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Chapter 112

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ARTICLE I GENERAL PROVISIONS

§112.1. Authority.

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

§ 112.2. Applicability.

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

§ 112-3. Official Zoning Map.

- A. The incorporated areas of the City are hereby divided into zones, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.
- B. The Official Zoning Map shall be identified by the signatures of the Mayor and Council attested by the City Clerk and bearing the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in § 112-3 of the Zoning Ordinance of the City of Crisfield, Maryland," together with the date of the adoption of this chapter.
- C. If, in accordance with the provisions of this chapter and MD Code, Land Use, § 4-201, et seq., as revised, changes are made in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be specified in an ordinance approved by the Mayor and Council, and the change shall be noted promptly in the revision block of the Official Zoning Map, stating the amendment number, date of its passage and a brief description of the change. The text of the amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said map.
- D. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon, except in conformity with the procedures set forth in this chapter. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under § 112-18 of this chapter.

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- E. The Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.

§ 112-4. Replacement of Official Zoning Map.

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
- B. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning district or ordinance or any subsequent amendment thereof. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the Mayor and Council. The new Official Zoning Map shall be identified by the signatures of the Mayor and Council attested by the City Clerk and bear the Seal of the City of Crisfield under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) pursuant to Chapter 112 of the Code of the City of Crisfield, Maryland."

§ 112-5. Interpretation of district boundaries.

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

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, boundaries shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of

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streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in §§ 112-5(A)-(E) shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where a lot is divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by §§ 112-5(A)-(G), the Board of Appeals shall interpret the zone boundaries.

§ 112-6. General regulations.

The regulations set by this chapter within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as may be provided elsewhere in this chapter, the following shall apply:

- A. No building, structure or land shall hereinafter be used or occupied and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved or structurally altered internally or externally unless in conformity with all the regulations herein specified for the zone in which it is located.
- B. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this chapter.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

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ARTICLE II ADMINISTRATION AND ENFORCEMENT

§ 112-7. Zoning Administrator.

A. There is hereby established the office of the City of Crisfield Zoning Administrator.

B. Duties

It shall be the duty of the Zoning Administrator to administer and cause the enforcement of the provisions of this chapter including:

- (1) Receive and review all applications for Zoning Certificate Permits.
- (2) Approve or disapprove such applications based on compliance or non-compliance with the provisions of this chapter and plans, and issues certificates when there is compliance.
- (3) Suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent, and is in violation of any law or regulation of the City.
- (4) Inspect any violation of this chapter; order the violator, in writing, of the action required to correct or abate any violation, and inform the violator in writing of his right to appeal the order of the Zoning Administrator; and, recommend injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use, for both civil and criminal remedies, as provided by law.
- (5) Receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this chapter.
- (6) Conduct field inspections and investigations.
- (7) Process applications to assist the Planning Commission in formulating recommendations.
- (8) Notify an applicant, in writing, of any decision of the Planning Commission and implement the decisions of the Planning Commission.
- (9) Receive all applications for appeals, variances or other matters which the Board of Appeals is required to decide under this chapter.
- (10) Prepare such applications for appeals, variances or other matters to the Board of Appeals and refer them, with recommendations, to the Board of Appeals.

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- (11) Receive and process all applications for amendments to this chapter and prepare recommendations as to such applications for review by the Planning Commission.
 - (12) Maintain a map or maps showing the current zoning classifications of all land in the City.
 - (13) Maintain written records of all actions taken by the Zoning Administrator.
 - (14) Meet with the Planning Commission upon request.
 - (15) Provide forms necessary for all applications to the Zoning Administrator, Planning Commission, or Board of Appeals as is required by the provisions of this chapter and be responsible for the information necessary on such forms for the effective administration of this chapter, subject to any policies and procedures maintained by the Planning Commission and/or the Board of Appeals.
- B. All departments, officials and public employees of the City which are vested with the authority to issue permits or licenses, shall conform to the provisions of this chapter, and shall not issue any permit or license for any use, building, structure, or purpose which would be in conflict with the provisions of this chapter.
- C. Any permit or license, issued in conflict with the provisions of this chapter, shall be null and void.

§ 112-8. Zoning certificate required.

Zoning certificates shall be covered under the 2003 International Building Code.

§ 112-9. Application for zoning certificate.

Applications for zoning certificates shall be covered under the 2003 International Building Code.

§ 112-10. Zoning occupancy permits.

Occupancy permits shall be covered under the 2003 International Building Code.

§ 112-11. Expiration of certificate; extension.

Covered under the 2003 International Building Code.

§ 112-12. Conformance with plans and applications.

Covered under the 2003 International Building Code.

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§ 112-13. Site Plan Review.

- A. Prior to issuing a building permit for construction, expansion or change in use, a site plan and supporting documentation shall be submitted to the Planning Commission for its review and approval.
- B. The purpose of a site plan is to assure compliance with all applicable laws and regulations and to prescribe standards for the design and construction of site improvements. Development requiring site plan approval shall be permitted only in accordance with all specifications contained on an approved site plan, and shall not be undertaken until the site plan is approved by the Planning Commission and all required construction permits have been obtained subsequent to such approval.
- C. Applicability. All development or land use activities within the City shall require site plan review by the Planning Commission before being undertaken, except for the following activities:
 - (1) Construction or expansion of a single family dwelling, two-family dwelling or ordinary accessory structures, and related land use activities.
 - (2) Landscaping or grading which is not intended to be used in connection with a land use activity reviewable under the provisions of this chapter.
 - (3) Ordinary repair, maintenance or interior alterations to existing structures or uses.
 - (4) Exterior alterations or additions to existing structures determined by the Zoning Administrator to not require site plan approval.
 - (5) Agricultural or gardening uses.
 - (6) Installation or erection of any sign not exceeding 100 square feet in total square footage.
- D. Site plan applications shall include the information listed in Appendix A for preliminary and final major and minor site plans. The Zoning Administrator may at his discretion waive any information or preliminary requirements which he determine are not relevant to the proposed use and site upon request of the applicant or applicant's agent.
- E. The Planning Commission's review of the preliminary site plan shall include, but is not limited to the following considerations:
 - (1) Adequacy and arrangement of vehicular traffic access and circulation, including emergency vehicle access.

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- (2) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (3) Location, arrangement, size and design of buildings, lighting and signs.
 - (4) Relationship of the various uses to one another and their scale.
 - (5) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and noise buffer between adjacent uses and adjoining lands.
 - (6) Adequacy of storm water and sanitary waste disposal.
 - (7) Adequacy of structures, roadways and landscaping in areas susceptible to flooding and ponding or erosion.
 - (8) Compatibility of development with natural features of the site and with surrounding land uses.
 - (9) Adequacy of flood proofing and flood prevention measures consistent with the flood hazard prevention regulations of the Federal Emergency Management Agency.
 - (10) Adequacy of open space for play areas, informal recreation and the retention of natural areas such as wildlife habitats, wetlands and wooded areas.
 - (11) Adequacy of pedestrian access.
- F. The Planning Commission may attach conditions to any approval of a site plan, including, but not limited to, the following:
- (1) Hours of operation.
 - (2) Specific performance standards with regard to physical vibration, noise, traffic, water quality, glare and air quality standards.
 - (3) Visual screening.
 - (4) Regulation of vehicular traffic, including points of ingress and egress, parking and off/on loading areas.
 - (5) Signage.
- G. The Zoning Administrator may require additional information which appears necessary for a complete assessment of the project.
- H. Major site plans shall be prepared and certified by an engineer, architect, landscape architect, or land surveyor duly registered to practice in the State of Maryland.

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- I. Upon receipt of the major site plan, the Planning Commission shall review the site plan and solicit comments from such departments, agencies and officials as the Planning Commission may deem appropriate.
- J. When all required plans and data have been received, and if the Planning Commission finds that a proposed final site plan is in accordance with and represents detailed expansion of a previously approved preliminary site plan, that it is in conformance with the provisions of this chapter and, if applicable, the provisions of Chapter 96, and that such final site plan complies with all of the conditions which may have been imposed in the approval of the preliminary site plan or in the review of the final site plan by the Planning Commission, the Planning Commission shall approve such final site plan within sixty (60) days from the date of the meeting at which the proposed final site plan is considered by the Planning Commission.
- K. Construction of required improvements.
 - (1) Upon approval of a site plan, the applicant shall then secure the necessary construction permits from all appropriate federal, state and local authorities before commencing work. The applicant may construct only such improvements as have been approved by the Planning Commission or, if applicable, the Zoning Administrator.
 - (2) The City may require inspection of the improvements constructed by the applicant.
- L. Expiration and Extension
 - (1) Approval of a site plan shall be valid for a period of one (1) year and shall expire at the end of such one (1) year period, unless building construction has begun. The start of building construction shall be determined by the Zoning Administrator based on the following criteria:
 - (a) The issuance of a valid building permit;
 - (b) Actual, physical commencement of significant and visible construction in accordance with the issued building permit, and,
 - (c) The commencement of construction must be undertaken in good faith with the intention to continue with the construction and to carry it through to completion.
 - (2) Upon written request by the applicant filed with the Zoning Administrator, within thirty (30) days prior to the expiration of the site plan approval, a one (1) year extension may be granted by the Planning Commission.

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(3) A request for extension under § 112-13(C)(2) shall be considered by the Planning Commission and a decision rendered thereon within sixty (60) days from the date the request for extension is filed with Zoning Administrator.

§ 112-14. Fees.

- A. The Mayor and Council shall establish a schedule of fees and a collection procedure for zoning certificates, zoning occupancy permits, appeals, variances, special exception amendments and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Mayor and Council.
- B. No certificate, permit, special exception or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until preliminary charges and fees have been paid in full by the applicant.
- C. Fees due from an applicant under § 112-14(B) may include the cost of the consulting services of an independent engineer, architect, landscape architect, land planner or similar service as may be used to assist the City in the review of the proposed development and/or improvement plans.

§ 112-15. Amendments.

- A. Amendments authorized. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed or repealed by the Mayor and Council.
- B. Planning Commission review. Any proposed amendment, supplement or change to this chapter or to the Official Zoning Map shall be first referred to the Planning Commission for recommendation. The Planning Commission shall cause such investigation to be made as it deems necessary and may require the submission of pertinent data and information by any person concerned, may hold such public hearings as provided by its own rules and shall submit its report and recommendations to the Mayor and Council within a reasonable length of time.
- C. Public hearing. After receiving the recommendations of the Planning Commission, the Mayor and Council shall hold a public hearing in relation to the proposed amendment, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing, together with a summary of the proposed amendment, shall be

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published in a newspaper of general circulation in the City once each week for two successive weeks, with the first such publication of notice appearing at least fourteen (14) days prior to the hearing. The amendment shall become effective as provided in § C2-10 of the Charter; provided, however, that it may not become effective until the 10th day after said hearing.

D. Amendments for floating zones.

- (1) The provisions of this § 112-15(D) regarding the procedures and requirements of public hearings and findings of fact to be made regarding applications for a floating zone district map amendment shall also apply to requests for floating zone designation except that it shall not be necessary to prove change in the character of the neighborhood or mistake in the original zoning of the property in order to gain approval. In floating zones the test for approval or denial shall be compatibility with the neighborhood and consistency with the comprehensive plan.
- (2) Concurrently with the location of a floating zone, the Mayor and Council may approve a master development plan, which shall govern the subdivision and/or development of the property. In approving a planned development floating zone district map amendment, the Mayor and Council shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Mayor and Council may approve the floating zone district map amendment if it finds that the proposed floating zone amendment is:
 - (a) Consistent with the Comprehensive Plan;
 - (b) Consistent with the stated purposes and intent of the district;
 - (c) Complies with the applicable requirements of this chapter; and
 - (d) Is compatible with adjoining land uses.
- (3) Conflict with other Articles. Provisions of the PDD Floating Zone, when found to be in conflict with other provisions of this chapter, shall supersede those other provisions with which they conflict. Provisions of the floating zone, when found to be in conflict with provisions of Chapter 96, shall supersede those provisions with which they conflict.
- (4) When constructed in phases, final subdivision plat(s) shall not be required for a phase until such time as applications are filed for a federal, state, or local permit for construction of that particular phase.

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- (5) As part of the final Master Development Plan approval, the Mayor and Council shall approve a date for initiation of the proposed development.
- (6) In the event that a PDD floating zone amendment is approved by the Mayor and Council without subdivision and approval of an associated Master Development Plan, the subject property may not be subdivided until the owner complies with the Master Development Plan review and approval provisions of this chapter, and may not be developed except in conformance with a site plan and/or subdivision plat as required by and in conformance with this chapter.
- (7) Additional Required Procedures.
 - (a) The administrative procedures for approval of a site plan for property located within the floating zone set forth in Article VII of this chapter shall apply. Site plans shall conform to the approved Master Development Plan.
 - (b) The administrative procedures for approval of a subdivision located within the floating zone shall be those set forth in Chapter 96. Final subdivision plats shall conform to the approved Master Development Plan.
 - (c) Amendment of Master Development Plan. The procedure for amendment of an approved Master Development Plan shall be the same as for a new application, except that minor amendments of a Master Development Plan may be approved by the Planning Commission at a regular meeting. The phrase “minor amendments” includes, but is not limited to, changes to: the location, number or types of uses or any phase(s) thereof, subject to the provisions of § 112-15(D)(7)(c)(iii); internal road locations or configurations; the number, type or location of dwelling units, subject to the provisions of § 112-15(D)(7)(c)(v); and the location of public amenities, services or utilities. The Planning Commission may only approve minor amendments that intensify or change uses if the amendments provide for enhancement of the architectural design and landscaping of the area subject to the amendment. Any amendment of a Master Development Plan that adversely impacts the delivery or the cost of public utilities, public services, public infrastructure, or otherwise adversely affects amenities available to the public or the public health and safety shall not be considered a minor amendment. Using the guidelines set forth below, the Planning Commission shall determine whether the proposed amendment is a “minor amendment. In addition to the foregoing, an amendment shall be deemed a “minor amendment”, provided that such amendment:
 - (i) Does not conflict with the applicable purposes and land use standards for the PDD;

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- (ii) Does not prevent reasonable access of emergency vehicles or deprive adjacent properties of adequate light and air flow;
 - (iii) Does not significantly change the general character of the land uses of the approved Master Development Plan;
 - (iv) Does not result in any substantial change of major external access points;
 - (v) Does not increase the total approved number or height of buildings; and
 - (vi) Does not decrease the minimum specified setbacks, open space area, or minimum or maximum specified parking and loading spaces.
- (8) A Planning Development District (PDD) shall be considered to be “floating zones” and, under the laws of the State of Maryland, these districts are analogous to special exceptions. The criteria for each approval of a floating zone and planned development in the district shall be as set forth in Article VII of this chapter and shall be the basis for approval or denial by the Mayor and Council without the necessity of showing a mistake in the original zoning or a change in the neighborhood.

§ 112-16. Prevalence of most restrictive standards.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

§ 112-17. Severability.

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

§ 112-18. Complaints; violations and penalties; remedies.

- A. Complaints regarding violations. Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate the complaint and take action thereon as provided by this chapter.

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B. Penalties for violation.

- (1) A violation of this chapter shall constitute a municipal infraction and is subject to a fine as established by Resolution of the Mayor and Council. Each day a violation of this chapter continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Crisfield from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.
- (2) The owner or tenant of any building, structure, premises or part thereof and any building, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

ARTICLE III DEFINITIONS; INTERPRETATION

§ 112-19. Word usage.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."

§ 112-20. Definition of terms.

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

ACCESSORY USE OR STRUCTURE – A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

ADJACENT – Adjoining, abutting, contiguous or having a common border.

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BED-AND-BREAKFASTS – A home occupation by which rooms are let and breakfasts sold to tourists and travelers on a temporary basis. The rooms rented may be counted as living quarters in satisfying the two-thirds area requirement imposed by the definition of "home occupation" below, but the owners of the bed-and-breakfast business must reside on premises.

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

BUILDINGAREA – The area of a lot remaining after all setback lines are established.

BUILDING SETBACK LINE – A line measured from and parallel to the boundary lines of a lot beyond which no building or structure may be erected.

COMMERCIAL – When used in conjunction with a use, the use is open to the general public, and a fee is charged for a service or a product. A commercial use shall be made of a property only in connection with a structure, as defined below.

DWELLING – Any building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a room in a hotel or motel.

- A. **SINGLE-FAMILY DETACHED** – A detached building designed for or used by one family or housekeeping unit.
- B. **TWO-FAMILY** – A detached building designed for or used by not more than two families or housekeeping units.
- C. **DUPLEX** – One-family dwelling with one wall in common with only one adjacent building.
- D. **SINGLE-FAMILY ATTACHED or TOWNHOUSE** – One-family dwelling on a permanent foundation, the walls on two sides of which are in common with the walls of adjoining dwellings and are party walls.
- E. **MULTIFAMILY** – A building designed for or used by three or more families, provided that the number of families does not exceed the number of units provided.

FAMILY – One or more persons occupying a single housekeeping unit and common cooking facilities; no such family shall contain over five persons unless all members are related by blood or marriage.

GROUP HOME – A lawful dwelling unit operated by a responsible entity to provide a supportive living arrangement for individuals needing special care because of old age, developmental disability, physical disability, mental illness or other disability protected under applicable federal law. A group home shall not include a treatment center.

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HEIGHT (of a building or structure) – The vertical distance from the average finished grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, the mean height level between eaves and ridges for gable, hip and gambrel roofs or the highest point on other structures.

HOME OCCUPATION – An occupation or business conducted by members of a family residing on the premises and by a specified number of additional persons, where applicable, and conducted within the dwelling or a secondary structure, provided that no article or commodity is offered for sale or is publicly displayed on the premises, except those incidental to the service offered, and provided that the living quarters occupy at least 2/3 of the entire building area.

HOTEL – A building in which lodging and/or boarding are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding, rooming or lodging house or an apartment house. A “hotel” may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.

LOT – For zoning purposes as covered by this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record; of complete lots of record and portions of lots of record; or, of portions of lots of record.
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT COVERAGE – The maximum area of a lot which may be covered by all buildings and structures.

LOT FRONTAGE – The front of a lot shall be construed to be the portion nearest to any public street or way. For the purpose of determining yard requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

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LOT MEASUREMENTS -

- A. AREA – The total land area within all lot lines.
- B. DEPTH – The average horizontal distance between the front and rear lot lines.
- C. WIDTH – The horizontal distance between the side lot lines measured at the required front building line.

LOT OF RECORD – A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES – The diagram which follows illustrates terminology used in this chapter with reference to corner lots (A), interior lots (B), through lots (C) and reversed frontage lots (D). In the given diagram:

- A. A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°. See lots marked (A) in diagram.
- B. An interior lot is defined as a lot, other than a corner lot, with only one frontage on a street other than an alley.
- C. A through lot is defined as a lot, other than a corner lot, with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- D. A reversed frontage lot is defined as a lot to which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot (see A-D and B-D in the diagram).

MOBILE HOME – A dwelling unit which is built on a chassis and designed for highway transportation on its own wheels and, except for minor assembly operations and connections to utilities, is ready for occupancy on arrival at the building site. A "mobile home" is distinguished from a modular home which is transported to the building site from an off-site assembly location by means other than its own wheels and chassis.

MULTIFAMILY USE – See "dwelling."

NONCONFORMING LOT – A lot, which is held in single and separate ownership at the effective date of this chapter or any amendment thereto which renders the lot nonconforming,

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which is not of the required minimum area, width at the street line, width at the building line or any combination of these requirements for the use and the district in which it is located.

NONCONFORMING STRUCTURE – A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this chapter or any amendment thereto with respect to height, size, lot coverage, location on the lot or other features where such structure lawfully existed prior to the enactment of this chapter or applicable amendment thereto. Such "non-conforming structures" include but are not limited to nonconforming signs.

NONCONFORMING USE – A use, whether of land or of a structure, which does not comply with the applicable use provisions of this chapter or amendment thereto where such use was lawfully in existence prior to the enactment of this chapter or amendment thereto.

NONCONFORMITY – Any variation from use, area, bulk, location or other requirements of this chapter which existed prior to the effective date of this chapter or amendment thereto.

PLANNED UNIT DEVELOPMENT – A residential development which may contain a variety of housing types and open space uses, such development occurring according to a site plan which allows the developer flexibility in layout and design.

PRIVATE CLUBS AND LODGE – Any building which serves as a meeting place for a selected membership, together with recreation and dining facilities which are not open to the general public.

SETBACK – See "building setback line."

SIGN – Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises not having commercial connotations.
- B. Flags and insignias of any government except when displayed in connection with commercial promotion.
- C. Legal notices or identification, information or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

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- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

SIGN, ON-SITE – A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. "On-site signs" do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGNS, NUMBER AND SURFACE AREA -

- A. For the purpose of determining number of signs, a "sign" shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single "sign."
- B. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SPECIAL EXCEPTION – A use that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in zones as "special exceptions" if specific provisions for such special exceptions are made in this chapter.

STREET – A public or private right-of-way 40 feet or more in width or any public or private right-of-way of whatever width which existed prior to the enactment of this chapter. The term shall include street, avenue, drive, circle, highway or other similar terms which provide a public means of access to abutting property.

STREET LINE – The right-of-way line of a street.

STRUCTURE – Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground.

VARIANCE – A relaxation of the terms of this chapter where the use or development of property will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a "variance" is

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authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a "variance" be granted because of the presence of nonconformities in the zones or adjoining zones.

YARD – An open space area, other than a court, unencumbered by buildings or structures on a lot and unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. All such yards shall be landscaped with trees or shrubs and grass or other decorative plantings and maintained in a suitable manner.

YARD, FRONT – A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces or uncovered porches. On corner lots, the "front yard" shall be considered as parallel to all streets.

YARD, REAR – A yard extending across the rear of the lot between the side lot lines and measured between the rear property line and the rear of the principal building or any projection other than steps, unenclosed porches or entranceways.

YARD, SIDE – A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projections thereof.

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ARTICLE IV. DESIGNATION OF DISTRICTS

§ 112-21. Enumeration of districts.

A. For the purposes of this chapter, the incorporated area of Crisfield is hereby divided into zoning districts as follows:

(1) Base Districts

- (a) R-1 Residential Low Density District;
- (b) R-2 Residential Medium Density District;
- (c) R-3 Residential Multifamily District;
- (d) R-4 Residential Manufactured Home District;
- (e) C-1 Neighborhood Commercial District;
- (f) C-2 General Commercial District;
- (g) CBD Central Business District;
- (i) I-1 Light Industrial District;
- (j) I-2 Heavy Industrial District; and
- (k) TM Tourist-Maritime District.

(2) Overlay Districts

- (a) CIR Community Infill and Redevelopment
- (b) AP Airport Protection Overlay District

(3) Floating Zone Districts

- (a) PUD Planned Unit Development

§ 112-22. Purpose of Districts.

A. Base Zoning Districts.

- (1) R-1 Residential Low Density District.

