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ARTICLE I. GENERAL PROVISIONS

§ 1-1. Title.

This Zoning Chapter shall be known as the “Zoning Ordinance for Sudlersville, Maryland.”

§ 1-2. Authority.

This Zoning Ordinance is enacted under the authority granted by the General Assembly of Maryland, as provided in the Land Use Article, Annotated Code of Maryland, as amended.

§ 1-3. Applicability.

This Zoning Ordinance shall apply to the incorporated territory of Sudlersville, Maryland. It is the intent of this Zoning Ordinance that the extent of its applicability be automatically changed in accordance with the provisions of state law which may affect the applicability of this Zoning Ordinance.

§ 1-4. Purpose.

- A. This Zoning Ordinance is intended to promote the orderly development of the Town of Sudlersville, Maryland in accordance with the Sudlersville *Comprehensive Plan* or any of the component parts thereof and in compliance with the Land Use Article of the Annotated Code of Maryland, as amended.
- B. The purpose of this Zoning Ordinance is to promote the health, safety, order, convenience and general welfare of the citizens of the Town in accordance with present and future needs. It also is the purpose of the Zoning Ordinance to provide for efficiency and economy in the process of development; for the appropriate and best use of land; for convenience of traffic and circulation of people and goods; for the appropriate use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement, including the preservation and enhancement of the attractiveness of the community; and for adequate public utilities, public services and facilities by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces and the density of use.
- C. It also is the objective of this Zoning Ordinance is to implement the "Visions" contained in the Maryland Growth Management, Resource Protection and Economic Development Act, namely:
 - 1. A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.
 - 2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.
 - 3. Growth is concentrated in existing population and business centers, growth areas are adjacent to these centers, or strategically selected new centers.

4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.
5. Growth Areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.
6. A well-maintained, multi-modal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.
7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.
8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged.
9. Land and water resources, including the Chesapeake and Coastal Bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.
10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.
11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.
12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

§ 1-5. Jurisdiction.

- A. Except as provided for in Subsection B below, this Zoning Ordinance shall apply to all land, structures and buildings within the corporate limits of the Sudlersville.
- B. This Zoning Ordinance shall not apply to land, structures and buildings owned by or leased solely to the Federal Government, State of Maryland, Queen Anne's County Commissioners or the Town of Sudlersville, provided that such land, structure or building is used for the sole purpose of providing a public service or carrying out a legitimate government function.

§ 1-6. Conformity with Ordinance provisions.

The regulations set by this Ordinance within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except and particularly as hereinafter provided:

- A. No building, structure or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved or structurally altered externally, unless in conformity with 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; or 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.
- C. 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.
- D. 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.

§ 1-7. Interpretations.

- A. 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.
- B. 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.
- C. 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.

§ 1-8. 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.

ARTICLE II. ZONING DISTRICTS AND MAPS

§ 2-1. Establishment of zoning districts.

The incorporated territory of the Town of Sudlersville shall be divided into zoning districts defined in [Article 3](#).

§ 2-2. 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 supersede 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 the Land Use Article, 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.

§ 2-3. 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 [§ 9-22](#).

§ 2-4. 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) is part of the Zoning Ordinance of the Town of Sudlersville, Maryland.”

§ 2-5. Annexed lands.

- A. 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.
- B. The zoning district classification assigned to annexed land shall be consistent with the Sudlersville Comprehensive Plan.

ARTICLE III. ZONING DISTRICTS

Part 1 Zoning District

§ 3-1. Districts Established

- A. The incorporated area of the Town of Sudlersville shall be divided into base zoning districts as follows:
 - 1. TCC: Town Central Commercial;
 - 2. MU: Mixed Use;
 - 3. TR: Town Residential; and
 - 4. SF: Single-Family Residential.
- B. In addition to the base zoning districts described above, the Zoning Ordinance provides for the following special districts:
 - 1. CR: Community Redevelopment District;
 - 2. PN: Planned Neighborhood District Floating Zone; and
 - 3. PED: Planned Employment District Floating Zone.
- C. These districts are established to regulate the location of residences, trades, industries, and buildings erected or altered for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or structurally altered; to regulate and limit population density and the intensity of the use of lot areas; to regulate and determine the areas of yards, courts, and other open spaces with and surrounding such buildings; to protect water quality and sensitive environmental areas; to maintain the traditional visual characteristics of the Town that define its uniqueness and are important to the economic stability of the Town; and to implement the recommendations of the Sudlersville Comprehensive Plan

§ 3-2. Purpose of districts.

- A. 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.”
- B. 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.

- C. 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.
- D. SF: Single-Family Residential - The SF District is to promote harmonious living in single family residential dwellings with allowable low impact home occupation uses.

Part 2 Special Districts

§ 3-3. Floating Zone District.

- A. Purpose. Floating zones provided for uses that may be appropriate for the Town but are not given specific mapped locations at the time of adoption of the most recent comprehensive revision to the Sudlersville Zoning Ordinance. The purpose of the designated floating zones is to permit the mapping of appropriate areas for land uses that may be required over the next 20 years. The designated floating zone provides a mechanism for the establishment of the district in appropriate areas, limiting the areas to be zoned and setting conditions that must be met by any development proposal seeking such a designation.
- B. Designation of floating zones. The following are designated as floating zones:
 - 1. “PN” Planned Neighborhood Development Floating Zone.
 - 2. “PED” Planned Employment Floating Zone
- C. The President and Commissioners and Planning Commission find that they are not able to locate the Floating Zones with precision in advance and that it is desirable to leave specific locations and conditions for future determination as the Town grows and specific needs develop.

§ 3-4. Overlay Districts.

- A. Overlay zones build on the underlying zoning by establishing additional or stricter standards and criteria. The standards of the overlay zone apply in addition to those of the underlying zoning district.
- B. The following overlay district shall apply in the corporate limits of Sudlersville:
 - 1. CR Community Redevelopment Overlay District

§ 3-5. “PN” Planned Neighborhood Floating Zone District.

- A. Purpose. The Planned Neighborhood (“PN”) District is a floating zone, which means that while provisions and regulations are made to govern any development within a PN District, no such district will be pre-mapped on the Official Zoning Map. The PN District is intended to permit master planned, mixed-use developments of large tracts of land. The PN District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of the Zoning Chapter and that is approved by the Town Commissioners at the time the PN zoning is applied to specific land(s). The PN provisions provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:
1. Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
 2. A range of housing types and densities to accommodate a diverse population of age groups and income levels;
 3. Interconnected streets designed to balance the needs of all users, with sidewalks and onstreet parking when appropriate for the development;
 4. Open spaces integral to the community; and,
 5. Location adjacent to and extending the fabric of existing development.
- B. Applicability. The PN District is intended to apply to large tracts of land of at least twenty-five (25) acres. Smaller tracts may be considered when the development of such land is found to be compatible with an adjacent, existing, or proposed PN type development and/or adjacent Town land uses.
- C. Density
1. The minimum residential density for a proposed PN District shall be three and one-half (3 1/2) dwelling units per net tract acre. For purposes of calculating the minimum residential density for a proposed PN District, non-residential acres, open space, and conservation acres shall be subtracted from the gross tract acres.
 2. The maximum allowable residential density is six (6) dwelling units per net tract acre.
- D. General Design Requirements.
1. Design standards referenced in this section shall be considered as minimum performance standards for the PN District.

2. Planned neighborhoods are intended to provide for a range of complementary uses and may consist of up to four (4) use areas: Single-Family Residential Areas (SRA), Central Residential Areas (CRA), Neighborhood Center Areas (NCA), and Conservation Areas (CA). At a minimum, a planned neighborhood must contain both a SRA and a CA. The four (4) use areas are defined as follows:
 - a. Single-Family Residential Areas (SRA) provides locations for a broad range of housing types, including single-family detached, semi-detached, and attached.
 - b. Conservation Areas (CA) are permanently protected open spaces, including greens, commons, and habitat protection areas.
 - c. Central Residential Areas (CRA) are intended to contain a variety of housing options and related uses. These areas are typically located adjacent to primary neighborhood centers.
 - d. Neighborhood Center Area (NCA) is the identifiable focal point of each neighborhood and is intended to serve primarily to provide uses that meet the retail and service needs of a traditional community center and its vicinity within one-story and two-story buildings, and may contain other compatible uses, such as civic and institutional uses of community wide importance, specifically including second-floor residential uses.

E. Permitted Uses Table for the PN District.

1. Permitted uses listed in Table G.2 shall apply in the use areas in the PN District.
2. Applicable supplemental use regulations in Article V also shall apply.
3. Notwithstanding any provision herein, all existing land uses within a PN District shall be permitted to continue until the development of the particular phase of an approved PD plan.

TABLE G.2				
USE DESCRIPTION	SRA	NCA	CRA	CA
AGRICULTURAL USES				
Agriculture, crop production				P
Agriculture, buildings and structures				P
Forestry				P
Wildlife Conservation & Refuge Area				P
Greenhouse – on premise sales permitted				P
RESIDENTIAL USE				
Dwelling – Single Family Detached	P		P	
Dwelling – Two-Family	P		P	
Dwelling – Multi-Family	P		P	

Dwelling – Townhouse	P		P	
Dwelling – Apartment			P	
Accessory Dwelling Unit				
- In conjunction with a principal residential use (Limited to one accessory dwelling unit per parcel)	P		P	
- In conjunction with a principal commercial use		P		

TABLE G.2				
USE DESCRIPTION	SRA	NCA	CRA	CA
PUBLIC, CIVIC AND INSTITUTIONAL USE				
Schools, Public	P	P	P	
Schools, Private	P	P	P	
Churches and parish halls, temples and convents and monasteries, mosques, houses of worship	P	P	P	
Libraries, museums		P	P	
Private Clubs		P		
Medical facility or clinic for human care		P		
Funeral Home		P		
Athletic fields	P		P	P
Community Center including indoor recreation	P	P	P	
EMERGENCY SERVICES				
Fire Stations without assembly hall	P	P	P	P
Fire Station with Assembly Hall		P	P	P
Rescue squad, ambulance service	P	P	P	P
UTILITIES				
Essential Service	P	P	P	P
COMMERCIAL USE				
Animal services		P		
Assembly and entertainment		P		
Broadcast or recording studio		P		
Commercial service		P		
Business support service		P		
Consumer maintenance and repair service		P		
Personal improvement service		P		
Day care		P	P	
Day care center				
Day care home	P	P	P	
Eating and drinking establishments		P		
Financial service		P		
Funeral and mortuary service		P		
LODGING				
Hotel and motel		P		

Bed and Breakfast, Inn	P	P	P	
Office		P		
Retail sales		P		
Studio, instructional or service		P		
Fueling station		P		
OTHER USE				
Drive-in or drive-through facility		P		
Temporary uses	P	P	P	
Privately owned country clubs swimming or tennis clubs approved as part of some residential development	P		P	
ACCESSORY USE				
Home Occupation	P		P	

F. Development Standards.

1. The following development standards shall apply to the PN District:

- a. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PN shall be established for each individual project by the Planning Commission in accordance with the *Appendix B Sudlersville Design Guidelines*. In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent neighborhoods.
- b. Minimum Required Open Space: A minimum of twenty percent (20%) of the gross site acreage shall be open space including parks and recreational areas. Not less than fifteen percent (15%) of the minimum required open space shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent (50%) of the minimum required open space may be comprised of active recreation facilities, such as playing fields, golf courses, tennis courts, etc.

2. Residential Unit Mix

- a. The minimum and maximum percentages of types of residential units for each PN District, and each phase thereof, shall be as set forth in subsection c below.
- b. At a minimum each PN development shall have at least three (3) of the five (5) unit types. Each phase of a proposed PN shall have at least three (3) of the five (5) unit types. The Planning Commission may vary this phase requirement if a majority of its members are satisfied that at build-out three (3) of five (5) unit types are included in the overall PN development. Each phase of a proposed PN

development shall provide housing opportunities for a diverse population mix of age groups and income levels.

c. Residential Unit Mix.

Unit Type	Minimum	Maximum
Detached Single Family Dwelling	50%	80%
Two (2) Family Dwelling	20%	40%
Townhouse	5%	40%
Multi-Family	5%	40%
Apartments	5%	15%

G. Small Planned Neighborhood Projects. The Town Commissioners may modify the minimum performance standards established in subsection G, herein, for a PN District development of less than twenty-five acres (25) acres provided that:

1. The proposed development in the PN District can be integrated with a Master Development Plan for an adjacent and larger PN District project by such features as street extensions, compatible location of SRAs and common areas. In addition, the Town Commissioners must find that the proposed design meets the goals and objectives of the *Sudlersville Comprehensive Plan*, as amended, and the intent of this section; or
2. The Town Commissioners find that the proposed PN District is for an infill or transition project between existing developed areas and/or adjacent to a proposed or planned large scale PN project and that the proposed design of the PN project is consistent with the goals and objectives of the *Sudlersville Comprehensive Plan* and the intent of this section.
3. The design of all PN projects shall conform to the *Appendix B Sudlersville Design Guidelines*.

H. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PN District and until the Commissioners of Sudlersville approve a PN Plan in accordance with [§ 3-7](#) of this Ordinance.

§ 3-6. “PED” Planned Employment Floating Zone.

A. Purpose. It is the purpose of the Planned Employment floating Zone to establish standards for planned developments of light and medium industrial uses along with related commercial uses. Additional purposes of this zone are:

1. To encourage development which presents an attractive appearance and is compatible with uses in the surrounding area by means of appropriate siting of buildings, service areas and landscape treatment.

2. To locate development on land that is or can be served with public water and sewer facilities and on sites that are clearly suitable for the physical characteristics of development for such uses.
 3. To provide a more flexible approach to the comprehensive development of large tracts of land in terms of land use, intensity and design.
 4. To be used to implement the Comprehensive Plan and other policies in a manner closely compatible with said plans and policies.
 5. To establish standards through which the land use objectives and recommendations of the Comprehensive Plan can serve as the basis for evaluating individual PED proposals.
 6. To promote the development and location of qualified target industries as designated by the County Economic Development Commission.
 7. To require the orderly, staged construction of large-scale, comprehensively planned employment centers.
 8. To assure compatibility of land uses proposed in such a development with uses in the surrounding area of the site by incorporating higher standards of land planning and site design.
- B. Applicability. The PED District is intended to apply to large tracts of land of at least twenty (20) acres.
- C. General Design Requirements.
1. The setback, lot size, lot dimensions, lot coverage, minimum floor area, height, and yard requirements in the PED shall be established for each individual project by the Planning Commission in accordance with the Planned Development Design Guidelines.
 2. In establishing these requirements the Planning Commission shall consider such factors as the proposed development intensity, density, and the existing character of adjacent areas.
- D. Permitted Uses Table for the PED District.
1. Permitted uses listed in Table D.3 shall apply in the use areas in the PED District.
 2. Applicable supplemental use regulations in [§ 5-8](#) also shall apply.

