

TOWN OF BOONSBORO ZONING ORDINANCE



AS AMENDED

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

100 Short Title

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

101 Purpose

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

- A. Giving reasonable consideration, among other things, to the character of districts and their suitability for particular uses.
- B. Encouraging orderly development and the most appropriate use of land.
- C. Conserving the value of land and buildings.
- D. Promoting the conservation of natural resources.
- E. Preventing environmental pollution.
- F. Promoting health and the general welfare
- G. Avoiding undue concentration of population.
- H. Providing for adequate light and air.
- I. Securing safety from fire, panic and other dangers.
- J. Lessening congestion in the roads and streets.
- K. Facilitating the adequate provision of transportation, parking, water, sewerage, parks and other public facilities.
- L. Giving effects to the policies and proposals of the Comprehensive Development Plan for the Town of Boonsboro, Maryland.

102 Interpretation

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

103 Applicability

- A. All departments, officials and public employees of the Town of Boonsboro vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.
- B. Previous ordinances, resolutions, rules and regulations adopted by the Mayor and Council of Boonsboro are hereby repealed to the extent that they conflict with or impose less restrictive standards than the provisions of this Ordinance.

104 Separability

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

- A. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the provision expressly stated in the court's decision, and all other provisions of this Ordinance shall continue to be separately and fully effective, the Mayor and Council hereby declaring that they would have adopted the remaining provisions without the word, phrase, clause, items, sentence, paragraph or section, or the application thereof, so declared invalid.
- B. If a court of competent jurisdiction finds the application of any provision of this Ordinance to any lot, building or other structure, or tract of land to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the court's decision, and the application of any such provision to other persons, properties or situation shall be not affected thereby.

ARTICLE 2: DEFINITIONS

200 General Provisions

- A. The following rules of construction shall apply in interpreting this Ordinance.
 - 1. Words used in the present tense include the future.
 - 2. The singular number includes the plural and the plural the singular.
 - 3. The word "shall" is always mandatory; the word "may" is permissive.
 - 4. The word "used" or "occupied", as applied to any land or building, includes the words "arranged or designed or intended to be used or occupied".
- B. Unless otherwise expressly stated, the definitions of words and terms contained in this Article shall be used in interpreting this Ordinance. Words not herein are used with a meaning of standard usage.

201 Definitions

201.1 Accessory Apartment

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

201.2 Accessory Use or Building

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

201.3 Adult Bookstore

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

201.4 Adult Mini-Motion Picture Theater

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

201.4a[†] Age Qualified Townhouse

A single-story, single-family attached dwelling unit restricted for occupancy by persons 55 years of age or older as specified by the Fair Housing Act in order to qualify for an exemption from the prohibition against familial status discrimination based upon the exclusion of children as residents. An age qualified townhouse (or a development of age qualified townhouses) shall be subject to a declaration of protective covenants that complies with the Fair Housing Act and is recorded among the Washington County land records. The declaration of protective covenants and any subsequent amendment thereto must be approved by the Planning Commission. The declaration of protective covenants shall ensure that the age qualified townhouse development is limited to housing for older persons and that appropriate enforcement mechanisms are in place to enforce the age restriction and also ensure compliance with the requirements to qualify as housing for older persons under the Fair Housing Act. Primary responsibility for the enforcement of the declaration of protective covenants shall be imposed on the homeowners association for the development. Age qualified townhouses may be developed and owned under a condominium regime.

201.5 Agriculture

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

201.6 Alley

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

201.7 Alterations

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

201.8 Amusement Center

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

201.9 Aquaculture

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

[†] Ord. No. 2008-02, 05/27/08

201.10 Area

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

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

201.11 Automobile Service Station

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

201.12 Bed and Breakfast Home

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

201.13 Bed and Breakfast Inn

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

201.14 Billiard or Pool Room

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

201.15 Building

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

201.16 Building Coverage

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

201.17 Building Height

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

201.18 Building Setback Lines

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

201.19 Business - General Retail

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

201.20 Business - Personal Service

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

201.21 Business - Neighborhood Retail

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

201.22 Business - Service

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

201.23 Child

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

201.24 Child Care Center

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

201.25 Child Care Center-Licensed

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

201.26 Convenience Store

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

201.27 Drive-in \ Drive-Through Restaurant

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

201.28 Drop-in Center

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

201.29 Duplicating Service Business

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

201.30 Dwelling

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

- A. Dwelling Unit - A dwelling or portion thereof providing complete living facilities for one (1) family; provided, however, that this term shall not be deemed to include rooming, boarding or lodging houses, or hotels, motels, tourist homes or other similar places offering overnight accommodations for transients.
- B. Single-Family Detached Dwelling - A building, commonly known as a single-family house, designed for and occupied exclusively as a residence having one dwelling unit from ground to roof and open space on all sides; where a private garage is structurally attached to such a dwelling, it shall be considered as a part thereof.
- C. Two-family ("Duplex") Dwelling - A single building containing two dwelling units located on one lot, intended and designed to be occupied as a residence by two families living independently of each other as separate housekeeping units.
- D. Two-family Semi-Detached Dwelling - one of two buildings arranged or designed as dwelling units, located on abutting lots, separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof

along the dividing lot line, and separated from any other building or structures by space on all sides.

- E. Single-Family Attached ("Townhouse") Dwelling[‡] - A portion of a building designed for and occupied exclusively as a residence for only one family and having 1) only one dwelling unit from ground to roof, 2) two points of independent outside access, 3) at least two other dwellings built in conjunction therewith with 4) any portion of one or two walls in common with an adjoining dwelling shall extend without openings from the cellar floor to the highest point of the roof a long the dividing lot line (Except for Age Qualified Townhouses developed and owned under a condominium regime).
- F. Multi-Family ("Apartment") Dwelling - A building containing one dwelling unit above another dwelling unit or building containing three or more dwelling units and designed to be occupied by three or more families living independently of one another.
- G. Condominium - A system of separate ownership of individual units in multi-unit projects on land in common ownership established under the provisions of title 11, Maryland Condominium Act, of the real property article of the Annotated Code of Maryland.

201.31 Essential Utility Equipment

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

201.32 Family

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

201.33 Family Day Care

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

[‡] Ord No 2008-02, 5/27/08

201.34 Family Day Care Provider

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

201.35 Farmers' Co-op Roadside Stand

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

201.36 Group Home for the Handicapped

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

201.37 Halfway House

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

201.38 Health/Recreation Facility

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

201.39 Highway Service Plaza

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

201.40 Home Occupation

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

201.41 Homeowners' Association

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

201.42 Hospital

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

201.43 Hotel, Motel or Motor Hotel

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

201.44 Junk Yard

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

201.45 Local Convenience Center

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

201.46 Landfills - Sanitary and Rubble

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

201.47 Lot

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

- A. Lot, Corner - A lot abutting two or more streets at their intersections, where the interior angle of the intersection does not exceed one hundred thirty degrees (130°). When one or more of the intersecting streets is classified as a collector or arterial the interior angle of the intersection shall not exceed one hundred fifteen (115°) degrees.
- B. Lot, Panhandle - A lot with the appearance of a "frying pan" or "flag and staff" in which the "handle" is most often used as the point of access to a street or road. The "handle", when less than the minimum width for a building lot in the zoning district in which it is located, is not to be used in computing the minimum required area or delineating the minimum required "building envelope". The "handle" shall not be less at any point than the required twenty-five--(25) feet minimum road frontage.
- C. Lot, Width - The width of a lot as measured by the horizontal distance between the midpoints of the side lot lines.
- D. Lot, Depth - The depth of a lot as measured by the average horizontal distance between the front lot line and the rear lot line.

201.48 Lot, Cul-de-sac

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

201.49 Lot Line

Any boundary line of a lot.

- A. Lot Line, Front - The street line, which shall be the same as the legal right-of-way line, provided that along streets for which a future right-of-way width is designated and legally adopted, pursuant to Article 66B of the Annotated Code, the front lot line shall be the future right-of-way line thus established.
- B. Lot Line, Rear - Any lot line which is parallel to or within forty-five degrees (45') of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd

shape, only the one lot line furthest from any street shall be considered a rear lot line.

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

201.50 Mayor and Council

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

201.51 Medical Clinic

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

201.52 Medical Office

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

201.53 Mobile Home

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

201.54 Mobile Home Park

A parcel of land under single ownership, which has been planned and improved for the placement of more than one mobile home, occupied for non-transient use.

201.55 Mobile Home Subdivision

A residential development where separate tracts of land, specifically designed to accommodate mobile homes, are intended to be sold to mobile home owners with adequate public or community water and sewerage service meeting health department standards.

201.56 Motor Vehicle Repair Garage

A building or premises intended or operated for the major repair of motor vehicles including body-work, painting, spraying, welding or the storage of vehicles not in operating condition, and possibly retail sale of gasoline and petroleum products.

201.57 Nonconforming Structure or Lot

A structure or lot that does not conform to a dimensional regulation prescribed by this Ordinance for the district in which it is located or to regulations for off-street parking, off-street loading or accessory buildings, but which structure or lot was lawfully in existence at the effective date of this Ordinance.

201.58 Nonconforming Use

A use of a building or lot that does not conform to use regulations prescribed by this Ordinance for the district in which it is located, but which was lawfully in existence at the effective date of this Ordinance.

201.59 Person

A Corporation, institution, partnership, trust, association or any other legal entity as well as a natural individual.

201.60 Planning Commission

The legally constituted Planning Commission of the Town of Boonsboro.

201.61 Processing - Commercial

A processing facility to include baking, canning, cleaning, cooking, and drying, freezing, mixing, packaging and preserving of food and food products, such as; animals and poultry processing, except slaughtering, provided that such processing shall be subject to the setback requirements specified in Section 501; bottling of milk, soft drinks or water; fruit, vegetable and dairy processing; and production of other foodstuffs from flour or grains excluding milling.

201.62 Processing or Manufacturing - Primary

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

201.63 Processing or Manufacturing - Secondary

A processing or manufacturing facility to include assembling, altering, cleaning, finishing, maintenance packaging or other processing and incidental storage of previously prepared material including bone canvas, cellophane, concrete, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, plastic, precious or semi-precious gems or metal, shell, stone, straw, textiles wax, wood or yarn, to produce finished or intermediate products, such as: china, figurines, pottery and similar ceramic products, excluding pulverizing or grinding of clay; cosmetics, toiletries, drugs or pharmaceutical products; clothing fabrics, hosiery, and the printing or finishing of textiles; handicrafts; boats, bicycles, mobile homes and similar assemblies; wooden baskets, boxes, crates, furniture, general carpentry items, veneer and similar wood products and assemblies, excluding pulping for paper manufacture; tire recapping and retreading; printing, publishing, binding and related processing and reproduction of paper and cardboard products; electrical or electronic

appliance; light metal fabrication and products, including metal machining, finishing, grinding and polishing, stamping or extrusion of small products, including costume jewelry, kitchen utensils, hand tools, nuts, bolts, rivets, screws, washers and the like; and musical instruments, communications, drafting, electrical, optical and similar precision instruments, jewelry, toys and novel ties.

201.64 Professional Office Building

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

201.65 Riding Stable and Academy

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

201.66 Rooming, Boarding or Lodging House

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

201.67 Safe House

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

201.68 Satellite Dish Antennae

A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may typically be a solid, open mesh, or bar-configured structure, typically eight to 12 feet in diameter, in the shape of a shallow dish or parabola.

201.69 Sectional ("double-wide") Dwelling

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

201.70 Sewage Disposal System

A. Centralized Sewage Disposal System - A utility system serving two or more dwelling units, business, commercial, industrial or other establishments, which is designed

and operated for the collection, transportation, treatment and disposal of sewage, in compliance with County and State health regulations.

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

201.71 Shopping Center and Mall

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

201.72 Sign⁺

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

- A. On-Premises Sign - A sign which directs attention to a business, profession, product, home occupation, service or activity conducted or sold on the same lot.
- B. Off-Premises Sign - A sign which directs attention to a business, profession, product, home occupation, service or activity not conducted or sold on the same lot.
- C. Commercial Advertising Sign - An advertising sign, structure or symbol, commonly known as a billboard, erected and maintained by a person or corporation engaged in the sale or rental for profit of the space thereon to a clientele of manufacturing, service, commercial or other business enterprises upon which sign there is displayed, generally for a limited period of time, advertising matter describing a variety of products or services widely or generally available, but usually not produced, assembled, stored or sold on the lot or premises upon which the advertisement is located.
- D. Business Advertising Sign - An advertising sign, structure or symbol erected and maintained by or for the benefit of a specific individual manufacturing, service, commercial or other business enterprise and used exclusively to advertise the location or the products or services offered by said enterprise, rather than for the periodic advertising of products and services generally available.
- E. Double-Faced Sign: A sign, which has two identical sized faces.
- F. Perpendicular Sign: A sign, which is mounted so as to project perpendicular from a building or structure or face and shall include all double-faced signs.
- G. Permanent Residential/Identification Sign - signs of a permanent nature setting forth the name of a residential subdivision or development it is identifying.

⁺ Ord. 2007-09, Sept. 24, 2007

A. Awning Sign: A sign affixed to a shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The Awning may be constructed of rigid or non-rigid materials.

B. Bench Sign: A sign on an outdoor bench.

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

D. Changing Image Sign: Any sign, display, device, or portions thereof which is designed to have the capability of movement or give the resemblance of movement on the whole or any part of the sign or that displays any artificial light which is not maintained stationary or constant in intensity and color at all times when such signs are in use or through some other automated method, results in movement, the appearance of movement or change of sign image or text. Such signs include but are not limited to electronic signs included LED, LCD, video or other automatic changeable display, rotating and revolving signs, readerboard signs, flashing signs, and wind driven signs including flags, pennants, and streamers.

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

F. Directory Sign: A sign located in a complex that lists tenants and corresponding addresses located within the complex.

G. Double-Faced Sign: A sign which has two identical sized faces.

H. Externally Illuminated Sign: A sign where the light source is separate from the sign and is directed so as to shine on the exterior of the sign.

I. Flashing Sign: A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing or which changes colors or intensity of illumination at intervals of more than once in any 60 second period.

J. Freestanding Sign: A sign wholly supported by a sign structure in the ground (e.g. Monument Signs, Pole Signs)

K. Internally Illuminated Sign: A sign where the light source is contained within the sign and is directed so as to shine on the interior of the sign.