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The purpose of the R-1 District is to provide for residential neighborhoods of single-family detached dwellings compatible with the already established residential development pattern in the area.

(2) R-2 Residential Medium Density District.

The purpose of the R-2 District is to provide residential living environments in established neighborhoods and in new areas at a higher density than R-1. Single-family residences are permitted while other kinds of dwelling types are permitted as special exceptions.

(3) R-3 Residential Multifamily District.

The R-3 District provides for single-family detached, single-family attached and multifamily housing at a high density. The intent is to protect the residential character of older single-family neighborhoods while allowing for neighborhood revitalization and redevelopment at a multifamily density.

(4) R-4 Residential Manufactured Home District.

The purpose of the R-4 District is to provide for residential single-family manufactured homes known as "double wide." The district is being created to provide for single-family manufactured homes in the proposed subdivision known as "Calvary Estates" located on the corner of Calvary Road and Woodson School Road.

(5) C-1 Neighborhood Commercial District.

The purpose of the C-1 District is to provide for certain business, professional and personal service activities that would be basically neighborhood-serving and would not be inconsistent in the areas that are primarily residential.

(6) C-2 General Commercial District.

The purpose of the C-2 District is to provide for general commercial activities that will accommodate a wide range of business pursuits, retail sales and office and service activities to meet the needs of the citizens of the community.

(7) CBD Central Business District.

The purpose of the CBD District is to provide for the special shopping needs of residents of the region in a compact, high density pedestrian-oriented environment. On-site parking is not required, and the parking needs are to be met by off-site parking lots. Residential apartment uses are permitted in conjunction with primary or ground floor commercial

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use. Public spaces and buildings are also an important part of the CBD District. Single-family residential homes are permitted, where not harmful to the predominately commercial character of the surrounding commercial neighborhood, to promote a diverse mixture of uses and prevent underutilization of space.

(8) I-1 Light Industrial District.

The purpose of the I-1 District is to provide for certain manufacturing, processing and warehousing activities as well as certain limited retail activities associated with the primary use. Industrial activities shall occur within a controlled environment, and those activities which are inconsistent with the urban nature of the City will be excluded, such as industries which cause heavy amounts of air, water, dust and noise pollution.

(9) I-2 Heavy Industrial District.

The purpose of the I-2 District is to provide for manufacturing, processing and warehousing activities as well as certain limited retail activities associated with the primary use.

(10) TM Tourist-Maritime District.

The purpose of the TM District is to promote the development of tourist-serving businesses and activities and water-oriented commercial enterprises. Uses that are compatible with and benefit from the City's waterfront location are encouraged. Certain retail and residential uses which are complimentary to the water-oriented uses are permitted.

B. Overlay Districts.

(1) CIR Community Infill and Redevelopment District (the "CIR District").

The purpose of the CIR District is to:

- (a) Accommodate growth in Crisfield by encouraging and facilitating new development and redevelopment on vacant, bypassed and underutilized land where such development is found to be compatible with the surrounding neighborhood and adequate public facilities and services that exist;
- (b) Encourage adaptive reuse of historic structures in a manner that preserves sites and structures, and districts, together with their appurtenances and environmental settings;
- (c) Encourage efficient use of land and public services;

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- (d) Stimulate re-investment and development in order to strengthen the local economy and to stabilize and improve property values;
- (e) Provide developers and property owners flexibility that achieves high quality design and results in infill and redevelopment projects that strengthen existing neighborhoods; and
- (f) Implement the goals, objectives, and policies of the Crisfield Comprehensive Plan.

(2) AP Airport Protection Overlay District.

The purpose of the Airport Protection Overlay District (the “AP District”) is to regulate the development and use of property located in the vicinity of the Crisfield-Somerset County Airport to:

- (a) Minimize the public’s exposure to excessive noise and safety hazards that would result from incompatible land use development around the Crisfield-Somerset County Airport;
- (b) Prohibit the development of incompatible uses that are detrimental to the general health, safety and welfare of the public and to existing and future operations of the Crisfield-Somerset County;
- (c) Protect the Crisfield-Somerset County from potential encroachment by land uses that are incompatible with airport activities and that could impair the planned development and use of the Crisfield-Somerset County; and
- (d) Comply with all applicable Federal Aviation Administration (FAA) and Maryland Aviation Administration (MAA) regulations.

C. Floating Zone Districts

(1) PUD Planned Development District

The PUD Planned Development District (“PUD District”) is a floating zone, which means that while provisions and regulations are made to govern any development within a PUD District, no such PUD District will be pre-mapped on the City’s Official Zoning Map. The PUD District is intended to permit master planned, mixed-use developments of large tracts of land. The PUD District permits development and land use pursuant to an approved Master Development Plan that meets the requirements of this chapter and has been approved by the Mayor and Council at the time the PUD zoning is applied to specific land(s). The provisions governing the PUD District provide for the development of well-planned, mixed-use neighborhoods that exhibit the following characteristics:

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- (a) Integrated mix of uses, including residential, commercial, employment/office, civic, and open space;
- (b) A range of housing types and densities to accommodate a diverse population of age groups and income levels;
- (c) Interconnected streets designed to balance the needs of all users, with sidewalks and on-street parking when appropriate for the development;
- (d) Open spaces integral to the community; and
- (e) Location adjacent to and extending the fabric of the City's existing urban development.

ARTICLE V. AP AIRPORT PROTECTION OVERLAY DISTRICT

§ 112-23. Establishment of Airport Zones.

There are hereby created and established certain zones within the Airport Protection Overlay District (the "AP District"), as defined in § 112-22(B)(2) and as shown on the Official Zoning Map, as follows:

- A. Approach Surface Zone
- B. Conical Surface Zone
- C. Horizontal Surface Zone
- D. Primary Surface Zone
- E. Transitional Surface Zone

§ 112-24. Permit Applications.

- A. As regulated and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any objects (natural or manmade), on property located within the AP District, shall first notify the City of Crisfield Zoning Administrator.
- B. The Zoning Administrator will submit an FAA 7460-1 form Notice of proposed construction and any supporting material to the FAA to obtain an obstruction review. FAA Form 7460-1 and any supporting material will also be submitted to the MAA at the same time.

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- C. No construction may proceed until the FAA and MAA have made a determination.
- D. If the FAA or MAA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Article V.
- E. If the FAA or MAA returns a determination of a penetration of airspace, the permit shall be denied, and the applicant may seek a variance from such regulations.
- F. No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.
- G. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA or MAA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA or MAA has placed the proposed construction in:
 - (1) No Objection - The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - (2) Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance may be granted contingent upon implementation of mitigating measures as provided in § 112-26.
 - (3) Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be provided to the applicant.
 - (4) Requests for variances may be granted where it is duly found that a literal application or enforcement of the provisions set forth in this Article V will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Article V.
- C. Use Restrictions.
 - (1) Notwithstanding any other provisions contained in this Article V, no use shall be made of land or water within the AP District in such a manner as to create electrical interference

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with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Crisfield-Somerset County Airport.

(2) The following uses are expressly prohibited in the AP District:

- (a) Manufacturing establishments or other uses which produce smoke interfering with the safe use of the Crisfield-Somerset County Airport.
- (b) Rifle ranges and private landing fields which would interfere with the health, safety and general welfare of the public in the use of the Crisfield-Somerset County Airport.
- (c) All uses or structures which would emit or discharge smoke, gasses and odors that would or may interfere with the health, safety and general welfare of the public in the use of the Crisfield-Somerset County Airport.
- (d) Any uses which would create electrical, magnetic or other interference with radio communication between the Crisfield-Somerset County Airport and aircraft, making it difficult for flyers to distinguish between airport lights and other lights, resulting in glare in the eyes of the flyers using the Crisfield-Somerset County Airport, impair visibility in the vicinity of the airport, or otherwise endangering the landing, take off or maneuvering of aircraft.

§ 112-25. Pre-Existing Non-Conforming Uses

- A. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a nonconforming use.
- B. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated may only be reestablished consistent with the provisions herein.

§ 112-26. Obstruction Marking and Lighting.

Any permit or variance granted pursuant to the provisions of this Article V may be conditioned according to the process set forth in § 112-24 to require the owner of the structure or object of natural growth in question to permit the City, at its own expense, or require the person requesting

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the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

§ 112-27. Violations and Penalties.

§112-18(B) shall govern any violation of the provisions contained in this Article V.

§ 112-28. Appeals.

Appeals may be brought in accordance with the provisions of Article XV.

§ 112-29. Conflicting Regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this Article V and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

ARTICLE VI CIR COMMUNITY INFILL AND REDEVELOPMENT OVERLAY DISTRICT

§ 112-30. Applicability.

- A. The provisions of this Article VI apply to all land located within the City of Crisfield's CIR Community Infill and Redevelopment Overlay District (the "CIR District") as designated on the City's Official Zoning Map.
- B All land uses and development shall be located and developed in accordance with the applicable provisions of the underlying zoning district and all other applicable land development regulations, except as modified by the provisions of this Article VI.

§ 112-31. General Requirements.

Site development of property located within the CIR District shall adhere to the following provisions in order to enhance compatibility with the surrounding community to the maximum extent practical.

- A. Add sidewalks that connect to the adjacent sidewalk system where appropriate.
- B. Construct public streets that connect to the adjacent street pattern as needed.
- C. Preserve architecturally significant and historic structures whenever feasible.

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- D. Include new civic spaces or connect with existing civic spaces.
- E. Include street furniture, lighting and landscaping for the comfort and convenience of pedestrians.
- F. Design buildings and site so as to be compatible with the surrounding community.

§ 112-32. Permitted Uses.

Permitted uses of property located in the CIR District shall be limited to those allowed in the underlying zoning district except as follows:

- A. The Planning Commission may permit small-scale commercial service and retail infill or redevelopment. Any infill or redevelopment involving an existing historic or contributing building, structure, or site shall be limited to adaptive reuse only.
- B. The Planning Commission may permit a variety of residential unit types.

§ 112-33. Development standards.

- A. Design, materials, use and scale shall reflect the building styles, climate, heritage and materials unique to Crisfield and present in the surrounding neighborhood.
- B. Lot area, width and yards will be established for each project at the discretion of the Planning Commission.
- C. Density may exceed the density standard for underlying zoning district for the purpose of creating a neighborhood having a variety of housing types.
- D. Buildings are restricted to the height limit established for the underlying zoning district or the average of adjacent buildings along the block face, whichever is determined appropriate by the Planning Commission.

§ 112-34. Compatibility standards.

- A. The proposed development of property located in the CIR District should exhibit exemplary site and architectural design and include high quality materials that are compatible with, and do not negatively alter, the character of the surrounding neighborhood.
- B. All structures permitted within the CIR District must conform to following requirements:

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- (1) Buildings should be similar in height and size or be designed in such a way that they appear similar in height and size, creating an overall mass that is consistent with the prevalent mass of other structures in the area.
 - (2) Primary facades and entries must face the adjacent street and be connected with a walkway that does not require pedestrians to walk through parking lots or across driveways and that maintains the integrity of the existing streetscape.
 - (3) Building features such as windows and doors and site features such as landscaping and screening should optimize privacy and minimize infringement on the privacy of adjoining land uses.
 - (4) Building materials shall be similar to materials of the surrounding neighborhood or use other characteristics, such as scale, form or architectural detailing, to establish compatibility.
- C. All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing surrounding development.
- D. Proposed open space and landscaping shall be shown on the development plans.
- E. Public Facilities and Utilities
- (1) Existing and planned public facilities shall be shown on the development plans.
 - (2) All public streets, walkways and alleyways shall be shown on development plans. All through streets and walkways must be public. The local street and walkway system shall be safe, efficient, convenient and attractive and shall accommodate use by all segments of the population.
 - (3) Roads, lighting, sidewalks, street furniture, utilities and other public facilities shall be designed to enhance pedestrian circulation.
 - (4) Parking
 - (a) All parking spaces shall be shown on the site plan.
 - (b) The parking plan may provide a combination of off-street and on-street spaces.
 - (c) Shared driveways serving no more than two (2) dwellings may be permitted.
 - (d) Bicycle parking shall be provided for non-residential projects.

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- (e) Some or all of the parking requirements can be waived where adequate public parking is available in close proximity and the new parking demand does not interfere with the established parking patterns in the neighborhood. If public parking is proposed as the means of providing any required parking such arrangement shall first be approved by the Mayor and Council. Approval shall be documented in letter signed by the Mayor and Council specifying where public parking is available for regular use by the development.

§ 112-35. Findings Required and Conditions of Approval.

- A. The Planning Commission may approve a proposed infill or redevelopment project upon finding that:
 - (1) The plan accomplishes the intent and minimum standards and requirements of the CIR District;
 - (2) The plan is consistent with the Crisfield Comprehensive Plan;
 - (3) The plan is internally and externally compatible and harmonious with existing and planned land uses in the area; and
 - (4) Existing or planned public facilities are adequate to service the proposed development.
- B. The Planning Commission may establish reasonable and appropriate conditions for approval of non-residential uses, which such conditions include, but are not limited to, hours of operation, buffer and screening, signage and lighting to insure compatibility with adjacent residential uses.

§ 112-36. Application process.

- A. Notice: Property proposed for infill or re-development under this Article VI shall be posted by the City. Such posting shall appear on the site at least (14) days prior to the application being considered by the Planning Commission. At the time of posting, all required application information, as outlined herein, shall be present and available for review in the City Office.
- B. The applicant has the full burden of proof to demonstrate the proposed infill or redevelopment proposal meets or exceeds the development standards set forth in §112-32 and the compatibility standards set forth in §112-33.
- C. Applications shall include adequate information to address this burden of proof requirement and shall, at a minimum, include the following:

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- (1) A description of the proposed development site, i.e., a plot plan or survey plot.
- (2) A description of existing conditions in the vicinity of the site (e.g. block face on both sides of the street within 500 feet of the proposed development site). Descriptions shall include documenting photographs and an analysis of the prominent architectural features along adjacent block faces and shall address the following:
 - (a) Site location and topography;
 - (b) Street connections;
 - (c) Pedestrian pathways;
 - (d) Lot coverage;
 - (e) Building orientation; and
 - (f) A description of existing neighborhood architectural characteristic and features, including:
 - (i) Massing and proportions;
 - (ii) Entryways;
 - (iii) Windows;
 - (iv) Garage doors;
 - (v) Finishes and materials;
 - (vi) Ornamentation;
 - (vii) Roof detail;
 - (viii) Porches, stoops, dooryard improvements; and
 - (ix) Colors.
 - (g) A description of the proposed infill or redevelopment including:
 - (i) Elevations of all proposed buildings;
 - (ii) A description of how the proposed infill or redevelopment is compatible with the surrounding features; and

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- (ii) A statement of how the proposed infill or redevelopment meets the development standards set forth in §112-32, compatibility standards set forth in §112-33, and the findings requirements set forth in §112-35.

H. Remedies. Appeals from the decision of the Planning Commission concerning any application for infill or redevelopment may be made in accordance with the provisions of Article XV.

ARTICLE VII PLANNED DEVELOPMENT DISTRICT (PDD)

§ 112-37. Applicability.

A. Location and area requirements.

- (1) The Planned Development District (PDD) is hereby established as a floating district and may be permitted in the R-2 Residential Medium Density District and R-3 Residential Multifamily District upon review of the Planning Commission and approval by the Mayor and Council in accordance with the provisions hereof.

- (2) The minimum land area for a PDD is three (3) acres.

§ 112-38. Allowed Uses.

A. The following uses may be approved within a PDD:

- (1) Dwelling units may include single family, two family, townhouse and multi-family structures.
- (2) Any use or structure which is determined by the Mayor and Council to be of the same general character as the uses permitted in the underlying district may be permitted along with any accessory uses or structures which, in the Council's opinion, are incidental and subordinate to any permitted principal use.
- (3) The required mix of dwelling types is listed below unless the Planning Commission recommends and the Mayor and Council waive the requirements based on market analysis or other information provided by the applicant.

	Percent of Unit Types	
	Minimum	Maximum
Single family detached	30%	60%
Townhouses or Two Family	20%	60%
Multi-family	20%	50%

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§ 112-39. Density.

- A. The number of dwellings on the site shall not exceed the maximum number of permitted dwellings for the zone in which the development is located.
- B. Additional density may be allowed for the creation of affordable workforce housing as determined by the Planning Commission subject to the approval of the Mayor and Council.
- C. In no case shall the number of dwellings on the site exceed by 15% the maximum number of permitted dwellings for the underlying zoning district in which the development is located.

§ 112-40. Design Standards.

A. Open Space

- (1) At least 20% of the total land area of the site shall be provided as common open space in all planned unit developments containing single-family attached and/or multifamily housing.
- (2) Parking areas, streets and setback areas shall not be included in computing open space areas.
- (3) No more than 50% of all open space areas shall be used for recreation buildings, structures or facilities.
- (4) In computing open space area, no more than 50% of the designated open space may be composed of land area located within the floodplain.
- (5) Open space should be designed and located to provide the public with views to open water and scenic locations to the maximum extent possible.

- B. There shall be a minimum distance between buildings on the site of at least 15 feet, and no attached or multifamily structure shall be located less than 20 feet from an adjoining property line.

C. Circulation.

- (1) Roadways and footpaths should be designed to maintain traffic circulation both within the PDD and with connecting roads. The use of cul-de-sacs should be balanced with the need for interior circulation of vehicular and pedestrian traffic. Road width may be less than the City standards if safety and traffic requirements are met and the design harmonizes with neighboring land uses.

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- (2) Bike and pedestrian traffic are to be encouraged through the placement of paths linking uses within the PDD and neighboring developments, community facilities and recreation areas. For safety and aesthetic reasons, these paths should be separated from roadways; such paths are conducive to low or internal vehicular traffic and serve to integrate the community.

D. Landscape Standards.

- (1) The applicant shall submit to the Planning Commission a comprehensive landscape master plan for all planted areas including open space areas and peripheral buffers.
- (2) The landscape master plan shall identify the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and planting methods.
- (3) Buffers must also be established around environmentally sensitive areas within PDD boundaries according to Chesapeake Bay Critical Area or other environmental program requirements.
- (4) Stormwater facilities should be designed and placed in such a way as to enhance the overall project by providing passive or active recreation areas when possible.

E. Signage. A signage plan that demonstrates a coordinated approach to informational, directional and safety signage within all areas of the PDD shall be provided.

§ 112-41. Procedure for Floating Zone District Approval.

A. Application. Application for a floating zone amendment Floating Zone District approval shall be made to the Mayor and Council. Applications shall include:

- (1) A written petition for location of a Floating Zone District and approval of a Master Development Plan, signed by the owners, and contract purchasers, if any, of the property that is the subject of the petition.
- (2) A narrative describing the following:
 - (a) Statement of present and proposed ownership of all land within the development;
 - (b) Overall objectives of the proposed Master Development Plan and a statement of how the proposed development concept corresponds to and complies with the purpose of the underlying zoning district;

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- (c) Method of providing sewer and water service and other utilities, such as, but not limited to, telephone, gas, and electric services;
- (d) Method of and responsibility for maintenance of open areas, private streets, recreational amenities, and parking areas;
- (f) General description of architectural and landscape elements, including graphic representations; and
- (g) If the applicant desires to develop the property in phases, a preliminary phasing plan indicating:
 - (i) The phase(s) in which the project will be developed, indicating the approximate land area, uses, densities, and public facilities to be developed during each phase.
 - (ii) If different land use types are to be included within the Master Development Plan, the plan shall include the mix of uses anticipated to be built in each phase.

B. A Master Development Plan

Application for a Planning Development District Floating Zone District shall include the following:

- (1) Existing Conditions Plan(s) showing existing topo, drainage, steep slopes, wetlands, critical areas, existing buildings, historic and archaeological sites, poor soils, property boundaries, adjacent properties (tax map and owner), administrative boundaries and existing zoning.
- (2) Layout Plan(s) showing proposed land uses, general location and hierarchy of roads, streets, parking areas, footpaths, areas to be preserved/protected, proposed buffers around perimeter and between dissimilar land uses. The Layout Plan shall identify the amount, type and density of development within each portion of the tract, and show a summary development schedule of acreage and mix of housing units and parking.
- (3) Phasing Plan(s) showing the boundaries and sequence of each phase of the development and summarizing the proposed development schedule for each phase.
- (4) Discussion of the effects of the project, describing density, type of units, impervious surface, and stormwater management must be provided. Also, proposals to protect sensitive areas and open space are to be covered.
- (5) Transportation Impact Statement. The developer should submit a consultant study, with the preliminary plat application. The Study shall show existing and planned capacity of

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roads in the site vicinity, both before and after full development, taking into account annual growth of background traffic. The study should show the increase of traffic due to the development itself and how any resulting deficiencies will be rectified. The study should include traffic signal capacity at nearby intersections and the City should have some flexibility to determine how far beyond the site it is reasonable to evaluate. The proposed PDD plan should include proposals alignment problems.

(a) This section should be reviewed by the State or by a consultant to the City.

(b) The requirement for this study may be waived by the Mayor and Council in the case of small PDDs (less than 25 dwelling units) provided the State approved proposals for access points to the adjacent road system.

(6) Covenants and Restrictions.

(a) Any draft of planned covenants, deed restrictions and community association agreements must be provided to the Planning Commission with the final plan. The Planning Commission may require additional covenants.

(b) Protective covenants for sensitive areas and buffers, including Critical Area requirements shall be included in these documents. Also, maintenance plans for community areas and stormwater facilities must be provided for review, along with designation of the entity responsible for such maintenance.

(7) Drafting Standards for PDD floating zone. In general, site plans shall follow requirements as outlined in § 112-13.

C. Referral of Application to Planning Commission. Upon submission to the Mayor and Council an application for a PPD Floating Zone District amendment and a Master Development Plan, the Mayor and Council shall refer said application and Master Development Plan to the Planning Commission for its review and recommendations. The referral shall authorize the Planning Commission and City staff to analyze said application and Master Development Plan, in accordance with all applicable review processes and procedures. No development may occur until:

(1) A floating zone has been applied to the property by legislative action of the Mayor and Council;

(2) A Master Development Plan is approved for the floating zone by the Mayor and Council;
and

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- (3) A building permit has been issued, following, if applicable, final subdivision plat and/or site plan approval.

D. Planning Commission Review and Recommendation – Floating Zone District Amendment and Master Development Plan.

- (1) The Planning Commission shall review the floating zone amendment request and Master Development Plan for compliance with the requirements of this section and consistency with the Comprehensive Plan.
- (2) The Planning Commission may make reasonable recommendations to the applicant regarding changes to the Master Development Plan proposal, which, in the judgment of the Planning Commission, shall cause the proposal to better conform to the purpose of the district and the Comprehensive Plan. The applicant may resubmit the Master Development Plan to the Planning Commission in light of the Planning Commission's comments.
- (3) After a public hearing, the Planning Commission shall consider the proposed floating zoning amendment requested and Master Development Plan, and shall make a favorable or negative recommendation to the Mayor and Council.

