

**ZONING ORDINANCE  
PITTSVILLE, MARYLAND**

**Table of Contents**

**Article I. General Provisions..... 1**

§ 1. Title..... 1

§ 2. Authority..... 1

§ 3. Purpose..... 1

§ 4. Applicability. .... 1

§ 5. Interpretation of provisions. .... 1

§ 6. Conformity with Ordinance provisions. .... 2

§ 7. Severability. .... 2

§ 8. Official Zoning Map and Interpretation of district boundaries. .... 2

§ 9. Replacement of Official Zoning Map..... 3

§ 10. When effective. .... 4

**Article II. Definitions..... 5**

§ 11. Word Usage. .... 5

§ 12. Terms defined..... 5

**Article III. Administration. .... 14**

§ 13. Administration and Enforcement. .... 14

§ 14. Building Permit Required..... 14

§ 15. Application for Building Permit..... 15

§ 16. Expiration of Building Permit. .... 16

§ 17. Occupancy Permits for New or Altered Uses. .... 16

§ 18. Drawings and plats. .... 17

§ 19. Site Plan Review and Approval. .... 17

§ 20. Construction and Use. .... 19

§ 21. Fees and Costs. .... 19

§ 22. Violations and penalties..... 20

§ 23. Reserved..... 21

**Article IV. Citizen Boards. .... 22**

§ 24. Planning Commission..... 22

§ 25. Board of Appeals..... 24

<b>Article V. Nonconforming Uses and Structures.</b> .....	<b>29</b>
§ 26. Continuation of nonconforming uses. ....	29
§ 27. Expansion of nonconforming buildings, structures, or uses. ....	29
§ 28. Repairs and maintenance. ....	30
§ 29. Uses and structures allowed under special exception provisions. ....	31
<b>Article VI. Designation of Districts.</b> .....	<b>32</b>
§ 30. Enumeration of districts. ....	32
§ 31. Purpose of Districts.....	32
§ 32. CRD Community Infill and Redevelopment Overlay District. ....	34
§ 33. CHD Cottage Housing Development Overlay District.....	38
<b>Article VII. Permitted Uses</b> .....	<b>45</b>
§ 34. Use of the designations P and SE in the table of permissible uses.....	45
§ 35. No more than one principal structure on a lot. ....	45
§ 36. Use categories. ....	45
§ 37. Residential use category. ....	47
§ 38. Public, civic, and institutional use category. ....	49
§ 39. Commercial use category. ....	52
§ 40. Wholesale, distribution, and storage use category.....	57
§ 41. Industrial use category. ....	58
§ 42. Recycling use category.....	59
§ 43. Agricultural use category. ....	59
§ 44. Other use category. ....	60
§ 45. Accessory use category.....	60
§ 46. Accessory uses regulations. ....	61
§ 47. Permissible uses not requiring permits.....	61
§ 48. Permissible Uses Tables.....	61
<b>Article VIII. Bulk Regulations.</b> .....	<b>66</b>
§ 49. Height regulations. ....	66
§ 50. Lot requirements. ....	66
§ 51. Minimum lot frontage. ....	67
§ 52. Yard setback modifications. ....	67
§ 53. Fences and walls. ....	68

§ 54. Corner visibility zone.....	70
§ 55. Lots of record in residential districts.....	70
§ 56. Accessory structures in residential districts.....	70
§ 57. Accessory structures in nonresidential districts.....	70
§ 58. Table of height, area, and bulk requirements.....	71
<b>Article IX. Supplemental Use Regulations. ....</b>	<b>74</b>
§ 59. Accessory dwelling units.....	74
§ 60. Adult-oriented businesses, entertainment, and material.....	75
§ 61. Alternative energy facilities, wind energy conversion systems.....	79
§ 62. Alternative energy facilities, solar energy power systems, or heating equipment. ....	81
§ 63. Antennas, towers, and telecommunications use.....	84
§ 64. Continuing care retirement communities.....	88
§ 65. Bed and breakfast.....	88
§ 66. Daycare center.....	89
§ 67. Daycare home.....	90
§ 68. Fuel storage.....	90
§ 69. Group domiciliary care facility.....	91
§ 70. Home occupation.....	92
§ 71. Limited industrial.....	94
§ 72. Manufactured homes, double-wide.....	94
§ 73. Mini storage facilities.....	94
§ 74. Multi-family dwellings.....	95
§ 75. Mixed-use building, residential.....	96
§ 76. Outdoor storage and display.....	96
§ 77. Portable storage containers, roll-off trash containers.....	98
§ 78. MH Mobile home residential district.....	100
§ 79. RC district design standards.....	100
§ 80. Tattoo establishments.....	101
§ 81. Temporary uses.....	101
§ 82. Townhouses.....	102
§ 83. Yard or garage sale.....	102
§ 84. Reserved.....	102

§ 85. Reserved.....	102
<b>Article X. Off-Street Parking, Loading, and Unloading.....</b>	<b>103</b>
§ 86. General Regulations.....	103
§ 87. Applicability.....	103
§ 88. Minimum required parking ratios.....	104
§ 89. Calculation of required parking.....	108
§ 90. Unlisted uses and establishment of other parking ratios.....	109
§ 91. Parking exemptions and reductions.....	110
§ 92. Location of off-street parking.....	111
§ 93. Use of off-street parking areas.....	112
§ 94. Parking of recreational vehicles and equipment.....	113
§ 95. Parking area design.....	113
§ 96. Accessible parking for people with disabilities.....	115
§ 97. Drive-through and drive-in facilities.....	117
§ 98. Off-street loading.....	118
§ 99. Reserved.....	119
<b>Article XI. Landscaping and Environmental Standards.....</b>	<b>120</b>
§ 100. Purpose.....	120
§ 101. Parking lot perimeter landscaping.....	120
§ 102. Parking lot interior landscaping.....	124
§ 103. Screening.....	126
§ 104. Landscape plans.....	128
§ 105. Landscape material and design.....	129
§ 106. Alternative compliance.....	130
§ 107. Reserved.....	131
§ 108. Required trees along dedicated streets.....	131
§ 109. Sensitive areas protection standards.....	131
<b>Article XII Outdoor Lighting.....</b>	<b>134</b>
§ 110. Applicability and requirements.....	134
§ 111. Definitions.....	135
§ 112. Light fixtures prohibited.....	139
§ 113. Light fixtures permitted.....	140

§ 114. Replacement of non-dark sky fixtures. ....	142
§ 115. Installation of new light fixtures. ....	142
§ 116. Light fixtures encouraged but not required. ....	142
§ 117. Exemptions. ....	143
§ 118. Liability. ....	143
§ 119. Enforcement. ....	143
§ 120. Disclaimer. ....	143
<b>Article XIII. Signs. ....</b>	<b>144</b>
§ 121. Purpose and intent; applicability. ....	144
§ 122. Definitions; general regulations. ....	145
§ 123. Prohibited signs; exceptions. ....	150
§ 124. Standards for signs. ....	152
§ 125. Signs allowed without a building permit. ....	154
§ 126. Signs by type permitted after the issuance of sign permit. ....	157
§ 127. Nonconforming signs; amortization schedule. ....	163
§ 128. Enforcement; violations and penalties. ....	164
§ 129. Reserved. ....	165
§ 130. Reserved. ....	165
<b>Article XIV. Amendments. ....</b>	<b>166</b>
§ 131. Amendments. ....	166
§ 132. Public notice. ....	168

## **Article I. General Provisions.**

### **§ 1. Title.**

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

### **§ 2. Authority.**

This 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.

### **§ 3. Purpose.**

This Ordinance has been prepared in accordance with the Pittsville Comprehensive Plan and is designed to control congestion in the streets; secure public safety; promote health and the general welfare; provide adequate light and air; promote the conservation of natural resources; to prevent environmental pollution; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, recreation, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its suitability for use and conservation of value of buildings and encourage the orderly development and the most appropriate use of land throughout the jurisdiction.

### **§ 4. Applicability.**

This Ordinance shall apply to all lands, buildings, and properties lying within the Town of Pittsville, Maryland corporate boundaries, as the same shall be established from time to time.

### **§ 5. Interpretation of provisions.**

In interpreting and applying the provisions of this Ordinance, they shall be minimum requirements and are not intended to prohibit the use or application of higher standards by persons utilizing, building upon, or developing lands within the Ordinance's jurisdiction. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions, or covenants, the more restrictive or that imposing, the higher standards shall govern. However, enforcement under this Ordinance shall be limited to enforcement of the terms of this Ordinance and regulations, requirements, and restrictions adopted or imposed pursuant hereto.

**§ 6. Conformity with Ordinance provisions.**

The regulations set by this Ordinance within each zone shall be minimum regulations. They 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 after this be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, 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 to comply 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.

**§ 7. Severability.**

It is hereby declared to be the intention of the Town Commissioners of Pittsville, Maryland, that the sections, paragraphs, sentences, clauses, and phrases of this Zoning Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Zoning Ordinance since the same would have been enacted without the incorporation into this Zoning Ordinance of such unconstitutional or invalid sections.

**§ 8. Official Zoning Map and Interpretation of district boundaries.**

- A. Boundaries of the districts enumerated in this Ordinance are hereby established as shown on the Official Zoning Map, which map is hereby made a part of this Ordinance.

The Official Zoning Map shall be identified by the signatures of the Town Commissioners and attested to by the Town Manager or another designee per the following words: "This is to certify that this is the Official Zoning Map defined in § 8 of the Zoning Ordinance of the Town of Pittsville, Maryland" together with the date of the adoption of this Ordinance.

- B. Where uncertainty exists as to the boundaries of any district as shown on said map, the following rules shall apply:
  - (1) District boundary lines are intended to follow or be parallel to the centerline of streets, streams, railroads, and property lines as they exist at the time of adopting this Ordinance unless such district boundary lines are fixed by dimensions shown on the Official Zoning Map.
  - (2) Where a district boundary line is not established by metes and bounds on the Official Zoning Map and approximately follows and does not scale more than ten (10) feet from property lines, such property lines shall be construed to be the district boundary line unless specifically shown otherwise.
  - (3) Where a district boundary line divides a parcel and is not parallel to and within ten (10) feet of the property line, the location of such district boundary line unless the same is described by metes and bounds on the Official Zoning Map, shall be determined by the use of the scale appearing on the map.
- C. In case of any uncertainty, the Board of Appeals shall interpret the map's intent regarding the location of district boundaries.

**§ 9. Replacement of Official Zoning Map.**

- A. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Commissioners may 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. Still, no such corrections shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The Planning Commission shall certify the accuracy of the new Official Zoning Map. The map shall be identified by the signature of the Town Commissioners attested by the Town Manager or another designee under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of the map being replaced) as part of the Zoning Ordinance of Pittsville, Maryland."



**§ 10. When effective.**

This Ordinance shall take effect and become enforceable immediately upon its adoption by the Town Commissioners of Pittsville. Nothing in this Ordinance shall impair or invalidate any work begun under any permit issued before the effective date hereof, nor shall it impair or invalidate any unexpired permit for work not yet begun, provided that such work must conform to all terms of the permit and the Zoning under which such permit was issued. All applications receiving preliminary site plan approval before the effective date hereof shall be processed and decided per the Zoning in effect when the particular application was approved.

**Article II. Definitions.**

**§ 11. Word Usage.**

- A. Unless otherwise explicitly provided or unless required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.
- B. To amplify and clarify all provisions of this Ordinance, the following rules shall apply:
  - (1) Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number unless the apparent construction of the wording indicates otherwise.
  - (2) The word "shall" is mandatory and not discretionary.
  - (3) The word "may" is permissive.
  - (4) The word "lot" shall include the words "piece," "parcel," and "plots"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrase "arranged for" and "occupied for."
  - (5) "Person(s)" includes corporations, partnerships, associations, and other entities.
  - (6) "Used" or "occupied" as applied to land or a building shall include intended or planned uses.
- C. Words and terms not defined herein shall be interpreted according to their standard dictionary meaning and customary usage.

**§ 12. Terms defined.**

As used in this Ordinance, the following terms shall have the meanings indicated:

**ACCESSORY USE OR STRUCTURE** - A use or structure subordinate to the principal use and customarily incidental to the principal use.

**ADULT BOOK OR VIDEO STORE** - An adult-oriented business, whether or not containing viewing booths, theaters, or other performance viewing space, that involves the sale, rental, transfer, loan, dissemination, distribution, provision, or promotion of adult entertainment or material in the form of books, magazines, newspapers, photographs, movies, videos, DVDs, CDs or other audio/video recordings, or other electronic recordings, or in the form of merchandise, objects, items or devices.

**ADULT ENTERTAINMENT OR MATERIAL** - Any performance, depiction, or text that is intended to cause or provide, or reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification and:

- A. In which an individual or individuals appear in a state of nudity or partial nudity; or
- B. That consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
  - (1) Human genitals in a discernable state of sexual stimulation or arousal; or
  - (2) Any act, whether actual or simulated, of masturbation, sexual intercourse, anal intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic abuse, physical contact, or attempted contact with clothed or unclothed genitals, pubic areas, buttocks, anus, or female breasts; or
- C. That consists of sexual contact with animals or inanimate objects; or
- D. Any merchandise, object, item, or device designed and/or marketed to cause, or reasonably may be expected to cause, sexual stimulation, sexual excitement, or sexual gratification.

**ADULT-ORIENTED BUSINESS** - Any business, operation, or activity, a significant amount of which consists of:

- A. 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, nightclub, dry nightclub, modeling studio, bar, restaurant, club, lodge, or similar establishment; or
- B. 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, and/or coin-operated or pay-per-view devices, including, but not limited to, the operation of an adult book or video store or viewing booth.

**AGRICULTURE** - The use of land for everyday agricultural purposes, including farming, apiculture, horticulture, floriculture, viticulture, forestry, tree farming, and the usual and necessary accessory for packing and treating or treating and storing the produce produced upon the land. The following shall not be included in "agriculture": dairy farming, chicken farming, or animal or poultry husbandry.

**ALLEY** - A public or private way affording secondary access to abutting properties.

ALTERNATIVE ENERGY FACILITIES – equipment installed to utilize renewable energy sources, including solar, wind, hydro, and geothermal.

ALTERATIONS - A change or rearrangement in an existing building, including any enlargement thereof in area or height or removal from one location to another on the same lot.

APARTMENT - A dwelling in a building separated by vertical and horizontal building walls with, at minimum, a kitchenette and bathroom.

BASEMENT - The portion of a building that is more than twelve (12) inches below the adjacent grade and has at least one-half (1/2) of its height above grade.

BILLBOARD - A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

BLOCK FACE - One side of a street between two consecutive intersections.

BOARDINGHOUSE - A private dwelling or part thereof where lodgings with or without meals are provided for compensation to persons not transient.

BUILDING - Any structure having a roof supported on columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

BUILDING HEIGHT - The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE (ALSO BUILDING RESTRICTION LINE or BRL) - The line established by law or agreement beyond which a building may not extend.

- A. FRONT BUILDING LINE - The line nearest the front of a lot between the side lot lines establishing the minimum distance the building must be set back from the front lot line.
- B. REAR BUILDING LINE - The line nearest the rear of the lot between the side lot lines establishing the minimum distance the building must be set back from the rear of the lot line.
- C. SIDE BUILDING LINES - The line(s) nearest the side(s) of the lot establishing the minimum distance the building must be set back from the side lot line(s).

CARPORT - A covered parking structure for a motor vehicle accessory to a one or two families dwelling unit.

CELLAR - That portion of a building having more than one-half (1/2) of its clear height below the average grade of the lot.

COMMON OPEN SPACE - That portion of the development set aside for the use and enjoyment of the development's residents, but not including streets, off-street parking areas, and areas set aside for public facilities.

COMPREHENSIVE PLAN - The Pittsville Comprehensive Plan as may be amended from time to time.

CONDITIONAL USE - See "special exception."

CONDOMINIUM - A type of development as defined and regulated by the Maryland Condominium Act, as amended from time to time, which may include all of the dwelling types after this defined except townhouses built upon individual lots and which shall be subject to and regulated by the provisions of this Ordinance applicable to a particular dwelling type. A "condominium" in the nature or style of a townhouse shall be permitted where townhouses are permitted and shall be subject to the minimum requirements and regulations applicable to townhouse developments.

COURT - An open unoccupied portion of a lot, other than a yard, which is bounded on two or more sides by the wall of a building.

DWELLING - Any building or part thereof occupied exclusively for residential purposes, not including a tent, cabin, trailer, recreational vehicle, or a room in a motel, hotel, inn, or bed-and-breakfast establishment.

- A. SINGLE-FAMILY DWELLING - A detached dwelling unit designed for or used exclusively for residential purposes by one family or housekeeping unit, having at least 500 square feet of livable gross floor area.
- B. DUPLEX - Two dwelling units are attached side-by-side by a party wall and have one side yard adjacent to each dwelling unit.
- C. TWO-FAMILY - Two dwelling units located one over the other and having two side yards.
- D. TOWNHOUSE - Three or more dwelling units, each occupying a separate lot and attached side by side by party walls and having a side yard adjacent to each end unit.
- E. MULTIFAMILY - A single building containing three (3) or more dwelling units.

DWELLING UNIT - A building or portion thereof intended to be occupied by a single-family unit.

FENCE - Any structure, regardless of composition, except a living fence, erected or maintained to enclose a piece of land or divide a piece of land into distinct portions.

FENCE HEIGHT - The distance measured from the existing grade to the top of the fence.

GARAGE, PRIVATE - A building for the noncommercial storage of one or more motor vehicles.

**GARAGE, PUBLIC** - A building for the commercial storage, repair, rental, or servicing motor vehicles.

**GARAGE SALES** – The sale or offering for sale of five (5) or more new, used, or secondhand items of personal property at any one residential premises at any one time. Includes all sales in residential areas entitled "garage sales," "yard sales," "tag sales," "porch sales," "lawn sales," "attic sales," "basement sales," "rummage sales," "flea market sale" or any similar casual sale of tangible personal property.

**GRADE, FINISH** - The average surface elevation of a lot after completing the final grading.

**GRADE, NATURAL** - The average elevation of a lot's original or undisturbed surface.

**GRADE, SUBGRADE** - The average elevation of the surface of a lot immediately before the final grading.

**HOME OCCUPATION** - A business, including a professional office, conducted in a dwelling or a single accessory building.

**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.

**JUNKYARD** - A lot, land or structure, or part thereof used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collection, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**KENNEL** - The use of any lot for breeding, keeping, boarding, or training for a fee, whether in particular buildings or runways or not, including but not limited to dog and cat kennels.

**LIVE/WORK UNIT** - Property that combines residential living space with commercial or office space.

**LOADING SPACE, OFF-STREET** - Space designed for bulk pickups and deliveries by highway transport or delivery vehicles and accessible to such vehicles when off-street parking spaces are filled.

**LOT** - A plot or parcel of land with at least the minimum area required by this Ordinance for a lot in the district where such a lot is situated and its principal frontage on a public street or approved private street or road. Parcels in single ownership separated by a road shall be considered separate parcels.

**LOT OF RECORD** - A tax parcel that existed as of the effective date of this Ordinance.

LOT, CORNER - A lot abutting two or more intersecting public or private streets at their intersection.

LOT, FRONT OF - The side or sides of a lot that abuts a public or approved private street.

LOT LINE, FRONT - The property line that runs along the front of the lot, separating it from the public or approved private street.

LOT LINE, REAR - The lot line or lines generally opposite or parallel to the front lot line, except that there is no "rear lot line in a through-lot."

LOT LINE, SIDE - Any lot line other than a front lot line or rear lot line.

LOT, PARCEL, OR LAND AREA - The area of a lot, parcel, or other pieces of land shall be calculated as the area bounded by the property lines. Easements may be included in the "lot area." The term "lot area per dwelling unit" shall be computed as the total lot area divided by the total number of all dwelling units located or to be located on the lot.

LOTS, THROUGH - A lot, other than a corner lot, extending through from street to street. "Through lots" shall provide the required front yard on both streets but need not provide the required rear yard.

MEDICAL CANNABIS - Any product containing usable cannabis or medical cannabis finished product.

MIXED-USE BUILDING - A building containing allowed commercial and residential uses.

MOBILE HOME - A detached residential or business unit containing not less than five hundred (500) square feet of gross livable floor area in the originally manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. Units commonly known as "double-wides" and any unit classified as a "mobile home" by an applicable financing or construction standard, including, without limitation, the United States Department of Housing and Urban Development regulations, State Department of Economic and Community Development regulations, and state or federal law as such laws or regulations are in effect as of the date of passage of the Ordinance, shall be considered a "mobile home." Placing a "mobile home" on a permanent foundation or the construction of additions, porches, and the like shall not change the classification of such mobile homes. Recreational trailers, vehicles, and modular homes are not considered "mobile homes."

MODULAR HOME - A detached residential or business unit, built to the specifications of a recognized building code, containing not less than five hundred (500) square feet of gross livable floor area in the original manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly in a permanent and separately

constructed foundation. A "modular home" may be considered a single-family dwelling. A "modular home" must meet the requirements and definitions of the Maryland Industrialized Building and Mobile Homes Act as in effect on the date of passage of this Ordinance.

NONCONFORMING USE - See Article V.

NUDITY - This term includes the following:

- A. The showing of the human male or female genitals, pubic area, anus, or buttocks with less than a fully opaque covering;
- B. The showing of the female breast with less than a fully opaque covering over any part below the top or uppermost part of the nipple; or
- C. The showing of the covered male genitalia in a discernibly turgid state.

NURSING HOME - A proprietary facility licensed by a governmental authority to accommodate persons requiring skilled nursing care and related medical services but not needing hospital care.

OPEN SPACE - Predominantly undeveloped land which should remain permanently open to serve important public purposes.

PARKING LOT - A permanently surfaced area of one or more parking spaces designed or used to park self-propelled vehicles and available to the public, whether for a fee or accommodation to clients or occupants.

PARKING SPACE - A permanently surfaced area of not less than nine (9) feet wide and eighteen (18) feet long, either within a structure or in the open, exclusive of driveways or access drives, for parking a motor vehicle.

PARTIAL NUDITY - A state of dress in which opaque clothing or material covers primarily and little else other than:

- A. The human male or female genitals, pubic area, anus, or buttocks; or
- B. The female breasts below the top or uppermost part of the nipple.

PRINCIPAL USE OR STRUCTURE - The primary activity or structure for which a site is used. A "principal use or structure" may be either a permitted principal or a special exception use or structure.

PROPERTY LINE - The boundary of a lot or group of lots used in combination. Where there is a street adjacent to a boundary line, setbacks shall be measured from the right-of-way line unless otherwise required by this Ordinance.

PUBLIC - Any land or structure owned and operated by a public or quasi-public jurisdiction or agency for the public benefit.



RIGHT-OF-WAY - A land or water area legally separated from abutting properties, used for travel, access, utility location, or other purposes.

ROAD - See "street."

SADOMASOCHISTIC ABUSE - Any act or depiction of nude or partially nude humans engaged in:

- A. Flagellation or torture, whether actual or simulated, by or upon an individual; or
- B. The condition of being or causing oneself or another to be fettered, bound, or otherwise physically restrained

SIGN - Any device for visual communication designed to attract or inform the public. See Article XIII.

SOLAR ENERGY HEATING EQUIPMENT - Any system or device located on or adjacent to a building and designed to harness solar radiation to heat water for use in a building's domestic water system, swimming pool, hot tub, or other similar fixture or to heat air, water or any other liquid or gas which is then used to condition a space occupied by humans or animals.

SOLAR ENERGY POWER SYSTEM - Any device or facility that converts solar energy into electrical energy either directly, as in the case of photovoltaic cells, or indirectly by first capturing and/or concentrating solar radiation to convert any liquid to a gas used to fuel or propel an electrical generator.

SOLAR ENERGY SYSTEM (SES) – Solar collectors, panels, controls energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal and photovoltaic.

SOLAR ENERGY SYSTEM (SES), LARGE-SCALE – A SES engineered and designed to produce at least two megawatts (2 MW) of power or utilize 10 acres or more.

SOLAR ENERGY SYSTEM (SES), MEDIUM SCALE – A SES engineered and designed to produce at least 200 kilowatts (200 KW) but less than two megawatts (2 MW) of power. Medium-scale SES may utilize more than one acre but not more than 10 acres.

SOLAR ENERGY SYSTEM (SES), SMALL-SCALE – A SES that produces less than 200 kilowatts (200KW) of power and utilizes one acre or less. Small-scale SES includes rooftop solar systems of any size.

SPECIAL EXCEPTION - A permitted use under the provisions of this Ordinance as authorized in specific instances listed and under the terms, procedures, and conditions prescribed herein. See the applicable provisions of Article IV, § 25.

**STORY** - That portion of a building included between the surface of any floor and the floor's surface next above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

**STREET** - A public right-of-way over land that provides public access to abutting properties. An approved private street or road meets the right-of-way requirements of a public street as approved by the Planning Commission and is privately owned. The term "street" includes avenue, boulevard, road, highway, freeway, parkway, lane, circle, or similar term.

**STREET RIGHT-OF-WAY LINE** - The line that divides a lot from the street right-of-way, not just the travel lanes.

**STRUCTURE** - Anything constructed having a fixed location on or in land or water, whether or not affixed to the land. It includes but is not limited to buildings, platforms, sheds, walls, fences, signs, and swimming pools.

**SWIMMING POOL** – As defined in the currently adopted building code.

**VARIANCE** - See Article IV, § 25.

**VIEWING BOOTH** - A space or area in which a display device is located for purposes of viewing pictures, films, videotapes, or other images.

**SMALL WIND ENERGY CONVERSION SYSTEM** - A wind energy conversion system consisting of a single wind turbine, generators, a tower, and associated controls which has a total rated capacity of 20 kilowatts or less and is designed to supplement other electricity sources for buildings or facilities wherein the power generated is used primarily for on-site consumption.

**YARD** - The open spaces on the same lot with the main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

**YARD, FRONT** - An open, unoccupied space lying between the front line of the lot and the front setback line as designated in the district regulations, extending the entire width of the lot. Where the width of the lot as measured along the front setback does not meet the required minimum lot width, the front setback line shall be moved toward the rear of the lot until the minimum width requirement is met.

**YARD, REAR** - An open, unoccupied space lying between the rear line of the lot and the rear setback line as designated in the district regulations, extending the entire width of the lot.

**YARD, SIDE** - An open, unoccupied space between the side lot line and the side setback line designated in the district regulations, extending between the front and rear setback lines. Any lot line which is not a rear lot line or a front lot line shall be deemed a side lot line.

**ZONING CERTIFICATE** - Written permission on a form utilized by the Town, issued by the Planning Commission or its designee, as a condition precedent to the commencement of a use

or erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building. A zoning certificate acknowledges that such use, structure, or building complies with the provisions of the Zoning Ordinance.

ZONING MAP - The official Zoning Map of Pittsville, Maryland.

### **Article III. Administration.**

#### **§ 13. Administration and Enforcement.**

- A. The Town shall designate a person to act as Zoning Administrator or another town designee.
- B. It shall be the duty of the Zoning Administrator to administer and cause the enforcement of the provisions of this Ordinance.
- C. All departments, officials, and public employees of the Town, vested with the authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall not issue any license for any use, building, structure, or purpose that would conflict with this Ordinance's provisions.
- D. Any permit or license issued in conflict with the Ordinance provisions shall be null and void.
- E. If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- F. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, and structures, the removal of illegal buildings or structures or additions, alterations, or structural changes to it, the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Non-conforming uses and structures approved per the provisions of this Ordinance and the grandfathered conditions are excluded from this provision.

#### **§ 14. Building 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 certificate (certificate of approval) therefore, issued by the Planning Commission except as follows:
  - (1) The Town Manager, acting in their capacity as the Zoning Administrator or the Town's designated building inspector, shall have the authority to approve and

issue building permits and/or zoning certificates for the following uses and structures:

- (a) Single-family residences and permitted accessory structures that comply with the standards of the applicable zoning district. By way of example and not by limitation, such structures include, but are not limited to:
  - (i) Single-family dwellings and additions to single-family dwellings that comply with all applicable setbacks on conforming lots of record.
  - (ii) Duplexes that have been approved as part of a subdivision or site plan.
  - (iii) Accessory structures such as a shed, garage, deck, pool, fence, HVAC equipment, etc.
- (b) Notwithstanding the delegation of authority outlined in Section 1 above, such delegation of authority shall not apply to any structure or use which requires a special exception or variance or site plan approval. Where the use or structure requires a special exception or variance or site plan approval, the application for a zoning certificate shall be reviewed by the Planning Commission per this Ordinance, as amended from time to time, and any other regulations or policies promulgated by the Pittsville Planning Commission.
- (c) No zoning certificate shall be issued except in conformity with the provisions of this Zoning Ordinance, except after written order from the Board of Appeals.

- B. No building or other structure shall be erected, nor shall any existing building or structure be moved, added to, enlarged, or structurally altered without issuing a building permit. No excavation for any building or other structure shall begin without issuing a building permit. When issued, such a permit shall be valid for six (6) months.
- C. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written orders from the Board of Appeals.

**§ 15. Application for Building Permit.**

- A. A site plan in duplicate shall accompany all applications for a building permit. The site plan shall be drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations of buildings already existing, if any, and the location and dimensions of the proposed building or alteration.

- B. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed building or alteration, existing or proposed uses of the building and land, the number of units designed to accommodate, conditions existing on the lot, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.
- C. One copy of the plans shall be returned to the applicant by the Zoning Administrator after either as approved or disapproved and attested to the same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

**§ 16. Expiration of Building Permit.**

- A. If the work described in any building permit has not begun within one (1) year from the date of issuance, said permit shall expire. The Zoning Administrator shall cancel it, and written notice thereof shall be given to the persons affected.
- B. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance unless work is proceeding thereof, said permit shall expire and be canceled by the Zoning Administrator. Written notice thereof shall be given to the persons affected, together with a notice that further work, as described in the canceled permit, shall not proceed unless and until a new building permit has been obtained.

**§ 17. Occupancy Permits for New or Altered Uses.**

- A. It shall be unlawful to use or occupy or allow 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 an occupancy permit shall have been issued by the Zoning Administrator or another designee, stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
- B. No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for an occupancy permit. The permit shall be issued in conformity with the provisions of this Ordinance upon completion of work.
- C. The Zoning Administrator may issue a temporary occupancy permit for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion. Such a temporary permit may require conditions and safeguards to protect the occupants' safety and the public.
- D. The Zoning Administrator shall maintain a record of all occupancy permits, and copies shall be furnished upon request to any person.