L. Lawn Sign: A temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

M. Marquee Sign: A sign affixed to a permanent roofed structure attached to and supported by a building, and projecting out from a building wall, or over public access, but not including a canopy or awning.

N. Monument Sign: A low profile freestanding sign that is placed on a solid base that extends a minimum of one-foot above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

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

P. Portable Sign: A sign or sandwich board sign that is not affixed to a structure or the ground in a permanent manner and that may be moved easily from place to place.

Q. Pole Sign: A freestanding sign, usually double-faced, mounted on a round pole, square tube, or other fabricated member without any type of secondary support.

R. Projecting Sign: A sign, other than a wall sign, that projects from, and is supported by a roof or wall of a building or structure and is generally at right angles to the building.

S. Readerboard Sign, Electronic Changeable Copy: A permanent sign on which copy can be changed electronically by using patterns of lights that may be changed at intervals not exceeding one change in copy or display, or intensity, or color of lighting in any 60 second period.

T. Readerboard Sign, Mechanical Changeable Copy: A permanent sign on which copy can be changed manually in the field.

U. Subdivision and Community Identification Sign: A sign of a permanent nature setting forth the name of a residential subdivision or development it is identifying.

V. Suspended Sign: A sign suspended from the underside of a canopy, awning, arcade, marquee, or other roofed open structure and oriented to pedestrian traffic.

W. Temporary Sign: A sign that is not permanently affixed or attached to a building, structure, or the ground. Temporary Signs included, but are not limited to A-Frames, Banners, Flags, Pennants, Balloons, Blimps, Streamers, Lawn Signs, and Portable Signs.

X. Wall Sign: Any sign attached to or erected against the wall of a building or structure or attached to or erected against a roof which does not vary more than 20 degrees from vertical, with the exposed face of the sign on a plane parallel to the plane of the wall or roof and which does not project more than 18 inches from the wall or roof.

201.73 Special Exception Use

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

201.74 Street

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

201.75 Street Line

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

201.76 Structure

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

201.77 Tanning Salon

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

201.78 Travel Trailer

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

201.79 Use

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

201.80 Video Store

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

201.81 Water Supply System

- A. Centralized Water Supply System - A utility system serving two (2) or more dwelling-units, business, commercial, industrial or other establishments, which is designed and operated to supply potable water, in compliance with County and State health regulations.
- B. Private Water Supply System - A utility system serving only one (1) dwelling unit or a single commercial, business, industrial or other establishment, which is designed and operated to supply potable water, in compliance with County and State health regulations.

201.82 Yard

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

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

201.83 Steep Slope[§]

Slopes of 25% or more, or slopes greater than 15% where the soil erodability coefficient or K factor as determined by the most current soil survey for Washington County, Maryland is 0.35 or greater.

201.84 Stream*

A perennial or intermittent stream identified in the most current soil survey for the Town of Boonsboro and/or Washington County, Maryland and field verified when necessary.

201.85 Stream Buffer⁺

An area on one or both sides of a stream that is designated for the purpose of protecting, preserving or improving water quality by providing for filtration and dissipation of the energy of flowing water or the maintenance or stabilization of the stream bank to prevent erosion.

201.86 Floodplain, 100 Year*

The floodplain as delineated in the Flood Insurance Study (FIS) prepared by the Department of Housing and Urban Development/Federal Insurance Administration (HUD/FIA) showing areas subject to inundation by waters of the 100 Year Flood; and/or any study conducted by the Soil Conservation, government authority or independent consultant; whichever is greater.

201.87 Complex[±]

Any group of two or more buildings, or individual businesses within a single building provided that at least two of the businesses have separate exterior entrances, on a site that is planned and developed to function as a unit and which has common on-site parking, circulation, and access. A complex may consist of multiple lots or parcels that may or may not be under common ownership.

§ Ord. No. 2006-004, 9/5/06

* Ord No. 2006-003, 9/5/06

* Ord No. 2006-003, 9/5/06

+ Ord. 2007-09, Sept. 24, 2007

201.88 Premise[±]

The land and buildings contained within the boundaries of a single tenant site or complex.

Ord. 2007-09, Sept. 24, 2007

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS300 Zoning Districts and Map

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

MR- Multi-Family Residential District[§]
RR - Rural Residential District
SR - Suburban Residential District
TR - Town Residential District
TC - Town Center District
GC - General Commercial District
NC - Neighborhood Commercial District
EC - Employment Center District

- B. For the purposes of this Ordinance, the zoning districts established by sub-section A. shall be of the number, size, shape and location shown on the "Town Zoning Map".
- C. Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map, which shall be maintained in the Town Hall, shall be the final authority as to the current zoning status of land, buildings, and other structures.

301 Interpretation of District Boundaries

- A. The following rules shall apply for interpreting the location of the zoning district boundary lines drawn on the zoning map:
1. Boundaries drawn approximately along the centerlines of streams, drainage ways, streets, roads, alleys, or railroads or other rights-of-way shall be construed to follow such centerlines.
 2. Boundaries drawn approximately parallel to the center lines of streams, drainage ways, streets, roads, alleys, or railroad or other rights-of-way, or parallel to property lines shall be construed to lie parallel to such center lines or property lines at the distance therefrom noted upon the zoning map.
 3. Boundaries drawn approximately along platted lot lines or other property lines shall be construed to follow such lines.
 4. The location of boundaries otherwise in question shall be determined by the dimensions or notations upon the zoning map.
- B. Where a zoning district boundary line as shown on the zoning map divides a lot or property which was in single ownership and of record at the effective date of this Ordinance, the uses permitted thereon and the other district requirements applying to the least restricted portion of such lot shall be considered as extending over the

[§] Ord. No. 2002-01, 5/6/02

entire lot or for a distance of fifty (50) feet from the district boundary line into the more-restricted portion of the lot, whichever distance is less.

302 Uses Permitted in Zoning Districts

- A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted, as specified in this Article, in the zoning district within which the land or building or structure is located.
- B. No use shall be permitted except in compliance with the laws of the State and the regulations of the Maryland Department of the Environment and Washington County Health Department regarding water supply and waste disposal, as evidenced by the written approval of the Washington County Health Department.
- C. A use listed in Section 305 of this Ordinance is permitted by right in any zoning district under which it is denoted by the letter "P", provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance. Such uses permitted by right shall be principal uses within the meaning of this Ordinance, unless otherwise specified.
- D. A use listed in Section 305 of this Ordinance is permitted as accessory use, as defined in Article 2, in any zoning district under which it is denoted by the letter "A", provided that such use shall be subject to the conditions and requirements specified in Section 305 and elsewhere in this Ordinance.
- E. A use listed in Section 305 shall not be permitted in any zoning district under which it is denoted by the letter "N". Such uses lawfully existing at the effective date of this ordinance shall be construed as nonconforming uses subject to the provisions of Article 8.
- F. A use listed in Section 305 may be permitted as a special exception in any zoning district under which it is denoted by the letters "SE" provided that approval for said use has been granted by the Board of Appeals pursuant to Article 10, and further provided that said use shall be subject to the conditions and requirements specified in Article 305 and elsewhere in this Ordinance and to such further requirements as the Board of Appeals may establish in granting the special exception.
- G. Any use lawfully existing on the effective date of this Ordinance which is classified as requiring a special exception in the zoning district in which it is located shall be deemed to have been granted a special exception. Any change in the character and extent of operations or structure existing on the effective date of this Ordinance shall require a special exception granted by the Board of Appeals pursuant to Article 10.

303 Newly Annexed Areas

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

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

304 Legislative Intent and Purposes for Zoning Districts

- A. As an aid in interpreting the provisions of Section 305, the Mayor and Council hereby states in summary the purposes for which the various zoning districts are established, and their intentions regarding the types of uses which should be permitted to further the objectives of the adopted Comprehensive Development Plan.
1. Multi-Family Residential District^{**}— This district provides the highest residential density within the four residential zoning classifications. The district is to provide densities similar to those found within the Town's core area. As such, location of this zoning district shall have close approximation to commerce, personal service businesses, and other such amenities found in the core area. Also, excellent transportation linkages, both vehicular and pedestrian, and minimal environmental impacts are key to placement and development of this district. The Multi-Family district is intended to recognize existing residential neighborhoods and shall be developed in a manner to be in harmony with said neighborhoods.
 2. Rural Residential District - This district provides for low-density development in areas where natural constraints limit development. Construction is limited to single-family detached homes, institutional and public structures, and similar uses responding to these constraints.
 3. Suburban Residential District^{††} - This district provides for suburban-type residential subdivision development in areas of similar existing development and where natural features of the land and capacities of utility, street or other service systems may require this type of development. Development is thus permitted at moderate density consistent with State health standards, and the residential areas are protected from the intrusion of incompatible non-residential uses. "Age Qualified Townhouses" Or "Age Qualified Townhouse Developments" as defined in section 201.4 a. shall be permitted in this district subject to certain conditions and requirements. Age qualified townhouse developments shall be permitted by right with a density of no greater than five (5) dwelling units per gross acre. Age qualified townhouses shall only be located in an area that will be served by both public water and sewer within a designated growth area.
 4. Town Residential District - This district provides for somewhat higher densities than the Suburban Residential District. In the Town Residential District, centralized sewerage facilities exist, and future development of this type can safely proceed. The Town Residential District is intended to recognize existing Town development and its logical extension; it accommodates a variety of residential uses, plus limited "convenience" retail commercial uses desirable to serve only residential areas.

^{**} Ord. No. 2002-01, 5/6/02

^{††} Ord. No. 2008-02, 5/27/08

5. Town Center District - This district provides for the continuation of the Town's core area, which generally contains a mixture of residential, commercial, and public service uses.
6. General Commercial District - This district provides for commercial uses mainly for retail sales and services, and related activities requiring good highway access.
7. Neighborhood Commercial District - This district provides for the establishment of uses intended primarily to serve the daily and convenience shopping and personal service needs of residents in sub-sections of the Town.
8. Employment Center District - This district provides for industries, and areas, which are ideally suited for desirable types of light-industrial development because of their proximity to major highways, and utility services. Because of the need to promote the public welfare by encouraging additional employment opportunities, such land should not be pre-empted by other permanent uses, and is therefore designated solely for manufacturing, office and related activities which would provide new jobs in the Town's economy.

305 TABLE OF USE REGULATIONS	MR ^{††}	RR	SR	TR	TC	GC	NC	EC
<i>A. NATURAL RESOURCES AND AGRICULTURAL USES</i>								
1. Forests, forest conservation practices, and the harvesting of forest products, excluding saw milling.	N	SE	N	N	N	N	N	N
2. Fish and wildlife preserves and propagation areas, excluding commercial or membership wildlife hunting preserves.	N	SE	N	N	N	N	N	N
3. Mining, quarrying, or the removal of coal, clay, sand, gravel, peat, topsoil, natural mountain or spring waters or any other natural resources, excluding natural gas, from, on, or beneath the land surface for commercial purposes.	N	N	N	N	N	N	N	N
4. Agriculture, as defined in Article 2.	P	P	P	P	N	P	P	P
<i>B. RESIDENTIAL USES</i>								
5. Single-family detached dwellings, including pre-fabricated, modular, panelized or sectional dwellings.	SE	P	P	P	P	N	N	N
6. Mobile homes, as defined in Article 2.	N	N	N	N	N	N	N	N
7. a. Two-family "duplex" dwellings, as defined in Article 2. b. Two-family semi-detached dwelling	SE SE	N N	N N	P P	P P	N N	N N	N N
8. Single family attached "townhouse" dwellings, as defined in Article 2.	P	N	N	SE	P	N	N	N

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

^{††} Ord. No. 2002-01, 5/6/02

305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
B. 9. a. Multi-family "apartment" dwellings, as defined in Article 2. b. Multi-family condominium dwelling units, as defined in Article 2.	P SE ⁺	N N	N N	SE SE	P P	N N	N N	N N
10. Mobile home parks or subdivisions	N	N	N	N	N	N	N	N
11. Dwelling unit in conjunction with a principal non-residential use.	N	N	N	N	P	N	P	N
12. Conversion of a single-family dwelling or other building into not more than two dwelling units subject to the provisions of Section 401. No expansion of the building area shall be made except as necessary for safety.	P	N	N	SE ⁺	SE ⁺	N	N	N
13. a. Conversion of a dwelling or other building into multi-family apartments containing more than two dwelling units. b. Conversion of a dwelling or other building into multi-family condominiums containing more than two dwelling units.	P p	N N	N N	SE SE	SE ⁺ SE ⁺	N N	N N	N N
14. Bed-and-breakfast, rooming, or temporary boarding houses, as defined in Article 2.	N	N	N	SE	P	N	N	N
15. Customary home occupations and home professional offices, as defined in Article 2.	SE	SE	SE	SE	P	N	SE	N

⁺ Ord. 2007-09, Sept. 24, 2007

Town of Boonsboro

Zoning Ordinance of 1995

305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
16. In-home services as a family day care provider, as defined in Article 2.	SE	SE	SE	SE	SE	N	N	N
17. Age Qualified Townhouses ^{§§}	P	N	P	N	N	N	N	N
<i>C. PUBLIC OR PRIVATE RECREATIONAL USES</i>								
17. Parks designed or intended for passive recreation or open space.	P	P	P	P	P	P	P	P
18. Areas designed, equipped or intended for non-commercial active outdoor recreation, including but not limited to picnicking, field sports, tennis, swimming and the like.	P	P	P	P	N	N	N	SE
C. 19. Swimming pool (or beach) conducted as a principal use.	SE	SE	SE	SE	N	P	SE	N
20. Outdoor riding stables, subject to the setback requirements specified in Section 501.	N	SE	N	N	N	SE	N	N
21. Private or membership clubs or lodges not operated commercially, nor conducted primarily as a business enterprise.	SE	SE	SE	SE	P	P	SE	N
22. Golf courses.	SE	P	SE	SE	N	N	N	N
23. Golf driving or practice ranges, batting cages, racquet clubs/courts or miniature golf courses and the like, conducted as a principal use.	N	P	N	N	N	P	SE	N
24. Commercial outdoor recreation or amusement areas not otherwise described within section 305 including rod and gun, archery, skeet shooting establishments, and go-karts.	N	N	N	N	N	N	N	N
25. Indoor recreation facilities, including but not limited to bowling alleys, theaters, movie theaters, skating rinks, tennis courts, health/recreation, billiard or poolroom, facilities and the like.	N	N	N	N	SE	P	SE	N