E. Mayor and Council Approval of Floating Zone District and Master Development Plan.

- (1) The Mayor and Council shall review the Master Development Plan and other documents, together with such comments and recommendations as made by the Planning Commission.
- (2) After a public hearing, the Mayor and Council may approve or disapprove the proposed floating zone map amendment and associated Master Development Plan. Concurrently with the location of a floating zone, the Mayor and Council may approve the Master Development Plan, which, in addition to the provisions of this Article VII shall govern the subdivision and/or development of the property. In approving or disapproving a PDD floating zone map amendment, the Mayor and Council shall make findings of fact, including, but not limited to the following matters: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the areas, and the relationship of the proposed amendment to the Comprehensive Plan. The Mayor and Council may approve the PDD floating zone map amendment if it finds that the proposed floating zone amendment is:
 - (a) Consistent with the Crisfield Comprehensive Plan;
 - (b) Consistent with the stated purposes and intent of the Planned Development District;

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- (c) Complies with the requirements of this chapter; and
- (d) Is compatible with adjoining land uses.

ARTICLE VIII PERMITTED USES

§ 112-42. Use categories.

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

A. Use categories.

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

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

B. Use subcategories.

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

C. Specific use types.

Some use subcategories are further broken down to identify specific types of uses that are regulated in a different way than the subcategory as a whole. For example the commercial category is broken down into a number of subcategories as the distinction between personal

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services compared to marine services is apparent when one considers the difference between product and physical characteristics.

§ 112-43. Similar uses and unclassified uses.

- A. Closely Similar Use. If a use is proposed that the applicant proves to the satisfaction of the Zoning Administrator would be very closely similar to a allowed use or fits within a use category, then the Zoning Administrator may at his/her discretion approve such closely similar use in the same manner as the use provided for in this Ordinance. If the Zoning Administrator does not approve such use, the applicant may follow the process provided in part "B" below.
- B. Board of Appeals. If a use is not permitted by right or by special exception in any district under § 112-56, the use is prohibited, except that the Board of Appeals may permit such use as a special exception as provided in § 112-133 if the applicant proves to the satisfaction of the Board that all of the following conditions would be met:
 - (1) The use would be closely similar or less intensive in external impacts and nuisances compared to uses that are permitted in that district;
 - (2) The use would not create a significant hazard to the public health and safety;
 - (3) The use is not specifically prohibited in that district; and
 - (4) The use is similar in character to uses permitted in that district or fits within the one of the use categories

§ 112-44. Agricultural use category.

This category includes uses such as gardens, farms and orchards that involve the raising and harvesting of food and non-food crops and commercial raising of poultry or livestock. This category includes routine accessory packaging, storage or light processing of crops or wood products and sale of seeds, fertilizer and similar agricultural needs. This category shall not include a slaughterhouse or meat packing facilities.

- A. Agriculture, animal production - The (principal or accessory) use of land for the keeping or raising of farm animals including poultry and swine.
- B. Agriculture, crop production - The use of land for growing, raising, or marketing of plants to produce food, feed, or fiber commodities or non-food crops. Examples of crop agriculture include cultivation and tillage of the soil and growing and harvesting of agricultural or

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horticultural commodities. Crop agriculture does not include community gardens or the raising or keeping of farm animals.

- C. Agriculture, buildings and structures – This category includes all buildings and structures associated with agriculture uses as opposed to the activities associated with crop or animal production.
- D. Indoor plant cultivation - A building or structure and the associated premises used to grow plants under roof which may include accessory storage and processing of plants grown on premises. Included in this category are greenhouses and hydroponic facilities.
- E. Plant nursery
- G. Fisheries Activities, Aquaculture
- H. Forestry
- I. Roadside Produce Stand

§ 112-45. Residential use category.

A. Household Living.

Residential occupancy of a dwelling unit by a household. The following are household living specific use types:

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

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- (6) Multi-Family/Apartment/Condo - A multi-family/apartment/condo building is a residential building on a single lot that is occupied by three (3) or more dwelling units that share common walls and/or common floors/ceilings.
- (7) Accessory Dwelling Unit - A separate complete housekeeping unit that is substantially contained within the structure of a single family unit or a commercial structure, but can be isolated from it.
- (8) Manufactured Housing Unit - A manufactured housing unit is a residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401, et seq.).
- (9) Mixed-use building, residential - A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.
- (10) Mobile Home - A detached residential or business unit containing not less than 500 square feet of gross livable floor area in the original manufactured unit, designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly of sections, location on jacks or other foundations, connection to utilities and the like. Units commonly known as a "double-wide" and any unit classified as a "mobile home" by an applicable financing or construction standard, including, without limitation, the United States Department of Housing and Urban Development regulations, State Department of Economic and Community Development regulations and state or federal law as such laws or regulations are in effect as of the date of passage of the chapter, shall be considered a "mobile home." The placing of a "mobile home" on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile homes. Recreational trailers and vehicles and modular homes are not considered "mobile homes".
- (11) Modular Home - A detached residential or business unit, built to the specifications of a recognized building code, containing not less than 500 square feet of gross livable floor area in the original manufactured unit, designed and intended for delivery by transportation on the highway for permanent assembly in a permanent and separately constructed foundation. A "modular home" may be considered a single-family dwelling. A "modular home" must meet the requirements and definitions of the Maryland Industrialized Building and Mobile Homes Act as in effect as of the date of passage of this ordinance.

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B. Group Living.

Residential occupancy of a building or any portion of a building by a group other than a household. Group living uses typically provide communal kitchen/dining facilities. Examples of group living uses include group homes, convents, monasteries, nursing homes, assisted living facilities, sheltered care facilities, retirement centers, homeless centers, shelters and halfway houses. The group living subcategories are as follows:

- (1) Group domiciliary care home – a facility that is licensed by the Maryland Department of Health and Mental Hygiene shared by persons who are unable to live alone because of age-related impairments or physical, mental or visual disabilities and who live together as a single housekeeping unit in a long-term, household-like environment in which staff persons provide care, education, and participation in community activities for the residents with a primary goal of enabling the resident to live as independently as possible. Group domiciliary care homes do not include pre-release, work-release, probationary, or other programs that serve as an alternative to incarceration.
- (2) Sheltered Care – An activity accessory to and affiliated with a religious facility providing maintenance and personal care for those in need.
- (3) Continuing Care Retirement Communities - Establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (a) the elderly and other persons who are unable to fully care for themselves and/or (b) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted living facilities with on-site nursing care facilities are included in this subcategory.
- (4) Treatment Center. A use (other than a prison or hospital) providing housing for three (3) or more unrelated persons who need specialized housing, treatment and/or counseling because of: (a) past criminal activity, such as a criminal halfway house; (b) current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or (c) a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

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§ 112-46. Public, civic and institutional use category.

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

- A. Cemetery – Land or structures used for burial or permanent storage of the dead or their cremated re-mains. Typical uses include cemeteries and mausoleums. Also includes pet cemeteries.
- B. College or university – Institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.
- C. Community center – A structure, including its surrounding premises, that is owned, leased or otherwise controlled by a unit of local government or a school district and that contains rooms or other facilities limited to use for purposes of meetings, gatherings or other functions or activities carried on or performed by or under the supervision of a unit of local government, a school district or a civic, educational, religious or charitable organization. The authorization for the establishment of a community center may include authorization for the incidental and accessory sale or resale of food, merchandise or services in connection with and in support of the principal activity or function being carried on or performed by such unit of local government, school district or organization.
- D. Fraternal organization – The use of a building or lot by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.
- E. Governmental facility – Uses related to the administration of local, state or federal government services or functions.
- F. Hospital – Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
- G. Library – Collections of books, manuscripts and similar materials for free public lending, studying and reading.
- H. Parks and recreation – Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, swimming pools, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and country clubs.
- I. Museum or cultural facility – Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibitions of works of art and similar institutions.

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- J. Religious assembly – Religious services involving public assembly that customarily occur in churches, synagogues, temples, mosques and other facilities used for religious worship. This category includes buildings and all customary accessory uses or structures, including, but not limited to, a chapel, day-care center, school of general instruction, gymnasium, social hall and social services programs. Accessory use includes a monastery or convent.
- K. Safety service – Facilities provided by the City, state or federal government that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.
- L. School – Private and public schools at the primary, elementary, junior high or high school level that provide basic, compulsory state-mandated education.
- M. Utilities and public service facility
 - (1) Essential services – Underground or overhead gas, electrical, steam, or water transmission or distribution systems, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories that are reasonably necessary to furnish utility services or for the public health, safety, or general welfare.
 - (2) Public utility – Uses or structures, except essential services, which provides to the general public such services as water, sewerage, sewage treatment, electricity, piped gas or telecommunications.
 - (3) Alternative energy facilities – Energy production systems that generate energy from the byproducts of the principal use are considered accessory uses, including net metered installations and installations that generate power to sell at wholesale to the power grid.
- N. Wireless telecommunications – Towers, antennas, equipment, equipment buildings and other facilities used in the provision of wireless communication services. The following are specific types of wireless telecommunications uses:
 - (1) Freestanding towers – A structure intended to support equipment that is used to transmit and/or receive tele-communications signals including monopoles and guyed and lattice construction steel structures.
 - (2) Building or tower-mounted antennas – The physical device that is attached to a freestanding tower, building or other structure, through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received.

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- (3) Small wireless communications equipment – Small wireless communications equipment supplement the macro-cellular tower layer and typically include DAS remote units, remote radio units, self-contained small cells and associated equipment that can be mounted on a utility pole or similar structures located in the public right-of-way (ROW).
- (4) Satellite earth station, satellite dish – A parabolic antenna and associated electronics and support equipment for transmitting or for transmitting and receiving satellite signals.

§ 112-47. Commercial use category.

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

- A. Animal service - Uses that provide goods and services for care of companion animals.
 - (1) Grooming - Grooming of dogs, cats and similar companion animals, including dog bathing and clipping salons and pet grooming shops.
 - (2) Boarding or shelter/kennel - Animal shelters, care services and kennel services for dogs, cats and companion animals, including boarding kennels, pet resorts/hotels, pet day care, pet adoption centers, dog training centers and animal rescue shelters. For purposes of this ordinance, the keeping of more than 4 dogs, cats or similar household companion animals over 4 months of age or the keeping of more than 2 such animals for compensation or sale is deemed a boarding or shelter-related animal service use and is allowed only in those zoning districts that allow such uses.
 - (3) Veterinary care - Animal hospitals and veterinary clinics.
- B. Assembly and Entertainment - Uses that provide gathering places for participant or spectator recreation, entertainment or other assembly activities. Assembly and entertainment uses may provide incidental food or beverage service. Typical uses include arenas, billiard centers, video game arcades, auditoriums, bowling centers, cinemas and theaters.
- C. Broadcast or recording studio - Uses that provide for audio or video production, recording or broadcasting.
 - (1) Broadcast facility is an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television and film.
 - (2) Recording studio is an establishment primarily engaged in sound or video recording.

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- D. Commercial service - Uses that provide for consumer or business services and for the repair and maintenance of a wide variety of products.
- (1) Building service - Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include contractor offices, janitorial, landscape maintenance, extermination, plumbing, electrical, HVAC, window cleaning and similar services.
 - (2) Business support service - Uses that provide personnel services, printing, copying, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, caterers, telephone answering services and photo developing labs.
 - (3) Consumer maintenance and repair service - Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the re-pair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, lock-smiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service technicians who visit customers' homes or places of business are classified as a "building service."
 - (4) Personal improvement service - Uses that provide a variety of services associated with personal grooming, instruction and maintenance of fitness, health and well-being. Typical uses include barbers, hair and nail salons, day spas, health clubs, yoga studios, martial arts studios, and businesses purporting to offer fortune-telling or psychic services.
 - (5) Marine service - establishments primarily engaged in operating marinas. These establishments rent boat slips and store boats, and generally perform a range of other services including cleaning and incidental boat repair. They frequently sell food, fuel, and fishing supplies, and may sell boats. Also may include establishments primarily engaged in the operation of charter or party fishing boats or rental of small recreational boats.
 - (6) Research service - Uses engaged in scientific research and testing services leading to the development of new products and processes. Such uses resemble office buildings or campuses and do not involve the mass production, distribution or sale of products. Research services do not produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.

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- E. Day care - Uses providing care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Examples include state-licensed child care centers, preschools, nursery schools, head start programs, after-school programs and adult day care facilities. Day care expressly includes state-accredited adult day care facilities and facilities for child care.
- (1) Day care center - A facility licensed by the State of Maryland that provides day care for more than 8 children or any number of adults.
- (2) Day care home - A dwelling unit licensed by the State of Maryland in which day care is provided for a maximum of 8 children, excluding all natural, adopted and foster children of the residents of the dwelling unit.
- F. Eating and drinking establishments – The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared foods and beverages for on- or off-premise consumption. Typical uses include restaurants, short order eating places or bars and cafés, restaurants, cafeterias, ice cream/yogurt shops, coffee shops and similar establishments, which may include a bar area that is customarily incidental and subordinate to the principal use as an eating establishment.
- G. Financial service - Uses related to the exchange, lending, borrowing and safe-keeping of money. Typical examples are banks, credit unions and consumer loan establishments.
- H. Funeral and mortuary service - Uses that provide services related to the death of humans or companion animals, including funeral homes, mortuaries, crematoriums and similar uses.
- I. Lodging - Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by the week. Lodging uses may provide food or entertainment on premises. Lodging includes the following specific categories:
- (1) Hotel and motel - An establishment for transients consisting of any number of sleeping rooms in permanent buildings, each room or suite of rooms having complete sanitary facilities and separate entrances, including hotel, motel, lodge, tourist park and similar establishments, but not including a boarding- or lodging house, inn or bed-and-breakfast establishment.
- (2) Bed and breakfast - A single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients and at which no meal other than breakfast is served to guests, which is included in their room charge.
- (3) Boardinghouse - A private dwelling or part thereof where lodgings with or without meals are provided for compensation to persons not members of the resident family.

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J. Office.

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

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

K. Parking, non-accessory.

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

L. Retail sales.

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

- (1) Convenience goods - Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, including grocery stores and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include drug stores, grocery and specialty food stores, wine or liquor stores, gift shops, newsstands and florists.

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(2) Consumer shopping goods - Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, uniform supply stores, stationery stores, art galleries, hobby shops, furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, office supplies and office furnishing stores and wig shops.

(3) Building supplies and equipment - Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises. Typical uses include hardware stores, home improvement stores, paint and wallpaper supply stores and garden supply stores.

M. Self-service storage facility (e.g., mini-storage) - An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designated to accommodate only interior access to storage lockers or drive-up access only from regular size passenger vehicles and two-axle non-commercial vehicles.

N. Studio, instructional or service - Uses in an enclosed building that focus on providing instruction or training in music, dance, drama, fine arts, language or similar activities. Also includes artist studios and photography studios. See also “personal improvement service” in the commercial services use category.

O. Trade school - Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools are classified as “trucking and transportation terminals” (wholesale, distribution and storage use category).

P. Vehicle sales and service.

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

(1) Commercial vehicle repair and maintenance - Uses, excluding vehicle paint finishing shops, that repair, install or maintain the mechanical components or the bodies of large trucks, mass transit vehicles, large construction or agricultural equipment, aircraft,

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watercraft or similar large vehicles and vehicular equipment. Includes truck stops and truck fueling facilities.

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

§ 112-48. Wholesale, Distribution and Storage Use Category.

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

- A. Equipment and materials storage, outdoor - Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.
 - (1) Contractor's shop - An establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

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- (2) Fuel storage – An establishment that includes "fuel storage tank" or any vessel or tank that stores gases or liquids, including fuel products such as gasoline, diesel fuel, heating oil, natural gas, natural gas liquids, propane, synthetic gas or similar products.
- (3) Grain storage - Bulk storage, drying or other processing of grain and livestock feed or storage and sale of fertilizer, coal, coke or firewood with effective control of dust and particulates during all operations.
- B. Trucking and transportation terminal - Uses engaged in the dispatching and long-term or short-term storage of trucks, buses and other vehicles, including parcel service delivery vehicles, taxis and limousines. Minor repair and maintenance of vehicles stored on the premises is also included. Includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.
- C. Warehouse - Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of a "self-service storage facility" or a "trucking and transportation terminal."
- D. Wholesale sales and distribution - Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms.
 - (1) Limited wholesale sales and distribution facilities, excluding, however, fuels and other flammable liquids, solids or explosives held for resale and the bulk storage or handling of fertilizer, grain and feed.
 - (2) Wholesale sales and distribution facilities including fuels and other flammable liquids, solids or explosives held for resale and the bulk storage or handling of fertilizer, grain and feed.

§ 112-49. Industrial use category.

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

- A. Artisan industrial - On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-

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scale manufacturing uses that have no negative external impacts on surrounding properties. The subcategory includes limited retail sales.

- B. General industrial - Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property. This subcategory includes research laboratories and facilities and limited retail sales.
- C. Intensive industrial - Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic. The subcategory includes limited retail sales.
- D. Junk or salvage yard - An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.
- E. Recycling uses - This industrial subcategory includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.
 - (1) Recyclable material drop-off facility - An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities shall be limited to non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this chapter shall not include general construction or demolition debris facilities, and/or transfer stations, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as "recyclable material processing facilities."

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- (2) Recyclable material processing - Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

§ 112.50. Other use category.

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

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

§ 112-51. Accessory use category.

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

§ 112-52. No more than one principal structure on a lot.

- A. Every structure hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal structure on a lot unless as provided in B below.
- B. More than one principal structure may be located upon a lot in the following instances subject to the lot, yard and density requirements and other provisions of this chapter:
- (1) Institutional buildings.
- (2) Public or semi-public buildings.
- (3) Multiple family dwellings.

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- (4) Commercial or industrial buildings.
- (5) Additional principal structures in permitted mixed-use projects with the prior approval of the Planning Commission.
- (6) Condominiums.

§ 112-53. Permissible uses not requiring permits.

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

- A. Streets.
- B. Access driveways to an individual detached single-family dwelling not located in the Chesapeake Bay Critical Area.
- C. Essential Services and Public utilities.

§ 112-54. Uses permitted in each zoning district.

Except as specifically stated otherwise in this Chapter, only the following uses shall be permitted in the applicable zoning district where the structure or use is located. See § 112-50 regarding uses that are similar to permitted uses. Uses shall only be permitted if there is compliance with all other requirements of this Ordinance.

§ 112-55. Use of the Designations P, PC, SE and SC in the Table of Permissible Uses.

When used in connection with a particular use in the Table of Permissible Uses included in this Section, the letter "P" means that the use is permissible in the indicated zone with a building permit issued by the Zoning Administrator. When used in connection with a particular use in the Table of Permissible Uses, the letter "PC" means that the use is permissible in the indicated zone with a building permit issued by the Zoning Administrator provided the conditions stipulated in this Article VIII are met. The letters "SC" mean the conditions of approval stipulated in this Article VIII for the proposed use must be met and a special exception permit must be obtained from the Board of Appeals. The letters "SE" means a special exception permit must be obtained from the Board of Appeals. The letter "N" means the use is not permitted.

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§ 112.56. Table of permitted uses.

§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
AGRICULTURE											
Agriculture, crop production											P
Agriculture, buildings and structures											P
Indoor plant cultivation											P
Plant nursery, commercial and noncommercial nurseries and greenhouses											P
Fisheries Activities, Aquaculture											P
Forestry											P
Agricultural and the usual agricultural buildings.											P
Roadside Produce Stand											P
Customary equestrian activities and stables.											P
RESIDENTIAL											
Household Living											
Detached House	P	P	P				SE				
Attached House		P	P								
Two-family, semi-attached single-family	P	P	P								
Duplex	P	P	P								
Townhouse		SC	PC								
Multi-Family/Apartment/Condo			P							SE	
Accessory Dwelling Unit	PC	PC									
Manufactured /Mobile Housing Unit				P							
Modular Home	P	P	P				SE				
Mixed-use building, residential					PC	PC	PC				
Group Living											

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
Group domiciliary care home	PC	PC	PC								
Sheltered Care, on site	P	P	P			SE	SE				
Sheltered Care, off site						P					
Continuing Care Retirement Communities/Assisted Living/Nursing Home	SC	SC	SC								
Treatment Center						SE	SE				
PUBLIC, CIVIC AND INSTITUTIONAL											
Cemetery	SE	SE	SE								
College or university	P	P	P								
Business colleges, trade schools, art schools and similar commercially operated schools					P	P					
Community center	P	P	P				P				
Fraternal organization					P	P	P			P	
Governmental facility	P	P	P							P	
Hospital						P					
Library					P	P	P				
Parks and recreation								P	P		
Museum or cultural facility					P	P	P				
Religious assembly	P	P	P								
Safety service	P	P	P	P	P	P	P	P	P	P	P
School	P	P	P								
Utilities and Public Service Facility											
Essential services	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Public utility	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Alternative Energy Facilities											
Small wind-energy systems	PC	PC	PC	PC							

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
MET towers	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Solar energy system, medium					PC	PC	PC	PC	PC	PC	
Solar energy system, small	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Wireless Telecommunications											
Freestanding towers								P	P		
Building or tower-mounted antennas					P	P		P	P		
COMMERCIAL											
Animal Service											
Grooming					P	P	P				
Boarding or shelter/kennel								P	P		
Veterinary care					P	P	P				
Assembly and Entertainment						P	P				
Drive-in theaters and commercial golf-driving ranges.								P	P		
Gun clubs, skeet shooting, duck blinds and hunting preserves, either public or private.											P
Public and private non-commercial parks and recreation areas	P	P	P	P							
Public and private noncommercial parks and recreation areas, including clubs, parks, swimming pools, etc.										P	
Public, private and commercial bathing beaches, bathhouses, boat houses, boat landings and wharves.										P	
Temporary fairs and carnivals sponsored by charitable, social, civic or educational								P	P		
Circus, carnival or similar transient enterprises		P									
Bowling alleys, tennis barns and clubs, roller-skating and ice-skating rinks, commercial gymnasiums, dance halls, athletic centers, indoor swimming and miniature golf.								P	P		
Broadcast Or Recording Studio					P	P	P	P			
Broadcast facility						P		P	P		
Recording studio					P	P	P	P	P		

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
Commercial Service							P	P			
Building Service								P	P		
Business Support Service					P	P	P				
Printing, lithography, bookbinding or publishing plants.								P	P		
Consumer maintenance and repair service					P	P	P				
Furniture and appliance repair.						P	P	P	P		
Self-service laundries and laundry and/or dry-cleaning pickup stations.					P	P	P	P	P		
Taxidermy								P	P		
Full-service laundries establishments and/or dry-cleaning.					P	P	P	P	P		
Personal Improvement Service					P	P	P				
Massage therapy services						P	P				
Tattoo establishments						P	P				
Beauty salons or beauty parlors		SE			P	P	P				
Marine Service										P	
Private maritime uses	SE	SE	SE								
Private maritime uses, but not buildings, including marinas, wharves, piers and docks.										P	P
Docks, piers and wharves.								P	P	P	
Businesses catering to marine activities such as boat sales and service areas; boat fueling facilities; marine supply and equipment stores; boat storage, maintenance and/or construction yards and buildings; and retail fish and bait stores.								P	P	P	
Marinas, fishing equipment and bait stores and similar uses offering goods and services commonly used for water-recreational purposes.										P	
Retail sale of boats and/or other marine vehicles								P	P	P	
Day Care											
Day care center					PC	PC	PC				
Day care home	P	P	P	P							