- E. Failure to obtain an occupancy permit shall violate this Ordinance and be punishable under Article III.

**§ 18. Drawings and plats.**

- A. All applications for zoning certificates or building permits shall be accompanied by a drawing containing the information shown in Appendix A, in duplicate or as required by the Town Manager or another designee.
- B. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the Town office, and a duplicate copy shall be kept at the building at all times during construction.

**§ 19. Site Plan Review and Approval.**

- A. Before issuing a zoning certificate or building permit for construction, expansion, or change in use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval. In addition, for complex or large projects, the applicant may submit a Preliminary Site Plan to the Planning Commission to get feedback from the Planning Commission to facilitate the review and approval of the Final Site Plan.
- B. The purpose of major 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 following all specifications on an approved site plan. It shall not be undertaken until the site plan is approved and all required construction permits have been obtained after such approval.
- C. Applicability. All development or land use activities within the Town shall require site plan review before being undertaken, except the following:
  - (1) Construction or expansion of a single-family dwelling and ordinary accessory structures and related land use activities.
  - (2) Landscaping or grading which is not intended to be used in connection with a land use reviewable under the provisions of this Zoning Ordinance.
  - (3) Ordinary repair, maintenance, or interior alterations to existing structures or uses.

- (4) Exterior alterations or additions to existing structures that would not increase the square footage of the existing structure by more than five hundred (500) square feet or cost less than \$10,000.00.
  - (5) Agricultural or gardening uses.
  - (6) All signs except in conjunction with new development.
- D. Site plan applications shall include the information listed in Appendix A for preliminary and final site plans. Waiver of any information or preliminary requirements felt not relevant to the proposed use and site may be waived at the discretion of the Planning Commission. The applicant must request such waivers in writing.
- 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 off-street parking and loading sufficiency.
  - (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 stormwater and sanitary waste disposal.
  - (7) Adequacy of structures, roadways, and landscaping in areas susceptible to flooding, ponding, or erosion.
  - (8) Compatibility of development with the site's natural features and surrounding land uses.
  - (9) Adequacy of floodproofing 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.
- F. The Planning Commission may require additional information which appears necessary for a complete assessment of the project.

- G. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in Maryland.
- H. Upon receipt of the major site plan, the Planning Commission shall review the site plan, soliciting comments from other departments, agencies, and officials as appropriate. The site plan shall be approved if it meets the requirements of this section, Appendix A, other requirements of this Zoning Ordinance, and all other Federal, State, and County regulations. Notice of approval or disapproval of the site plan shall be given to the applicant and specify all reasons for disapproval.
- I. Construction of required improvements.
  - (1) Upon approval of a site plan, the applicant shall secure the necessary construction permits from appropriate agencies before commencing work. The applicant may construct only such improvements approved by the Planning Commission or appropriate Town review and approval agencies.
  - (2) The Town may require inspection of the resulting improvements after construction has been completed.
- J. Expiration and Extension.
  - (1) Approval of site plans shall be for a two (2) year period and shall expire at the end of such period unless building construction has begun.
  - (2) Upon written request by the applicant, within thirty (30) days before 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 thirty (30) days after filing the said request.

**§ 20. Construction and Use.**

Building permits and occupancy permits issued based on site plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction outlined in such approved plans and applications and no other use, arrangement, or construction.

**§ 21. Fees and Costs.**

- A. The Town shall establish a schedule of fees, charges, and expenses and a collection procedure for applications for zoning certificates, certificate of use or occupancy, building permits, zoning appeal cases, zoning and map amendments, permits, site plans, sign permits, and other matters pertaining to this Ordinance. Such schedule shall be



available at the Town office. The Town Commissioners may amend the fee schedule by resolution.

- B. These fees may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner, or similar service that may be used to assist the Town in the review of a proposed development and improvement plans.
- C. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal pertaining to this Ordinance.

**§ 22. Violations and penalties.**

- A. It shall be considered a municipal infraction for any person or corporation to violate any provision of this Ordinance or to erect, construct, alter or repair, convert, or maintain any building or structure, sign, or land in violation of any written statement or plan submitted and approved hereunder.
- B. It shall be considered a municipal infraction for any owner, tenant, or occupant of a building, structure, sign or land, or part thereof, which violates this Ordinance, or any architect, builder, contractor, subcontractor, agent, servant, person or corporation, knowingly to assist or further the commission of any violation of this Ordinance. There shall be a rebuttable presumption that the defendant was violating this Ordinance knowingly.
- C. If any person is found to have committed a municipal infraction hereunder, notice shall be given in the manner prescribed in the Town Code.
- D. If any person is found to have committed a municipal infraction hereunder, each infraction shall be punishable by a fine of up to the maximum municipal infraction fine permitted by state law for every single violation. Each day such violation continues shall be a separate offense. In addition to said fine, the Town may request during the adjudication of the infraction that the defendant abate the violation or, in the alternative, to permit the Town to abate the violation at the defendant's expense, with the costs to be assessed against the property as a lien collectible in the same manner as real estate taxes. Nothing herein shall prevent the Town from taking other lawful action necessary to prevent or remedy any violation.
- E. Additional remedies. In case any building is or is proposed to be located, erected, constructed, reconstructed, altered, repaired, converted, maintained, or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement to it, the Town Commissioners, the Zoning Administrator, or any adjacent or neighboring property owner or resident who would be aggrieved by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, restrain, correct

or abate such unlawful location, maintenance or use, to prevent the occupancy of said building or land or to prevent any illegal act, conduct, business or use in or about such premises.

**§ 23. Reserved.**

## **Article IV. Citizen Boards.**

### **§ 24. Planning Commission.**

- A. Composition and appointment. There is now created a Planning Commission (Commission) consisting of five (5) regular members appointed by the Town Commissioners. All members shall be residents of Pittsville. In addition, one of the regular members may be a Town Commissioner serving in an ex officio capacity concurrent with the regular member's official term. The Town Commissioners may also designate one alternate member of the Commission who may sit on the Commission in the absence of any regular Commission member.
- B. Terms. The terms of such members shall be five (5) years or until their successors take office; provided, however, that the terms of the five (5) members first appointed by the Town Commissioners shall be one (1), two (2), three (3), four (4) and five (5) years respectively, from the effective date of creation of the Planning Commission and shall be specified by the Town Commissioners at the time of appointment. The Town Commissioners shall fill vacancies for any member whose seat becomes vacant for the unexpired term. After a public hearing before the Town Commissioners, members may be removed for inefficiency, neglect of duty, or malfeasance. The Town Commissioners shall file a written statement of reasons for the removal.
- C. Officers. At its first meeting in each calendar year, the Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed regular members. Each shall serve for one (1) year or until their successor is elected. In the event of a vacancy in either of said offices, a successor shall be elected to serve for the unexpired term of the vacated office. In the absence of the Chairperson, the Vice-Chairperson shall serve as Acting Chairperson.
- D. General powers and duties. The Commission shall have the following powers and duties:
  - (1) To review, evaluate, and approve or disapprove plans for subdivisions per this Ordinance and PC96, Land control, Charter of the Town of Pittsville.
  - (2) Initiate changes or amendments to this Ordinance, the official zoning map, and the Pittsville Comprehensive Plan.
  - (3) To review and make recommendations to the Town Commissioners regarding:
    - (a) Proposed changes or amendments to the Pittsville Comprehensive Plan.
    - (b) Proposed changes or amendments to this Ordinance.
    - (c) Proposed changes or amendments to the official zoning map.

- (d) Proposed changes or amendments to PC96, Land control, Charter of the Town of Pittsville.
  - (e) Proposed acquisition and development of lands for Town open space or recreation purposes.
  - (f) Proposed land use or development changes arising from local, state, or federal programs or policies.
- (4) Review and approve development site plans required by § 19 of this Ordinance.
  - (5) Advise the Town Commissioners on proposed annexations and zoning thereupon.
  - (6) Review and make recommendations to the Board of Appeals regarding special exception applications.

E. Meetings.

- (1) Meetings of the Commission shall be held once each month if there are actionable items on the agenda or at the Chairperson's call and at such other times as the Commission may determine.
- (2) The presence of a majority of the Commission members shall constitute a quorum for business conduct. In the event of an absence or vacancy of one or more regular members, determination of a quorum shall include the alternate member if in attendance.
- (3) An affirmative vote of the majority present shall be required to affect a decision or recommendation of the Commission.

F. Rules of procedure.

- (1) The Commission's meetings shall be open to the public, but the Commission may limit active public participation. When appropriate, the Commission may adjourn to executive session, but only following the Open Meetings Act, § 10-501 et seq. of the State Government Article of the Annotated Code of Maryland.
- (2) For proceedings before the Commission which require a public hearing, see Article XIV of this Ordinance.
- (3) At the Commission's meetings, any interested person shall have the right to submit, per the established rules, oral or written testimony and comment.
- (4) The Commission may adopt additional rules of procedure by resolution, provided such rules are consistent with this Ordinance and applicable state enabling legislation. Such rules shall be available to the public.

- (5) Town staff may represent the Town at all Commission meetings, answer questions, and render advice and assistance. However, the staff shall not participate in any Commission decisions beyond submitting a staff recommendation for each proposed action. The Commission shall have the authority to consult legal counsel, when necessary, before rendering any decision or making any recommendations.

G. Records.

- (1) The Commission shall keep minutes of all its proceedings which shall contain the members' names present, a summary of all testimony, comment, or evidence presented, the exhibits presented, and the decision or recommendation of the Commission. The minutes shall also show the vote of each member upon each question or, if absent or failing to vote, indicating that fact.
- (2) A permanent file of each proceeding, including applications and the minutes, shall be maintained in the Town office and be available to the public.

**§ 25. Board of Appeals.**

- A. Organization. The Board of Appeals (Board) shall consist of three (3) regular members, all of whom shall be residents of the Town. Regular members are appointed by the Town Commissioners and shall serve without compensation. However, members may be removed for inefficiency, neglect of duty, or malfeasance in office after a public hearing before the Town Commissioners. The Town Commissioners shall file a written statement of reasons for the removal. Of the members first appointed, one shall serve for one year, one for two years, and one for three years. After that, members shall be appointed for three (3) years each. Vacancies shall be filled in a like manner and for the remainder of the predecessor's unexpired term.
- B. Alternate members. The Town Commissioners shall designate one (1) alternate member for the Board who may sit in the absence of any regular board member. In addition, the Town Commissioners may designate a temporary alternate when the alternate is absent.
- C. Officers. The Board shall elect a Chairperson and a Vice-Chairperson from among its members, each to serve for one (1) year or until their successor is elected. In the event of a vacancy in either of said offices, a successor shall be elected to serve for the unexpired term of the vacated office. In the absence of the Chairperson, the Vice-Chairperson shall serve as Acting Chairperson.
- D. General powers. The Board shall have the following general powers:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Commission or another administrative officer to enforce this Ordinance. Appeals to the Board of Appeals shall be by way of an allegation of error. The party noting the appeal shall allege the error by the officer or agency from which the appeal is taken. The party noting the appeal shall have the burden of proof, including evidence and persuasion, by a preponderance of the evidence, on all issues of fact. The party noting an appeal from a decision of the Planning Commission shall be responsible for the cost of producing the sound recording, video recording, or transcript of the proceeding before the Planning Commission.
- (2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board is expressly authorized to pass under this Ordinance.
- (3) To authorize, upon appeal in specific cases, such variance from the specific terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this Ordinance will result in unwarranted hardship, and injustice, but which will most nearly accomplish the purpose and intent of this Ordinance.
- (4) To determine the classifications as to district as provided in § 8 in cases of uncertainty.

E. Meetings.

- (1) Meetings of the Board shall be held at the Chairperson's call and at other times as the Board may determine.
- (2) Two (2) board members shall constitute a quorum. In the event of an absence or vacancy of one regular member, the determination of a quorum shall include the alternate member if in attendance.

F. Rules of procedure.

- (1) The board meetings shall be open to the public, but public participation may be limited to periods during which testimony is permitted.
- (2) The Chairperson or the Acting Chairperson may administer oaths and compel witnesses' attendance in their absence.
- (3) The Board may adopt additional rules of procedure by resolution, provided such rules are consistent with this Ordinance and applicable state enabling legislation. Such rules shall be available to the public.

G. Decisions of the Board.

- (1) An affirmative vote of two (2) members shall be required to effect any decision of the Board.
- (2) A member of the Board who did not attend the public hearing(s) on an application shall not participate in the decision on said application.
- (3) The Board shall deliberate and render its decision in open session within thirty (30) days following the close of the public hearing.
- (4) All decisions by the Board shall be recorded in the minutes and shall include findings of facts based directly on the particular evidence presented to the Board, the Board's conclusions, and the reasons, therefore.
- (5) Each decision shall also include the names of the members of the Board who voted or who were present when a vote was taken and shall indicate how each member voted.
- (6) A copy of each decision shall be furnished to the applicant(s) and any other party to the proceedings without charge.

H. Records.

- (1) The Board shall keep minutes of its proceedings. The minutes shall contain the exhibits presented at the hearing, a summary of all testimony or evidence presented, and the Board's decision.
- (2) All applications for hearings and the minutes shall be a public record.

I. Applications.

- (1) Appeals to the Board may be taken by any person aggrieved or by an officer, department of the Town affected by any Planning Commission's decisions, or other administrative officers. Such an appeal shall be taken within two (2) weeks following the action so appealed by filing with the Town Manager or another designee and the Board a notice of appeal, specifying the grounds thereof.
- (2) An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after notice of appeal filed with them, that because of that fact in the case, a stay would, in their opinion, cause imminent peril to life and property.
- (3) All applications for hearings shall be made on forms approved by the Board and available from the Town office.
- (4) Each application shall be signed by the applicant(s), such as an owner, tenant, contract purchaser, or person(s) holding an option on the property involved, the protestant(s), or the agent or attorney of any of them.

(5) Applications and all required information and fees shall be filed with the Town office. The application shall be forwarded to the Board to be considered at the next scheduled meeting.

J. Special exception. Special exceptions may be permitted by the terms of this Ordinance to provide for adjustment in the relative location of uses and buildings of the same or different classifications, to promote the usefulness of this Ordinance as an adjustment, and to supply the necessary elasticity to its efficient operation, Under general requirements:

- (1) The Board shall have the power to approve special exceptions specified in this Ordinance and no other use or purpose. The Board shall not grant a special exception except conforming with this Ordinance's conditions and standards.
- (2) In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall grant a special exception only if it finds adequate evidence that any proposed special exception use submitted will meet all of the standards listed for the proposed uses. The Board shall, among other things, require that any proposed use and location be:
  - (a) In accord with the Town's Comprehensive Plan and consistent with this Ordinance's spirit, purposes, and intent.
  - (b) Suitable for the property in question and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
  - (c) Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
  - (d) Not detrimental to the property values of adjacent development, do not adversely affect the health, safety, and general welfare of residents of the area, and will not adversely affect the area and surrounding property with adverse environmental effects such as excessive smoke, odor, noise, improper drainage, or inadequate access.
- (3) The Board may impose conditions regarding layout, circulation, and performance necessary to ensure that any proposed development will substantially secure this Ordinance's objectives. When made a part of the terms under which the special exception is granted, violation of such conditions and safeguards shall be deemed a violation of this Ordinance. The Board shall consider the recommendations of the Planning Commission before rendering a decision. The Planning Commission shall review and comment on all applications for special exceptions before review and decision by the Board.



- (4) The applicant for a special exception shall have the burden of proof on all points material to the application, including presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The Board of Appeals may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.
- K. Variances. The Board shall have the power to grant variances of the following types and per the following standards:
- (1) Types of variances.
    - (a) Yard, area, or bulk requirements.
    - (b) Bulk, area, or height of structures.
    - (c) Height or size of signs.
  - (2) Standards for granting a variance.
    - (a) Strict enforcement of this Ordinance would produce unnecessary and undue hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.
    - (b) Such hardship results from special conditions and/or circumstances not generally shared by other properties in the same zoning district or vicinity, which are peculiar to the land, structure, or building involved.
    - (c) Such special conditions or circumstances must not result from any action or actions of the applicant.
    - (d) Granting of the variance must be in harmony with the general purpose and intent of this Ordinance and must not be harmful to adjacent property, the character of the neighborhood, or the public welfare.
    - (e) Granting the variance shall not allow a use expressly or by implication prohibited in the zoning district involved.
    - (f) The condition, situation, or intended use of the property concerned is not of so general or recurring a nature to make practicable a general amendment to this Ordinance.
    - (g) The variance granted must be the minimum necessary to afford relief.
  - (3) Conditions. In granting a variance, the Board of Appeals may prescribe appropriate conditions in conformity with this Ordinance. When made a part of the terms under which the variance is granted, violation of such conditions shall be deemed a violation of this Ordinance.

- (4) Burden of Proof. The applicant for a variance shall have the burden of proof on all points material to the application, including presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The Board of Appeals may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.
- L. Lapse of special exception or variance. After the Board has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place following the plans for which such special exception or variance was granted. The provisions of this Ordinance shall then govern.
- M. If any application or request is disapproved on the merits by the Board or after the applicant withdraws, after that, the Board of Appeals shall not accept an application for substantially the same proposal, on the same premises, until after one (1) year from the date of such disapproval or withdrawal.
- N. Appeals from certain zoning decisions. Any person may appeal any decision of the Board to the Circuit Court for Wicomico County in the manner and by the method outlined in the Maryland Rules. Nothing herein contained shall change the existing standards for review of any such appeal.
- O. The appellants shall bear all costs incurred by the Town in transcribing meetings and hearings. All fees shall be paid to the Town before submitting any court record to the appropriate court.

**Article V. Nonconforming Uses and Structures.**

**§ 26. Continuation of nonconforming uses.**

Any lawful use of a building, structure, sign, or land at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance for so long as it remains lawful.

**§ 27. Expansion of nonconforming buildings, structures, or uses.**

- A. No structure, building, or uses shall be enlarged, extended, reconstructed, moved, or structurally altered except that, by the action of the Board of Appeals after a public hearing, such structure may be permitted an expansion not to exceed 50% of the gross floor area and cubic content.
- B. No nonconforming use of land shall be enlarged, or its area intensified or moved to a new location except by action of the Board of Appeals after a public hearing. The Board may grant an expansion not to exceed 50% of the land area.

- C. Any nonconforming use may be extended throughout the remaining parts of the building in which it is located, provided that such building parts were manifestly arranged or designed for such use at the time of adoption of this Ordinance. Board action is not required.
- D. Any structure or land, or structure and land in combination, in or on which a permitted use supersedes a nonconforming use shall after that conform to the regulations for the district in which it is located, and the nonconforming use may not after that be resumed.
- E. When a nonconforming use of a structure or land, or land and structure in combination, is discontinued or abandoned for twelve (12) consecutive months or more, subsequent use of such structure or land, or land and structure in combination, shall conform with the regulations of the district in which it is located.
- F. Should any structure be damaged or destroyed by any means to the extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed or restored, provided that its degree of nonconformity is not increased beyond that which existed just before such damage or destruction. Should any structure be damaged or destroyed by any means to an extent greater than 50% of the replacement cost at the time of destruction, it shall not be reconstructed or restored except in conformance with the provisions of the district regulations in which the structure is located, provided that the Board of Appeals, after a public hearing, may approve reconstruction or restoration, not in conformance with the applicable district regulations as a variance and subject to the provisions of Article IV. The Board of Appeals shall ensure that the district regulations are followed as closely as possible in granting such variance. Any dwelling unit lawfully existing at the time of adoption of this Ordinance which shall be destroyed by any means may be repaired or reconstructed at its prior location without Board action.

**§ 28. Repairs and maintenance.**

- A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, including the repair or replacement of structural components, fixtures, wiring, or plumbing, to an extent not exceeding 50% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be. This limitation shall not apply to dwelling units.
- B. If a nonconforming structure, except a dwelling unit or portion of a structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful

because of physical condition, it shall not after that be restored or rebuilt except in conformity with the regulations of the district in which it is located.

**§ 29. Uses and structures allowed under special exception provisions.**

Any use or structure which exists at the time of the adoption of this Ordinance which is permitted by this Ordinance as a special exception in the district where such use or structure is located shall not be deemed a nonconforming use or structure in such district but shall, without further action, be considered a conforming special exception. However, such use or structure shall be subject to the jurisdiction of the Board of Appeals as a special exception and shall not be expanded or otherwise modified or enlarged except upon Board hearing and approval.

**Article VI. Designation of Districts.**

**§ 30. Enumeration of districts.**

A. The incorporated area of Pittsville is divided into seven zoning districts which shall be designated as follows:

B. Base Zoning Districts:

CBD – Central Business District

CM – Core Mixed-Use District

CR – Central Residential District

SR – Single Family Residential District

MH - Mobile Home Residential District

RC – Regional Commercial District

MUE – Mixed-use Employment District

C. Overlay Zoning Districts:

CRD – Community Infill and Redevelopment District

CHD – Cottage Housing Development District

**§ 31. Purpose of Districts.**

A. Base Zoning Districts.

(1) CBD – Central Business District - The CBD district serves as the primary location of community-serving retail, service, and business uses within one-story and two-story buildings and may contain other compatible uses, such as civic and institutional uses of community-wide importance and second-floor residential uses. Infill and redevelopment of properties are encouraged, including adding shops and businesses to serve neighborhoods within a comfortable walking distance.

(2) CM – Core Mixed-use District - The purpose of the CM district is to encourage infill and redevelopment that increases the number of residents adjacent to and within easy walking distance of the CBD. The district permits mixed residential

infill and redevelopment, including multifamily, duplex, and townhouse units at higher densities and small business formation by allowing small retail and business establishments to develop as part of the mix of uses here.

- (3) CR - Central Residential District - The purpose of the CR district is to encourage infill and redevelopment that increases the number of residents living near the CBD. Permitted use includes multifamily, duplex, and townhouse units at moderate densities.
- (4) SR – Single Family Residential District – The SR district is the primary location for moderate-density residential neighborhoods consisting of one and two-unit dwellings and clustering of smaller units in cottage development. The purpose of the district is to recognize the existing development pattern and provide for a transition to the next level of intensity through compatible infill and redevelopment while maintaining the current single-family residential character.
- (5) MH - Mobile Home Residential District – Intended as an area for mobile homes either on single lots or in mobile home parks, affordable workforce, and low-income housing opportunities in a cohesive neighborhood setting.
- (6) RC – Regional Commercial District - The RC district is the primary location for more intense auto-oriented commercial and business uses requiring larger sites and generating high traffic volumes. The RC district provides appropriate space and, in particular, sufficient depth from the street to satisfy the needs of modern commercial development where access is almost entirely dependent on motor vehicles. Uses here serve the region and the Town and are located to take advantage of access from US 50. Development standards are applied to minimize adverse traffic impacts on local streets and create a positive image of the Town at its primary gateway entrances by regulating landscaping, signage, and lighting.
- (6) MUE – Mixed-use Employment District - The MUE district includes land for intensive commercial, business, and light industrial uses requiring more extensive land tracts. Uses here are located to take advantage of US 50 access. Development standards are applied to minimize adverse traffic impacts on local streets and create a positive image of the Town at its primary gateway entrances by regulating landscaping, signage, and lighting.

#### B. Overlay Zoning Districts.

- (1) CRD Community Infill and Redevelopment Overlay District – The purpose of the CRD Overlay District is to facilitate the development of vacant or underutilized

property to achieve more efficient use of land. Design standards promote compatible infill and redevelopment. Flexible standards permit the Planning Commission to approve projects even if the proposed development does not meet the underlying zones' minimum land area and dimension requirements. It is the general intent of the Community Infill and Redevelopment District to:

- (a) Accommodate growth in Pittsville by encouraging and facilitating new development and redevelopment on vacant, bypassed, and underutilized land where such development is found to be compatible with the surrounding neighborhood and adequate public facilities and services exist;
  - (b) Make efficient use of land and public services;
  - (c) Stimulate re-investment and development to strengthen the local economy and stabilize and improve property values;
  - (d) Provide developers and property owners flexibility that achieves high-quality design and results in infill and redevelopment projects that strengthen existing neighborhoods; and
  - (e) Implement the goals, objectives, and policies of the Pittsville Comprehensive Plan.
- (2) CHD Cottage Housing Development Overlay District - The CHD Cottage Housing Development Overlay District aims to further Pittsville's housing goals as detailed in the Comprehensive Plan. Specifically, it promotes lower-cost modest houses arranged in small clusters. In addition, this type of development will add to the diversity of the Town's housing stock and make available a type of housing that will be more affordable than standard large lot single-family alternatives.

**§ 32. CRD Community Infill and Redevelopment Overlay District.**

- A. Intent. This district intends to encourage appropriate development on vacant and underutilized properties where the Planning Commission determines it will achieve efficient land use and improve site design. This district's design standards promote compatible infill and redevelopment by, among other things, allowing development on sites that may not meet the minimum land area and dimension requirements of the underlying zones.
- B. Applicability.

- (1) The provisions of this district apply to all land located within the CRD Overlay Zone as designated on the official zoning map.
  - (2) All land uses and development shall be located and developed following the applicable provisions of the underlying zoning Ordinance and all other applicable land development regulations except as modified by this subsection.
- C. General Requirements. Site development shall adhere to the following to enhance compatibility with the surrounding community to the maximum extent practical:
- (1) Add sidewalks that connect to the adjacent sidewalk system where appropriate;
  - (2) Construct public streets that connect to the adjacent street pattern as needed;
  - (3) Preserve architecturally significant structures whenever feasible;
  - (4) Include new or connect with existing civic spaces;
  - (5) Include street furniture, lighting, and landscaping for the comfort and convenience of pedestrians; and
  - (6) Design buildings and sites to be compatible with the surrounding community.
- D. Permitted Uses. Permitted uses shall be limited to those allowed in the underlying zoning district.
- E. Development standards.
- (1) Density, design, materials, use, and scale shall reflect the building styles, climate, heritage, and materials unique to Pittsville.
  - (2) Lot area, width, and yards will be established for each project at the discretion of the Planning Commission.
  - (3) Density may exceed the underlying zone to create a neighborhood with various housing types.
  - (4) Buildings are restricted to the height limit established for the district or the average of adjacent buildings along the block face.
- F. Compatibility standards.
- (1) The proposed development should exhibit good site and architectural design, including high-quality materials that are compatible with and do not negatively



alter the character of the surrounding neighborhood.

- (2) All permitted structures must conform to the following requirements:
  - (a) Buildings should be similar in height and size or be designed to appear similar in height and size, creating an overall mass 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 maintains the existing streetscape's integrity.
  - (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 shall 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 in the preliminary plan and will demonstrate the relationships of the proposed development with the existing surrounding development.
- (4) Proposed open space and landscaping shall be shown on plans.
- (5) Public Facilities and Utilities.
  - (a) Existing and planned public facilities should be shown on development plans.
  - (b) All public streets, walkways, and alleyways shall be shown on development plans. All through streets and walkways must be public. The local street and walkway system shall be safe, efficient, convenient, attractive, and accommodate all population segments' use.
  - (c) Roads, lighting, sidewalks, street furniture, utilities, and other public facilities should be designed to enhance pedestrian circulation.
- (6) Parking.
  - (a) All parking spaces shall be shown on the site plan.

- (b) The Planning Commission may reduce minimum off-street parking requirements if the project is pedestrian-oriented.
- (c) The parking plan may provide a combination of off-street and on-street spaces.
- (d) Shared drives serving no more than two (2) dwellings may be permitted.
- (e) Bicycle parking shall be provided for non-residential projects.
- (f) Parking requirements can be waived where adequate public parking is available nearby, and the new parking demand does not interfere with the established parking patterns in the neighborhood. If public parking is proposed as the means of providing any required parking, such arrangement shall first be approved by the Town Commissioners. Approval shall be documented in a letter signed by the Town Commissioners specifying where public parking is available for regular use by the development.

G. Findings Required and Conditions of Approval. The Planning Commission may approve a proposed infill or redevelopment project upon finding that:

- (1) The plan accomplishes the purposes, objectives, and minimum standards and requirements of the overlay district;
- (2) The plan is in accordance with the Pittsville Comprehensive Plan;
- (3) The plan is internally and externally compatible and harmonious with existing and planned land uses in the area; and
- (4) Existing or planned public facilities adequately serve the proposed development.
- (5) The Planning Commission may establish appropriate conditions for approval of non-residential uses concerning such things as hours of operation, buffer, screening, signage, and lighting to ensure compatibility with adjacent residential uses.

H. Application process.

- (1) Notice: Property or properties proposed for infill or redevelopment under the terms of this subsection shall be posted by the Town. Such posting shall appear on the site at least (14) days before the Planning Commission considers the application. As outlined herein, all required application information shall be present and available for review in the Town office at the time of posting.

- (2) The applicant has the entire burden of proof to demonstrate that the proposed infill or redevelopment proposal meets or exceeds the development standards in Sections E and compatibility standards in Section F. 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 five hundred (500) feet of the proposed development site). These descriptions shall include documenting photographs and an analysis of the prominent architectural features on the adjacent block faces and shall address the following:
    - (i) site location and topography;
    - (ii) street connections;
    - (iii) pedestrian pathways;
    - (iv) lot coverage;
    - (v) building orientation; and
    - (vi) a description of prominent existing neighborhood architectural styles, characteristics, and features.
  - (c) A description of the proposed infill or redevelopment, including:
    - (i) elevations of all proposed buildings;
    - (ii) a description of how the proposed infill or redevelopment is compatible with the features described in b above; and
    - (iii) a statement of how the proposed infill or redevelopment meets E and F development and compatibility standards above and the findings requirements outlined in G above.
- I. Remedies. Appeals from the Planning Commission's decision concerning any application for infill or redevelopment may be made as provided in Article IV of this Ordinance.

**§ 33. CHD Cottage Housing Development Overlay District.**

- A. Intent. The CHD overlay district establishes a regulatory platform for developing affordable housing. The provisions of this district may be applied to a parcel or parcels of land combined and are supplemental to the provisions of the underlying zone. In the event of a conflict with the underlying zone, the CHD zone shall apply. All other provisions of this Ordinance applicable to the underlying district shall apply.
- B. Definitions.