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Town of Boonsboro

Zoning Ordinance of 1995

305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
26. Fairground and racetracks or courses for the conduct of seasonal or periodic meets of horses, dogs, aircraft, automobiles, motorcycles and the like.	N	N	N	N	N	N	N	N
<i>D. INSTITUTIONAL, EDUCATION AND UTILITY USES</i>								
27. Churches and other places of worship.	P	P	P	P	P	SE	P	N
28. Cemeteries.	SE	SE	SE	SE	SE	N	N	N
29. Public and private licensed hospitals, Santeria and inpatient drug and alcohol rehabilitation facilities subject to provisions of Section 501.	N	N	N	N	N	SE	N	N
30. Charitable or religious institutions and licensed nursing homes, or the like. Institutions for human care and the treatment of noncontiguous diseases, but excluding prisons and insane asylums.	SE	SE	SE	SE	SE	SE	N	N
D. 31. Group Homes A. Halfway houses and juvenile institutions B. Handicapped and safe houses	N SE							
32. Meeting or assembly halls for philanthropic, religious, fraternal, civic or other non-profit organizations/corporations see setback requirements in Section 501.	SE	SE	SE	SE	P	P	SE	N
33. Communications facilities not limited to radio or television broadcasting or relay towers and accessory equipment except those utilities allowed under 87. A & B including community and cable television systems, provided that no tower shall be located closer to	N	SE	SE	N	N	SE	SE	SE

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305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
any lot line than a distance equal to its height plus 100 feet, and shall not be used to support lights or signs other than those required for aircraft warning or other safety purposes.								
34. Water reservoir and/or storage facilities, sewage treatment plants, lagoons, settling basins, and the like, conducted as a principal use.	SE							
35. Substations, yards or areas of transforming or switching electricity, excluding pad mounted transformers.	SE	SE	SE	SE	N	SE	SE	SE
36. Civic buildings, including community centers, museums, post offices, libraries, fire and rescue stations and halls and public office buildings erected or used by Federal, State, County or municipal governments or agencies thereof.	SE	SE	SE	SE	P	P	SE	N
37. Child care centers - licensed, or drop-in centers as defined in Article 2.	SE	SE	SE	SE	P	P	P	A
38. Public or private elementary schools or middle schools.	SE	P	P	P	N	N	N	N
39. Public or private high schools or colleges.	SE	P	SE	SE	N	SE	N	N
40. Public or private trade or professional schools, or the like.	SE	N	N	N	SE	P	N	P
41. Penal institution.	N	N	N	N	N	N	N	N
<i>E. RETAIL AND COMMERCIAL SERVICES USES</i>								
42. Automobile carwashes; motor vehicle repair garages, small engine and related equipment repair and maintenance to include lawn mowers.	N	N	N	N	N	P	N	N
43. Automobile, truck, farm equipment, trailer, motorcycle, recreational vehicles and accessory equipment, snowmobile or mobile home	N	N	N	N	N	P	N	N

Town of Boonsboro

Zoning Ordinance of 1995

305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
display and sale or rental, including repair and maintenance of such vehicles and equipment as an accessory use, provided that: a. Repair and maintenance, except to farm equipment, recreational vehicles and accessory equipment, and mobile homes, shall be conducted within enclosed buildings; and, b. All outdoor storage areas and all outdoor repair and maintenance areas for farm equipment, recreational vehicles and mobile homes shall be effectively screened from view from public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.								
44. Automobile service stations, except highway service plazas as defined in Article 2.	N	N	N	N	N	P	SE	N
45. Highway service plazas see setback requirement in Section 501.	N	N	N	N	N	SE	N	SE
46. Shopping center or mall. See Section 505.	N	N	N	N	N	P	N	N
47. Building materials and supplies, for sale, provided that outdoor storage areas shall be effectively screened from view form public roads and adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	N	N	N	N	P	N	N
48. Animal hospitals and kennels. Setback requirements in Section 501.	N	N	N	N	N	SE	N	N
E. 49. Veterinarians' offices limited to small animal practice and providing that no overnight boarding occurs for non-medical reasons.	N	N	N	N	N	P	SE	N

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305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
50. Business - services	N	N	N	N	P	P	SE	P
51. Professional offices.	N	N	N	N	P	P	SE	P
52. Medical and dental offices or clinics for outpatient treatment, including accessory laboratory facilities.	N	N	N	N	P	P	SE	SE
53. Feed, grain and farm supply stores, including silos, elevators, warehouses and similar enclosed storage.	N	N	N	N	N	P	N	SE
54. Funeral homes, mortuaries and the like.	N	SE	N	N	N	P	N	N
55. Greenhouses and nurseries, including sales facilities.	N	N	N	N	N	P	SE	SE
56. Hotels, motels and the like. See Section 506.	N	N	N	N	P ⁺	P	N	N ⁺
57. Printing, photographic processing, blueprinting, photocopying and similar reproduction services, and facsimile transmission except publishing	N	N	N	N	P	P	SE*	P
58. Parking lot or garage as a commercial or public enterprise, provided that a solid wall shall screen such parking lot, screen or fence at least three (3) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.	N	N	N	SE	P	P	SE	SE
59. Business - personal service.	N	N	N	N	P	P	P	SE
60. Furniture to include upholstery and repair, and refinishing of	N	N	N	N	SE ^{***}	P	SE*	SE

⁺ Ord. 2007-09, Sept. 24, 2007

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305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
antique furniture or the like.								
61. Restaurants and the like, except drive-in and drive through restaurants as defined in Article 2.	N	N	N	N	P	P	SE	N
E. 62. Drive-in and drive through restaurants.	N	N	N	N	N	P	N	N
63. Business - neighborhood retail.	N	N	N	N	P	P	P	N
64. Convenience stores and centers	N	N	N	N	SE	P	SE	N
66. Business - general retail.	N	N	N	N	P	P	SE	N
67. Signs, see the provision of Article 7, including: <ul style="list-style-type: none"> a. On-premises identification signs. See Section 707-B. b. On-premises advertising signs. See Section 707-C. c. Off-premises directional signs. See Section 708-B. d. Off-premises business advertising signs. See Section 708-C-1. e. Off-premises commercial advertising signs. See Section 708-C-1. f. Temporary signs. See Sections 707-D and 708-D. 	A	A	A	A	A	A	A	A
	A	A	A	A	A	A	A	A
	SE	N	SE	P	P	P	P	P
	N	N	N	N	N	N	N	N
	N	N	N	N	N	N	N	N
	P	P	P	P	P	P	P	P

*** Revised 1/23/06

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68. Taverns	N	N	N	N	P	P	SE	N
69. Warehousing and Similar storage completely within enclosed buildings, including wholesale business, motor trucking terminals and accessory truck servicing but excluding motor vehicle repair garages.	N	N	N	N	N	SE	N	P
69.1 Adult Bookstore, Adult Mini-Motion Picture Theater, or other building which is used for adult uses such as a tattoo parlor ⁺ .	N	N	N	N	N	SE	N	N
<i>F. MANUFACTURING AND INDUSTRIAL USES</i>								
70. Processing – commercial								
F. 71. Processing or the manufacturing of sauerkraut, vinegar or yeast or the rendering or refining of fats and oils.	N	N	N	N	N	N	N	N
72. Processing or manufacturing – primary.	N	N	N	N	N	N	N	N
73. Processing or manufacturing – secondary.	N	N	N	N	N	N	N	P
74. Research, design and development laboratories.	N	N	N	N	N	N	N	SE
75. Commercial bulk cleaning and laundering.	N	N	N	N	N	N	N	P
76. Wholesale distribution of petroleum products including accessory storage facilities.	N	N	N	N	N	N	N	N
77. Blacksmiths, welding, sheet metal, tool, die, gauge and machine shops.	N	N	N	N	N	SE	N	SE
78. Contractor's equipment and material storage yards, provided that such shall be effectively screened from view from public roads and	N	N	N	N	N	SE	N	SE

N

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305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC	
adjoining residences by a solid wall, screen or fence at least six (6) feet high or by dense evergreen plantings of equal height. All screening shall be continuously maintained.									
79. Industrial parks subject to the provisions of Section 507. See setback requirements in section 501.	N	N	N	N	N	N	N	P	
<i>G. MISCELLANEOUS AND ACCESSORY USES</i>									
80. Junkyards									N
81. Sanitary and rubble landfills.	N	N	N	N	N	N	N	N	
82. Other uses substantially similar in character and impact to uses ordinarily permitted by this Ordinance by right or by special exception within the same Zoning District.	SE								
83. Accessory uses, including: G.83 a. Accessory use or building as defined in Article 2. b. Travel trailer and boat storage, provided that such stored vehicles shall not be occupied or used for dwelling purposes, and shall not be located within front or side yard areas. c. Temporary buildings accessory to a construction project. d. Fences walls landscaping materials, subject to the traffic visibility requirements specified in Section 406. e. Off-street parking, see provisions of Article 6.	A	A	A	A	A	A	A	A	
	A	A	A	A	A	A	A	A	
	A	A	A	A	A	A	A	A	
	A	A	A	A	A	A	A	A	
	A	A	A	A	A	A	A	A	
84. a. Essential utility equipment as defined in Article 2	P	P	P	P	P	P	P	P	

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305 TABLE OF USE REGULATIONS	MR	RR	SR	TR	TC	GC	NC	EC
<p>b. Utility equipment - other, prior to the construction of or any overhead electrical power line of 69 kV or greater capacity, of any cross country telephone trunk line including microwave facilities, of any underground pipeline for transmission of natural gas or petroleum products, location and right-of-way plans of said lines and accessory facilities shall be submitted for the information and review of the Planning Commission.</p>	P	P	P	P	P	P	P	P

307 Open Space District⁺

The Open Space District is intended to provide permanent open space for its beauty and recreational value and to safeguard the health, safety, and welfare of the people by limiting development on excessive slopes, wetlands, and floodplains, and other areas where various environmentally sensitive areas exist. Because of the extreme environmental constraints in these areas, they are best left in their natural state for the long range protection of the ecosystem. Further it should consist of lands on which major public facilities are located or planned. Such public facilities include additional park land for active recreation and expansion of sewerage treatment facilities. It is also intended to provide park land as passive recreational space or agricultural uses.

A. Permitted Uses.

No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

- a. Forests, forest conservation practices, and the harvesting of forest products, excluding saw milling.
- b. Fish and wildlife preserves and propagation areas, excluding commercial or membership wildlife hunting preserves.
- c. Agriculture.
- d. Parks designed or intended for passive recreation or open space.
- e. Areas designed, equipped, or intended for non-commercial active outdoor recreation.
- f. Water reservoir and/or storage facilities, sewerage treatment plants, lagoons, settling basins, and the like.
- g. Civic Buildings.
- h. Schools.

B. Special Exception Uses.

The Board of Appeals may authorize the following uses in accordance with the provisions of this Ordinance:

- a. Cemeteries.
- b. Communication Facilities.
- c. Substations, yards, or areas of transforming or switching electricity, excluding pad mounted transformers.
- d. Meeting or assembly halls.
- e. Greenhouses.

C. Accessory Uses.

Accessory uses are as follows:

- a. Accessory buildings and uses customarily incidental to any permitted special exception use.
- b. Parking for Automobiles
- c. Signs regulated within this Ordinance

⁺ Ord. 2007-09, Sept. 24, 2007

D. Special Conditions.

For all uses in the OS District, the following requirements shall be met:

- a. Soil Conservation practices as specified by the Soil Conservation District shall be followed.
- b. No building shall exceed thirty-five feet in height.
- c. No more than thirty percent (30%) of any zoning lot may be disturbed.
- d. No areas containing slopes greater than fifteen (15%) shall be disturbed.
- e. No wetlands shall be disturbed.
- f. <Reserved>

E. Lot area, width, and yard requirements.

There is no minimum lot size or lot width. All buildings must be set back at least 50 feet from any property line. Accessory buildings may be built within 15 feet of a side or rear property line; however any building or feeding pen in which farm animals are kept shall be at least 100 feet from the nearest residentially zoned lot.

ARTICLE 4: LOT AREA AND YARD REGULATIONS

400 General Dimensional Requirements

- A. The regulations for each District pertaining to minimum lot area, minimum lot area per dwelling unit, minimum lot width, maximum height, and minimum required yards shall be as specified in Section 401, Table of Dimensional Requirements for Principal Uses, subject to any further applicable dimensional requirements or exemptions specified elsewhere in this ordinance.
- B. The minimum lot areas specified in Section 401 are based upon the availability of a public water supply system and a public sewage disposal system. If these systems are not available to serve a proposed use, the following other applicable standards of the Maryland Department of the Environment, as administered by the Washington County Health Department, shall be used in determining lot size:

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

- C. Measurements of minimum land area and yards pursuant to Section 401 shall not include any land within the right-of-way of any existing or proposed street.
- D. The uses listed in Section 401 shall only be permitted in any Zoning District in accordance with the provisions of Section 305.
- E. Minimum lot areas listed in 400.B above shall not be less than the minimum lot size and lot width specified in 401. Nor shall 400.B supersede the policies of the Boonsboro Municipal Utilities Commission or the Boonsboro Adequate Public Facility Ordinance as they relate to public water and sewer requirements.