TABLE D.3
USE DESCRIPTION
AGRICULTURAL USE
Agriculture, crop production
Agriculture, buildings and structures
Forestry
Wildlife Conservation & Refuge Area

Greenhouse – on premise sales permitted
Indoor plant cultivation
PUBLIC, CIVIC AND INSTITUTIONAL USE
College or university
Governmental facility
Safety service
Utilities and public service facility
Wireless telecommunications
COMMERCIAL USE
Animal service
Broadcast or recording studio
Commercial service:
Building service
Business support service
Research service
Financial service
TABLE D.3
USE DESCRIPTION
Funeral and mortuary service
Office.
Self-service storage facility
Retail sales, building supplies and equipment
Trade school
Vehicle sales and service
WHOLESALE, DISTRIBUTION & STORAGE USE
Equipment and materials storage, outdoor
Trucking and transportation terminal
Warehouse
Wholesale sales and distribution
INDUSTRIAL USE
Artisan industrial
Limited industrial
General industrial
Fuel storage
OTHER USE
Temporary uses

- E. Development Process and Procedure. No property may be developed or subdivided until the property is reclassified as a PED District and until the Commissioners of Sudlersville approve a PN Plan in accordance with [§ 3-7](#) of this Ordinance.

§ 3-7. Procedure for Planned Development (PD) Approval.

- A. Purpose. The following procedures apply to the PN Planned Neighborhood Development Floating Zone and the PED Planned Employment Floating Zone, hereafter referred to as Planned Developments. The purpose and intent of the Planned Development floating zone amendment process is to permit specific and detailed mapping of areas and to provide for the creation of a Master Planned project that is carefully planned, well-designed and appropriately located.
- B. PD District Design. Applicants for a Planned Development shall be guided throughout the review process by the *Appendix B Sudlersville Design Guidelines*. Because it is recognized that design professionals, including architects, landscape architects, and land planners, are trained to strive for creative excellence, the design standards and criteria are not intended to restrict creative solutions or to dictate all design details. The *Appendix B Sudlersville Design Guidelines* shall serve as a tool for the Town by providing a checklist of elements to be considered. The Planned Development Design Guidelines shall also inform the design professionals of items that shall be considered or included from the outset of the design process.
- C. Application. Application for a floating zone amendment for a Planned Development approval shall be made to the Commissioners of Sudlersville. Applications shall include:
 - 1. A written petition for location of a Planned Development District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
 - 2. A narrative describing the following:
 - a. Statement of present and proposed ownership of all land within the development;
 - b. Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the goals and objectives of this Ordinance, the proposed Planned Development district, and the Sudlersville Comprehensive Plan;
 - c. Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
 - d. Description of Stormwater management concepts to be applied;
 - e. Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
 - f. General description of architectural and landscape elements, including graphic representations; and
 - g. If the applicant desires to develop the property in phases, a preliminary phasing plan indicating:

- (1) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - (2) If different land use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.
 3. A Concept Master Development Plan, which includes:
 - a. Boundary survey of the area subject to the application;
 - b. Graphic and tabular presentation of proposed site development information that clearly depicts the following, as applicable:
 - (1) Total acreage of subject property and identification of all adjoining landowners;
 - (2) Description of proposed land uses, including residential, commercial, institutional, and recreational;
 - (3) Maximum number of dwelling units, approximate densities of residential areas and anticipated population if applicable;
 - (4) Land area and locations generally allocated to each proposed use;
 - (5) Location of proposed roads, public open space, any sensitive resource areas (environmental or cultural), and public facilities; and (6)
Maximum non-residential floor area proposed.
- D. Referral of Application to Planning Commission. Upon submission to the Commissioners of an Application for a Planned Development zoning amendment and a Master Development Plan, the Commissioners shall refer said Application and Master Development Plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission, the Town staff, and any consultants or professionals on behalf of the Planning Commission or the Town to analyze said Application and Master Development Plan, in accordance with all applicable review processes and procedures. The Planning Commission or the Commissioners may require the cost of any analysis or consultant or professional be paid for by the applicant. No development may occur until:
 1. A floating zone has been applied to the property by legislative action of the Commissioners;
 2. A Master Development Plan is approved for the floating zone by the Commissioners; and
 3. A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval by all agencies with jurisdiction.

E. Master Development Plan Submittal to the Planning Commission. After the Commissioners refer the Application and Master Development Plan, the applicant shall submit the following to the Planning Commission for review and recommendations to the Commissioners:

1. Graphic Master Development Plan Requirements:
 - a. Master Development Plan that includes the following individual sheets: Single sheets shall not exceed 36" x 48". Plans shall be presented at a scale no smaller than 1" = 400' such that the entire site may be shown on a single sheet.
 - b. The referred Master Development Plan;
 - c. Boundary Survey, including identification of adjacent property owners;
 - d. Existing condition information, including (information may be displayed on more than one sheet for clarity):
 - (1) Topographic survey (minimum 1' contour interval);
 - (2) Soils;
 - (3) Forested areas and tree lines;
 - (4) Wetlands, hydric soils, streams, and water features;
 - (5) Habitat protection areas;
 - (6) Steep slopes;
 - (7) Easements and deed restrictions;
 - (8) Roads, driveways, and right-of-ways;
 - (9) Existing buildings;
 - (10) General location of storm surge boundaries for all categories of storm events; and (11) Existing land uses.
 - e. Proposed open space, protected areas, and public and private parks;
 - f. Pedestrian and vehicular master plan showing dominant street configuration and pedestrian walking and biking alignments;
 - g. Detailed plan of at least one (1) phase, showing:
 - (1) Road alignments;
 - (2) Lot configuration;
 - (3) Industrial, business, and commercial area plans, if applicable;

- (4) Public and private open space(s);
 - (5) Perspective streetscape (typical for represented phase);
 - (6) Examples of proposed architecture;
 - (7) Plan view, perspective and elevations of private and/or public community facilities; and
 - (8) Plan view, perspective and elevations of entrances including gateway improvements, if applicable.
2. Phasing plan, including:
- a. The general boundaries or location of each phase. Although the Phasing Plan shall include the information required by (b) and (c) below (in narrative, tabular or graphical form), it is not required to depict the location of the land uses, densities or public facilities within each phase.
 - b. The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - c. If different land use types are to be included, the Master Development Plan shall include the approximate mix of uses anticipated to be built in each phase.
3. Studies and reports by qualified professionals:
- a. Traffic study that evaluates traffic impacts on proposed entrances on existing public (state, county, and town) roads and major existing intersections within one (1) mile of the project that may be impacted by traffic generated by the proposed project;
 - b. Nontidal wetlands delineation;
 - c. Habitat protection areas study prepared by qualified professionals; and
 - d. A concept plan indicating how storm water will be managed on the site in accordance with applicable State, County or local regulations.
4. Master Development Plan Design Standards shall generally conform to the elements of the all applicable Design Planned Development Guidelines. The Master Development Plan Design Standards shall provide specific detail regarding:
- a. Site design standards in designated neighborhood and/or commercial areas, including: permitted uses, building types, frontage, setbacks and lot sizes, building heights, parking, street widths and cross-sections, sidewalks, lighting, and road geometry.
 - b. Building standards for designated neighborhood and/or industrial, business or commercial areas, including: size and orientation, building facades, regulated

architectural elements (windows, trim, etc.), rooflines, architectural styles, fencing, parking, and signage.

- c. Landscape, buffer, and environmental standards, including: location, scope, materials, and scheduling.
 5. Project Scheduling Information, including: anticipated permitting hearings, approvals, construction start, phasing, anticipated absorption, and completion of key site elements. (Note: This information is understood to be representative of a best estimate and will be used by the Town as a tool for long-range planning activities, but shall not be binding.)
 6. The Master Development Plan shall also include a management statement regarding the anticipated ownership, construction, operation, and maintenance of:
 - a. Sanitary and storm sewers, water mains, culverts, and other underground structures;
 - b. Streets, road, alleys, driveways, curb cuts, entrances and exits, parking and loading areas, and outdoor lighting systems; and
 - c. Parks, parkways, walking paths, cycle ways, playgrounds, and open spaces.
 7. The Master Development Plan shall comply with requirements of this section and the requested floating zone and may be accompanied by such other written or graphic material that may aid the decisions of the Planning Commission and the Commissioners.
 8. The Commissioners may establish additional and supplemental requirements for the Master Development Plan prior to its referral of the Application, if the Commissioners determine such requirements are necessary to enable the Commissioners to evaluate the particular floating zone amendment request.
- F. Planning Commission Review and Recommendation – Floating Zone Amendment and Master Development Plan.
1. The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this Ordinance and consistency with the Comprehensive Plan and the *Appendix B Sudlersville Design Guidelines*.
 2. The Planning Commission shall evaluate the degree to which the proposed floating zone request and Master Development Plan incorporate and/or address the *Appendix B Sudlersville Design Guidelines* and furthers the goals and objectives of the Sudlersville Comprehensive Plan.
 3. The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of the Planning Commission, shall cause the proposal to better conform to the requirements of the Sudlersville Comprehensive Plan, the *Appendix B Sudlersville Design Guidelines*

and the goals and objectives of this Ordinance. The applicant may resubmit the Master Development Plan to the Planning Commission in light of the Planning Commission's comments.

4. If, after four (4) Master Development Plan submissions, the Master Development Plan has not received a favorable recommendation from the Planning Commission, the Planning Commission shall make a negative recommendation to the Commissioners setting forth its reasons as to why the Master Development Plan should not be approved.
5. After a public hearing, the Planning Commission shall consider and comment on the findings required of the Commissioners, as set forth in G.2 herein, and shall make a favorable or negative recommendation to the Commissioners.
6. The Planning Commission shall forward the Master Development Plan, with any revisions, together with written comments and recommendations, and its floating zone comments, to the Commissioners for action pursuant to the floating zone and Master Development Plan approval process.

G. Commissioners Approval of Floating Zone and Master Development Plan.

1. The Commissioners shall review the Master Development Plan and other documents, together with such comments and recommendations as may have been offered by the Planning Commission.
2. After a public hearing, the Commissioners may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan, and shall follow the procedures set forth in [§ 13-5](#) of this Ordinance. Concurrently with the location of a floating zone, the Commissioners may approve the Master Development Plan, which, in addition to the provisions of PN or PRC District whichever is applicable, shall govern the subdivision and/or development of the property. In approving Planned Development floating zone map amendment, the Commissioners shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Commissioners may approve the Planned Development District map amendment if it finds that the proposed floating zone amendment is:
 - a. consistent with the Sudlersville Comprehensive Plan;
 - b. conforms to the *Appendix B Sudlersville Design Guidelines*;
 - c. consistent with the stated purposes and intent of the Planned Development District;
 - d. complies with the requirements of this Ordinance; and
 - e. is compatible with adjoining land uses.

4. When a Planned Development is to be constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase.
 5. As part of the final Master Development Plan approval, the Commissioners shall approve a date for initiation of the proposed development.
 6. In the event that a floating zone amendment is approved by the Commissioners without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development review and approval provisions of this Ordinance, and may not be developed except in conformance with a site plan as required by and in conformance with this Ordinance. H.
Additional Required Procedures.
 1. The administrative procedures for approval of a site plan for property located within the Planned Development District are set forth in [§ 7-9](#) of this Ordinance. Site plans shall conform to the approved Master Development Plan, including the Master Development design standards.
 2. The administrative procedures for approval of a subdivision located within the Planned Development District shall be those of the Town's Subdivision Regulations, set forth in the Town Code. Final subdivision plats shall conform to the approved Master Development Plan.
 3. Any development, site plan or subdivision approval for land in a Planned Development District shall be consistent with the provisions of the PN or PED District as applicable, and the specific Master Development plan applicable to the property, as approved or amended by the Commissioners.
- I. Amendment of Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The phrase "minor amendments" includes, but is not limited to, changes to: the location, number or types of uses within the Planned Development or any phase(s) thereof, subject to guideline (3), below; internal road locations or configurations; the number, type or location of dwelling units, subject to guideline (5) below; and the location of public amenities, services, or utilities. The Planning Commission may only approve minor amendments that increase residential density or intensify nonresidential uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts upon the delivery or the Town's cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a "minor amendment. In addition to the foregoing, an amendment shall be deemed a "minor amendment", provided that such amendment:
1. Does not conflict with the applicable purposes and land use standards of this Ordinance;

2. Does not prevent reasonable access of emergency vehicle access or deprive adjacent properties of adequate light and air flow;
 3. Does not significantly change the general character of the land uses of the approved Master Development Plan;
 4. Does not result in any substantial change of major external access points;
 5. Does not increase the total approved number of dwelling units or height of buildings; and
 6. Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.
- J. Conflict with other Articles. Provisions of the Planned Development Floating Zone, when found to be in conflict with other provisions of this Ordinance, shall supersede those other provisions with which they conflict. Provisions of the Planned Development Floating zone, when found to be in conflict with provisions of the Sudlersville Subdivision Code, shall supersede those provisions with which they conflict.
- K. A Planned Development District shall be considered to be a “floating zone” and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each Planned Development district shall be as set forth in Town of Sudlersville Zoning Ordinance and shall be the basis for approval or denial by the Commissioners of Sudlersville without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

§ 3-8. CR Community Redevelopment Overlay District.

A. Intent

It is the general intent of this district to:

1. Accommodate growth by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of residents.
2. Encourage efficient use of land and public services in the context of existing communities.
3. Stimulate economic investment and development in older established communities.
4. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.
5. Create a high quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.
6. Implement the goals, objectives, and policies of the comprehensive plan.

7. Improve approval certainty for infill development by providing clear development standards.

8. Encourage compact development that is pedestrian-scaled. B. Applicability.

1. The provisions of this district apply to all land located within the Sudlersville Community Redevelopment Overlay Zone as designated on the official zoning map.

2. All land uses and development shall be located and developed in accordance with the applicable provisions of the underlying zoning district and all other applicable land development regulations except as modified by this subsection. C. Permitted Uses.

Permitted uses shall be limited to those allowed in the underlying zone except as follows:

1. The Planning Commission may permit small-scale commercial service and retail infill or redevelopment. Any infill or redevelopment involving an existing historic or contributing building, structure, or site shall be limited to adaptive reuse only.

2. The Planning Commission may permit a variety of residential unit types. D.

Development standards.

1. Density may exceed the underlying zone for the purpose of creating a neighborhood having a variety of housing types.

a. Total number of dwelling units as well as location to be established at the time of preliminary plan approval.

b. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.

2. Site development and design shall be judged on accordance with the *Appendix B Sudlersville Design Guidelines*.

E. Findings Required and Conditions of Approval

1. The Planning Commission may approve a proposed infill or redevelopment project upon finding that:

a. The plan accomplishes the intent and minimum standards and requirements of the overlay district and the design conforms to the *Appendix B Sudlersville Design Guidelines*;

b. The plan is consistent with the *Sudlersville Comprehensive Plan*;

c. The plan is internally and externally compatible and harmonious with existing and planned land uses in the area; and

- d. Existing or planned public facilities are adequate to service the proposed development.
2. The Planning Commission may establish reasonable and appropriate conditions for approval of non-residential uses concerning such as things as hours of operation, buffer and screening, signage and lighting to insure compatibility with adjacent residential uses.