- (1) Cluster - A group of four (4) to twelve (12) cottages arranged around a common open space.
  - (2) Common open space - An area improved for passive recreational use or gardening. Common open spaces must be owned and maintained through a homeowners' or condominium association or similar mechanism.
  - (3) Cottage - A single-family detached dwelling unit part of a cottage housing development.
  - (4) Cottage Housing Development (CHD) – A cluster of cottages developed under a single master land development plan or as part of another land development plan.
  - (5) Footprint - The gross floor area of a cottage's ground-level story.
- C. Applicability. The CHD Overlay Zone shall include the SR, CR, and CM districts.
- D. Permitted Uses.
- (1) Uses permitted in the CHD zone shall be single-family dwellings and accessory uses to single-family dwellings.
  - (2) Except for home occupations permitted under the provisions of this Ordinance, the CHD zone does not allow commercial uses.
  - (3) Transient lodgings not allowed in the CHD zone.
- E. Minimum Land Area. The minimum land area for a CHD shall be one (1) acre for all applicable zones.
- F. Density.
- (1) Density in CHD shall not exceed one (1) dwelling unit per two thousand (3,000) square feet per acre.
  - (2) A CHD is composed of clusters of cottages.
    - (a) Minimum units per cluster: 4
    - (b) Maximum units per cluster: 12
    - (c) Maximum clusters per CHD: 2
- G. Community Assets.
- (1) Common open space.
    - (a) Each cluster of cottages shall have common open space to provide a sense of openness and community for residents.

- (b) At least four hundred (400) square feet per cottage of common open space is required for each cluster.
  - (c) Each common open space area shall be in one continuous and useable piece.
  - (d) To be considered part of the minimum open space requirement, an area of common open space must have a minimum dimension of twenty (20) feet on all sides.
  - (e) The common open space shall be at least three thousand (3,000) square feet in area, regardless of the number of units in the cluster.
  - (f) Required common open space may be divided into no more than two separate areas per cluster.
  - (g) At least two sides of the common open area shall have cottages along its perimeter.
  - (h) Parking areas, yard setbacks, private open space, and driveways do not qualify as common open space.
- (2) Community Building.
- (a) Community buildings are permitted for CHDs.
  - (b) Community buildings shall be incidental in use and size to dwelling units.
  - (c) Building height for community buildings shall be no more than one story.

H. Ownership.

- (1) Community buildings, parking areas, and common open spaces shall be owned and maintained by the CHD residents through a condominium association, a homeowners' association, or a similar mechanism and shall not be dedicated to the Town.
- (2) Ownership documents shall be reviewed and approved by the Town Attorney.

I. Design.

- (1) Cottage Size
  - (a) The gross floor area of each cottage shall not exceed 1,200 square feet.
  - (b) At least 25% of the cottages in each cluster shall have a gross floor area of less than 1,000 square feet.

- (c) Cottage areas that do not count toward the gross floor area or footprint calculations are:
  - (i) interior spaces with a ceiling height of six feet or less, such as in a second-floor area under the slope of the roof;
  - (ii) basements;
  - (iii) architectural projections—such as bay windows, fireplaces, or utility closets—no greater than twenty-four (24) inches in depth and six (6) feet in width;
  - (iv) attached unenclosed porches; and
  - (v) garages or carports;
- (d) The footprint of each cottage shall not exceed 1,000 square feet.
- (2) Unit Height. The maximum height of cottage housing units shall be twenty-six (26) feet.
- (3) Orientation of Cottages.
  - (a) Each dwelling unit shall be clustered around a common open space. Each unit shall have a primary entry and covered porch oriented to the common open space.
  - (b) Lots in a CHD can abut either a street or an alley.
  - (c) Each unit abutting a public street (not including alleys) shall have a façade, secondary entrance, porch, bay window, or other architectural enhancement oriented to the public street.
- (4) Cottage Setbacks.
  - (a) The minimum setbacks for all structures (including cottages, parking structures, and community buildings) in a CHD are:
    - (i) Ten (10) feet from any public right-of-way.
    - (ii) Ten (10) feet from any other structure.
  - (b) Cottages shall be no more than twenty-five (25) feet from the common open area, measured from the façade of the cottage to the nearest delineation of the common open area.
  - (c) No part of any structure in the CHD (including but not limited to cottages, parking structures, and community buildings) shall be more than one

hundred fifty (150) feet, as measured by the shortest clear path on the ground, from fire department vehicle access.

- (5) Porches.
  - (a) Cottage units shall have covered front porches. The front porch shall be oriented toward the common open space.
  - (b) Covered porches shall have at least sixty (60) square feet in area.
- (6) Basements. Cottages may have basements.

#### J. Parking

- (1) Minimum Number of Off-Street Parking Spaces.
  - (a) Units up to seven hundred (700) square feet: one (1) space per dwelling unit.
  - (b) Units 701-1,000 square feet: One and a half (1.5) spaces per dwelling unit, rounded up to the following whole number.
  - (c) Units with more than one thousand (1,000) square feet: two (2) spaces per dwelling.
  - (d) The CHD shall include additional guest parking. A minimum of one-half (0.5) guest parking spaces per dwelling unit, rounded up to the following whole number, shall be provided for each cottage cluster. Guest parking may be clustered with resident parking; however, the spaces shall include clear signage identifying them as reserved for visitors.
  - (e) The requirement for off-street parking may be waived or reduced by the Planning Commission if sufficient on-street parking is available.
- (2) Parking Design.
  - (a) Parking shall be separated from the common area and public streets by landscaping and/or architectural screening. Solid board fencing shall not be allowed as an architectural screen.
  - (b) Parking areas shall be accessed only by a private driveway or a public alley.
  - (c) The design of garages and carports, including rooflines, shall be similar to and compatible with the dwelling units within the CHD.
  - (d) Parking areas shall be limited to five (5) contiguous spaces.

#### K. Walkways.

- (1) A CHD shall have sidewalks along all public streets.
- (2) A system of interior walkways shall connect each cottage, parking area, and sidewalks abutting any public streets bordering the CHD.
- (3) Walkways and sidewalks shall be at least four (4) feet in width.

L. Project Plan Application and Approval.

- (1) Information: The following information must be submitted as part of the CHD application. This information must be presented on plans of professional quality.
  - (a) A tabulation of the total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, residential units, open space or common space, streets, etc.
  - (b) Proposed circulation pattern, including private driveways, public and private streets, and pedestrian paths.
  - (c) Parks, common open spaces, playgrounds, and other public or private recreation facilities and improvements proposed within the project.
  - (d) Project plan; general location of all dwellings and other structures in the CHD.
  - (e) Typical exterior design presented as exterior perspectives or exterior elevations for all building types.
  - (f) Conceptual landscaping plans showing the types and sizes of all plant materials and their locations.
  - (g) Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress.
  - (h) Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan in the manner presented.
- (2) The Planning Commission will review the application to determine if it is complete or requires additional information. The Planning Commission will post a public hearing according to Article XIV of this Ordinance to review the application if it is complete.
- (3) Planning Commission Review: The Planning Commission may approve, approve with conditions or deny the application for the CHD project. In granting such approval, the Planning Commission may impose such specific conditions as site development, phasing, and building construction or maintenance and operation



as it deems necessary to protect the health, safety, and welfare of the Town's residents.

M. Amendments and Modifications.

- (1) Any amendments to the development plan shall be accomplished in the same manner as the original application.
- (2) Revised text and/or plans shall be submitted to the Planning Commission and reviewed in the same manner as the initial application.

N. Variations to Zone Permitted.

- (1) Upon applying the CHD zone provisions, variations from the development standards of the existing zone may be permitted by the Planning Commission, provided the variations are expressly approved and adopted as part of the approved development plans and any other supporting documents.
- (2) Variations, however, shall not include changes in the permitted uses allowed by the zone with which the CHD zone has been combined, except to the extent set forth herein.

## **Article VII. Permitted Uses.**

### **§ 34. Use of the designations P and SE 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 building permit issued by the Town. The letter "SE" means a special exception permit must be obtained from the Board of Appeals with a recommendation from the Planning Commission.

### **§ 35. No more than one principal structure on a lot.**

- A. Every structure hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record. In no case shall there be more than one (1) principal structure on a lot unless provided in B below.
- B. More than one principal structure may be located upon a lot in the following instances subject to the lot, yard and density requirements, and other provisions of this Ordinance:
  - (1) Institutional buildings.
  - (2) Public or semi-public buildings.
  - (3) Multiple-family dwellings.
  - (4) Commercial or industrial buildings.
  - (5) Additional principal structures in permitted mixed-use projects with the prior approval of the Planning Commission.
  - (6) Condominiums.
  - (7) Cottage house development.

### **§ 36. Use categories.**

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

- A. Use categories.

This Ordinance 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 are used to 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, and how goods or services are sold or delivered, and site conditions.

C. Specific use types.

Some use subcategories may be further broken down to identify specific types of uses regulated differently from the subcategory.

D. Determination of use categories and subcategories.

- (1) The Planning Commission is authorized to classify uses based on this Ordinance's use category, subcategory, and specific use type descriptions.
- (2) In the event the Planning Commission is unable to classify uses based on the use category, subcategory, and specific use type descriptions, and where such use is not explicitly prohibited from the district, the Planning Commission shall submit to the Board of Appeals a written request for a determination of the unclassified use per Article IV.
- (3) If the Board of Appeals determines that the use in question is similar and meets the intent of the principal permitted uses within the district, then it shall instruct the Planning Commission to issue a zoning certificate.
- (4) If 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 usual manner.
- (5) Once a permitted or special exception use has been allowed or disallowed by the Board, it shall be considered classified under the appropriate category in the district.

## § 37. Residential use category.

### A. Household Living.

Residential occupancy of a dwelling unit by a household. When dwelling units are rented, the tenancy is arranged on a month-to-month or more extended basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered 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. This category includes modular homes and manufactured homes that meet the standards outlined in § 72 standards.
- (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 a party wall or walls or is located on its lot with a shared or abutting wall at the dwelling units' shared lot lines. Each dwelling unit has its external entrance.
- (3) Two-family (Stacked Duplex) - Two dwelling units located one over the other and having two side yards.
- (4) Duplex - Two dwelling units are attached side-by-side by a party wall and have one side yard adjacent to each dwelling unit.
- (5) Townhouse - Three or more dwelling units, each occupying a separate lot unless in a condominium, are attached side-by-side by party walls and have 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 occupied by three (3) or more dwelling units that share common walls and/or common floors/ceilings.
- (7) 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.
- (8) 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 USC §§5401, et seq.). Manufactured housing units meeting the standards outlined in § 72 are included as detached housing.
- (9) Mixed-use building, residential - A building containing a combination of allowed nonresidential and allowed residential uses. In addition, the category includes

live/work units, a single unit consisting of both a commercial/office and a residential component that the same resident occupies.

- (10) Mobile Home - A detached residential or business unit containing not less than 500 square feet of gross livable floor area in the initially manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. Units commonly known as a "double-wide" and any unit classified as a "mobile home" by an applicable financing or construction standard, including, without limitation, the United States Department of Housing and Urban Development regulations, State Department of Economic and Community Development regulations and state or federal law as such laws or regulations are in effect as of the date of passage of this Ordinance, shall be considered a "mobile home." Placing a "mobile home" on a permanent foundation or the construction of additions, porches, and the like shall not change the classification of such mobile homes. Recreational trailers, vehicles, and modular homes are not considered "mobile homes."
- (11) Modular Home - A detached residential unit built to the specifications of a recognized building code, containing not less than 500 square feet of gross livable floor area in the initially manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly in a permanent and separately constructed foundation. A "modular home" must meet the requirements and definitions of the Maryland Industrialized Building and Mobile Homes Act as in effect as the date of passage of this Ordinance.
- (12) Cottage housing - A grouping of small, single-family dwelling units clustered around a common area and developed with a coherent plan for the entire site. The cottage units may have other shared amenities, including shared common areas and coordinated design.

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, shelter 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 care for themselves fully and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in various residential settings with meals, housekeeping, social, leisure, and other services to assist daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.
- (4) 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 provide vocational training, counseling, and other services. Release to a halfway house is used in situations such as releasing mental patients and prisoners. People in addiction recovery also use them to adapt to sober living. They usually require residents to follow specific rules, such as sign-in and sign-out procedures and curfews. A halfway house may allow residents to work or study during the daytime and return at night. Residency requirements, purposes, and rules vary at each halfway house.

**§ 38. Public, civic, and institutional use category.**

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

- A. Cemetery - Land or structures used for burial or permanent storage of the dead or cremated remains. Typical uses include cemeteries and mausoleums. It also includes pet cemeteries.
- B. College or university - Institutions of higher learning that offer general or specialized study courses 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 establishing 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 arts or sciences.
- I. 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. It also includes public and private golf courses and country clubs.
- J. Religious assembly - Religious services involving public assembly customarily occurring 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, daycare center, school of general instruction, gymnasium, social hall, and social services programs.
- K. Safety service - Facilities provided by the Town, state, or federal government that provides fire, police, or life protection and the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.
- L. School - Schools at the primary, elementary, junior high, or high school levels providing basic, compulsory state-mandated education.
- M. 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 provided to the general public, such as water, sewerage, sewage treatment, electricity, piped gas, or telecommunications.
- (3) Alternative energy facilities - Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net-metered installations and installations that generate power to sell wholesale to the power grid.

N. Alternative Energy Systems.

- (1) Wind Energy Conversion System - An electrical generating facility consisting of a wind turbine, generator, other accessory structures and buildings, electrical infrastructure, and other appurtenant structures and facilities.
- (2) Solar Energy System (SES) – Solar collectors, panels, controls energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal and photovoltaic.

O. Wireless telecommunications - Towers, antennas, equipment, equipment buildings, and other facilities to provide wireless communication services. The following are specific types of wireless telecommunications uses:

- (1) Freestanding towers - A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles and guyed and lattice construction steel structures.
- (2) Building or tower-mounted antennas - The physical device 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 transmitting and receiving satellite signals.
- (4) Small wireless facility – "Small cells" are low-powered wireless base stations that function like traditional cell sites in a mobile wireless network but typically cover targeted indoor or localized areas. "DAS" or "distributed antenna systems" use numerous antennae, commonly known as "nodes," similar in size to small cells and are connected to and controlled by a central hub. This category includes similar facilities, systems, or devices designed to facilitate a mobile wireless network within a localized area and attached to a support structure within sidewalks, streets, or private property.

### **§ 39. Commercial use category.**

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

- A. Adult entertainment establishment.
  - (1) Adult-oriented business - Any business, operation, or activity a significant amount of which consists of the 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-viewing.
  - (3) Adult-oriented businesses and adult book or video stores are not permitted in Pittsville.
- B. Animal service - Uses that provide goods and services for the 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 daycare, pet adoption centers, dog training centers, and animal rescue shelters. For purposes of this Ordinance, the keeping of more than four (4) dogs, cats, or similar household companion animals over four (4) months of age or the keeping of more than two (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 permit 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. Commercial service - Uses that provide consumer or business services and repair and maintain a wide variety of products.
- (1) Building service - Uses that provide maintenance and repair services for all structural and mechanical elements of structures and the exterior spaces. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning, and similar services. Outdoor storage of equipment and supplies only where explicitly permitted.
  - (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 repair/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. In addition, a business that offers repair and maintenance service technicians who visit customers' homes or places of business is classified as a "building service."
  - (4) Personal improvement service - Uses that provide various 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 offering fortune-telling or psychic services.

- (a) Tattoo establishments are also included in the personal improvement service use subcategory.
  - (5) Research service - Uses engaged in scientific research and testing services, leading to 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 detectable external impacts beyond the property lines of the subject property.
  - E. Daycare - Uses providing care, protection, and supervision for children or adults regularly away from their primary residence for less than twenty-four (24) hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs, and adult daycare facilities. In addition, Daycare expressly includes state-accredited adult daycare facilities and facilities for child care.
    - (1) Daycare center - A facility licensed by the State of Maryland that provides daycare for more than eight (8) children or any number of adults.
    - (2) Daycare home - A dwelling unit licensed by the State of Maryland in which daycare is provided for a maximum of eight (8) children, excluding natural, adopted, and foster children of the residents of the dwelling unit.
  - F. 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, bakeries, restaurants, cafeterias, ice cream/yogurt shops, coffee shops, and similar establishments. A bar area is customarily incidental and subordinate to the principal use as an eating establishment.
  - G. Financial service - Uses related to the exchange, lending, borrowing, and safe-keeping of money. Typical examples are banks, credit unions, and consumer loan establishments.
  - H. 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.
- Lodging - Uses that provide temporary lodging for less than 30 days where rents are charged by the day or week. Lodging 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) Inn - A commercial facility, not meeting the criteria of a hotel or motel and not a boarding- or rooming house for serving meals and/or the housing of transients.
  - (3) 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.
  - (4) Boardinghouse and rooming - A private dwelling or part thereof where lodgings with or without meals are provided for compensation to persons not members of the resident family.
- I. Office - Uses in an enclosed building, customarily performed in an office, focusing on providing executive, management, administrative, professional, or medical services.
- K. Retail sales. Uses involving the sale, lease, or rental of new or used goods to the 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, specialty food stores, wine or liquor stores, gift shops, newsstands, and florists. Also included are convenience stores with and without fuel pumps, e.g., Wawa, Royal Farms.
  - (2) Consumer shopping goods - Retail sales uses that sell or otherwise provide clothing, 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 use 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, wallpaper supply stores, and garden.

- L. Self-service storage facility (e.g., mini-storage) - An enclosed use that provides separate, 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 from regular-sized passenger vehicles and two-axle non-commercial vehicles.
- M. Studio, instructional, or service - Uses in an enclosed building that provides instruction or training in music, dance, drama, fine arts, language, or similar activities. It also includes artist studios and photography studios. See also "personal improvement service" in the commercial services use category.
- N. Trade school - Uses in an enclosed building that focuses on teaching the skills needed to perform a particular job. Examples include cosmetology schools, 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).
- O. 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 include the following specific use types:

- (1) Commercial vehicle repair and maintenance - Uses, excluding vehicle paint finishing shops, that involve repairing, installing, or maintaining 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. This subcategory 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, 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. It also includes uses that wash, clean, or otherwise protect these vehicles<sup>1</sup>

exterior or interior surfaces. The subcategory does not include vehicle body or paint finishing shops.

- (5) Personal vehicle sales and rentals - Uses that provide the sale or rental of new or used autos, small trucks or vans, trailers, motorcycles, motor homes, or recreational vehicles, including recreational watercraft. 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 primarily conducting vehicle bodywork and repairs or applying paint to vehicles' exterior or interior surfaces by spraying, dipping, flow coating, or other similar means.

#### **§ 40. Wholesale, distribution, and storage use category.**

This category includes uses that provide and distribute goods in large quantities, principally to retail sales, commercial services, or industrial establishments. In addition, long-term and short-term storage of supplies, equipment, commercial goods, and personal items are 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, including the contractor's business office.
  - (2) Fuel storage – An establishment that includes "fuel storage tanks" 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 adequate 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 repairs and maintenance of vehicles stored on the premises are also included. Includes uses engaged in moving 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 engaged in long-term and short-term storage of goods 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.
  - (1) Limited wholesale sales and distribution facilities, excluding fuels and other flammable liquids, solids, or explosives held for resale and the bulk storage or handling of fertilizer, grain, and feed.
  - (2) Wholesale sales and distribution facilities, including fuels and other flammable liquids, solids, or explosives held for resale and the bulk storage or handling of fertilizer, grain, and feed.

**§ 41. 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 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 arts and crafts or very small-scale manufacturing uses with 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 explosive or petroleum materials. Uses in this subcategory do not involve assembling large equipment and machinery. As a result, they have minimal external noise, vibration, odor, hours of operation, and truck and commercial vehicle traffic impacts.
- 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. 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.

- E. Fuel storage – This subcategory includes fuel storage tanks with a capacity of 5,000 gallons or greater, either individually or in the aggregate, whether accessory to an industrial operation or the principal use of the property. This category does not include fuel storage tanks with a capacity of 5,000 gallons or less, either individually or in the aggregate, intended for residential home heating and cooking use only and located on the same lot as the principal use.

**§ 42. Recycling use category.**

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

- A. Recyclable material drop-off facility - An establishment that accepts recyclable consumer commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. For this use, recyclable commodities shall be limited to non-hazardous, 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 Ordinance 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 the authority of 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.

**§ 43. Agricultural use category.**

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

- A. Agriculture, animal production - The (principal or accessory) use of land to keep or raise farm animals. Animal production is expressly prohibited in the Town.
- B. Agriculture, crop production - The use of land for growing, raising, or marketing plants to produce food, feed, fiber commodities, or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and harvesting agricultural or horticultural commodities. Crop agriculture does not include community gardens or raising or keeping farm animals.



- C. Agriculture, buildings, and structures – This category includes all buildings and structures associated with agriculture uses.
- 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, donation, or 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 farmed collectively by group members. In addition, 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 located at grade (outdoors), roof, or 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 a roof. The use may include accessory storage and processing of plants grown on-premises. Included in this category are greenhouses and hydroponic facilities.

**§ 44. 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 offers 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 Ordinance does not involve the erection of substantial buildings. However, it is permitted for a defined period.
  - (1) Temporary Use, Emergency – Structures and/or use 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.

**§ 45. Accessory use category.**

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

**§ 46. Accessory uses regulations.**

- A. General regulations. The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated.
  - (1) Accessory uses and structures are permitted in connection with the lawfully established principal uses.
  - (2) The Planning Commission is authorized to determine when a use, building, or structure meets the criteria of an accessory use or accessory structure. To classify a use or structure as an "accessory," the Planning Commission must determine that the use or structure:
    - (a) is subordinate and incidental to the principal structure or principal use served in terms of area and function;
    - (b) provides a necessary function for or contributes to the comfort, safety, or convenience of occupants of the principal use; and
    - (c) is customarily found in association with the principal subject use or principal structure.
  - (3) Time of Construction and Establishment. Accessory buildings may be established in conjunction with or after the principal building is completed. However, they may not be established before the principal building.

**§ 47. Permissible uses not requiring permits.**

Notwithstanding any other provisions of this Zoning Ordinance, no zoning or special-exception permit is necessary for the following uses:

- A. Streets.
- B. Access driveways to an individual detached single-family dwelling.
- C. Essential Services and Public Utilities.

**§ 48. Permissible Uses Tables.**

- A. Table of Permissible Uses

<b>§ 48.A Permissible Uses Table</b>							
	<b>ZONING DISTRICT</b>						
<b>Permitted Use Categories and Subcategories</b>	<b>SR</b>	<b>CR</b>	<b>CM</b>	<b>MH</b>	<b>CBD</b>	<b>RC</b>	<b>MUE</b>
<b>Residential</b>							
<b>Household Living</b>							

§ 48.A Permissible Uses Table							
Permitted Use Categories and Subcategories	ZONING DISTRICT						
	SR	CR	CM	MH	CBD	RC	MUE
Detached house	P	P	P	P	P	P	
Two-family	P	P	P		P		
Duplex	P	P	P		P		
Townhouse		P	P				
Multi-family/apartment/condo		P	P		P		
Mobile home,				P			
Modular home, Manufactured home	P	P	P	P	P	P	
Cottage housing development	P	P	P				
Accessory dwelling units	P	P	P		P		
Caretaker/Security Dwelling						P	P
Mixed-use building, residential		P	P		P	P	
Live/work unit		P	P		P		
<b>Group Living</b>							
Group domiciliary care facility	P	P	P				
Continuing care retirement communities		SE	P			P	
Halfway house		SE					
Shelter Care	SE	SE	SE				
<b>Public, Civic, and Institutional</b>							
Cemetery	SE	SE	P				
College or university			P			P	P
Community center	P	P	P				
Fraternal organization		P	P		P		
Governmental facility	P	P	P	P	P	P	P
Hospital			P			P	P
Library	P	P	P		P		
Museum or cultural facility	SE	P	P		P		
Parks and recreation	P	P	P		P		
Religious assembly	P	P	P	P	P		
Safety service	P	P	P		P	P	P
School	P	P	P				
Essential services	P	P	P	P	P	P	P
Utilities and public service facility	P	P	P	P	P	P	P
<b>Alternative Energy Systems</b>							
Small Wind Energy Conversion System	P	P	P	P	P	P	P
Solar Energy System (SES), Small-Scale	P	P	P	P	P	P	P
Solar Energy System (SES), Medium Scale	SE					SE	SE
Solar Energy System (SES), Large-Scale	SE					SE	SE
<b>Wireless Telecommunications</b>							

§ 48.A Permissible Uses Table							
Permitted Use Categories and Subcategories	ZONING DISTRICT						
	SR	CR	CM	MH	CBD	RC	MUE
Freestanding towers						P	P
Building or tower-mounted antennas						P	P
Satellite dish	P	P	P		P	P	P
Small wireless facility		P	P		P	P	P
<b>Animal Services</b>							
Grooming	P	P	P		P	P	P
Boarding or shelter/kennel						P	P
Veterinary care					P	P	P
<b>Assembly and entertainment</b>					P	P	P
<b>Commercial Service</b>							
Building service							
With outdoor storage						P	P
No outdoor storage of equipment and supplies					P		
Business support service					P	P	P
Consumer maintenance and repair service					P	P	P
Personal improvement service			P		P	P	
Research Service						P	P
Daycare center	SE	SE	P				
Eating and drinking establishments			SE		P	P	P
Financial service			P		P	P	P
Funeral and mortuary service			P		P	P	
Studio, instructional, or service			P		P	P	P
Trade school					P	P	P
<b>Lodging</b>							
Hotel and motel			P		P	P	
Bed and breakfast, Inn	P	P	P		P		
<b>Office</b>							
Business and professional office			P		P	P	
Medical, dental, and health practitioner			P		P	P	
<b>Retail Sales</b>							
Convenience goods			P		P	P	P
Consumer shopping goods			P		P	P	P
Building supplies and equipment			P		P	P	P
<b>Vehicle Sales and Service</b>							
Commercial vehicle repair and maintenance						P	P
Commercial vehicle sales and rentals						P	P
Fueling station					SE	P	P

§ 48.A Permissible Uses Table							
Permitted Use Categories and Subcategories	ZONING DISTRICT						
	SR	CR	CM	MH	CBD	RC	MUE
Personal vehicle repair and maintenance						P	P
Personal vehicle sales and rentals					SE	P	P
Vehicle body and paint finishing shop							P
<b>Wholesale, Distribution &amp; Storage</b>							
Equipment and materials storage, outdoor							P
Contractor's shop						P	P
Trucking and transportation terminal							P
Warehouse							P
Mini storage facilities/Self Storage						P	P
Limited wholesale sales and distribution facilities.						P	P
Wholesale sales and distribution facilities.							P
<b>Industrial</b>							
Artisan industrial			SE		SE	P	P
Limited industrial						P	P
General industrial							P
Bulk storage or wholesaling of fuels and other flammable liquids over 5,000 gallons							SE
Bulk storage or wholesaling of fuels and other flammable liquids less than 5,000 gallons						P	P
Storage in bulk, drying, or other processing of grain and livestock feed or storage and sale of fertilizer, coal, coke, or firewood						SE	SE
<b>Recycling</b>							
Recyclable material drop-off facility						P	P
Recyclable material processing	Not permitted in any district						
<b>Agriculture</b>							
Agriculture, crop production	P	P	P	P	P	P	P
Crop production, medical cannabis	SE						
Agriculture, buildings, and structures	SE	SE	SE	SE	SE	SE	SE
Community garden	P	P	P				
Indoor plant cultivation						P	P
<b>Other</b>							
Drive-in or drive-through facility			P		P	P	P
Temporary use, construction	P	P	P	P	P	P	P
Temporary uses, emergency	P	P	P	P	P	P	P
Temporary Use, sales	P	P	P	P		P	P
<b>Accessory Uses</b>							
Home occupation	P	P	P	P	P		

<b>§ 48.A Permissible Uses Table</b>							
	<b>ZONING DISTRICT</b>						
<b>Permitted Use Categories and Subcategories</b>	<b>SR</b>	<b>CR</b>	<b>CM</b>	<b>MH</b>	<b>CBD</b>	<b>RC</b>	<b>MUE</b>
Portable storage containers, roll-off trash containers	P	P	P		P	P	P
Boarding and rooming	P	P	P				
Daycare, home	P	P	P	P			
Garage/Yard sales	P	P	P	P	P		

## **Article VIII. Bulk Regulations.**

### **§ 49. Height regulations.**

- A. Height regulations shall not apply to spires, belfries, cupolas, or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, grain elevators, or storage tanks, utility poles or communications towers, or necessary mechanical appurtenances.

### **§ 50. Lot requirements.**

- A. Required yard setbacks.

Unless otherwise indicated, all lots shall have front, side, and rear yards as outlined herein. No principal building or structure or part thereof and, when specified, no principal use of land shall occupy any required yard or other setbacks except as a variance granted by the Board of Appeals or provided in Article IV and recommended by the Planning Commission.

- B. Required yards not to be reduced.

- (1) No lot shall be reduced in area to make any yard or any other open space less than the minimum required by this Ordinance, and if already less than the minimum required, such yard or open space shall not be further reduced except by the approval of the Board of Appeals per the provisions in Article IV or projects approved by the Planning Commission in the Community Infill and Redevelopment or Cottage Housing Development Overlay Districts.
- (2) No part of a yard or other open space provided about any building, structure, or use to comply with the provisions of this Ordinance shall be considered as part of a yard or other open space required under this Ordinance for another building, structure or use, except as provided for projects approved by the Planning Commission in the Community Infill and Redevelopment or Cottage Housing Development Overlay District and as provided in Subsection C.

- C. Lots used in combination.

When two or more contiguous lots are in single ownership, they may be considered as a single lot for purposes of calculating lot and setback requirements, provided that the deeds for such lots are amended, or a Deed of Consolidation is executed and recorded to show that such lots may be transferred only as a unit.

**§ 51. Minimum lot frontage.**

- A. Except as may otherwise be provided in the Ordinance, no structure shall be erected or placed on any lot unless a said lot has a minimum lot frontage as provided in § 58 on a public street, road, right-of-way, or private dedicated right-of-way, but not an alley.
- B. The term "frontage" means breadthwise and not lengthwise and has reference to that part of a lot that fronts on or is bounded by a public street, road, or place; it is not synonymous with "mean width."