401 Table of Dimensional Requirements for Principal Uses

Use	Zoning District	Minimum Total Lot Or Land Area Per Use (Sq. ft.)	Minimum Lot Or Land Area Per Dwelling Unit (Sq. ft.)	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
					Front	Side ^a	Rear
A. Residential Uses							
1. Single-family detached dwellings	RR	29,000	29,000	120	35	20	40
	SR	15,000	15,000	100	20	15	25
	TR	10,000	10,000	80	15	10	20
	TC	5,000	5,000	60	10	8	20
	MR ⁺	7,500		60	10	8	20
2. Two-family ("duplex") dwellings and two-family semi-detached dwelling	TR	18,000	9,000	100	15	10 ^a	20
	TC	10,000	5,000	60	10	5 ^a	15
3. Single-family attached ("townhouse") dwellings	TR	12,000	4,000 ^c	20	15	15 ^a	30
	TC	12,000	3,000 ^c	20	10	8 ^a	15
	MR [†]	12,000	4,000 ^e	20	25	15 ^a	30
4. a. Multi-family ("apartment") dwellings							

* Ord No. 2008-02, 5/27/08

⁺ Ord. 2007-09, Sept. 24, 2007

[†] Ord. No. 2002-01, 5/6/02

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	TR	22,000	3,600 ^c	200	15	15	15
	TC	10,000	3,000 ^d	180	10	10	15
	MR*	40,000	3,600 ^f	200	25	15	20
b. Condominiums	TR	22,000	3,600 ^c	200	15	15	15
	TC	10,000	3,000 ^d	180	10	10	15
	MR*	40,000	3,600 ^f	200	25	15	20
5. Dwelling Unit in conjunction with a principal non-residential Use, see Section 305.B.11	All permitted Districts	N/A	5,000	60	10	5	10
6. Conversion of a building to two dwelling units, see Section 305.B.12	All permitted Districts	10,000	5,000	60	10	5	10
7. a. Conversion of a building to more than two dwelling units, see Section 305.B.13.A	TR	20,000	3,600	180	10	10	15
	TC	10,000	3,600	90	10	10	15
b. Conversion of building into multi-family condominiums as per 305.B.13.B	TR	20,000	3,600	180	10	10	15
	TC	10,000	3,600	90	10	10	15
8. Bed and Breakfast Establishment	TR	15,000	15,000	80	15	10	20
	TC	8,000	8,000	60	10	8	20
9. Age Qualified Townhouses*	SR	N/A	8,700	20	20	15	30
	MR	12,000	4,000	20	25	15	30

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

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

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

Use	Zoning District	Minimum Total Lot Or Land Area Per Use (sq.ft.)	Minimum Lot Or land Area Per Dwelling Unit (sq.ft.)	Minimum Lot Width (feet)	Minimum Yard Width (feet)		
D. <u>Manufacturing and Other Uses</u>							
1. Uses permitted pursuant to Section 305.A, 305.F and 305.G. Industrial Parks see Section 505 for additional requirements.	All Permitted Districts	20,000	--	100	20	25	25
2. Utility Uses	All Permitted Districts	--	--	--	--	--	--

NOTES

- a. Required side-yard dimension applies to each side of the lot; except that no side yard shall be required adjoining any lot line that coincides with a party-wall in an attached dwelling or other use.
- b. Gross density shall not exceed six (6) dwelling units per acre.
- c. Gross density shall not exceed eight (8) dwelling units per acre.
- d. Gross density shall not exceed ten (10) dwelling units per acre.
- e. See Section 507
- f. See Section 508

402 Exceptions to Minimum Lot Sizes

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

403 Lot Area or Yard Required

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

404 Front Yard Reduction

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

405 Permitted Projections Into Required Yards

- A. Subject to Section 406, the provisions of Section 401 shall not apply to fences, terraces or walls which are less than six (6) feet above the natural grade. Steps, uncovered porches, decks or other similar features not over three (3) feet high above the finished grade are limited to no more than 50% modification of the required yard setbacks.
- B. Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and ladders may extend into any required yard not more than four (4) feet; provided, that such projections (excepting eaves) are not over ten (10) feet in length.
- C. The yard requirements of Section 401 shall not apply to off-street parking areas or to accessory signs, except as expressly provided in Articles 6 and 7, and except as provided in Section 406.

406 Traffic Visibility at Corners

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

407 Accessory Buildings in Side and Rear Yards[±]

Completely detached accessory buildings equal to or less than 200 sq. ft. in gross floor area may occupy required side and rear yards but shall not be located closer than five (5) feet to any side or rear property line. An accessory building shall not be located in any legal deed of easement. Any detached accessory building greater than 200 square feet in gross floor area shall have a minimum distance to the side or rear lot line not less than the longest horizontal dimension of the structure or the minimum distance specified for that district, whichever is the lesser of the two.

408 Yards on Corner Lots

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

409 Height Regulations[±]

No principal building or structure shall exceed thirty-five (35) feet or three stories in height, and no accessory building or structure shall exceed twenty (20) feet in height; provided, however, that said height limitations shall not apply to barns, windmills, silos, or other accessory farm structures, or to belfries, steeples, spires, electric, broadcasting or utility poles, equipment or towers, water towers, chimneys or smoke stacks, flagpoles, fire or observation towers, cupolas, domes, monuments, penthouses or roof structures for housing stairways, or to tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building. The only exception to the height regulations, unless as specified elsewhere in this Ordinance, shall be within the Town Center (TC) District in which a principal building or structure shall not exceed four stories in height and shall not be less than two stories.

[±] Ord. 2007-09, Sept. 24, 2007

410 Exemptions To Yard Requirements

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

ARTICLE 5: SPECIAL PROVISIONS

500 Environmental Protection

500.1 Flood Plains

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

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

C. No structure or land development (such as parking lot, fill, or excavation) shall be permitted within the annual historical or one-hundred-year floodplain, whichever is greater. The above requirements shall not be considered prohibiting road crossings nor the placement of public service lines, provided the intent is adhered to⁺.

500.2 Forest Conservation

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

B. Administration. The Town of Boonsboro on December 2, 1991 pursuant to the natural resources article, 5-1603(a) assigned its obligation to have a Forest Conservation Ordinance to Washington County, Maryland. The Board of County Commissioners adopted the Washington County Forest Conservation Ordinance on February 2, 1993. The Zoning Administrator shall only issue permit approval when an application has met all criteria set forth in the Washington County Forest Conservation Ordinance, as amended.

500.3 Stream Buffers^{§§§}

A. Purpose. The purposes of this section are to the prevention of unwise development in areas subject to an area on one or both sides of a perennial or intermittent stream as defined in section 201.85 and/or Soil Conservation District. The designation of a stream buffer is for the purposed of protecting, preserving or

⁺ Ord. 2007-09, Sept. 24, 2007

^{§§§} Ord. No. 2006-04, 9/5/06

improving water quality by providing for filtration and dissipation of the energy of flowing water or the maintenance or stabilization of the stream bank to prevent erosion. This protection is achieved through the review of all activities proposed within identified stream buffers upon the recommendation of the Soil Conservation District.

B. Administration. The Zoning Administrator shall only issue permit approval in an area defined in section 201.85 as a stream buffer and/or defined by the Soil Conservation District when an application has met all criteria established by that district.

500.4 Steep Slopes*

A. Purpose. The purpose of this section is to provide requirement and guidance protect erosion, minimize property damage, encourage appropriate construction practices to minimize future damage, and protect welfare of citizens in areas identified as steep slopes by section 201.83 and/or the Soil Conservation District. This protection is achieved through the review of all activities proposed within identified steep slopes by the Soil Conservation District.

B. Administration. The Zoning Administrator shall only issue permit approval in an area defined in section 201.83 as a steep slope and/or as defined by the Soil Conservation District when an application has met all criteria established by that district.

501 Special Setback Requirements

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

502 General Performance Standards

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

A. Performance Standard Procedure - With the exception of residential uses as listed in Section 305.B, the applicant for a zoning permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards specified herein and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards. Where there is reason to believe that the nature of the

proposed use would make it difficult to comply with the applicable standards, the Zoning Administrator may require the applicant to submit plans of the proposed construction and a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used in restricting the emission of any dangerous and objectionable elements listed in this Section, provided, however, that no applicant shall be required to reveal the secret details of industrial or trade data and may specify that the plans or other information submitted pursuant to this section shall be treated as confidential matter.

- B. Standards Applicable to Other Uses - Regardless of whether or not a use is required to comply with the procedure specified in subsection A, above, every use shall comply with the performance standards themselves.
- C. Standards for Noise and Vibration Control - All uses shall comply with COMAR 26.02.03, "Control of Noise Pollution", as adopted by the Secretary of the Environment pursuant to §3-401 of the Environment Article, Annotated Code of Maryland.
- D. Standards for Air Quality Control - All uses shall comply with COMAR 26.11, "Air Quality", as adopted by the Secretary of the Environment pursuant to Title 2 and Title 4, Subtitle 4, of the Environment Article, Annotated Code of Maryland.
- E. Standards for Water Supply, Sewerage, Stormwater and Refuse Disposal - All uses shall comply with COMAR 26.04.01, "Quality of Drinking Water in Maryland"; COMAR 26.04.02, "Sewage Disposal and Certain Water Systems for Homes and Certain Establishments Where Public Sewage System Is Not Available"; COMAR 26.04.03, "Water Supply and Sewerage Systems in the Subdivision of Land In Maryland"; COMAR 26.04.04, "Well Construction"; COMAR 26.04.05, "Shared Facilities"; COMAR 26.03.02, "Submissions of Plans for Approval and Record of Systems of Water Supply, Sewage, Stormwater and Refuse Disposal", as adopted by the Secretary of the Environment pursuant to Title 9 of the Environment Article, Annotated Code of Maryland.
- F. Standards for Fire and Explosion Hazards - All uses involving flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in the use and storage of such materials and with adequate fire-fighting and fire-suppression equipment acceptable to the State Fire Marshall.
- G. Standards for Water Quality - All uses shall comply with COMAR 26.08.02, "Water Quality"; COMAR 26.08.03, "Discharge Limitations"; COMAR 26.08.04, "Permits"; and COMAR 26.08.08, "Pretreatment Requirements to Control Industrial Users of Publicly Owned Treatment Works", as adopted by the Secretary of the Environment pursuant to Title 9 of the Environment Article, Annotated Code of Maryland.

503 Standards for Shopping Centers and Malls⁺

- A. Development Standards. Permitted uses: The uses permitted shall be those permitted in the appropriate district.
- B. Site Design
 - 1. The project shall provide a unified arrangement of buildings, service areas, and parking and landscaped areas.
 - 2. The project shall be designed with regard to the topography and other natural features of the parcel.
 - 3. Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
 - 4. Outside storage shall be limited as applicable in the appropriate district.
 - 5. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
- C. Bulk Regulations
 - 1. Minimum lot size of two (2) acres. The site shall be of a shape suitable for shopping center development.
 - 2. Minimum frontage of one hundred (100) feet.
- D. Loading and Service Areas
 - 1. All establishments must have vehicular service access, either from an individual service drive or from a common service yard.
 - 2. All such service areas must be segregated from public areas and screened from public view.
 - 3. Adequate off-street loading space shall be provided. See Article 6 Section 603.
- E. Landscaping and Buffer areas
 - 1. Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage, shall be landscaped and properly maintained.
 - 2. All parking lots, service lanes, loading areas and outdoor storage areas shall be separated with landscaped buffer yards of at least twenty-five (25) feet from

⁺ Ord. 2007-09, Sept. 24, 2007

any adjacent residential districts. No planting shall be located within ten (10) feet of any public street right-of-way line.

3. No building or accessory structure shall be located within fifty (50) feet of any boundary line which adjoins a residential district. If deemed necessary by the Commission it shall be screened by a solid wall of compact evergreen hedge at least six (6) feet in height or by such other device as may be deemed appropriate and adequate. All screening shall be continuously maintained.

F. Signage

1. Signs shall conform to the regulations as permitted within this Ordinance. The signs shall include the names of the shopping center and/or the establishments located therein.

G. Specific Design Requirements. A shopping center shall meet the following requirements:

1. Maximum impervious surface not to exceed seventy percent (70%).
2. No accessory structure shall be within forty (40) feet of the public road rights-of-way or within ten (10) feet of parking areas.
3. No building or accessory structure shall be less than fifty (50) feet from an adjacent residential district.
4. Public streets and/or private drives shall be located a minimum of fifty (50) feet from any existing residential building or attached structure.
5. In addition to requirements set forth in Section 506, a front elevation (or profile plan) shall be submitted with the submittal of subdivision plat/site plan. The elevation plan shall show an architectural design that is in harmony with the surrounding neighborhood and sufficient to satisfy the purpose of the Zoning District. The Planning Commission shall be required to approve front elevation/architectural drawings as part of the overall development approval process.

504 Standards for Hotels and Motels

- A. Site coverage: Impermeable site coverage (parking areas, building area, and other paved surfaces) shall not be greater than seventy percent (70%) of the gross area of the site.⁺
- B. Adequate provision shall be made for storage and collection of refuse and shall be effectively screened.

⁺ Ord. 2007-09, Sept. 24, 2007

- C. Permeable areas of the site shall be planted with ground cover, shrubs, and trees and if adjacent to any lot occupied by a dwelling, school, church, or institution for human care not located on the same lot as said use or buildings, or any lot which is part of a duly recorded subdivision, shall be effectively screened.
- D. No building or accessory structure shall be located within fifty (50) feet of any boundary line, which adjoins a residential district. If deemed necessary by the Commission, it shall be screened by a solid wall of compact evergreen hedge at least six (6) feet in height or by such other device as may be deemed appropriate and adequate. All screening shall be continuously maintained.
- E. All parking lots, services lanes, loading areas and outdoor storage areas shall be separated with landscaped buffer yards or a least twenty-five (25) feet from any adjacent residential district and roads. No planting shall be located within ten (10) feet of any public right-of-way line.
- F. No accessory structure shall be within forty (40) feet of the public road rights-of-way or within ten (10) feet of parking areas.
- G. Public street and/or private entrances and drives shall be located a minimum of fifty (50) feet from any existing residential building or attached structure.

505 Standards for Industrial Parks

- A. Performance standards. No use will be established, maintained, or conducted in an industrial park that creates the following in a manner that is hazardous, offensive, or objectionable to other uses, therein or adjacent.
 - 1. Dissemination of smoke, fumes, gas, dusts, odor or any atmosphere pollutant.
 - 2. Noise.
 - 3. Physical hazard by reason of fire, explosion, radiation or similar cause to any property either within or beyond the confines of the industrial park.
 - 4. Dissemination of glare or vibration beyond the immediate site on which such use is conducted.
 - 5. Discharge of any waste material whatsoever into any watercourse, or storm drainage facility.
- B. Site coverage. Impermeable site coverage (parking areas, building area, and other paved surfaces) shall not be greater than 80% of the land covered by the industrial park.

C. Setbacks

1. Front: All buildings and structures shall be set back at least 50 feet from the nearest right-of-way line of any street.
2. Side and rear: No building or structure shall be located closer to any side or rear property line than fifty (50) feet.
3. When adjacent to a residential district the setbacks shall be no less than one hundred (100) feet.