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
Eating And Drinking Establishments						P	P			P	
Nightclubs and lounges.										P	
Financial Service					P	P	P	P	P		
Funeral And Mortuary Service					P	P	P				
Funeral homes		SC	SC								
Lodging						P	P			P	
Bed and breakfast	PC	PC	SC				SC				
Bed and breakfast, tea room	SC	SC	SC				SC				
Boarding or lodging houses or tourist homes	SE	SE	SE			P	P			SE	
Office					P	P	P				
Business					P	P	P				
Professional					P	P	P				
Medical, dental and health practitioner	SE	SE	SE		P	P	P				
Parking, Non-Accessory							P			P	
Retail Sales					P	P	P			P	
Convenience goods					P	P	P			P	
Consumer shopping goods					P	P	P				
Building supplies and equipment					SE	P		P	P		
Mobile home and prefabricated home sales and rental, but not including occupancy.								P	P		
Self-Service Storage Facility						P		P	P		
Studio, Instructional Or Service					P	P	P				
Trade School					P	P	P	P	P		
Vehicle Sales And Service											
Commercial vehicle repair and maintenance								P	P		
Commercial vehicle sales and rentals								P	P		

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
Fueling station						P	P	P	P	SE	
Personal vehicle repair and maintenance						P					
Personal vehicle sales and rentals						P					
Vehicle body and paint finishing shop											
Incidental automotive repair			SE								
WHOLESALE, DISTRIBUTION & STORAGE USE CATEGORY											
Equipment and Materials Storage, Outdoor								P	P		
Contractor's shop								P	P		
Fuel storage								SE	P		
Grain storage								SE	P		
Trucking And Transportation Terminal								P	P		
Warehouse								P	P		
Wholesale Sales and Distribution								P	P		
INDUSTRIAL USE CATEGORY											
Artisan industrial							PC	PC	PC	PC	
General industrial								PC	PC		
Automotive parts assembly								SC			
Brickyards								SC			
Building material sales yard, including the sales of rock, sand and gravel								SC			
Contractors equipment or storage yard or plant								SC			
Flammable liquids with underground storage provided that all such areas and structures shall be distant at least 200 feet from any lot line.								SC	SC		
Meat packing or storage but not stockyards or slaughter houses.								SC	SC		
Packing or processing of fish or shellfish products, fruits or vegetables.								SC	SC		
Concrete mixing									SC		

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§ 112.56. Table of Permitted Uses	Zoning District										
Use Description	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
Forge or foundry works									SC		
Recyclable material drop-off facility									SC		
Recyclable material processing									SC		
Intensive Industrial									SC		
Electric power or stream generating plants								PC	PC		
Garbage incineration or reduction.									SC		
Organic waste to energy conversion									SC		
Junk or salvage yard	N	N	N	N	N	N	N	N	N	N	N
ACCESSORY USES	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Home occupation					PC	PC	PC	PC	PC	PC	
Portable storage containers	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Roll-off trash containers	PC	PC	PC	PC							
OTHER USES											
Drive-in or drive-through facility					PC	PC	PC			PC	
Temporary uses	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Airport and Heliport								P	P		

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ARTICLE IX. SUPPLEMENTAL USE REGULATIONS

This Article establishes additional requirements applicable to specific uses found in other articles of this Ordinance. The following supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception as set forth in Article VIII and in the Table of Permissible Uses contained in § 112-56.

§ 112-57. Accessory dwelling units.

An accessory dwelling unit shall be permitted in the R-1 and R-2 districts provided that there shall be no more than one accessory dwelling unit per lot and provided such accessory dwelling unit shall comply with the following standards.

A. An accessory dwelling unit may be located on the same lot as a detached single family dwelling unit only. An accessory dwelling unit may not be located on the same lot as a two-family, duplex, townhouse or multi-family dwelling.

B. Design Standards

(1) Standards for creating accessory dwelling units address the following purposes:

- (a) Ensure that accessory dwelling units are compatible with the desired character and livability of residential districts;
- (b) Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
- (c) Ensure that accessory dwelling units are smaller in size than the principal residential unit.

(2) Generally, the design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zoning district development standards apply.

(3) An accessory dwelling unit may only be created through the following methods:

- (a) Converting existing living area, attic, or basement;
- (b) Adding floor area to an existing dwelling;
- (c) Construction of a stand-alone unit; or
- (d) Adding onto an existing accessory building (e.g., apartment in an existing garage).

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- (4) Only one entrance may be located on the front facade of the principal dwelling facing the street, unless the principal dwelling contained additional front facade entrances before the accessory dwelling unit was created.
- (5) Parking.
 - (a) No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house and on-street parking is permitted and adequate.
 - (b) One additional parking space located on or within 100 feet of the lot is required for the accessory dwelling unit: (1) when none of the roadways in abutting streets can accommodate on-street parking or (2) when the accessory dwelling unit is created at the same time as the principal dwelling.
- (6) The size of an accessory dwelling unit may be no more than fifty (50) percent of the living area of the principal dwelling or eight-hundred (800) square feet of floor area, whichever is less.
- (7) Accessory dwelling units created through the addition of floor area must meet the following standards:
 - (a) The exterior finish material must be the same or visually match in type, size, and placement, the exterior finish materials of the principal dwelling.
 - (b) The roof pitch must be the same as the predominant roof pitch of the principal dwelling. The Planning Commission may permit a different roof pitch if needed due to the shape of the roof on the existing principal dwelling if it determines that the proposed roof pitch will maintain a compatible appearance.
 - (c) Trim on the edges of elements on the addition must visually match the type, size and location as the trim used on the rest of the principal dwelling.
 - (d) Windows must match those in the principal dwelling in proportion and orientation.
 - (e) Eaves must project from the building walls the same distance as the eaves on the rest of the principal dwelling.

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§ 112-58. Accessory uses and structures.

The general regulations of this subsection apply to all accessory uses and structures unless otherwise expressly stated.

- A. Accessory uses and structures are permitted in connection with lawfully established principal uses.
- B. The Zoning Administrator is authorized to determine when a use or structure meets the criteria of an accessory use or accessory structure. In order to classify a use or structure as “accessory” the Zoning Administrator must determine that the use or structure:
 - (1) Is subordinate and clearly incidental to the principal structure or principal use served in terms of area and function;
 - (2) Provides a necessary function for or contributes to the comfort, safety or convenience of occupants of the principal use or structure; and
 - (3) Is customarily found in association with the subject principal use or principal structure.
- C. Time of Construction and Establishment
 - (1) Accessory uses or structures may be established only after the principal use or structure of the property is in place. They may not be established before the principal use or structure is in place.
 - (2) Accessory uses and structures may be established in conjunction with or after the principal building.
- D. Accessory buildings and structures must be located on the same lot as the principal use or structure to which they are accessory unless otherwise noted.
- E. Accessory buildings and structures are subject to the same regulations and standards that apply to principal buildings and structures on the subject lot, unless otherwise expressly stated. Accessory structures attached to the principal building by a breezeway, passageway or similar means are subject to the building setback regulations that apply to the principal use or structure.
- F. Detached accessory buildings and structures must be separated by a minimum distance of ten (10) feet from the principal building on the lot, unless the accessory structure or building is located entirely within the principal building setbacks, in which case the accessory building or structure must be separated by at least five (5) feet.

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G. Residential Accessory Buildings and Structures

The following additional regulations apply to buildings and structures that are accessory to (principal) residential uses in the R-1, R-2, R-3 and R-4 districts:

- (1) Accessory uses and structures are prohibited in front or street setbacks.
- (2) No more than three (3) detached accessory buildings or structures are allowed on any lot.
- (3) The aggregate footprint or coverage of all accessory buildings or structures on a lot may not exceed 1,000 square feet or the gross floor area of the principal building, whichever is less.
- (4) Residential accessory buildings or structures in the R-1, R-2, R-3 and R-4 districts are subject to minimum side and rear setbacks of six (6) feet.
- (5) Residential accessory buildings and structures may not occupy more than 40% of the rear or side yard area.
- (6) Residential accessory buildings and structures may not exceed the height of the principal structure or twenty-three (23) whichever is less.

H. Accessory uses, buildings and structures permitted in the R-1, R-2, R-3 and R-4 districts include the following:

- (1) Utility buildings.
- (2) Private garages.
- (3) The keeping of small animals, insects, reptiles, fish or birds, but only for personal enjoyment or household use and not as a business.
- (4) Swimming pools and game courts, lighted or unlighted, for use of occupants and their guests.
- (5) Accessory off-street parking, open or enclosed space, for one (1) commercial vehicle of not more than 15,000 pounds gross vehicle weight and used by the occupant of a dwelling.
- (6) Storage of recreational vehicles, detached caps, boats, and boat trailers not part of an approved commercial use subject to the following limitations:

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- (a) No more than one (1) recreational vehicle may be stored on a lot. No more than two (2) boat or other waterborne craft and/or boat trailers may be stored or constructed on a lot.
- (b) The vehicle or boat shall not be used for living quarters nor shall any business be conducted therefrom.
- (c) These vehicle may not be stored in front or street yards. They may be stored in rear or side yards provided that they are at least three (3) feet from the property line and in the case of side yard storage, provided that they are at least three (3) feet from the property line and are situated at least ten (10) feet to the rear of a lateral projection of the front foundation of the building. Such vehicle may be stored in any completely enclosed garage.
- (d) Such vehicle may be stored on a specially marked parking area of a multi-family rental or condominium unit for residents only. Such areas must be screened from adjacent off-site uses as required by the Zoning Administrator.

H. Nonresidential Accessory Buildings

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

- (1) Accessory buildings are prohibited in front/street setbacks.
- (2) The following are permitted as accessory uses in the I-1 and I-2 Industrials districts:
 - (a) Private greenhouses, barns, silos and other accessory buildings or uses customary accessory to a permitted use.
 - (b) Personal service establishments such as barber shops, beauty shops, opticians, photographers and tailors.
 - (c) Restaurants and beverage establishments, including beer, wine and liquor for immediate consumption, within the principal buildings or outdoor seating areas. § . Beauty salons or beauty parlors
- (3) Beauty salons or beauty parlors not qualifying as a Type II home occupation may be permitted in the R-2 district as a special exception by the Board of Appeals provided the use is accessory to and completely contained within a permitted use.

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§ 112-59. Bed-and-breakfast.

Bed and breakfast establishments are permitted in the R-1, R-2 and R-3 Districts with a zoning certificate and may be permitted in the CBD as a special exception by the Board of Appeals subject to the following:

- A. The bed and breakfast shall operate in accordance with all State and local health and fire code requirements.
- B. The bed and breakfast may only be established in a single-family detached dwelling.
- C. Guest rooms shall be contained within the principal structure.
- D. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.
- E. There shall be no more than one (1) person employed by the bed and breakfast (e.g., as an innkeeper or proprietor) who is not a resident of the dwelling.
- F. Dining and other facilities shall not be open to the public, but shall be used exclusively by the residents and registered guests.
- G. No additional exterior entrances shall be added to the structure solely for the purpose of serving guest rooms.
- H. Only the breakfast meal may be prepared for the guests by the proprietor and no other meals are provided by the proprietor.
- I. No guest may rent a room in a bed and breakfast for more than thirty (30) consecutive days.

§ 112-60. Cemeteries.

Cemeteries including such accessory uses as mausoleums and crematories may be permitted by the Board of Appeals as a special exception in the R-1, R-2 and R-3 districts subject to the following standards.

- A. Any mausoleum or crematory shall be distant at least 200 feet from adjacent properties and road lines.
- B. Any new cemetery not located in a church yard shall contain an area of 10 acres or more.
- C. No graves or burial lots shall be located within any yard as required herein for a dwelling.

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§ 112-61. Circus, carnival or similar transient enterprises.

- A. Circus, carnival or similar transient enterprises are permitted in the R-2 district when sponsored by an organization qualified under Chapter 424 of the 1941 Acts of the General Assembly of Maryland (Section 249 of Article 27 of the Annotated Code of Maryland), provided that such use shall not exceed ten (10) days and does not include any permanent structures.
- B. Temporary fairs and carnivals are permitted in the I-1 and I-2 districts provided they are sponsored by charitable, social, civic or educational organizations for a period of time not exceeding 4 days per event in any calendar year and provided that all equipment, banners, stands and other material and equipment shall be completely removed from the premises within five (5) days of the closing of such temporary fairs and carnivals.

§ 112-62. Continuing care retirement communities, nursing homes.

Continuing care retirement communities, nursing homes may be permitted by the Board of Appeals as special exception in the R-1, R-2 and R-3 districts subject to the following conditions:

- A. Any new establishment shall have a minimum lot area of two acres, and all regular setback requirements for the R-1 District
- B. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements.
- C. Accessory uses shall be allowed within the residential facility or a separate community center facility on-site. Such uses as may be desirable for the convenience of the residents including, without limitation, barbers/hairdressers, retail sales, restaurants, snack bars, gift shops, laundry services, banking and financial services, business and professional offices are subject to the following conditions:
 - (1) Accessory Uses shall be solely for the use and convenience of residents of a facility.
 - (2) Accessory uses shall be wholly within a residential facility or a separate community center facility on-site and shall have no exterior advertising display.

§ 112-63. Day care center.

- A. A day care center is permitted in C-1, C-2 and CBD districts subject to the following requirements:

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- (1) Applicants for day care centers shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency.
- (2) A day care center shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such provider.

§ 112-64. Day care home.

- A. A day care home use may be permitted as an accessory use in the R-1, R-2, R-3 and R-4 districts with a zoning certificate subject to the following conditions:
- (1) Applicants for home day care facilities shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.
 - (2) A home day care shall not serve more children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.
 - (3) At any one time, a home day care shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
 - (4) The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
 - (5) The home day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.
 - (6) All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

§ 112-65. Essential services and public utilities.

- A. The term Essential Services shall include water lines, sewer lines, natural gas lines, propane gas, electric lines or poles, telephone lines and poles, small cell and DAS communications equipment, underground conduits, including such incidental equipment which is located on poles or in underground conduits or vaults.

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- B. Essential services, public utility rights-of-way and structures with the necessary accompanying and incidental equipment for local distribution are permitted as a matter of right in any district and shall not be subject to lot area or setback requirements, yard or height limitations or corner obstruction provisions as are other uses except The Planning Commission may require such uses be appropriately screened to minimize any adverse impacts to adjacent residential uses.
- C. Sewage disposal plants or lagoons located in the R-1 district shall be distant at least 200 feet from any lot occupied by a dwelling, school, church or institution for human care.
- D. Nothing in this section shall apply to any transmission line above 69,000 volts or generating station governed by the regulations of the Maryland Public Services Commission.

§ 112-66. Group domiciliary care facility, group home.

A group domiciliary care facility may be permitted in the R-1, R-2 and R-3 districts provided:

- A. The facility must be licensed by the State of Maryland.
- B. No more than eight (8) residents, excluding resident staff, shall be permitted.
- C. There shall be a minimum of 450 square feet of floor area for each resident, including resident staff, i.e., gross living area divided by the number of residents and staff.
- D. No such facility shall be located within 1,000 feet of a similar facility.
- E. Off-street parking shall be provided to allow one space for each resident staff member, plus two visitor parking spaces.

§ 112-67. Home occupations.

- A. The City recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce travel and to provide another economic development tool, but also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities. The standards in this section ensure that the home occupation remains subordinate to the residential use, and that the residential character of the dwelling unit is maintained. The standards recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.
- B. There are two types of home occupations, Type 1 and Type 2. Uses are allowed as a home occupation only if they comply with all of the requirements of this chapter. Determination of

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whether or not a proposed home occupation is a Type 1 or Type 2 shall be made by the Planning Commission.

(1) Type 1. A Type 1 home occupation is one wherein the residents use their home as a place of work; however, no employees or customers come to the site. A Type 1 home occupation shall be permitted by the City in all zoning districts with a zoning certificate.

(2) Type 2. A Type 2 home occupation is one where either one employee (residing outside of the dwelling) or customers/clients come to the site. Examples are counseling, tutoring, and other such instructional services.

C. Examples of permitted home occupations include, but are not necessarily limited to, the following:

(1) Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, doctors, draftspersons and cartographers, engineers, land planners, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic designers, construction contractors, landscape designers, surveyors, salespersons, manufacturer's representatives, and travel agents.

(2) Instructional services, including music, dance, art and craft classes.

(3) Studios for artists, sculptors, photographers and authors.

(4) Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and woodworking.

(5) Assembling, keeping, using and retaining no more than 250 usable crab pots on the premises, none of which shall be located within the minimum side yard or double the minimum front yard.

D. A Type 2 home occupation may be permitted by the Board of Appeals as a special exception in the residential districts provided that such use shall conform to the following standards which shall be the minimum requirements:

(1) Operational Standards

(a) Conditions of approval established by the Board of Appeals shall specify the hours of operation, maximum number of customer/client visits that may occur in any one day and the maximum number of customers/clients that can be present during hours of operation.

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- (b) A Type 2 home occupation shall have no more than one (1) nonresident employee on the premises at any one time.
- (c) The home occupation shall be limited to the parking/storage of one (1) commercial vehicle on the premises, not exceeding a 15,000 pounds gross vehicle weight.
- (d) Type 1 home occupations are not required to provide any additional parking beyond what is required for the residential use. Type 2 home occupations shall provide two (2) hard surfaced, dust-free parking areas unless the Board of Appeals determines fewer parking areas are necessary.
- (e) The equipment used by the home occupation and the operation of the home occupation shall not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines, generate noise exceeding those permitted by State Code, create electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use/or store hazardous materials in excess of the quantities permitted in a residential structure.

(2) Site Related Standards

- (a) Outdoor activities.
 - (i) All activities must be in completely enclosed structures.
 - (ii) Exterior storage or display of goods or equipment is prohibited.
- (b) The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited.
- (c) Signage shall be limited to one unlighted or indirectly lighted sign per address not exceeding two (2) square feet in area either mounted flush with and on the front facade of the dwelling unit or hung on an independent post.

§ 112-68. Mixed-use building, residential.

Residential units may be located within a principal commercial structure permitted in the CBD subject to the following conditions:

- A. Residential units must be a minimum of 500 square feet and comply with the Fire and Livability Codes.

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- B. Residential units may only be located above the first floor level of the principal building.
- C. Accessory uses located outside the principal structure and separate structures serving the residential units are prohibited.

§ 112-69. Performance standards for industrial uses.

After the effective date of this ordinance, any use established extended or changed and any building, structure, or tract of land, developed, constructed, or used for any permitted use or accessory use classified as “Industrial” shall comply with all of the applicable performance standards herein set forth.

- A. All aspects of any industrial use shall be permitted and approved as applicable by any Federal, State or County agency or department with jurisdiction and/authority and shall continuously operate as provided by any applicable Federal, State or County regulations or standards.
- B. All manufacturing and processing shall occur within a closed, controlled building environment.
- C. Outdoor storage of materials, supplies, and products is permitted in side and rear yards. Any open storage which is accessory to the use permitted shall be visually screened such that the storage is not viewed from any public street or from any residential zone. Screening shall be shown on a master landscape plan approved by the Planning Commission.
- D. Outdoor lighting for all uses shall be diffused and directed away from adjoining lots and shall be approved by the Planning Commission.
- E. Off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural plantings, either of which shall be a minimum of eight feet in height per a master landscape plan approved by the Planning Commission.
- F. All areas not devoted to buildings or parking areas shall be landscaped with lawn, trees, shrubs, etc., per a master landscape plan approved by the Planning Commission.
- D. Noise levels for all industrial uses shall conform to the standards set in title 26, Subtitle 02, Section 03 Control of Noise Pollution.
- H. Air quality shall conform to the requirements of COMAR Title 26, Part 2, Subtitle 11.
- I. Any industrial use or activity producing humidity in the form of steam or moist air, heat, or glare shall be carried on in such a manner that the humidity, heat, or glare is not perceptible

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at any lot line. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

- J. No vibration as measured at the lot line is permitted which is discernible of the human sense of feeling for three (3) minutes or more duration in any one (1) hour period.
- K. No emission of particulate matter, sulfur compound, carbon monoxide, hydrocarbon, nitrogen oxide, and open burning shall be allowed in excess of regulations adopted by the Maryland Department of the Environment.
- L. All sources of ionizing radiation shall be registered or licensed by the Maryland Department of the Environment and operated in accordance with their regulations.
- M. Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment, other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
- N. Storage, utilization, or manufacture of solid materials which require free burning and intense burning may be allowed if permitted in the zoning district, provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system.
- P. No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the property outside of the buildings. All sewage and industrial waste shall be treated and disposed of in such a manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. All waste shall be disposed of in accordance with the regulations of the Maryland Department of the Environment.

§ 112-70. Portable storage containers.

- A. Purpose. The purpose and intent of this Section is to:
 - (1) Ensure that the placement on land of any portable storage container is in compliance with all applicable building codes;
 - (2) Prohibit undesirable uses of any portable storage container; and
 - (3) Promote the public health, safety and general welfare.

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- B. Application. The provisions of this section shall apply to only the following zoning districts as defined by chapter
- (1) R-1 Residential Low Density District;
 2. R-2 Residential Medium Density District;
 3. R-3 Residential Multifamily District; and
 4. R-4 Residential Manufactured Home District.
- C. Definitions. The words "portable storage container" or "container" as used in this section are defined as any Sea Trains or Hapag-Lloyd container, Transportainer, Land Sea container, Conex box, PODS®, or any other portable storage container designed and constructed as a standardized, reusable vessel intended to be loaded on a truck, rail car or ship.
- D. Temporary placement. Under this section, portable storage containers are temporarily allowed on any real property or site as follows:
- (1) A container may be placed for a period of up to 180 days in any twelve-month period upon the issuance of a temporary placement permit by the City Zoning Administrator.
 - (2) Extension of temporary placement permit. On or before fifteen (15) days prior to the expiration of the one-hundred-eighty-day period for a temporary placement permit issued under Subsection D(1), the person to whom the temporary placement permit was issued may submit an application to the City Zoning Administrator, or the consideration of the Planning Commission, to extend the time period of the temporary placement permit issued under Subsection D(1) by no more than 180 days. Upon the expiration of the one-hundred eighty-day extension, there shall be no other extensions for the time period of a temporary placement permit issued under Subsection D(1).
 - (3) Temporary container placement must be in compliance with the conditions of Subsection G of this section.
 - (4) Temporary placement containers must include a "placard" not to exceed one square foot in area which is clearly visible from the nearest right-of-way which includes the container identification number, date of placement on the property, date that removal will be required, and a local contact telephone number.
- E. Prohibited placement. Except as provided for in Subsection D(2), or unless a special exception is granted by the Board of Appeals to the applicant, no container shall be placed upon any site or property in the City of Crisfield for more than 180 days in any twelve-month

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period. In no event shall a container be placed upon any site or property in the City of Crisfield for more than 360 days in any twelve-month period.

