	1	24	6	No	No	None	All Districts where such use is permitted
Political	(a)	16	4	No	No	see 5-703 G	All Districts
Legal Notices, Official Traffic Signs	None	None	None	No	No	None	All Districts
Real Estate Sale, Lease or Rental	1 per road frontage	9 each	4	No	No	None	All Districts
Special Event- Advertising of Special Civic or Cultural Events Sponsored by Governmental, Club or Charitable Organization ^(b)	6	16	6	Yes	No	30 days/event	All Districts where such use is permitted
Special and New Business Sales Promotional Displays ^(b)	(a)	16	6	Yes	No	30 days/event	" "
Special Decorative Holiday	None	None	6	Yes	No	60 days/year	" "
Name and Address of Occupant, Owner, or Property	1	4	6	No	No	None	All Districts
Place- Identification of a Residential Development, Public Facility, Historic Facility, Farm, etc.	1	20	6	Yes	No	None	All Districts

* Table 3 does not include sign restrictions for the SF and TR districts. See Section 4-708.

(a) Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type

(b) Signs located on a building window are not included when determining maximum number or sign area allowed.

TABLE 3: PERMITTED SIGNS IN THE SUDLERSVILLE TCC, TTC, & MU ZONING DISTRICTS* (continued)

Type of Sign	Max. Number Allowed per Use	Max. Sign Area (sq.ft.) Allowed	Max. Height	Illumination Permitted	Permit Required	Time Limit	Zoning District Allowed
Institutional- Club, School, Library, Place of Worship, Firehouse, Nursing home, Cemetery, etc. Identification or Bulletin Board	1	24	6	Yes	No	None	All Districts where such use is permitted
Home Occupation Identification	1	4	6	No	No	None	All Districts
Public Interest- Cautionary Messages, including "No Trespassing," etc. or Informational Messages, including "Exit," "Parking," etc.	No limit	2 each	6	No	No	None	All Districts
Construction Site- Identification of Architect, Engineer, Contractor	1	16	6	No	No	Project Completion or Abandonment	All Districts
Permitted Business, Commercial, Industrial Establishments (except Home Occupations) ^(b)	(a)	48	6	Yes	Yes	None	TCC, MU
Permitted Business, Commercial, Industrial Establishments (except Home Occupations) ^(b)	(a)	24	6	Yes	Yes	None	TTC
Permitted Business, Commercial, Industrial Establishments (except Home Occupations) ^(b)	(a)	16	6	Yes	Yes	None	TR

* Table 3 does not include sign restrictions for the SF and TR districts. See Section 4-708.

(a) Combined total of all signs on the premises per establishment shall not exceed maximum sign area allowed per type

(b) Signs located on a building window are not included when determining maximum number or sign area allowed.

4-800 VARIANCES

4-801 Variance Procedure

A person requesting a variance from the provisions of this Article (except for Section 4-403 “Modifications of the Parking Requirement” where the Planning Commission may grant a variance) must follow the procedure described in Article 6, Section 6 of the Zoning Ordinance.

ARTICLE 5

SITE PLANS

5-100 GENERAL REQUIREMENTS

5-101 Applicability

Site plans, prepared and approved in accordance with the provisions of this Article, shall be required to assist Town administrative officials in the review of applications for Building Permits and to assure compliance with all applicable requirements of this Ordinance. No building permit or use and occupancy permit shall be issued for the construction, rehabilitation, or use of any building or structure except in accordance with an approved site plan.

5-102 Developments and Uses Requiring a Site Plan

Site plans are divided into three categories;

- A. Category 1 Site Plan Review. All commercial and institutional developments, multi-family dwellings, senior housing projects, and attached dwelling units require Category 1 Site Plan Review.
- B. Category 2 Site Plan Review. Single family detached dwellings, bed and breakfast facilities, boarding houses, accessory uses, and rehabilitation projects require Category 2 Site Plan Review. This Category is for projects with minor impact, which require less information than Category 1 projects and may be reviewed and approved in a shorter time period.
- C. Category 3 Site Plan Review. Additions and/or modifications to existing Single Family or Two Family dwellings such as decks, accessory buildings, room additions, etc which have minor impact on drainage, building coverage, parking and other site features.

5-103 Processing Procedure

- A. The applicant shall submit a completed application, the appropriate fee, and the site plan to the Administrator.
- B. The Administrator shall review the application for completeness and will refer the application to the appropriate individuals or agencies for review, comment, and/or approval.
- C. The Planning Commission will review and take action on all Category 1 and Category 2 Site Plans. Category 3 Site Plans require review only by the Administrator.
- D. For all Category 1 Site Plans submitted for review, the Planning Commission shall:
 1. Submit written notice to the applicant by first class mail, such to be postmarked at least ten (10) days before the day of the meeting to discuss the site plan, and
 2. Submit written notice to all owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place and subject matter of the meeting to discuss the site plan, and the name of the applicant. Such notice shall be sent by first class mail and post marked not less than ten (10) days before the day of the meeting. In addition, the same information regarding the subject property included in the written notice

shall be posted, in a place clearly visible from the public right-of-way on the property involved, a notice of pending hearing at least ten (10) days prior to the date of the hearing.

- E. When all review and approvals have been completed the Chairman of the Planning Commission will sign the application and site plan to indicate completion of review and approval by the Town. No building permit shall be issued until this approval has been given.
- F. The Administrator shall assure that the project is completed in conformance with the approved site plan before issuing a final zoning permit.

5-104 Expiration and Revisions

- A. Approval of a site plan submitted under the provisions of this Article shall expire one (1) year after the date of such approval unless a building permit has been obtained for construction in accordance with the site plan. The Planning Commission may grant a one-year extension after review.
- B. After the Planning Commission approves a site plan, the applicant may revise the site plan, but the applicant must repeat the entire site plan approval process. However, revisions that are deemed minor by the Administrator will be accepted in writing from the applicant for review and comment by appropriate agencies.

5-105 Bonding Requirements

Before the Administrator issues a Certificate of Use and Occupancy, either all the work must be completed or the remaining work must be bonded. Completion bonds apply only to the construction of roads, sidewalks, driveway entrances, soil stabilization, or landscaping.

5-106 Appeals

Any person aggrieved by any decision made under this Article may, within five (5) days of such decision, appeal to and have a determination made by the Board of Appeals. During the period of appeal, no building permits shall be issued.

5-200 SITE PLAN PREPARATION

5-201 Procedure for Preparation of Category 1 Site Plans

- A. Site plans involving engineering, architecture, landscape architecture, or land surveying shall be respectively certified by the appropriate engineer, architect, landscape architect, or land surveyor authorized by the State of Maryland to practice as such.
- B. Site plans shall be prepared to an appropriate scale to show the detail required for review. Unless the Administrator determines otherwise, an appropriate scale shall be one-inch equals thirty feet (1" = 30') or one-inch equals forty feet (1" = 40'). The sheet shall be 24" by 36". A site plan may be prepared in one or more sheets to show clearly the information required and to facilitate the review and approval of the plan.

5-202 Required Information on Category 1 Site Plans

All Category 1 Site Plans shall be submitted to the Administrator in nine (9) legible copies (which may require that additional copies be provided when necessary). Category 1 Site Plans shall contain the following information:

- A. An area or vicinity map at a scale of not smaller than 1"= 2,000' and showing such information as the names and numbers of adjoining roads, streams, bodies of water, railroads subdivisions, or other landmarks sufficient to clearly identify the location of the property.