**§ 52. Yard setback modifications.**

Every part of a required yard shall be open to the sky, except the features outlined in the following paragraphs may extend into minimum required yards.

- A. The following shall apply to any structure:
  - (1) Cornices, canopies, awnings, eaves, or other such similar features, all of which are at least ten (10) feet above finished ground level, may extend three (3) feet into any minimum required yard but not closer than five (5) feet to any lot line.
  - (2) Sills, leaders, belt courses, chimneys, and similar ornamental features may extend twelve (12) inches into any minimum required yard.
  - (3) Open balconies, fire escapes, fire towers, uncovered stairs and stoops, air conditioners, and heat pumps, none of which are more than ten (10) feet in width, may extend five (5) feet into any minimum required yard, but no closer than five (5) feet to any lot line.
  - (4) Bay windows, chimneys, and small solar energy systems or heating equipment may project a distance not to exceed three (3) feet, provided that such features do not occupy, in aggregate, more than one-third of the length of the wall on which they are located.
  - (5) Window air-conditioning units may project to a distance not to exceed twenty-four (24) inches into a required yard.
  - (6) Carports may extend five (5) feet into any minimum required side yard, but no closer than six (6) feet to any side lot line and not closer than ten (10) feet to a principal structure on an adjacent lot subject to the following:
    - (a) A carport may be freestanding or attached to another structure.
    - (b) A carport cannot exceed 1,000 square feet in area or one story in height and must be entirely open on two or more sides except for structural supports.



- (c) There can be no enclosed use above a carport.
  - (d) Any structure which does not meet the above definition must comply with all regulations relating to a private garage.
- (7) Any roofed deck with no part of its floor higher than four (4) feet above finished ground level may extend into the minimum required yards as follows:
- (a) Front yard: six (6) feet, but no closer than ten (10) feet to a front lot line.
  - (b) Side yard: five (5) feet, but no closer than five (5) feet to any side lot line
  - (c) Rear yard: twelve (12) feet, but no closer than five (5) feet to any rear lot line and no closer than a distance equal to the minimum required side yard to the side lot line.
- B. Front yard modifications.
- (1) Where twenty-five percent (25%) or more of the street frontage along the block face where the property in question is located is improved with residential units that front on the block face and have a front yard that is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.
  - (2) Where forty percent (40%) or more of the street frontage is improved with buildings with no front yard, no front yard shall be required for the remainder of the street frontage in the block face.

**§ 53. Fences and walls.**

Fences and walls may be located in a required yard subject to the following:

- A. Fences and walls not exceeding three (3) feet in height above the elevation of the ground may be located in a front yard setback. Any fence erected in a front yard shall be placed at least one (1) foot back from the front line and/or property line.
- B. Fences and walls not exceeding six (6) feet in height above the elevation of the ground may be located in any rear or side yard setback.
- C. No front yard fences are allowed in townhouse projects.
- D. Property line fences or walls are not subject to accessory structure setbacks.
- E. In any district, the Board of Appeals may permit, as a notable exception, the location of a fence or wall in any required setback and to any height, if such is reasonably necessary and will not adversely affect the use, enjoyment, or value of surrounding property.
- F. Materials and Composition.

- (1) No fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid.
  - (2) Finished side of the fence shall face the outside of the property.
  - (3) The following fences and fencing materials are expressly prohibited:
    - (a) Barbed or razor wire.
    - (b) Pointed fences less than three (3) feet in height.
    - (c) Canvas fences.
    - (d) Cloth fences.
    - (e) Electrically charged fences.
    - (f) Poultry fences.
    - (g) Turkey wire.
    - (h) Temporary fences such as snow fences.
    - (i) Expandable fences and collapsible fences, except during the construction of a building or structure.
  - (4) All chain link fences erected shall be erected with the closed-loop at the top of the fence.
  - (5) All entrances or gates shall open into the property.
- G. All fences or walls must be erected to not infringe upon a public right-of-way or easements. All fences or walls must be erected on or within the property line. None shall be erected to interfere with vehicular or pedestrian traffic or visibility on corner lots.
- H. Any fence, wall, or similar structure which may cause a nuisance, a fire hazard or a dangerous condition, or an obstruction affecting public safety is prohibited.
- I. Every fence or wall shall be maintained in reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. A public nuisance is any such fence or wall that has become dangerous to public safety, health or welfare or has become unsightly through improper maintenance or neglect. The Town shall commence proper proceedings for the abatement thereof.

**§ 54. Corner visibility zone.**

No sign, fence, wall, hedge, planting, structure, or other obstruction to vision extending to a height over three (3) feet above the established street grade shall be erected, planted, or maintained within the area of a corner lot (corner visibility zone) that is included between the lines of the intersecting streets and a straight line connecting them at points forty-five (45) feet distant from the intersection of the street lines unless otherwise allowed by the Planning Commission.

**§ 55. Lots of record in residential districts.**

In any residential district, a single-family dwelling may be located on any lot or plat of official record as of the effective date of this Ordinance and in separate ownership from any adjacent lot, regardless of its area or width, subject to the following requirements:

- A. No side yard shall be less than six (6) feet, and the sum of the side yard widths shall be at least twelve (12) feet.
- B. The depth of the rear yard shall be no less than fifteen (15) feet.
- C. The depth of the front yard setback shall be no less than ten (10) feet or comply with a build-to line established per § 52.

**§ 56. Accessory structures in residential districts.**

- A. Accessory structures shall be at least three (3) feet from a side lot line and five (5) feet from a rear lot line, and ten (10) feet from any other structure on the same lot.
- B. No accessory structure shall be located in any front yard. The total floor area of all accessory structures shall not exceed 50% of the square footage of the existing dwelling unit.
- C. Where a corner lot adjoins in the rear a lot fronting on a side street, no accessory structure on such corner lot shall be closer to the side street line than the required front yard depth of the adjoining lot.
- D. Accessory buildings may not exceed twenty-six (26) feet in height, as measured to the highest point on the building, and shall not exceed the height of any principal structure located on the same lot.

**§ 57. Accessory structures in nonresidential districts.**

The following additional regulations apply to buildings that are accessory to (principal) nonresidential uses:

- A. Accessory buildings are prohibited in front yard setbacks.
- B. Accessory buildings are subject to the lot and building regulations of the subject zoning district.

**§ 58. Table of height, area, and bulk requirements.**

§ 58. Table of height, area, and bulk requirements.								
Zoning District	Minimum Lot Requirements			Minimum Yard Requirements				Height Limits
	Lot area	Lot area per dwelling unit	Lot width	Front yard setback	Minimum side yard setback	Total of side yard setbacks	Rear yard setback	Max Height
<b>SR</b>								
Detached Single-family dwellings	6,500	6,500	60	20	10	20	25	40
Two-family and duplex dwellings	7,000	3,500	65	20	10	20	25	40
<b>CR</b>								
Detached Single-family dwellings	5,000	5,000	50	15	8	16	25	40
Townhouse dwellings	2,000	2,000	20	15	8	NA	25	
Two-family and duplex dwellings	5,000	2,500	50	25	8	16	25	40
Multifamily dwellings	21,000	3,500	100	25	10	20	30	40
<b>CM</b>								
Detached Single-family dwellings	5,000	5,000	50	15	8	16	25	40
Townhouse dwellings	2,000	2,000	20	15	8	NA	25	
Two-family and duplex dwellings	7,000	3,500	70	15	8	16	25	40
Multifamily dwellings	21,000	3,500	100	25	10	20	30	40
Nonresidential and Mixed-use	7,000	NA	70	20	10	20	25	40
<b>CBD</b>								
<b>All Uses</b>	1,500	NA	20	8	8	16	25	40
<b>MH</b>								

**§ 58. Table of height, area, and bulk requirements.**

Zoning District	Minimum Lot Requirements			Minimum Yard Requirements				Height Limits
	Lot area	Lot area per dwelling unit	Lot width	Front yard setback	Minimum side yard setback	Total of side yard setbacks	Rear yard setback	Max Height
Detached Single-family dwellings	6,500	6,500	60	20	10	25	25	40
Mobile Home, Manufactured Home, single-wide	7,500	7,500	75	25	5	10	10	15 feet or one and one-half stories.
<b>RC</b>								
<b>All uses</b>	40,000	NA	200	60	25	50	50	40
<b>MUE</b>								
<b>All uses</b>	40,000	NA	200	50	20	40	50	50

## **Article IX. Supplemental Use Regulations.**

### **§ 59. Accessory dwelling units.**

An accessory dwelling unit shall be permitted in the SR, CR, and CM districts. There shall be no more than one accessory dwelling unit per lot, and provided such accessory dwelling unit shall comply with the following standards.

- A. Location. An accessory dwelling unit may be located on the same lot as a detached single-family unit. However, an accessory dwelling unit may not be located on the same lot as a two-family dwelling, townhouse, or multi-family dwelling.
- B. Design Standards.
  - (1) Purpose. Standards for creating accessory dwelling units address the following purposes:
    - (a) Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
    - (b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
    - (c) Ensure that accessory dwelling units are smaller than the main residential unit.
  - (2) Creation. An accessory dwelling unit may only be created through the following methods:
    - (a) Converting existing living area, attic, or basement;
    - (b) Adding floor area to an existing dwelling;
    - (c) Construction of a stand-alone unit; or
    - (d) Adding onto an existing accessory building (e.g., an apartment in an existing garage).
  - (3) Location of Entrances. Only one entry may be located on the front facade of the principal dwelling facing the street unless the principal dwelling contained additional front facade entrances before the accessory dwelling unit was created.

- (4) Parking.
  - (a) No additional parking space is required for the accessory dwelling unit if created on a site with an existing house, and on-street parking is permitted and adequate.
  - (b) One additional parking space located on or within one hundred (100) feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets can accommodate on-street parking or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.
- (5) Maximum Size. The size of an accessory dwelling unit may be no more than sixty (60) percent of the living area of the principal dwelling or one thousand (1,000) square feet of floor area, whichever is less.
- (6) Accessory dwelling units created through the addition of floor area must meet the following standards:
  - (a) The exterior finish material must be the same or visually match in type, size, and placement, of the exterior finish materials of the principal dwelling.
  - (b) The roof pitch must be the same as the predominant roof pitch of the principal dwelling. However, the Board of Appeals may permit a different roof pitch if needed due to the shape of the roof on the existing principal dwelling if it determines that the proposed roof pitch will maintain a compatible appearance.
  - (c) Trim on the edges of elements on the addition must visually match the type, size, and location as the trim used on the rest of the principal dwelling.
  - (d) Windows must match the proportion and orientation of those in the principal dwelling.
  - (e) Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.

**§ 60. Adult-oriented businesses, entertainment, and material.**

- A. For this section, the “significant amount”: shall mean:



- (1) At least twenty percent of the stock in the establishment or on display consists of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
  - (2) At least twenty percent of the usable floor area is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
  - (3) At least twenty percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.
- B. An adult-oriented business shall ensure that at least one employee is on duty at each management station at any time any not-on-duty employee or any customer, patron, or visitor is within the premises of the adult-oriented business.
- C. An adult-oriented business shall ensure that all lighting is illuminated at any time any person other than an on-duty employee is within the premises.
- D. An adult-oriented business:
- (1) Shall have at least one management station in each building.
  - (2) Shall have an interior arranged or configured such that all areas of the interior of the building or structure open to the public (excluding restrooms) are visible by direct sight from a management station at all times and not visible merely by a camera, mirror or, or another device.
  - (3) Shall be equipped with overhead or comparable lighting of sufficient intensity to light or illuminate all areas of the building or structure at an illumination of at least five footcandles measured at floor level.
  - (4) Shall have lighting illuminating all places open or available to the public or any customer, patron, or visitor at any time any person other than an on-duty employee is in the building.
  - (5) Shall provide or cause to be provided for all exterior areas, including, but not limited to, parking lots or areas, loading docks, and sidewalks sufficient lighting to illuminate the exterior areas of the business to an illumination level of not less than two footcandles and shall be equipped with video surveillance devices that monitor the exterior portions of the premises from a management station.
  - (6) Shall not be equipped with or maintain or allow on the premises a viewing booth having any curtain, door, or other covering that allows the viewing booth to be screened from the view of an employee, the management station, or anyone standing outside of the viewing booth.

- (7) Shall ensure that each viewing booth is separated from other viewing booths and other rooms or adjacent areas by a solid wall or solid partition such that a person in one viewing booth cannot have any physical contact with a person in any other viewing booth or area of the premises.
  - (8) Shall construct, configure and maintain its premises so that all activities of all persons other than on-duty employees may be viewed from a management station at all times.
  - (9) Shall arrange its displays of merchandise, including, but not limited to, books, magazines, newspapers, photographs, movies, videos, DVDs, CDs, other audio/video recordings, or other electronic recordings, or in the form of objects, items or devices, in such a manner that such merchandise is not visible in any way or manner, or to any degree, from outside the building.
  - (10) To the extent not regulated under Article 2B of the Annotated Code of Maryland (or successor provisions thereof), shall be constructed and maintained in such manner that the conduct, promotion, delivery, provision, or performance of adult entertainment or material is not visible in any way or manner, or to any degree, from outside the building.
  - (11) Shall post appropriate signage prohibiting parking at the premises for persons other than patrons of the business and prohibiting the use of the exterior of the premises for other than ingress, egress, parking, or solid waste deposit/processing by bona fide employees and patrons of the business.
  - (12) Shall not alter the configuration of any management station depicted on an approved site plan without the submittal to and approval by the Town of a new site plan.
- E. No adult-oriented business may be conducted on the same parcel as, in the same building as, or in conjunction with, any hotel, motel, bed-and-breakfast, country inn, marina, or in any structure or portion thereof not generally open to the public and freely accessible to patrons at all times.
- F. An adult-oriented business shall, at all times that it is open, have at least one manager on duty who is responsible for maintaining compliance with all of the conditions and requirements.
- G. An adult-oriented business shall be responsible for maintaining compliance with all of the conditions and requirements of this section.
- H. An adult-oriented business shall maintain and post in a marked area within the adult-oriented business the name, phone number, and street address of at least one

individual designated to receive any official notices or communications from the Town, including the acceptance of any civil citation.

I. Prohibited conduct, contact, or activities.

(1) Nudity and partial nudity.

- (a) Other than during a performance per Subsection (1)(b) below, it shall be unlawful for any person, including patrons and visitors, at or in any adult-oriented business to perform, work, dance, or appear in any state, condition, or appearance of nudity or partial nudity.
- (b) When performing an artistic or expressive dance, performance, display, or exercise, an employee, agent, independent contractor, performer, dancer, or show person at or in the employ of an adult-oriented business where such performances are customarily given, may appear, while performing, in a state or condition of partial nudity.

(2) Certain physical contact is prohibited.

- (a) It shall be unlawful for any person on, in, or about the interior or exterior of an adult-oriented business while in any state, condition, or appearance of nudity or partial nudity, whether performing or engaging in an artistic or expressive dance, performance, display, exercise or otherwise, to be, at any time, within a distance of six feet of any other person, whether or not such other person is an employee, agent, independent contractor, performer, dancer, or show person at, or in the employ of, an adult-oriented business, or a customer, patron, or visitor of, at, or in any adult-oriented business. This prohibition includes but is not limited to person-to-person touching or contact, whether directly by actual physical touching or indirectly by the employment of any item or device.
- (b) No person in the state of nudity or partial nudity on, in, or about the interior or exterior of an adult-oriented business shall touch any other person, whether directly by actual physical touching or indirectly by the employment of any item or device, for sexual arousal, sexual stimulation, sexual excitement, or sexual gratification.

(3) Other prohibited conduct or activities.

- (a) It shall be unlawful for any person in, on, or about the interior or exterior of any adult-oriented business to encourage or permit any person to touch, caress, fondle or stimulate, whether directly by actual physical touching or indirectly by the employment of any item or device, the

breasts, buttocks, anus, or genitals of another, including the person so encouraging or permitting, the person being encouraged or permitted, or any other person, while in, on, or about the interior or exterior of the adult-oriented business.

- (b) It shall be unlawful for any person in, on, or about the interior or exterior of any adult-oriented business to touch, caress, fondle or stimulate, whether directly by actual physical touching or indirectly by the employment of any item or device, their breasts, buttocks, anus, or genitals while in the view of any other person, or for purposes of sexual arousal, sexual stimulation, sexual excitement or sexual gratification.
- (c) It shall be unlawful for any person in, on, or about the interior or exterior of any adult-oriented business to participate in or encourage or allow another to participate in any act of sexual intercourse, anal penetration, sodomy, bestiality, masturbation, fellatio, cunnilingus, or sadomasochistic abuse, whether actual or simulated.
- (d) It shall be unlawful for any person in, on, or about the interior or exterior of any adult-oriented business to wear, use, or employ any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair, or any part or portion thereof.
- (e) It shall be unlawful for any person in, on, or about the interior or exterior of any adult-oriented business to expose or encourage or permit any person to expose the breasts, buttocks, anus, or genitals of another, including the person so encouraging or permitting, the person being encouraged or permitted, or any other person.
- (f) It shall be unlawful for any owner or operator of an adult-oriented business to encourage, allow, or permit any person, in, on, or about the interior or exterior of an adult-oriented business, to commit or participate in any of the acts prohibited under this section.
- (g) It shall be unlawful for any adult-oriented business to allow in, on, or about its premises any person under the age of eighteen years.

J. Inspections. The Town shall periodically, but not less than annually, inspect the premises of every adult-oriented business for compliance herewith.

#### **§ 61. Alternative energy facilities, wind energy conversion systems.**

Small wind energy conversion systems are permitted as accessory uses in all districts subject to the following conditions:

- A. Minimum setbacks - one and one-half times the total height of the system to all property lines, overhead power lines, and public rights-of-way;
- B. Anchor points for any guy wires supporting a wind energy conversion system shall be set back at twenty-five feet from all property lines.
- C. There shall be no more than one wind energy conversion system on any lot in any SR, CR, and MH Districts.
- D. All wind energy conversion systems must be approved under an emerging technology program such as the California Energy Commission, International Electrotechnical Commission, or any other wind energy certification program recognized by the American Wind Energy Association or the United States Department of Energy. Home-built, experimental, and prototype wind energy conversion systems shall be allowed, provided their safety is certified by a professional engineer licensed in the State of Maryland.
- E. All building permit applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, and any accessory structures. In addition, an engineering analysis, prepared by a licensed professional engineer, of the tower and its supporting systems demonstrating compliance with the most current edition of the International Building Code shall also be provided.
- F. All wind energy conversion systems shall be supplied with a redundant braking system to prevent overspeed rotation. The braking system shall include aerodynamic overspeed controls, including variable pitch, tip brakes, and other similar systems, and a mechanical or electromechanical braking system. All mechanical brakes shall be operated in fail-safe mode. Passive stall regulation shall not be considered an approved braking system for overspeed protection.
- G. All electrical wires associated with a wind energy conversion system, other than those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect or the junction box, or any required grounding wires, shall be wireless or located underground.
- H. Wind energy conversion systems shall not be artificially lighted. If the proposed system is in such a location or height that the Federal Aviation Administration would require lighting, the system shall not be permitted.
- I. No part of any wind energy conversion system, including any guy wires supporting the system or the area swept by the rotors, shall be located upon, within, or extended over drainage, utility, access, or other similar established easement.

- J. Audible noise due to a wind energy conversion system's operations shall not exceed the background noise levels as measured at the property line of the site on which the system is located by more than five decibels as measured on the decibel scale using a sound weighting filter A (commonly known as the "dB(A) scale").
- K. The minimum distance between the ground and any part of the rotor blade for a small wind energy conversion system shall be twelve (12) feet.
- L. Wind turbines shall be painted a non-reflective, non-obtrusive color.
- M. Where a wind energy conversion system has not generated any electricity for twelve (12) months or more, it shall be considered abandoned. It shall be decommissioned and removed by the property owner. The decommissioning shall include removing any wind turbine, its supporting tower or structure, buildings, cabling, electrical components, or any other part of the system at or aboveground level. The property owner shall be responsible for fully completing the decommissioning within ninety days of abandonment.
- N. Meteorological towers shall be subject to the same regulations and standards as a wind energy conversion system in the given zoning district.

**§ 62. Alternative energy facilities, solar energy power systems, or heating equipment.**

- A. Small solar energy systems (SES) shall be permitted in all zoning districts subject to the following requirements:
  - (1) Small solar energy systems or any solar energy heating equipment may be a part of or attached to a principal or accessory structure located on a site. However, it shall be subject to the same setback and height limitations of the said structure.
  - (2) Where not a part of or attached to a principal or accessory structure, small solar energy systems and solar energy heating equipment shall be considered an accessory use on any lot or parcel of land. It shall be subject to the setback and height limitations in the particular zoning district for other customary accessory structures directly incidental to the permitted principal uses and structures on the site.
  - (3) All mechanical equipment associated with and necessary for the operation of the solar energy system shall not be located in the minimum front yard setback and shall be subject to the setback requirements for customary accessory structures in the zoning district.

- (4) All mechanical equipment shall be screened from any adjacent property. The screen shall consist of shrubbery, trees, or other ornamental or natural vegetation sufficient to provide an immediate visual barrier to the equipment. Instead of a vegetative screen, a decorative fence may be used but must be maintained.
- (5) All solar panels shall be situated in such a manner as to prevent concentrated solar radiation or glare from being directed onto adjacent properties, roads, or public gathering places.
- (6) All power transmission lines for freestanding ground-mounted solar energy systems or pipes from solar energy heating equipment connecting freestanding systems to a building shall be located underground.
- (7) Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warning, or ownership. However, it shall not be used to display any commercial advertising message or anchor any streamers, balloons, flags, banners, ribbons, tinsel, or other materials to attract attention.
- (8) Any ground-mounted system that has not produced electricity for twelve (12) months or more or is found unsafe by the Building Official shall be considered abandoned. It shall be repaired or decommissioned and removed by the property owner. The decommissioning shall include removing the solar energy system and all equipment, electrical components, support structures, cabling, or any other part of the system at ground level or above. The property owner shall be responsible for completing the decommissioning within ninety (90) days of abandonment.

B. The following requirements apply to Medium and Large Scale SES where permitted.

- (1) The Planning Commission may permit a medium-scale SES meeting all of the requirements of this section in any residential development, provided the SES is intended to serve residents of the development and designed as an integral part of the development.
- (2) Site Plan. In addition to the site plan information listed in Appendix A, the following additional information shall be included with applications for medium and large SES:
  - (a) A copy of the interconnection application or a written explanation of why an interconnection agreement is not necessary;

- (b) Parcel lines, setbacks, and physical features, including access routes and proposed road improvements;
  - (c) Any existing residential dwellings within one-quarter mile of the SES;
  - (d) Existing utilities and transmission lines, proposed utility lines, and utility and maintenance structures; and
  - (e) Proposed fencing locations and proposed or existing landscape and buffer areas.
- (3) Screening.
- (a) The applicant shall maintain landscaping and screening to provide vegetative screening from adjoining lands and road rights-of-way and easements.
  - (b) All required screening shall be maintained in a live, healthy condition for the duration of the SES and shall be replaced by the owner as necessary to maintain required screening to the satisfaction of the Planning Commission.
- (4) Fencing. The SES shall be enclosed by a fence or other appropriate barrier to prevent unauthorized persons or vehicles from gaining access.
- (5) Signage.
- (a) A sign, not to exceed one (1) square foot, shall be posted at each entrance to the SES to identify the property owner, the SES owner, their contact phone numbers, and emergency contact information. Information on the sign shall be kept current.
  - (b) Signage indicating “DANGER – HIGH VOLTAGE – KEEP OUT” shall be posted along all SES exterior fencing or barriers.
  - (c) No other signage shall be permitted without approval.
  - (d) The site, fencing, or barriers shall not be used to display any advertisements.
- (6) Abandonment.
- (a) SES that cease to produce electricity continuously for one (1) year shall be presumed abandoned. However, the property owner may overcome this presumption by substantial evidence, satisfactory to the Planning Commission, that cessation of the use occurred from causes beyond the owner’s reasonable control, that there is no intent to abandon the



system, and that resumption of use of the existing system is reasonably practicable.

- (b) Following abandonment, the operator and landowner shall remove all equipment and systems and restore the site as near as practicable to its original condition. The obligation of the operator and owner to remove the SES and restore the site shall be joint and several.

(7) Decommissioning.

- (a) The SES shall be entirely decommissioned by the facility owner within twelve (12) months after the SES ceases to produce energy, abandonment, or termination of such facility.
- (b) A decommissioning plan and estimate costs shall be submitted by the owner and subject to approval by the Planning and Zoning Board. The decommissioning plan shall include the following:
  - i. The expiration date of the contract, lease easement, or other agreement for installation of the SES and a timeframe for removal of the SES within twelve (12) months following termination of use.
  - ii. Removal of all solar electric systems, buildings, cabling, electrical components, roads, foundations, pilings, and other associated facilities.
  - iii. Disturbed earth shall be regraded and reseeded.

**§ 63. Antennas, towers, and telecommunications use.**

A. Purpose and intent.

The purpose and intent of this section are to provide for the effective management, control, and review of telecommunications uses, including towers, antennas, and related wireless equipment and structures. Accordingly, antennas, towers, and telecommunications uses may be permitted as a special exception by the Board of Appeals in any RC and MUE zoning districts subject to the following conditions:

B. In addition to the standards and provisions contained elsewhere in the Town code, the following additional provisions shall apply to all telecommunications uses.

- (1) Applications for the addition of telecommunications equipment to existing structures or new monopoles, freestanding towers, and guyed towers shall include the following:

- (a) A winds load analysis conducted by a qualified engineer.
- (b) A certificate by a qualified engineer attesting to the structural integrity of the existing structure and the projected effects resulting from the addition of the proposed equipment.
- (c) A certificate of compliance attesting to the fact that the proposed equipment meets or exceeds Federal Communications Commission (FCC) and American National Standards Institute (ANSI) standards on radiation emissions.
- (d) A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating, or buffering the effects of the proposed use on the following natural resources: steep slopes, wetlands, stream corridors, forests, and habitats of threatened or endangered species.
- (e) A complete description of the impact and a detailed plan for avoiding, minimizing, mitigating, or buffering the effects of the proposed.
- (f) Explanation of the necessity to place the facility in that particular location.
- (g) Supporting evidence regarding the proposed equipment's effects upon adjacent property values.
- (h) A detailed description assessing the impact that the proposed equipment will have upon aviation and overall visibility, including the following:
  - i. A copy of all information required by, or submitted to, the Federal Communications Commission and Federal Aviation Administration (FAA) concerning the proposed use and its impact on aviation or overall visibility.
  - ii. A copy of all plans and specifications required as a condition of approval by the FCC or FAA and an analysis of the impact that compliance with FCC or FAA mandates will have upon adjacent land uses.
  - iii. Proof of compliance with all FAA requirements relating to lighting, siting, height, and visibility shall be required before final permitting.

- (i) For additions to existing structures of telecommunications facilities that increase the overall height of the existing structure, documentation that establishes the applicant performed a diligent search for a suitable site that did not have the effect of increasing the height of the existing structures.
  - (j) For new monopoles, freestanding towers, and guyed towers, documentation establishes that the applicant diligently searched for a suitable existing structure.
  - (k) For new monopoles, freestanding towers, and guyed towers, documentation demonstrating that approved Town-owned sites designated by the Town Commissioners by resolution, which may be amended from time to time, are unsuitable.
- (2) Standards. Monopoles, freestanding towers, and guyed towers approved after the adoption of this section shall comply with the following:
- (a) Minimum lot requirements. Lot area and lot dimensions shall be a function of the minimum setback required and are established as follows:
    - i. For all monopoles and freestanding towers of one hundred ninety-nine feet (199) in height or less, which are concealed or camouflaged, the minimum structure setback shall be: front yard setback, fifty (50) feet; and side and rear setbacks, twenty (20) feet.
    - ii. For all non-concealed or -camouflaged monopoles of any height and any monopole of two hundred (200) feet or greater, the minimum structure setback shall be equal to the height of the monopole plus fifty (50) feet.
    - iii. For all towers up to one hundred ninety-nine (199) feet in height, the minimum structure setback shall be one and one-quarter (1.25) times the height.
    - iv. For all towers two hundred (200) feet in height or greater, the minimum setback shall be one (1) foot of setback for every one (1) foot of tower height up to two hundred (200) feet plus one and one-half (1.5) feet of setback for every one (1) foot of tower height exceeding two hundred (200) feet.

- C. Siting requirements. There shall be a minimum distance of one thousand (1,000) feet from the nearest existing or permitted residential structure on an adjacent parcel; and two thousand (2,000) feet from all existing or permitted schools, daycare centers, nursing homes, and long-term care facilities. In addition, there shall be a minimum separation distance equal to the calculated tower setback as defined in Subsection B(2)(a) hereof to any easement line of any overhead utility.
- D. Lighting requirements. No lighting shall be required or permitted, except what is specifically required by the FCC, FAA, or another relevant state or federal agency. If the FCC or FAA require daytime high-intensity strobe lighting, a set of red marker lights shall be installed for nighttime use. All strobe lights shall be turned off at twilight.
- E. Lighting conversion. Except as otherwise required by the FCC, FAA, or other relevant state or federal agency, existing towers equipped with nighttime high-intensity strobe lighting shall be converted to red marker lights or alternating daytime strobe and nighttime red marker lights.
- F. Security requirements. A fence with a minimum height of twelve (12) feet shall be installed around the perimeter of the tower base. All equipment shall be located within this fenced area. The fence shall have an access gate that shall be kept locked, except when servicing is required. The fence shall be equipped with additional entrance prevention devices to prevent compound access by unauthorized personnel.
- G. Screening requirements.
  - (1) A buffer at least twenty-five (25) feet in width planted with native species trees capable of reaching not less than sixty (60) feet in height when mature shall be provided around the exterior perimeter of the fence.
  - (2) Screening shall consist of vegetation thickly planted. Such species will provide a complete visual barrier and thus obscure the use or structure from sight from adjacent properties once the vegetation reaches maturity or within five (5) years, whichever comes first. In addition, planting shall be located so that the mature vegetation shall not encroach onto adjacent properties.
- H. Visibility. All telecommunications facilities and accessory structures shall be sighted in such a way as to have the least possible adverse effect on the visual environment. All non-concealed or camouflaged facilities shall be of a galvanized finish or painted light gray or pale blue above any surrounding tree line. In contrast, any portion below the tree line shall be painted gray, green, black, or similar color and designed to blend into the natural environment or surrounding structures unless otherwise required by the

FAA. Furthermore, they shall be designed and sighted to avoid applying FAA lighting and painting requirements. Structures and facilities accessory to a monopole or tower shall use architecture, materials, colors, and textures to blend with the general area's natural environment and other structures. The concealment or camouflaging of monopoles, towers, and other telecommunication facilities, using industry-standard techniques and structures such as artificial trees, architectural features on buildings, flag poles, and grain silos, is highly recommended and should be used wherever possible.