F. Application for permit.

- (1) Prior to placement of a container an application must be made to the City Zoning Administrator for a permit on a form provided by the office of the City Zoning Administrator.
- (2) The application must be made by the owner, purchaser under contract, or lessee of the property for which placement is requested, or an agent authorized in writing.
- (3) Fees for permit. There is no permit fee required for the application or approval of the initial placement of a container. A nonrefundable fee in the amount of \$150 shall be paid by the applicant upon submission of an application for an extension of a temporary placement permit issued under Subsection D(2).
- (4) Upon approval of the application by the City Zoning Administrator, the container may be placed on the requested site. After placement of the container is complete, an inspection by the City Zoning Administrator or an agent of the City Zoning Administrator is required and such inspection shall be performed no later than ten (10) days after placement of the container. Upon the City Zoning Administrator's finding that the container is in compliance with all the conditions of this section, the City Zoning Administrator shall issue the temporary placement permit.
- (5) Upon receipt by the City Zoning Administrator of an application for an extension of a temporary placement permit issued under Subsection D(2) and no later than fifteen (15) days after submission of the application, the Planning Commission will convene a public hearing to consider and act upon the application as also provided under Subsection D(2). The decision to approve or deny the application for extension of the temporary placement permit rests exclusively with the Planning Commission.
- (6) If the applicant shall fail to comply with any of the conditions of this section, no permit for temporary placement shall be issued until there is compliance with all the conditions.
 - (a) The City Zoning Administrator shall provide the applicant with notice of the reasons why the permit will not be issued.
 - (b) The applicant shall have fifteen (15) days after receipt of the notice to remedy the deficiencies.

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- (c) Upon failure to remedy the deficiencies within the time period set forth in Subsection F(6)(b), the container shall be removed from the site or property at the sole cost of the applicant.
- (7) If a container exceeds 130 square feet in area, the following information must be submitted to the City Zoning Administrator with the permit application:
 - (a) A site plan showing all lot dimensions, street names, container location, setbacks to property lines, distance to other buildings on the property.
 - (b) A description of the pad material upon which the container will be placed (asphalt, compacted gravel, etc.).
 - (c) The size and make of the container.
 - (d) A brief summary of the type of materials or property that will be stored in the container.
 - (e) The size and location of the doorway of the container.
 - (f) The location of a fire extinguisher in relation to the door of the container.
 - (g) The time period in which a container will be on the site.
- G. Conditions for placement. Every permitted container must comply with the following:
 - (1) The container must not:
 - (a) Occupy any required off-street parking space for the site;
 - (b) Impact drive aisles, fire lanes, retention basins or loading zones;
 - (c) Cause a hazardous condition;
 - (d) Constitute a threat to public safety; or
 - (e) Create a condition detrimental to surrounding land uses and developments.
 - (2) The placement of the container shall be in compliance with the structure separation and firewall requirements of this chapter and the setback requirements for the applicable occupancy and zoning district of this chapter.
 - (3) The container shall be in good condition, shall not be structurally altered, shall be free from severe rust, peeling paint, or other forms of deterioration and shall not have exposed bare metal.

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- (4) There shall be no plumbing fixtures installed or used in the container.
- (5) There shall be no electrical fixtures installed or used in the container.
- (6) There shall be no stacking of one container upon another.
- (7) All wheels (except for small rollers) shall be removed.
- (8) The container shall not display off-premise advertising, or other markings painted on, or otherwise attached to, the exterior of the container.
- (9) There must be a legal primary structure on the property where the container is located. When located at a new construction site, the primary structure need not be in place; however, there must be a valid building permit on file for a new primary structure.

H. Prohibited uses.

- (1) No container may be used for living quarters or habitation by humans or animals.
- (2) No container may be used to store hazardous material.
- (3) No container is allowed in any area where recorded covenants, conditions or restrictions prohibit the placement thereof.

I. Nonconforming use.

- (1) Any container now established on any lot, tract, or parcel of land within the City which is not permitted under the provisions of this section shall be deemed a nonconforming use.
- (2) Any nonconforming use container shall not be replaced with another nonconforming use container.
- (3) Every nonconforming use container must be placed in compliance with this section on or before January 1, 2016.

J. Public nuisance. Any container placed or used upon any site or property contrary to provisions of this section is unlawful and shall be deemed a public nuisance.

K. Violation; penalty. Any person, whether acting as principal, agent, employee or in any other capacity, who violates any of the provisions of this section shall be deemed in violation of this chapter as set forth in § 112-18(B).

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§ 112-71. Private maritime uses.

Private maritime uses may be permitted as a special exception by the Board of Appeals in the R-1, R-2 and R-3 district provided no buildings, structures or areas are used for the processing of maritime products, commercial marinas, wharves, piers and docks or for commercial boat building and maintenance.

§ 112-72. Roll-off trash containers.

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

- A. The Zoning Administrator shall be notified at least three (3) business days prior to placing the roll-off trash container on the site.
- B. A roll-off trash container shall be located at the address for a maximum of ninety (90) consecutive days, including the days of delivery and removal. Extensions may be granted by the Zoning Administrator, subject to conditions, for reasonable additional time periods in an amount not to exceed thirty (30) days for each extension. The Planning Commission may grant further extensions not to exceed six (6) months.
- C. The unit has a maximum capacity of forty (40) cubic yards, or is no larger than eight feet wide by eight feet high by sixteen feet long.
- D. There is no more than one roll-off trash container for any address at any one time.
- E. The unit is not located within any public right-of-way and does not block any public sidewalk unless approved by the Zoning Administrator.
- F. Roll-off trash containers shall be placed on an impervious surface (e.g., driveway) where feasible.
- G. The roll-off trash container is used only for disposal of acceptable waste. Examples of waste that are not acceptable include refrigerators, a/c units, tires, batteries, car parts, hazardous waste, and gas or propane tanks.
- H. On duplex, townhouse, or multi-family properties, placement of the roll-off trash container must be approved by an appropriate management or ownership entity to ensure safe and convenient access to required parking spaces, driveways, and pedestrian pathways and to ensure that the storage container does not obstruct emergency access or infringe on required landscaped areas.

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- I. Roll-off trash containers are not permitted accessory structures and shall not be used as such.

§ 112-73. Small and medium solar energy power system or heating equipment.

Small and medium solar energy systems and solar energy heating equipment shall be permitted in all zoning districts subject to the following requirements:

- A. Small solar energy systems or any solar energy heating equipment may be a part of or attached to a principal or accessory structure located on a site and shall be subject to the same setback and height limitations of said structure except as may be modified by hereof.
- B. Where not a part of or attached to a principal or accessory structure, small solar energy systems and solar energy heating equipment shall be considered an accessory use on any lot or parcel of land and shall be subject to the setback and height limitations as contained in the particular zoning district for other customary accessory structures which are directly incidental to the permitted principal uses and structures on the site.
- C. Medium solar energy systems may be attached to or a part of a principal or accessory structure located on a site or may be located as freestanding independent arrays, systems or structures. In all cases they shall be subject to the setback and height limitations for the principal or accessory structure.
- D. All mechanical equipment associated with and necessary for the operation of the solar energy system shall not be located in the minimum front yard setback and shall be subject to the setback requirements for customary accessory structures in the zoning district.
- E. All mechanical equipment shall be screened from any adjacent property which is in the R-1, R-2, R-3, and R-4 districts or used for residential purposes. The screen shall consist of shrubbery, trees or other ornamental or natural vegetation sufficient to provide an immediate visual barrier to the equipment. In lieu of a vegetative screen a decorative fence may be used, but must be maintained.
- F. All solar panels shall be situated in such a manner as to prevent concentrated solar radiation or glare from being directed onto adjacent properties, roads, or public gathering places.
- G. All power transmission lines for freestanding ground-mounted solar energy systems or pipes from solar energy heating equipment connecting freestanding systems to a building shall be located underground.
- H. Signage or text on solar energy systems may be used to identify the manufacturer, equipment information, warning or ownership but shall not be used to display any commercial

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advertising message or anchor any streamers, balloons, flags, banners, ribbons, tinsel or other materials to attract attention.

- I. Any ground-mounted system which has not produced any electricity for a period of twelve (12) months or more or found to be unsafe by the Building Official shall be considered abandoned and, as such, shall be repaired or decommissioned and removed by the property owner. The decommissioning shall include the removal of the solar energy system and all equipment, electrical components, support structures, cabling, or any other part of the system that is at ground level or above. The property owner shall be responsible for completing the decommissioning within ninety (90) days of abandonment.

§ 112-74. Small wind-energy systems.

- A. The purpose of this section is to facilitate the installation and construction of small wind-energy systems in the City of Crisfield for private landowners, subject to reasonable restrictions, which will preserve the public health and safety.

- B. Applicability.

- (1) The requirements set forth in this section shall govern the siting of small wind-energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to Maryland's net metering laws (Annotated Code of Maryland Public Utility Companies Article, § 7-306), serve as an, independent source of energy, or serve in a hybrid system.
 - (2) The requirements of this section shall apply to all small wind-energy systems proposed after the effective date of this section. Small wind-energy systems for which a required permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section; provided, however, that any such preexisting small wind-energy system that is not producing energy for a continuous period of twelve (12) months shall meet the requirements of this section prior to recommencing production of energy. No modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this section.

- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMITTEE - The City of Crisfield Planning Committee or Planning Commission.

FAA - The Federal Aviation Administration.

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METEOROLOGICAL TOWER OR MET TOWER - A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

SITING PERMIT - A construction and operating permit granted in accordance with the provisions of this section.

SMALL WIND-ENERGY SYSTEM - A wind-energy conversion system, less than 100 kW, consisting of a wind turbine, tower, base and associated control or conversion electronics.

TOTAL HEIGHT - When referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point. "Total height" for the City of Crisfield shall mean 150 feet.

WIND TURBINE - The parts of the wind system including the blades, generator and tail.

D. Regulatory framework.

- (1) Small wind-energy systems shall be constructed in areas consistent with the City of Crisfield Comprehensive Plan and Strategic Revitalization Plan.
- (2) Small wind-energy systems may only be constructed in the following zoned areas: R-1, R-2, R-3, and R-4 on the official Zoning Map for the City of Crisfield. MET towers may be temporarily installed in any zoned areas for a period of twelve (12) months to twenty-four (24) months.
- (3) Small wind-energy systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a small wind-energy system or a part of such facility on such lot. Small wind-energy systems that are constructed and installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

E. General requirements.

- (1) Visual appearance; lighting; power lines.
 - (a) Wind turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and

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architecture of the community. Small wind-energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards required otherwise. The zoning authority may require a photo of a small wind-energy system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).

- (b) At small wind-energy system sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the small wind-energy system to the natural setting and then-existing environment.
 - (c) Small wind-energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - (d) Small wind-energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
 - (e) Electrical controls and control wiring and power lines shall be wireless or underground, except where small wind-energy system wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
 - (f) The applicant shall provide evidence that the proposed height of the small wind-energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
 - (g) The applicant shall certify that it will comply with the utility notification requirements contained in the Maryland net metering law and accompanying regulations in Subsection E(7) of this section, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the most current IEEE (Institute of Electrical and Electronics Engineers) 1547 Standard for Interconnecting Distributed Resources with Electric Power Systems. Additionally, upon final ruling of the Maryland Public Service Commission, the applicant shall also meet the requirements set forth in Maryland Small Generator Interconnection Standards (PSC Case No. 9060, pending).
- (2) The following setbacks and separation requirements shall apply to all small wind-energy systems and MET towers; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this section would be better served thereby.

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- (a) A small wind-energy system shall be located on a parcel that, at a minimum, is 1/4 acre in size.
 - (b) The tower height of a small wind-energy system shall not exceed a maximum height of 150 feet on a parcel of between 1/4 acre and one acre. For property sizes of one acre or more, there is no limitation on maximum height except as imposed by FAA regulations. In those zoned areas that have maximum height limits, the applicant can receive a waiver or variance from the Committee for exceeding the maximum height requirements for wind turbines if all other requirements in this section are met. MET towers cannot exceed a maximum height of 250 feet.
 - (c) Each small wind-energy system or MET tower shall be set back from the nearest property line a minimum distance of 20 feet measured from the arc of the blades.
 - (d) At the time of application, each small wind-energy system shall be set back from the nearest nonparticipating building structure (i.e., buildings on neighboring land) a minimum distance of 20 feet measured from the arc of the blades.
 - (e) Each small wind-energy system shall be set back from the nearest public road or neighboring private rights-of-way (e.g., shared driveway, neighboring driveway) a minimum distance of 20 feet measured from the arc of the blades.
 - (f) Each small wind-energy system shall be set back from the nearest aboveground public electric power line or telephone line a minimum distance of 20 feet measured from the arc of the blades.
- (3) Audible sound due to small wind-energy system operations shall not exceed 66dBA for any period of time, when measured at the property line of any property containing an occupied building on the date of approval of any small wind-energy system siting permit. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (4) The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
- (5) Safety.
- (a) Wind turbine towers shall not be climbable up to twelve (12) feet above ground level.
 - (b) All access doors to wind turbine towers and electrical equipment shall be lockable.
 - (c) Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers, electrical equipment, and small wind-energy systems.

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(6) Federal and state requirements.

- (a) Building permit applications for wind-energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, and site plan (showing the location of the proposed small wind-energy system and the locations of all existing buildings, structures and property lines to scale along with distances). An engineering analysis of the tower showing compliance with the Code of the City of Crisfield and certified by a licensed professional engineer shall also be submitted. This analysis may be supplied by the manufacturer. Wet stamps shall not be required.
- (b) Wind-energy systems must comply with regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.
- (c) Building permit applications for small wind-energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.
- (d) Small wind-energy systems connected to the utility grid must comply with the Maryland Net Metering Laws (Annotated Code of Maryland, Public Utility Companies Article, § 7-306).
- (e) Applicants must meet all interconnection requirements of the IEEE 1547, including those pertaining to safety, reliability and liability coverage requirements. Upon final ruling of the Maryland Public Service Commission, the applicant shall also meet the requirements set forth in Maryland Small Generator Interconnection Standards (PSC Case No. 9060, pending).

- (7) Removal of defective or abandoned small wind-energy systems. Any small wind-energy system found to be unsafe by the Building Official shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. If any small wind-energy system is not operational for a period of twelve (12) consecutive months or more, the City will request by registered mail and provide forty-five (45) days for such response from the landowner to provide corrective action. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable time table for corrective action. If the City deems the time table for corrective action to be unreasonable, it must notify the landowner, and such landowner shall remove the turbine at his or her own expense within 120 days of receipt of notice from the City. The City shall have the authority to pursue legal action if necessary.

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§ 112-75. Tea Rooms.

Tea room establishments, for the retail sale of goods and food, may be permitted in the R-1, R-2 R-3 and CBD Districts as a special exception by the Board of Appeals, subject to the following:

- A. The tea room shall be operated on property permitted for use as a bed and breakfast in accordance with conditions set forth in § 112-59.
- B. The maximum number of occupants of the tea room, including the exterior of the property at which the tea room is operated, shall be, at any time, forty (40) persons, including staff of the tea room.
- C. The hours of operation of the tea room shall be between the hours of 8:00 a.m. to 8:00 p.m., Monday-Sunday.
- D. The owner of the tea room shall reside on the premises.

§ 112-76. Temporary uses.

A. Temporary use, emergency.

- (1) The Planning Commission may permit temporary buildings, structures and uses needed as the result of a natural disaster or other health and safety emergencies.
- (2) The Planning Commission may set a time limit on such use.

B. Temporary use, construction.

- (1) Temporary buildings and structures, including trailers for uses incidental to construction work on the premises shall be permitted in any district where such construction is being done by a responsible contractor or builder under a contract having a definite completion date and on the condition that such temporary buildings and structures shall be removed upon the completion or discontinuance of construction.
- (2) No person shall sleep or reside in such buildings while so used.

C. Temporary use, sales.

- (1) The Planning Commission may permit one trailer, or the use of one building as a temporary field or sales office in connection with building development.
- (2) The temporary sales trailer shall be removed at the point in time when all the residential lots have been sold and the sales office is closed.

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- (3) Neither the trailer nor the building shall be used for living or sleeping other than for overnight security purposes.

§ 112-77. Townhouses.

Townhouses may be permitted by the Board of Appeals as a special exception in the R-2 District and shall be permitted in the R-3 districts subject to the following standards.

- A. The Planning Commission may reduce the minimum lot area per dwelling unit requirements for individual units in a town house building provided that the average for all dwelling units in the building equals or exceeds the minimum requirements and provided that no lot is created with lot area less than two thousand (2,000) square feet.
- B. For the purpose of the side yard regulations, a townhouse building shall be considered as one (1) building on one (1) lot, with side yards required for end units only, in accordance with this chapter. Any side yard adjacent to the line of a lot occupied by a detached single-family dwelling or a lot in a single-family residential district shall not be less than twenty-five (25) feet.
- C. Not more than six (6) dwelling units shall be included in any one (1) townhouse building.
- D. Townhouse units shall face the primary street frontage to the maximum extent possible. Townhouse projects with no units fronting on the primary street frontage are not permitted.
- E. Provisions satisfactory to the Mayor and Council shall be made to assure that nonpublic areas for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants shall be maintained in a satisfactory manner without expense to the general public.

§ 112-78. Trailers and closed-body trucks.

- A. No trailer or closed-body truck shall be continuously parked or allowed to rest in any district for more than three (3) consecutive days without a permit issued by the Zoning Administrator, who is hereby authorized to issue the same for a period not to exceed sixty (60) consecutive days.
 - (1) Any applicant desiring to renew an existing permit shall reapply to the Zoning Administrator at least fifteen (15) days prior to the expiration of the then current permit.
 - (2) The Zoning Administrator may issue one additional permit for an additional thirty (30) consecutive days.

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- (3) The removal, including replacement, of the trailer or closed-body truck during any thirty-day (30) period shall automatically terminate the permit.
- B. The Zoning Administrator issuing or reissuing a permit pursuant to Subsection A shall consider the intended use, structural soundness, exterior appearance and contents of same toward the ending of protecting the health, welfare and safety of the residents and workers in the vicinity and the effect upon neighboring properties. The Zoning Administrator shall have the right to inspect the premises, including the contents of said trailer or closed-body truck, at any time to assure compliance with these provisions.
- C. Trailers and closed-body trucks shall be permitted for periods in excess of ninety (90) consecutive days when a special exception has been granted by the Board of Appeals pursuant to the applicable provisions of Article XV. In addition to the provisions thereof, said trailer or closed-body truck shall be considered as an accessory use or structure and shall be used only for the purposes permitted in the particular district in which it is to be located and shall conform to the setback requirements of said district and all other codes of the City, violation of any of which shall be considered separate offenses.
- D. For the purposes of this section, a trailer or closed-body truck (whether operable or inoperable and whether or not attached to a chassis) is a vehicle designed or manufactured for over the road use in which material could be stored or from which sales activities or other commercial operations could be conducted. It shall not include a structure permitted by § 112-76(B).
- E. Existing trailers or closed-body trucks shall be nonconforming structures under Article XVIII of this chapter upon registration of same with the Zoning Administrator, together with the payment of the permit fee therefor, prior to July 1, 1983.
- F. Nothing herein shall be construed to allow occupancy of a trailer or closed-body vehicle by a person or persons.

ARTICLE X. SCHEDULE OF ZONE REGULATIONS

§ 112-79. Minimum Lot Size.

Subject to the exceptions listed below all lots shall have at least the amount of square footage indicated for the appropriate zoning district.

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§112-80. Residential Density.

Every lot developed for residential purposes shall have the minimum number of square feet of land area per dwelling unit as required by the Schedule of Zone Regulations. In determining the number of dwelling units permitted on a tract of land, fractions shall be rounded to the nearest whole number.

§ 112-81. Minimum Lot Widths.

- A. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:
 - (1) Could be used for purposes that are permissible in that zoning district, and
 - (2) Could satisfy any applicable setback requirements for that district.
- B. The Schedule of Zone Regulations indicates minimum lot widths and depths that are recommended and are deemed presumptively to satisfy the standard set forth in Subsection A.
- C. No lot created after the effective date of this Chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement except as may be provided under the terms of Article VI.

§ 112-82. Building Setback Requirements.

- A. Subject to other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot or property line than is authorized in the table set forth in this § 112-86.
 - (1) If the lot or property line is not readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from the boundary line of any adjacent right-of-way. If the boundary line of the right-of-way is not readily determinable the setback shall be measured from the centerline of the right-of-way and half the width of the right-of-way shall be added to the minimum setback requirement.
 - (2) Whenever a lot abuts upon a public alley, the alley width may not be considered as a portion of the required yard.
 - (3) Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two (2) streets is the side street.

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- (4) Every part of a required yard shall be open to the sky, except as may be authorized by this Chapter except ordinary projections of sills, belt courses, window air-conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.

§ 112-83. Front yards on corner lots.

Corner lots which are not reverse frontage lots shall be required to have a front yard of the same depth as the prevailing yard pattern in the zone, and a second front yard of half the depth required generally for the front yards in the zone shall be provided on the other frontage. In the case of corner lots with more than two frontages, the Planning Commission shall determine the front yard requirements, subject to the following limitations:

- A. At least one front yard shall be provided having the full depth required generally in the zone.
- B. No other front yard on said lot shall have less than half the full depth required generally.

§ 112-84. Height and bulk requirements.

- A. Except as listed in Subsection B below and as may otherwise be provided in this chapter, no building shall exceed 35 feet or three stories in height, whichever is greater, provided that a basement or a cellar shall not be considered as a story. The Zoning Administrator may increase the maximum height limit for principal and accessory structures where the additional height is necessitated by compliance with City's Floodplain regulations.
- B. The following shall be excluded from the height requirements:
 - (1) Penthouses or roof structures for housing stairways, tanks, ventilating fans or similar equipment required to operate and maintain the buildings, fire or parapet walls, towers, steeples, flagpoles, silos, smokestacks, masts, water tanks, monuments or other superstructures that project into the air.
 - (2) Bulkheads, elevator penthouses, water tanks, towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other similar structures where the manufacturing process requires a greater height or essential services as defined in § 112-86; provided, however, that all such structures shall not occupy more than 25% of the gross lot area and shall be located at least fifty (50) feet in all parts from any adjacent lot line or street.

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(3) Belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, public monuments, commercial radio and television towers less than one hundred twenty-five (125) feet in height.

C. Public, semipublic and public service buildings, hospitals, institutions and schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet when the required side and rear yards are each increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

D. Front yards.

§ 112-85. Front yard adjustment.

A. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

B. On through lots, the required front yard shall be provided on each street.

C. There shall be a front yard of at least fifteen (15) feet on the side street of a corner lot in any district: provided, however, that the buildable width of a lot of record at the time of passage of this Zoning Ordinance shall not be reduced to less than twenty-eight (28) feet.