F. Application process

1. Notice: Property or properties proposed for infill or re-development under the terms of this subsection shall be posted by the Town. Such posting shall appear on the site at least (14) days prior to the application being considered by the Planning Commission. At the time of posting, all required application information, as outlined herein, shall be present and available for review in the Town Office.
2. The applicant has the full burden of proof to demonstrate the proposed infill or redevelopment proposal meets or exceeds the development standards in Section D and the compatibility standards in Section E herein.
3. Applications shall include adequate information to address this burden of proof requirement and shall, at a minimum, include the following:
 - a. A description of the proposed development site, i.e., a plot plan or survey plot.
 - b. A description of existing conditions in the vicinity of the site (e.g. block face on both sides of the street within 500 feet of the proposed development site).
4. Descriptions shall include documenting photographs and an analysis of the prominent architectural features along adjacent block faces and shall address the following:
 - a. Site location and topography;
 - b. Street connections;
 - c. Pedestrian pathways;
 - d. Lot coverage;
 - e. Building orientation; and
 - d. A description of existing neighborhood architectural characteristic and features, including:
 - (1) Massing and proportions;
 - (2) Entryways;
 - (3) Windows;
 - (4) Garage doors;

- (5) Finishes and materials;
- (6) Ornamentation;
- (7) Roof detail;
- (8) Porches, stoops, dooryard improvements; and
- (10) Colors.

e. A description of the proposed infill or redevelopment including:

- (1) Elevations of all proposed buildings;
- (2) A description of how the proposed infill or redevelopment is compatible with the features described in 3 and 4 above; and
- (3) A statement of how the proposed infill or redevelopment meets the development recommendations of the *Appendix B Sudlersville Design Guidelines* and the findings requirements set forth in D above.

F. Remedies. Appeals from the decision of the Planning Commission concerning any application for infill or redevelopment may be made as provided in [Article 9, Part 3](#) of this Ordinance.

ARTICLE IV. PERMITTED USES

§ 4-1. Use of the designations P, PC, SE and SC in the table of permissible uses.

When used in connection with a particular use in the Table of Permissible Uses included in this Article, the letter "P" means that the use is permissible in the indicated zone with a zoning certificate issued by the Administrator. When used in connection with a particular use in the Table of Permissible Uses, the letter "C" means that the use is permissible in the indicated zone with a zoning certificate issued by the Administrator provided the conditions stipulated in Article V are met. The letters "E" means the conditions of approval stipulated in in Article V for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals.

§ 4-2. Use categories.

This section establishes and describes the use categorization system used to classify principal uses in this chapter.

A. Use categories.

This chapter classifies principal land uses into major groupings. These major groupings are referred to as “use categories.” The use categories are as follows:

1. Residential
2. Public, Civic and Institutional
3. Commercial
4. Wholesale, Distribution and Storage
5. Industrial
6. Agricultural
7. Other
8. Accessory

B. Use subcategories.

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. C. Specific use types.

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole. D. Determination of use categories and subcategories.

1. The Administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this ordinance.
2. In the event the Administrator is unable to classify uses on the basis of the use category, subcategory and specific use type descriptions of this ordinance and where such use is not specifically prohibited from the district the Administrator shall submit to the Board of Appeals a written request for a determination of the unclassified use in accordance with [§ 9-21](#).
3. If the Board of Appeals determines that the use is of a similar character and meets the intent of the principal permitted uses within the district, then it shall instruct the Administrator to issue a zoning permit.
4. In the event that the Board of Appeals determines that the proposed use in the district is consistent with the character and intent of the uses permitted by special exception within the district, then the applicant shall apply for a special exception in the normal manner.
5. Once a use has been allowed or disallowed by the Board, it shall then be considered classified under the appropriate category in the district.

§ 4-3. Residential use category.

A. Household Living.

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging. The following are household living specific use types:

1. Detached House - A detached house is a principal residential building occupied by one dwelling unit located on a single lot with private yards on all sides. Detached houses are not attached to and do not abut other dwelling units.
2. Attached House - An attached house is a dwelling unit that is attached to one or more dwelling units, each of which is joined together by party wall or walls or is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.
3. Two-family - Two dwelling units which are located one over the other and having two side yards.
4. Duplex - Two dwelling units which are attached side by side by a party wall and having one side yard adjacent to each dwelling unit.

5. Townhouse - Three or more dwelling units which each occupy a separate lot and which are attached side by side by party walls and having a side yard adjacent to each end unit.
 6. Multi-family/Apartment/condo - A multi-family/apartment/condo building is a residential building on a single lot that is occupied by 3 or more dwelling units that share common walls and/or common floors/ceilings.
 7. Accessory Apartment - a separate complete housekeeping unit that is contained within a residential or commercial structure.
 8. Accessory Dwelling Unit - a separate complete housekeeping unit that is substantially contained within the structure of a single family unit or a commercial structure, but can be isolated from it.
 9. Manufactured Housing Unit - A manufactured housing unit is a residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, et seq.).
 10. A. Mobile Home- Any vehicle or similar portable structure with any or all of the following characteristics:
 - a. 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;
 - b. 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;
 - c. Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations..
 11. Modular Dwelling or Building, Pre-Manufactured Dwelling - 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.
- B. Group Living. Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care facilities, retirement centers, homeless centers, shelters and halfway houses. The group living subcategories are as follows:

1. Group domiciliary care home – a facility that is licensed by the Maryland Department of Health and Mental Hygiene shared by persons who are unable to live alone because of age-related impairments or physical, mental or visual disabilities and who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Group domiciliary care homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.
2. Sheltered Care – An activity accessory to and affiliated with a religious facility providing maintenance and personal care for those in need.
3. Continuing Care Retirement Communities - Establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.
4. 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. Senior housing project may be composed of various housing types including detached, attached and multi-family types of dwellings.
5. A halfway house is a residence designed to assist persons, especially those leaving institutions, to reenter society and learn to adapt to independent living. Halfway houses aim to assist in community transition, and may provide vocational training, counseling, and other services. Release to a halfway house is used in situations such as the release of mental patients and prisoners. They are also used for people in addiction recovery as a means to adapt to sober living. They usually require residents to follow certain rules, such as sign in and sign out procedures and curfews. A halfway house may allow residents to go out to work or study during daytime and return at night. Residency requirements, purposes, and rules vary at each halfway house.

§ 4-4. Public, civic and institutional use category.

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows:

- A. Cemetery - Land or structures used for burial or permanent storage of the dead or their cremated re-mains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.

- B. College or university - Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.
- C. Community center - A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.
- D. Fraternal organization - The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.
- E. Governmental facility - Uses related to the administration of local, state or federal government services or functions.
- F. Hospital - Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
- G. Library - Collections of books, manuscripts and similar materials for free public lending, studying and reading.
- H. Museum or cultural facility - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.
- I. Natural resources preservation - Undeveloped land left in a natural state for specific use as visual open space or environmental purposes. Typical uses include wildlife or nature preserves, arboretums and flood management projects.
- J. Parks and recreation - Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and country clubs.
- K. Religious assembly - Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. This category includes buildings and all customary accessory uses or structures, including, but not limited to, a chapel, day-care center, school of general instruction, gymnasium, social hall and social services programs.
- L. Safety service - Facilities provided by the town, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

- M. School - Schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.
- N. Utilities and public service facility
 - 1. Essential services - Underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.
 - 2. Public utility - Uses or structures, except essential services, which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.
- O. Wireless telecommunications - Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:
 - 1. Freestanding towers - A structure intended to support equipment that is used to transmit and/or receive tele-communications signals including monopoles and guyed and lattice construction steel structures.
 - 2. Building or tower-mounted antennas - The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.
 - 3. Satellite earth station, satellite dish: A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

§ 4-5. Commercial use category.

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows: A.

Adult entertainment establishment (not permitted in Sudlersville).

- 1. Adult oriented business - Any business, operation, or activity a significant amount of which consists of the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar, restaurant, club, lodge, or similar establishment; or
- 2. Adult book or video store – Adult oriented business, including the sale, rental, transfer, loan, dissemination, distribution, provision or promotion of adult entertainment or

material, in any format, form, or medium, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, other electronic recordings but not including coin operated or pay-view.

3. Adult oriented businesses and adult book or video stores.
- B. Animal service - Uses that provide goods and services for care of companion animals.
1. Grooming - Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.
 2. Boarding or shelter/kennel - Animal shelters, care services and kennel services for dogs, cats and companion animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters. For purposes of this ordinance, the keeping of more than 4 dogs, cats or similar household companion animals over 4 months of age or the keeping of more than 2 such animals for compensation or sale is deemed a boarding or shelter-related animal service use and is allowed only in those zoning districts that allow such uses.
 3. Veterinary care - Animal hospitals and veterinary clinics.
- C. Assembly and entertainment - Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas and theaters.
- D. Broadcast or recording studio - Uses that provide for audio or video production, recording or broadcasting.
1. Broadcast facility is an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television and film.
 2. Recording studio is an establishment primarily engaged in sound or video recording.
- E. Commercial service - Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.
1. Building service - Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.
 2. Business support service - Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.

3. Consumer maintenance and repair service - Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the re-pair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, lock-smiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."
 4. Personal improvement service - Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs, yoga studios, martial arts studios, and businesses purporting to offer fortune-telling or psychic services.
 5. Research service - Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.
- F. Day care - Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care.
1. Day care center - A facility licensed by the State of Maryland that provides day care for more than 8 children or any number of adults.
 2. Day care home - A dwelling unit licensed by the State of Maryland in which day care is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit.
- G. Eating and drinking establishments – The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared foods and beverages for on- or off-premise consumption. Typical uses include restaurants, short order eating places or bars and cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments, which may include a bar area that is customarily incidental and subordinate to the principal use as an eating establishment.
- H. Financial service - Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments.
- I. Funeral and mortuary service - Uses that provide services related to the death of humans or companion animals, including funeral homes, mortuaries, crematoriums and similar uses.
- J. Lodging - Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses may provide food or entertainment on premises. Lodging includes the following specific categories:

1. Hotel and motel - An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including hotel, motel, lodge, tourist park and similar establishments, but not including a boarding- or lodging house, inn or bed-and-breakfast establishment.
2. Bed and breakfast - A single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients and at which no meal other than breakfast is served to guests, which is included in their room charge.
3. Boardinghouse - A private dwelling or part thereof where lodgings with or without meals are provided for compensation to persons not members of the resident family. K.

Office.

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Specific use types include:

1. Business - Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations.
2. Professional - Offices where services are provided that require specialized training or professional certification including but not limited to accountant, appraiser, attorney, architect, landscape architect, engineer, surveyor, and stockbroker but not including offices of medical, dental and health practitioners.
3. Medical, dental and health practitioner - Office uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this subcategory, as are medical and dental laboratories. L. Parking, non-accessory.

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A parking facility that provides both accessory and non-accessory parking will be classified as non-accessory parking if it leases 25% or more of its spaces to nonoccupants of or persons other than visitors to a particular use. M. Retail sales.

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer within an enclosed structure, unless otherwise specified.

1. Convenience goods - Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their

primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands and florists.

2. Consumer shopping goods - Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops.
 3. Building supplies and equipment - Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.
- N. Self-service storage facility (e.g., mini-storage) - An enclosed use that provides separate, smallscale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.
- O. Studio, instructional or service - Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios. See also “personal improvement service” in the commercial services use category.
- P. Trade school - Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category). Q. Vehicle sales and service.

Uses that provide for the sale, rental, maintenance or repair of new or used vehicles and vehicular equipment. The vehicle sales and service subcategory includes the following specific use types:

1. Commercial vehicle repair and maintenance - Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft, watercraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.
2. Commercial vehicle sales and rentals - Uses that provide for the sale or rental of large trucks, large construction or agricultural equipment, aircraft, or similar large vehicles and vehicular equipment.

3. Fueling station - Uses engaged in retail sales of personal or commercial vehicle fuels, including natural gas fueling stations and rapid vehicle charging stations and battery exchange facilities for electric vehicles.
4. Personal vehicle repair and maintenance - Uses engaged in repairing, installing or maintaining the mechanical components of autos, small trucks or vans, motorcycles, motor homes or recreational vehicles including recreational boats. Also includes uses that wash, clean or otherwise protect the exterior or interior surfaces of these vehicles. Does not include vehicle body or paint finishing shops.
5. Personal vehicle sales and rentals - Uses that provide for the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes or recreational vehicles including recreational water-craft. Typical examples include automobile dealers, auto malls, car rental agencies and moving equipment rental establishments (e.g., U-Haul).
6. Vehicle body and paint finishing shop - Uses that primarily conduct vehicle body work and repairs or that apply paint to the exterior or interior surfaces of vehicles by spraying, dipping, flow-coating or other similar means.

R. Medical Cannabis Licensed Dispensary. – Medical Cannabis is any product containing useable cannabis or medical cannabis finished product. Medical Cannabis Finished Product is any product containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient. Medical cannabis-infused product is oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge, or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material. Medical cannabis-infused product does not include a food as that term is defined in Health-General Article 21-101. Annotated Code of Maryland. Medical Cannabis Licensed Dispensary is an entity licensed by the State of Maryland Medical Cannabis Commission that acquires, possess, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing medical cannabis, related supplied, related products including tinctures, aerosols, oils, ointments, or educational material for use by a qualifying patient or caregiver.

1. Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
2. Shall be located at least 500 feet from any public or private church, school, or correctional facility; and
3. Shall be located on a property at least 100 feet from any residential dwelling. Shall not be located on a property that abuts any property with an existing residential use.
4. Shall comply with Comar Title 10.62;
5. Shall take access from a public right-of-way that meets or exceeds Queen Anne’s County Public Road Standards.

6. Shall be located more than 2,500 feet from another Medical Cannabis Dispensary;
7. Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis; and
8. The use shall be limited to Medical Cannabis and related products.

§ 4-6. Wholesale, distribution & storage use category.

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services or industrial establishments. Long-term and short-term storage of supplies, equipment, commercial goods and personal items is included. The wholesale, distribution & storage subcategories are as follows:

- A. Equipment and materials storage, outdoor - Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.
 1. Contractor's shop - An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.
 2. Fuel storage – An establishment that includes "fuel storage tank" or any vessel or tank that stores gases or liquids, including fuel products such as gasoline, diesel fuel, heating oil, natural gas, natural gas liquids, propane, synthetic gas, or similar products.
 3. Grain storage - Bulk storage, drying or other processing of grain and livestock feed or storage and sale of fertilizer, coal, coke or firewood with effective control of dust and particulates during all operations.
- B. Trucking and transportation terminal - Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary on-site storage of those items.
- C. Warehouse - Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a "self-service storage facility" or a "trucking and transportation terminal."
- D. Wholesale sales and distribution - Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms.
- E. Medical Cannabis Licensed Processor: Medical Cannabis Licensed Processor is an entity licensed by the State of Maryland Medical Cannabis Commission that transforms the medical cannabis into another product or extract; and packages and labels medical cannabis.

1. Shall not be located within 1000 feet of any public or private day-care, pre-elementary, elementary, middle, or high school; and
2. Shall not be located within 1000 feet of any church or municipal use.

§ 4-7. Industrial use category.