- I. Additional provisions. All obsolete or unused towers and equipment shall be removed at the owner's expense within twelve months of the cessation of use.

**§ 64. Continuing care retirement communities.**

- A. Continuing care retirement communities, where permitted, shall be subject to the following conditions:
  - (1) Residents are provided service and supervision by licensed operators per federal, state, and local laws, regulations, and requirements.
  - (2) The minimum allowable parking spaces shall be  $\frac{1}{4}$  space per unit, and the maximum allowable shall be  $\frac{1}{2}$  per unit.
  - (3) Accessory uses shall be allowed within the residential facility or a separate community center facility on-site. Such uses may be desirable for the convenience of the residents, including, without limitation, barbers/hairdressers, retail sales, restaurants, snack bars, gift shops, laundry services, banking and financial services, and business and professional offices subject to the following conditions:
    - (a) Accessory uses shall be solely for the use and convenience of residents of a facility; and
    - (b) Accessory uses shall be wholly within a residential facility or a separate community center facility on-site and shall have no exterior advertising display.

**§ 65. Bed and breakfast.**

The Planning Commission may permit a bed and breakfast establishment in the SR, CR, CM, and CBD districts subject to the following conditions:

- A. The facility is a detached single-family dwelling occupied by the owner or operator and complies with all applicable fire, safety, and health codes and regulations.
- B. No meal other than breakfast is served to guests.
- C. A minimum of one full bathroom with lavatory, toilet, shower, tub, or a combination thereof shall be available for every two (2) guest rooms.
- D. Parking spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. The Planning Commission shall specify appropriate buffers to separate parking areas from residential properties.
- E. No cooking facilities shall be permitted in any guest room.
- F. Upon converting an existing dwelling to a "bed-and-breakfast establishment," no additional entrance shall be permitted in the front facade.
- G. On-premises signs advertising the "bed-and-breakfast establishment" shall conform to the zoning regulations.

**§ 66. Daycare center.**

- A. A daycare center, where permitted, shall be subject to the following requirements:
  - (1) Property and structures meet the following requirements:
    - (a) Lot area: 20,000 square feet.
    - (b) Lot width: 100 feet.
    - (c) Front yard setback: 35 feet.
    - (d) Each side yard setback: 25 feet.
    - (e) Rear yard setback: 40 feet.
  - (2) Applicants for daycare centers shall meet the Office of Child Care Licensing and Regulation requirements in the Department of Human Resources of Maryland or its successor agency.
  - (3) A daycare center shall not have more children than the number on the registration certificate issued by the Office of Child Day Care Licensing and Regulation to such a provider.

**§ 67. Daycare home.**

- A. A family day care home, where permitted as an accessory use, shall be subject to the following requirements:
  - (1) Applicants for family daycare facilities shall meet the Office of Child Care Licensing and Regulation requirements in the Department of Human Resources of Maryland or its successor agency for Family Day Care.
  - (2) A Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
  - (3) The Planning Commission may prescribe specific conditions determined necessary to minimize use effects on neighboring properties given the identification of concerns specific to a particular site.
  - (4) The family daycare provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group daycare centers.
  - (5) All such uses shall be located to permit all persons' safe pickup and delivery on this site.

**§ 68. Fuel storage.**

- A. Notwithstanding any provision of this Ordinance to the contrary, the following regulations shall apply to the fuel storage tanks as an accessory use:
  - (1) As used in this section, the term "fuel storage tank" shall mean 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.
  - (2) A fuel storage tank with a capacity of 1,000 gallons or less is permitted as an accessory use in all districts, provided the tank is located on the same lot as the principal use and such tank complies with the requirements of the National Fire Protection Association and/or the Public Service Commission.
  - (3) Fuel storage tanks with a capacity greater than 1,000 gallons, either individually or in the aggregate, are prohibited in all but the RC and MUE districts.

B. Bulk storage or wholesaling of fuels and other flammable liquids over 1,000 gallons may be permitted in the RC and MUE districts subject to the following conditions:

(1) The minimum lot requirements shall be:

(a) Lot area: three (3) acres.

(b) Lot width: 500 feet.

(c) Front yard setback:

(i) Two hundred (200) feet for storage and handling structures and facilities.

(ii) Fifty (50) feet for other structures.

(d) Side yard setbacks:

(i) Two hundred (200) feet for storage and handling structures and facilities.

(ii) Twenty (20) feet for other structures.

(e) Rear yard setback:

(i) Two hundred (200) feet for storage and handling structures and facilities.

(ii) Twenty (20) feet for other structures, provided that all storage and handling structures and facilities shall be located a minimum of seven hundred (700) feet from any residential area.

C. Bulk storage of fuels in underground storage tanks is permitted for fueling stations subject to site plan approval.

**§ 69. Group domiciliary care facility.**

A. A group domiciliary care facility, where permitted, shall be subject to the following requirements:

(1) The facility must be licensed by the State of Maryland.

(2) No more than eight (8) residents, excluding resident staff, shall be permitted.



- (3) There shall be a minimum of four hundred and fifty (450) square feet of floor area for each resident, including resident staff, i.e., the gross living area divided by the number of residents and staff.

**§ 70. Home occupation.**

Home occupations, where permitted, shall be subject to the following requirements:

- A. There are two types of home occupations, Type 1 and Type 2. Uses are allowed as a home occupation only if they comply with all of the requirements of this Ordinance. Determination of whether or not a proposed home occupation is a Type 1 or Type 2 shall be made by the Planning Commission.
  - (1) Type 1. A Type 1 home occupation is when the residents use their home as a place of work; however, no employees or customers come to the site.
  - (2) Type 2. A Type 2 home occupation is where one employee (residing outside of the dwelling) or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.
- B. Permitted Home Occupations. Examples of permitted home occupations include, but are not necessarily limited to, the following:
  - (1) Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, manufacturer's representatives, and travel agents.
  - (2) Instructional services, including music, dance, art, and craft classes.
  - (3) Studios for artists, sculptors, photographers, and authors.
  - (4) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.
- C. A Type 2 home occupations shall conform to the following minimum requirements:
  - (1) Operational Standards
    - (a) Conditions of approval established by the Planning Commission shall specify the hours of operation, the maximum number of customer/client

visits that may occur on any one day, and the maximum number of customers/clients present during hours of operation.

- (b) A Type 2 home occupation shall have no more than one (1) nonresident employee on the premises at any one time. The number of nonresident employees working at locations other than the home occupation is not limited.
- D. The home occupation shall be limited to the parking/storage of one (1) commercial vehicle on the premises, not exceeding a 15,000 pounds gross vehicle weight.
- E. Type 1 home occupations are not required to provide any additional parking beyond what is required for residential use. Type 2 home occupations shall provide two (2) hard surfaced, dust-free parking areas.
- F. The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odor, or smoke discernable at the property lines. In addition, it shall not generate noise exceeding those permitted by State Code, create electrical, magnetic, or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials over the quantities permitted in a residential structure.
- G. Site Related Standards.
  - (a) Outdoor activities.
    - (i) All activities must be in completely enclosed structures.
    - (ii) Exterior storage or display of goods or equipment is prohibited except the Planning Commission may allow the limited exterior display of goods where such display is not incompatible with the surrounding residential area, e.g., display of artistic carvings, sculptors, decoys, and the like.
  - (b) Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential or functional are prohibited.
  - (c) Signage shall be limited to one unlighted or indirectly lighted sign per address not exceeding three (3) square feet either mounted flush with and on the front facade of the dwelling unit or hung on an independent post.

### **§ 71. Limited industrial.**

Limited industrial uses may be permitted in the MUE district subject to the following requirements:

- A. All uses are contained entirely within buildings on the site.
- B. Uses create no odors or other adverse impacts on the surrounding neighborhood.

### **§ 72. Manufactured homes, double-wide.**

Where a manufactured home is allowed as a principal permitted use by the district regulations per this subsection, it must meet the following criteria:

- A. The manufactured home must be comprised of multiple sections and have at least one thousand (1,000) square feet in gross floor area and a minimum depth of at least twenty (24) feet as measured from the front outside wall to the rear outside wall.
- B. The manufactured home must be placed on a continuous foundation constructed of concrete masonry units, brick, or poured concrete without any openings other than those required for access, ventilation, or flood equalization by the terms of the building code.
- C. The minimum pitch of the main roof shall not be less than five inches of rise for every one foot of horizontal run, and the roof shall have a minimum of a twelve-inch overhang beyond all exterior walls. Any roofing material commonly used for site-built dwellings shall be acceptable.
- D. The manufactured home shall have siding on all exterior walls, providing a consistent, continuous facade from the bottom of the soffit down to the top of the perimeter foundation. The exterior siding must have the same appearance and be constructed of the same materials and systems used for site-built dwellings. The manufactured home shall not have siding composed of metal panels or sheets installed vertically.
- E. All transportation equipment, including hitches, tongues, axles, and wheels, shall be removed upon delivery of the manufactured home to the site.

### **§ 73. Mini storage facilities.**

Mini storage facilities, where permitted, are subject to the following requirements:

- A. Storage use only. No commercial sales activities shall be permitted on any portion of the lot.
- B. No boats or motor vehicles shall be kept on the premises unless within the structure.

- C. No mechanical or repair work shall be done on any boat or motor vehicle on the premises.
- D. Buildings shall be permanent structures only. Sheet metal sheds of less than five hundred (500) square feet shall not be permitted. There shall be at least twenty-five (25) feet between separate buildings.
- E. Storage units shall:
  - (1) Be self-contained;
  - (2) Be well-ventilated;
  - (3) Have lockable doors; and
  - (4) Be of fire-resistant material.
- F. Circulation traffic aisles shall be a minimum of twenty-five (25) feet wide.
- G. Permanent landscaping shall be provided in the ten (10) feet nearest a street.

**§ 74. Multi-family dwellings.**

Multi-family dwellings, where permitted, are subject to the following requirements:

- A. Multi-family dwelling shall be constructed following an approved Site Plan prepared under the provisions of this Ordinance.
- B. At least fifteen (15%) percent of the gross development area shall be reserved as common open space.
- C. The setback requirements for multi-family dwellings shall be determined by the development standards for the zoning district in which the project is located except as follows:
  - (1) When more than one (1) multi-family building is constructed, the buildings shall collectively adhere to the front setback requirements of the district in which they are located, plus five (5) feet per story over two (2) stories, or portion thereof.
  - (2) When more than one (1) multi-family building is built, no building shall be closer than twenty-five (25) feet from any other multi-family building.
- D. When more than one multi-family building is constructed, external walkways shall be paved and lighted.

- E. All areas not utilized for building or off-street parking shall be landscaped and maintained according to an approved landscape plan.
- F. All buildings within the multi-family project shall be of compatible architectural design.
- G. No more than nine (9) units may be constructed in one building at first-floor level, and no more than three (3) units may be constructed with the same front setback.
- H. The facades of units shall be varied by changed front yards of not less than five (5) feet. Architecture shall be compatible among the units within the development and harmonious with the existing architecture of the region.
- I. Side yard setback requirements for multi-family units (condominiums, townhouses, and apartments) adjacent to a single-family detached residence or vacant residential lot shall be twenty-five (25) feet. The parking setback is also twenty-five (25) feet.
- J. Rear yard setback requirements for multi-family units (condominiums, townhouses, and apartments) adjacent to a single-family residence or vacant residential lot shall be forty (40) feet. The setback for parking areas adjacent to a single-family residence or vacant residential lot is also twenty-five (25) feet.

**§ 75. Mixed-use building, residential.**

Residential units, where permitted within a principal commercial structure, shall be subject to the following requirements:

- A. Residential units must be a minimum of five hundred (500) square feet and comply with the Fire Code.
- B. Residential units may only be located above the first-floor level of the principal building.

**§ 76. Outdoor storage and display.**

- A. Generally. It shall be unlawful for any owner or occupant to place, deposit, or maintain outdoor storage on any premises or property except as permitted in this Ordinance.
- B. Outdoor Display by Retail Uses. Retailers of both new and used merchandise shall be permitted to display outdoors. The following conditions shall apply to the display of merchandise outdoors.
  - (1) Merchandise display must be ten (10) feet from all property lines.
  - (2) No merchandise may be placed on a public sidewalk.

- (3) All merchandise shall be located within the retailer's owned or leased property.
  - (4) No merchandise may be placed on landscaping within three (3) feet of either side of a working doorway or ten (10) feet directly in front of a working doorway.
  - (5) Merchandise shall not be placed in a designated sight triangle or in any location which would impair a driver's view of a street.
  - (6) Merchandise shall be displayed and maintained neat, clean, tidy, and orderly.
  - (7) Temporary parking lot sales shall be permitted in commercial districts, as long as the sales are conducted as an extension from a permanent structure containing a retail business. In addition, minimum off-street parking requirements and any other provisions of this Ordinance must be maintained. This section shall not allow a sub-lessee to occupy a parking lot to conduct independent sales activity.
  - (8) The size of the outdoor display area for secondhand goods or merchandise shall be limited to ten (10%) percent of the total indoor gross floor area of the business (excluding accessory buildings, as allowed by this Ordinance) and in no event shall exceed one hundred (100) square feet.
  - (9) No secondhand goods or merchandise shall be displayed or stored, or otherwise left outdoors during non-operating hours of the business.
  - (10) This section shall not apply to the sale of motor vehicles, trailers, or boats.
- C. Outdoor Storage in Equipment Rental Businesses. Storage areas shall be fully screened from view from adjacent properties by an approved treatment that may include building placement, walls, fencing, and landscaping. Such storage areas shall not be in the front setback or buffer area.
- D. Outdoor Storage in Industrial Districts. Outdoor storage in any industrial district shall be allowed. Outdoor storage shall be screened with a visual barrier approved by the Planning Commission that adequately conceals material from the view of residential areas or public rights-of-way. Outdoor storage shall be behind required front setbacks.
- (1) All outdoor storage facilities for manufacturing equipment, fuel, raw materials, subassemblies, finished goods, and defective or repairable goods shall be enclosed by an opaque fence or other appropriate treatment. Such fence or treatment shall be adequate to conceal such facilities from an adjacent property. Acceptable barriers include opaque fencing, berming, or other landscape treatment. Chain link fencing with slats for screening is prohibited.

- (2) No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground. Tanks or drums or fuel directly connected with heating devices or appliances located on the same site as the tanks or drums of fuel are excluded from this provision and liquefied and gaseous noncombustible materials.
- (3) The Planning Commission may grant a waiver to screening requirements for outdoor storage upon a site plan approval. The exception shall be based on a visual analysis of the site and proposed development identification of unusual topographic or elevation conditions, strategic design treatment, and demonstration that the strict enforcement of screening is not practical. In addition, views of the site will determine the amount and location of landscaping.

**§ 77. Portable storage containers, roll-off trash containers.**

- A. Temporary buildings and structures, including trailers for uses incidental to construction work on the premises, shall be permitted in any district where a responsible contractor or builder is doing such construction under a contract 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. However, no person shall sleep or reside in such buildings while so used.
- B. A property owner or tenant may rent and use a portable storage container provided the following conditions are met:
  - (1) The Town shall be notified at least three (3) business days before placing the storage container on the site.
  - (2) A portable storage container shall be located at the address for a maximum of sixty (60) consecutive days, including the days of delivery and removal. Extensions may be granted by the Town, subject to conditions, for reasonable additional periods in an amount not to exceed thirty (30) days for each extension.
  - (3) The unit is no larger than eight (8) feet wide by eight (8) feet high by sixteen (16) feet long.
  - (4) The unit is not located within any public right-of-way and does not block any public sidewalk.
  - (5) There is no more than one (1) portable storage container for any address at any one time.

- (6) The container shall not be located in the front setback unless approved by the Town Manager or another designee. If access exists at the side or rear of the site, the container shall be located in a side or rear yard.
- (7) Portable storage containers shall be placed on an impervious surface where feasible (e.g., driveway).
- (8) The portable storage container shall be used to store household goods and related items only temporarily. The portable storage container may not be used for waste.
- (9) On duplex, townhouse, or multi-family properties, placement of the portable storage container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.
- (10) Portable storage containers are not permitted accessory structures and shall not be used as such.

C. A roll-off trash container may be temporarily placed on a property in a residential district provided the following conditions are met:

- (1) The Town shall be notified at least three (3) business days before placing the roll-off trash container on the site.
- (2) A roll-off trash container shall be located at the address for a maximum of thirty (30) consecutive days, including the days of delivery and removal. Extensions may be granted by the Town Manager or another designee, subject to conditions, for reasonable additional periods in an amount not to exceed thirty (30) days for each extension. The Town may grant further extensions not to exceed six (6) months.
- (3) The unit has a maximum capacity of forty (40) cubic yards or is no larger than eight (8) feet wide by eight (8) feet high by sixteen (16) feet long.
- (4) There is no more than one (1) roll-off trash container for any address at any one time.
- (5) The unit is not located within any public right-of-way and does not block any public sidewalk unless approved by the Town.



- (6) Roll-off trash containers shall be placed on an impervious surface (e.g., driveway) where feasible.
- (7) The roll-off trash container is used only to dispose of acceptable waste. Unacceptable waste includes refrigerators, a/c units, tires, batteries, car parts, hazardous waste, and gas or propane tanks.
- (8) On duplex, townhouse, or multi-family properties, placement of the roll-off trash container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.
- (9) Roll-off trash containers are not permitted accessory structures and shall not be used as such.

#### **§ 78. MH Mobile home residential district**

Mobile homes and single-wide manufactured homes are permitted in the MH district subject to the following:

- A. Mobile and manufactured homes shall be skirted on all sides to resemble brick or block. Bright aluminum-colored skirting is not acceptable. A permanent foundation of brick or block is also acceptable.
- B. Accessory buildings used by the owner and occupant to store personal items may not exceed one hundred and forty-four (144) square feet of floor area.

#### **§ 79. RC district design standards.**

- A. Any non-residential development proposed within one hundred (100) feet of the SR district shall meet the following requirements:
  - (1) Outdoor storage facilities shall be screened by sight obscuring fence, wall, or hedge from the view of the public road and adjacent residential property.
  - (2) Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
  - (3) Roof equipment shall be screened from view of nearby residential property.
- B. Landscape Standards.

- (1) A bufferyard shall be provided along all road frontages and along all property lines adjoining any residential use as follows:
  - (a) The first thirty (30) feet of any required yard adjacent to an arterial highway shall be landscaped as approved by the Planning Commission.
  - (b) The first fifteen (15) feet of any required yard adjacent to any other state highway shall be landscaped as approved by the Planning Commission.
  - (c) Yard adjacent to any residential use shall be landscaped in a manner approved by the Planning Commission.
- (2) Proposed landscaped buffer yards shall be shown on a Landscape Plan approved by the Planning Commission.

**§ 80. Tattoo establishments.**

The Planning Commission may permit tattoo establishments in the CM and CBD districts subject to approval by the County Health Department, Department of Health and Mental Hygiene of Maryland, or its designated representative.

**§ 81. Temporary uses.**

- A. Temporary use, emergency. The Board of Appeals may authorize by way of a special exception, and the showing of good cause for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of substantial buildings.
- B. Temporary use, construction. Temporary buildings and structures, including trailers for uses incidental to construction work on the premises, shall be permitted in any district where a responsible contractor or builder is doing such construction under a contract 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. However, no person shall sleep or reside in such buildings while so used.
- C. Temporary use, sales. The Planning Commission may permit one (1) trailer or one (1) building as a temporary field or sales office connected 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 overnight security purposes.

**§ 82. Townhouses.**

Townhouses, where permitted, are subject to the following requirements:

- A. The townhouse building shall comply with minimum lot requirements contained in § 58. However, each dwelling unit of a townhouse need not be located on a lot complying with the minimum lot area and lot area per dwelling unit requirements in the table, provided that the average for all dwelling units in the building equals or exceeds the minimum requirements, and provided that no lot is created with lot area less than two thousand (2,000) square feet.
- B. For the side yard regulations, a townhouse building shall be considered one (1) building on one (1) lot, with side yards required for end units only, per § 58. In addition, any side yard adjacent to the line of a lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than twenty-five (25) feet.
- C. Not more than six (6) dwelling units shall be included in one (1) townhouse building.
- D. Townhouse units shall face the primary street frontage to the maximum extent possible. Townhouse projects with no units fronting on the primary street frontage are not permitted.
- E. Provisions satisfactory approved by the Town Attorney shall be made to assure those nonpublic areas for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants, shall be maintained satisfactorily without expense to the general public.

**§ 83. Yard or garage sale.**

Yard or garage sales, where permitted, shall be subject to the following requirements:

- A. No permit is required.
- B. The period of the garage sale shall not exceed two (2) consecutive days.
- C. A maximum of four (4) sales shall be permitted at one (1) address per calendar year.
- D. Temporary signage shall meet the requirements in Article XIII.

**§ 84. Reserved.**

**§ 85. Reserved.**

## **Article X. Off-Street Parking, Loading, and Unloading.**

### **§ 86. General Regulations.**

- A. Where required by other provisions of this Ordinance, 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. "Parking space" includes either a covered garage 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 (9) feet wide and eighteen (18) feet long.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- D. Off-street parking and loading areas for fewer than five (5) vehicles and their approaches shall be paved or covered with gravel, crushed shells, oysters, clamshells, cinders, or similar approved material.
- E. Off-street parking and loading areas for more than five (5) vehicles and their approaches shall be finished to provide a durable and dust-free surface, such as gravel, concrete, or bituminous concrete approved by the Town.

### **§ 87. Applicability.**

- A. New uses and development. The parking regulations apply to all new buildings constructed and all new uses established in all zoning districts unless otherwise expressly stated.
- B. Enlargements and expansions.
  - (1) Unless otherwise expressly stated, the parking regulations 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.
  - (2) 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.

- C. 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 Ordinance. "Credit" is given to the most recent lawful use of the property for the number of parking spaces required under this Ordinance, regardless of whether such spaces are provided. A new use is not required to address a lawful, existing parking deficit.
- D. Existing. Existing off-street parking and loading areas may not be eliminated, reduced, or modified below the minimum requirements of this Article.

**§ 88. Minimum required parking ratios.**

- A. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided following Table 88-1.
- B. The minimum required parking in the CBD district shall be determined by the Planning Commission based on a case-by-case basis taking into consideration available on-street parking.

**Table 88.1 Minimum required parking ratios**

<b>Table 88.1 Minimum required parking ratios</b>	
<b>CATEGORIES/SUBCATEGORIES/SPECIFIC USES</b>	<b>REQUIRED PARKING SPACES</b>
<b>Residential</b>	
<b>Household Living</b>	
Detached house	2 spaces per dwelling unit
Two-family	2 spaces per dwelling unit
Duplex	2 spaces per dwelling unit
Townhouse	2 spaces per dwelling unit
Multi-family/apartment/condo	1.5 spaces per dwelling unit
Mobile home, Manufactured home, single-wide	2 spaces per dwelling unit
Modular Home	2 spaces per dwelling unit
Cottage housing development	See § 33
Accessory dwelling units	See § 58
Caretaker/Security Dwelling	1 space
Mixed-use building, residential	All parking required for nonresidential use, 2 spaces per dwelling unit
Live/work unit	1 space for residence, 1 space for work space

<b>Table 88.1 Minimum required parking ratios</b>	
<b>CATEGORIES/SUBCATEGORIES/SPECIFIC USES</b>	<b>REQUIRED PARKING SPACES</b>
<b>Group Living</b>	
Group domiciliary care facility	1 space for each resident staff member, plus two visitor parking spaces
Continuing care retirement communities	1 parking space for every three beds, plus one space for every two employees.
Halfway house	1 space for each resident staff member, plus two visitor parking spaces
Shelter Care	Per § 90
<b>Public, Civic, and Institutional</b>	
Cemetery	Per § 90
College or university	1.0 space per three students
Community center	1 space per 4 occupants (maximum capacity)
Fraternal organization	1 parking space for every four seats or four persons of design capacity, plus one space for each two employees
Governmental facility	Per § 90
Hospital	Per § 90
Library	5 spaces per 1,000 sq. ft.
Museum or cultural facility	1 parking space for every four seats or four persons of design capacity, plus one space for each two employees
Parks and recreation	Per § 90
Religious assembly	1 space per 8 occupants (maximum capacity)
Safety service	Per § 90
School	Per § 90
Essential services	Per § 90
Utilities and public service facility	Per § 90
<b>Alternative Energy Systems</b>	
Small Wind Energy Conversion System	None
Solar Energy System (SES), Small-Scale	None
Solar Energy System (SES), Medium Scale	None
Solar Energy System (SES), Large-Scale	None
<b>Wireless Telecommunications</b>	
Freestanding towers	None
Building or tower-mounted antennas	None
Satellite dish	None
Small wireless facility	None
<b>Animal Services</b>	

<b>Table 88.1 Minimum required parking ratios</b>	
<b>CATEGORIES/SUBCATEGORIES/SPECIFIC USES</b>	<b>REQUIRED PARKING SPACES</b>
Grooming	3.5 spaces per 1,000 sq. ft.
Boarding or shelter/kennel	3.5 spaces per 1,000 sq. ft.
Veterinary care	3.5 spaces per 1,000 sq. ft.
<b>Assembly and entertainment</b>	1 parking space for every 200 square feet of gross floor area
Bowling Alleys	5 parking spaces for each alley
<b>Commercial Service</b>	2 spaces per 1,000 sq. ft.
Building service	1.17 spaces per 1,000 sq. ft.
Business support service	2 spaces per 1,000 sq. ft.
Consumer maintenance and repair service	2 spaces per 1,000 sq. ft.
Personal improvement service	2 spaces per 1,000 sq. ft.
Research Service	1 space per 1,000 sq. ft.
Daycare center	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft.
Eating and drinking establishments	1 parking space for every three seats
Carry-out restaurant	1 parking space for every 50 feet of gross floor area, plus one space for every two employees.
Financial service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per § 97.
Funeral and mortuary service	12.5 spaces per 1,000 sq. ft.
Studio, instructional, or service	3.5 spaces per 1,000 sq. ft.
Trade school	Per § 90
<b>Lodging</b>	
Hotel and motel	1 parking space for each guest room and two for the resident manager
Bed and breakfast, Inn	1 space per guest room and two spaces for the owner-occupant.
Boarding house	None
<b>Office</b>	
Business and professional office	1 parking space for every 200 square feet of floor space.
Medical, dental, and health practitioner	6 parking spaces for each professional, plus one space for each employee.
<b>Retail Sales</b>	
Convenience goods	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
Consumer shopping goods	3.50 spaces per 1,000 square feet
Building supplies and equipment	3.50 spaces per 1,000 square feet

<b>Table 88.1 Minimum required parking ratios</b>	
<b>CATEGORIES/SUBCATEGORIES/SPECIFIC USES</b>	<b>REQUIRED PARKING SPACES</b>
<b>Vehicle Sales and Service</b>	
Commercial vehicle repair and maintenance	1 per service bay, plus stacking spaces per § 97.
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
Fueling station	1 space per pump island, plus 1 space per service bay, 3.33 spaces per 1,000 sq. ft. of retail sales area, and stacking spaces per § 97.
Personal vehicle repair and maintenance	1 space per 1,000 sq. ft., plus 2 per service bay
Personal 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
Vehicle body and paint finishing shop	1 per service bay, plus stacking spaces per § 97.
<b>Wholesale, Distribution &amp; Storage</b>	
Equipment and materials storage, outdoor	Per § 90
Contractor's shop	Per § 90
Trucking and transportation terminal	Per § 90
Warehouse	Per § 90
Mini storage facilities/Self Storage	Per § 90
Limited wholesale sales and distribution facilities.	Per § 90
Wholesale sales and distribution facilities.	Per § 90
<b>Industrial</b>	
Artisan industrial	1 parking space for every two employees.
Limited industrial	1 parking space for every two employees.
General industrial	1 parking space for every two employees.
<b>Recycling</b>	
Recyclable material drop-off facility	Per § 90
<b>Agriculture</b>	
None	
<b>Accessory Uses</b>	
Daycare, home	1 space per employee plus 2 spaces for residence
Home occupation, Type 2	Per § 90
<b>Temporary Uses</b>	
Per § 90	



## § 89. 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 per the shared parking regulations of § 91, lots containing more than one (1) use must provide parking equal to the total 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 following lower whole number, and any fraction of one-half (0.5) or more is rounded up to the following 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 to calculate 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 twenty (20) inches of the seating area in bleachers, pews, or similar bench-seating arrangement counts as one seat to calculate seating-based parking requirements. See Figure 89.D.

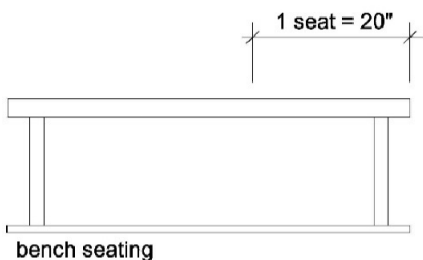


Figure 89.D: Bench Seating Measurement

- E. Occupancy- or capacity-based standards. Employees, students, members, residents, or occupant parking requirements are calculated 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 strict application of the parking standards set forth herein may result in development either with inadequate parking spaces or parking spaces more than its needs. Therefore, alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
- (2) 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 located in the CBD District;
  - (c) The proposed development is an infill or redevelopment project located in the Community Infill and Redevelopment Overlay District; or
  - (d) 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 consideration of a specific development proposal, that the presumption established by § 88 for a particular use classification is erroneous, it shall initiate a request for an amendment to the § 88, Table of Parking Requirements.