- B. A boundary survey plat of the entire site at a scale not smaller than 1"=100' unless otherwise specified by the Planning Commission showing the following:
 - 1. Existing topography at two (2) or five (5) foot contour intervals.
 - 2. Existing and proposed grading of the land surface;
 - 3. Location of natural features such as streams, ravines, forest, wetlands, drainage patterns on the parcel;
 - 4. Floodplain boundaries (100 year);

- C. A detailed drawing(s) showing:
 - 1. The project name and the name, address, and telephone number of the landowner and builder/developer.
 - 2. The location, height, ground coverage, and use of all structures.
 - 3. The floor areas of all non-residential buildings and the proposed use of each.
 - 4. Renderings and architectural elevation drawings to scale illustrating the appearance of all buildings or structures upon development.
 - 5. For each residential building, the number and type of dwelling units, classified by the number of bedrooms, and the total floor area, if any, to be used for commercial purposes.
 - 6. All existing and proposed streets, sidewalks, and easements, numbers and widths; and existing and proposed utilities.
 - 7. Renderings that illustrate that the development adheres to the community design standards and new town design standards, if applicable, in Article 4, Section 2 of this Ordinance.
 - 8. A parking plan, showing all off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces for both vehicles and bicycles to meet the requirements by Article 4, Section 4 of this Ordinance.
 - 9. The locations of recreational and other open spaces.
 - 10. Placement, number, direction and height of exterior lighting facilities.
 - 11. Location, size and appearance of signage on the lot and on the structures.
 - 12. Existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation.

13. All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made to the utility system.
14. Provisions for the adequate disposition of natural and storm water, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage system, and on-site water retention where deemed appropriate and necessary by the Soil Conservation Service.
15. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
16. Sufficient information to show how the physical improvements associated with the proposed development interrelates with existing or proposed development of record on adjacent properties.

D. Computations of:

1. Percentage of building ground coverage;
2. Gross density of dwelling unit per acre;
3. Percentage and amount of open space;
4. Total number of parking spaces;
5. Building floor area for each type of use;
6. Road area;
7. Number and area of off-street parking and loading spaces;

E. In addition to the above, site plans shall be accompanied by the following:

1. Proposed grading and sediment and erosion control methods including soil stabilization methods, location and type of silt fences, construction phasing, maximum area exposed at any one time and outer boundaries of the area of disturbance.
2. Location and size of all stormwater management facilities, storm drains, sanitary sewers, culverts, watercourses, and all appurtenances thereof.
3. A landscaping scheme, including dimensions and distances and the location, size and description of all proposed landscape material as required by the provisions of Article 4, Section 5 of this Ordinance.
4. Location, type size and height of fencing, retaining walls and screen planting as required by the provisions of Article 4, Section 5 of this Ordinance.
5. If the property is scheduled for phased development, the proposed layout of the total project development shall be indicated and each phase's projected scope and time indicated to the extent possible.

F. A site plan for a commercial or industrial use must also include:

1. Specific types of uses proposed.
2. Type of wastes or by-products to be produced by any manufacturing process.
3. Proposed methods of disposal of such wastes or by-products.

4. For all industrial and for commercial establishments having regular evening hours, the type, location, and direction of all exterior lighting. Additionally, the lighting plan provided should demonstrate that the lighting will not interfere with drivers on adjacent roads, residents of nearby homes or others who would be bothered by the exterior lighting not directly focused on the property of the development.

G. Traffic Study Requirement

1. For any project expected to generate more than two hundred and fifty (250) trips per day, the developer shall prepare a traffic impact analysis, at the developer's expense, to analyze traffic impacts from the proposed development in order for the Planning Commission to adequately judge the nature of the traffic impacts from the development. The Commission may require a traffic study for projects that are expected to generate less than 250 trips per day if it finds adequate cause after considering the adequacy of surrounding roads, the traffic anticipated from other proposed and exiting development in the neighborhood, and the nature of the traffic to be generated by the new use.
2. The development or redevelopment of any use listed in Table 1, of Article 3 under the heading "Automotive" and existing as of the date this Ordinance was adopted, shall be exempt from the traffic study requirements set forth in paragraph G 1 above. This exception shall apply to any use affected by Section 6-201 C of this Ordinance.

5-203 Required Information on Category 2 Site Plans

All Category 2 Site Plans shall be submitted to the Administrator in nine (9) legible copies (which may require that additional copies be provided when necessary). Category 2 Site Plans shall contain the following information:

- A. The project name and the name, address and telephone number of the landowner and builder/developer.
- B. A drawing showing the location, height, ground coverage, and use of all structures.
- C. An elevation drawing and renderings illustrating the applicant has followed the community design standards and new town design standards, if applicable, in Article 4, Section 2 of this Ordinance.
- D. If applicable, front, side and rear yard setbacks, as well as street access and easements.
- E. If applicable, provisions for the adequate disposition of natural and storm water, indicating the location, size, type and grade of ditches, catch basins and pipes and connections to existing drainage system, and on-site water retention where deemed appropriate and necessary by the Planning Commission and/or the Town Engineer.
- F. If applicable, provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
- G. If applicable, show existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation.
- H. Other information that may be required by the Administrator to assure compliance with all applicable regulations.

5-204 Procedure for Preparation of Category 2 Site Plans

A. General

1. Site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.
2. All site plans shall clearly show the information required by this Section.
3. If such plans are prepared in more than one sheet, match lines shall clearly indicate where the several sheets join and an index sheet shall be required.
4. Every site plan shall show the name and address of the owner and developer, the north point, date, scale of the drawing, and the number of sheets.

B. Procedure for Processing

1. Upon receipt of the site plan, the Planning Commission shall conduct a review soliciting comments from other technical agencies, departments, agencies, and officials, as the Commission may deem appropriate.
2. The Planning Commission shall provide the public the opportunity to comment to the Commission on the site plan at a Planning Commission meeting on the site plan.
3. The site plan shall be approved if it meets the requirements of this Section, the other requirements of this Ordinance and all other Federal, State, and Town regulations and all necessary permits and approvals have been obtained.
4. The Planning Commission shall approve, conditionally approve, or reject a site plan within sixty (60) days from the filing of the application unless an extension is mutually agreed to by the applicant and the Administrator.
5. Notice of such action shall be given in writing to the applicant.
6. When a Special Exception is required in addition to a site plan, the site plan shall incorporate any conditions and safeguards specified by the Board of Appeals.

C. Construction of Required Improvements

1. Upon approval of a site plan, the applicant shall then secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission.
2. After construction has been completed, inspection of site improvements shall be made by those departments specified by the applicable requirements.
3. For residential developments the approved site plan shall be recorded in the office of the Clerk of the Court. Prior to recording, a Public Works Agreement guaranteeing the construction of all required improvement shall be executed between the developer and the Town.

5. The installation of improvements shall not bind the Town to accept such improvements or the maintenance, repair and operation thereof. Requirements for said improvements shall be in addition to (and in lieu of) any other legal requirements.

5-205 Information and Procedure for Category 3 Site Plans:

1. Category 3 Site Plans may be prepared by the owner or contractor and do not require a seal by a licensed engineer or architect or other design professional.
2. Category 3 Site Plans may be drawn to any appropriate scale to demonstrate accurately the location of the proposed improvements with reference to required front rear and side lot lines and any other existing structures on the lot.
3. Category 3 Site Plans shall be prepared and submitted in 3 copies.

ARTICLE 6

ADMINISTRATION

6-100 ENFORCEMENT AND INTERPRETATION

6-101 Administration and Enforcement:

All departments, officials and public employees of Sudlersville which are vested with the authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue any permit, certificate or license for any use, building, structure, or purpose which would be in conflict with the provisions of this Ordinance. Any permit, certificate, or license, issued in conflict with the provisions of this Ordinance, shall be null and void. It shall be the duty of the Administrator to administer and cause the enforcement of the provisions of this Ordinance. The Planning Commission shall serve as the Administrator until the appointment of an administrator by the Town Commission.