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

- A. Artisan industrial - On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.
- B. Limited industrial - Manufacturing and industrial uses that process, fabricate, assemble, treat or package finished parts or products without the use of explosive or petroleum materials. Uses in this subcategory do not involve the assembly of large equipment and machinery and have very limited external impacts in terms of noise, vibration, odor, hours of operation and truck and commercial vehicle traffic.
- C. General industrial - Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property.
- D. Intensive industrial - Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic.
- E. Junk or salvage yard - An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

§ 4-8. Recycling use category.

This category includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

- A. Recyclable material drop-off facility - An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities shall be limited to nonhazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this chapter shall not include general construction or demolition debris facilities, and/or transfer stations, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as "recyclable material processing facilities."
- B. Recyclable material processing - Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

§ 4-9. Agricultural use category.

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops.

- A. Agriculture, animal production - The (principal or accessory) use of land for the keeping or raising of farm animals. Animal production is expressly prohibited in the Town.
- B. Agriculture, crop production - The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.
- C. Agriculture, buildings and structures – This category includes all buildings and structures associated with agriculture uses as opposed to the activities associated with crop or animal production.
- D. Community garden - An area managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers) for personal or group consumption, for donation or for sale that is occasional and incidental to the growing and harvesting of food crops. A community garden area may be divided into separate garden plots or orchard areas for cultivation by one or more individuals or may be farmed collectively by members of the group. A community garden may include common areas (e.g., hand tool storage sheds) maintained and used by the group. Community gardens may be principal or accessory uses and may be located at grade (outdoors), on a roof or within a building. Community gardens do not include the raising or keeping of farm animals.
- E. Indoor plant cultivation - A building or structure and the associated premises used to grow plants under roof which may include accessory storage and processing of plants grown on premises. Included in this category are greenhouses and hydroponic facilities.

F. Medical Cannabis- Licensed Grower: Medical Cannabis licensed Grower is an entity licensed by the State of Maryland Medical Cannabis Commission that grows, sells, and transports of leaves and flowers to be integrated into other material.

1. Shall be located on a property that comprises twenty (20) acres or more;
2. Shall not be located within 1000 feet of any public or private day care, pre-elementary, elementary, middle, or high-school; and
3. Shall not be located within 1000 feet of any church or municipal uses.

§ 4-10. Other use category.

This category includes uses that do not fit the other use categories.

- A. Drive-in or drive-through facility - Any use with drive-through windows or drive-through lanes or that otherwise offer service to the occupants of motor vehicles. Typical uses include drive through restaurants, drive-through pharmacies and drive-in restaurants.
- B. Temporary uses. Use of a building or premises for a purpose that does not conform to the regulations prescribed by this chapter, does not involve the erection of substantial buildings, and is permitted for a defined time period.
 1. Temporary Use, Emergency – Structures and/uses for emergency public health and safety needs/land use activities.
 2. Temporary Use, Construction - On-site contractors' mobile home used in conjunction with an approved construction project on the same site.
 3. Temporary Use, Sale - One trailer or the use of one building as a temporary field or sales office in connection with building development.

§ 4-11. Accessory use category.

The category includes uses or structures subordinate to the principal use and customarily incidental to the principal use.

§ 4-12. Table of Permitted Uses.

§ 4-12. Table of Permitted Uses.				
CATEGORY	ZONING DISTRICT			
	TCC	MU	TR	SF
HOUSEHOLD LIVING				

§ 4-12. Table of Permitted Uses.				
CATEGORY	ZONING DISTRICT			
	TCC	MU	TR	SF
Single Family Residential-Detached	P	P	P	P

Two Family Residential	P	P	P	
Accessory Apartment § 5-2. Accessory apartments.	P	C	P	C
Townhouse	C	C	C	C
Multi-family Dwelling	C	C	C	C
GROUP LIVING				
Group Home § 5-3. Group home, home day care.		E	E	
Senior Housing project	C	E	C	E
Continuing Care Retirement Communities	C	C	C	
PUBLIC, CIVIC AND INSTITUTIONAL				
Civic Community Center	P	P	C	C
Fire or Rescue Service	P	C	C	C
Hospital		C	C	
Library, Museum, similar	P	P	P	C
Fraternal organization , Service Club, Private Club	C	P	C	C
Religious assembly, Place of Worship, Parish Hall or Rectory	C	C	C	C
Public or Governmental Building	P	C	C	C
Public/Private Primary or Secondary or Collegiate School	P	C	C	C
Artist, Photographer Gallery, similar	P	P	P	C
Public or non-profit Park and/or Recreational area	P	P	P	P
Cemetery or Memorial Garden	C	C	C	C
UTILITIES AND PUBLIC SERVICE FACILITY				
Municipal Water and Waste Water Treatment Facility	P	P	P	P
COMMERCIAL USE				
Assembly and Entertainment				
Outdoor Recreational Facility	C	C	C	C
Movie, Cinema, Theater	C	C		
Outdoor Commercial Amusement, Indoor Arcade	E	C		
Animal Care and Services				
Animal Care and Services	P	P	C	C
Services				
Group Day Care Center, Nursery School, Preschool		P	P	P
Trade, Vocational, Commercial or Business School	E	P	C	C
Catering Services	P	P	P	C
Business Service Shop	P	P	C	C
Personal improvement service				
Health Spa/Fitness Center/Tanning Salon	P	P	C	C
Salon, Barber	P	P	P	C

§ 4-12. Table of Permitted Uses.

CATEGORY	ZONING DISTRICT			
	TCC	MU	TR	SF
Retail Sales				
Convenience, Grocery, Hardware, Drug	P	P	C	C
Dry Goods Store	P	P	C	C
Shopping Center		C	C	C
Auction House, Sale Barn		P		
Farmer's Market	P	P	P	
Retail Bakery	P	P	C	C
Specialty Retail selling primarily one type of goods	P	P	C	C
Eating and drinking establishments				
Coffee Shop, Ice Cream Shop	P	P	C	C
Restaurant, Class I	P	P	C	C
Restaurant, Class II	P	P	C	C
Tavern, Night Club, Lounge		E	C	C
Consumer maintenance and repair service				
Dry Cleaner (dry cleaning performed off site)	P	P	C	C
Repair Shop, including service/repair such as clocks, jewelry, small appliances, shoe, television and radio and associated storage facility	P	P	C	C
Dry Cleaner(full service)	P	P		
Funeral and mortuary service				
Funeral Home	C	E		
Business support service				
Printing, Publishing	P	P		
Studio, instructional or service				
Studio for Instruction in Dance, Art, Music, similar	P	P	C	C
Financial service				
Bank, Financial Institution	P	C	C	C
Lodging				
Bed and Breakfast	P		P	C
Hotel, Motel		C		
Office				
Health Clinic	C	C	C	C
Professional Office, Business Office (non-medical)	P	P	C	C
Professional Office (medical)	P	P	C	C
Commercial vehicle repair and maintenance				
Agricultural Machinery, Equip. or supplies sales & repair	P	P	C	
Engine and Motor sales and service	P	P	C	
Gasoline Service Station, Auto repair § 5-9	C	C	C	

Large Truck Repair or Service shop	P	P		
Temporary Storage and service of transient Trailers, Camping Trailers,	C	P	C	

§ 4-12. Table of Permitted Uses.				
CATEGORY	ZONING DISTRICT			
	TCC	MU	TR	SF
Touring Vans, etc.				
Commercial vehicle sales and rentals				
Automobile or Boat sales, rental	E	P		
Personal vehicle repair and maintenance				
Small auto, small truck and tractor repair § 5-9	C	C	C	
WHOLESALE, DISTRIBUTION & STORAGE				
Plumbing Shop, Contractor Shop	P	P	C	C
Wholesale Distribution Warehouse, Commercial		P		
Feed and Grain Supply and Storage Facility				
WIRELESS TELECOMMUNICATIONS				
Communication Tower § 5-5.	E	E		C
INDUSTRIAL § 5-4.				
Small Scale Manufacturing and Assembly such as cabinet making, furniture upholstery	P	P	C	
Agricultural Products Processing Plant		E		
Bulk Plant		E		
Utility Building or Facility	E	P		
Fuel Storage over 10,000 Gallons		E		
Lumber Yard, Storage Yard, Stone Monument Dealer		P		
Other General Manufacturing, assembly or light industrial plant and uses		E		
Research and Development Facility		P		
Sawmill, Commercial		E		
Water and/or Waste Water Treatment Supply Facility (non-accessory)		E	E	E
ACCESSORY USE				
Day care home		P	P	
Boarding House, Lodging House	C		C	C
Garage/Yard Sale	P	P	P	P
Home Occupation § 5-6.	C	C	C	C
Outdoor Storage § 5-7.	C	C	C	C
Accessory Buildings or Uses	P	P	P	P
AGRICULTURE				
Agriculture, crop production				P
Agriculture, buildings and structures				P

Community garden			P	P
Indoor plant cultivation, Commercial Greenhouse or Nursery		P		
OTHER				
Emergency Mobile Home	C	C	C	C
Automobile Parking Lot (non-accessory use)	P			
Temporary uses § 5-8.	C	C	C	C
CANNABIS				
Agriculture	C	C	C	C
Commercial	C	C	C	C
Wholesale, Distribution & Storage	C	C	C	C
§ 4-12. Table of Permitted Uses.				
CATEGORY	ZONING DISTRICT			
	TCC	MU	TR	SF
Game Check-in Station	P	P	C	C

ARTICLE V. SUPPLEMENTAL USE REGULATIONS

§ 5-1. General.

- A. This Article contains regulations that supplement the requirements for specific uses found in [§ 4-12](#).
- B. The following conditions and specific standards apply to land uses designated “C” (Conditional) and “E” (Special Exception) in [§ 4-12](#). When applying for a zoning permit, the applicable conditions shall be satisfied during the period of the use and occupancy.

§ 5-2. Accessory apartments.

Accessory apartments are permitted in in the SF and MU districts and subject to the requirements of that district except as herein provided:

- A. 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.
- B. Only one (1) accessory apartment will be allowed per lot.
- C. At least one (1) off street parking space must be provided for the apartment.
- D. 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.
- E. 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.
- F. All design and lot dimension requirements for the underlying zoning district shall be met.
- G. The exterior appearance of the apartment must be compatible with the principal structure.

§ 5-3. Group home, home day care.

Group home, home day care are permitted in the MU and TR districts and subject to the requirements of that district except as herein provided:

- A. The maximum number of residents of the facility shall be eight (8).
- B. In addition to the residents, there shall be a maximum of three (3) full-time non-resident employees on the premises.
- C. 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.

- D. 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. E. No outside storage of equipment shall be permitted.

§ 5-3. Institutional Uses.

Special Exception 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:

- A. 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).
- B. 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.
- C. 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.
- D. 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.
- E. All exterior lights must be directed downward and not produce glare on adjoining residential properties.
- F. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties as described in Article 4, Section 5.
- G. All establishments must adhere to all other State or federal applicable restrictions on use, location and space requirements.
- H. 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.

§ 5-4. Industrial.

Special Exception and Conditional uses categorized as Industrial in [§ 4-12](#) are subject to the following requirements in addition to the requirements of the zoning district where the use is located: A.

The industrial development tract must be at least 20,000 sq. ft. in size.

- B. 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.

- C. 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.
- D. 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.
- E. The manufacture of material or products which decompose by detonation will be limited to five (5) pounds per year.
- F. 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.
- G. 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.
- H. Approval must be obtained from all appropriate local, state, and federal authorities before development may commence.
- I. 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 restrictive.

§ 5-5. Communication Towers.

Communications towers are permitted in the SF provided the minimum lot size on which a communication tower shall be located is five (5) acres.

§ 5-6. Home Occupation.

A home occupation is permitted in the SF **[and TR]** district subject to the requirements of the districts where located, except as herein provided:

- A. The occupation is conducted entirely within the dwelling or accessory building and is clearly secondary to the use of the dwelling for residential purposes.
- B. The occupation uses no more that twenty-five percent (25%) of the dwelling floor area.
- C. In addition to the employed residents, there shall be a maximum of three (3) full-time nonresident employees on the premises.
- D. No outside storage of equipment, materials or items to be repaired or sold shall be permitted.

- E. No article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the services offered.
- F. No display of products may be shown as to be visible from outside the dwelling.
- G. No exterior alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
- H. 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.

§ 5-7. Outdoor Storage.

- A. Outdoor storage is a place in or outside of a building or structure, where goods or supplies are put or stored.
- B. 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.
- C. 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.

§ 5-8. Temporary Uses.

The Planning Commission may authorize a temporary use of a building, structure or premises in any district as follows:

- A. Temporary use, construction - The Planning Commission may permit a temporary buildings and structures, including trailers for uses incidental to construction work having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- B. Temporary use, sales – The Planning Commission may permit one trailer, or the use of one building as a temporary field or sales office in connection with building development. The temporary sales trailer shall be removed at the point in time when all the residential lots have been sold and the sales office is closed. Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.
- C. Temporary use, emergency – An emergency mobile home may be permitted by the Planning Commission in any zoning district 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.”

§ 5-9. Vehicle Repair Services.

Small auto, small truck and tractor repair and gasoline service station and auto repair are permitted in the TCC, MU and TR districts provided 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.

ARTICLE VI DEVELOPMENT REQUIREMENTS

§ 6-1. Lot Size, Bulk and Density Standards.

- A. 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.
- B. Except as may otherwise be provided under the terms of Article IX, Part 5 or [§ 7-14](#) the lot size and building requirements in § 6.2 shall apply to new construction.

§ 6-2. Table of Height, Area Bulk and Density Standards

§ 6.2 . Table of Height Area, Bulk and Density Standards								
		Minimum Lot Requirements	Minimum Lot Dimensions	Minimum Required Yards				Max Density
Zoning District	Maximum Height (ft.)	Lot Area Per Unit (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Front Yard Depth1 (ft.)	Side Yard Width (ft.) 2 required	Rear Yard Depth (ft.)	(Dus/Acre)
SR Single Family Residential								
Detached Single Family	35	9,000	80	100	10	5	10	4
Two Family	35	7,000	60	100	10	5	10	4
Townhouse	35	2,400	20	100	10	5	10	4
Multifamily	35	NA	NA	Na	10	5	10	4
TR Town Residential								
Detached Single Family	35	7,000	60	100	10	5	10	5
Two Family	35	6,000	50	100	10	5	10	5
Townhouse	35	2,400	20	100	10	5	10	5
Multifamily	35	NA	NA	NA	10	5	10	5
TCC Town Center Commercial								
Detached Single Family	35	7,000	60	100	8	5	10	5
Two Family	35	6,000	50	100	8	5	10	5
Townhouse	35	2,400	20	100	8	5	10	5
Multifamily	35	NA	NA	NA	8	5	10	5
Nonresidential	35	NA	NA	NA	8	5	10	NA
MC Mixed Use								

Detached Single Family	35	7,000	60	100	10	5	10	5
Two Family	35	6,000	50	100	10	5	10	5
Townhouse	35	2,400	20	100	10	5	10	5
Multifamily	35	NA	NA	NA	10	5	10	5

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§ 6.2 . Table of Height Area, Bulk and Density Standards								
		Minimum Lot Requirements	Minimum Lot Dimensions	Minimum Required Yards				Max Density
Zoning District	Maximum Height (ft.)	Lot Area Per Unit (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Front Yard Depth ¹ (ft.)	Side Yard Width (ft.) 2 required	Rear Yard Depth (ft.)	(Dus/Acre)
Nonresidential	50	NA	NA	NA	10	5	10	NA
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 eight (8) feet whichever is less								

§ 6-3. 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.
- 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.