D. Parking. No parking of any vehicle shall be permitted upon any street or roadway within the industrial park. Off-street parking facilities shall be provided and maintained on each lot as follows, except as otherwise approved by the Planning Commission:

1. All parking areas shall be paved (with an erosion-resistant surface), maintained and drained and provided with an access to a public street.
2. Owner will supply adequate parking space for all employees on the property conveyed.
3. One off-street parking space shall be provided for each company-owned or operated vehicle and shall be of such dimension to permit entirely the accommodation of such vehicle without encroachment on any aisle, passageway, or driveway.
4. Parking facilities may be provided within required front, side or rear yard areas, but in no case shall such facilities be permitted closer than 20 feet to a front, side or rear property boundary line.

E. Off-street Loading Requirements

1. Adequate off-street loading space shall be provided on each lot. See Article 6 Section 603.
2. No off-street loading facility shall be permitted within any front yard or any side yard on the street side of a building. All off-street loading spaces shall be properly paved with an erosion-resistant surface, drained and maintained.

F. Storage. All outside storage of products in the finished state or late stages of construction will be provided with adequate screening.

G. Landscaping and Buffer Areas

1. All open portions of any lot not improved for parking, loading, driveways or walkways, shall be adequately drained and graded and shall be suitably landscaped with trees, shrubs or planted ground cover or by such other suitable

means as may be approved by the Planning Commission, and maintained in a neat and attractive condition at all times thereafter. Landscaping shall be completed within one year after substantial completion or occupancy of the building.

2. All parking lots, service lanes, loading areas and outdoor storage areas shall be separated with landscaped buffer yards of at least fifty (50) feet from any adjacent residential districts. No planting shall be located within ten (10) feet of any public street right-of-way line.
3. No building or accessory structure shall be located within one hundred (100) feet of any boundary line which adjoins a residential district. If deemed necessary by the Commission, shall be screened by a solid wall of compact evergreen hedge at least six (6) feet in height or by such other device as may be deemed appropriate and adequate. All screening shall be continuously maintained.

506 Site Plan Requirements⁺

- A. Requirements. Prerequisite to the issuance of a zoning permit, a site plan shall be submitted to the Planning Commission for approval for all new construction greater than 2,000 square feet, multiple family dwellings, townhouses, churches and other places of worship, schools and other educational facilities, hospitals and health care facilities, all new commercial and industrial structures and for all proposed construction that may result in a substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation.
- B. When the submission is required under this section, approval of the site plan shall be based upon the design principles and standards and required improvements set forth in the Land Subdivision Ordinance and other Ordinances, Regulations, and Policies established by the Town.
- C. Submission Procedure. Site plans shall be prepared by a registered professional engineer, registered architect or landscape architect or professional certified planner (AICP) or registered land surveyor licensed to practice in the State of Maryland.
- D. In those cases where no subdivision of land is required under the Land Subdivision Ordinance, Boonsboro, Maryland, a minimum of eight (8) copies of the site plan shall be submitted to the Planning Commission for its review. The Planning Commission shall notify the Zoning Administrator of its approval or disapproval of the site plan within sixty (60) days from the date of submission to the Commission.

⁺ Ord. 2007-09, Sept. 24, 2007

The site plan format, informational requirements and review procedures shall be the same as those required for preliminary plat review and preliminary plat approval pursuant to the Land Subdivision Ordinance, Boonsboro, Maryland. However, sites consisting of three (3) acres or less shall be drawn at a scale of one-(1) inch equals twenty (20) feet.

- E. The applicant shall furnish the Town Engineer and Zoning Administrator with As-Built Mylar reproducible drawings at the completion of the project.

507 Standards for Townhouse Developments^{****±}

A. Design Standards Specific to the MR District

1. There shall not be more than eight (8) nor less than three (3) dwellings in any horizontal, continuous attached group.
2. There shall be and no more than six (6) townhouses per acre.
3. Each townhouse shall have a minimum front yard of 15 feet. The Planning Commission may allow the townhouse development design to be arranged to face onto a common open space. Such a space shall not be less than 50 feet in width and shall be arranged to permit access for emergency vehicles. The open space adjacent to recreational areas, parking courts, etc. shall not be planted in a manner that would impede fire/rescue equipment. With such arrangement, the front yard requirement may be reduced to 15 feet.
4. A side yard of at least ten (10) feet in width shall be provided at each end of every row of townhouses. Common areas shall be incorporated into the design adjacent to side yards of end units and rear yards to permit access to rear yards of interior units.
5. A rear yard of at least twenty (20) feet depth shall be provided. A greater rear yard shall be provided as one foot per every foot the primary structure exceeds twenty five (25) feet in height. An accessory building shall be located only in a rear yard and shall occupy not over 25 percent of the rear yard area and shall be located not less than 5 feet from the rear or side property lines associated with the rear yard. The Planning Commission reserves the right to remove the use of accessory structures during the review and approval process should it be determine that such uses would detract from the quality of the living environment. The attachment of the accessory structure (storage) to the rear part of the townhouse design is encouraged. No fences shall be permitted within the development unless authorized by the Planning Commission during the Site Plan approval process. Decks built off the rear of the town home may project 35% into the rear setback.

**** Ord. No. 2002-01, 5/6/02

+ Ord. 2007-09, Sept. 24, 2007

The width of the decks must be such as to allow three (3) feet from the side of the deck to the end of the unit, except for end units which may be constructed to the end of the unit. The construction of stairs shall not be included in the measurement of a deck within the MR District provided that the stairs do not extend farther than 4 feet in to the rear setback. The maximum height of the deck is to be twelve (12) feet above the finished grade at the foundation.

6. Access drives, off-street and off lot parking shall meet the design criteria as specified in Article 6. Off street parking areas shall include one (1) designated parking space for a RV unit or boat and trailer unit for each eight (8) dwelling units within the development when the development exceeds fifteen (15) dwelling units. In a subdivision of town house lots, it will not be necessary that off-street parking be provided on a specific lot so long as the required number of parking spaces are provided in the subdivision for the number of lots to be served. No parking area shall be more than 200 feet from the townhouse lot it serves.
7. If common areas are provided, they shall be conveyed to an incorporated, nonprofit homeowner association. The association shall be created under recorded land agreements (covenants) to insure the maintenance of established common areas. The Planning Commission (as a condition of plat or site plan approval) may place conditions on the ownership, use and maintenance of these areas to assure that the areas are preserved for their intended purpose. Record plats shall include a statement of the covenants or other documents concerning the ownership and maintenance of the common area, or shall include the statement by reference to liber and folio.
8. In addition to requirements set forth in Section 506, a front elevation (or profile plan) shall be submitted with the submittal of subdivision plat/site plan. The elevation plan shall show a variation in design of dwellings or group of dwellings sufficient to satisfy the purpose of this zoning district. The Planning Commission shall be required to approve front elevation /architectural drawings as part of the overall development approval process.
9. New townhouse development concepts and techniques not complying with the design standards of this Section, may, after review, be approved by the Planning Commission if the Commission finds, in its opinion, as a matter of fact, that such development will not substantially affect adversely the uses of adjacent and neighboring properties and is determined to enhance the living environment of the development.
10. No principal permitted structure shall exceed three (3) stories or thirty five (35) feet in height.
11. Ten percent (10%) of the entire townhouse development shall be required as open space. Paved Areas may not be included. Ponds or Stormwater

management areas may be included provided it does not exceed fifty percent (50%) of the open space required.

508 Standards for Multi-family and Condominium Development^{††††}

A. Design Standards Specific to the MR District

1. There shall not be than more eight (8) units per acre.
2. There shall be 3000 square feet of net land area per apartment/condominium.
3. The minimum total lot area per apartment/condominium development is 40,000 square feet. The difference in lot area per apartment/condominium shall be allocated to open space common area. Ten percent (10%) of the entire condominium development shall be required as open space. Paved areas may not be included. Ponds or Stormwater Management areas may be included provided it does not exceed fifty percent (50%) of the open space required.
4. Multi-family /condominiums shall have a minimum front yard setback of thirty (30) feet, a side yard setback of thirty (30) feet and a rear yard setback of thirty (30) feet. A greater rear yard shall be provided as one foot for every foot the primary structure exceeds twenty five feet. Should a multi-family development abut a single-family detached structure(s), a buffer area of fifty (50) feet from the property line shall be incorporated into the site design. No principle use, accessory structure, parking area or access drive shall be located within the buffer area. No fences shall be permitted within the development unless authorized by the Planning Commission during the Site Plan approval process.
5. Access drives and off street parking area shall meet the design criteria as specified in Article 6. Off street parking areas shall include one (1) designated parking space for a RV unit or boat and trailer unit for each twelve (12) dwelling units within the development when the development exceeds twenty (20) dwelling units. No parking area shall be more than 200 feet from the apartment/condominium lot it serves.
6. If common areas are provided, they shall be conveyed to an incorporated, nonprofit homeowner association. The association shall be created under recorded land agreements (covenants) to insure the maintenance of established common areas. The Planning Commission (as a condition of plat or site plan approval) may place conditions on the ownership, use and maintenance of these areas to assure that the areas are preserved for their intended purpose. Record plats shall include a statement of the covenants or

^{††††} Ord. No. 2002-01, 5/6/02

⁺ Ord. 2007-09, Sept. 24, 2007

other documents concerning the ownership and maintenance of the common area, or shall include the statement by reference to liber and folio.

- 7. In addition to requirements set forth in Section 506, a front elevation (or profile plan) shall be submitted with the submittal of subdivision plat/site plan. The elevation plan shall show a design and the materials used sufficient to satisfy the purpose of this zoning district as to remain in harmony with the existing character of the neighborhood. The Planning Commission shall be required to approve front elevation /architectural drawings as part of the overall development approval process.
- 8. The Planning Commission may, after review, approve new multi-family/condominiums development concepts and techniques not complying with the design standards of this Section if the Commission finds, in its opinion, as a matter of fact, that such development will not substantially affect adversely the uses of adjacent and neighboring properties and is determined to enhance the living environment of the development.
- 9. No principal permitted structure shall exceed three (3) stories or thirty-five (35) feet in height.

509 Frontage Required for Public Streets⁺⁺⁺

A. Frontage

- 1. No dwelling shall be established, constructed or occupied on any lot which is not directly contiguous to a public street. For the purposes of this section, an alley shall not be considered a public street. The Board of Appeals may not grant a variance from the requirements of this section.
- 2. A dwelling may be accessible to the rear by an alley in the "TC", "MR", and "TR" district, provided such access is by a garage or other parking facility only. The main frontage of the dwelling shall not be on the said alley. The Board of Appeals may not grant a variance from the requirements of this section⁺.
- 3. If a rear alley is provided, a rear setback may be 15 feet from the center line of alley in all applicable zoning districts⁺.

510 Standards for Streets^{§§§§±}

- A. Streets shall meet all of the Town of Boonsboro minimum design requirements as set forth in the Land Subdivision Ordinance, The City of Hagerstown's Department of Engineering's Public Ways: Construction Standards & Engineering Guidelines, or

⁺⁺⁺ Ord. No. 2004-01, 6/14/04

⁺ Ord. 2007-09, Sept. 24, 2007

^{§§§§} Ord. No. 2004-03, 8/2/04

the Land Development Design Manual. Dwellings within a Townhouse, Multi-Family, or Condominium development shall have public streets within said development. The Board of Appeals may not grant a variance from the requirements of this section.

511 Other Regulations[±]

- A. Any site plan or development plan submitted to the Planning Commission shall conform to the specifications and requirements of the Land Development Design Manual, as amended.
- B. All public ways should be graded, surfaced, and designed in accordance with specifications and design standards in the City of Hagerstown's Department of Engineering's Public Ways: Construction Standards & Engineering Guidelines.

512 Landscaping/Buffer Areas[±]

- A. In any site plan review, the Planning Commission may require adequate provision for landscaping/screening in order to protect adjoining properties; to provide for aesthetic appearance of the site; and to screen parking, loading, stormwater management and other objectionable views from the public and neighbors. All commercial and industrial sites must provide at least 20% of their site in landscaping. Landscaping of a site may include stormwater management areas or any provisions applicable for open space.
- B. The Planning Commission shall require, as a condition of site plan approve a guarantee of installation of landscaping and screening as required.
- C. It is recommended that landscaping be of native vegetation.
- D. All residential, industrial, commercial and institutional development shall be required to have street trees along the public rights-of-way at intervals no greater than 30 feet. Street trees may be credited against the buffer requirement, as appropriate. This requirement shall conform to the specifications within the Land Subdivision Ordinance, Land Development Design Manual, and other applicable Ordinances or Resolutions of the Town.
- E. Landscaping of Stormwater Management facilities is required in all Zoning Districts, except those in Industrial districts where the stormwater management areas are not adjacent to a residential zoning. At a minimum evergreen trees shall be provided every thirty feet and shall be aesthetically pleasing, conforming to stormwater management best practices.
- F. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to

overcome specific disadvantages of topography and orientation. A buffer area of at least ten (10) feet, and across which there shall be no right of vehicular access shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. The required rear yard width for any residential use shall not include the required buffer area.

513 Required Open Space[±]

- A. The following percentages of open space shall be required as a minimum, paved areas may not be included, however, stormwater management areas may be included.

DISTRICT	OPEN SPACE (PERCENT OF PARCEL AREA)
MR	10%
RR	10%
SR	15%
TR	15%
TC	10%

514 Standards of Maximum Density for Residential Uses[±]

- A. The maximum density requirement specified within Table 5.1 are expressed in dwelling units per gross acre. Planned Density refers to the density levels as established on the Comprehensive Plan of the Town.