6-102 Powers and Duties of the Administrator

It shall be the duty and power of the Administrator of this Ordinance to:

- A. Receive and examine all applications for Zoning Permits and Certificates;
- B. Issue Permits only where there is compliance with the provisions of this Ordinance, and with other Town Ordinances. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals. Notwithstanding any other provision in this Ordinance or with other Town Ordinances, and in accordance with the Sudlersville Comprehensive Plan, the Administrator shall not issue more than 20 Zoning Permits for newly-constructed residential dwelling units during any twelve (12) month period through December 31, 2015, provided however, that such limitation shall not apply to the proposed Foxxtown Senior Housing project.
- C. Receive application for subdivisions and site plans and forward these applications to the Planning Commission for action thereon;
- D. Receive applications for special exceptions, and forward these applications to the Planning Commission for review and recommendation, and to the Board of Appeals for action thereon;
- E. Following refusal of a permit, to receive applications for interpretation and variance appeals and forward these applications to the Planning Commission for review and recommendation, and to the Board of Appeals for action thereon;
- F. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance;
- G. Issue stop, cease and desist orders, and orders in writing for correction of all conditions found to be in violation of the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the 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 Administrator, and any person violating any such order shall be guilty of a violation of this Ordinance;

- H. With the approval of the Town Commissioners, or when directed by them, initiate in the name of the Town an appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation so as to prevent the occupancy of or use of any building, structure or land, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions;
- I. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provision of this Ordinance;
- J. Record or file all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be public record;
- K. Maintain a map or maps showing the current zoning classifications of all land in the Town;
- L. Determine the nonconforming/conforming status of structures and uses. Maintain a map of all nonconforming uses and special exception uses in the Town, and maintain a file on each such use;
- M. Upon request of the Town Commissioners, the Planning Commission, or the Board of Appeals, present 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.

6-103 Questions of Interpretation

- A. It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Administrator, and that recourse from the decisions of the Board of Appeals shall be to the courts as provided by law and particularly by Article 66B, Title 2, Annotated Code of Maryland.
- B. It is further the intent of this Ordinance that the duties of the Town Commissioners in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance, the Town Commissioners shall have only the duties of:
 - 1. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law.
 - 2. Establishing a schedule of fees and charges as provided in Section 6-104 of this Ordinance.

6-104 Schedule of Fees, Charges, and Expenses

- A. The Town Commissioners shall establish a schedule of fees, charges, and expenses, and a collection procedure for subdivision review, site plan review, zoning permits, occupancy permits, appeals, variance, special exceptions, amendments, and other matters pertaining to this Ordinance.
- B. The schedule of fees shall be posted in the offices of the Administrator and may be altered or amended only by the Town Commissioners, upon recommendation of the Planning Commission.
- C. No permit, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses, have been paid in full, nor shall any action be taken on

proceedings before the Board of Appeals or the Planning Commission unless or until preliminary charges and fees have been paid in full.

6-105 Zoning Permit Required

No building or other structure shall be erected, moved, added to, or structurally altered, or use of land be changed without a zoning permit for the subject property, issued by the Administrator. No zoning permit shall be issued except in accordance with the provisions of this Ordinance, except after written order from the Board of Appeals.

6-106 Application for Zoning Permit

All applications for zoning permits shall be accompanied by site plans complying with all the provisions of Article 5. The application shall include such other information as lawfully may be required by the Administrator, and such other matters as may be necessary to determine compliance with, and provide for the enforcement of, this Ordinance.

6-107 Zoning Permits for New, Altered, or Nonconforming Uses

- A. It shall be unlawful to use, change the use, occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning permit has been issued by the Administrator, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
- B. No nonconforming structure or use shall be renewed, changed, or extended until the Administrator has issued a zoning permit following a Board of Appeal approval. The zoning permit shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance.
- C. No permit for erection, alteration, moving, or substantial repair of any building shall be issued until an application has been made for a zoning permit. No permit shall be considered as complete or permanently effective until the 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.
- D. A temporary zoning permit may be issued by the Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.
- E. The Administrator shall maintain a record of all zoning permits and copies shall be furnished upon request to any person.
- F. Failure to obtain a zoning permit shall be a violation of this Ordinance and punishable under Section 7 of this Ordinance.

6-108 Expiration of Zoning Permit

- A. If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Administrator, and written notice thereof shall be given to the persons affected.

- B. If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance, unless work is satisfactorily proceeding thereof, said permit shall expire and be cancelled by the Administrator, and written notice shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained.

6-109 Construction and Use to be as Provided in Applications, Plans, and Zoning Permits

- A. Zoning permits issued on the basis of approved site plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.
- B. Use, arrangement, or construction differing with that authorized shall be deemed violation of this Ordinance, and punishable as provided by Section 7 of this Article.

6-110 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis of the alleged violation, shall be filed with the Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action on the matter as provided by this Ordinance.

6-200 NONCONFORMING LOTS, STRUCTURES, AND USES

6-201 Generally

Lots, structures, or uses lawfully existing at the time of the adoption of the Zoning Ordinance of the Town of Sudlersville, Maryland on or at the time of subsequent amendment or readoption, and which are rendered nonconforming by such adoption, amendment, or readoption, shall be permitted to remain or continue until removed or abated.

- A. Nonconforming lot- A nonconforming lot is one that has been legally subdivided and recorded in the land records in the Queen Anne's County Courthouse but does not comply with the yard or area requirements of this Ordinance. No structure which fails to conform to the minimum yard or setback requirement for the applicable zoning district shall be erected on any nonconforming lot, unless a variance is granted by the Board of Appeals.
- B. Nonconforming Structure- A nonconforming structure does not comply with the height, area, bulk, yard, or setback requirements of this Ordinance for the zoning district in which it is located.
- C. Nonconforming use of land and/or structure- a nonconforming use of land and/or structure does not comply with the use regulations of this Ordinance for the zoning district in which it is located. Any use existing on the date of adoption of this Ordinance and listed in Table 1 of Article 3 under the heading "Automotive" may be legally operated as a gasoline service station or automotive repair shop provided the owner can demonstrate that that the establishment has been historically equipped with the facilities (such as gasoline storage tanks and automobile lifts) to operate such a use. Any establishment that contains such facilities is deemed to have been operated as an automotive use and may be returned to an automotive use.

- D. Uses that do not constitute a nonconforming use- The casual, intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use.
- E. Entire premises may not be nonconforming- The existence of a nonconforming use on a part of a premise shall not be construed to establish a nonconforming use on the entire premise.
- F. Determination of nonconformance- The Planning Commission shall determine, based on fact, whether or not a nonconforming use exists. Such a determination may be appealed to the Board of Appeals.

6-202 Discontinuance of a Nonconforming Use

No land, structure, or portion thereof used in whole or in part for a nonconforming use in any zoning district which remains idle, unused, or abandoned for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the zoning district in which such land or structure is located.

6-203 Damage to a Nonconforming Structure or Use

A nonconforming structure or any conforming structure containing a nonconforming use which has been damaged by any cause may be restored. All rights as a nonconforming structure or use may be continued as before the time of damage, provided that such repairs or reconstruction are substantially completed within twelve months of the date of damage. Prior to the granting of any building permit approval, the Planning Commission may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation thereof as deemed necessary to reduce or minimize any effect of such use upon other properties in the neighborhood. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this Ordinance.

6-204 Expansion of or Addition to a Nonconforming Structure or Use

No nonconforming structure may be modified so as to increase its nonconformity, except that exterior walls may be extended parallel to side lot lines, or forming a 90 degree angle with the front of the structure, so long as the extension does not bring the wall closer to the property line, beginning from the point closest to such a property line prior to structural alteration. No nonconforming use shall be modified, expanded, or enlarged, unless a variance is granted by the Board of Appeals.