§ 6-4. 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.

§ 6-5. 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 ten (10) feet whichever is less; or
 2. There shall be a front yard of at least fifteen (10) 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.

§ 6-6. Structures Permitted Above Height Limit.

- A. 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.

- B. 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.

§ 6-7. Accessory Swimming Pools.

- A. 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.
- B. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.
- C. Fences and other barriers designed to restrict access to the pool shall be provided as required in the Building Code.

§ 6-8. 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 one thousand (1,000) 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.

§ 6-9. 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.

§ 6-10. 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 unless otherwise allowed by the Administrator.

ARTICLE VII. ADMINISTRATION

§ 7-1. Administration and Enforcement.

- A. 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.
- B. Any permit, certificate, or license, issued in conflict with the provisions of this Ordinance, shall be null and void.
- C. It shall be the duty of the Administrator to administer and cause the enforcement of the provisions of this Ordinance.
- D. The Planning Commission shall serve as the Administrator until the appointment of an administrator by the Town Commission.

§ 7-2. 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
- 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; and
- 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.

§ 7-3. 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 Land Use Article, Title 4, 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.

§ 7-4. 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. Fees may include the reasonable cost of the consulting services of an independent engineer, architect, landscape architect, land planner or similar service as may be used to assist the Town in the review of proposed development and improvement plans. These fees shall be provided for in a cost recovery agreement between the Town and the applicant.
- C. 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.
- D. 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.

§ 7-5. Zoning Permit Required.

- A. 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.
- B. No zoning permit shall be issued except in accordance with the provisions of this Ordinance, except after written order from the Board of Appeals.

§ 7-6. Application for Zoning Permit.

- A. All applications for zoning permits shall be accompanied by a plot plan or site plans complying with all the provisions of [§ 7-9](#) or [§ 7-10](#) as applicable.
- B. 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.

§ 7-7. 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 [§ 7-13](#) of this Ordinance.

§ 7-8. Expiration of Zoning Permit.

- A. If the work described in any zoning permit has not begun within six (6) months 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 one (1) year 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.

§ 7-9. Plot Plan Requirements.

Plot plans that are submitted in conjunction with applications for zoning approval shall include all of the following information:

- A. Lot dimensions and total lot area in square feet.
- B. Location and dimensions of all existing structures including sheds, garages, house, deck etc.
- C. Location and area (in square feet) of all impervious surface, (this includes driveways, patios and walkways).
- D. Set back measurements for existing structure as well as setback measurements for proposed structures. (Front yard setback shall be measured from the street right-of-way unless otherwise approved by the Administrator).
- E. Height of all proposed structures.
- F. Location of any easements.

- G. Plot plan drawings are not required to be drawn to scale, however a plot plan drawn to scale will help to expedite the review process.

§ 7-10. Site Plan Review.

- A. Prior to issuing a building permit for construction, expansion or change in use, a plot plan or site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
- B. The purpose of plot and site plans is to assure detailed compliance with applicable provisions of enacted regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved and all required construction permits have been obtained subsequent to such approval.
- C. Applicability. All development or land use activities within the town shall require site plan review before being undertaken except the following which shall require a plot plan unless otherwise determined by the Administrator:
 - 1. Construction or expansion of a single family dwelling, two-family dwelling and ordinary accessory structures, and related land use activities.
 - 2. Ordinary repair or maintenance to existing structures or uses.
 - 3. Exterior alterations or additions to existing structures determined by the Administrator to not require site plan approval.
 - 4. Agricultural or gardening uses.
- D. Site plan applications shall include the information listed in Appendix A for preliminary and final major and minor site plans. The Administrator may at his or her discretion waive any information or preliminary requirements which he or she determine are not relevant to the proposed use and site or only require a plot plan.
- E. The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:
 - 1. Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.
 - 2. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - 3. Location, arrangement, size and design of buildings, lighting and signs.
 - 4. Relationship of the various uses to one another and their scale.
 - 5. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.

6. Adequacy of storm water and sanitary waste disposal.
 7. Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
 8. Compatibility of development with natural features of the site and with surrounding land uses.
 9. Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.
 10. Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
 11. Adequacy of pedestrian access.
 12. Conformity to the *Appendix B Sudlersville Design Guidelines*.
- F. The Planning Commission may attach conditions upon any approval of a site plan, including but not limited to the following:
1. Hours of operation.
 2. Specific performance standards with regard to physical vibration, noise, traffic, water quality, glare and air quality standards.
 3. Visual screening.
 4. Regulation of vehicular traffic, including points of ingress and egress, parking and off/on loading areas.
 5. Signage.
- G. The Administrator may require additional information which appears necessary for a complete assessment of the project.
- H. Major 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.
- I. Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as may be appropriate.
- J. When all required plans and data have been received, and if the Planning Commission finds that a proposed final plan is in accordance with and represents detailed expansion of the preliminary plan heretofore approved, that it is in conformance with the provisions of this chapter and the Subdivision Regulations if applicable, and that it complies with all of the conditions which may

have been imposed in the approval of the preliminary site plan or in the review of the final site plan by the Planning Commission, the Planning Commission shall approve such final site plan within thirty (30) days from the date of the meeting. K. 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 or appropriate town review and approval agencies.
2. The town may require inspection of the improvements.

L. Expiration and Extension

1. Approval of all site plans shall be for a one (1) year period and shall expire at the end of such period unless building construction has begun. Building construction start will be judged based on the following criteria:
 - a. The issuance of a valid building permit; and
 - b. Actual, physical commencement of significant and visible construction pursuant to the building permit, and
 - c. The commencement of construction must be undertaken in good faith with the intention to continue with the construction and to carry it through to completion.
2. Upon written request by the applicant, within thirty (30) days prior to the expiration of said approval, a one (1) year extension may be given by the Planning Commission.
3. Such request shall be acknowledged and a decision rendered thereon not more than fortyfive (45) days after filing of said request.

§ 7-11. 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 [§ 7-12](#) of this Article.

§ 7-12. Complaints Regarding Violations.

- A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint.
- B. The complaint, stating fully the causes and basis of the alleged violation, shall be filed with the Administrator.

C. The Administrator shall record properly such complaint, immediately investigate, and take action on the matter as provided by this Ordinance.

§ 7-13. Penalties for Violation.

A. Generally

1. 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.
2. Each day such violation continues shall be considered a separate offense.
3. 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.
4. 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.

B. 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.

§ 7-14. Administrative Variances.

A. Administrative variances.

1. An administrative variance may be granted by the Planning Commission for:
 - a. A request to vary a setback/yard requirement in a residential district provided no structure or use encroaches closer than one (1) foot to any property line nor result in the construction of a principal structure located within ten (10) feet of another principal structure located on an adjacent property; and
 - b. A minor expansion of a nonconforming structure provided the structure to the following limitations:
 - (1) The expansion encroaches no further than the existing structure into a required setback.
 - (2) The expansion will not enlarge the existing structure by more than 20 percent of the gross floor area existing (**date of adoption of these Administrative Variance provisions).

2. An administrative variance may not be granted for the following:
 - a. Density, minimum lot size and minimum lot width requirements.
 - b. Requirements not related to the location or dimensions of structures, such as number of employees and time of operation. B. Standards for an administrative variance.

The Planning Commission shall approve or deny an administrative variance pursuant to the standards for variances provided below.

1. In order to vary or modify the provisions of this ordinance, the Planning Commission must determine that the application meets all of the criteria in A above.
2. The Planning Commission shall:
 - a. Make written findings, based on competent and substantial evidence, as to whether the applicant has overcome the presumption of nonconformance established in paragraph (1) above; and,
 - b. Base their written findings on evidence introduced and testimony presented by the applicant, the town or any other government agency, or any other person deemed appropriate by the town, with due regard for the person's experience, technical competence, and specialized knowledge.
3. If the Planning Commission finds that the activity or structure for which a variance is requested commenced without permits or approvals and:
 - a. Does not meet each of the variance criteria under this subsection, the Planning Commission shall deny the requested variance and order removal or relocation of any structure and restoration of the affected resources; or
 - b. Does meet each of the variance criteria under this subsection, the Planning Commission may grant approval to the requested administrative variance.
4. The Planning Commission may impose conditions on the use or development of a property which is granted an administrative variance. D. Approval time and notice requirements.
 1. The Planning Commission shall, at least fourteen (14) days before acting on any application for an administrative variance, post on the land or building involved a notice of the application.
 2. The Planning Commission shall send written notice of an application for administrative variance to adjacent property owners by registered, certified or first class mail. The "date of notice" shall be the date the notice is mailed. The notice shall specify that the Planning

Commission will approve or disapprove the administrative variance request not less than twenty one (21) days after the date of notice. If written notice is provided by first class mail, then an affidavit that such notice has been sent must be filed with the application.

3. The notice required to be served upon adjacent property owners shall contain the following information:
 - a. Name and address of the applicant;
 - b. Address and location of the property for which the administrative variance is sought;
 - c. Current zoning of the property for which the administrative variance is sought;
 - d. The administrative variance requested and the reason for the requested administrative variance;
 - e. The application file number; and
 - f. Contact information for the Administrator.
4. If an adjoining property owner objects to the application, in writing, prior to the date the Planning Commission renders the decision on the application, then the application shall be transferred to the Board of Appeals for a decision as provided in [§ Article IX, Part 3](#).

ARTICLE VIII. NONCONFORMING LOTS, STRUCTURES, AND USES

§ 8-1. 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 re-adoption, and which are rendered nonconforming by such adoption, amendment, or re-adoption, 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.
- 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.

§ 8-2. 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.

§ 8-3. Damage to a Nonconforming Structure or Use.

- A. 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.
- B. 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.
- C. Failure to comply with such conditions or restrictions imposed shall constitute a violation of this Ordinance.

§ 8-4. Expansion of or Addition to a Nonconforming Structure or Use.

- A. Except as may be provided for under the terms of Article IX, Part 5 or [§ 7-14](#) 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.
- B. Except as may be provided for under the terms of [§ 7-14](#) no nonconforming use shall be modified, expanded, or enlarged, unless a variance is granted by the Board of Appeals.

ARTICLE IX. BOARD OF APPEALS

PART 1

§ 9-1. 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 Part 3 of this Article.
- 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 Part 2 of this Article.
- C. Authorize, upon appeal in specific cases, a variance from the terms of the Ordinance as provided in Part 5 of this Article.
- 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 Part 4 of this Article.

§ 9-2. Authority and Establishment.

The Board of Appeals is established pursuant to the provision of Title 3, § 4-301 of the Land Use Article Annotated Code of Maryland.

§ 9-3. 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.

§ 9-4. 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 Subtitle 3, § 4-302 Land Use Article 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.

1. 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.
2. The Board shall notify the Town Commissioners, Planning Commission, and Administrator of all decisions and resolutions.

§ 9-5. Hearings; Appeals; Notice.

- A. 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.
- B. The Board of Appeals shall hold a public hearing on each application at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.
- C. All hearing of the Board shall include 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.

§ 9-6. Time Limitations on Board Approvals.

- A. 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.
- B. 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.

§ 9-7. 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 § 4-401 of the Land Use Article, Annotated Code of Maryland.

PART 2 SPECIAL EXCEPTIONS

§ 9-8. Intent.

- A. The development and execution of this Zoning Ordinance are based upon the division of the Town into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.
- B. The intent of this Part is to establish procedures and minimum standards to be used as guidelines for the consideration and authorization of those uses classified as special exceptions under the respective District regulations.
- C. The granting of a special exception does not exempt the applicant from complying with all other requirements of this Ordinance or of the law.

§ 9-9. Initiation of Special Exceptions.

Any property owner or other person with an enforceable legal interest in a property may file an application to use such land for one or more of the special exceptions provided in the zoning district in which the land is located.

§ 9-10. Application for Special Exception.

- A. Such application for special exception shall be filed with the Town Administrator on a form prescribed by the Planning Commission.
- B. The application shall be accompanied by such plans and/or data as necessary, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed use will conform to the standards hereinafter set forth. Such application shall be forwarded from the Town Administrator to the Planning Commission for recommendation to the Board of Appeals for review within forty-five (45) days of receipt of the application by the Town Administrator.

§ 9-11. Hearing on Application.

- A. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.
- B. 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.

§ 9-12. Authorization.

For each application for a special exception, the Board of Appeals shall normally, within ninety (90) days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

§ 9-13. Standards.

No special exception shall be approved by the Board of Appeals unless such Board shall find:

- A. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.
- B. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
- D. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Sudlersville.

- G. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.
- H. Prior to the granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in herein. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

§ 9-14. Effect of Denial of a Special Exception.

No application for a special exception which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

§ 9-15. Complaints.

Notice of complaints received by any representative of the Town concerning the operation of any special exceptions shall be transmitted promptly to the Board which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

§ 9-16. Revocation.

- A. Whenever the Board shall find, in case of any permit heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such Town or state agencies or administrative officers as may be appropriate.
- B. Whenever the Board shall determine that a special exception appears to have been abandoned, that an approved special exception is not initiated within one year after the date of approval, that its annual proof referred to above has not been filed within forth-five (45) days of its due date, or that all of the terms and conditions of its grant are not being complied with, the Administrator shall notify the Board and the Town attorney's office. Upon receipts of notice of such determination by the Board, the Board shall issue an order to show cause why such special exception should not be revoked. Notice thereof shall be given to the party to whom the special exception has been granted and to all parties who would be entitled to receive notice of a new application for special exception concerning the property. The applicant shall have 60 days from the date of written notice of expiration to file an appeal of said notice.

PART 3 APPEALS

§ 9-17. 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.

§ 9-18. 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 [§ 7-6](#) 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.

PART 4 INTERPRETATIONS

§ 9-19. Interpretations of the Board of Appeals.

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.

§ 9-20. 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.

§ 9-21. Determination of Use Categories and Subcategories.

- A. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the Board of Appeals is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the Board of Appeals must consider:
 - 1. the types of activities that will occur in conjunction with the use;
 - 2. the types of equipment and processes to be used;
 - 3. the existence, number and frequency of residents, customers or employees;
 - 4. parking demands associated with the use; and
 - 5. other factors deemed relevant to a use determination.
- B. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the Board of Appeals must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”
- C. If the Board of Appeals is unable to determine the appropriate use category for a proposed use, the Board of Appeals is authorized to classify the use as a prohibited use.

§ 9-22. 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.

§ 9-23. 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.

PART 5 VARIANCES

§ 9-24. 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, 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.

§ 9-25. 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 Part 1 of this Article.
- C. No variance shall be authorized by the Board until a public hearing has been held on it in accordance with the provisions of Part 1 of this Article.

§ 9-26. 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 § 9-26.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 [§ 7-12](#) 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.

ARTICLE X. PARKING AND LOADING

§ 10-1. Off-Street Parking Areas Required.

- A. Off-street parking, loading and unloading facilities shall be required to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either a covered garage space or an uncovered parking lot space located off the public right-of-way.
- B. The net parking space per vehicle shall not be less than nine feet wide and 18 feet long.
- C. Off-street parking and loading areas and the approaches thereto shall be either paved or covered with a durable and dust-free surface approved by the Administrator.