D. Open, unenclosed porches, platforms or paved terraces not covered by a roof or canopy and which do not extend above the level of the first floor of the building may extend or project into the required front or side yard not more than six (6) feet.

E. In the case of corner lots, a front yard of the required depth shall be provided as determined by the Zoning Administrator subject to the following limitations:

(1) At least one front yard shall be provided having the full depth generally required in the zone.

(2) No other front yard on such lot shall have less than half the full depth required generally.

(3) Consideration shall be given to any existing adjacent dwellings.

(4) The front yard required for a dwelling in any zone which permits residences may be reduced in the case of a dwelling to be located between two existing dwellings, which

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lack the required front yard and which are less than 100 feet apart. In such a case, the front yard depth shall be no less than that of the deepest adjoining lot.

- (5) In any zone on any lot which fronts on a street having a right-of-way of less than 40 feet in width, no building shall be located less than 25 feet from the center line of the street, plus the depth of the required front yard in the zone.

F. Side yards.

- (1) The minimum width of side yards for schools, libraries, churches, community houses and other public and semipublic buildings in residential districts shall be twenty-five (25) feet, except where a side yard is adjacent to a business or industrial district, in which case the width of that yard shall be as required under § 112-86 for the district in which the building is located.

G. Visibility at intersections.

On a corner lot in any zone, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 21/2 and 10 feet above the ground in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the lot corner.

H. Accessory buildings and structures.

- (1) Fences and walls may be located in a required yard subject to the following:
 - (a) An ornamental fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard.
 - (b) Ornamental fences or walls may project into or enclose other required yards, provided that such fences and walls do not exceed a height of six (6) feet.
 - (c) No front yard fences are allowed in townhouse projects.
 - (d) Property line fences or walls are not subject to accessory structure setbacks.
 - (e) In any district, the Board of Appeals may permit, as a special exception, the location of a fence or wall in any required setback and to any height, provided that such is reasonably necessary and will not adversely affect the use, enjoyment or value of surrounding property.

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- (f) No fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid and the finished side of fence faces to the outside of the property.
- (g) The following fences and fencing materials are specifically prohibited:
 - (i) Barbed wire.
 - (ii) Pointed fences less than three (3) feet in height.
 - (iii) Canvas fences.
 - (iv) Cloth fences.
 - (v) Electrically charged fences.
 - (vi) Poultry fences.
 - (vii) Turkey wire.
 - (viii) Temporary fences such as snow fences.
 - (ix) Expandable fences and collapsible fences, except during construction of a building or structure.
- (h) All chain link fences erected shall be erected with the closed loop at the top of the fence.
- (i) All entrances or gates shall open into the property.
- (j) All fences or walls must be erected so as not to encroach upon a public right-of-way or easements. All fences or walls must be erected on or within the property line and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.
- (j) Any fence, wall or similar structure which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited.
- (k) Every fence or wall shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or wall which is, or has become dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and

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the Code Enforcement Officer shall commence proper proceedings for the abatement thereof.

(2) Accessory buildings.

(3) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than fifteen (15) feet from street lines.

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§ 112-86. Table of Height, Area and Bulk Requirements.

(Height, area and bulk requirements for the various zoning districts shall be as indicated in the chart below, in addition to other height, area and bulk requirements contained within this chapter.)

District Name	Minimum Lot Requirements			Minimum Yards (feet)			Maximum Height (feet)
	Lot Area (square feet)	Dimension at Building Line (feet)	Frontage on Public Street (feet)	Front	Side	Rear	
R-1 District	8,000	75	25	25	8 ³	25 ³	35
R-2 District	5,000	45	25	20	6 ^{1,3}	20	35
R-3 District	3,000	45	25	20	6 ^{1,3}	29 ³	35 or 1 foot for additional 2 feet setback
R-4 District	4,000	--	--	--	--	--	--
C-1 District	3,000	--	25	25	--	25	35
C-2 District	10,000	75	25	--	--	25	35
CBD District	3,000	None	None	--	--	--	35, additional height permitted ²
I-I District	3,000	--	30	20	0	3	35 or 1 foot for additional 2 feet setback
I-2 District	20,000	100	50	20	10	20	35 or 1 foot for additional 2 feet setback
TM District	10,000	75	35	20	--	25	35
CO District	40,000	100 each side	50	40	40	40	35
¹ Does not apply to attached single-family dwelling or townhouse.							
² Height limitations: 35 feet for principal structures and accessory structures and uses, except that for apartments and office developments, additional height may be permitted upon the approval by the Planning Commission and Board of Appeals, with the finding that the additional height will not cause additional safety problems for the City and will not adversely affect surrounding properties.							
³ Accessory structures shall be placed at a point six (6) feet from both side and rear lot lines; provided, however, that on corner lots, accessory buildings shall be permitted under this provision only at the interior corner of the six-foot building setback lines.							

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ARTICLE XI. OFF-STREET PARKING, LOADING AND UNLOADING

§ 112-87. General Regulations.

- A. Where required by other provisions of this chapter, off-street parking, loading and unloading facilities shall be required to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either a covered garage space or an uncovered parking lot space located off the public right-of-way.
- B. The net parking space per vehicle shall not be less than nine (9) feet wide and eighteen (18) feet long.
- C. A garage or carport may be located wholly or partly inside the walls of the principal building or attached to the outer walls. If separated from the principal building, the garage shall conform to all accessory building requirements.
- D. Off-street parking and loading areas for fewer than five (5) vehicles and the approaches thereto shall be either paved or covered with gravel, crushed shells, such as oyster or clam shells, or cinders; off-street parking and loading areas for more than five vehicles and the approaches thereto shall be finished so as to provide a durable and dust-free surface, such as gravel, crushed shells, such as oyster or clam shells, concrete or bituminous concrete approved by the Zoning Administrator or his or her designee.

§ 112-88. Applicability.

A. General

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

- (1) Unless otherwise expressly stated, the parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.
- (2) Enlargements and expansions.
 - (a) Unless otherwise expressly stated, the parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking requirements.
 - (b) In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area,

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not the entire building or use. In other words, there is no requirement to address a lawful, existing parking deficit.

- (3) Change of use. When the use or occupancy of property changes, additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking or loading spaces required for the new use or occupancy exceeds the number of spaces required for the use that most recently occupied the building, based on the standards of this zoning ordinance. In other words, “credit” is given to the most recent lawful use of the property for the number of parking spaces that would be required under this zoning ordinance, regardless of whether such spaces are actually provided. A new use is not required to address a lawful, existing parking deficit.
- (4) Existing. Existing off-street parking and loading areas may not be eliminated, reduced or modified below the minimum requirements of this article.

§ 112-89. Minimum required parking ratios.

- A. Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 112-89.A.

Table 112-89.A. Minimum required parking ratios	
CATEGORIES/SUBCATEGORIES/SPECIFIC USES	REQUIRED PARKING SPACES
RESIDENTIAL USE CATEGORY	
Detached Dwelling	2 spaces per dwelling unit
Attached Dwelling	2 spaces per dwelling unit
Semi-attached, Two-family	2 spaces per dwelling unit
Duplex	2 spaces per dwelling unit
Townhouse	2 spaces per dwelling unit
Multi-family/Apartment/condo	1.5 spaces per dwelling unit
Accessory Dwelling Unit	1 space
Mixed-use building, residential	All parking required for a non-residential use, 2 spaces per dwelling unit
Group Living (except for the following uses)	1 space for each resident staff member, plus two visitor parking spaces
- Assisted Living Facilities	1 parking space for each three beds, plus one space for each two employees.
PUBLIC, CIVIC AND INSTITUTIONAL USE CATEGORY	
Cemetery	Per § 112-81
College or University	1.0 space per three students
Community Center	1 space per 4 occupants (maximum capacity)

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Table 112-89.A. Minimum required parking ratios	
CATEGORIES/SUBCATEGORIES/SPECIFIC USES	REQUIRED PARKING SPACES
Fraternal Organization	1 parking space for each four seats or four persons of design capacity, plus one space for each two employees
Governmental Facility	Per § 112-81
Hospital	Per § 112-81
Library	5 spaces per 1,000 sq. ft.
Museum or Cultural Facility	1 parking space for each four seats or four persons of design capacity, plus one space for each two employees
Natural Resources Preservation	None
Parks and Recreation	
- Park	5 spaces per acre
- Swimming Pool	10 spaces per 1,000 sq. ft. of water surface
- Tennis Courts	2.25 per court
Religious Assembly	1 space per 8 occupants (maximum capacity)
Safety Service	Per § 112-81
School, College or University.	
- Elementary and middle school	0.10 spaces per student
- High school	0.30 spaces per student
- College, university	Per § 112-81
Utilities and Public Service Facility	
- Essential Services	Per § 112-81
- Public Utility	Per § 112-81
- Alternative Energy Facilities, Wind energy conversion systems	Per § 112-81
- Alternative Energy Facilities - Solar energy power system or heating equipment	Per § 112-81
Wireless Telecommunications	
- Freestanding Towers	None
- Building or Tower-Mounted Antennas	None
COMMERCIAL USE CATEGORY	
Animal Service	3.5 spaces per 1,000 sq. ft.
Assembly and Entertainment (except for the following uses)	1 parking space for every 200 square feet of gross floor area
- Bowling Alleys	5 parking spaces for each alley
Broadcast or Recording Studio	1 space per employee on max shift
Commercial Service	2 spaces per 1,000 sq. ft.
- Building Service	1.17 spaces per 1,000 sq. ft.
Research Service	1.17 spaces per 1,000 sq. ft.
Day Care	2 spaces per 1,000 sq. ft., plus 1 drop-off/pick-up space per 1,000 sq. ft.

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Table 112-89.A. Minimum required parking ratios	
CATEGORIES/SUBCATEGORIES/SPECIFIC USES	REQUIRED PARKING SPACES
Eating and Drinking Establishments (except for the following uses)	1 parking space for every three seats
- Carry-out restaurant	1 parking space for each 50 feet of gross floor area, plus one space for each two employees.
- Restaurant with lounge	12.5 spaces per 1,000 sq. ft. or 1 space per 4 seats, whichever is greater
Financial Service	3.5 spaces per 1,000 sq. ft., plus stacking spaces per § 112-95.
Funeral and Mortuary Service	12.5 spaces per 1,000 sq. ft.
Lodging	
- Hotel and Motel, Inn	1 parking space for each guest room and two for the resident manager
- Bed and Breakfast	1 space per guest room and two spaces for the owner-occupant.
- Boarding house	1 space per guest room and two spaces for the owner-occupant.
Office	
- Business and Professional Office	1 parking space for every 200 square feet of floor space.
- Medical, Dental and Health Practitioner	6 parking spaces for each professional, plus one space for each employee.
Retail Sales	3.50 spaces per 1,000 square feet
Self-service Storage Facility	0.2 spaces per 1,000 sq. ft.
Studio, Instructional or Service	3.5 spaces per 1,000 sq. ft.
Trade School	1 space per employee + 0.33 per student
Vehicle Sales and Service	
- Commercial Vehicle Repair and Maintenance	1 per service bay, plus stacking spaces per § 112-95.
- Commercial Vehicle Sales and Rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
- Fueling Station	1 space per pump island, plus 1 space per service bay, plus 3.33 spaces per 1,000 sq. ft. of retail sales area, plus stacking spaces per § 112-95.
- Car Wash	2 spaces plus 0.5 spaces per employee, plus stacking spaces per § 112-95.
- Personal Vehicle Sales and Rentals	2 spaces per 1,000 sq. ft. of showroom area, plus 0.4 spaces 1,000 sq. ft. of outdoor display space, plus 2 per service bay
- Vehicle Body and Paint Finishing Shop	1 per service bay, plus stacking spaces per § 112-95.
Marina Sales and Service	1 parking space for every 200 square feet of floor area for public use
WHOLESALE, DISTRIBUTION & STORAGE USE CATEGORY	0.67 spaces per 1,000 sq. ft.
INDUSTRIAL USE CATEGORY	1 parking space for each two employees.
RECYCLING USE CATEGORY	Per § 112-81

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Table 112-89.A. Minimum required parking ratios	
CATEGORIES/SUBCATEGORIES/SPECIFIC USES	REQUIRED PARKING SPACES
Agricultural Use Category	None
Drive-in or Drive-through Facility	Stacking spaces per § 112-88
Accessory Uses	
- Day care, home	1 space per employee plus 2 spaces for residence
- Home occupation	1 parking space plus 2 spaces for the residence
- Rooming, boarding home	2 parking spaces, plus one parking space per rented room

§ 112-90. Calculation of required parking.

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

A. Multiple uses.

Unless otherwise expressly allowed in accordance with the shared parking regulations of § 112-92, lots containing more than one use must provide parking in an amount equal to the total of the requirements for all uses on the lot.

B. Fractions.

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

C. Area measurements.

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

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D. Bench seating.

Each twenty (20) inches of seating area in bleachers, pews or similar bench-seating arrangement counts as one seat for the purpose of calculating seating-based parking requirements.

E. Occupancy- or capacity-based standards.

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

F. Flexibility in administration required.

- (1) The City recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth herein may result in a development either with inadequate parking space or parking space far in excess of its needs. Alternative off-street parking standards may be accepted if the applicant can demonstrate that such standards better reflect local conditions and needs.
- (2) Without limiting the generality of the foregoing, the Planning Commission may allow deviations from the parking requirements set forth herein when it finds that:
 - (a) A residential development is irrevocably oriented toward the elderly;
 - (b) The proposed development is located in the CBD Central Business District;
 - (c) The proposed development is an infill or redevelopment project located in the CIR Community Infill Redevelopment District; or
 - (d) A business is primarily oriented to walk-in trade.
- (3) Whenever the Planning Commission allows or requires a deviation from the parking requirements set forth herein, it shall enter on the face of the zoning certificate and/or site plan the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
- (4) If the Planning Commission concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by § 112-89 for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements.

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§ 112-91. Unlisted uses and establishment of other parking ratios.

- A. The Planning Commission is authorized to establish required minimum off-street parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly granted.
- B. Such ratios may be established on the basis of a similar use/parking determination as described in § 112-89, on parking data provided by the applicant or information otherwise available to the Planning Commission.
- C. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable uses or on external data from credible research organizations e.g., Institute of Transportation Engineers (ITE) or American Planning Association (APA). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

§ 112-92. Parking exemptions and reductions.

- A. Parking exemptions. There shall be no minimum off-street parking requirements in the CBD Central Business District.
- B. Shared parking.
 - (1) Purpose. Sharing parking among different users can result in overall reductions in the amount of motor vehicle parking required. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.
 - (2) Applicability. Shared parking facilities are allowed for mixed-use projects and for multiple uses with different periods of peak parking demand, subject to approval by the Zoning Administrator. Required residential parking and accessible parking spaces (for persons with disabilities) may not be shared and must be located on site.
 - (3) The number of parking spaces required under a shared parking arrangement shall be approved by the Planning Commission.
 - (4) Location. Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations set forth in §§ 112-93(C) and 112-94.

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§ 112-93. Location of off-street parking.

- A. General. Except as otherwise expressly stated, required off-street parking spaces must be located on the same lot and under the same control as the building or use they are required to serve.
- B. Setbacks. Except as otherwise expressly stated, off-street parking areas are subject to the principal building setbacks of the subject zoning district.
 - (1) Off-street parking spaces accessory to a detached house, attached house or two-unit house may be located in any driveway. Driveways must be improved with a hard, dustless material approved by the Zoning Administrator.
 - (2) Nonresidential parking areas shall be located at least fifteen (15) feet from every street line and six (6) feet from every residential lot line.
- C. Off-site parking.
 - (1) When Allowed. All or a portion of required off-street parking for nonresidential use may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and parking required for residential uses may not be located off site.
 - (2) Location. Off-site parking areas must be located within a 1,000-foot radius of the use served by such parking, measured between the entrance of the use to be served and the outer perimeter of the farthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit the principal use to be served by the off-site parking spaces, unless approved as a special exception.
 - (3) Design. Off-site parking areas must comply with all applicable parking area design and parking lot landscape regulations of this zoning Chapter.
 - (4) Control of off-site parking area. The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided, in a form approved by the City attorney, guaranteeing the long-term availability of the parking, commensurate with the use served by the parking. Off-site parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

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§ 112-94. Use of off-street parking areas.

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

§ 112-95. Parking of recreational vehicles and equipment.

- A. Not more than one recreational vehicle and one piece of recreational equipment or utility trailer may be parked or stored in the rear or side yard of any lot in a residential zoning district unless approved by the Planning Commission. For the purpose of this provision, one piece of recreational equipment is equal to a single non-motor vehicle with no more than one watercraft, personal watercrafts or specialty prop-crafts. Recreational vehicles, recreational equipment and utility trailers may not be stored in the required front yard setbacks.
- B. Notwithstanding the regulations of Section A above, recreational vehicles, recreational equipment and utility trailers may be temporarily parked in the rear or side yard, in the street yard if stored on a driveway, or on an adjacent street provided that the Zoning Administrator is given prior notice of the dates for such temporary parking. For purpose of this provision, temporary parking is the parking of vehicles or equipment during any period not exceeding ten (10) days in aggregate (which may or may not be consecutive) within any period of thirty (30) consecutive days.
- C. Recreational vehicles, recreational equipment and utility trailers stored or parked in residential zoning districts must be owned by the owner or occupant of the subject property.
- D. The recreational vehicle, recreational equipment, or utility trailer must be properly licensed.
- E. No recreational vehicle, equipment, or utility trailer may have its wheels removed or be affixed to the ground so as to prevent its ready removal.

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F. No parked or stored recreational vehicle may be used for living, sleeping or business purposes.

§ 112-96. Parking area design.

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

B. Stall sizes and parking lot geometrics.

(1) Off-street parking areas must be designed and constructed in accordance with the regulations of Table 112-96.B.

Table 112-96.B Parking area dimensions.				
	Angle of Parking			
	0° (Parallel)	45°	60°	90°
Stall Width (feet)	7	9	9	9
Stall Length (feet)	33 (middle), 24 (ends)	18	19	18
Aisle Width (feet)	14 (one-way), 24 (two way)	14	15	24
Module Width (feet)		50	53	60

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

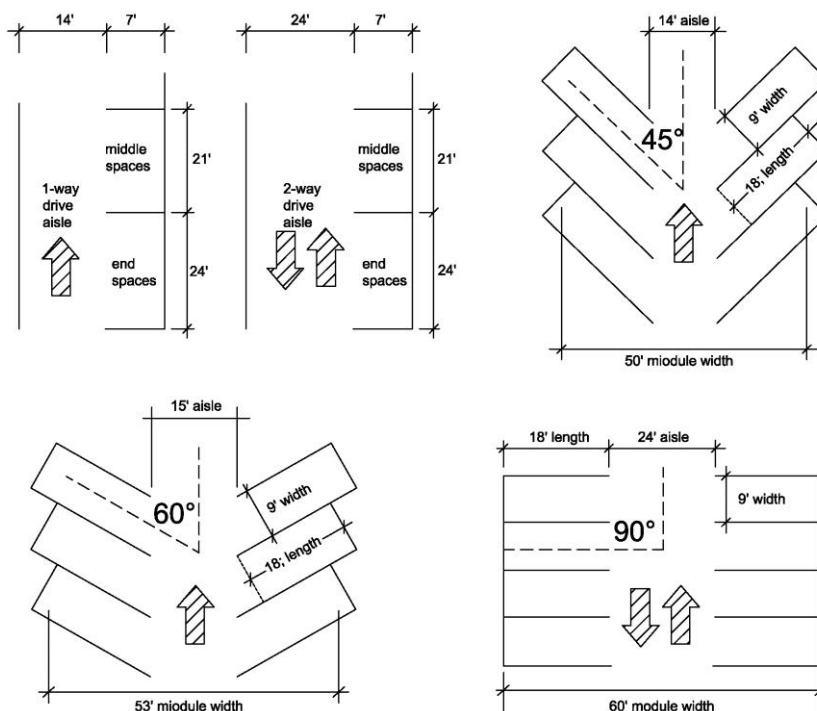


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Figure 112-96.B: Parking Area Dimensions

- C. Striping. In all parking lots containing five (5) or more parking spaces, striping consisting of parallel lines, 4 inches in width must be provided for each parking space. Striping must be yellow or white. Accessible parking spaces must be painted with the standard ADA white symbol on blue background. (See Figure 112-96.C)

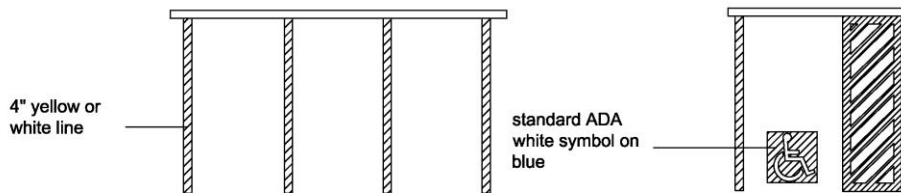


Figure 113-96.C: Parking Lot Markings

D. Surfacing.

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

E. Wheel Stops.

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

F. Curb and gutter.

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

G. Landscaping.

All off-street parking lots containing five (5) or more spaces must be landscaped in accordance with the provisions of Article XII.

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H. Access.

- (1) Each required off-street parking space must open directly upon an aisle or driveway with a width and design that provides safe and efficient means of vehicular access to the parking space.
- (2) All off-street parking must be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with motorized and non-motorized traffic.
- (3) All other uses must be designed with appropriate means of vehicular access from the street, as approved by the Zoning Administrator.

§ 112-97. Accessible parking for people with disabilities.

- A. The number, location and design of accessible parking spaces for people with disabilities must be provided in accordance with this section and the Maryland Accessibility Code.
- B. Accessible spaces must be provided in accordance with Table 112-97.B below.
- C. Accessible parking spaces count towards the total number of parking spaces required.
- D. Each accessible parking space, except on-street spaces, must be at least 16 feet in width, with either an 8-foot or 5-foot wide diagonally striped access aisle. The access aisle may be located on either side of the vehicle portion of the accessible space. Abutting accessible parking spaces may not share a common access aisle. (See Figure 112-97.D)

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Table 112-97.B: Minimum accessible parking space ratios.	
Total Off-Street Parking Spaces Provided	Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20% of total
Medical facilities specializing in treatment of persons with mobility impairments	20% of total
Outpatient medical facilities	10% of total

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

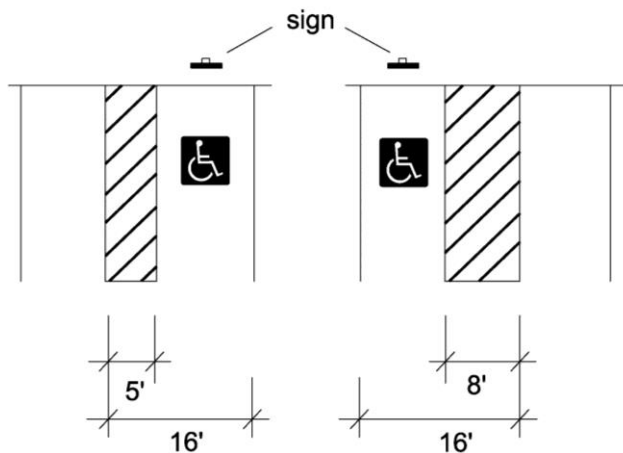


Figure 112-97.D: Accessible Parking Spaces

- F. Accessible parking spaces and accessible passenger loading zones that serve a particular building must be the spaces or zones located closest to the nearest accessible entrance on an

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accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled persons must be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.