6-300 AMENDMENTS

6-301 Power of Amendment

The Town Commissioners may from time to time amend, supplement, change, modify, or repeal this Ordinance including the zoning map. When doing so, the Town Commissioners shall proceed in the manner prescribed in this Article and in accordance with Article 66B of the Annotated Code of Maryland.

6-302 Who May Initiate

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the Town Commissioners 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 Town Commissioners.
The Town Commissioners shall refer every proposed amendment, supplement, change, modification, or repeal originated by the Town Commissioners to the Planning Commission. Within sixty (60) days of the submission of said proposal, the Planning Commission shall submit to the Town Commissioners a report containing the Commission's recommendations, including 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 Town Commissioners any proposal for the amendment, supplement, change, modification, or repeal of this Ordinance.
- C. Proposals originated by a citizen's petition.
Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modifications shall be submitted to the Town Clerk on forms provided by the Town Clerk. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission. Within sixty (60) days following a public hearing as provided in Section 6-303, the Commission shall submit a report to the Town Commissioners containing the Commission's recommendations, including any additions or modifications of the original proposal. Failure to submit a report within thirty (30) days shall be deemed approved of the petition by the Planning Commission. The Town Commissioners shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed or until sixty (60) days have elapsed, whichever may occur first.

6-303 Public Hearing and Notice

No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the Town Commissioners regarding the proposed action at which parties in interest and citizens shall have the opportunity to be heard. Notice shall be given as follows:

- A. At least fourteen (14) days prior to the date fixed for public hearing, publish a notice containing the name of the applicant; the date, time, and place fixed for the hearing; and the general nature of such hearing in at least one (1) newspaper of general circulation in the town.
- B. When such hearing concerns a zoning map change, 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 fourteen (14) days prior to the date fixed for public hearing.
- C. When such hearing concerns a zoning map change, give written notice of the time and place of such hearing, sent by registered mail to the applicant and to the owners of property contiguous to or opposite the property affected.

6-304 Rezoning Findings

Rezoning in this case means a proposal submitted by a citizen petition which if granted would result in the removal of property from one zoning district and placing it in another zoning district. The Town Commissioners shall make findings of fact and maintain a written record with regard to the following matters:

- A. Population change

- B. Availability of public facilities
- C. Present and future transportation patterns

The Town Commissioners may grant a rezoning by citizen's petition based only 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 zoning classification of the subject property. The Town Commissioners shall also make a finding of what area reasonably constitutes the neighborhood of the subject property.

Even if the Town Commissioners find that there has been a change or mistake and that the application complies with all of the specific requirements of this Ordinance, they may deny the application for rezoning upon a finding that the proposed rezoning and possible resulting development would not be compatible with neighboring land uses or with the purposes and intent of this Ordinance or the Comprehensive Plan. A record of the complete vote shall be maintained. No application for a reclassification for any parcel or part of a parcel that was denied on its merits shall be resubmitted for at least twelve (12) months following the date of the official vote of denial.

6-305 Fees

All applicants for zoning amendments shall, at the time of making application, pay to the Town Clerk, a fee in accordance with the fee schedule adopted by resolution of the Town Commissioners upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Town Commissioners.

6-400 BOARD OF APPEALS: SPECIAL EXCEPTIONS

6-401 Powers and Duties

The Board of Appeals (the "Board") shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining such exceptions, and for no other use or purpose. In granting a special exception use, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards outlined in Article 3, Section 4.

6-500 BOARD OF APPEALS: APPEALS

6-501 Initiation

Any person or agency aggrieved or affected by a decision of the Administrator or the Planning Commission may appeal such decision to the Board of Appeals.

6-502 Appeals and Applications Processing Requirements

Applicants and Appellants to the Board shall follow the following requirements:

- A. Any appeal shall be made by filing with the Administrator within thirty (30) days after a decision.
- B. All appeals and applications made to the Board shall be in writing on standard forms prescribed by the Administrator.

- C. All appeals and applications shall refer to the specific provisions of the Ordinance involved.
 - 1. Interpretation Appeals: Appeals concerning the interpretation of any provisions of this Ordinance shall exactly set forth the interpretation that is claimed.
 - 2. Variance Appeals: Appeals for variance from the strict application of this Ordinance shall include the zoning permit application denied by the Administrator or Planning Commission along with a statement with any supporting data regarding the requirements listed in Article 6 Section 6 and elsewhere in this Article.
 - 3. Special Exception Use Applications: Applications for special exceptions shall include a zoning permit application and a site plan with all the 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.
- D. The Administrator shall immediately transmit to the Board of Appeals all papers, records, and information regarding the appeal.
- E. The Board shall fix a reasonable time for the hearing of appeal, give public notice of the hearing as well as due notice to the parties in interest, and hold the public hearing not less than thirty (30) days nor more than forty-five (45) days from the date of filing of the notice of appeal.
- F. At least fourteen (14) days notice of the time and place of such hearing shall be published in a paper of general circulation in the Town. The notice shall contain the name of the applicant or appellant, the date, time and place of the hearing; and a brief statement of the special exception sought by the applicant, or the error alleged by the appellant, or of the variance or other question which is subject to appeal.
- G. Post, in a conspicuous place on the property involved, a notice of the pending action containing the same information as in F. above, at least fourteen (14) days prior to the date of the public hearing.
- H. Give written notice of the time and place of such hearing to the applicant or appellant.
- I. At least thirty (30) days before the date of hearing on an application for a special exception, interpretation or variance, the Secretary of the Board of Appeals shall transmit or confirm transmission of a copy of said application to the Planning Commission together with a notice of the aforesaid hearing. The Board shall request an advisory opinion from the Planning Commission on any application for a special exception use. The Planning Commission is to submit a report of such advisory opinion prior to the decision by the Board on an application. Advisory opinions of the Commission regarding special exception uses, variances, and interpretations shall be rendered within thirty (30) days after submission to it; otherwise, such special exception, variance, or interpretation shall be deemed to have been recommended for approval.
- J. At the hearing, any party may appear in person or by agent or attorney. The Board shall then decide on the special exception use, variance or interpretation within ten (10) days from the time of hearing.

Upon appeal from a decision by the Administrator or Planning Commission, the Board shall decide any question involving the interpretation of any provisions of this Ordinance including determination of the exact location of any district boundary if there is uncertainty concerning the boundary; and 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 Administrator in the enforcement of this Ordinance.

6-504 Decisions of the Board of Appeals

- A. In exercising the above mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Administrator from whom the appeal is taken.
- B. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.
- C. If any application or request is disapproved by the Board, thereafter the Board shall not accept application for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval.
- D. If an appeal to the Board is perfected and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, the applicant shall be precluded from filing another application for substantially the same proposal on the same premises for one (1) year from the date of withdrawal.

6-505 Time Limitations on Board Approvals

A decision of the Board permitting the erection or alteration of a building shall be valid for period of one (1) 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 (1) 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 is obtained within said period, and such erection or alteration proceeds to completion in accordance with the terms of the decision.

6-506 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Administrator from whom the appeal is taken and on due cause shown.

6-507 Appeals from the Board of Appeals

Any person or persons, or any board, taxpayer, or department of the Town aggrieved by any decision of the Board of Appeals may seek review by the Circuit Court of such decision, in the manner provided by the laws of Maryland and particularly by Article 66B Title 2, Annotated Code of Maryland.