Table 5.1

ZONING DISTRICT	MAXIMUM DENSITY	PLANNED DENSITY
RR	0.2	Low
SR ^{*****}	3.5 [*]	Low/Med
TR	7	Medium
MR	8.0	High
TC	10.0	Medium/High

*Except for Age Qualified Townhouse developments where the maximum density is 5 units per acre

[±] Ord. 2007-09, Sept. 24, 2007

***** Ord No 2008-02, 5/27/08

515 Zero Lot Line Site Design Criteria[±]

- A. All lots adjacent to a zero lot line dwelling are held under the same ownership at the time of initial construction, or, when a zero lot line is to be contiguous to an existing lot(s), the contiguous property owner(s) must agree, in writing, to the zero lot line and the required maintenance agreement.
- B. There shall be no less than three-foot maintenance easement on the lot adjacent to the zero lot line.
- C. The maintenance easement between the property owners must be attached to the deed.
- D. The side yard setback opposite the zero lot line shall not be less than 10 feet.
- E. The wall on the zero lot line shall not contain any windows or doors.
- F. No portion of the architectural features shall project over any property line.
- G. Privacy in the side yard of a zero lot line development shall be preserved through the use of architectural treatment during the design of the buildings and with the use of walls and landscaping.
- H. When a zero lot line is implemented in new subdivisions, buffer areas between contiguous subdivisions and zero lot line subdivisions must be provided when required by the Planning Commission.
- I. Within the TC District, the side setback may be calculated as either as for each of the sides, or combined for one side to allow for zero lot line development or reduced side setbacks consistent with the existing neighborhood

[±] Ord. 2007-09, Sept. 24, 2007

ARTICLE 6: OFF-STREET PARKING AND LOADING

600 Required Off-Street Parking Space

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

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
A. <u>NATURAL RESOURCES AND AGRICULTURAL USES</u>		
1. Agricultural and other full-time employee uses listed in Section 305.A		- - - -
B. <u>RESIDENTIAL USES</u>		
1. Single-family and two-family dwellings	0.5 dwelling unit (2 spaces per unit)	- - - -
2. Multi-family & townhouse units dwellings	0.4 dwelling unit (2.5 spaces per unit)	- - - -
3. Conversions and rooming houses	1 dwelling unit	1 rental unit
4. Home occupations and home professional offices	See 201.40	
C. <u>PUBLIC OR PRIVATE RECREATIONAL USES</u>		
1. Commercial swimming pools	4 persons of total capacity	Employee on duty
2. Private or membership clubs or lodges	3 persons of total capacity	Employee on duty
3. Golf courses	0.25 hole (4 spaces per hole)	Employee on duty

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

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
D. INSTITUTIONAL AND EDUCATIONAL USES		
<ol style="list-style-type: none"> 1. Churches or other places of worship 2. Licensed hospitals, nursing homes and the list as listed in 305.D.29 and 30 3. Meeting or assembly halls for fraternal or civic organizations 	<p>4 seats (bench capacity computed at one seat for each 20 inches</p> <p>3 patient beds</p> <p>3 persons of total capacity</p>	<p>Two employees on duty</p> <p>Visiting doctors plus one space for each two employees on duty</p> <p>Employee on duty</p>
D. INSTITUTIONAL AND EDUCATIONAL USES (CONT'D)		
<ol style="list-style-type: none"> 4. Community centers 5. Libraries and museums 6. Governmental office buildings 7. Fire and rescue stations 8. Child day care 	<p>250 square feet of gross floor area used by the public</p> <p>400 square feet of gross floor area used by the public</p> <p>200 square feet of gross floor area used by the public</p> <p>Emergency motor vehicle</p> <p>10 children</p>	<p>Two employees on duty</p> <p>Two employees on duty</p> <p>Employee on duty</p> <p>Employee on duty</p> <p>Employee on duty</p>

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
9. Elementary and middle schools 10. High schools and colleges 11. Trade and professional schools	Employee on duty Employee on duty Employee on duty	3 Seats in auditoriums and other places of assembly 2 students aged 16 years or older 1 student
<p><u>E. RETAIL AND COMMERCIAL SERVICES USES</u></p>		
1. Automobile servicing and/or repair 2. Small engine and related equipment repair	1/4 service bay (4 spaces per bay) plus .5 spaces per fueling station 200 square feet of gross floor area	Employee on duty Employee on duty
<p><u>E. RETAIL AND COMMERCIAL SERVICES USES(CONT'D)</u></p>		
3. Automobile, truck, farm equipment, recreational vehicles, and mobile home sales and service 4. Furniture and appliance stores	500 square feet of enclosed sales, 1 per 2500 square feet of open sales plus 2 spaces per service bay 1000 square feet of sales floor plus 1 space	Employee on duty Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
	per company vehicle	
5. Building materials and supplies stores	400 square feet of sales floor plus 1 space per 1000 square feet of warehousing area	Employee on duty
6. Business service and professional offices	200 sq. ft. of gross floor area	Employee on duty
7. Professional office for medical, dental and veterinarian	0.25 practitioner (4 spaces per practitioner)	Employee on duty
8. Retail stores, business and local convenience centers	150 sq. ft. of area used for serving customers	Employee on duty
9. Funeral homes	50 sq.ft. of gross floor area used by the public plus 1 space per company vehicle	Full-time non-resident employee on duty
10. Greenhouses and nurseries and other outdoor retail	1000 square feet of lot or floor area used for display purposes	Employee on duty
11. Hotels and motels	Rental room or suite plus parking figured separately for banquet meeting rooms, and restaurants	Employee on duty
12. Personal service businesses	200 sq. ft. of floor area used for service customers	Employee on duty

Use	One (1) off-street parking space required for each:	Plus one (1) off-street parking space required for each:
E. <u>RETAIL AND COMMERCIAL SERVICES USES</u> (CONT'D)		
13. Restaurants, drive-in restaurants, taverns, lounges, night clubs	50 sq. ft. of gross floor area	Employee on duty
14. Self-service	2 Washing-drying or dry-cleaning machine	Two full-time employee on duty
15. Shopping centers and malls	167 sq. ft. of retail sales area (6 spaces per 1,000 sq. ft)	-----
F. <u>MANUFACTURING AND INDUSTRIAL</u>		
1. Wholesaling and warehousing	350 sq. ft. of office and customer-service floor area	Employee on duty
2. Manufacturing and industrial uses as listed in Section 305.F	1.5 Employees on duty	Company vehicle used in the business

600.G Handicapped Parking[±]

1. Handicapped parking shall be in conformance with the Maryland Accessibility Code, COMAR 05.02.

[±] Ord. 2007-09, Sept. 24, 2007

601 General Regulations Applying to Required Off-Street Parking Facilities

- A. Existing Parking - Structures and uses in existence at the effective date this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirement.
- B. Alteration in Use - Whenever a building is altered or enlarged in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 600, for an increase of ten percent (10%) or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement.
- C. Conflict with Other Uses - No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.
- D. Continuing Character of Obligation - All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.
- E. Joint Use
 - 1. Two or more uses may provide for required parking in a common parking lot; the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually, unless such lot is provided as specified in subsection E.(2), as follows.
 - 2. Up to fifty percent (50%) of the parking spaces required for (a) theaters, auditoriums, bowling alleys, or private clubs, and up to one hundred percent (100%) of the parking spaces required for churches or meeting halls, may be provided collectively and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement assuring the continued availability of such parking areas shall be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the Town Attorney, and filed with the application for the zoning permit.
- F. Mixed Uses - Where a permitted use contains or includes more than one of the types of uses identified in Section 600, the number of parking spaces required shall be the sum of the computed requirements for the separate types of uses.
- G. Location of Parking Spaces - Required off-street parking spaces shall be on the same lot or premises with the principal use served, or where this requirement cannot be met, within four hundred (400) feet walking distance of the principal use. A written agreement assuring the continued availability of such parking areas shall

be properly drawn and executed by the parties concerned, approved as to legal sufficiency by the town attorney, and filed with the application for the zoning permit.

- H. Fractional Spaces - Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as 1
- I. Drive Thru/In Facilities - At no time shall vehicular traffic utilizing the drive thru/in facilities of a commercial establishment interfere with the traffic flow pattern or decrease the design capacity of the off-street parking area serving the commercial establishment. In addition, at no time shall the aforementioned vehicular traffic interfere with the function or decrease the capacity of any public street.
- J. TC Parking Exemption - Commercial uses located within the town center-zoning district are exempt from the off-street parking criteria of section 600.
- K. Landscaping and Buffer Area - In addition to specific requirements of this ordinance, the Planning Commission may require effective vegetative screening or by such other device as may be deemed appropriate in areas between off street parking and/or loading areas and adjacent properties. In all cases screening shall be continuously maintained.

602 Design Standards

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

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

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

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

- C. The width of entrance and exit drives shall be:
 - 1. a minimum of twelve (12) feet for one-way use only;
 - 2. a minimum of twenty (20) feet for two-way use; and,
 - 3. a maximum of forty (40) feet at the street line.
- D. No parking areas shall be designed to require or encourage parked vehicles to back into a public street in order to leave the lot.

603 Off-Street Loading Areas

- A. Off-street truck-loading berths shall be provided as an accessory to any use specified below:
 - 1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital, or sanitarium, nursing or convalescent home, institution for children or the aged, school, professional, governmental, or business offices, or laboratory establishments, with a gross floor area between ten thousand (10,000) and twenty-five thousand (25,000) square feet, one (1) additional berth for each additional twenty-five thousand (25,000) square feet, or fraction thereof.
 - 2. For buildings with offices and retail sales and service establishments, with a gross floor area between eight thousand (8,000) and twenty-five thousand (25,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty-five thousand (25,000) square feet or fraction thereof.
 - 3. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, with a gross floor area between five thousand (5,000) and ten thousand (10,000) square feet, one (1) berth shall be provided, plus one (1) additional berth for each additional twenty thousand (20,000) square feet or fraction thereof.
- B. Each required off-street truck-loading berth shall be at least fifty-five (55) feet long, measured perpendicular to the loading dock, shall be at least fourteen (14) feet wide, and shall provide a minimum overhead clearance of fourteen (14) feet.
- C. Each required off-street truck-loading berth shall have unobstructed access to a public street. Such access may be combined with access to an off-street parking lot; provided, however, that all berths shall be designed so that maneuvering of trucks to reach the loading dock shall not require the use of any required off-street parking spaces or intrude into any street right-of-way. No off-street loading berth shall be located in any required front yard.

ARTICLE 7: SIGN REGULATIONS⁺

7.01 Purpose

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

7.02 Applicability

No signs, except signs exempted by this ordinance, may be erected, replaced, constructed, relocated, or altered unless a sign permit has been issued by the Zoning Administrator.

7.03 Sign Permit Required

A sign permit is required to erect, replace, construct, relocate, or alter a sign unless such sign or action is exempt under this Ordinance. The Zoning Administrator shall issue a sign permit if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this Ordinance and all other applicable regulations of the Town. A building permit shall be obtained for any signs where the sign installation is regulated under the building code. An electrical permit shall be obtained for all illuminated signs, subject to the provisions of the electrical code.

7.04 Sign Permit Approval Process

Application for a sign permit shall be made to the Zoning Administrator pursuant to the requirements as specified within this Ordinance. The applicant shall submit the application form containing the following information: sign location; business name and business owner's name, address, and phone number; property owner's name, address, and phone number; sign company name, address, and phone number; contact person and phone number; type of sign; illustration of the proposed sign and any existing signs; and signatures of the property owners or lessee. The Zoning Administrator shall act upon such applications within fourteen days after the receipt thereof. Within ten days after a final decision is made by the Zoning Administrator, the applicant may appeal the decision to the Board of Appeals.

7.05 Prohibited Signs. The following signs are prohibited:

- A. Animated Signs

⁺ Ord. 2007-09, Sept. 24, 2007

- B. Bench Signs
- C. Billboards
- D. Changeable Image Signs
- E. Flashing, Blinking, or Rotating Illuminated Signs
- F. Non-governmental signs attached to trees or poles
- G. Off-premise signs
- H. Pole signs or signs designed as such
- I. Portable signs, except within the TC District and displayed only during the hours of business operation
- J. Rotating signs
- K. Rooftop signs or signs projecting above the rooflines of buildings
- L. A searchlight, beacon light, strobe light, or a sign containing such lights
- M. Signs resembling or interfering with official traffic control devices, railroad signs, or police, fire, ambulance signals
- N. Signs tacked, painted, posted, or otherwise affixed to the walls of buildings, barns, sheds, trees, posts, fences, poles, walls, or other structures is prohibited except as herein provided
- O. Signs located permanently or temporary on an operable or inoperable motor vehicle, trailer, or semi-trailer that is parked in public view for the purposes of attracting attention
- P. Signs placed upon any balcony, gallery, canopy, shed, roof, door, or window or placed in a manner in such as to conceal any architectural features or to obstruct ingress or egress for any building or structure.

7.06 Exemptions. The following signs are exempt and do not require a permit provided they meet the standards applicable within this Ordinance:

- A. Nameplate and Identification signs, including address numerals not to exceed one square foot in area
- B. On-premise real estate or lease/rent signs

- C. Signs accessory to parking areas at a maximum of two square feet per sign, per a parking area, and not higher than seven feet
- D. Temporary signs as to the following:
 - i. Signs, banners, flags, and other advertising devices announcing the opening of a new business or a special promotion. Such signs shall be limited to two events per a year for a period of up to thirty days for each event;
 - ii. Temporary signs up to twenty square feet for community or civic projects or special events of public interest. Such signs shall be displayed for a period not in excess of sixty days.
 - iii. Construction site signs up to thirty-two square feet identifying the architect, engineer, and/or contractor.
 - iv. Temporary signs advertising the development of a property, provided that the sign does not exceed one hundred square feet and that no more than one may be placed at the property. Such signs shall be removed immediately upon the completion of the development or twenty-four months after the erection of the signs, whichever shall occur first.
 - v. Temporary directional signs per realtor, developer, builder, or residential development are subject to the following requirements: (1) No such directional sign shall be larger than two feet; (2) Such directional signs may only be posted on the weekends and shall be removed any other day of the week; (3) only one sign is permitted at any intersection.
 - vi. Garage or yard sale signs. Provided that such signs shall not be displayed any longer than fourteen days.
 - vii. Christmas tree, greens sales, and produce sales signs. One sign per street frontage up to six square feet is permitted.
- E. Window displays which are related to merchandise or services available within the structure or which are related to matter of public welfare or interest. Window signs shall be regulated only within the TC District.
- F. Public signs and sign by government agencies for traffic control, directional or information purposes, or by a private person solely for the protection of public health, safety, and welfare.
- G. Cornerstones built into or attached to a wall or building.
- H. A farm sign, displaying the name of the owner and the nature of the business, not exceeding eight square feet.

7.07 Measuring Sign Area and Height

- A. For the purposes of this Ordinance, the area of a sign shall be construed to mean the aggregate area of all signs located on premises.
- B. The area of a sign shall be construed to include all lettering, wording, and accompany design and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- C. The area of a sign painted upon or applied to a building shall be construed to include all lettering, wording, and accompany designs or symbols together with any backing associated with the sign.
- D. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, or wall, the area shall be considered to be that of the smallest rectangle or other shape which encompasses the entire letter and symbols.
- E. In computing square foot area of a double-faced sign, only one side shall be considered, provided that both faces are the same size.
- F. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, mounding, or excavating solely for the purposes of locating the sign. In cases in which the normal grade cannot be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure, whichever is lower.