§ 10-2. Applicability.

A. General

Unless otherwise expressly stated, the regulations of this article apply to all districts and uses.

1. New uses and development.

Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

2. Enlargements and expansions.

- a. Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.
- b. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

3. Change of use.

When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, "credit" is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning ordinance, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.

4. Existing.

Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

§ 10-3. Minimum required parking ratios.

- A. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 10-3.B.

Table 10-3.B.		
CATEGORY	USE	MINIMUM PARKING REQUIRED
Household living		
	Single Family Residential Detached	2 spaces per dwelling unit
	Two Family Residential	2 spaces per dwelling unit
	Accessory Apartment	1.5 spaces per dwelling unit
	Townhouse	2 spaces per dwelling unit
	Multi-family Dwelling	2 spaces per dwelling unit
Group living		
	Senior Housing project	Per § 10-6
	Nursing Home, Convalescent Home [Continuing Care Retirement Communities]	1 parking space for each three beds, plus one space for each two employees.
Public, civic and institutional		
	Civic Community Center	1 space per 4 occupants (maximum capacity)
	Fire or Rescue Service	Per § 10-6
	Hospital	Per § 10-6
	Library, Museum, similar	5 spaces per 1,000 sq. ft.
	Fraternal Organization	1 space per 10 members
	Place of Worship, Parish Hall or Rectory	1 space per 8 occupants (maximum capacity)
	Public or Governmental Building	Per § 10-6
	Public/Private Primary or Secondary or Collegiate School	1 space per 5 students plus 1 space per employee
	School, College or University.	
	- Elementary and middle school	0.10 spaces per student
	- High school	0.30 spaces per student
	- College, university	Per § 10-6
	Artist, Photographer Gallery, similar	1 space per 500 square feet GFA
	Parks and Recreation	
	- Park	5 spaces per acre
	- Swimming Pool	10 spaces per 1,000 sq. ft. of water surface
	- Tennis Courts	2.25 per court
	Cemetery or Memorial Garden	Per § 10-6
Utilities and public service facility		

	Municipal Water and Waste Water Treatment Facility	Per § 10-6
	Essential Services	Per § 10-6

Table 10-3.B.		
CATEGORY	USE	MIMUMUM PARKING REQUIRED
	Public Utility	Per § 10-6
Commercial use		
	Assembly and Entertainment	1 parking space for every 200 square feet of gross floor area
	Movie, Cinema, Theater	1 space per 3 seats plus 1 per employee
	Outdoor Commercial Amusement, Indoor Arcade	1 space per 3 seats at maximum capacity plus 1 per employee
	Indoor Recreational facility	1 space per 3 seats plus 1 per employee
Services		
	Animal Services	2 spaces per examination table
	Group Day Care Center, Group Home, Nursery School, Preschool	2 spaces per 1,000 sq. ft., plus 1 drop-off/pickup space per 1,000 sq. ft.
	Trade, Vocational, Commercial or Business School	1 space per 5 students
	Catering Services	1 space per 300 square feet
	Business Service Shop	1 space per 400 square feet GFA
Personal improvement service		
	Health Spa/Fitness Center/Tanning Salon	1 space per 300 square feet GFA
	Salon, Barber	1 space per 250 square feet GFA
	Retail Sales (except for the following uses)	3.50 spaces per 1,000 square feet
	Food market and grocery stores over 20,000 square feet	4.5 spaces per 1,000 square feet
	Convenience, Grocery, Hardware, Drug	1 space per 300 square feet GFA
	Dry Goods Store	1 space per 400 square feet GFA
	Shopping Center	1 space per 300 square feet GFA
	Auction House, Sale Barn	1 space per 3 seats in assembly rooms
	Farmer's Market	1 space per 3 seats in assembly rooms
	Retail Bakery	1 space per 300 square feet GFA
	Specialty Retail selling primarily one type of goods	1 space per 500 square feet GFA

	Eating and Drinking Establishments (except for the following uses)	1 parking space for every three seats
	Carry-out restaurant	1 parking space for each 50 feet of gross floor area, plus one space for each two employees.
	Coffee Shop, Ice Cream Shop	1 space per 300 square feet GFA
	Tavern, Night Club, Lounge	1 space per 3 patrons at maximum capacity
Consumer maintenance and		

Table 10-3.B.		
CATEGORY	USE	MINIMUM PARKING REQUIRED
repair service		
	Dry Cleaner (dry cleaning performed off site)	1 space per 400 square feet GFA
	Dry Cleaner(full service)	1 space per 400 square feet GFA
	Repair Shop, including service/repair such as clocks, jewelry, small appliances, shoe, television and radio and associated storage facility	
Funeral and mortuary service		
	Funeral and Mortuary Service	12.5 spaces per 1,000 sq. ft.
Business support service		
	Printing, Publishing	1 space per 500 square feet GFA
Studio, instructional or service		
	Studio for Instruction in Dance, Art, Music, similar	1 space per 5 students
Financial service		
	Bank, Financial Institution	1 space per 300 square feet GFA
Lodging		
	Bed and Breakfast	1 space per guest room and two spaces for the owner-occupant.
	Hotel, Motel	1 parking space for each guest room plus 1 space per employee
Office		
	Health Clinic	2 spaces per examining table plus 1 space per employee
	Professional Office, Business Office (non-medical)	1 space per 300 square feet GFA
	Professional Office (medical)	
	Medical, Dental and Health Practitioner	6 parking spaces for each professional, plus one space for each employee.

Commercial vehicle repair and maintenance		
	Agricultural Machinery, Equip. or supplies sales & repair	1 space per 300 square feet GFA
	Engine and Motor sales and service	1 space per service bay plus one per employee
	Gasoline Service Station, Auto repair	1 space per pump, 1 space per bay, plus 1 space per employee
	Large Truck Repair or Service shop	1 space per service bay plus one per employee
	Temporary Storage and service of transient Trailers, Camping Trailers, Touring Vans, etc.	Per § 10-6

Table 10-3.B.		
CATEGORY	USE	MIMUMUM PARKING REQUIRED
	Commercial vehicle sales and rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
	Automobile or Boat sales, rental	1 space per 300 square feet GFA
	Personal vehicle repair and maintenance	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
	Small auto, small truck and tractor repair	1 space per service bay plus one per employee
Wholesale, distribution & storage		
	Plumbing Shop, Contractor Shop	1 space per 500 square feet GFA
	Wholesale Distribution Warehouse, Commercial	1 space per 500 square feet GFA
	Feed and Grain Supply and Storage Facility	Per § 10-6
Wireless telecommunications		
	Communication Tower	Per § 10-6
Industrial		
	Small Scale Manufacturing and Assembly such as cabinet making, furniture upholstery	2 per employee
	Agricultural Products Processing Plant	Per § 10-6
	Bulk Plant	Per § 10-6
	Utility Building or Facility	Per § 10-6

	Fuel Storage over 10,000 Gallons	Per § 10-6
	Lumber Yard, Storage Yard, Stone Monument Dealer	1 space per 500 square feet GFA
	Other General Manufacturing, assembly or light industrial plant and uses	Per § 10-6
	Research and Development Facility	Per § 10-6
	Sawmill, Commercial	Per § 10-6
	Water and/or Waste Water Treatment Supply Facility (nonaccessory)	1 space per 500 square feet GFA
Accessory use		
	Family Day Care Center	1 space per employee plus 2 spaces for residence

Table 10-3.B.		
CATEGORY	USE	MIMUMUM PARKING REQUIRED
	Boarding House, Lodging House	2 parking spaces, plus one parking space per rented room
	Garage/Yard Sale	NA
	Home Occupation	1 parking space plus 2 spaces for the residence
Agriculture		
	Commercial Greenhouse or Nursery	1 space per 500 square feet GFA
Other		
	Emergency Mobile Home	Per § 10-6
	Automobile Parking Lot (nonaccessory use)	NA
	Temporary Structure incidental to Construction	NA
	Game Check-in Station	NA

§ 10-4. Calculation of required parking.

The following rules apply when calculating the required number of off-street parking spaces: A.

Multiple uses.

Unless otherwise expressly allowed in accordance with the shared parking regulations of § 103.B, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot. B. Fractions.

When measurements of the number of required spaces result in a fractional number, any fraction of less than one-half (0.5) is rounded down to the next lower whole number, and any fraction of one-half (0.5) or more is rounded up to the next higher whole number. C. Area measurements.

Unless otherwise expressly stated, all area-based (square footage) parking standards must be computed based on the sum of the gross horizontal areas of a building devoted to a use requiring off-street parking. The following areas are not counted as floor area for the purpose of calculating off-street parking and loading requirements: floor space devoted primarily to the housing of mechanical or electrical equipment, elevator shafts, stairwells, storage (except as otherwise noted), commercial kitchen areas, ramps, aisles, and maneuvering space devoted to off-street parking or loading facilities, or basement floor space unless the basement area is devoted to merchandising activities, the production or processing of goods, business or professional offices or dwelling uses. D. Bench seating.

Each 20 inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements. See Figure 104.D.

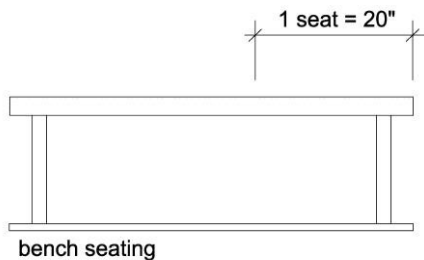


Figure 10-4.D: Bench Seating Measurement

E. Occupancy- or capacity-based standards.

For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on occupancy standards established by the building code.

F. Flexibility in administration required.

1. The Town recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth herein may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
2. Without limiting the generality of the foregoing, the Planning Commission may allow deviations from the parking requirements set forth herein when it finds that:
 - a. A residential development is irrevocably oriented toward the elderly;
 - b. The proposed development is an infill or redevelopment project located in the CR Community Redevelopment District; or
 - c. A business is primarily oriented to walk-in trade.
3. Whenever the Planning Commission allows or requires a deviation from the parking requirements set forth herein, it shall enter on the face of the zoning certificate and/or site plan the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
4. If the Planning Commission concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by § 10-3 for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements.

§ 10-5. 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 offstreet 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.

§ 10-6. Unlisted uses and establishment of other parking ratios.

- A. The Planning Commission is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted.
- B. Such ratios may be established on the basis of a similar use/parking determination (as described in § 10-3), on parking data provided by the applicant or information otherwise available to the Planning Commission.
- C. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations (e.g., Institute of Transportation Engineers (ITE) or American Planning Association [APA]). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.]

§ 10-7. Location of off-street parking.

- A. General.

Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.

- B. Setbacks.

Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks of the subject zoning district.

- 1. Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway. Driveways must be improved with a hard, dustless material approved by the Administrator.
- 2. Nonresidential parking areas shall be located at least 10 feet from every street line and six (6) feet from every residential lot line. C. Off-site parking.
 - 1. When Allowed. All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and parking required for residential uses may not be located off site.
 - 2. Location. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the farthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit the principal use to be served by the off-site parking spaces, unless approved as a special exception.

3. Design. Off-site parking areas must comply with all applicable parking area design and parking lot landscape regulations of this zoning ordinance and conform to the Appendix B Sudlersville Design Guidelines to the maximum extent practical as decided by the Planning Commission.
4. Control of off-site parking area. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided, in a form approved by the town attorney, guaranteeing the longterm availability of the parking, commensurate with the use served by the parking. Offsite parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

§ 10-8. Use of off-street parking areas.

- A. Off-street parking facilities may not be used for the parking of vehicles for the purpose of displaying the same for sale unless the principal use of the property on which the parking facility is located is the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential-zoned property from displaying vehicles for sale on the property's off-street parking facilities provided the vehicle is owned by the owner or occupant of the residential property. Except for flagrant or repeated violations, the town will endeavor to obtain voluntary compliance with the restrictions on displaying cars for sale prior to initiation of enforcement proceedings.
- B. No vehicle repair or service of any kind shall be permitted in conjunction with off-street parking facilities in a residential or business zoning district, except for minor repairs or service on vehicles owned by an occupant or resident of the premises. The sale of gasoline and motor oil in conjunction with off-street parking facilities is not permitted in any residential zoning district.

§ 10-9. Parking of recreational vehicles and equipment.

- A. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the required front yard setbacks.
- B. Notwithstanding the regulations of § 10-8A, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard, in the street yard if stored on a driveway, or on an adjacent street provided that the Administrator is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding ten (10) days in aggregate (which may or may not be consecutive) within any period of thirty (30) consecutive days.

- C. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.
- D. The recreational vehicle, recreational equipment, or utility trailer must be properly licensed.
- E. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground so as to prevent its ready removal.
- F. No parked or stored recreational vehicle may be used for living, sleeping or business purposes.

§ 10-10. Parking area design.

- A. Tandem and valet parking arrangements.

Parking areas must be designed and constructed to allow unobstructed movement into and out of required parking spaces without interfering with fixed objects or vehicles except in the case of allowed tandem parking which may be used to satisfy residential parking requirements if the tandem spaces are assigned to the same dwelling unit. B. Stall sizes and parking lot geometrics.

- 1. Off-street parking areas must be designed and constructed in accordance with the regulations of Table 10-10.B.2. See also Figure 10-10.B2.

Table 10-9.B.2 Parking area dimensions.

	Angle of Parking			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	33 (middle), 24 (ends)	18	19	18
Aisle Width (feet)	14 (one-way), 24 (two way)	14	15	24
Module Width (feet)		50	53	60
Note: Dimensions must be measured from the centerline of the strip delineating the space.				

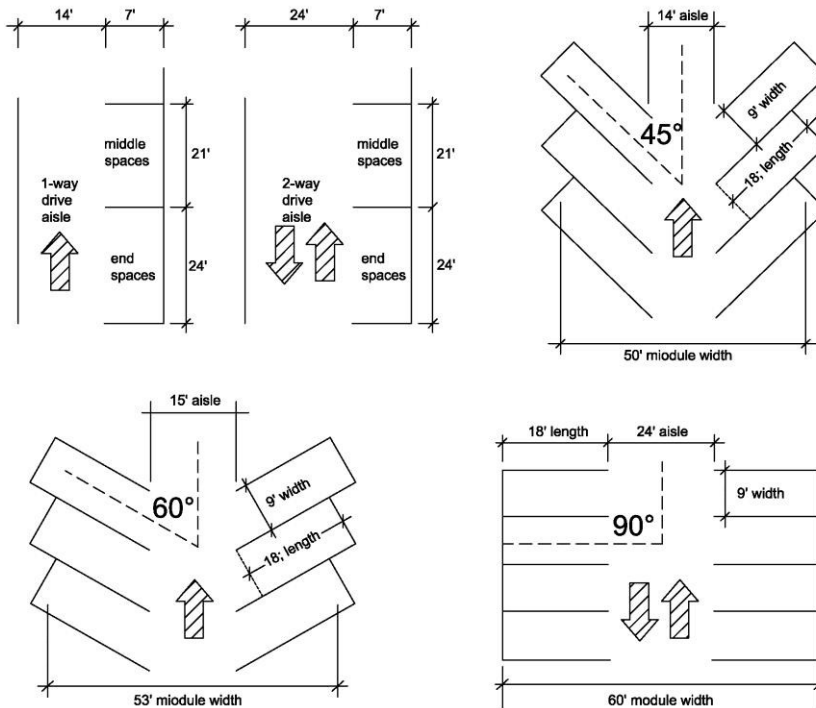


Figure 10-10.B.2: Parking Area Dimensions C.