6-600 BOARD OF APPEALS: VARIANCES

6-601 Purpose

A property owner may apply to the Board of Appeals for a variance of the strict application of the terms of this Ordinance. The Board of Appeals may authorize a variance in the strict application of any specific requirement of this Ordinance, except as qualified in Section 6-503, when owing to special features, circumstances or conditions regarding a specific site, a literal enforcement or implementation of this Ordinance would result in unwarranted hardship to an applicant.

6-602 Processing and Public Hearing Requirement

- A. Applications for a variance shall be submitted to the Administrator and should include the following:
 - 1. Written statement detailing the specific provisions of this Ordinance from which a variance is sought.
 - 2. The nature and extent of the variance sought.
 - 3. The special conditions of the property, the nature of, the use and/or development of immediately adjacent property which would make a variance necessary.
 - 4. A statement indicating why the variance should be granted.
- B. The Board of Appeals shall process all applications for variances in accordance with the provisions of Article 7, Section 2 of this Ordinance.
- C. No variance shall be authorized by the Board until a public hearing has been held on it in accordance with the provisions of Article 7, Section 2 of this Ordinance.

6-603 Decision on Variances

- A. Standards. The Board of Appeals shall not vary the regulations of this Ordinance unless it makes findings based upon evidence presented to it in each specific case that:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district, and that a literal enforcement or implementation of this Ordinance would result in unwarranted hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Evidence of variance granted under similar circumstances shall not be considered.
 - 2. There must be proof of unnecessary hardship. If the hardship is general, that is, shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance.
 - 3. That a literal interpretation of the provisions of this Ordinance and related ordinances would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
 - 4. That the special conditions and circumstances do not result from the actions of the applicant.

5. That granting the variance requested will not confer on the applicant any special privilege that is ordinarily denied by this Ordinance to other lands, structures, or buildings in the same zoning district.
 6. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.
 7. 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.
- B. The Board of Appeals shall make additional findings that:
1. The standards of Section 6-603 A have been met by the applicant for a variance.
 2. That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
 3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- C. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 6, Section 7 of this Ordinance.
- D. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the zoning district.

6-700 PENALTIES FOR VIOLATION

6-701 Generally

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties described here.

The person(s) violating this Ordinance shall be liable for the Town of Sudlersville's attorney fees and court costs, if found in violation by the court(s) of jurisdiction.

6-702 Other Lawful Action as Necessary

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7

COMMISSION AND BOARD

7-100 PLANNING COMMISSION

7-101 Purpose

The Planning Commission (the “Commission”) shall advise the Town Commissioners on all matters relating to the orderly growth of the Town of Sudlersville. More specifically, the Planning Commission, with the advice and assistance of the Town staff and/or retained town planning experts, shall:

- A. Prepare and recommend a comprehensive plan for the Town of Sudlersville and review and update said plan at least once every six (6) years.
- B. Prepare and recommend amendments to this Zoning Ordinance.
- C. Review and make recommendations on amendments to the zoning map.
- D. Prepare and recommend amendments to the Subdivision Regulations.
- E. Review proposed acquisition and development of lands for Town public purposes.
- F. Review proposed changes in land use or development arising from local, state or federal program or policies including annexation.
- G. Review proposed public facilities for consistency with the comprehensive plan in accordance with the provisions of Article 66B, Section 3.08, Code of Maryland.
- H. Review and approve Category 1 and Category 2 site plans in accordance with the provisions of Article 5.
- I. Review and approve certain parking, landscaping, and building design modifications and standards according to the procedures in Article 4.
- J. Review and recommend approval or denial of proposed modifications or expansions to nonconforming structures or uses.
- K. Review and approve subdivision plats.
- L. Prepare and adopt an annual report in accordance with the provisions of Article 66B, Section 3.09, Code of Maryland.
- M. Conduct other activities as set forth in this ordinance and as provided for by Article 66B of the Annotated Code of Maryland.
- N. Evaluate and report to the Town Commissioners at least every three (3) years on the physical and financial condition of the Town’s sewerage system.

7-102 Authority and Establishment

The Commission was established, pursuant to the provisions of Article 66B, Section 3.01, Code of Maryland. The official title of this Commission shall be the "Sudlersville Planning Commission".

7-103 Membership

- A. The Commission shall consist of seven (7) members, one of whom shall be a member of the Town Commission who shall serve in an ex officio capacity concurrent with his or her official term. All members shall be qualified voters and/or property owners in the Town. The majority of the members shall be residents of the Town. All members shall be appointed by the Town Commission.
- B. Members shall be appointed for five (5) year terms and terms of appointment shall be staggered.
- C. Any vacancy in membership for an unexpired term shall be filled by appointment by the Town Commissioners.
- D. Any member may be removed by the Town Commissioners, after a public hearing, for inefficiency, neglect of duty or malfeasance in office.

7-104 Officers

- A. The Commission shall elect at its first meeting in each calendar year from its membership a chairperson. In the event of a vacancy, a successor shall be elected to serve for the unexpired term of the vacated office.
- B. The term of the chairperson shall be one (1) year, with eligibility for reelection.

7-105 Meetings

- A. Regular meetings of the Commission shall be held every month at a time and place to be designated by resolution by the Commission.
- B. Special meeting of the Commission may be called by the chairperson with proper notice to Commission members.
- C. The Commission may adopt by resolution additional rules of procedure provided such rules are consistent with this Ordinance and applicable State enabling legislation. Such rules are to be available to the public.
- D. All Commission meetings shall be open to the public, but the Planning Commission may limit active public participation by resolution. When appropriate, the Planning Commission may adjourn to Executive Session, but only in accordance with the Public Information Article, Annotated Code of Maryland.
- E. At the meetings of the Commission, any interested person shall have the right to submit, in accordance with the established rules, oral or written testimony and comment.
- F. All public hearings conducted by the Commission shall be in accordance with the provisions of Section 7-303 of this ordinance.
- G. Four (4) of the membership of the Commission shall constitute a quorum.
- H. No action of the Commission shall be valid unless authorized by a majority vote and an affirmative vote of at least three (3) members of those present and voting.

7-106 Records

The Commission shall keep minutes of all its proceedings which shall contain the names of the members present, a summary of all testimony, comment or evidence presented, the exhibits presented, and the decision or recommendation of the Commission. The minutes shall also show the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

7-200 BOARD OF APPEALS

7-201 Purpose

The Board of Appeals (the “Board”) shall have the following powers and duties:

- A. Hear and decide appeals from any order, requirement, decision, or determination made by the Administrator or his agent in the administration and enforcement of this Ordinance as authorized under Article 6, Section 4 of this Ordinance.
- B. Hear and decide applications for special exceptions as are authorized under Article 3, Section 4 of this Ordinance. The Board shall follow the procedures outlined in Article 6 Section 4.
- C. Authorize, upon appeal in specific cases, a variance from the terms of the Ordinance as provided in Article 6, Section 5 and Section 6-207 of this Ordinance.
- D. Hear and decide applications for interpretations of the Official Zoning Map where there is uncertainty as to the location of a zoning district boundary, as provided in Article 2, Section 2 of this Ordinance.

7-202 Authority and Establishment

The Board of Appeals is established pursuant to the provision of Article 66B of the Annotated Code of Maryland.

7-203 Membership

- A. The Board shall consist of three (3) members appointed by the Town Commissioners, and shall be removable for cause, upon written charges, and after public hearing. All members shall be residents of the Town.
- B. Members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term.
- C. The Town Commissioners shall designate one (1) alternate member for the Board of Appeals who may be empowered to sit with the Board in the absence of any member of the Board, and when the alternate is absent the Town Commissioners may designate a temporary alternate.