Section 7.08 General Sign Regulations. The following standards apply to all signs whether exempted or permitted:

- A. All signs shall be maintained in good condition and appearance.
- B. No permanent or temporary freestanding or monument sign shall exceed fifteen feet in height.
- C. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premise or the public safety, in the opinion of the Zoning Administrator, he/she shall order that such sign be made safe or removed. Such order shall be complied within five days of receipt thereof by the persons, firm, or corporation owning or using the sign or owner of the building or premise on which such unsafe sign is affixed or erected.

- D. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit and project beyond the right-of-way line of a street.
- E. Lighting devices shall be shielded so that they do not create a nuisance by shining directly into a public street or into a residential district.
- F. Signs may not be placed along any side or rear lot line within a required buffer yard or any dedicated easements.
- G. Materials, colors, and shapes of proposed signs shall be compatible with the related building or buildings.
- H. Every sign shall be designed as in integral architectural element of the building and site to which it principally relates.
- I. Signs shall not have more than two faces and must be faced back to back.
- J. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- K. Any sign associated with an activity on a vacated premise shall be removed from the premise, altered, or resurfaced within one month from the time such activity ceases so that the sign does not display visual communication pertaining to the former activity.
- L. Monument signs shall not be located closer than five feet to any lot line. Within the GC District signs shall be located at least ten feet from the property line.

Section 7.09 Non-Conforming Signs.

- A. Nonconforming signs, once removed, shall be replaced only with conforming signs; however, nonconforming signs may be repaired or repainted, provided that such repainted or repaired sign does not exceed the dimensions of the existing sign, and provided no change is made in the wording or content of the sign.
- B. Every sign, billboard, and other outdoor advertising medium erected in the Town prior to the adoption of the Ordinance may continue to exist, despite lack of conformity with all provisions of this Ordinance for an indefinite period after adoption hereof provided it is maintained in a safe condition or until such time as the information included thereon is altered in content, except that the information on a billboard may be periodically changed.

Section 7.10 Variances. Pursuant to the authority and procedures set forth in this Ordinance, the Board of Appeals may grant a variance to the limitations set forth in this article with respect to the following:

- A. An adjustment with respect to the following dimensional criteria: sign area, height, distance of permitted projection, setback, distance from property line, or height of lettering.
- B. The number of signs allowed per lot, building, or street frontage.

Section 7.11 Signs in Residential Districts.

- A. General Standards.
 - i. Illumination in permitted only by external means such as by spotlighting.
 - ii. No sign shall project beyond the property line into a public way.
- B. Permitted Signs.
 - i. Signs or lawn signs for colleges, religious institutions, electoral campaigns, schools, and similar institutions or events. Provided that one freestanding bulletin sign per lot is permitted, not exceeding any of the following:
 - Maximum Area: Thirty-two square feet per acre;
 - Maximum Height: Fifteen Feet.No sign permit is required.
 - ii. No-residential building nameplate and identification signs. No sign permit is required.
 - iii. Subdivision and community identification signs. Provided the sign shall be designed as a monument sign not exceeding twenty square feet, giving the name of subdivision or community. One sign shall be permitted on each side of each public entry to the development. The sign shall convey no information other than the name of the subdivision or community and the maximum height of the sign is five feet.
 - iv. Bed and breakfast signs not exceeding one sign per lot and two square feet in area.
 - v. Professional office signs not exceeding one sign per lot with a maximum area of two square feet and a maximum height of fifteen feet.
- C. No sign located in any residential district may be closer than five feet to any lot line.

Section 7.12 Non-Residential Signs with the NC District. Signs within the NC shall be permitted subject to the following limitations and all other applicable provisions as specified by this Ordinance:

- A. Developed site containing less than three acres:

- i. Type of sign. Monument, wall, mechanical changeable copy readerboard signs are permitted.
 - ii. Area of sign. Wall sign shall not exceed twenty square feet in area. Monument sign shall not exceed twenty square feet in area including any readerboard sign. Readerboard sign shall not exceed twelve square feet in area.
 - iii. Height of sign. Monument or readerboard signs shall not exceed five feet in height.
 - iv. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.
- B. Developed site containing more than three acres:
- i. Type of sign. Monument, wall, mechanical changeable copy readerboard signs are permitted.
 - ii. Area of sign. Wall sign not to exceed thirty-two square feet in area. Monument sign not to exceed thirty-two square feet in area including any readerboard sign. Readerboard sign not to exceed eighteen square feet in area.
 - iii. Height of sign. Monument sign shall not exceed six feet in height.
 - iv. Number of signs. One monument sign is permitted per public street frontage provided the total number of monument signs shall not exceed two signs. One wall sign is permitted on each building wall that fronts on a public street provided the total number of wall signs shall not exceed two signs. Readerboard signs may only comprise part of a monument sign and shall be included in the area calculation for a monument sign.
 - v. Illumination. Only externally illuminated signs are permitted and such signs shall not cause glare.

Section 7.13 Non-residential signs within the GC and EC District. Signs within the GC and EC District shall be permitted subject to the following limitations and all other applicable provisions as specified by this Ordinance:

- A. Pole signs or any designed as such is not permitted.
- B. Monument signs.
 - i. One primary monument sign is permitted on a single site or complex.
 - ii. In a complex, secondary monument signs are permitted at a ratio of one monument sign for each three hundred lineal feet of street frontage on

the same street not to exceed two secondary monument signs on a single street frontage and not to exceed a total of four secondary monument signs on a complex.

- iii. Monument signs on street frontage with less than three hundred lineal feet of street frontage shall not exceed six feet in height and thirty-two square feet in area.
 - iv. Monument signs on street frontage with three hundred lineal feet or more of street frontage shall not exceed eight feet in height and fifty square feet in area.
- C. Wall signs. Wall signs are permitted on a primary building frontage. Such signs shall not cover more than ten percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of two-hundred square feet. However, a minimum area of twenty square feet shall be permitted for each single tenant building or tenant in a multiple tenant building. Only one building wall shall be designated as the primary building frontage. Wall signs are permitted on secondary building frontages. Such signs shall not cover more than five percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of one hundred square feet. However, a minimum area of sixteen square feet shall be permitted for each single tenant building or tenant in a multiple tenant building. Wall signs are permitted on canopies. Such signs shall be limited to no more than two signs of the canopy and shall not cover more than fifteen percent of a canopy face or fifty square feet, whichever is less.
- D. Readerboards. Mechanical and electrical changeable copy readerboards are permitted. Readerboards are permitted on monument signs only and shall not be constructed as pole signs. Readerboards shall be integrated into the overall sign to appear as a single unit and shall not compromise more than fifty percent of the total sign display surface.
- E. Awnings and marquee signs. Signs on awning and marquees are permitted as wall signs, except that internally illuminated awnings signs are prohibited. Signs on awning and marquees shall not extend above or below the marquees or awning.
- F. Projecting signs. One projecting sign is permitted on a single tenant site or complex. However, no projecting sign shall be permitted on a single tenant site or complex where there is a monument sign. Projecting signs shall not exceed an area of twenty four square feet and shall be located a minimum of eight feet above ground. Such signs shall not project more than six feet from a building wall.
- G. Suspended signs. One suspended sign is permitted for each entrance to a building or tenant space. Such sign shall not exceed an area of six square feet

and shall be located a minimum of eight feet above ground. Such sign shall not project past the outer edge of the roof surface.

- H. Illumination. Externally or internally illuminated signs are permitted and such signs shall not cause glare.
- I. Generally monument signs within the same complex shall be located a minimum of one hundred feet apart. For site plan submittal of large commercial developments, shopping centers and multi-tenant facilities, the applicant shall submit all of the proposed signs for each tenant or commercial business and of the proposed directory sign. Individual signs shall be reviewed for conformity with all of the proposed signs.

Section 7.14 Specific to the Town Center 'TC" District.

- A. Monument signs. A monument sign is permitted on a single tenant site or complex. A monument sign shall not exceed five feet in height and twenty square feet in area.
- B. Wall signs. Wall signs are permitted on a primary building frontage. Such signs shall not cover more than ten percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of fifty square feet. Wall signs are permitted on secondary building frontages. Such signs shall not cover more than five percent of the building wall on a single tenant building or each tenant's leased wall on a multiple tenant building and shall not exceed a maximum area of thirty square feet. However, a minimum area of twelve square feet shall be permitted for each single tenant building or tenant in a multiple tenant building.
- C. Readerboards. Mechanical readerboard signs are permitted. Readerboards are permitted on monument signs only. Readerboards shall be integrated into the overall sign to appear as a single unit and shall not comprise more than fifty percent of the total sign display surface.
- D. Awning and Marquee Signs. Signs on awning and marquees are permitted as wall signs, except that internally illuminated awnings signs are prohibited. Signs on awning and marquees shall not extend above or below the awning or marquee.
- E. Projecting signs. One projecting sign is permitted on a single tenant site or complex for each street frontage or alley frontage. However, no projecting sign shall be permitted on a single tenant site or complex where there is a monument sign on the same street frontage. Projecting signs shall not exceed in area of twelve square feet and shall be located a minimum of eight feet above the ground. Such signs shall not project more than four feet from the building wall.

- F. Suspended signs. One suspended sign is permitted for each entrance to a building or tenant space. Such sign shall not exceed an area of six square feet and shall be located a minimum of eight feet above the ground. Such sign shall not project past the outer edge of the roof surface.
- G. Illumination. Internally illuminated signs are not permitted. Neon, flashing, blinking, or rotating signs are not permitted. Signs shall not cause glare. Signs shall only be illuminated during normal operating business hours.
- H. Pedestrian Oriented. Signs located within the TC District shall be pedestrian oriented and shall contribute to the visual character of the neighborhood.
- I. Painted signs. Painting of signs on walls shall be permitted in the case that a sign does not distract from the existing neighborhood and contains features of color, intensity, and design to compliment the existing neighborhood. A sign permit is required.
- J. Pole signs. Pole signs or any signs designed as such are not permitted.
- K. Portable signs. Portable signs or sandwich boards signs shall be permitted so that they are only displayed during business hours and do not impede the flow of pedestrian traffic on the sidewalk. The maximum height of a portable sign is three feet. A sign permit is not required.
- L. Window signs. Signs within the TC District painted or displayed in windows shall be regulated. A sign permit is not required. Window signs cannot exceed 75% of the window area.
- M. Generally. Signs positioned not as to appear as an integral design of the facade of the building shall not be permitted. Signs constructed generally of plastic material are not permitted. Signs shall conform in general design aspect, size, colors, and the like to the existing character of the neighborhood.
- N. Downtown Design Manual. Signs within the TC District shall conform to the regulations as established in the Downtown Design Manual. The Downtown Design Manual shall include signage guidelines/regulations, examples of good signs, and contact information for suggested sign designers/retailers. The manual shall also depict preferred color schemes and guidelines for window displays.

Section 7.15 Signs in the Historic District. In addition to the requirements of the underlying Zoning District, signs in the Historic District are subject to obtaining a certificate of approval from the historic district commission for all new signs and existing signs that are to be altered in size, shape, content, color, or location.

ARTICLE 8: NONCONFORMITIES

800 Continuation

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

801 Alteration or Extension

- A. Structural alterations of a building or structure, or the use of a structure, building, parcel, lot, or tract of land which does not conform to the provisions of this Ordinance shall be allowed only if the building or structure to be altered or the structure, building, parcel, lot or tract of land to be used is in conformance with the requirements of the zoning district in which it is located.
- B. Upon application, the Board of Appeals may approve the structural alteration of a building or structure, or the extension of use of a structure, building, parcel, lot or tract of land, which is not in conformance with the provisions of the Ordinance provided.
 - 1. The alteration or extension of structure or use shall be restricted to a total expansion not to exceed thirty-five (35) percent of those existing buildings, structures, parcels, lots, or tracts of land devoted to the nonconforming structure or use.
 - 2. The alteration or extension shall conform to the setback, yard and height regulations in the district in which the structure or use is located unless the existing nonconformity is in violation of a setback, yard and/or height regulation.
 - 3. Alteration or extension as discussed in b (1) above shall be done no more than twice over any five (5) year period.

802 Restoration

- A. Structures damaged by fire or other causes to the extent of more than seventy-five (75) percent of the market value of the structure shall not be repaired, reconstructed or used for the same nonconforming use without the approval of the Board of Appeals granted as a special exception pursuant to Article 10.
- B. Structures damaged by fire or other causes to the extent of seventy-five (75) percent or less of the market value may be reconstructed, repaired or used for the same nonconforming use without action by the Board of Appeals.
- C. Any such reconstruction or repair shall be subject to the following provisions:

1. The reconstructed structure shall not exceed the height, area, or volume of the damaged structure.
 2. Reconstruction shall begin within one (1) year from the date of damage and shall be carried on without interruption.
 3. The foundation of the reconstructed structure shall not be destroyed or enlarged unless relocation results in less of nonconformity or brings the structure into conformance.
- D. No provision of this chapter shall prevent the enforcement of orders to strengthen or restore to a safe condition, any structure declared to be unsafe by an official charged with protecting the public safety.

803 Abandonment

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

804 Changes

- A. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- B. The Board of Appeals may grant, as a special exception pursuant to Article 10, permission to change a nonconforming use to another nonconforming use if the applicant shows that the proposed change will be less objectionable in external effects than the existing nonconforming use in regard to:
 1. Traffic generation and congestion, including truck, passenger car, and pedestrian traffic;
 2. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration;
 3. Storage and waste disposal; and,
 4. Appearance.

805 Nonconforming Use Certificate

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

ARTICLE 9: ADMINISTRATION

900 Zoning Administrator - Duties and Powers

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

- A. Receive and examine all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town ordinances. Permits for uses requiring a special exception or variance shall be issued only upon order of the Board of Appeals.
- C. Inform the applicant following the refusal of the permit that they may submit applications for interpretations, special exceptions, and variances.
- D. Receive applications for variances, special exceptions, and interpretations.
- E. Submit applications for variances, special exceptions and interpretations, to the Planning Commission for its comments, and then forward the applications along with Planning Commission's recommendation to the Board of Appeals for action thereon.
- F. Schedule and advertise hearings and notify all adjoining property owners.
- G. Formally present the application to the Board of Appeals at its public hearing and write the Board's decision and findings of fact as documented by the Board during its deliberation of the case.
- H. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
- I. Issue stop, cease and desist orders; and orders in writing for correction of all conditions found to be in violation with the provisions of this Ordinance. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the Zoning Administration be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, and any person in violation any such order shall be guilty of a violation of this Ordinance.
- J. With the approval of the Mayor and Council, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation as to prevent the occupancy of or use of any building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

- K. Revoke by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance.
- L. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- M. Maintain a map or maps showing the current zoning classification of all land in the Town.
- N. Maintain a map of all nonconforming uses or special exception uses in the Town and a file on each such use.
- O. Upon the request of the Mayor and Council, the Planning Commission or the Board of Appeals, present to such bodies, facts, records or reports which they may request to assist them in making decisions or assist them in any other way as requested.