- G. The regulations of this section apply to required spaces and to spaces that are voluntarily designated for accessible parking.

§ 112-98. Drive-through and drive-in facilities.

A. Purpose.

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

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

B. Applicability.

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

C. Stacking spaces required.

Stacking lanes must be provided in accordance with the minimum requirements of Table 112-98.C.

Table 112-98.C: Stacking Space Requirements	
Use	Minimum Number of Stacking Spaces Required
Bank/financial institution	4 spaces per drive-through lane
Car wash	2 spaces per approach lane, plus 2 drying spaces at end of bay
Vehicle repair/maintenance	2 per service bay
Gasoline pump	2 spaces per pump per side
Restaurant	8 total spaces, with at least 3 spaces between the order and pick-up station
Other	3 spaces per lane, ordering station or machine

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D. Stacking lane dimensions, design and layout.

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

E. Setbacks.

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

F. Noise.

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

G. Site plans.

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

§ 112-99. Off-street loading.

A. Minimum ratios.

Off-street loading spaces must be provided in accordance with Table 112-99.A.

Table 112-99.A: Off-street loading space requirements.	
Use Type	Minimum Loading Spaces Required
Multi-unit or Mixed-use residential	
Under 60 units	None
60+ units	1 space per 60 units
Nonresidential	
Under 20,000 square feet	None
20,000 to 99,999 square feet	1
100,000 plus square feet	1 space per 100,000 square feet

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B. Design and location.

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

ARTICLE XII. LANDSCAPE, SCREENING, LIGHTING AND SENSITIVE AREA PROTECTION

§ 112-100. Purpose.

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

- A. Enhance quality of life for residents and visitors;
- B. Protect property values;
- C. Enhance the quality and appearance of new development and redevelopment projects;

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- D. Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
- E. Promote the preservation, expansion, protection and proper maintenance of existing trees and landscaping;
- F. Help ensure wise use of water resources;
- G. Improve air quality;
- H. Protect water quality and reduce the negative impacts of stormwater runoff by reducing impervious surface area and providing vegetated areas that filter and retain greater amounts of stormwater on site;
- I. Moderate heat by providing shade; and
- J. Reduce the impacts of noise and glare.

§ 112-101. Required trees along dedicated streets.

- A. Street trees shall be planted along both sides of all newly created streets that are constructed in accordance with the City street standards.
- B. The developer shall at a minimum either plant or retain sufficient trees so that there is for every fifty (50) feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve (12) inches in diameter.

§ 112-102. Parking lot perimeter landscaping.

A. Applicability

The parking lot perimeter landscaping requirements of this section apply to all of the following:

- (1) the construction or installation of any new surface (open) parking lots containing six (6) or more parking spaces; and
- (2) the expansion of any existing surface (open) parking lot if the expansion would result in six (6) or more total parking spaces, in which case the requirements of this section apply only to the expanded area.

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B. Street Yards/Front Yards

- (1) When a parking lot is located across the street from a residential zoning district, parking lot perimeter landscaping must be provided along 100% of the street frontage opposite the residential zoning district. (See Figure 112-102.B)

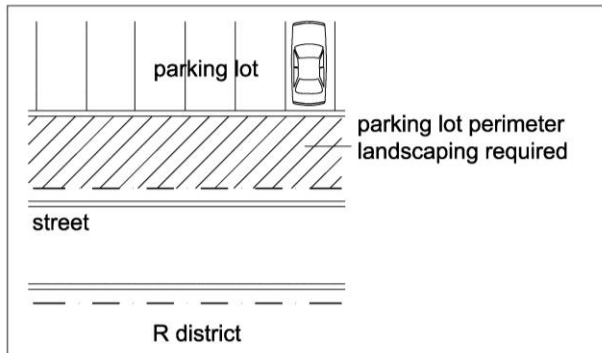


Figure 112-102.B(1): Street Yard Perimeter Landscaping Opposite R Zoning

- (2) When a parking lot is located across the street from a nonresidential zoning district, parking lot perimeter landscaping must be provided along at least 75% of the parking lot perimeter opposite the nonresidential zoning district. (See Figure 112-102.B(2))

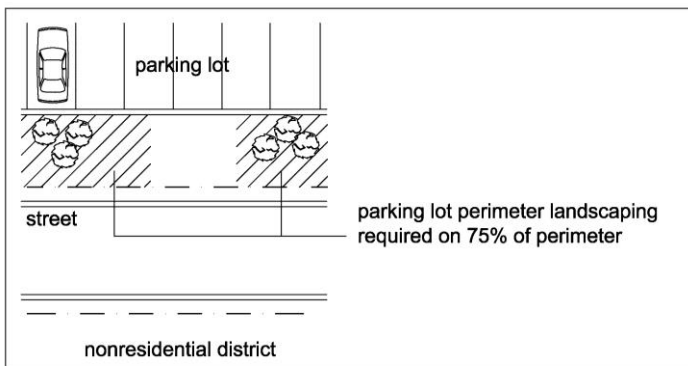


Figure 112-102.B(2): Street Yard Perimeter Landscaping Opposite Nonresidential Zoning

- (3) Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennial plants, all of which must reach a minimum height of thirty-six (36) inches at maturity. (See Figure 112-102.B(3))

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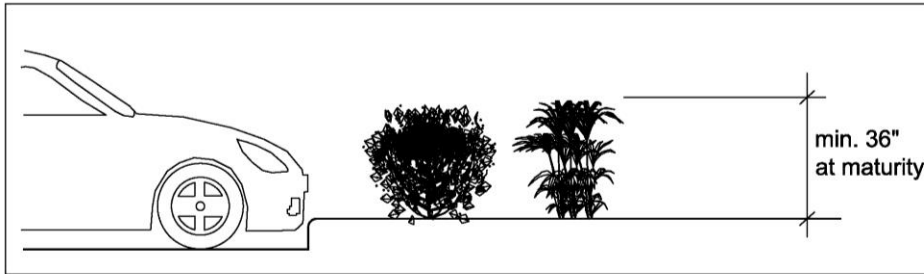


Figure 112-102.B(3): Perimeter Landscape Plant Height

- (4) Shade or ornamental trees must be provided within required parking lot perimeter landscape areas at a rate of at least one (1) tree per thirty (30) linear feet of street frontage, rounded to the nearest whole number. Existing trees may be counted toward satisfying parking lot perimeter tree planting requirements. (See Figure 112-102.B(4))

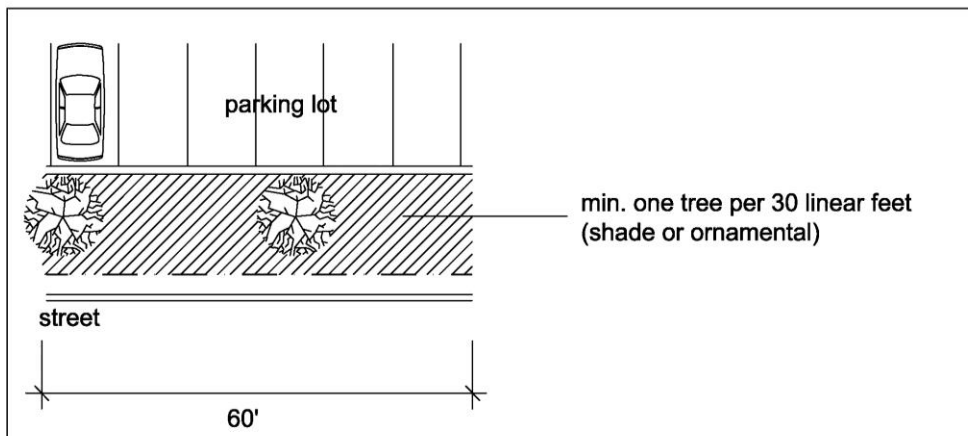


Figure 112-102.B(4): Trees within Street Yard Perimeter Landscape Areas

C. Interior Yards

- (1) When a parking lot is located in the interior side or rear yard of a lot abutting another lot, parking lot perimeter landscaping must be provided as follows:
- (a) Landscaping provided in plant groupings of no less than three (3) live plants must be provided along at least 50% of the parking lot perimeter along the abutting interior side and rear lot lines. (See Figure 112-102.C(1))

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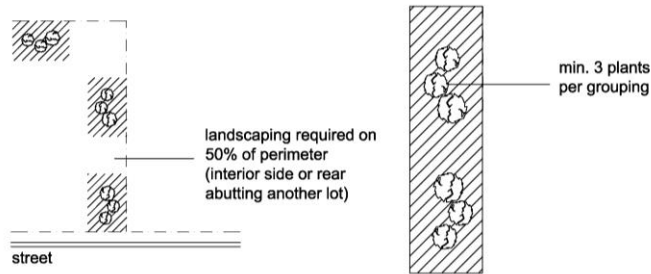


Figure 112-102.C(1): Perimeter Landscaping within Interior Yards

(b) Parking lot perimeter landscaping may consist of shrubs, ornamental grasses, trees and perennials, all of which must reach a minimum height of thirty-six (36) inches at maturity.

(2) When a parking lot is located in the interior side or rear yard of a lot abutting a residential zoning district, the parking lot perimeter landscaping must be supplemented by installation of a solid wood fence, wall, or comparable visual barrier with a minimum height of 6 feet along 100% of the parking lot perimeter immediately abutting the R-zoned property. (See Figure 112-102(2))

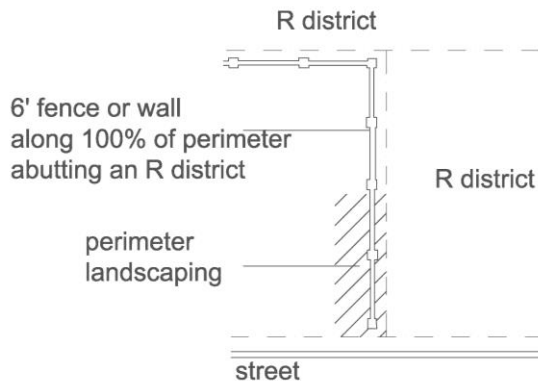


Figure 112-102(2): Supplemental Wall or Fence Abutting R-zoned Property

D. General

(1) Landscape material used to satisfy the parking lot perimeter landscaping requirements of this section are subject to the landscape material and design regulations of § 112-106.

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§ 112-103. Parking lot interior landscaping.

A. Applicability

The parking lot interior landscaping requirements of this section apply to all of the following:

- (1) the construction or installation of any new surface (open) parking lots containing six (6) or more parking spaces; and
- (2) the expansion of any existing surface (open) parking lot if the expansion would result in six (6) or more total parking spaces, in which case the requirements of this section apply only to the expanded area.

B. Landscape Islands

- (1) Landscape islands must be located at the end of each parking row and within each parking row so that the distance between islands is no greater than twenty (20) parking spaces. (See Figure 112-103.B)

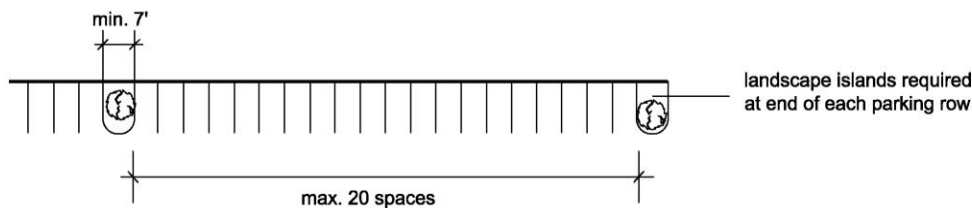


Figure 112-103.B: Parking Lot Landscape Islands

- (2) Landscape islands must be a minimum of 150 square feet in area when located in a single row of parking spaces and 300 square feet in area when located within a double row of (face-face) parking spaces. Islands must be at least seven (7) feet in width, as measured from the back of curb to back of curb.
- (3) At least one shade tree must be provided for each 150 square feet of landscape island, rounded to the nearest whole number.

C. Landscape Divider Medians

- (1) Landscape divider medians must be provided between at least every three (3) parking modules. Divider medians must be least six (6) feet in width. (See Figure 112-103.C(1))

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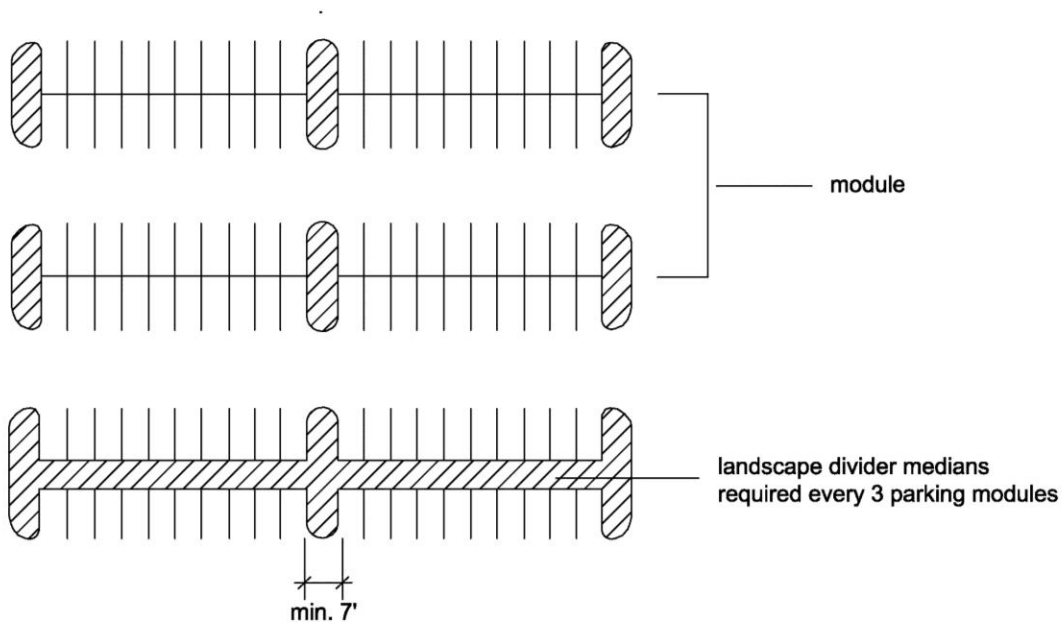


Figure 112-103.C(1): Parking Lot Landscape Divider Medians

- (2) At least one (1) shade tree must be provided for each 40 feet of median length, rounded to the nearest whole number. (See Figure 112-103.C(2))

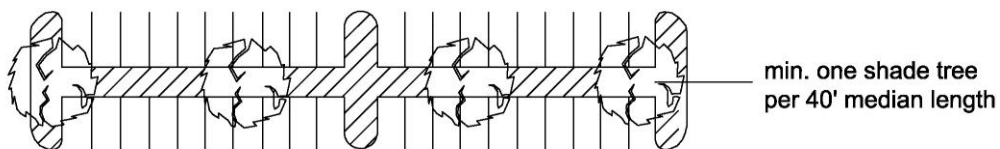


Figure 112-103.C(2): Tree Planting within Medians

D. General

- (1) Landscape material used to satisfy the parking lot interior landscaping requirements of this section are subject to the landscape material and design regulations of § 112-106.
- (2) All landscaped islands and divider medians must be crowned to provide positive drainage or designed to comply with the best management practices for stormwater.

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

§ 112-104. Screening.

A. Applicability: features to be screened

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

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

B. Ground-mounted Mechanical Equipment

All ground-mounted mechanical equipment over thirty (30) inches in height must be screened from view by a fence, wall, dense hedge, or combination of such features providing at least 80% direct view blocking. The hedge, fence or wall must be at least as tall as the tallest part of the equipment. The hedge must be this tall at the time of planting. (See Figure 112-104.B)

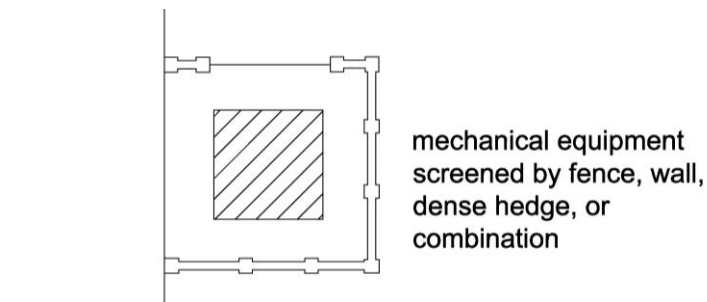


Figure 112-104.B: Screening of Ground-mounted Equipment

C. Roof-mounted Mechanical Equipment

Roof-mounted mechanical equipment (e.g., air conditioning, heating, cooling, ventilation, exhaust and similar equipment, but not solar panels, wind energy or similar renewable energy

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devices) must be screened from ground-level view in one of the following ways (and as illustrated in Figure 112-104.C):

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

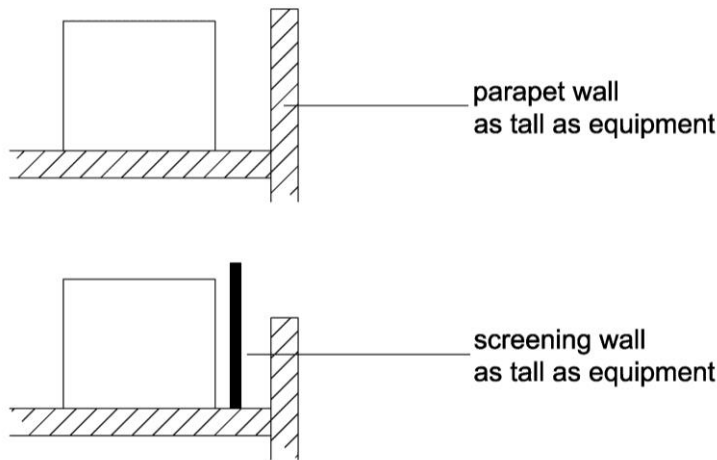


Figure: 112-104.C: Screening of Roof-mounted Equipment

D. Refuse/Recycling Containers

Refuse/recycling and similar containers must be located on an appropriately designed concrete or other paving material pad and apron and screened from view of streets and all abutting lots with a wall or other screening material providing at least 80% direct visual screening at least six (6) feet in height. Refuse/recycling containers may not be located in street yards. Enclosure doors must be located and designed so that, to the maximum extent possible, they do not face towards an abutting property, sidewalk, or street. Residential dwellings utilizing curbside pick-up service are exempt from these screening requirements. (See Figure 112-104.D)

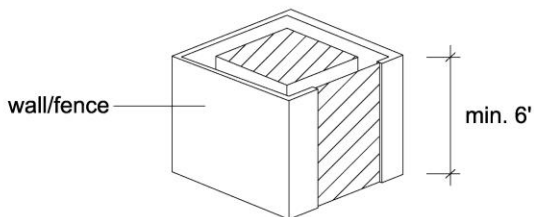


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Figure 112-104.D: Screening of Refuse/Recycling Containers

E. Outdoor Storage of Materials, Supplies and Equipment

All stored materials, supplies, merchandise, vehicles, equipment, or other similar materials not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by a fence, wall, dense hedge, or combination of such features with a minimum height of six (6) feet at the time of installation.

F. Landscape Materials and Design

Landscape material used to satisfy the screening requirements of this section must be ever-greens and are subject to the landscape material and design regulations of § 112-106.

§ 112-105. Landscape plans.

All applications for development and construction activities that are subject to the landscape and screening regulations of this article must be accompanied by a landscape plan. No building permit or similar authorization may be issued until the Zoning Administrator determines that the landscaping and screening regulations of this article have been met.

§ 112-106. Landscape material and design.

- A. Landscaping with Required Landscape Areas. All required landscape areas must be sodded or seeded with turf grass or appropriate ground cover. Alternatives that comply with the best management practices for stormwater are also allowed. Areas not required to be covered with live plant material must be covered with organic, biodegradable mulch.
- B. Existing Trees and Vegetation. Existing non-invasive trees may be counted toward satisfying the landscaping and screening regulations of this article if they are located within the subject area and they comply with the plant height and size requirements of this section.
- C. Plant Selection
 - (1) Trees and plants selected for required landscape areas must be well-suited to the microclimate and on-site soil conditions.
 - (2) Trees and plant material must comply with the specifications found in American Standards for Nursery Stock (ASNS).
 - (3) Invasive species may not be used to meet landscape requirements.
 - (4) All plant materials are subject to the approval.

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D. Trees

- (1) Ornamental. Ornamental trees used to satisfy the requirements of this article must be at least four (4) feet in height at time of installation.
- (2) Shade. Shade trees used to satisfy the requirements of this article must be a minimum 2.5-inch caliper at time of installation.

E. Shrubs. Shrubs used to satisfy the requirements of this article must be at least eighteen (18) inches in height at time of installation.

F. Ornamental Grasses and Perennials. Ornamental grasses and perennials used to satisfy the requirements of this article must be at least twelve (12) inches in height at time of installation.

G. Curbs and Vehicle Barriers

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

H. Installation

- (1) All landscaping must be installed in a sound manner and in accordance with accepted landscape planting practices.
- (2) Newly planted trees may not be staked or guyed unless they are unable to stand upright without support. Any staking and guying materials must be removed within one (1) year of installation.

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

- (1) Landscaping must be kept reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.
- (2) Landscaping must be mowed or trimmed in a manner and at a frequency appropriate to the use of the material and species on the site so as not to detract from the appearance of

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the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise.

(3) All landscaping must be maintained to minimize property damage and public safety hazards, including removal of invasive species, dead or decaying plant material, and removal of low-hanging branches next to sidewalks and walkways obstructing street lighting.

(4) Failure to maintain landscaping is a violation of this Chapter.

§ 112-107. Alternative compliance.

In order to encourage creativity in landscape and screening design and to allow for flexibility in addressing atypical, site-specific development/redevelopment challenges, the Code Enforcement Officer is authorized to approve alternative compliance landscape plans when it is determined that one or more of the following conditions are present:

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

§ 112-108. Lighting requirements.

- A. Generally. All lighting, including exterior lights, signs, building lighting, parking lot lighting, streetlights and lighting necessary for the safety and protection of property, shall be directed, controlled and focused within the site's property lines to minimize glare and illumination of neighboring properties, protect the night sky from light pollution, and specifically to direct the light away from adjoining lots or roads. Light quality and intensity shall be controlled and shall not produce glare that reduces the visibility of the surrounding buildings. Light trespass (spillover lighting) onto adjacent properties and glare onto roadways are not permitted. This prohibition applies to all building and site lighting and shall be addressed through appropriate luminaire intensities, mounting heights, landscaping, and fixture shields.