7-204 Proceedings of the Board of Appeals

- A. Procedures.
The Board shall elect a chairperson from its membership, shall appoint a secretary, and shall prescribe rules in accordance with the provisions of Article 66B of the Annotated Code of Maryland and this Ordinance for the conduct of its affairs. The Board shall elect at its first meeting in each calendar year a Chairperson from among its membership to serve for one year or until their successors are elected. In the event of a vacancy, a successor shall be elected to serve for the unexpired term of the vacated office.

- B. Meetings.
The Board shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. Two 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 and shall be public record. All actions of the Board shall be taken by resolution in which two members present during the proceedings must concur. Each resolution shall contain a statement of the grounds, and any findings forming the basis of such action or decision.

The Board shall notify the Town Commissioners, Planning Commission, and Administrator of all decisions and resolutions.

7-205 Hearings; Appeals; Notice

Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by an officer or bureau of the governing body of the Town affected by any decision of the Administrator. Such appeals shall be taken by filing with the Administrator and with the Board a notice of appeal specifying the grounds thereof.

ARTICLE 8
DEFINITIONS

8-100 GENERAL RULES OF CONSTRUCTION

The following general rules of construction shall apply to the regulations of this Ordinance:

- The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
- Words used in the present tense include the past and future tenses, and the future the present.
- The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- The phrase, “used for,” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- The words “shall” and “will” are always mandatory. The word “may” is permissive.
- The word “building” or “structure” includes any part thereof, and the word “building” includes the word “structure.”
- Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
 - (a) “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) “Or” indicates that the connected items, conditions, provisions, or events may apply separately or in any combination.
 - (c) “Either...or” indicates that the connected items, conditions, provisions, or events shall apply separately but not in combination.
- Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.
- The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or characters.

All provisions of this Ordinance shall be construed to be in addition to all other applicable laws, ordinances or rules of the Federal government, the State of Maryland, Queen Anne’s County, and the Town of Sudlersville. Reference in this Ordinance to any law, statute, ordinance, rule or regulation in force on the date of enactment of this Ordinance or as amended and in force at the time to which such reference relates, shall apply.

8-200 DEFINITIONS

For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Apartment: A second dwelling unit either in or added to an existing one-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.

Accessory Structure or Use: An accessory structure or use is a subordinate structure or use which is clearly incidental to the principal structure or use, and on the same lot as the main building or principal use of the land.

Administrator: The Administrator of Sudlersville; the officer or authorized representative, designated by the Town Commissioners, to carry out duties specified in this Ordinance.

Adult Book Store/or Establishment: (Also Adult Entertainment Center/Message and Conversation Parlors/Relaxation Studios) An establishment, store, shop, cocktail lounge, theater, etc., the principal use of which is to offer for sale, rent or viewing, items such as books, printed materials, photographs, films, tapes, video tapes, video disks, peep shows, and live acts which depict, describe or relate to sexual activities or specified anatomical areas which are less than completely or opaquely covered. Sexual activities and specified anatomical areas are further defined below.

1. Sexual activities such as:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy;
 - C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
2. Specified anatomical areas such as:
 - A. Human genitals, pubic region;
 - B. Buttock;
 - C. Female breast below the point immediately above the top of the areola.

Afforestation: The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently covered by forest.

Aggregate Area or Width: The sum of two or more designated areas or widths to be measured, limited, or determined under the provisions of this ordinance.

Agriculture: The use of land for the purpose of farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, fish culture, and animal and poultry husbandry. The processing, packaging, or manufacture of agricultural products is not included.

Alley: A minor way, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

Apartment: A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms intended, designed, and used as a residence by an individual or a single family.

Apartment House: Same as “Dwelling, Multiple Family.”

Area, Gross: All the area within a development plan or plat.

Arterial Road or Street: A street so designated in the Plan for Sudlersville including the major thoroughfares of MD Routes 300 and 313 which serve the regional area.

Automobile Repair or Service Shop: Any buildings, structure or area of land used for major automobile repair, body work or servicing, including the sale of fuels, oils, or parts; and where no more than three (3) junked automobiles or other motor vehicles shall be parked or otherwise stored on the premises and each for no longer than sixty (60) days.

Automobile, Small: An automobile that weighs less than 5 tons empty.

Basement or Cellar: That portion of a building between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

Bed and Breakfast, Boarding or Lodging House: A structure which has the size and outward appearance of a single family dwelling which contains:

- (1) One private dwelling unit which is used as the permanent residence with a private bathroom of the natural persons who are owners of record of the structure; and
- (2) One to five spare bedrooms, without separate cooking facilities, which the owner make available for a fee to no more than two persons per bedroom as lodging. Meals may or may not be provided; and
- (3) Access to a full bathroom shall be made available to all guests or lodgers staying in the building, without going through any private rooms.

Best Management Practices: (BMP's). Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment. Agricultural BMP's include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Billboard: (see Sign) A large sign, normally erected by the outdoor advertising industry, and most often advertising off-site products or services.

Board of Zoning Appeals: The Board established by the Town Commissioners which is authorized to grant Special Exceptions and Variances, as provided in this Ordinance.

Boarding House: Same as Rooming House.

Buffer, Bufferyard: Naturally vegetated area or vegetated area with a specified type and amount of plantings established or managed to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances and to provide visual screening in order to eliminate or minimize conflicts between land uses.

Buildable Width: The width of that part of a lot not included within the open spaces herein required.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

Building, Completely Enclosed: Any building having no outside openings other than ordinary doors, windows, and ventilators.

Building Envelope: The area formed by the front, side and rear restriction or setback lines of a lot, within which the principal buildings must be located.

Building, Principal: Any building in which the main or principal use of the lot is conducted or intended to be conducted.

Building Setback Line: A line on a lot, generally parallel to a lot line or road right-of-way, to provide the minimum yards required by this Ordinance and beyond which the foundation walls, enclosed porch, vestibule or other enclosed portion of a building or structure shall not project.

Bulk Plant: Any premise where flammable, corrosive or combustible liquids are received from bulk shipping systems including tank vessels, pipe lines, tank cars, or tank vehicles; and are stored or blended in bulk for the purpose of distributing such liquids by bulk shipping systems including tank vessels, pipe lines, tank cars, or tank vehicles or container, to retail or wholesale customers. This definition does not include Automobile Filling and Service Stations or Automobile Repair or Service Shops.

Catering Services: Preparation and delivery of food and beverages for off-site consumption without provision for on-site pick-up or consumption.

Clinic: An office building or a group of offices for one or more physicians, surgeons, dentists, or other medical practitioners engaged in treating outpatients only.

Cluster Development: An arrangement of structures on adjoining lots in groups allowing for closer spacing of building lots and placing the building lots on a portion of the gross area of the development site. The remainder of the development site is reserved as open space. This serves to reduce the amount of infrastructure and its associated impacts, provides visual, recreational and buffer amenities, and allows sensitive natural areas to be placed in much less disturbed areas.

Collector Road or Street: A road supplementary to the arterial road system providing access between this system and networks of local roads.

Commercial: A type of activity where goods or services are sold or traded with the expectation of profit or gain.

Common Recreational Area: An area within a designated development which is designed and intended for the use of all lot owners and residents of the development. This area is usually included in designated open space.

Community Sewerage Facilities: Any system whether publicly or privately owned, serving two or more individual lots for the collection and disposal of sewerage wastes of a liquid nature, including various devices for the treatment of such sewerage wastes.

Community Water Supply Facilities: A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving two or more individual lots.

Comprehensive Plan: The Comprehensive Plan of current adoption, Town of Sudlersville, Maryland. A document consisting of written and mapped information, adopted by the Town Commissioners, and intended to guide the physical development of Sudlersville, including all changes and additions to the Plan.