901 Zoning Permits

- A. Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. Upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance.
- B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of completion of the project.

902 Application Requirements for Zoning Permits

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

903 Fees

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

904 Life of a Permit¹⁸

Any erection, construction, reconstruction, alteration or moving of a building or other structure including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within six (6) months after the date of issuance of the permit. If not, the permit shall be considered null and void.

A. Permit Extension: A permittee holding an unexpired permit may apply for a one-time six (6) month extension, provided the permittee can show good and satisfactory reasons beyond control that the work cannot be commenced within the six-month period from the original permit issue date. Written request may be made to the Zoning Administrator for review requesting an extension. No additional fee is required for this one time extension.

B. Permit Renewal: A permit that has been expired for six (6) months or less may be renewed provided no changes have been made in the original plans and specifications for such work. The renewal fee shall be one half of the amount required for a new permit. Permits which have been expired for greater than six (6) months require a new application and payment of full permit fee.

905 Administrative Adjustment[±]

A. In accordance with §4.05(D) of Article 66B of the Annotated Code of Maryland, the Zoning Administrator may grant administrative adjustments in harmony with the general purpose and intent of this Ordinance from the following requirements:

- i. Local Height Requirements;
- ii. Local Setback Requirements;
- iii. Local Bulk Requirements;
- iv. Local Parking Requirements;
- v. Local Loading, Dimensional, or area requirements; or
- vi. Similar Local Requirements.

B. The maximum variance from the above Zoning requirements is twenty percent (20%) of the existing requirements within this Ordinance.

C. Procedure.

¹⁸ Ord. No. 2006-005, 9/5/06

[±] Ord. 2007-09, Sept. 24, 2007

- i. All applications for administrative adjustment shall be filed with the Zoning Administrator in accordance with the requirements of this Ordinance.
 - ii. Written notice must be posted on the property and distributed to the owners of record of property contiguous to or opposite the property affected at least fifteen days prior to decision of the Zoning Administrator.
 - iii. If an objection is raised to the application for administrative adjustment, the Zoning Administrator shall immediately forward the application to the Board of Appeals for consideration and shall not make a decision on the application.
 - iv. Within thirty days after notice of the application has been made the Zoning Administrator shall decide to:
 - 1. Approve the application;
 - 2. Approve the application subject to conditions;
 - 3. Deny the application.
- D. A decision on an application for an administrative adjustment shall include written findings of fact based upon the evidence presented in each specific case noting consideration, among other things, to the following:
- i. Practical difficulties;
 - ii. Unique conditions; and
 - iii. Public health, safety, and welfare.
- E. Nothing in this section is intended to permit the Zoning Administrator to permit an adjustment to the regulations intended to protect environmentally sensitive areas.
- F. The appeal of decision by the Zoning Administrator on an application for administrative adjustment shall be made to the Board of Appeals in accordance with the provisions as prescribed in this Ordinance.

ARTICLE 10: BOARD OF APPEALS

1000 Establishment of Board

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

1001 Membership, Terms of Office

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

1002 Procedures, Meetings, Records and Decisions

- A. Procedures - The Board shall elect a chairman from its membership, shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accordance with the provisions of this Ordinance and of Article 66B of the Annotated Code of Maryland.
- B. Meetings - Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Three members present shall constitute a quorum.
- C. Records and Decisions - The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions or decisions of the Board shall be taken by vote in which three members, present during the proceedings, must concur. Each decision of the board shall contain a statement of the grounds and any findings forming the basis of such action or decision.

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

1003 Who May Appeal to the Board

Any person aggrieved may take appeals to the Board or by any officer, department, board or bureau of the Town affected by any decisions of the Zoning Administrator.

1004 Powers and Duties - Interpretation

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

- A. Where it is alleged there is error in any order, requirement, decision or determination, including any order requiring an alleged violation to stop, cease, and desist, made by the Zoning Administrator in the enforcement of this Ordinance or,
- B. Involving the interpretation of any provisions of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

1005 Powers and Duties - Variances

- A. Upon appeal from a decision by the Zoning Administrator, the Board shall have the power to vary or adapt the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions whereby such strict applications would result in either practical difficulty or unnecessary hardship depriving the owner of the reasonable use of land or building involved, but in no other case.
- B. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
- C. No variance in the strict application of the provisions of this Ordinance shall be granted by the Board unless the Board finds that the following requirements and standards are satisfied.

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

- 1. That the granting of the variance shall be in harmony with the general purpose and intent of this ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- 2. That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.

3. That special circumstances or conditions, fully described in the findings, apply to the land or buildings for which the variance is sought, which circumstances or conditions are such that strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building or create unnecessary hardship.
 4. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.
- D. The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulation or provisions to which variance applies.

1006 Powers and Duties - Special Exceptions

- A. The Board shall have the power to approve special exceptions for any of the uses for which this Ordinance requires obtaining of such exceptions and for no other use or purpose. The Board shall not grant a special exception except in conformance with the conditions and standards of this Ordinance.
- B. In granting a special exception, the Board shall make findings of fact consistent with the provisions of this Ordinance. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:
 1. In accord with the Comprehensive Development Plan for the Town of Boonsboro and consistent with the spirit, purposes, and intent of this Ordinance.
 2. Suitable for the property in question, and designed to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
 3. Suitable in terms of effects on street traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.
- C. The Board may impose whatever conditions regarding layout, circulation and performance it deems necessary to insure that any proposed development will

secure substantially the objectives of this Ordinance. The Board shall consider recommendations of the Planning Commission, if any, prior to rendering a decision.

1007 Rules for Filing Appeals and Applications

A. General Rules

1. Any appeal shall be made by filing the same with the Zoning Administrator within 30 days after the date of the Zoning Administrator's decision.
2. All appeals and applications made to the Board shall be in writing on standard triplicate forms prescribed by the Board.
3. All appeals and applications shall list names and addresses of all adjoining owners including those across the streets from the subject property.

B. Interpretation Appeals

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

C. Variance Appeals

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

D. Special Exception Applications

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

1008 Effect of Appeals

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator from whom the appeal is taken certifies to the board of appeals after notice of appeal shall have been filed with the zoning administrator that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a

restraining order that may be granted by the board of appeals or by a court of record on application on notice to the zoning administrator and on due cause shown.

1009 Notice of Hearings

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

- A. At least 15 days prior to the date fixed for public hearing, publish a notice containing the name of the applicant or appellant; the date, time, and place fixed for the hearing; and a brief statement of the special exception sought by the applicant, or of the variance or other question which is subject to appeal, in at least one newspaper of general circulation within the Town.
- B. Post, in a conspicuous place on the property involved, a notice of pending action containing the same information as in A. above, such posting to take place at least 15 days prior to the date fixed for the public hearing.
- C. Given written notice of the time and place of such hearing to the applicant or appellant and to the owners of record of property contiguous to or opposite the property affected.

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

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

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

1011 Decision by the Board

- A. Decisions by the Board on special exception, variances and interpretation appeals shall be rendered within 30 calendar days of the hearing on said exception, variance or interpretation, unless a later date is mutually agreed upon by the Board and applicant.

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

- B. In exercising its powers concerning interpretation appeals, the Board may, in conformity with law and the provisions of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination

appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

- C. In making its decisions pursuant to the authority conferred by this Ordinance, the Board shall study the specific property involved, as well as the neighborhood, and consider all testimony and data submitted, and shall hear any person desiring to speak for or against the issuance of the permit. However, the application for a permit shall not be approved where the Board finds the proposed building, addition, extension of building or use, sign, use or change of use would adversely affect the public health, safety, security, morals, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Board shall give consideration, among other things, to the following:
1. The orderly growth of the community, as expressed in the Comprehensive Development Plan for the Town of Boonsboro.
 2. The number of people residing or working in the immediate area.
 3. Traffic conditions and facilities.
 4. The effects of such use upon the peaceful enjoyment of people in their homes.
 5. The conservation of property values.
 6. The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
 7. The most appropriate use of land and structure.
 8. Decision of the courts.
 9. The purpose of these regulations as set forth herein.
 10. Type and kind of structures in the vicinity where public gatherings may be held, such as schools, churches and the like.

1012 Time Limitations on Board Approvals

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

erection or alteration proceeds to completion in accordance with the terms of the decision.

1013 Disapproval of Application

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

1014 Appeal to Court

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

ARTICLE 11: AMENDMENTS, REMEDIES AND PENALTIES

1100 Power of Amendment

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

1101 Who May Initiate

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

- A. Proposals Originated by the Mayor and Council - The Mayor and Council shall refer every proposed amendment to the Planning Commission. Within thirty (30) days of the referral of said proposal, the Planning Commission shall submit to the Mayor and (Town) Council a report containing the Commission's recommendations, which may include any additions or modifications to the original proposal.
- B. Proposals Originated by the Planning Commission - The Planning Commission may at any time transmit to the Mayor and Council any proposal for amending this Ordinance.
- C. Proposals Originated by a Citizen's Petition
 - 1. Each petition by one or more owners of property to be affected by a proposed amendment shall be submitted to the Zoning Administrator on forms provided therefor. The Zoning Administrator shall transmit such petitions to the Mayor and Council, and a copy thereof to the Planning Commission.
 - 2. The Planning Commission may, at its discretion, notify the Mayor and Council of its intention to conduct promptly a public hearing on such petition. Within thirty (30) days following receipt of such petition, or, if a public hearing is held, within thirty (30) days following such hearing, the Planning Commission shall transmit to the Mayor and Council a report containing its recommendations thereon, which may include additions or modifications to the original proposal.
 - 3. The Mayor and Council shall then proceed in accordance with Section 1103 below.

1102 Fees

To assist the Town in meeting the administrative costs of amendments, all applicants petitioning for zoning amendments shall, at the time of making application, pay to the Zoning Administrator for the use of the Town, a fee in accordance with a fee schedule

adopted by resolution of the Mayor and Council upon enactment of this Ordinance, or as such schedule may be amended by resolution of the Mayor and Council.

1103 Public Hearing and Notice

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

- A. Notice of the time and place of the public hearing, the name of the applicant, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least 1 newspaper of general circulation in the jurisdiction once a week for 2 successive weeks, with the first such publication of notice appearing at least 14 days prior to the hearing.
- B. When such hearing concerns a zoning map change, a notice of pending action containing the same information as in subsection A. above, shall be posted in a conspicuous place along all road frontages on the property involved, such posting to be done at least fifteen (15) days prior to the date fixed for public hearing.
- C. When such hearing concerns a zoning map change, written notice of the time and place of such hearing, shall be sent to the applicant, and to the owners of property contiguous to or opposite the property affected, and to the owner of the property.
- D. At the discretion of the Mayor and Council, written notices of hearing may be sent to other interested persons, organizations or agencies.

1104 Map Amendment

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

- A. The report and recommendations of the Planning Commission.
- B. Population changes in the area of the proposed amendment.
- C. Availability of public facilities such as police and fire protection, and water and sewerage to serve in the area.
- D. Present and future transportation patterns in the area.
- E. Compatibility with existing and proposed development of the area.
- F. The relationship of the proposed change to the adopted plan for the Town.

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

1105 Text Amendment

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

1106 Action by the Mayor and Council

- A. The Mayor and Council may enact the proposed amendment, modification, repeal or reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the findings and of the votes of all members shall be kept.
- B. The Mayor and Council upon the zoning or rezoning of any land pursuant to the provisions of this Article, may impose such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being zoned or rezoned, or of the surrounding or adjacent lands and improvements, and may, upon the zoning or rezoning of any land, retain or reserve the power and authority to approve or disapprove the design of buildings, construction, landscaping, or other improvements, alterations, and changes to be made on the subject land to assure conformity with the intent and purpose of the Ordinance.
- C. An application for the reclassification shall not be accepted for filing by the local legislative body if the application is for the reclassification of the whole or any part of land the reclassification of which has been opposed or denied by the local legislative body on the merits within twelve (12) months from the date of the local legislative body's decision.

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

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

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

- B. Within one (1) year after issuance of the zoning permit, construction or use shall be commenced on the land so zoned; otherwise the zoning for the GC or EC District shall revert automatically to its prior district classification without notice and public hearing, and the zoning permit shall become null and void.
- C. Within two years of the issuance of zoning permits for the land so zoned, the subject land shall be substantially used for such purposes as may be permitted in the zoning district; otherwise the zoning for the GC or EC District shall revert automatically to its prior district classification without notice and public hearing.

1108 Enforcement and Remedies

- A. As provided in Section 7.01 of Article 66B of the Annotated Code of Maryland, a violation of this Ordinance is declared to be a misdemeanor. A violation of the Ordinance is also declared to be a municipal infraction. The Zoning Administrator and Town Administrator are designated as enforcement officers with respect to zoning violations, as contemplated in Section 5 of the municipal Infractions Ordinance of the Town.¹⁹
- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, contractor, tenant, lessee or any other person who commits, takes part, or assists in any such violation or who maintains or uses any building or premises in which any such violation shall exist, shall be, on conviction thereof, guilty of a misdemeanor and liable to a fine or penalty not to exceed one hundred (\$100) dollars.
- C. Whenever any such person specified in paragraph B. above shall have been notified in writing by the Zoning Administrator that he is violating this Ordinance, such person shall commence correction of all violations within five (5) days notice and correct all violations within thirty (30) days thereafter. If corrections are not commenced within five (5) days and are not either completed within thirty (30) days or being pursued in good faith to completion, each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, use or other violation continues shall be deemed a separate offense punishable by the like fine.
- D. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, sign or land is used in violation of this Ordinance, the appropriate authorities of the Town, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent the occupancy of such building, structure or land; to prevent any illegal act, conduct, business, or use in or about such premises. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.

¹⁹ Ord. No. 2002-01, 5/6/02