Striping.

In all parking lots containing 5 or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted with the standard ADA white symbol on blue background. See Figure 10-10.C.

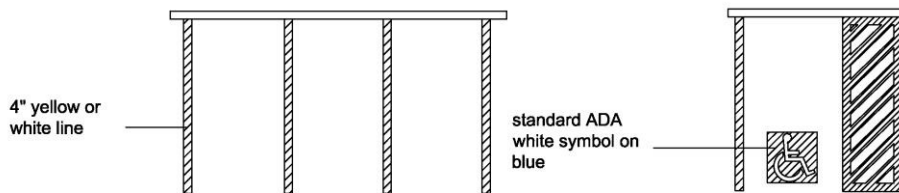


Figure 10-10.C: Parking Lot Markings D.

Surfacing.

All outdoor parking spaces must be properly engineered and improved with a compacted stone base and surfaced with asphaltic concrete, or other comparable all-weather, dustless material approved by the Administrator. E. Wheel Stops.

In all parking lots containing 5 or more parking spaces, wheel stops must be installed where necessary to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas. F.

Curb and gutter.

Combination concrete curb and gutter or concrete barrier curbs are required around the perimeter of all parking lots containing 5 or more parking spaces and around all landscape islands and divider medians. Alternatives to curb and gutter that comply with the town's best management practices for stormwater management may be approved at the sole discretion of the

Administrator. G. Landscaping.

All off-street parking lots containing 5 or more spaces must be landscaped in accordance with Article XII.

J. Access.

1. Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space.
2. All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.
3. No driveway serving a detached house, attached house or two-unit house across public property or requiring a curb cut may exceed sixteen (16) feet in width, excluding any flared pavement portion, as measured at the lot line. See Figure 10-9.J.

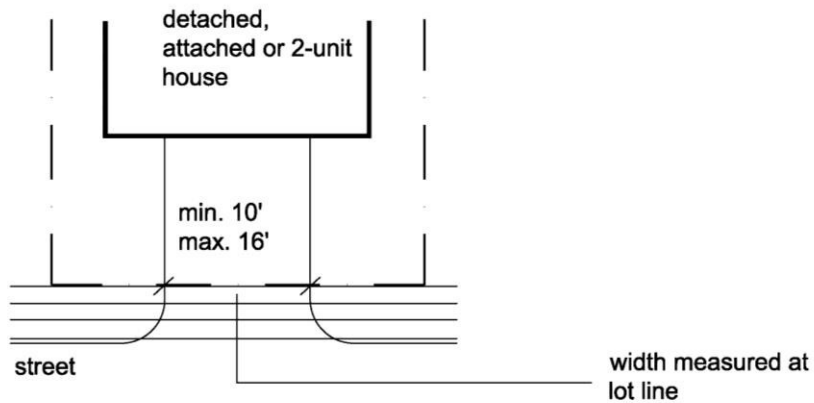


Figure 10-10.J: Driveway width

4. All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Administrator.

- 5. All driveways must be improved with an all-weather, dustless material approved by the Administrator.

§ 10-11. Accessible parking for people with disabilities.

- A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Maryland Accessibility Code. B. Accessible spaces must be provided in accordance with Table 10-11.B.
- C. Accessible parking spaces count towards the total number of parking spaces required.
- D. Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. See Figure 10-11.D.

Table 10-11.B: Minimum accessible parking space ratios.

Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20% of total
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

- E. Accessible parking spaces must be signed in compliance with applicable State law and must identify the current fine amount for violations. The sign must be fabricated to be 2 separate panels; one for the disability symbol and one for the current fine amount as established by the town.

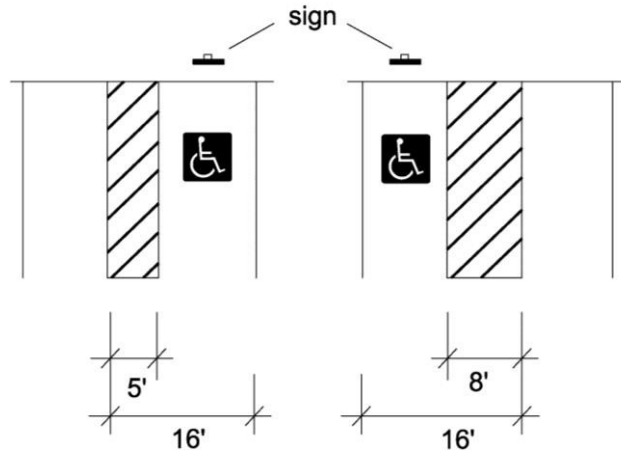


Figure 10-11.D: Accessible Parking Spaces

- F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

§ 10-12. Drive-through and drive-in facilities.

A. Purpose.

The regulations of this section are intended to help ensure that:

1. there is adequate on-site maneuvering and circulation area for vehicles and pedestrians;
2. vehicles awaiting service do not impede traffic on abutting streets; and
3. impacts on surrounding uses are minimized.

The regulations apply to new developments, the addition of drive-through and drive-in facilities to existing developments and the relocation of existing drive-through facilities. C. Stacking spaces required.

Stacking lanes must be provided in accordance with the minimum requirements of Table 10-12.C.

Table 10-12.C: Stacking Space Requirements

Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	8 total spaces, with at least 3 spaces between the order and pick-up station
Other	3 spaces per lane, ordering station or machine

D. Stacking lane dimensions, design and layout.

- Stacking lanes must be designed so that they do not interfere with parking movements or safe pedestrian circulation. Stacking lanes must have a minimum width of 10 feet.
- All stacking lanes must be clearly identified, through such means as striping, landscaping, pavement design, curbing and/or signs. E. Setbacks.

Stacking lanes must be set back at least 50 feet from any abutting residential zoning district and at least 25 feet from all other lot lines.

F. Noise.

Sound attenuation walls, landscaping or other mitigation measures may be required to ensure that drive-through facilities will not have adverse noise-related impacts on nearby residential uses. G. Site plans.

Site plans must show the location of drive-through windows and associated facilities (for example: communications systems and access aisles), as well as adjacent residential uses.

§ 10-13. Off-street loading.

A. Minimum ratios.

Off-street loading spaces must be provided in accordance with Table 10-13.A.

Table 10-13.A: Off-street loading space requirements.

Use Type	Minimum Loading Spaces Required
Multi-unit or Mixed-use residential	
Under 60 units	None
60+ units	1 space per 60 units
Nonresidential	
Under 20,000 square feet	None
20,000 to 99,999 square feet	1

100,000 plus square feet	1 space per 100,000 square feet
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B. Design and location.

1. Off-street loading spaces must be at least 12 feet in width and 50 feet in length unless offstreet loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 35 feet in length, in which case the minimum size of a loading space is 12 feet by 55 feet. All loading spaces must have a minimum vertical clearance of 14 feet.
2. All loading spaces must be located on the subject lot and include sufficient maneuvering space to prevent interference with pedestrian or vehicular circulation on the subject site and on public streets and sidewalks, as determined by the Administrator.
3. Off-street loading spaces may occupy all or any part of any required yard, except a front yard. Nonresidential off-street loading spaces shall be located at least 15 feet from every street line and six feet from every residential lot line. The edges of the loading spaces shall be curbed or buffered, and the space between the off-street loading area and the street or lot line shall be landscaped and maintained in a sightly condition.
4. All off-street loading areas must be properly engineered and improved with an allweather, dustless surface approved by the Administrator.
5. Plans for the location, design and construction of all loading areas are subject to approval by the Administrator.
6. Loading spaces may not be used to satisfy off-street parking requirements or for the conduct of vehicle repair or service work of any kind.

ARTICLE XI SIGNS

§ 11-1. 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.

§ 11-2. Applicability.

- A. 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.

- B. 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.
- C. These regulations do not apply to a sign 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.

§ 11-3. 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.

§ 11-4. 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.

§ 11-5. 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 thirty-two (32) square feet in area except as provided in the § 11-10.
- 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.

§ 11-6. 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.

§ 11-7. Area of Sign.

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

§ 11-8. Master Signage Plan.

- A. A master signage plan shall be required for all commercial businesses, proposed shopping centers, industrial park, institutional or industrial development. No permit shall be issued for an individual sign requirement a permit unless and until a Master Signage Plan has been approved by the Planning Commission.
- B. Information required. A Master Signage Plan shall contain the following information:
 - 1. An accurate plot plan of the proposed development site, at such scale as the Zoning Administrator may reasonably require.
 - 2. Location of buildings, parking lots, driveways, and landscaped areas;
 - 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs and banners allowed on the zone lot(s) included in the plan;
 - 4. Sign plans and, if requested, photo simulation of the signs in the proposed location; and
 - 5. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

- C. Proposed standards for consistency among all signs affected by the Master Signage Plan with regard to:
1. Color scheme;
 2. Lettering or graphic style;
 3. Lighting;
 4. Location of each sign on the buildings;
 5. Material; and
 6. Sign proportions.
- D. No sign permit shall be issued for a sign included in a master signage plan that does not conform to the standards of the master signage plan. A master signage plan may be amended at any time.

§ 11-9. Signs in the SF and TR Districts.

Signs permitted in the SF and TR districts 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 [§ 11-11](#). 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 § 11-9. 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 11-10.A. I. The maximum sign area for these districts is twelve (12) square feet.

§ 11-10. Signs in the TCC, MU, PN and PED Districts.

Location, size, height of signs must follow the regulations listed in “Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts,” except for signs in the SF and TR district which must adhere to Section § 11-9 of this Article.

Version 6-20-16

Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts							
Type of Sign	Max. Number Allowed per Use	Max. Sign Area Allowed (sq.ft.)	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 permitted
Political	(a)	16	4	No	No	see § 11-3.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
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 permitted
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
Home Occupation Identification	1	4	6	No	No	None	All Districts

Construction Site- Identification of Architect, Engineer, Contractor	1	16	6	No	No		All Districts
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Table 11-10.A: Permitted Signs in Sudlersville Zoning Districts							
Type of Sign	Max. Number Allowed per Use	Max. Sign Area Allowed (sq.ft.)	Max. Height	Illumination Permitted	Permit Required	Time Limit	Zoning District Allowed
Freestanding Signs - Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	48	6	Yes	Yes	None	TCC, MU, PN
Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	64	6	Yes	Yes	None	PED
Permitted Business, Commercial, Industrial Establishments (except Home Occupations)(b)	(a)	16	6	Yes	Yes	None	TR, PN
* 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.							

§ 11-11. Variances.

A person requesting a variance from the provisions of this Article must follow the procedure described in Article IX, Part 4 of the Zoning Ordinance.

§ 11-12. Sign Definitions.

The purpose of this Section is to define certain terms and words pertaining to signs.

Abandoned Sign - A permitted sign which was erected on property in conjunction with a particular use which use has been discontinued for a period of thirty days or more, or a permitted temporary sign for which the permit has expired.

Accessory Sign - A sign relating only to uses of the premises on which the sign is located or products sold on the premises on which the sign is located or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located.

Banners, Flags, Pennants, And Balloons - Any animated, rotating, fluttering, or non-stationary device made of flexible materials designed to attract attention.

Detached Sign - A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall not a part of a building, shall be considered a detached sign.

Double-Faced Sign - A sign with two faces, back to back, which are usually, but not necessarily, parallel, and located not more than 24 inches from each other.

Existing Sign - Any sign that was erected, mounted, or displayed prior to the adoption of this Zoning Ordinance.

Facade - The entire building wall, including parapet, fascia, windows, doors, canopy, and roof on any street-facing elevation.

Flashing Sign - An illuminated sign on which the artificial or reflecting light is not maintained stationary and constant in intensity and color all times when in use. Any sign that revolves or moves, whether illuminated or not, shall be considered a flashing sign.

Flat Sign - A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 18 (eighteen) inches at all points.

Illuminated Sign - Any sign designed to give forth artificial light, reflect light from another source, or back-lighted by spot lights or flood lights not a part of or attached to the sign itself.

Indirectly Illuminated Sign - A sign which does not produce artificial light from within itself but which is opaque and back lighted or illuminated by spotlights or floodlights not a part of or attached to the sign

itself or a sign of translucent nontransparent material illuminated from within but with no exposed or exterior bulbs, tubes or other light source.

Marquee - A covered structure projecting from and supported by the building, with independent roof and drainage provisions, and which is erected over a doorway or doorways as protection against the weather.

Marquee Sign - Any sign attached to or hung from a marquee.

Mural Sign - An expression of public art painted directly on the exterior of a building or on a backing that is affixed to the building and is sanctioned by the property owner.

Nonconforming Sign - Any sign which has a valid permit, was erected or displayed prior to the effective date of this Article or any subsequent amendment hereto, and does not conform with the provisions of this Article.

Portable Sign - Any sign which is not permanently affixed to a building, structure, or the ground, or which is attached to a mobile vehicle.

Projecting Sign - A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure. The term projecting sign includes a marquee sign.

Seasonal/Holiday Sign - A sign, used for emphasizing the celebration of a local or historic American holiday, which is erected for a limited period of time.

Sign - Any letters, figures, design, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, or merchandise, whatsoever for advertisement, announcement, identification, description, or direction purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes.

Sign Area - The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Sign Height- The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In

cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

Temporary Sign - Any sign or information transmitting structure intended to be erected or displayed for a limited period.

Window Sign - Any sign which is painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within a distance equal to the greatest dimension of the window if obviously intended for viewing from the exterior.

Window Sign, Temporary - A window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to, sign for sales, specials, going out of business, and grand openings.

ARTICLE XII. LANDSCAPING AND ENVIRONMENTAL PROTECTION

Part 1 Landscaping and Screening Requirements

§ 12-1. Purpose and Intent.

- A. 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.
- B. 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.

§ 12-2. Applicability.

The provisions of this Article shall apply to all development where major site plans are filed in accordance with the provisions of [§ 7-9](#) and to all public and private parking facilities.

§ 12-3. Landscaping Requirements.

- A. A land plan shall be submitted as part of every site plan required by the provisions of [§ 7-9](#).
- B. The landscaping plan shall include sufficient information to demonstrate the function and intent of the landscaping to be provided and its suitability for the zoning district in which it is located and the project for which it has been designed. The landscaping plan shall at the minimum include the following:
 - 1. The location, general type, size and quality of existing vegetation, including specimen trees and existing significant trees.
 - 2. The existing vegetation to be retained.
 - 3. The methods and details for protecting existing vegetation during construction and the approved sediment and erosion control plan, if available.
 - 4. Location and variety of the proposed vegetation.
 - 5. Plant lists or schedules with the botanical and common name, required and proposed quantities, spacing, height and caliper of all proposed landscape material at the time of planting and at maturity.