Conservation Easement: Non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

Day Care Center, Family: A home or facility, licensed by the State, where care is given in lieu of parental care, for a part of a twenty-four (24) hour day, to not more than six (6) children under the age of sixteen (16), located outside of the home of the child's parents or legal guardian and where compensation is paid for the care.

Day Care Center, Group: A facility, operated by an agency, institution or individual, licensed by the State, where care is given for a part of a twenty-four (24) day, to seven (7) or more persons and which operates on a regular schedule more than once a week.

Density: Number of dwelling units per acre within a defined and measurable area.

Development, Redevelopment: Any construction, reconstruction, modification, extension or expansion of buildings or structures; placement of fill; dumping; storage of materials; land excavation; land clearing; land improvement; subdivision of land; or any combination thereof.

Dwelling: A building or portion thereof, designed or used exclusively for residential occupancy.

Dwelling, Single Family: A building designed for or occupied exclusively by one family. It may not be a Trailer, Mobile Home, or Travel Trailer.

Dwelling, Two Family: A building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Multiple-Family: A building designed for or occupied exclusively by three or more families living independently of each other.

Dwelling, Townhouse: A one family dwelling forming one of a series of three or more attached buildings separated from one another by continuous vertical party walls which are without openings from the lowest floor level to the highest point of the roof.

Dwelling, Attached: One family dwelling on a permanent foundation, the walls on two sides of which are in common with the walls of adjoining dwellings and are party walls.

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or be a person living alone. Exclusive of an accessory apartment, the minimum size for a dwelling unit is 750 square feet.

Essential Services: Facilities such as wires, lines, poles, fire hydrants, cables, pipes or similar apparatus and which may be reasonably necessary for the furnishing of adequate water, sewer, gas, electric, telecommunication or similar services to adjacent customers. They do not include any cross country electric transmission lines, cable TV, telephone trunk lines, including microwave, or any cross country transmission pipeline.

Family: An individual or two or more persons who are related by blood, marriage, adoption or guardianship, including not more than two (2) persons not so related, living together and occupying a single housekeeping unit with single cooking facilities, or a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a non-profit, cost-sharing basis. Domestic servants, employed and residing on the premises, shall be considered as part of the family.

Farm: A tract of land in actual agricultural use of five (5) acres or more in area.

Farmer's Market: A retail market selling predominantly locally produced fruits, vegetables, crafts and meats.

Filling Station, Gas Station: Any building, structure, or land used for the sale at retail, of motor vehicle fuels, lubricants, or accessories, or for the servicing of automobiles or repairing of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting.

Flag Lot: A lot having access to a public or private right-of-way only by a narrow strip of land held in fee simple ownership.

Floor Area:

1. Commercial, business and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including: (1) attic space providing headroom of less than seven feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces; and (6) accessory off-street loading spaces.
2. Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, and open porches, measured from the exterior faces of the exterior walls.

Frontage:

1. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if it is a dead-end street, then all of the property abutting on one side between an intersecting street and the dead-end street.
2. Lot Frontage: The distance for which the front boundary line of the lot and street line are the same.
3. Frontage: The distance between the two side lot lines measured at the front building restriction line.

Garage, Private: A building, accessory to a residence, for the storage of one or more motor vehicles, not including buildings in which fuel is sold or commercial repair or other services are performed.

Garage or Yard Sale: A public sale conducted by an individual on his or her own premises of the purpose of selling of personal property; provided that no more than four (4) sales are conducted for a period not to exceed three (3) consecutive days each in any one calendar year. Personal property shall be items which are owned by an individual or his family and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

Grade: Grade elevation shall be determined by averaging the elevations of the finished ground at all the corners and/or other principal points in the perimeter wall of the building.

Granny Flat: See "Accessory Apartment."

Group Home: Any residential structure used to provide assisted community living for not more than eight (8) persons with physical, mental, emotional, familial, or social difficulties. This does not include houses organized for this purpose by public or private schools, or churches or other religious or public institutions caring for such persons within the group home building while parents or other custodial persons are attending services, activities or meetings.

Guest House: Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utility meters, and not rented or otherwise used as a separate dwelling.

Hazardous Material: (A) liquid or gaseous petroleum, (B) explosives, (C) a substance that when mixed with water or exposed to air becomes explosive in nature or reacts in such a way as to release a toxic gas or liquid, or (D) toxic, corrosive or pathogenic material or any material designated as hazardous by State and Federal regulations.

Health Clinic: A health care facility designed primarily for out-patient care with medical offices and equipment for diagnostic and treatment of human illnesses and health conditions.

Height: The vertical distance from the highest point of a structure, excepting a chimney or antennae on a structure, to the average ground level of the grade where the walls or other structural elements intersect the ground.

Home Day Care: A facility operated in a residence by the owner of the residence for no more than four people, excluding residents, where care is given to children under the age of 18, or persons with physical handicaps, or persons in need of oversight because of old age, mental retardation or other disability, and which routinely involves care and housing for less than 18 hours per day per person.

Home Occupation: Any occupation or business conducted entirely within a dwelling or accessory unit which is clearly incidental and secondary to the use of the premises for dwelling purposes and carried out by a member of a family residing on the premises. The business shall employ no more than one employee other than the residents of the home and no article or commodity offered for sale is publicly displayed. The living quarters occupy at least two-thirds of the entire building/s area.

Hospital: A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operations.

Hotel: A building in which lodging or boarding and lodging are provided for more than fifteen persons, primarily transient, or with more than ten (10) guest rooms, offered to the public for compensation. Ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public, which differs from a boarding, rooming or lodging house, or an apartment house, which are herein separately defined. A hotel may include restaurants, taverns, clubrooms, public banquet halls, ballrooms, and meeting rooms.

Impervious Surface: Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Inn: A facility that provides for accommodation of overnight guests and may include a Class II restaurant wherein the owner of the business lives on the premises.

Junk: More than four (4) inoperable automobiles, trucks, tractors, and other such vehicles and parts thereof stored for more than sixty (60) days, dilapidated wagons, trailers, and other kinds of vehicles and parts thereof, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed.

Kennel, Commercial: Any land or structures used for the sale, rental, boarding, breeding or training for compensation or profit of domestic animals, primarily dogs and cats.

Laundromat: A business that provides washing, drying, and/or ironing machines or dry cleaning machines for hire to be used by customers on the premises.

Loading Space: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lodging House: Same as "Rooming House".

Lot: A parcel of land which may include one or more platted lots, occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings and the

yard areas and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

Lot Area: The total horizontal area within the lot lines of the lot.

Lot, Corner: A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Depth of: The average horizontal distance between the front and rear lot lines.

Lot Interior: A lot other than a corner lot with only one street frontage.

Lot Line: The boundary line of a lot.

Lot Line, Front: A line connecting the foremost points of the side lot lines and dividing the lot from the access right-of-way.

Lot Line, Rear: A line connecting the rearmost points on the side lot lines.

Lot of Record: Any validly recorded lot which at the time of this recordation complied with all applicable laws, ordinances and regulations.

Lot, Panhandle, Flag Lot: A lot which does not meet minimum road frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. The access road, if less than the minimum lot frontage, will not be used in computing the minimum required lot area or delineating the required building envelope.

Lot, Reversed Frontage: A lot in which the frontage is at right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

Lot, Through (Double Frontage): A lot having a frontage on two approximately parallel streets or places. The determination of which yard of a through lot is the front yard shall be made by the Administrator based on the prevailing yard pattern in the neighborhood.

Lot Width: The horizontal distance between the side lot lines measured at the required minimum front yard line.