**§ 90. 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 the authority to establish a requirement is expressly granted.
- B. Such ratios may be established based on a similar use/parking determination (as described in § 88, on parking data provided by the applicant or information otherwise available to the Planning Commission.
- C. Parking data and studies must include parking demand estimates based on reliable data collected from comparable uses or external data. The data must come from credible research organizations (e.g., the Institute of Transportation Engineers [ITE] or the

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.

**§ 91. Parking exemptions and reductions.**

**A. Shared parking.**

- (1) Purpose. Sharing parking among different users can result in overall reductions in motor vehicle parking required. Shared parking is encouraged to conserve scarce land resources, reduce stormwater runoff, reduce the heat island effect caused by large paved areas, and improve community appearance.
- (2) Applicability. Shared parking facilities are allowed for mixed-use projects and multiple uses with different periods of peak parking demand, subject to approval by the Planning Commission. However, required residential and accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.
- (3) Methodology. The number of parking spaces required under a shared parking arrangement shall be approved by the Planning Commission and may be determined by the following calculations:
  - (a) Multiply the minimum parking required for each use, as outlined in § 88, by the percentage identified for the six designated periods in Table 91.1.
  - (b) Add the resulting sums for each of the six columns.
  - (c) The minimum shared parking requirement is the highest sum among the six columns resulting from the above calculations.
  - (d) Select the period with the highest total parking requirement and use that total as the shared parking requirement.

Table 91.1: Shared parking calculation guidelines.

Land Use	Weekday			Weekend		
	Midnight– 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6 p.m. – Mid-night	Midnight– 7:00 a.m.	7:00 a.m.– 6:00 p.m.	6 p.m. – Mid-night
Office and Industrial	5%	100%	10%	0%	60%	5%
Lodging	100%	60%	90%	100%	65%	80%

<b>Eating and Drinking</b>	50%	70%	100%	45%	70%	100%
<b>Religious Assembly</b>	0%	10%	30%	0%	100%	30%
<b>Assembly &amp; Entertain.</b>	10%	50%	100%	5%	80%	100%
<b>Retail &amp; Comm. Service</b>	5%	70%	90%	0%	100%	60%

- (4) Other uses. If one or more land uses proposing shared parking arrangements do not conform to the land use classifications in Table 91.1, as determined by the Planning Commission, the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based on this information, the Planning Commission or its designee is authorized to determine the appropriate shared parking requirement for such uses.
- (5) Alternative methodology. As an alternative to the shared parking methodology, Section A(3), the Planning Commission or its designee is authorized to approve shared parking calculations based on the latest edition of the Urban Land Institute's or the Institute of Transportation Engineer's shared parking model or based on studies prepared by a professional transportation planner or traffic engineer. The shared parking analysis must demonstrate that the peak parking demands of the subject use occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
- (6) Location. Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of §§ 92 and 93.

**§ 92. 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 Planning Commission.
- (2) Nonresidential parking areas shall be located at least fifteen (15) 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 uses may be provided off-site, per the regulations of this section. However, 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 and the outer perimeter of the farthest parking space within the off-site parking lot.
- (3) Design. Off-site parking areas must comply with applicable parking area design and parking lot landscape regulations.
- (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 long-term availability of the parking commensurate with the use served by the parking. Off-site parking privileges will continue 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, parking must be provided as otherwise required by this Article.

**§ 93. Use of off-street parking areas.**

- A. Off-street parking facilities may not be used for parking vehicles to display the same for sale unless the principal use of the property on which the parking facility is located is in the business of selling or leasing used or new vehicles. This provision is not intended to prohibit an owner or occupant of residential 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 before initiating enforcement proceedings.

- B. No vehicle repair or service shall be permitted in conjunction with off-street parking facilities in a residential or the CBD zoning district, except for minor repairs or service on vehicles owned by an occupant or resident.

**§ 94. Parking of recreational vehicles and equipment.**

- A. Recreational vehicles, recreational equipment, and utility trailers may not be stored in the required front yard setbacks.
- B. Not more than one (1) recreational vehicle and one (1) 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 unless approved by the Planning Commission. For this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one (1) watercraft, personal watercraft, or specialty prop-craft.
- C. 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 an adjacent street provided that the Town is given prior notice of the dates for such temporary parking. For 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.
- D. Recreational vehicles, recreational equipment, and utility trailers stored or parked in residential districts or on residential property must be owned by the owner or occupant of the subject property.
- E. The recreational vehicle, equipment, or utility trailer must be properly licensed.
- F. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground to prevent its ready removal.
- G. No parked or stored recreational vehicle may be used for living, sleeping, or business purposes.

**§ 95. Parking area design.**

- A. Tandem and valet parking arrangements. Parking areas must be designed and constructed to allow unrestricted 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. The tandem spaces must be assigned to the same dwelling unit.

B. Stall sizes and parking lot geometrics.

- (1) Off-street parking areas must be designed and constructed per the regulations of Table 94. B(1). See also Figure 94-1.

Table 94. B(1) Parking area dimensions.

	Angle of Parking			
	0° (Parallel)	45°	60°	90°
<b>Stall Width (feet)</b>	7	9	9	9
<b>Stall Length (feet)</b>	33 (middle), 24 (ends)	18	19	18
<b>Aisle Width (feet)</b>	14 (one-way), 24 (two way)	14	15	24
<b>Module Width (feet)</b>		50	53	60

Note: Dimensions must be measured from the centerline of the strip delineating the space.

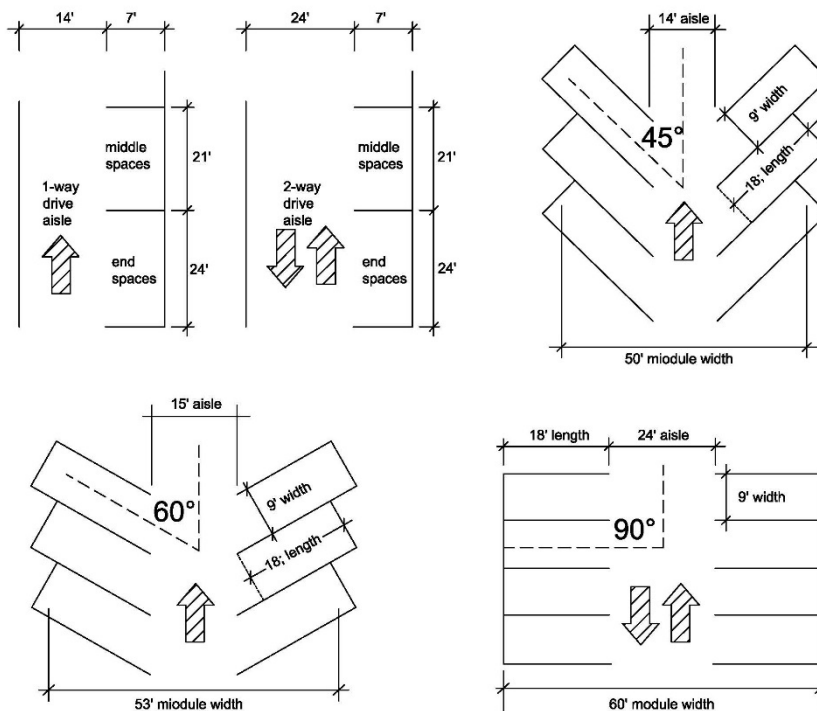


Figure 94-1: Parking Area Dimensions

- C. Striping. In all parking lots containing five (5) or more parking spaces, striping consisting of parallel lines, four (4) inches in width must be provided for each parking space. Striping must be yellow or white. In addition, accessible parking spaces must be painted with the standard ADA white symbol on blue background. See Figure 94-2.

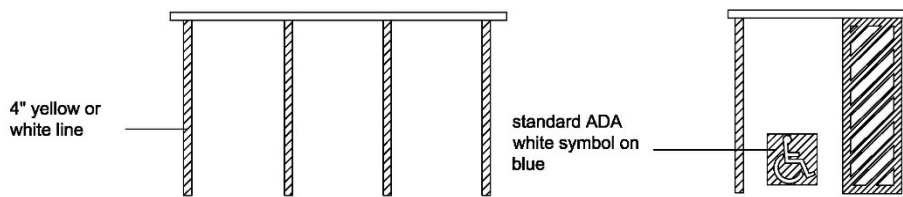


Figure 94-2: Parking Lot Markings

- 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 Planning Commission.
- E. Wheel Stops. In all parking lots containing five (5) or more parking spaces, wheel stops must be installed to prohibit vehicle overhang onto adjacent pedestrian ways or landscape areas.
- F. Curb and gutter. A combination of concrete curb and gutter or concrete barrier curbs is required around the perimeter of all parking lots containing five (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 Planning Commission.
- G. Landscaping. All off-street parking lots containing five (5) or more spaces must be landscaped per Article XI.
- H. 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 vehicular access to the parking space.
  - (2) All off-street parking must be designed with appropriate vehicular access to a street or alley that will least interfere with motorized and non-motorized traffic.
  - (3) All uses must be designed with appropriate vehicular access from the street, as approved by the Planning Commission.

**§ 96. Accessible parking for people with disabilities.**

- A. The number, location, and design of accessible parking spaces for people with disabilities must be provided following this section and the Maryland Accessibility Code.



- B. Accessible spaces must be provided per Table 95-1.
- 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 sixteen (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 95-1).

Table 95-1: Minimum accessible parking space ratios.

<b>Total Off-Street Parking Spaces Provided</b>	<b>Accessible Parking Spaces Required</b>
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 the 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 identify the current fine amount for violations. The sign must be fabricated to be two (2) separate panels; one (1) for the disability symbol and one (1) for the current fine amount.

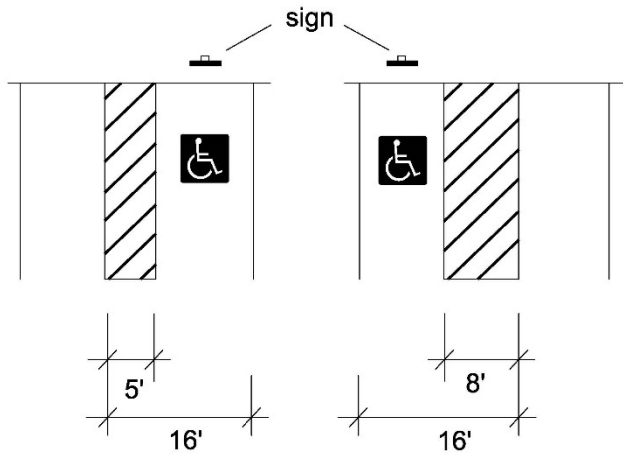


Figure 95-1: Accessible Parking Spaces

- 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 spaces voluntarily designated for accessible parking.

**§ 97. 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.
- B. Applicability. The regulations apply to new developments, 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 following the minimum requirements of Table 96.1

Table 96.1: 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 the end of the 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.

- (1) Stacking lanes must not interfere with parking movements or safe pedestrian circulation. In addition, stacking lanes must have a minimum width of ten (10) feet.
- (2) All stacking lanes must be identified through striping, landscaping, pavement design, curbing, and/or signs.

E. Setbacks. Stacking lanes must be set back at least fifty (50) feet from any abutting residential zoning district and at least twenty-five (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) and adjacent residential uses.

**§ 98. Off-street loading.**

A. Minimum ratios. Off-street loading spaces must be provided per Table 91-1.

Table 97-1: Off-street loading space requirements.

Use Type	Minimum Loading Spaces Required
<b>Multi-unit or Mixed-use residential</b>	
Under 60 units	None
60+ units	1 space per 60 units

<b>Nonresidential</b>	
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

B. Design and location.

- (1) Off-street loading spaces must be at least twelve (12) feet in width and fifty (50) feet in length unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles over thirty-five (35) feet in length, in which case the minimum size of the off-street loading space is twelve (12) feet by fifty-five (55) feet. In addition, all loading spaces must have a minimum vertical clearance of fourteen (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 public streets and sidewalks, as determined by the Planning Commission.
- (3) Off-street loading spaces may occupy any part of any required yard, except a front yard. Nonresidential off-street loading spaces shall be located at least fifteen (15) feet from every street line and ten (10) 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 all-weather, dustless surface approved by the Planning Commission.
- (5) Plans for the location, design and construction of all loading areas are subject to approval by the Code Enforcement Officer.
- (6) Loading spaces may not be used to satisfy off-street parking requirements or conduct vehicle repair or service work of any kind.

**§ 99. Reserved.**

## **Article XI. Landscaping and Environmental Standards.**

### **§ 100. Purpose.**

This article's landscaping and screening regulations establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this Ordinance and specifically to:

- A. protect property values;
- B. enhance the quality and appearance of new development and redevelopment projects;
- C. mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
- D. promote the preservation, expansion, protection, and proper maintenance of existing trees and landscaping;
- E. help ensure wise use of water resources;
- F. improve air quality;
- G. protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain more significant amounts of stormwater on-site;
- H. moderate heat by providing shade; and
- i. reduce the impacts of noise and glare.

### **§ 101. Parking lot perimeter landscaping.**

- A. Applicability. The parking lot perimeter landscaping requirements of this section apply to all of the following:
  - (1) the construction or installation of any new surface (open) parking lots containing six (6) or more parking spaces; and
  - (2) the expansion of any existing surface (open) parking lot if the expansion would result in six (6) or more total parking spaces, in which case the requirements of this section apply only to the expanded area.
- B. R-zones. For purposes of the article, the R-zones include the SR, CR, MH, and CM districts.

C. Street yards/front yards.

- (1) When a parking lot is located across the street from an R-zone, parking lot perimeter landscaping must be provided along 100% of the street frontage opposite the R-zone. See Figure 101.1.

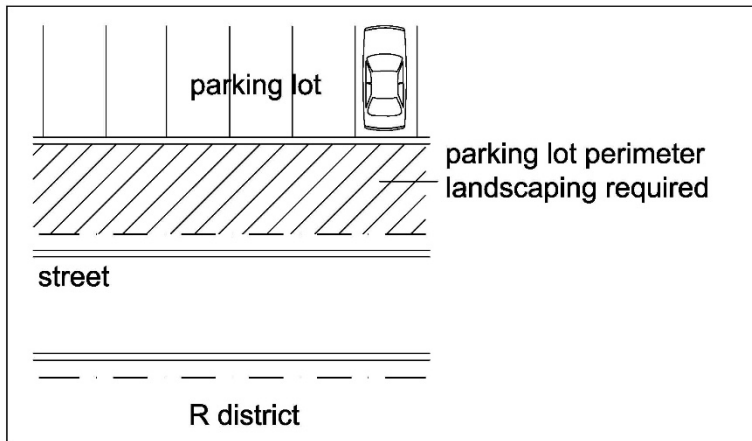


Figure 101.1: Street Yard Perimeter Landscaping Opposite an R-Zone

- (2) When a parking lot is located across the street from a nonresidential zoning district, parking lot perimeter landscaping must be provided along at least 75% of the parking lot perimeter opposite the nonresidential zoning district. See Figure 101.2.

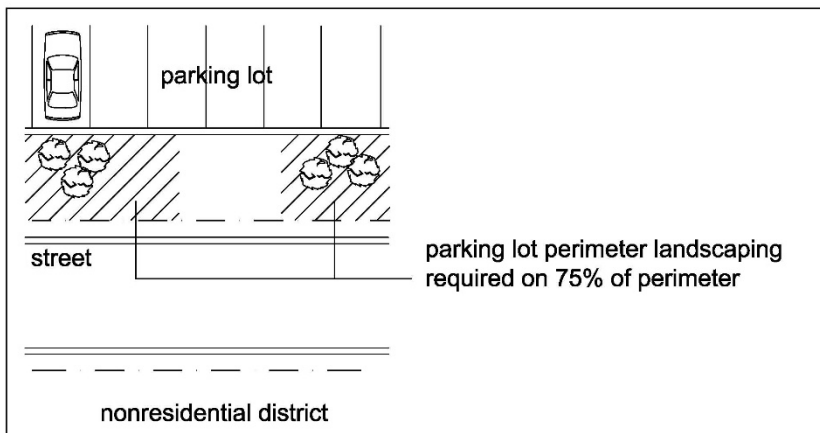


Figure 101.2: Street Yard Perimeter Landscaping Opposite Nonresidential Zoning



- (a) Landscaping provided in plant groupings of no less than three (3) live plants must be provided along at least 50% of the parking lot perimeter along the abutting interior side and rear lot lines. See Figure 101.5.

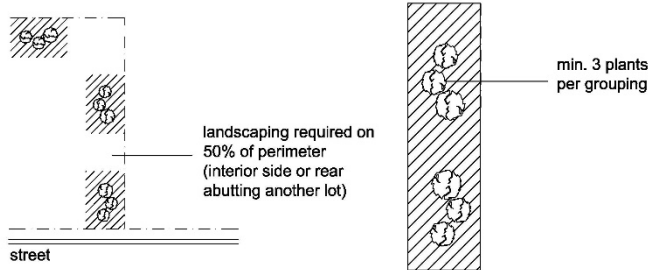


Figure 101.5: Perimeter Landscaping within Interior Yards

- (b) Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees, and perennials, all of which must reach thirty-six (36) inches at maturity.
- (2) When a parking lot is located in the interior side or rear yard of a lot abutting a residential zoning district, the parking lot perimeter landscaping required must be supplemented by the installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of six (6) feet along 100% of the parking lot perimeter immediately abutting the R- zoned property. See Figure 101.6.

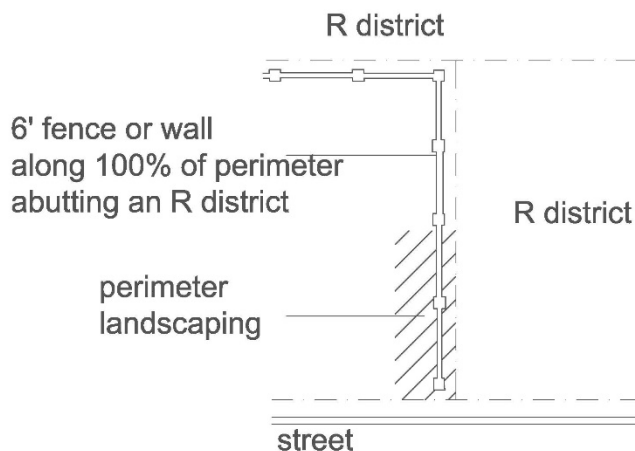


Figure 101.6: Supplemental Wall or Fence Abutting R-zoned Property

- E. General. The landscape material used to satisfy this section's parking lot perimeter landscaping requirements is subject to the landscape material and design regulations of § 105.



## § 102. Parking lot interior landscaping.

- A. Applicability. The parking lot interior landscaping requirements of this section apply to all of the following:
- (1) the construction or installation of any new surface (open) parking lots containing six (6) or more parking spaces; and
  - (2) the expansion of any existing surface (open) parking lot if the expansion would result in six (6) or more total parking spaces, in which case the requirements of this section apply only to the expanded area.
- B. Landscape islands.
- (1) Landscape islands must be located at the end of each parking row and within each parking row so that the distance between islands is no greater than twenty (20) parking spaces. See Figure 102.1.

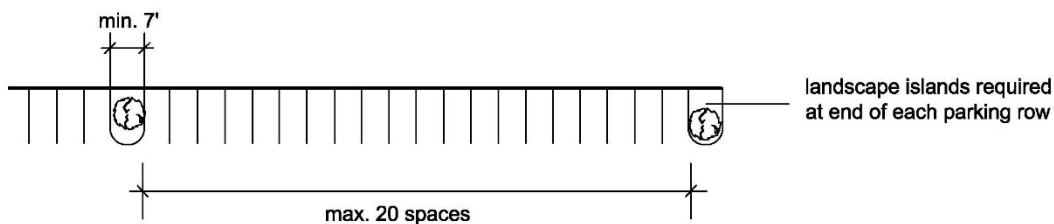


Figure 102.1: Parking Lot Landscape Islands

- (2) Landscape islands must be a minimum of one hundred fifty (150) square feet in area when located in a single row of parking spaces and three hundred (300) square feet in area when located within a double row of (face-face) parking spaces. In addition, islands must be at least seven (7) feet in width, as measured from the back of the curb to the back of the curb.
  - (3) At least one shade tree must be provided for each hundred fifty (150) square feet of landscape island, rounded to the nearest whole number.
- C. Landscape divider medians.
- (1) Landscape divider medians must be provided between at least every three (3) parking modules. Divider medians must be at least six (6) feet in width. See Figure 102.2.

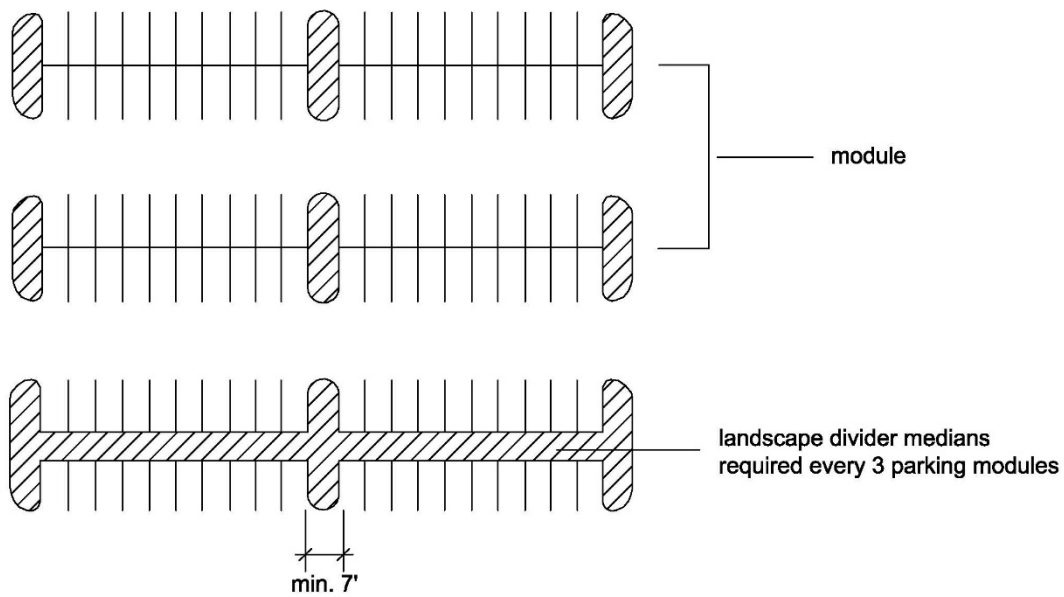


Figure 102.2: Parking Lot Landscape Divider Medians

- (2) At least one (1) shade tree must be provided for each forty (40) feet of median length, rounded to the nearest whole number. See Figure 102.3

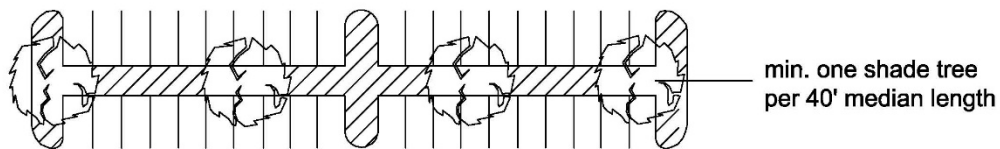


Figure 102.3: Tree Planting within Medians

D. General.

- (1) Landscape material used to satisfy this section's parking lot interior landscaping requirements are subject to the landscape material and design regulations of § 105.
- (2) All landscaped islands and divider medians must be crowned to provide positive drainage or designed to comply with the best management practices for stormwater.

- (3) At least 50% of every landscape island and landscape divider median must be planted with plant material, such as perennials, ground cover, shrubs, or turf grass, to a maximum of thirty (30) inches at maturity.

**§103. Screening.**

A. Applicability: features to be screened. When located on lots occupied by multi-unit residential or nonresidential uses, the following features must be screened from view of public rights-of-way, public open spaces, and lots used or zoned for residential purposes, as specified in this section:

- (1) ground-mounted mechanical equipment;
- (2) roof-mounted mechanical equipment;
- (3) refuse/recycling/grease containers; and
- (4) outdoor storage of materials, supplies, and equipment.

B. Ground-mounted mechanical equipment. All ground-mounted mechanical equipment over thirty (30) inches must be screened from view by a fence, wall, dense hedge, or combination of such features providing at least 80% direct view blocking. The hedge, fence, or wall must be at least as tall as the tallest part of the equipment. The hedge must be this tall at the time of planting. See Figure 103.1.

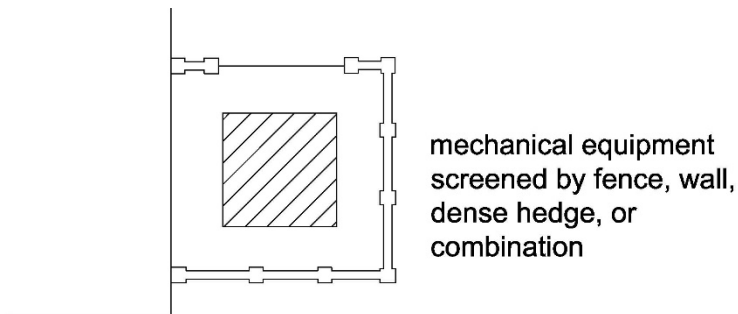


Figure 103.1: Screening of Ground-mounted Equipment

C. Roof-mounted mechanical equipment. Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust, and similar equipment, but not solar panels, wind energy, or similar renewable energy devices) must be screened from ground-level view in one of the following ways (and as illustrated in Figure 103.2):

- (1) a parapet that is as tall as the tallest part of the equipment;

- (2) a screen around the equipment that is at least as tall as the tallest part of the equipment, with the screen providing at least 80% direct view-blocking, which is an integral part of the building's architectural design.

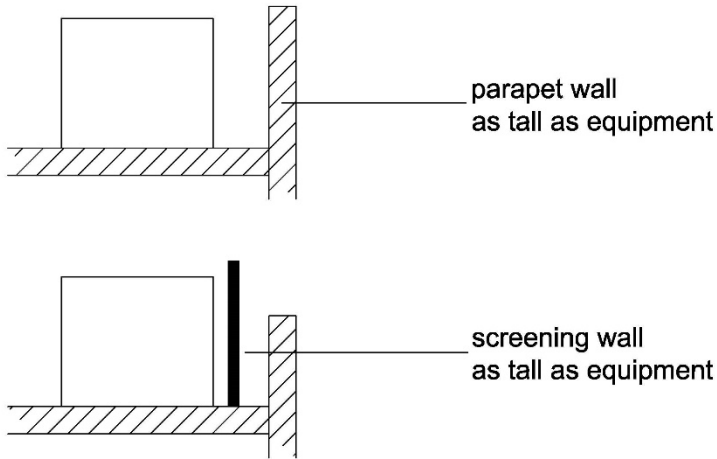


Figure: 103.2 Screening of Roof-mounted Equipment

- D. Refuse/recycling containers. Refuse/recycling and similar containers must be located on an appropriately designed concrete, or other paving material pad and apron and screened from view of streets and all abutting lots with a wall or other screening material providing at least 80% direct visual screening at least six (6) feet in height. Refuse/recycling containers may not be located in street yards. Enclosure doors must be located and designed to not face an abutting property, sidewalk, or street to the maximum extent possible. Residential dwellings utilizing curbside pick-up services are exempt from these screening requirements. See Figure 103.3.

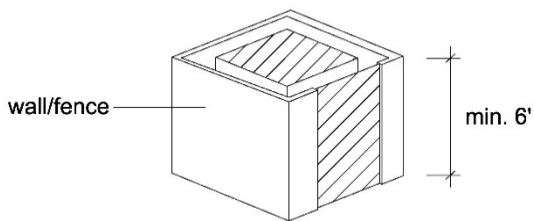


Figure 103.3: Screening of Refuse/Recycling Containers

- E. Outdoor storage of materials, supplies, and equipment. All stored materials, supplies, merchandise, vehicles, equipment, or other similar materials not on display for direct sale, rental, or lease to the ultimate consumer or user must be screened by a fence,

wall, dense hedge, or combination of such features with a minimum height of six (6) feet at the time of installation.

- F. Landscape materials and design. Landscape material used to satisfy the screening requirements of this section must be ever-greens and are subject to the landscape material and design regulations § 105.

**§ 104. Landscape plans.**

- A. All applications for development and construction activities subject to this article's landscape and screening regulations must be accompanied by a landscape plan. No building permit or similar authorization may be issued until the Planning Commission, or the designee determines that this article's landscaping and screening regulations have been met.
- 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 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.
  - (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 planting and maturity.
  - (6) The location and description of other landscape improvements include 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.

**§ 105. Landscape material and design.**

- A. Landscaping with required landscape areas. All required landscape areas must be sodded or seeded with turf grass or appropriate ground cover. Alternatives that comply with the best management practices for stormwater are also allowed. Areas not required to be covered with live plant material must be covered with organic, biodegradable mulch.
- B. Existing trees and vegetation. Existing non-invasive trees may be counted toward satisfying this article's landscaping and screening regulations if they are located within the subject area. However, they must comply with this section's plant height and size requirements.
- C. Plant selection.
  - (1) Trees and plants selected for required landscape areas must be well-suited to the microclimate and on-site soil conditions. Native plant species are preferred, but the Planning Commission may approve other plant species.
  - (2) Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ASNS).
  - (3) Invasive species may not be used to meet landscape requirements.
  - (4) All plant materials are subject to the approval of the Planning Commission.
- D. Trees.
  - (1) Ornamental. Ornamental trees used to satisfy the requirements of this article must be at least four (4) feet in height at the time of installation.
  - (2) Shade. Shade trees used to satisfy the requirements of this article must be a minimum of 2.5-inch caliper at the time of installation.
- E. Shrubs. Shrubs used to satisfy the requirements of this article must be at least eighteen (18) inches in height at the time of installation.
- F. Ornamental grasses and perennials. Ornamental grasses and perennials used to satisfy the requirements of this article must be at least twelve (12) inches in height at the time of installation.
- G. Curbs and vehicle barriers.

- (1) Landscaped areas in or abutting parking lots must be protected by concrete curbing, anchored wheel stops, or other durable barriers. Alternative barrier designs that provide improved infiltration or storage of stormwater are encouraged.
- (2) Curbs protecting landscape areas may be perforated, have gaps, or otherwise be designed to allow stormwater runoff to pass through them.

H. Installation.

- (1) All landscaping must be installed soundly and following accepted landscape planting practices.
- (2) Newly planted trees may not be staked or guyed unless they cannot stand upright without support. Any staking and guying materials must be removed within one (1) year of installation.