6. The location and description of other landscape improvements, such as earthen berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
 7. Planting and installation details as necessary to ensure conformance with all required standards.
 8. A maintenance plan describing irrigation, pruning, replacement of dead material and other care procedures.
- B. The landscaping measures shall be completed according to specifications in the landscape plan prior to final approval of any zoning permit unless otherwise permitted by the Administrator.

§ 12-4. 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 site plans are filed in accordance with the provisions of [§ 7-9](#) 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 inter-planted over-story 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 over-story trees planted in a center row and two (2) to three (3) foot understory trees and shrubs on outside rows.

§ 12-5. 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.

§ 12-6. Internal Landscaping of Surface Parking Facility.

- A. 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.
- B. Planting area should be wide enough to protect the trees from a vehicle's swinging doors and bumper overhang.

§ 12-7. 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.

§ 12-8. 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.

§ 12-9. 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.

§ 12-10. Fences, Walls and Hedgerows.

- A. Fences and walls do not require a Zoning Permit.
- B. Fences and walls are not subject to building setback requirements from public ways and adjoining lots.
- C. No fence or wall of over four (4) feet may project into or enclose any required front yard. No fence or wall more than eight (8) feet in height may project into or enclose any required side or rear yard.

- D. Fences and walls shall comply with [§ 6-10](#) of this Article regarding visibility at street intersections.

§ 12-11. Waiver or Modification.

The Planning Commission 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.

Part 2 Natural Resources and Sensitive Areas Protection

§ 12-12. Purpose.

- A. 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.

- B. 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. C. 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.

§ 12-13. General.

- A. 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.
- B. 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.

§ 12-14. 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 a 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 § 12-15 of this Article. 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.

1. 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.
2. 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.
3. 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.

§ 12-15. 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 inter-planted over-story 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 over-story 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.

§ 12-16. 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.

§ 12-17. 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.

ARTICLE XIII AMENDMENTS

§ 13-1. 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 § 4-204 of the Land Use Article, Annotated Code of Maryland.

§ 13-2. 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.

1. 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.
2. On receipt of said petition, the Town Clerk shall transmit a copy of the petition to the Planning Commission.
3. Within sixty (60) days following a public hearing as provided in § 13-3 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.
4. 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.

§ 13-3. 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.

§ 13-4. Rezoning Findings.

- A. 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:
 - 1. Population change
 - 2. Availability of public facilities
 - 3. Present and future transportation patterns
- B. 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.
- C. 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.
- D. 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.

§ 13-5. Amendments for floating zones.

The provisions of this Article regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.

§ 13-6. 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.

ARTICLE XIV 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.

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.

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.

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.

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.

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.

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 home - 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 eight (8) 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 - 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 nine (9) 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: (a) attic space providing headroom of less than seven feet; (b) basement space not used for retailing; (c) uncovered steps or fire escapes; (d) accessory water towers or cooling towers; (e) accessory off-street parking spaces; and (f) 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 - (1) liquid or gaseous petroleum, (2) explosives, (3) 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 (4) 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.

Infill - The development of vacant, abandoned, passed over or underutilized land within built-up areas of Town.

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 from a public or private access way 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 -

- (1) Mobile Home- Any vehicle or similar portable structure with any or all of the following characteristics:

- (a) 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;
 - (b) 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;
 - (c) Designed to be installed as a single-wide or double-wide unit with only incidental unpacking and assembling operations.
- (2) 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, continuing care retirement communities, 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 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. Term includes “religious assembly”.

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 Title 2, Subtitle 1 of the Land Use Article, Annotated Code of Maryland.

Plot plan - an accurate drawing or map of your property that shows the size and configuration of your property and the size and precise location of most man-made features (i.e. buildings, driveways, utility lines and walls or fences) on the property.

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.

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

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 premise 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.

APPENDIX A BASIC INFORMATION REQUIRED ON SITE PLAN PERMIT APPLICATIONS

NOTE: All plats and plans must be clear and legible. Incomplete plats will be returned to the applicant for completion and re-submission

Item#	DESCRIPTION	Minor Site Plan	Development Stage	
			Major Site Plan	
			Prelim.	Final
I.	PROJECT-PLAT INFORMATION			
1	Name, address of owner, applicant, developer and lienholder, date of application.	X	X	X
2	Name and address of engineer, land surveyor architect, planner, and/or landscape architect, as applicable, involved in document preparation.	X	X	X
3	Date of survey.	X	X	X
4	Seal, signature and license number of engineer, land surveyor, architect, and/or landscape architect, as applicable involved in document preparation. Each sheet must have a surveyor's seal.	X	X	X
5	Title block denoting name and type of application, tax map sheet, block and lots, parcel, and street location.	X	X	X
6	A vicinity map at a specified scale (no smaller than 1"=200') showing location of the tract with reference to surrounding properties, streets, landmarks, streams, etc. Show all of the property owned according to the Tax Map(s) if only part of the property is to be developed.	X	X	X
7	Existing and proposed zoning of tract and adjacent property from Official Zoning Map.	X	X	X
8	Adjacent property owners, names, Liber and Folio.	X	X	X
9	Title, north arrow and scale (1"=100').	X	X	X
10	Appropriate signature block for planning and zoning commission chairman, and the health department.	X	X	X
11	Appropriate certification blocks.	X		X
12	Certification and dedication by the owner or owners to the effect that the subdivision as shown on the final plat is made with his or her consent and that it is desired to record same.	X		X
13	Monumentation, location and description.	X		X
14	Standardized sheets 18"x24" (final - black ink on mylar).	X	X	X
15	Metes and bounds survey showing dimensions, bearings, curve, data, length of tangents, radii, arc, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets, datum and benchmark, primary central points. (Boundary of proposed subdivision can be a deed plot).	X	X	X
16	Acreage of tract to the nearest thousandth of an acre.	X	X	X
17	Date of original and all revisions.	X	X	X
18	Size and location of any existing or proposed structures with all setbacks dimensioned. Include storm drains, culverts, retaining walls, fences, stormwater management facilities, sediment and erosion structures.	X	X	X
19	Number of dwelling units if applicable	X	X	X

20	Location, dimensions, bearings, names of any existing or proposed roads or streets. The location of pedestrian ways, driveways. Right of way widths.	X	X	X
21	All proposed lot lines (width and depth) and area of lots in square feet, number	X	X	X

Item#	DESCRIPTION	Minor Site Plan	Development Stage	
			Major Site Plan	
			Prelim.	Final
	of lots, lot numbers.			
22	Location and type of utilities.	X	X	
23	Copy and/or delineation of any existing or proposed deed restrictions or covenants.	X	X	
24	References to protective covenants governing the maintenance of undedicated public spaces or reservations.	X		X
25	Location and size of proposed play grounds, and other public use areas.		X	X
26	Any existing or proposed easement (drainage and utility) or land reserved for or dedicated to public use. Location, dimensions of proposed reservations, right of ways, open space, buffers, forested areas along with means by which these areas will be permanently maintained.	X	X	X
27	Statement of owner dedicating streets, right-of-way, and any sites for public use.	X		X
28	Total number of off-street parking spaces including ratio and number of units per space.	X	X	
29	List of required regulatory approvals/permits.	X	X	X
30	List of variances required or requested.	X	X	X
31	Requested or obtained design waivers or exceptions.	X	X	X
32	Payment of application fees.	X	X	X
33	Total area of the site that will be temporarily and/or permanently disturbed.	X	X	
II.	SETTING-ENVIRONMENTAL INFORMATION			
34	All existing streets, water courses, flood plains wetlands, or other environmentally sensitive areas on or adjacent to the site.	X	X	
35	Existing rights-of-way and/or easements on or immediately adjacent to the tract.	X	X	X
36	Topographical features of subject property from USGS map or more accurate source at 2'-5' intervals, 50' beyond the boundary, with source stated on maps.		X	
37	Field delineated or survey topo.	X		X
38	Forest Stand Delineation (If required).	X	X	
39	Existing system of drainage of subject site and adjacent sites and of any larger tract or basin of which it is a part.	X	X	X
40	A 100 Year Flood Plain based on FEMA maps.	X	X	X
42	Tidal and non-tidal wetland delineation based on NWI maps and field review.	X	X	
43	Non-tidal wetlands identification based on field delineation/determination.			X
44	Soil types based on Soil Survey.	X	X	
45	Traffic Impact Study, as required.		X	

III.	PLATS, IMPROVEMENT PLANS, AND CONSTRUCTION INFORMATION			
46	Subdivision Plat meeting requirements of Subdivision Regulations if applicable.	X		X
47	Grading and drainage plans including roads, drainage ditches, sediment basins, and berms.	X	X	X
48	Existing and proposed contour intervals	X	X	X
49	Existing and proposed utility infrastructure plans and profiles including sanitary sewer, water, storm drainage and stormwater management.	X	X	X
			Development Stage	
			Major Site Plan	
Item#	DESCRIPTION	Minor Site Plan	Prelim.	Final
50	Grades and sizes of sanitary sewers and waterlines.	X	X	X
51	Direction and distance to water and sewer if not available on or adjacent to the site with invert and elevation of sewer.	X	X	
52	Location of fire hydrants.		X	X
53	Construction details as required by ordinance.	X		X
54	Stormwater Management Plan.	X	X	X
55	Soil Erosion and Sediment Control Plan.	X	X	X
56	Lighting plan and details, as required.			X
57	Landscape plan and details.	X	X	X
58	Forest Conservation Plan		X	X
59	Preliminary architectural plans and elevations.		X	X
60	Required County, State, and/or Federal or approvals, e.g., State Highway Administration, County Public Works, Army CORPS of Engineers, DNR Wetlands Permit/License, MDOE Quality Certification, MDOE sanitary construction permit, local Health Department approvals.	X		X
61	Public works agreement and surety instruments.			X

APPENDIX B: SUDLERSVILLE DESIGN GUIDELINES

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 wellbeing 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; and
- G. Achieve the purposes of this Ordinance and promote implementation of the Town's Comprehensive Plan.

Applicability

Except where specifically noted, these provisions should apply to all development and redevelopment where site plan review is required in accordance with the provisions of this Ordinance, for infill and redevelopment projects reviewed under the provisions of [§ 3-8](#) and for Planned Development projects review under the provisions of [§ 3-5](#) and [§ 3-6](#).

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.

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 should emphasize the vertical rather than the horizontal.
- B. Large disparities between the height, width, and length of a building should be avoided.
- C. Buildings, accessory structures, and signs should 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 should 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 should be designed to promote a pattern of closely spaced buildings with multiple entrances.
- F. Buildings and their primary entrances should 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 should be avoided. Buildings should be designed to support a human-scale environment. Each floor level of building walls with frontage onto a street should 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 should be completely screened from view on all sides. Screening should be architecturally integrated with the building. There should be no mechanical or heating/cooling equipment in the front yard.
- J. New buildings should have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.

Infill Design Standards

- A. In addition to the general guidelines established in [§ 3-8](#) infill development in the TCC, MU, and TR zoning districts should 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 should 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 should be provided between the structure and the right-of-way: understory trees, shrubs, ground cover, and lawn. All trees should 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 should 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 should 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 should have a lead walk that connects the sidewalk to the front entry or porch of the structure. The lead walk should 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 should 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 should 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 should have a roof.
10. No outside storage of any kind should be permitted in the front yard.
11. Design, materials, use, and scale should reflect the building styles, climate, heritage and materials unique to Snow Hill and present in the surrounding neighborhood.

E. Compatibility

1. The proposed development should exhibit exemplary site and architectural design and include high quality materials that are compatible with, and do not negatively alter the character of the surrounding neighborhood.
2. All permitted structures should conform to following requirements:
 - (a) Buildings should be similar in height and size or be designed in such a way that they appear similar in height and size, creating an overall mass that is consistent with the prevalent mass of other structures in the area.
 - (b) Primary facades and entries must face the adjacent street and be connected with a walkway that does not require pedestrians to walk through parking lots or across driveways and that maintains the integrity of the existing streetscape.
 - (c) Building features such as windows and doors and site features such as landscaping and screening should optimize privacy and minimize infringement on the privacy of adjoining land uses.
 - (d) Building materials should be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc., to establish compatibility.
3. All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing surrounding development.
4. Proposed open space and landscaping should be shown on plans.
5. Public Facilities and Utilities
 - (a) The local street and walkway system must be safe, efficient, convenient, attractive, and should accommodate use by all segments of the population.

- (b) Roads, lighting, sidewalks, street furniture, utilities and other public facilities should be designed to enhance pedestrian circulation.

6. Parking

- (a) The parking plan may provide a combination of off-street and on-street spaces.
- (b) Shared drives serving no more than two (2) dwellings may be permitted.
- (c) Bicycle parking must be provided for non-residential projects. **New Town**

Design A. Intent.

- 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.
 - 4. Implement the recommendations of the Sudlersville Comprehensive Plan.
 - 5. Develop neighborhoods that accommodate and promote pedestrian travel equally as much as motor vehicle trips.
 - 6. Promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets.
 - 5. Promote traditional town building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles.
- B. Application: The guidelines in this section apply to all new major land subdivisions.
- C. Implementation - Before final plat approval for any major subdivision and as required for the PN Planning Neighborhood Floating Zone the developer should submit 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.
- D. Design Manual Contents - Architecture
- 1. The design manual should 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.

2. Architecture - The Design Manual should include a building architecture element prepared by a licensed architect that includes the following:
 - (a) Elevations of the structures to be built. While more than one typical elevation is encouraged, the elevations should cultivate a clear and consistent image for development in the subdivision. No structure should be built that does not conform to the standard elevations established in the Design Manual.
 - (b) The architecture element should 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.
 - (c) The architecture element should 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.
 - (d) The architecture element should 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.
 - (e) The architecture element should designate acceptable exterior building material for all buildings within the subdivision.
 - (e) The architecture element should require that all buildings have pitched roofs of no less than five (5) inches of rise for every twelve (12) inches of run.
4. The design standards should encourage detached garages and discourage attached frontloaded garages. Standards guiding the placement of garages on lots, should state the distance at which attached garages must be recessed from the front build-to-line. In no case should 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.
5. The design standards should 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 should be no more than ten (10) feet at the street right-of-way.
6. The Design Manual should 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 should establish an acceptable width and acceptable surface material for the lead walk.

7. The Design Manual should detail the acceptable street lighting, street light fixtures, curbing (no rollover curbs should be permitted), fencing, garden walls, and other community design elements.
8. The Design Manual should 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.

E. Design Manual Contents - Landscaping.

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

1. It should 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 recommend lists of shade trees, understory trees, and evergreen trees, shrubs, and ground cover, giving preference to native species. The plan should 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 should specify the requirements for plantings, fences or walls on all corner lots at edge of the right-of-way and should 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 should require a minimum number and a combination of tree plantings on each lot. It should 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 should state that all planting should be completed before a final zoning permit is granted, or during the next planting season. The plan should guarantee the life of the planted material for at least one (1) year and should then place responsibility for maintenance and/or replacement on property owners. The minimum required size of shade trees at time of planting should be two and one half (2.5) inches caliper measured four (4) inches above the root ball. Understory and evergreen trees should be at least six (6) feet tall at time of planting.
6. The landscaping plan should 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.