Mobile Home, Travel Trailer, Trailer Camp:

- A. Mobile Home- Any vehicle or similar portable structure with any or all of the following characteristics:
 - 1. Manufactured as a relocatable dwelling unit intended for year- round occupancy and with no need for a permanent foundation, which can be moved upon the removal of tie-downs and surrounding decks and the reattachment of tow bar axles and wheels;
 - 2. Designed to be transported after manufacture on its own permanent chassis, with a fixed or removable tow bar, and can be moved without the use of regular house moving equipment;
 - 3. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.
- B. Habitable Travel Trailer (Trailer)- A vehicular, portable structure designed to be used as a temporary dwelling for travel, camping and recreational purposes. Such units shall not include mobile homes. Such units shall not be used as permanent dwellings.

Modular Dwelling or Building, Pre-Manufactured Dwelling: A dwelling or building, consisting of a system of building sub-assemblies, including the necessary facilities and other service systems, manufactured in its entirety or in substantial part off-site, and transported to the point of use for installation or erection as a finished building or as part of a finished building, designed for use only on a site-built permanent foundation, not designed for ready removal to another site and not constructed on a permanent, integral chassis. A modular dwelling or building shall not be distinguished from a conventionally or site-built dwelling or structure.

Motel, Motor Court, or Motor Lodge: A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation. As such, it is open to the public, which differs from a boarding or lodging house, or a multiple dwelling. It is the same as a hotel, except that the buildings are usually designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through a lobby or office, and parking usually is adjacent to the rooms.

Motor Vehicle Dealer: A building, structure or area of land used for the storage or display for sale of motor vehicles but not used for the storage of dismantled or wrecked motor vehicles (as defined under “Junk.”)

Natural Features: Components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate floodplains, aquatic life, and wildlife.

Nonconforming Use, Nonconformity: A building or land, lawfully existing before the date of this Ordinance, which does not conform with the height, area, or use regulations of the district on which it is located.

Nursing Home: A business, operated by on-site management, devoted primarily to the treatment and care of any persons suffering from illnesses, diseases, deformities or injuries, not requiring extensive care but who do require care in excess of room and board and who need medical, psychological, nursing, convalescent or chronic care. This definition includes rest homes, convalescent home and homes for the aged.

Open Space: Land and water areas retained in an essentially undeveloped or landscaped state. Land dedicated for open space may not include any structures, roads, parking areas, and other impervious surfaces.

Owner: The person, partnership, corporation, company or other legal entity holding current legal title to a lot, tract or parcel of land.

Parking Space, Off-Street: An all-weather surfaced area not within a street right-of-way for the temporary storage of one vehicle and connected with a road by a paved driveway which affords satisfactory access for motor vehicles.

Place: An open, unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Place of Worship: A building or premises where person regularly assemble for religious worship, and those accessory activities customarily associated therewith; and where the buildings and premises are maintained and controlled by a religious body organized to sustain public worship.

Planned Unit Development: Land under unified control, planned and developed according to a comprehensive and detailed plans for all lots, sites, facilities, and structures; and includes a program for full provision, maintenance and operation of common areas and facilities.

Plant: The total floor areas of an enclosed building used for manufacturing, assembly or warehousing, plus the total area of the accessory structures.

Planning Commission: A commission of seven members appointed by the Town Commissioners whose duties are defined in Section 3, Article 66B of the Annotated Code of Maryland.

Premises: A lot, together with all buildings and structures thereon.

Regulations: The whole body of regulations, text, charts, tables, diagrams, maps, notations, reference, and symbols, contained or referred to in this Ordinance.

Residential/Local Street: A road that provides access to abutting residential properties.

Restaurant:

1. *Class I Restaurant*. This is a type of restaurant other than a bakery, bake shop, or ice cream store, which provides as a principal use the sale of foods and beverages in a ready-to consume state, for consumption on or off the premises. These restaurants may have sit-down seating and delivery service but may not provide dancing, live entertainment, the service of alcoholic beverages, or a bar.
2. *Class II Restaurant*. This type of restaurant is an establishment whose principal business is the sale of foods or beverages to the customer in a ready-to-consume state. This type of restaurant may include a bar, dancing, and live entertainment as regulated within the specific zoning districts. These restaurants do not have drive-up or drive-through services. Catering or delivery is permitted as an accessory use. The service of alcoholic beverages shall be served on the premises with meals or sold pre-packaged for off-premises consumption.

Right-of-way: A strip of land designated for the use of a road, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other uses.

Roadside Stand: An area and/or structure for display and sale of agricultural products, which are produced by the owner on the promise or within the immediate neighborhood of the road side stand.

Rooming House: A building where, for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for three or more persons but containing no more than five guest rooms or rental units.

Salvage or Junk Yard: Any land or structure used for the collecting, storage, salvaging or sale of junk; or for the collecting, storing, dismantlement or salvage of more than two (2) unregistered, inoperative motor vehicles, trailers or semi-trailers or the sale of parts thereof.

Setback: The minimum required distance between the point where any structure or sue on a lot meets the ground surface and any lot line or boundary of a Town, County or State road right-of-way.

Senior Housing Project: A comprehensively planned residential community for residents over the age of 55 years. A Senior Housing Project may contain areas devoted to support services in addition to housing such as social and recreational uses for the residents and their guests. A Senior Housing Project may range from conventional forms of development that are simply age-restricted, to specialized assisted living facilities. For the purpose of definition however, Senior Housing Project is distinct from Nursing Home. Senior housing project may be composed of various housing types including detached, attached and multi-family types of dwellings.

Shopping Center: An integrated development of multiple commercial, retail or service establishments sharing common parking facilities and common access.

Sign: Any structure, or device, in whole or part, which uses symbolic representations to direct attention, to identify or advertise any activity, person, group of people or thing.

Sign Area: That area enclosed by the periphery, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamental attachments; inner connecting links, etc., which are not a part the main supports of the sign, are to be included in the sign area. On a two-sided sign, only one face is counted in computing the sign's area, provided the faces are located not more than two (2) feet from each other.

Sign, Off-Premises: A sign that advertises a business, product, service, or event, or directs persons to a different location from where the sign is installed.

Sign, On-Premises: A sign that is located on the same premises with the person, business, event, property, or service that is advertised or identified.

Site Plan: A drawing illustrating a proposed development and prepared in accordance with the specifications of this Ordinance.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be approved within a zoning district if specific provision for such a Special Exception is made in this Ordinance.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or, if there be no floor next above it, then the space between such floor and the ceiling next above it.

Story, Half: A space under a sloping roof at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as half-story when not more than sixty (60) percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or at the top of the building, the floor of which is not more than two feet below the plate, shall be counted as half-story when not more than sixty (60) percent of said floor area is used for rooms, baths, or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Structural Alteration: Any alteration, interior or exterior, to an existing structure, which changes its size, shape, appearance, or other characteristics; does not include normal maintenance such as painting, replacement of rotted wood, repair of screens, replacement of major appliances, and the like.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Subdivision: The division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for transfer of ownership or building development of the land or territory subdivided.

Truck, small: A truck that weighs less than 5 tons empty.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Principal: The specific primary purpose for which a premises is used.

Utility Building or Facility: Includes transformer stations or structures housing switching equipment and regulators, power transmission lines, radio and television towers, transmitter towers, and cell towers, hydroelectric lines, dams, power plants, transmission lines, substations, pumping and boosting stations, pipelines, administrative, construction, maintenance and storage facilities, and water and sewage treatment facilities.

Yard: An open space other than a court, on a lot, and unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance; the area between a lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line, or in the case of flag lots the closest parallel abutting lot line from the front of the building, and the main building or any projections thereof other than uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, balconies, terraces, unenclosed porches or entranceways.

Yard, Side: A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main building or any projections thereof.

Zoning Administrator: See “Administrator.”

Zoning Permit: A written statement issued by the Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Zoning District: An area within which certain uses of land and structures are permitted and certain other are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established.