I. Maintenance. The property owner, occupant, tenant, and respective agent of each, if any, are jointly and severally responsible for the maintenance and protection of all required landscaping, per all of the following regulations:

- (1) Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.
- (2) Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use of the material and species on the site to detract from the appearance of the general area. In addition, the growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities, and circulation might arise.
- (3) All landscaping must be maintained to minimize property damage and public safety hazards, including removing invasive species, dead or decaying plant material, and low-hanging branches next to sidewalks and walkways obstructing street lighting.
- (4) Failure to maintain landscaping is a violation of this Ordinance.

**§ 106. Alternative compliance.**

To encourage creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the Town Manager

or another designee is authorized to approve alternative compliance landscape plans when it is determined that one or more of the following conditions are present:

- A. The site has space limitations or an unusual shape that makes strict compliance impossible or impractical;
- B. Conditions on or adjacent to the site such as topography, soils, vegetation, or existing structures or utilities are such that strict compliance is impossible, impractical, or of no value in terms of advancing the general purposes of this article;
- C. Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
- D. Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.

**§ 107. Reserved.**

**§ 108. Required trees along dedicated streets.**

- A. Along both sides of all newly created streets that are constructed per the Pittsville Subdivision Ordinance, the developer shall either plant or retain sufficient trees so that between the paved portion of the street and a line running parallel to and fifty (50) feet from the centerline of the street, there is for every fifty (50) feet of street frontage at least an average of one (1) deciduous tree that has, or will have when fully mature, a trunk at least twelve (12) inches in diameter.
- B. Trees, when planted, shall have a caliper of at least 2.5 inches measured at 4.5 feet from ground level and shall have no branches below six feet. All trees shall be staked appropriately at the time of planting.

**§ 109. Sensitive areas protection standards.**

- A. Perennial and intermittent stream no-disturbance buffer.
  - (1) A twenty-five (25) foot natural buffer from all perennial and intermittent streams shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
  - (2) This buffer requirement may be reduced by the Planning Commission for the following:



- (a) If evidence is provided that the site's design, construction, and use will provide the same or better water quality protection as the twenty-five (25) foot buffer, and if evidence is provided, the development will meet all other applicable requirements, as required.
  - (b) Road crossings, if the disturbance is minimized.
  - (c) Other public or community facilities provided disturbance is minimized in so far as possible.
  
- B. Non-tidal wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corps of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.
  
- C. Habitat protection areas.
  - (1) Identification. An applicant for development activity, redevelopment activity, or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas include:
    - (a) Threatened or endangered species or species in need of conservation;
    - (b) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
    - (c) Natural Heritage Areas; and
    - (d) Other plant and wildlife habitats determined to be of local significance.
  
  - (2) Standards.
    - (a) An applicant for a development activity proposed in or near a Habitat Protection Area listed above shall request a review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a Habitat Protection Area on or near a site.
  
    - (b) If the Department of Natural Resources confirms the presence of a Habitat Protection Area, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resources.

- (c) The applicant shall obtain the Habitat Protection Plan approval from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

## **Article XII Outdoor Lighting**

### **§ 110. Applicability and requirements.**

This article shall apply to all outdoor lighting within the Town of Pittsville unless otherwise exempted herein.

#### **A. Applicability.**

- (1) All commercial site plans shall demonstrate that the proposed development shall comply with the requirements outlined in Subsection B below concerning exterior lighting.
- (2) This article does not apply to emergency lighting.
- (3) This article does not apply to temporary lighting.
- (4) This article does not apply to vehicular lighting.
- (5) This article does not apply to lighting on wheeled farm machines.

#### **B. Requirements.**

- (1) Motion sensors shall be utilized to control flood and spotlights.
- (2) High-pressure sodium (HPS) lights shall be used to minimize energy consumption, maintenance costs, and sky glow where color recognition is not needed.
- (3) Non-security parking lot lights shall be turned off after business hours to save energy and protect the night sky.
- (4) The minimum amount of light needed shall be used to achieve safe uniform lighting with lights that consume the lowest amount of power possible.
- (5) Fully shielded or horizontally flush mounts shall be used for all lights.
- (6) Signs and flags shall be lighted from above.
- (7) All sports lighting shall be shielded.
- (8) All lights greater than 1,800 lumens shall be shielded to direct all light toward the ground. The lighting elements are not exposed to normal view or do not

create or constitute a hazard or nuisance (e.g., glare) to motorists, pedestrians, or neighboring residents.

- (9) Lighting shall be designed to avoid glare onto surrounding properties.

**§ 111. Definitions.**

For purposes of this article, the following definitions apply:

**ADJACENT PROPERTY** — Property abutting the lot being developed and properties separated by a street, road, or right-of-way.

**CANDELA** — The unit that describes the intensity of a light source in a specified direction and is equal to one lumen per steradian (lm/sr).

**CUTOFF** — A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5%) at an angle of 90° above nadir and 100 (10%) at a vertical angle of 80° above nadir.

**DARK SKY CUTOFF FIXTURE** — Any light fixture that emits its light below 45° when measured from 0° to 180° vertical. Dark sky cutoff fixtures keep most of their light from reaching the night sky (i.e., emit no more than 2% of the light above the horizontal plane), minimize ground reflection, and reduce light scatter beyond the property line.

**DARK SKY FIXTURE** — Any light fixture that emits light below 90° when measured from 0° to 180° vertical. Dark sky fixtures keep most of their light from reaching the night sky (i.e., emit no more than 2% of the light above the horizontal plane).

**DARK SKY SHADE** — Anything used to shade a light fixture so that it behaves like a dark sky fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, and roof eaves or shaded by other structures, objects, or devices.

**DARK SKY SHIELD** — Anything used to shield a light fixture so that it behaves like a dark sky cutoff fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, and roof eaves or shielded by other structures, objects, or devices.

**DIRECT LIGHT** — Light emitted directly from the lamp, off the reflector or diffuser of a luminaire.

**EMERGENCY LIGHTING** — Illumination as required by civil officers, agents, and officials to perform their duties to maintain public health, safety, and welfare.

**FIXTURE** — The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**FLOOD OR SPOTLIGHT** — A light designed to flood a well-defined area with light, with a reflector or optical assembly that concentrates the light output in a particular direction or spot.

**FOOTCANDLE** — The basic unit of luminance (the amount of light falling on a surface). Footcandle measurement is taken with a light meter. One footcandle is equivalent to the luminance produced on one square foot of surface area by a source of one standard candle at one foot. Horizontal footcandles measure the illumination striking a horizontal plane. Vertical footcandles measure the illumination striking a vertical plane.

**FULL CUTOFF** — A shielded fixture that directs all light towards the ground by preventing all transmission of light above a horizontal line as specified by the Illumination Engineering Society, i.e., distribution where zero candela intensity occurs at an angle of 90° above nadir and all greater angles from the nadir and prevents the direct image of a bright source. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle of 80° above the nadir.

**GLARE** — A bright source that causes the eye to be drawn continually toward the bright image or when the source's brightness prevents the viewer from adequately viewing the intended target.

**HID LIGHTING** — High-intensity discharge lighting, a family of bulb types, including mercury vapor, metal halide, or high-pressure or low-pressure sodium, which glows when an electric current is passed through a gas mixture inside the bulb.

**HIGH-PRESSURE SODIUM (HPS) LAMP** — Most widely used HID lamps for roadway and parking lot lighting. Advantages include a long lifetime, a wide variety of moderate to high luminous output lamps, high efficiency and reasonable maintenance, moderate color rendition, and wide availability and moderate cost of lamps and luminaires. Disadvantages include poorer color rendition than metal halide, fluorescent and incandescent, poorer output efficiency than low-pressure sodium, and potentially hazardous mercury waste.

**HOLIDAY LIGHTING** — Festoon-type lights, limited to small, individual low wattage bulbs on a string.

**INCANDESCENT LAMP** — Lamp commonly used for most residential lighting, both indoor and outdoor. Incandescent lamps are widely available in a wide variety of lamp styles of low to moderate luminous output. They are commonly used in applications where such low outputs

are needed and where the lighting is often switched off and on. Advantages include low capital cost for lamps and luminaires, wide availability, a wide variety of lamp and fixture types, lack of a warm-up period, and lack of hazardous waste. Disadvantages include short lifetimes, low efficiency with resultant high per-lumen energy use and life cycle cost, the attraction of insects, and high heat production.

**INDIRECT LIGHT** — Direct light that has been reflected or scattered.

**LIGHT POLLUTION** — The upward emitting of stray light may illuminate clouds, dust, and other airborne matter and obscure the night sky.

**LIGHT SOURCE** — The lamp or enclosing bulb or reflective enclosure.

**LIGHT TRESPASS** — Any artificial light greater than 0.10 footcandle falling outside the property's boundaries upon which the outdoor luminaire is installed. Light trespass occurs when neighbors of an illuminated space are affected by the lighting system's inability to contain its light within the area intended.

**LOW-PRESSURE SODIUM (LPS) LAMP** — A HID lamp popular in some American cities, the light produced by LPS lamps is nearly monochromatic at a wavelength near 589 nanometers. Though the eye is susceptible to this wavelength (leading to the high efficiency of LPS), the eye cannot distinguish colors when LPS light is the only source available. Low-pressure sodium lighting is favored where energy consumption and costs are a significant concern and color discrimination is either unnecessary or supplied by another lighting. Advantages include the highest luminous efficiency and lowest energy use, low glare associated with the large lamps, good visibility, low scattering, minimal effects on insects and other wildlife, and lack of hazardous mercury wastes. Disadvantages include the lack of color rendition, shorter lamp lifetime, higher lamp replacement costs than HPS, and large lamp size in the higher output lamps.

**LUMEN** — The unit of measurement of the quantity of light produced by a lamp or emitted from a luminaire. The lumen quantifies the amount of light energy produced by a lamp, not by the energy input, which is indicated by the wattage. For example, a one-hundred-watt incandescent light produces 1,800 lumens, while a seventy-watt high-pressure sodium lamp produces 6,000 lumens. The manufacturer on the packaging lists lumen output.

**LUMINAIRE** — A complete lighting unit often referred to as a "light fixture." A luminaire consists of the lamp or light source, optical reflector and housing, and electrical components for safely starting and operating the lamp or light source.

**MERCURY VAPOR LAMPS** — The first widely used HID lamp. Though highly efficient and long-lived compared to the incandescent lighting technology they displaced, they have many

disadvantages compared to other lighting sources available today, including low luminous efficiency, poor color rendition, and high ultraviolet output. As a result, mercury vapor lamps have been almost completely replaced in new applications by the more efficient metal halide and high-pressure sodium lamps.

**METAL HALIDE LAMP** — A HID lamp, similar to mercury vapor lamps, but with the addition of small amounts of various metallic halides, such as scandium, sodium, dysprosium, holmium, and thulium iodide. The many different varieties of metal halide lamps give a wide variety of slightly different color characteristics, though generally, they are white or blue/white sources. Besides a relatively steep fall-off in intensity with time (compared to high-pressure sodium; see below), many metal halide lamps also change their color as they age. Metal halide lamps are commonly used in commercial outdoor lighting where white light with good color rendition is required or desired, such as car dealer display lots, sports lighting, and service station canopies. Advantages include a wide variety of moderate to high luminous output lamps, high efficiency compared to incandescent and mercury vapor, and good color rendition. Disadvantages include lower efficiency and output maintenance than high- and low-pressure sodium, shorter lamp lifetime than high-pressure sodium, color changes, ultraviolet output if not adequately filtered, and potentially hazardous mercury waste.

**MOTION SENSOR** — Any device that turns a light fixture on when it detects motion and off when motion stops.

**NADIR** — The point directly below the luminaire.

**NONCUTOFF** — A luminaire light distribution where there is no candela limitation in the zone above maximum candela.

**OUTDOOR LIGHTING** — The nighttime illumination of an outside area or object by a device that produces light.

**OUTDOOR LIGHTING FIXTURE (OR LUMINAIRE)** — Any outdoor electrically powered luminaire, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include general ambient lighting, street, and area luminaires, decorative lighting, accent, or feature lighting, as well as searchlights, spotlights, and floodlights, any of which are for use at or on:

- A. Buildings and structures, including church steeples.
- B. Recreational areas.
- C. Parking lot and area lighting.

- D. Landscape lighting.
- E. Outdoor signage, both internally and externally lit (advertising or other).
- F. Streetlighting.
- G. Product display area lighting.
- H. Building overhangs, eaves, and open and closed canopies.
- I. Farms, dairies, or feedlots.
- J. Gas canopy lighting.
- K. Outdoor walkways.
- L. Flag poles.
- M. Monuments or sculptures.

SEMICUTOFF — Luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 50 (5%) at an angle of 90° above nadir and 200 (20%) at a vertical angle of 80° above nadir.

SKYGLOW — The result of scattered light in the atmosphere means the haze or glow of light that reduces the ability to view the nighttime sky.

TEMPORARY LIGHTING — Illumination as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include, but are not limited to, activities such as nighttime agricultural operations, construction work lighting, and seasonal decorations, but in no case shall such temporary lighting continue for more than three months without an exemption granted by the Town of Pittsville.

**§ 112. Light fixtures prohibited.**

- A. Non-dark sky fixtures are prohibited in the Town of Denton unless otherwise permitted by this Ordinance.
- B. In addition to Subsection A, the following light fixtures are prohibited:
  - (1) Lights that shine directly into neighboring residential districts or buildings and adjacent properties.



- (a) The maximum illumination of an adjacent parcel from light emitted from an artificial light source is 0.1 horizontal footcandle and 0.1 vertical footcandles when measured:
    - (i) Five (5) feet inside an adjacent residential parcel.
    - (ii) Ten (10) feet inside an adjacent commercial or industrial parcel.
  - (b) No line of sight to a light source is permitted five feet or more beyond the edge of the public right-of-way or property line in a residential district by an observer viewing from a level with or higher than the ground below the fixture.
  - (c) Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.
- (2) Excessive lighting: lighting which directs attention away from existing business and community lighting. New lighting shall not cause existing lighting to appear noticeably dimmer or reduce the sense of security.
- (a) Areas under structural canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum luminance) shall be no greater than 5:1 with an average illumination level of not more than thirty (30) footcandles.
  - (b) Light fixtures located on structural canopies shall be mounted so that the lens cover is recessed or flush with the canopy's ceiling.
- (3) Glare: high-intensity discharge (HID) light sources which cause disability glare directly visible to drivers. Full cutoff fixtures shall ensure lighting elements are not exposed to standard view by or do not create or constitute a hazard or nuisance to motorists, pedestrians, or neighboring residents.
- (4) Flashing lights.

**§ 113. Light fixtures permitted.**

The following light fixtures and lighting are permitted:

- A. All light fixtures installed before the effective date of this article.
- B. Dark sky fixtures and dark sky cutoff fixtures.

- C. All light fixtures that have a dark sky shade or a dark sky shield.
- D. All light fixtures that are dark sky fixtures and dark sky cutoff fixtures that provide uniform and appropriate lighting in parking lots.
- E. All light fixtures that use quality prismatic or translucent lens materials to spread the bright image over a larger area and reduce the source's brightness.
- F. Lighting designed for historic or residential streets with special product aesthetics or vertical luminance criteria to limit the lamp lumens or wattage and thereby control glare and light trespass.
- G. Appropriate lighting used solely to enhance the beauty of an object.
- H. Necessary floodlights mounted at the appropriate height to reduce glare in an unintended field of view and with a total effect that conforms to reasonable ambient lighting levels, based on the environment of the proposed installation. The light sources in flood and spotlights shall not be directly visible from adjacent properties.
- I. All temporary light fixtures for special public events.
- J. All temporary holiday lighting.
- K. All emergency lighting.
- L. All lighting less than 1,800 lumens.
- M. Lighting of churches and flags and sports fields in nonresidential areas.
- N. Appropriate sign lighting as referenced in Article XIII of this Ordinance.
  - (1) Illumination. The illumination of all signs shall comply in all respects with the provisions of this article.
  - (2) All illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from the upward transmission of light.
  - (3) Non-flashing illumination. Signs may be illuminated only by conflating lights. Lights that flash, pulse, rotate, move, or simulate motion are not permitted.
  - (4) All lights shall be shielded to ensure light sources are not directly visible to drivers or neighboring properties.

**§ 114. Replacement of non-dark sky fixtures.**

When a non-dark sky fixture is replaced, it shall be replaced with one of the following:

- A. Dark sky fixture; or
- B. Dark sky cutoff fixture; or
- C. Non-dark sky fixture with a dark sky shade or a dark sky shield causes it to operate as if it were a dark sky fixture or a dark sky cutoff fixture.

**§ 115. Installation of new light fixtures.**

- A. When a new light fixture is installed, it shall be installed with a switch to allow lighting to be manually turned on and off, with a motion sensor to automatically turn it on when motion is detected and turn it off when motion ends, or with timers or photocells when lighting is not needed.
- B. Noncritical lighting after business hours and at other times shall be turned off when not required.

**§ 116. Light fixtures encouraged but not required.**

- A. Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.
- B. Light fixtures with soft yellow or orange lights (e.g., high-pressure sodium) instead of harsh white lights (e.g., metal halide) are encouraged to protect the view of the night sky.
- C. Dark sky shades and dark sky shields are encouraged for old existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.
- D. Dark sky cutoff fixtures are encouraged where light fixtures are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

**§ 117. Exemptions.**

- A. The Planning Commission may allow exemptions from this article, as needed, to relieve any unusual circumstances, difficulties, or costs encountered if an attempt were made to comply with this Ordinance.
- B. After it is determined a good faith attempt has been made to comply, and unusual circumstances, difficulties, or costs are encountered, the Town Commissioners may allow exemptions from this article.

**§ 118. Liability.**

- A. A person utilizing or maintaining an outdoor light shall be responsible for all costs and any other liability resulting from failure to comply with this article.
- B. Responsibility for costs and liability begins from and after the day this article becomes effective.

**§ 119. Enforcement.**

The Town Manager or another designee is authorized to enforce the provisions of this article as provided in Article III

**§ 120. Disclaimer.**

The Town of Pittsville does not, by approving or disapproving a lighting fixture, warranty or make assurance of any kind whatsoever, specifically as to whether the subject of the approval or disapproval is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

## **Article XIII. Signs.**

### **§ 121. Purpose and intent; applicability.**

- A. The purpose of this section is to prescribe standards for the location, design, illumination, height, size, and maintenance of all types of signs within the Town of Pittsville to promote public health, safety, comfort, good order, appearance, morals, and general welfare of the public through provisions that promote a safe environment for vehicular and pedestrian traffic, minimize distractions to drivers, promote and protect the Town's natural scenic beauty and small-town character, conserve and protect property values, and preserve the integrity of the many historically and architecturally significant structures that enhance the Town. The intent and provisions in this section shall provide the basis for consideration of all zoning forms of action required by staff, the Planning Commission, and the Board of Appeals. This section intends to:
- (1) Encourage the effective use of signs as a means of communication for the convenience of the public by preventing their overconcentration, proliferation, improper placement, and excessive size, which diminish scenic routes and impede revitalization and conservation efforts.
  - (2) Maintain and enhance the aesthetic environment while promoting creativity and the Town's ability to attract economic development and growth sources.
  - (3) Minimize the possible adverse effect of signs on nearby public and private property.
  - (4) Eliminate distractions that are hazardous to motorists and pedestrians.
  - (5) Protect and enhance the Town character by requiring new and replacement signage which is creative and distinctive, compatible with its environment and surroundings, an integral component of the style and character of the building to which it relates; appropriate to the activity to which it pertains; and appropriately sized for its context.
  - (6) Enable fair and consistent enforcement of sign regulations to preserve and protect the public health, safety, and general welfare.
  - (7) Control the size and number of signs to implement goals and policies in the Comprehensive Plan.
- B. Applicability - effect. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements. The effect of this section is to:

- (1) Establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this section;
- (2) Allow certain signs that are small, discreet, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this section, but without a requirement for permits;
- (3) Prohibit all signs not expressly permitted by this section;
- (4) Provide for the enforcement of the provisions of this section; and
- (5) Require all signs to comply with these regulations' provisions.

**§ 122. Definitions; general regulations.**

A. Definitions. As used in this article, unless the context otherwise indicates, the following terms shall have the meanings indicated:

**ABANDONED SIGN** - A sign that advertises or identifies a business establishment, product, or activity not legally established that has ceased or is no longer in operation.

**AREA** - The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing, or other design features. The sign is differentiated from the structure supporting it or upon which it is erected.

**ATTACHED SIGN** - An on-premises sign attached to a building wall or other surface. Awning signs, canopy signs, window signs, projecting signs, suspended signs, and wall signs are all considered attached signage.

**AWNING SIGN (on-premises)** - An on-premises attached sign displayed, attached to, or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Such a sign shall be considered a wall sign.

**BANNER** - A temporary sign made of a flexible material such as canvas, sailcloth, plastic, or waterproof paper.

**BILLBOARD** - A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**BUILDING FRONTAGE** - The total length in linear feet of an establishment's portion of a building that fronts directly on the street, regardless of whether such portion of the building is

functionally the front, rear, end, or side of the building. Buildings with no street frontage shall use the linear frontage of the building's principal entrance. Buildings can have multiple fronts.

**CANOPY** - A structure, either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to a fuel station, bank, and pharmacy canopies. Such a sign shall be considered a wall sign.

**COMMERCIAL** - That relates to a for-profit business organization engaging in the sale, rental, lease, or exchange of goods, products, services, or properties.

**CONSTRUCTION/DEVELOPMENT SIGN** - A sign erected or maintained on the premises temporarily while under-going construction by an architect, contractor, subcontractor, developer or finance organization, or another type of affiliation with the construction, at which location such individual is furnishing labor, materials, or services and bearing the name(s) of the same. Such signs shall be considered temporary signs.

**DECORATIVE FLAG** - A specific type of flag distinguished from the general definition of "flag" that does not relate to any government, political subdivision, or other entity.

**DIRECTORY SIGN** - A sign, either freestanding or wall-mounted, listing the location of activities, services, addresses, and/or tenants within a multitenant/multiuse development, incidental to the property it is located on but not intended to advertise the use in any manner.

**ELECTRONIC MESSAGE BOARD** - A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message. Electronic message boards include but are not limited to signs also known as "electronic reader boards," "electronic message center signs," "tri-panel message systems," and "commercial electronic variable message signs (CEVMS)." Electronic message signs are not considered flashing signs.

**EMERGENCY, SAFETY, WARNING, OR TRAFFIC SIGN** - Any emergency, safety, warning, or traffic sign installed by or at the direction of a governmental authority or with its approval.

**ERECT** - To build, construct, attach, hang, place, suspend or affix, and include the painting of wall signs.

**FAÇADE** - The entire building wall, including the wall face, parapet, fascia, windows, door, and canopy of an elevation of the building.

**FACING or SURFACE** - The sign's surface upon, against, or through which the message is displayed or illustrated on the sign.

**FLAG** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FREESTANDING SIGN** - An on-premises sign identifying the principal use conducted on the lot where the sign is located, placed on, or anchored in the ground with one or more supports that are not part of a building or other structure. Freestanding signs can also be ground, monument, pole, or pylon signs.

**GOVERNMENT SIGN** - Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building or structure or other land use designed to identify the land use to the public. Examples of government signs include, but are not limited to, speed limit signs, city limit and welcome signs, street name signs, and traffic signs. Conversely, a sign placed at a public building such as a library, school, or safety building, which identifies said building shall not be considered a government sign.

**HANGING OR SUSPENDED SIGN** - An on-premises attached sign suspended from the underside of a horizontal plane surface or arms, such as a canopy or marquee, and is supported by such surface.

**HISTORIC MARKERS** - Signs approved by the Town Commissioners explain historical facts, events, or locations.

**HOME OCCUPATION SIGN** - A sign used in conjunction with a home occupation that conforms to home occupation regulations in the Zoning Ordinance. One permanent sign not exceeding three square feet is allowed.

**ILLEGAL SIGN** - Any sign placed, erected, or installed without proper approval or permits from the Town or does not comply with the regulations outlined in this article.

**ILLUMINATED SIGN** - Any sign with characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

**ILLUMINATION, EXTERNAL** - Illumination of a sign face or graphic element from a shielded light source that is not internal to the sign itself.

**ILLUMINATION, INTERNAL** - A light source concealed within the sign that becomes visible by shining through a translucent surface, letter, or graphic image.

**INCOMBUSTIBLE MATERIAL** - Any material which will not ignite at or below a temperature of 1,200° F. and will not continue to burn or glow at that temperature.

**MAINTENANCE** - The regular and routine cleaning, as needed, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the primary copy, design, size, or structure of the sign.

**MARQUEE SIGN** - Any sign affixed to a marquee or canopy over the entrance to a building, extending wholly or in part across the sidewalk and supported from the building.



**MENU BOARD SIGN** - A sign displaying the bill of fare of a drive-in or drive-through restaurant, generally adjacent to the front entry.

**MESSAGE** - A communication, statement, or display of information or ideas through written words, letters, numerals, symbols, images, colors, illumination, or theme comprising the face of a sign. The message may be distinguishable from the structural and supportive elements of the sign.

**MONUMENT SIGN** - A freestanding sign where the supporting structure of the sign face is architecturally and aesthetically integrated into the sign's overall design. The base of the supporting structure is embellished to conceal all structural or support members. In addition, the perimeter of a said sign is landscaped to enhance the area adjacent to the sign. Eighty percent of the base supporting structure shall contact the ground. The sign face should be solid and is not intended to be a pole-type design.

**NEON SIGN** - A sign using neon gas tubing as a light source.

**NONCONFORMING SIGN** - A sign that lawfully existed before this Ordinance's adoption and did not conform to this Ordinance.

**OFF-SITE OR OFF-PREMISES SIGN** - A sign located, placed other than on the premises or property of which the copy is intended.

**ON-PREMISES SIGN** - A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed and pertaining only to the name of the business, type of product sold, manufactured or assembled, and/or service, activity or entertainment offered on said premises, including business identification and occupancy signs.

**PENNANT** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series.

**POLITICAL SIGN** - A temporary sign connected with a local, state, or national election or referendum.

**PORTABLE SIGN** - A sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels, A-frame signs, umbrellas used for advertising, signs attached or painted on vehicles parked and visible from a street, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business it advertises and is parked on the same zoning lot as the business. As defined by and in conformance with this article, a sandwich board sign is not considered portable.

**PREMISES** - A recorded lot or, in the case of a multi-occupant lot such as a shopping center, office park, or industrial park, the total area of the development under common ownership, leasehold, or other assignments of interest in real property which is used as a unified parcel.

**PROJECTING SIGN** - Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**REVERSE CHANNEL WALL SIGN** - Individual copy lettering or sign components individually mounted directly on the wall having lighting concealed within the letter or number so that light reflects off the wall (i.e., reverse lighting), creating a "halo" effect.

**ROOF SIGN** - Any sign erected, constructed, or maintained upon the roof of any building.

**SANDWICH BOARD** - A single- or double-faced moveable sign intended to be used on a sidewalk or pedestrian way in front of the business for which the commercial message is intended.

**SIGN** - Includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy, and street clock, and shall include any announcement, declaration, demonstration, display illustration, or symbol used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

**SIGN, ANIMATED** - Any sign that flashes, revolves, rotates, or swings by mechanical means or uses a change of lighting to depict action or create a special effect or scene.

**SIGN FACE** - The portion of the sign on which the copy is displayed shall not include the base or foundation of the monument sign.

**SIGN OWNER** - The owner/tenant/person(s) responsible for the installation, erection, mounting, maintenance, and/or repair shall be considered the sign owner.

**STRUCTURAL TRIM** - The molding, battens, cappings, nailing strips, latticing, and platforms attached to the sign structure.

**SUSPENDED SIGN** - An on-premises attached sign suspended from the underside of a horizontal plane surface or arm, such as a canopy or marquee, and is supported by such a surface.

**TEMPORARY SIGN** - A sign intended for temporary use with a permitted duration.

**WALL SIGN** - An on-premises sign affixed to or painted on the wall sign installed or erected parallel (within six inches of a wall) to the facade of any building upon which it is attached and designed to be in proportion to the architectural facade or wall upon which it is fastened and not projecting or extending above the building's roof or parapet line. Wall signs shall include all signs such as awning/canopy signs, marquee signs, or any other similar signs but shall not include window signs as herein defined. This does not include any sign painted directly on the wall of any building.

**WINDOW SIGN** - An on-premises sign located within a window or upon the inside surface or outside surface of the window glass used to attract such attention located within the premises. Signs located within 12 inches of the face of a window opening shall be considered a window

sign. The window sign area shall not include signage displaying business hours of operation, credit card logos, or open/closed designation if said sign does not exceed two square feet.

WINDOW SIGN AREA - The total area of the imaginary rectangles contiguous to and surrounding each word, picture, logo, logotype, symbol, banding, or graphic, as a percentage of the total ground or second-floor window area of the premises as it may apply in accordance to this section.

B. General regulations.

- (1) No sign, sign structure, or part thereof shall be erected, enlarged, or altered unless such sign shall comply with the provisions of this section.
- (2) Signs visible from a public road shall not simulate traffic control or other official signs.
- (3) No sign, sign structure, or part thereof shall be located to obstruct or conflict with traffic sightlines or traffic control signs or signals.
- (4) No lighting of signs shall be permitted, which is of a flashing, rotating, or another animated type which could tend to blind or unduly distract motorists, simulate an emergency vehicle, or which would shine directly onto any structure.
- (5) No sign shall be located on or project into a vehicular public way.
- (6) The area of signs made up of individual letters, figures, or designs shall include the space between such letters, figures, or designs. All backgrounds, edging, and framing shall be included in the sign area, but not mountings.
- (7) No sign shall be attached to any tree, utility pole, shrub, or other natural objects except for owner-posted "no hunting" or "no trespassing" signs.
- (8) As used in this subsection, "sign" shall include "billboard."
- (9) Signs shall meet all federal and state requirements (i.e., ADA).
- (10) Total signage for a property shall not exceed one hundred (100) square feet cumulatively; unless part of a sign plan approved by the Planning Commission.

**§ 123. Prohibited signs; exceptions.**

A. Billboards, streamers, pennants, banners, beacons, ribbons, spinners, or other similar devices shall not be constructed, posted, or erected in any zone. Exceptions are the following:

- (1) Flags and bunting exhibited to commemorate holidays and/or seasonal themes or festivals.

- (2) One banner erected to announce a grand opening or going out of business per the illumination and safety standards outlined herein. Said banner may not be displayed for more than thirty (30) consecutive days and shall be attached to a building wall or canopy.
- (3) Vertically oriented banners erected on the premises of any permitted institutional use if such banners are submitted and approved as part of any required site plan.
- B. Flashing signs, roof signs, and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted, provided they meet all other requirements in this Ordinance.
- C. Portable signs, inflatable signs, or tethered balloons (commercial grade) are not permitted.
- D. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted after thirty (30) days said business or organization becomes defunct (closes down business activities/operations).
- E. Wall signs more than two hundred (200) square feet unless the Planning Commission has approved the wall sign.
- F. Freestanding signs over one hundred (100) square feet in area per side.
- G. No sign, except for a traffic, regulatory or informational sign, shall use the words "stop," "caution," or "danger" or shall incorporate red, amber, or green lights resembling traffic signals or shall resemble "stop" or "yield" signs in shape and color.
- H. No sign may be painted onto any wall or roof.
- I. Outdoor advertising displays and off-site signs. Outdoor advertising displays such as billboards (digital and the like) and all off-site commercial signs are prohibited within Pittsville.
- J. Rolling signs. Any portable sign mounted on a movable chassis without a fixed location is known as "manual variable message signs."
- K. Roof signs.
- L. Signs with obscene or indecent content.
- M. No part of a sign, or its structural framework or supporting elements, may obstruct any window or opening intended to provide light or air to a building or any window, door, fire escape, stairway, ladder or opening giving, or intending to give access to or from a building, fire hydrant or standpipe.

## § 124. Standards for signs.

- A. General design or development standards: shall apply to all permitted signs.
- (1) Architectural compatibility. A sign (including its supporting structure and components, if any) shall be designed as an integral design element of a building's architecture. It shall be architecturally compatible, including color, with any building to which the sign is to identify and with surrounding structures as determined by the Planning Commission.
  - (2) Clearance from electrical conductors. Signs shall not be located with less than five feet six inches horizontal or ten (10) feet vertical clearance from overhead electrical conductors energized under seven hundred fifty (750) volts. In addition, signs shall not be located with less than eight feet six inches horizontal or eleven (11) feet vertical clearance from overhead electric conductors, which are energized more than seven hundred fifty (750) volts.
  - (3) All light fixtures, conduit, and shielding shall be painted to match the building or the supporting structure that serves as the sign's background.
  - (4) Signs shall be professionally constructed or rendered rather than hand-drawn or homemade unless approved by the Planning Commission.
  - (5) Messages on signs shall have ten (10) or fewer syllables or symbols per sign.
  - (6) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's primary message and shall be composed in proportion to the sign's face.
  - (7) Lighting requirements.
    - (a) Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or tubes illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.
    - (b) The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from an adjacent road or closest right-of-way. The illumination of a sign shall not cause glare or another adverse effect that is intrusive to the surrounding area as determined by the local approving authority.
    - (c) The fixtures used to illuminate signs shall not be directed toward nearby residential properties.

- (d) Internally illuminated signs are permitted in certain circumstances as follows:
  - (i) Individual backlit letters that are silhouetted against a softly illuminated wall;
  - (ii) Individual letters with translucent faces, containing soft lighting elements inside each letter; and
  - (iii) Metal-faced box signs with cut-out letters and soft glow fluorescent tubes.
  
- (8) A master sign plan will be required for any proposed shopping center, business center, industrial park, or other commercial business, institutional or industrial development that requires a site plan, and any property that receives a variance for signage exceeding the maximum size limit. In addition, the following information is required:
  - (a) Computation of maximum total sign area, the maximum area of individual signs, height, and number allowed.
  - (b) An accurate indication on the site plan of the proposed location of each sign of any type, whether or not a permit is required, except incidental signs need not be shown.
  - (c) Proposed standards for consistency among all signs, including color scheme, lettering or graphic style, lighting, location, material, and proportions

B. Illumination standards.

- (1) No person may erect a sign which flashes.
- (2) No person may erect a sign with exposed electrical wires.
- (3) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of the intensity or direction of illumination.
- (4) All lighted on-site signs shall be illuminated indirectly by either interior or exterior fixtures. The lighting shall be flush mounted, downward directed, and not emit light above the horizontal plane.
- (5) The light source shall be shielded from view, whether internal to the sign or external. Neon signs are discouraged unless approved by the Planning Commission.

- (6) Signs shall not be illuminated after 10:00 p.m. or close of business, whichever is later, unless allowed explicitly at site plan review by the Planning Commission. Automatic timers may be used to comply.
- C. Safety standards. No person may erect, maintain or suffer to remain a sign which:
- (1) Is structurally unsafe;
  - (2) Constitutes a hazard to public safety and health because of inadequate maintenance, dilapidation, or abandonment;
  - (3) Obstructs free entrance or exit from a required door, window, or fire escape;
  - (4) Obstructs light or air or interferes with the proper functioning of the building; or
  - (5) Is capable of causing electrical shock.
- D. Measurement of sign area.
- (1) Sign measurements shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
  - (2) For a sign consisting of individual letters or symbols attached to a surface, building, wall, or window, the area shall be considered the smallest rectangle or other shapes that encompass all of the letters and symbols.
  - (3) The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the sign area if such framework is incidental to the display.
  - (4) When a sign has two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In this case, the sign area shall be taken as either face and if the faces are unequal, the larger shall determine the area.
- E. Measurement of sign height. The height of any sign shall be measured from the road's surface up to the highest point of the sign.
- F. Variance. Any request for a waiver or modification of any of the preceding standards shall be submitted to the Town as an application for a variance, pursued and decided by the Board of Appeals per the provisions of Article IV.

**§ 125. Signs allowed without a building permit.**

For this section, the following signs shall not require a permit, provided all other applicable standards are met:

- A. Signs erected or posted and maintained for public safety and welfare or under any governmental function, law, Ordinance, or other regulation and temporary signs indicating danger.
- B. Directional signs solely indicate ingress and egress at driveway locations, containing no advertising material. The display area does not exceed two square feet or extend higher than three feet above ground level. Such a sign will conform in all respects with the requirements of this Ordinance.
- C. Signs posted as warnings related to trespassing, hunting, and danger from animals, not exceeding two square feet in area. They may be posted on buildings, fences, or structures on property at eye level and may not serve any advertising purpose.
- D. Yard sale signs. An on-premises sign advertising a yard or garage sale shall not exceed two (2) square feet and shall be limited to one (1) sign per lot. Such signs may be erected seven (7) days before the event and shall be removed within two (2) days after the event. (Lead-in directional off-premises yard sale signs are permitted from Friday noon to dusk Sunday.)
- E. Home occupation signs. An on-premises home occupation sign shall be limited to one (1) sign per dwelling unit or principal use and shall not exceed three (3) square feet.
- F. Utility company signs not exceeding two square feet with no advertising purpose.
- G. Political campaign signs provided they meet the following conditions:
  - (1) Signs shall not exceed four (4) square feet or forty-two (42) inches in height;
  - (2) Sign does not obstruct visibility and is located outside the right-of-way.
  - (3) No sign shall be located on property owned by the Town of Pittsville or upon any street or sidewalk.
  - (4) No sign shall be installed until the owner has given their permission, in writing, for the sign to be installed.
  - (5) Signs shall be removed within ten (10) days after the date upon which the election or referendum to which they refer occurs.
- H. Real estate signs.
  - (1) No more than one temporary sign advertising the sale, lease, or rental of premises upon which the sign is located. The sign shall not be lighted.
  - (2) Only one (1) such sign is permitted to face each street adjacent to the property. However, a second sign is permitted if the street frontage exceeds four hundred (400) feet.



- (3) Such signs may be single or double-faced.
  - (4) Residential properties and any other district not mentioned above are limited in size to four (4) square feet or less.
  - (5) All real estate signs shall be removed within ten (10) days following the premises' sale, lease, or rental.
- I. Construction signs. A maximum of four signs located on construction sites not exceeding sixteen (16) square feet in aggregate while a valid construction permit is active. After completing such construction or issuing the final occupancy permit, such signs shall be removed within ten (10) days.
  - J. Security/emergency contact signs not exceeding two (2) square feet.
  - K. Memorial plaques, building identification signs, and building cornerstones when cut or carved into a masonry surface or made of fireproof material and an integral part of the building structure.
  - L. Professional nameplates or signs denoting the name and address of the occupants of the premises, which signs or nameplates shall not exceed four (4) square feet.
  - M. Open flags. Each permitted commercial operation or use may display up to two (2) flags bearing, but not limited to, the word "open" or "welcome." Such flag shall not exceed three (3) feet by five (5) feet in dimension and must be flown so that the lowest portion clears the public way by at least seven (7) feet.
  - N. Transit signs. Signs identifying transit stops, facilities, times, and bus routes that conform to requirements of this Ordinance.
  - O. Menu boards at fast-food restaurants. A menu board for a permitted restaurant with drive-through service shall be located in such a way as to be viewed from a designated drive-through lane and not within the required front, side, or rear yard. In no case shall a menu board exceed thirty-two (32) square feet in area. The menu board shall be part of the site plan review process.
  - P. On-premises temporary special event signs or banners for religious, charitable, civic, fraternal, or similar nonprofit organizations. Temporary signage for the previously stated groups is allowed, provided:
    - (1) No more than one (1) sign/banner per street frontage shall be permitted per event.
    - (2) The sign/banner shall be erected no sooner than fourteen (14) days before and removed three (3) days after the event.

- (3) An off-site sign/banner for an event is not to exceed three (3) feet by five (5) feet and shall be limited to one per property. Written permission must be obtained from the owner before posting.

Q. Community master signs. These signs intend to announce entrance into Pittsville on major thoroughfares and identify Town properties such as the parks or other Town-owned facilities. They may also announce events happening within the Town or other Town facilities.

- (1) It may be a monument or freestanding sign that will be compatible in design, size, height, weight, material, and lighting with any Pittsville signs.
- (2) Sign may display the Pittsville logo.
- (3) With the property owner's written consent and/or state highway, it may be placed on private property and in the state right-of-way.
- (4) Final approval is granted by the Town Commissioners.

**§ 126. Signs by type permitted after the issuance of sign permit.**

The following signs are permitted, provided they conform to the following provisions and are located on the same lot as said use unless an exception from this requirement is expressly noted.

A. Awning or canopy signs. Awning signs should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs, or hanging and suspended signs. They should be a solid color or stripe if complementary to the building facade to which they are attached.

- (1) Signs may be attached flat against awnings made of rigid materials and shall not project above the awning. Awnings of non-rigid materials (e.g., canvas) shall have signs only applied or painted on them.
- (2) The sign should not occupy more than 30% of the slope or 65% of the return or valance of the awning.
- (3) The Planning Commission may permit internally lit awning signs.
- (4) Awnings should be compatible with the host building's size, scale, and design and not be shaped differently than the opening nor span multiple buildings. Awning frames should fit within the storefront or window opening to which they are attached and have clearance of eight feet above the sidewalk if feasible, while the valance should be a minimum of one foot behind the plane of the street curb.

- (5) The portion of the awning containing advertising copy shall be treated as a wall or building sign and included in overall calculations for such signs.
- B. Wall signs. Include most types of signage attached to the face of a building wall. These include channel letters made out of wood, metal, or plastic.
- (1) May be painted on a board attached to a wall and shall not project more than fifteen (15) inches from the building surface.
  - (2) Wall signs should be placed on a flat building surface and should not be placed over or otherwise obscure architectural building details or features, and no portions of the sign shall extend beyond the ends of the wall to which it is attached.
  - (3) Signboards are located on the signboard area or "frieze" of the storefront and should be mounted flush and contain only the name of the business and its logo, if appropriate. Lettering and logos should range from eight (8) to eighteen (18) inches in height and cover less than 75% of the signboard.
  - (4) The maximum number of wall signs permitted is two (2) per tenant space, and they must be located on a building face with a public entrance.
  - (5) Wall signs are allowed for permitted uses in all zoning districts except the SR.
  - (6) A maximum area of one (1) square foot of signage per one (1) lineal foot of street frontage, with total signage not exceeding one hundred (100) square feet total unless a variance is obtained and the Planning Commission approves a sign plan.
  - (7) Changeable copy is not allowed on wall signs.
  - (8) Buildings that have multiple businesses accessed by separate entrances shall be permitted one (1) building sign of a maximum of ten (10) square feet per business.
  - (9) When two or more businesses occupy one building with common entrances (i.e., without separate entrances), they shall be considered one business for sign computation purposes. This means that buildings of this nature are limited to one building sign per street frontage plus one directory sign per common entrance for wall or building signs.
- C. Directory signs: may be provided to identify individual businesses in multitenant buildings, building complexes/centers, planned industrial parks provided:
- (1) The display board shall be of an integrated and uniform design.

- (2) No more than one (1) sign panel, not to exceed two (2) square feet in area, is permitted per directory for each tenant business.
- (3) Directory signs shall be placed in one or more groups nearest the pedestrian entrances adjacent to the building complex only and may be wall-mounted or freestanding signs. Such signs shall not exceed six (6) feet in height. The total area of any directory sign shall not exceed twelve (12) square feet, and letters shall not exceed six (6) inches in height.
- (4) Property management companies are allowed one (1) identification sign per building managed, not to exceed two (2) square feet. Such signs shall not count against allowable directory signage.
- (5) Directory signs shall not contain advertising copy.
- (6) Directory signs must incorporate the tenant's legally assigned street or unit number.

D. Freestanding post signs. Like monument signs, except they do not have a base other than the support posts, they usually have a single sign face. They are usually oriented parallel to the sidewalk instead of perpendicular. The colors and materials used for the sign must be compatible with the associated building design. For example, lettering should be carved, routed, or applied instead of painted on a flat board. Freestanding signs are not permitted for permitted residential uses.

- (1) No more than one (1) freestanding sign per building lot or parcel, not exceeding thirty-six (36) square feet (per side) in area, the top of which is not more than eight (8) feet in height above ground level, and which contains only the name of the owner, trade names, trademark, products sold, and/or describes the business(es) or activity conducted on the premises whereon such sign is located. Such sign shall be set back at least six feet from any property line.
- (2) A landscaped area consisting of shrubs, flowers, and/or ornamental grasses equivalent to the area of each side of a freestanding sign shall be maintained by the permit holder. This area shall be kept neat and clean, free of weeds and rubbish.
- (3) In addition to the above, each gasoline/service station or other business selling automotive fuel is permitted one (1) price sign not to exceed eight (8) square feet in area and eight (8) feet in height and shall be incorporated into the main freestanding sign.
  - (a) "Self-full-serve" signs, not to exceed three (3) square feet in area, are permitted on each end of each pump island.

- (b) Signs affixed to the top or sides of an operable fuel-dispensing pump shall not exceed one square foot in area, and signage on the base of the pump shall not exceed three (3) square feet bearing the brand name and/or symbol only and shall be approved at site plan review.
- E. Monument signs. Monument signs are typically used where setbacks and orientation or design make it difficult to provide other types of signage. Monument signs have a solid base upon which the sign face is installed. These should be designed so that the sign's style and base are consistent with the architecture of the buildings on the site. Typically, they are perpendicular to the adjacent street and sidewalk and have a maximum of two parallel sign faces.
  - (1) Only one (1) monument sign is permitted per premises for permitted nonresidential use, per street frontage.
  - (2) Monument signs may be a maximum of thirty-two (32) square feet unless they identify a subdivision or multifamily project. The maximum height of a monument sign is eight (8) feet.
  - (3) Where two or more uses are located on the same premises, the sign area for monument signs must be shared.
  - (4) If illumination is desired, external or halo lighting is preferred.
  - (5) No more than one (1) monument sign identifying a subdivision or multifamily project is allowed. Such a sign shall contain the name of the subdivision/development only. The sign may not exceed sixteen (16) square feet and must be approved by the Planning Commission as part of the site plan or development review process.
  - (6) Must be set back from all property lines at seven (7) feet.
- F. Marquee sign: a sign which utilizes changeable letters or copy and is restricted to commercial uses to advertise dramatic, musical, entertainment, or motion picture events that occur on the premises regularly, subject to the following standards:
  - (1) There shall be no more than one (1) internally illuminated change-letter marquee sign per property.
  - (2) The area of a marquee sign shall not exceed forty (48) square feet in copy area. Such a sign shall be incorporated into the main freestanding sign or wall-mounted.
  - (3) Letters or symbols shall not exceed twelve (12) inches in height.

- (4) Any portion of a marquee sign incorporated into the main freestanding sign or building sign shall be treated and included in the overall calculations for such sign.
  - (5) Marquees and marquee signs may extend to a point two (2) feet back of the curb line; however, the sign must be, at minimum, eleven (11) feet in the clear above the level of the sidewalk.
- G. Hanging and suspended signs.
- (1) One (1) suspended or hanging sign shall be permitted per primary public entrance for a permitted non-residential use.
  - (2) The signs shall not exceed ten (10) inches in thickness and may have a maximum area of eight (8) square feet.
  - (3) Hanging and suspended signs shall have a clearance of eight (8) feet above the sidewalk and not project into a vehicular public way.
- H. Projecting signs. Projecting signs are attached to a building face and perpendicular to the building wall and are restricted to commercial or industrial use. Appropriate materials include wood and metal with carved or applied lettering or any other material architecturally compatible with the building to which the sign is attached.
- (1) No projecting sign shall extend above the roofline and be hung at a right angle to the building, extending not more than three feet from the building wall.
  - (2) One projecting sign allowed per tenant.
  - (3) Multiple projecting signs should not be installed within ten (10) feet of each other if on the same property. To ensure proper visibility, they should be separated from projecting signs on adjacent properties by ten (10) feet.
  - (4) Projecting sign must be attached to building facades with a public entrance.
- I. Sandwich board signs. These can be effective for commercial uses, such as markets, restaurants, or other food establishments changing specials and menus. These signs may have re-writable surfaces, such as chalkboards or dry-erase boards.
- (1) They are prohibited in the public right-of-way and must be placed on private property.
  - (2) They may be placed in a front yard or foyer entrance, provided they do not interfere with pedestrian ingress or egress.
  - (3) One (1) sandwich board is permitted per tenant space.

- (4) No more than eight (8) square feet per face, not including sign legs, and no more than five (5) feet high.
  - (5) Sandwich boards should be compatible with the design of the storefront and sturdy enough to withstand wind and light enough to be removed at night.
  - (6) Any changeable information should be securely attached to the board and be weatherproof.
- J. Electronic message centers. Electronic message centers (aka EMCs) come in different shapes and sizes and typically have a scrolling message. In addition, some have interactive computer screens.
- (1) EMCs may be incorporated into pole signs, mounted or freestanding pole signs, and shall be included as part of the sign area or square footage allowed for that type of sign. Such signs shall be subordinate in size and location to the permanent sign.
  - (2) One EMC is permitted per premise, and a permit may only be issued upon Planning Commission approval.
  - (3) EMCs are only permitted in RC and MUE districts.
  - (4) An electronic message board sign shall have a maximum area of twenty (20) square feet. If included as part of a larger sign, it shall be included in the total permitted sign area.
  - (5) Messages are not permitted to scroll and have a maximum change rate of once every thirteen (13) seconds.
- K. Shopping center identification signs. It should contain elements of the design theme of the buildings in the center. They may identify multiple tenants, but larger shopping centers with more than five tenants should avoid listing individual tenants other than project anchors to avoid sign clutter.
- (1) One (1) shopping center identification sign may be located on each major street frontage.
  - (2) The size of the sign shall not exceed seventy-five (75) square feet.
  - (3) These are only permitted in the RC and MUE districts.
  - (4) Signs shall not exceed twenty-five (25) feet in height.
- L. Window signs. Window signs should be scaled to the pedestrian and oriented to window shoppers on the sidewalk. Window signs should be limited to small graphics

and text framing a window or providing information. A window sign should not obscure the view into a store or place of business and is only for nonresidential uses.

- (1) There is no specific location requirement or limit to the number of window signs allowed. However, the window sign area cannot exceed 25% of the total window square footage or 10% of glass entry doors. Signs on display windows and entry doors should be located and designed not to obscure visibility into the ground floor.
- (2) A window sign is a sign that is painted on or attached to a window and located within twelve (12) inches of the face of a window. Window signs do not include business hours, credit card logos, or open/closed signs under two (2) square feet in size.
- (3) The font, color, and style of window signage shall be consistent with the other permanent signage's font, color, and style on the premises.
- (4) The background of all window signage shall be transparent.

M. Pole signs are primarily intended to communicate with people in automobiles. The sign structure is typically located on a single pole, but other supports may be used.

- (1) They must be located outside the required yard or setback areas unless otherwise approved by the Planning Commission.
- (2) Permitted only in RC and MUE districts.
- (3) Height shall not exceed thirty (30) feet.

N. Barbershop poles. Barbershop poles are permitted in zones where a barbershop is permitted.

- (1) A rotating barbershop pole shall not exceed thirty-nine (39) inches in height and shall not project from the wall greater than eighteen (18) inches.
- (2) May be internally illuminated.
- (3) Barbershop poles shall not be counted as part of the signage.

**§ 127. Nonconforming signs; amortization schedule.**

- A. General requirements. The provisions of this article shall apply to all signs already existing as of the date of adoption of this Ordinance.
- B. Any sign already erected, placed, or installed before the date of adoption of this Ordinance that does not conform to the provisions and requirements of this Ordinance, shall not be altered in any of the following ways except in conformance with this article:



- (1) Structurally altered to extend its life.
  - (2) Sign face alterations or repainting.
  - (3) Lighting added.
  - (4) Expanded.
- C Any sign already erected, placed, or installed before the date of adoption of this Ordinance and damaged beyond 50% of its value as determined by the Town, shall not after that be replaced except in conformance with this article.

**§ 128. Enforcement; violations and penalties.**

- A. Any sign installed, erected, placed, or maintained in violation of the terms of this article shall be an unlawful sign.
- B. All signs must be made of rust-prohibitive material or treatment and shall be maintained in reasonably good condition. If the Town or its designee determines that a sign is not being maintained in reasonably good condition, the Town shall provide written notice of such determination to the property owner. Such notice shall be deemed delivered to the property owner upon hand delivery, posting at the property, or first-class mailing to the property owner's mailing address, as reflected in tax records. Within thirty (30) days from delivery of such written notice, the property owner shall repair or rehabilitate the sign such that the sign shall be restored to reasonably good condition.
- C. Any sign, including its supporting structure, which no longer accurately identifies the current occupant or business activity of the property, after a lapse of sixty (60) days, shall be deemed an abandoned sign and shall be removed by the owner of the property on which it is located, upon thirty (30) days written notice.
- D. If the Town or its designee determines a sign to be potentially unsafe, insecure, or a potential or actual menace to the public, they shall provide written notice to the property owner describing the unsafe condition(s) determined and required remedial actions. The property owner shall have five (5) days from notice delivery to complete required remedial actions. If the unsafe condition of the sign is not corrected within the stated five-day period, the Town or its designee is authorized to remove the unsafe sign at the owner's expense.
- E. The Town or its designee shall immediately and without any notice remove any sign of immediate danger or hazard to persons or property. No person shall maintain or permit to remain upon any premises owned, leased, occupied, or used by him, with notice thereof, any unsafe sign or insecure sign liable to injure any person or property.

- F. All expenses incurred by the Town in taking down or removing any sign under this article shall be charged to the person responsible for such sign and shall constitute a lien on the property upon which such sign was installed, which shall be enforceable as a lien for taxes.
- G. Any person who shall violate the provisions of this article and/or shall fail to abide by and comply with the notice(s) from the Town or its designee concerning violations of this article shall be guilty of a municipal infraction.

**§ 129. Reserved.**

**§ 130. Reserved.**

## Article XIV. Amendments.

### § 131. Amendments.

- A. Authorization. From time to time, the Town Commissioners may amend, supplement, change or repeal this Ordinance after public notice and hearing as after this prescribed, including the text and the Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission, the Town Commissioners, or a petition to the Town Commissioners. The Town Commissioners shall specifically find such amendment, supplement, change or repeal to be per the spirit and intent of the Comprehensive Plan before the Town Commissioners shall adopt such amendatory Ordinance.
- B. Initiation.
  - (1) Amendment initiated by the Planning Commission. When the Planning Commission initiates an amendment, supplement, change, or repeal, the proposal shall be presented to the Town Commissioners, which shall proceed in the same manner as with a petition that the Planning Commission has already reviewed.
  - (2) Amendment initiated by the Town Commissioners. When the Town Commissioners initiates an amendment, supplement, change, or repeal, it shall submit the proposal to the Planning Commission for review and recommendations per the provisions of Subsection C of this section.
  - (3) Amendment initiated by petition. A petition for an amendment, supplement, change, or repeal by a property owner shall be in the form as prescribed by the Planning Commission. It shall be filed with the Town Commissioners and signed by at least one record owner of the property. The fee established by the Town Commissioners shall be paid upon filing such petition, together with the costs of advertising and any other costs incurred. The Town Commissioners shall submit the proposal to the Planning Commission for review and recommendations following the provisions of Subsection C of this section.
- C. Procedure before Planning Commission.
  - (1) After receipt of a proposal or petition from the Town Commissioners, the Planning Commission shall make such investigations as it deems appropriate and necessary and may require the submission of pertinent information by any persons concerned and may hold such formal or informal public hearings as are appropriate in the Planning Commission's judgment.

- (2) If the Planning Commission holds a public hearing, notice shall be given at least fourteen (14) days before the hearing by publishing the time, place, and nature of the hearing in a newspaper with general circulation in the Town once each week for two (2) successive weeks before the hearing date. In addition, the Planning Commission shall cause the date, time, place, and nature of the hearing to be posted conspicuously on the property according to the Commission's rules. The published and posted notices shall reference the place within the Town where the plans, Ordinances, or amendments may be examined.
- (3) The Planning Commission shall formulate its recommendation on the said amendment and submit its recommendation and pertinent supporting information to the Town Commissioners within sixty (60) days after presenting the proposal or petition to the Planning Commission unless the Town Commissioners grant an extension of time.
- (4) If the Planning Commission shall fail to file such a report within the time and in the manner specified, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement, change, or repeal.

D. Action by the Town Commissioners.

- (1) Public hearing. The Town Commissioners shall hold at least one public hearing following the Planning Commission's consideration. The Town Commissioners shall publish notice of the time and place of the public hearing, together with a summary of the proposed zoning regulation or boundary, in at least one (1) newspaper of general circulation in Pittsville once each week for two (2) successive weeks with the first notice of the hearing appearing at least fourteen (14) days before the hearing. The Town Commissioners shall conduct a hearing on the said petition to amend, supplement, change, or repeal the Zoning Ordinance or Zoning Map at the time and place specified. At this time, all interested parties and citizens shall have an opportunity to be heard. After that, within sixty (60) days, the Town Commissioners shall reject or adopt the Ordinance implementing the proposed change. The Town Commissioners may adjourn the said hearing at their discretion and continue the hearing to a time and place as determined.
- (2) Legislation. All amendments to the Zoning Ordinance shall be considered legislative acts and processed according to all rules about such acts.

E. Map amendments.

- (1) Where the purpose and effect of the proposed amendment are to change the zoning classification of a particular parcel(s) of property, the Town

Commissioners shall make findings of fact in each specific case, including, but not limited to, the following matters:

- (1) anticipated population change,
  - (2) availability of public facilities to serve the property,
  - (3) present and future transportation patterns,
  - (4) compatibility with the existing and proposed development, and
  - (5) compatibility with the Comprehensive Plan.
- (2) The Town Commissioners may grant the reclassification based upon a specific determination and factually supported finding that there has been a substantial change in the area's character where the property is located or that there is a mistake in the existing zoning classification.
  - (3) The zoning regulation or boundary amendment may not become effective until ten (10) days after the hearing or hearings.
  - (4) The fact that an application for reclassification complies with all the specific requirements and purposes outlined in this Ordinance shall not be deemed to create a presumption that the proposed reclassification and resulting development would be compatible with surrounding land uses and is not, in itself, sufficient to require the granting of the application.
  - (5) Application requirements. Every application for a map amendment shall be accompanied by a plat, drawn to scale, showing the existing and proposed district and property boundaries and such other information as the Town may need to locate and plot the amendment on the official zoning maps.
- F. Time limitation for reconsideration. Whenever a petition requesting an amendment, supplement, or change has been denied by the Town Commissioners, such petition or one substantially similar shall not be reconsidered sooner than one (1) year after the previous denial.
- G. Authentication of Official Zoning Map. Whenever there has been an amendment in the Zoning Map adopted following the above, it shall be immediately noted upon the official map and duly certified by the Planning Commission and shall be refiled as part of the permanent records of the Town.

**§ 132. Public notice.**

- A. Generally. Unless otherwise expressly provided by law, all notices to the general public required for the terms of this Ordinance shall be made as follows:

- (1) By the posting of a reasonably sized sign upon the property, which is the subject of the proceedings as follows:
    - (a) The sign shall be sufficient to reasonably advise the public of the fact of the public hearing and shall be posted not less than fourteen (14) days before the public hearing.
    - (b) The sign shall be posted (to the extent possible) within a reasonable distance of a public road serving or near the property so as (to the extent possible) to be reasonably visible to the public.
  - (2) Posting requirements shall be subject to the following modifications and provisions:
    - (a) Except in the case of the fourteen-day requirement, reasonable, good-faith compliance with the above requirements, as determined by the hearing agency, shall be sufficient.
    - (b) Where the property lines are difficult to ascertain, posting on an adjacent property may be sufficient.
    - (c) Evidence of the posting shall be provided at the public hearing, but no evidence that the sign remained standing during the posting period shall be required.
    - (d) When a posted sign is destroyed or removed, the property shall be reposted upon written request, but the posting date shall be the original posting date.
    - (e) The hearing agency shall have the authority to determine whether or not a good-faith effort to comply with the posting requirements is sufficient to satisfy the intent of such requirements to reasonably advise the public of the pending proceeding.
- B. Any applicant and/or owner of the property subject to the proceedings shall be deemed to have consented to the entry by the public upon the property to view any sign.
- C. Posting shall not be required for proposed sectional or comprehensive map amendment procedures or proposed amendments to the text of this title.