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- B. Standards for multi-family, townhouse, commercial and industrial development. All exterior lighting shall comply with the following:
- (1) An exterior lighting plan showing the site and building light fixtures and lighting levels as measured in watts and lumens shall be prepared and submitted for review and approval in conjunction with the site plan.
 - (2) Sodium vapor lights are prohibited. All exterior lights shall be metal halide or another type of white lighting.
 - (3) All exterior light fixtures, other than fixtures on the building facade, emitting two thousand fifty lumens or more shall be full-cutoff light fixtures. Such light fixtures are those designed such that no light is projected at or above a ninety-degree plane running through the lowest point of the fixture where the light is emitted and less than ten percent of the rated lumens are projected between ninety and eighty degrees.
 - (4) The maximum heights for freestanding pole-mounted fixtures shall be sixteen (16) feet or less and thirty-five (35) feet or less above grade for continuously energized and non-continuously energized lights respectively. If a raised foundation is required in parking areas to protect the poles from automobile front bumpers, the raised foundation and pole may not exceed heights of eighteen (18) and thirty-seven (37) feet respectively. Any lighting used to illuminate any vehicular travel ways or off-street parking areas, including any commercial parking lot, shall be arranged so as to direct the light away from adjoining lots and public rights-of-way and shall not obstruct vehicular travel ways, parking spaces or pedestrian walkways. Freestanding pole-mounted fixtures may be located within parking spaces, provided that they are positioned at the shared corners formed by the head and side lines of no less than two parking spaces.
 - (5) Lighting for canopies shall be restricted to lighting fixtures, including lenses that do not project below the bottom of the canopy.
 - (6) High-intensity lighting shall be limited to utility areas and be located away from or screened from public use areas.
 - (7) No lighting fixture shall project light at an angle greater than forty-five degrees above the horizontal except as specifically approved by the Planning Commission after consideration of the object to be illuminated, the angle, the separation between the fixture and the object, and the strength of the light source.
- C. Nuisance lighting. Decorative or other forms of lighting, while not necessarily illuminating adjoining properties, shall not cause or create patterns, colors, intermittent lighting effects, or

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other lighting that is intentionally or unintentionally directed onto adjacent or nearby properties and which proves vexatious.

§ 112-109. Sensitive areas protection standards.

A. Applicability.

The following provisions shall apply to all development activities located outside the Chesapeake Bay Critical Area and requiring site plan or subdivision plat approval.

B. Perennial and intermittent stream no-disturbance buffer.

- (1) A twenty-five (25) foot natural buffer from all perennial and intermittent streams shall be required for all development. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
- (2) This buffer requirement may be reduced or waived by the Planning Commission for the following:
 - (a) If evidence is provided that the design, construction and use of the site will provide the same or better protection of water quality as the twenty-five (25) foot buffer, and if evidence is provided that said development will meet all other applicable requirements, as required.
 - (b) Road crossings, if disturbance is minimized.
 - (c) Other public or community facilities provided disturbance is minimized in so far as possible.
 - (d) Existing development has already encroached into the 25-foot buffer provided the buffer provided to the maximum extent practical as determined by the Planning Commission.

C. Non-tidal wetland buffer. A twenty-five (25) foot setback from all non-tidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Non-tidal Wetland Division.

D. Habitat protection areas.

- (1) Identification. An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas includes:

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- (a) Threatened or endangered species or species in need of conservation;
- (b) Forest areas utilized as breeding areas by forest interior dwelling birds and other wildlife species;
- (c) Natural Heritage Areas; and
- (d) Other plant and wildlife habitats determined to be of local significance.

(2) Standards.

- (a) An applicant for a development activity proposed that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the specific location of a Habitat Protection Area on or near a site.
- (b) If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resources.
- (c) The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval.

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ARTICLE XIII SIGNS

§ 112-110. Purpose.

The purpose of this article is to establish minimum standards for signage within the City of Crisfield that will balance the rights of property owners or commercial tenants to communicate their message with the public's right to be free of unreasonable distractions. The reasonable display of signs is necessary to the conduct of commerce and industry and necessary to further the cause of public safety and promote the overall quality of life, health and welfare of the citizens of the City of Crisfield, enhance the architectural and historical character of the City of Crisfield and reflect the moral and social integrity of the community.

§ 112-111. Definitions.

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

A. General definitions.

SIGN – Any structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description, instruction or direction to attract the attention of persons not on the premises on which the sign is located, including interior signs legible from the exterior of a building constituting an element of the exterior appearance of a building.

SIGN AREA MEASURE – The area of a sign shall be computed as including the area within a regular geometric form or forms comprising all of the display area of the sign face. The structural elements of the sign shall not be included unless they are an integral part of the message.

SIGN FACE – The surface of a sign upon, against or through which the message is displayed or illustrated on the sign.

SIGN SETBACK MEASUREMENT – Setback for signs measured from the prevailing edge of any part of a sign, structural or otherwise.

STREET FRONTAGE – For the purpose of determining total sign area permitted on a lot, "street frontage" shall mean the length of a building measured at grade that faces on a public thoroughfare. In the case of a building that has more than one frontage, each frontage shall be addressed independently.

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B. Location definitions.

GROUND SIGN – A detached sign, which shall include any sign supported by uprights, pylons or braces, placed upon or in the ground, supported by the ground and not attached to any building.

MARQUEE OR SOFFIT SIGN – A sign affixed to, hung from or in a marquee or soffit which may or may not have movable letters. A sign on or attached to any awning or canopy shall be considered a marquee sign.

PROJECTING SIGN – Any sign attached to and supported by a building and extending more than 15 inches beyond the prevailing edge of any component of a building, structural or nonstructural.

ROOF SIGN -

- (1) Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- (2) Any sign erected or constructed as an integral part of a roof structure of any design, whether projecting above the highest portion of the roof or not.
- (3) Any sign which is erected, constructed or maintained above the lowest prevailing edge of any roof.

WALL SIGN – Any sign attached parallel to, painted upon, erected against or incorporated in the outside wall of any building supported by such wall and displaying only one sign surface.

C. Type definitions.

BULLETIN BOARD SIGN – A sign of permanent character with movable letters, words, numbers or figures indicating persons, events, services or products associated with, conducted on or offered on the premises on which the sign is maintained.

BUSINESS SIGN – A sign attracting attention to a business, commodity, service or entertainment conducted, sold or offered on the same premises where the sign is located.

DIRECTIONAL SIGN – A sign not used for advertising but giving directions only for accommodations, services, traffic routing, industries, schools, churches, parks, historic buildings or features.

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ELECTRONIC OR DIGITAL SIGN – Any sign, display or device that changes its message or copy by programmable electronic or digital processes and displays text by illumination elements in the sign face.

FLASHING SIGN -

(1) Any sign on which artificial or reflected light is not maintained stationary and constant in intensity and color.

(2) Any sign which revolves or moves.

IDENTIFICATION SIGN – A sign identifying a permanent development or subdivision limited to two faces.

ILLUMINATED SIGN – Any sign designed to give forth artificial light from within the sign, including signs with exposed bulbs or fluorescent or neon tubes.

INDIRECTLY ILLUMINATED SIGN – A sign that is illuminated from an external source, which source is so arranged that no direct rays of light are projected into an adjoining property or a public way and the source of the indirect lighting is not visible.

INSTRUCTIONAL SIGN – A sign conveying instructions with respect to the premises on which the sign is located, such as "entrance," "exit," "no trespassing," "danger" and similar signs.

OUTDOOR ADVERTISING STRUCTURE SIGN – Any structure which contains a sign, poster, panel, billboard, painted bulletin or any other surface, device or display which advertises a business, profession, commodity, service, entertainment or event conducted, sold or offered elsewhere than the premises where the advertising structure is located.

POLITICAL SIGN – A sign which is designed to influence voters to promote candidates for office.

SUSPENDED SIGN – A sign that is suspended from the underside of a horizontal plane and is supported by that plane.

TEMPORARY SIGN – Any sign erected for a specific period of time or not permanently attached to the ground or a building.

WINDOW SIGN – Any sign, pictures, symbols, graphics or combination thereof placed, painted or etched inside a window or upon the window panes of glass and which is legible from the exterior of the building.

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§ 112-112. General provisions.

- A. No sign may be erected, constructed, posted, altered or relocated unless a permit has been issued by the City of Crisfield. Before any permit is issued, an application provided by the City of Crisfield shall be filed with drawings and specifications as necessary to fully describe the location, construction, materials, color, type of illumination, number of signs applied for and the wording or advertisement to be carried on the sign. All permitted signs shall be erected within ninety (90) days of the date of issuance of the permit or the permit shall become void. Fees for sign permits shall be in accordance with the fee schedule described in Chapter 45.
- B. Any illuminated sign located in the Central Business District utilizing neon for purposes of illumination shall not exceed a maximum height of 18 inches and a maximum width of 18 inches.
- C. Existing nonconforming signs in all districts advertising businesses, services or events that are no longer operating or being conducted or offered shall be removed within sixty (60) days of the discontinuation of such activity.
- D. A nonconforming sign may not be changed, moved or replaced except for maintenance or repair or to bring such into compliance with this chapter. Movable letters or characters on signs so designed to accommodate periodic changes of messages are not subject to this requirement. For maintenance, repair or periodic message changes, no permit shall be required.
- E. Any sign used and located entirely within a building and not visible from the exterior of the building and not intended to be a component of the exterior appearance of the building is exempt from the standards of this chapter.
- F. Where setbacks are specified as measured from the curbline and no curb is present, then the setback shall be measured from the property line.
- G. Any message or animation displayed by any sign shall not violate community standards of decency.
- H. Any appeal of the requirements of this article or of a decision of the Zoning Administrator shall be made in accordance with Article XV of this chapter.
- I. Only one face of a sign shall be used to calculate area, provided that the faces are placed back to back, parallel, supported integrally and are of the same dimensions.

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- J. Where separate letters or characters comprising part of a message are placed on a wall, the spaces between the characters shall be included in the area computation.
- K. A violation of this article shall be declared a municipal infraction and shall be subject to a penalty as provided in Chapter 10, Infractions, Municipal, of this Code.

§ 112-113. Signs prohibited in all districts.

The following signs are prohibited in all districts:

- A. Any sign which obstructs motorists' vision of intersections, traffic control signals, traffic signs or traffic movement.
- B. Signs attached to trees or utility poles.
- C. Flashing signs, except in the following districts:
 - (1) C-1 Neighborhood Commercial District, subject to the provisions of §112-117.
 - (2) C-2 General Commercial District, subject to the provisions of § 112-118.
 - (3) CBD Central Business District, subject to the provisions of § 112-116.
 - (4) I-1 Light Industrial District, subject to the provisions of § 112-19.
 - (5) I-2 Heavy Industrial District.
 - (6) TM Tourist-Maritime District, subject to the provisions of §112-115.
- D. Signs with intermittent light resembling, or seeming to resemble, the flashing lights customarily associated with danger or such signs as are customarily used by police, fire and ambulance vehicles or for navigation purposes.
- E. Outdoor advertising structure signs.

§ 112-114. Signs permitted in all districts.

The following signs are permitted in all districts:

- A. Signs erected by, on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory or instructional signs.
- B. Political signs on existing outdoor advertising structures and on private property.

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- C. Temporary signs, including banners, announcing or celebrating social or cultural events or holidays, with permission from the City Building Zoning Administrator. The temporary sign must be removed within five days after the event.
- D. One temporary sign per business announcing business events, such as special sales or offerings of goods or services on the premises where the sign is located. The temporary sign must be removed within five days after the event.
- E. All signs must be professionally constructed and maintained in good repair.

§ 112-115. Signs permitted any residential district or the TM Tourist Marine district.

Signs permitted in any residential zoning district or Tourist-Maritime Zoning District:

- A. One bulletin board, not exceeding twenty-four (24) square feet in area for churches, schools or other public institutions. It may be indirectly illuminated or illuminated, a maximum of five (5) feet above grade and set back fifteen (15) feet from the curbline.
- B. Two temporary real estate signs, not more than eight square feet in area each, advertising for sale or rent the premises on which the signs are located.
- C. One non-illuminated or indirectly illuminated sign identifying a home occupation as specified in the definition of "home occupation."
- D. One identification sign for a development or subdivision at each entrance to the development, a maximum of five feet above grade, not exceeding twenty (20) square feet in area per face, limited to two faces and set back fifteen (15) feet from the curb. It may be non-illuminated or indirectly illuminated.

§ 112-116. Signs permitted in the CBD District.

Signs permitted in the CBD District shall be as follows:

- A. Any sign permitted in § 112-115 which shall be included in the total area measure for business signs.
- B. Business signs with a total maximum area of two square feet for every one linear foot of street frontage. Permitted locations are ground, wall and marquee as follows:
 - (1) One ground sign, non-illuminated, illuminated or indirectly illuminated, not exceeding twenty (20) feet in height, twenty (20) square feet in total sign surface area and set back ten (10) feet from the curbline.

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- (2) One wall sign per building entrance, non-illuminated, illuminated or indirectly illuminated, not exceeding fifteen (15) square feet in area per building face for each business on the premises.
- (3) One marquee sign per building face, non-illuminated or indirectly illuminated, not to exceed six (6) square feet in surface area, not projecting beyond the prevailing edge of any part of the building, awning or canopy.

§ 112-117. Signs permitted in the C-1 Neighborhood Commercial district.

- A. All signs permitted in any residential zoning district, which shall be included in the total area measure for business signs.
- B. Business signs permitted in the CBD District, with the exception that total area shall not exceed one (1) square foot for each linear foot of street frontage.
- C. Electronic or digital signs are permitted, subject to the following limitations, standards and requirements:
 - (1) The electronic or digital sign shall be set back at least ten (10) feet from the curbline of a street.
 - (2) The top of the sign face of the electronic or digital sign shall be located at a maximum height of ten (10) feet six inches.
 - (3) The sign face of the electronic or digital sign shall have a height no greater than five (5) feet and a width of no greater than twelve (12) feet.
 - (4) The electronic or digital sign shall be programmed so that a message or image on the sign changes no more than once every ten (10) seconds.
 - (5) Sound shall be prohibited.
 - (6) The electronic or digital sign shall use automatic light level controls at night and under cloudy and other darkened conditions, in accordance with the following:
 - (a) The maximum brightness level for any electronic or digital sign shall not exceed 500 nits when measured from the sign face at its maximum brightness between sunset and sunrise.
 - (b) Any electronic or digital sign shall contain a default design which will freeze the message in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.

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- (7) Any electronic or digital display shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

§ 112-118. Signs permitted in the C-2 General Commercial district.

- A. Any sign permitted in § 112-115.
- B. Business signs permitted in the CBD District, with the exception that the total area of the sign does not exceed two (2) square feet for each linear foot of street frontage.
- C. Electronic or digital signs are permitted, subject to the following limitations, standards and requirements:
- (1) The sign shall be set back at least 10 feet from the curbline of a street.
 - (2) A sign frame may extend to a maximum height of twenty (20) feet.
 - (3) The sign face shall have a height no greater than four (4) feet and a width of no greater than eight (8) feet.
 - (4) The electronic or digital sign shall be programmed so that a message or image on the sign changes no more than once every 10 seconds.
 - (5) Sound shall be prohibited.
 - (6) The electronic or digital sign shall use automatic light level controls at night and under cloudy and other darkened conditions, in accordance with the following:
 - (a) The maximum brightness level for any electronic or digital sign shall not exceed 500 nits when measured from the sign face at its maximum brightness between sunset and sunrise.
 - (b) Any electronic or digital sign shall contain a default design which will freeze the message in one position with no more than a maximum illumination of 500 nits if a malfunction occurs.
 - (c) Any electronic or digital sign shall be separated from the nearest residential use property line by 150 feet.
 - (7) Any electronic or digital display shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.

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§ 112-119. Signs permitted in the I-1 Light Industrial District.

Any sign permitted under § 112-115.

§ 112-120. Signs permitted without permits.

A. The following signs do not require the issuance of a permit under § 112-112, provided all other applicable standards of this Article XIII are met:

- (1) Signs erected by, on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory or instructional signs.
- (2) Political signs on existing outdoor advertising structures and on private property.
- (3) Signs permitted under § 112-114(D).

B. Subject to all other applicable standards of this Article XIII, a window sign no larger than thirty (30) inches in width and thirty (30) inches in length may be erected without the issuance of a permit under § 112-112(A) in the following zoning districts:

- (1) C-1 Neighborhood Commercial District.
- (2) C-2 General Commercial District.
- (3) CBD Central Business District.
- (4) I-1 Light Industrial District.
- (5) I-2 Heavy Industrial District.
- (6) TM Tourist-Maritime District.

C. Subject to all other applicable standards of this Article XIII, a business sign no larger than thirty (30) inches in width and thirty (30) inches in length may be erected without the issuance of a permit under § 112-112(A) in the following zoning districts:

- (1) C-1 Neighborhood Commercial District.
- (2) C-2 General Commercial District.
- (3) CBD Central Business District.
- (4) I-1 Light Industrial District.

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- (5) I-2 Heavy Industrial District.
- (6) TM Tourist-Maritime District.

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ARTICLE XIV NONCONFORMING USES AND STRUCTURES

§ 112-121. Intent.

- A. Within the zones established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.
- B. It is the intent of this chapter not to encourage the survival of nonconformities. Such uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.
- C. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on.

§ 112-122. Nonconforming lots of record.

Notwithstanding limitations imposed by other provisions of this chapter, a principal structure and its accessory structure(s) accommodating a permitted use, as defined in the respective zone regulations, may be erected on any single lot of record if the lot was already recorded at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area, depth and/or width that are generally applicable in the zone, and it is therefore designated a "nonconforming lot of record." A nonconforming lot of record will be required to provide the yard dimensions as specified in the regulations for the zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.

§ 112-123. Continuation of nonconforming uses.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, subject to the provisions of § 112-125, so long as it remains otherwise lawful, subject to the following provisions:

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- A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If any such nonconforming use of land ceases for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this chapter for the zone in which such land is located.

§ 112-124. Continuation of nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure on its location on the lot, such structure may be continued, subject to the provisions of § 112-125, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than 80% of its replacement cost at time of destruction as determined by the Board of Appeals, it shall not be reconstructed except in conformity with the provisions of this chapter.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

§ 112-125. Continuation of nonconforming uses of structures.

If a lawful use of a structure or of a structure and premises in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the zone under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this chapter in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zone in which it is located.

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- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.
- D. When a nonconforming use of a structure or a structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, it shall not thereafter be used, except in conformance with the regulations of the zone in which it is located.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

§ 112-126. Termination of certain nonconformities.

Certain nonconformities shall be terminated in accordance with the following provisions:

- A. Within not more than five years from the effective date of this chapter or amendment of this chapter by which a use becomes nonconforming, the right to maintain a nonconforming use outside a building or structure shall terminate, and such nonconformity shall no longer be operated or maintained and must be removed.
- B. Within not more than five years from the effective date of this chapter or amendment of this chapter, all nonconforming off-site signs shall be removed.
- C. Removal of a nonconforming mobile home or trailer shall constitute loss of nonconforming status for the site on which said nonconforming trailer or mobile home was located.

§ 112-127. Repairs and maintenance.

- A. On any structure devoted, in whole or in part, to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 20% of the current replacement value of the structure, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased.
- B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

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- C. Whenever an existing structure does not conform to the yard or lot area requirement, repair and maintenance can be performed, provided that the existing yards or lot area are not reduced or altered. No such existing yard or lot area may be altered without approval of the Board of Appeals.

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ARTICLE XV BOARD OF ZONING APPEALS

§ 112-128. Establishment; membership; terms; vacancies.

- A. The Board of Zoning Appeals (the “Board of Appeals”) is hereby created.
- B. The Board of Appeals shall consist of seven members, residents of the City, appointed by the Mayor and confirmed by the City Council and removable for cause, upon written charges and after public hearing. Members shall be appointed for terms of three years each.
- C. Vacancies shall be filled by appointment for the unexpired term.
- D. Members of the Board of Appeals shall receive compensation in the amount of \$25 each, per meeting.

§ 112-129. Powers and duties.

The Board of Appeals shall have the following powers and duties:

- A. Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
- B. Special exceptions. To hear and decide special exceptions as specifically authorized by the terms of this chapter, to decide such questions as are involved in determining whether special exceptions should be granted and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter or to deny special exceptions when not in harmony with the purpose and intent of this chapter.
- C. Variances. To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.
- D. Interpretation and adjustment of Zoning Map and district lines. The Board of Appeals may determine, after notice to the owners of the properties affected and after public hearing, boundaries of districts as follows:
 - (1) Where the street or lot actually on the ground or as recorded differs from the street or lot lines shown on the Zoning Map, the Board of Appeals shall interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question.

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- (2) Where the boundary of a zoning district divides a lot held in a single ownership on the effective date of this chapter, the Board of Appeals may permit the extension of either zoning district, but not more than 200 feet beyond said boundary line.
- (3) Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the Board of Appeals may determine the proper location of said boundaries in accordance with § 112-5.

E. Determination of use categories and subcategories

- (1) When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the Board of Appeals is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type and permit the use as a special exception.
- (2) In making such determinations, the Board of Appeals must consider:
 - (a) The types of activities that will occur in conjunction with the use;
 - (b) The types of equipment and processes to be used;
 - (c) The existence, number and frequency of residents, customers or employees;
 - (d) Parking demands associated with the use; and
 - (e) Any other factors the Board of Appeals may deem relevant to a use determination.
- (3) If a use can reasonably be classified in multiple categories, subcategories or specific use types, the Board of Appeals must categorize the use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”
- (4) If the Board of Appeals is unable to determine the appropriate use category for a proposed use, the Board of Appeals is authorized to classify the use as a prohibited use.

§ 112-130. Proceedings.

The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. The Chairperson or Acting Chairperson, should the Chairperson be absent, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

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§ 112-131. Appeals; hearings.

- A. Appeals to the Board of Appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any official or officer of the City affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time of such decision, not to exceed twenty (20) days, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken from.
- B. The Board of Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest and hold the public hearing within 30 days from the filing of the notice of appeal. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City and by posting at the property. At the hearing, any party may appeal in person or by agent or attorney. The Board of Appeals shall then decide the appeal within fifteen (15) days from the time of the hearing.

§ 112-132. Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property.

§ 112-133. Procedure for granting special exceptions.

Special exceptions shall be granted by the Board of Appeals only under the following procedures:

- A. A written application for a special exception is submitted, indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
- B. Notice shall be given at least fifteen (15) days in advance of a public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought and at the City Hall, and notice shall be published in a newspaper of general circulation in the City at least 15 days prior to the public hearing.
- C. A public hearing shall be held. Any party may appear in person or by agent or attorney.

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- D. The Board of Appeals shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not 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 the people living in the neighborhood.

§ 112-134. Considerations in granting special exception.

- A. When hearing evidence necessary for the granting of any special exception, the Board of Appeals shall consider all pertinent facts in the case and render a decision in accordance with the following principles:
- (1) The proposed use conforms in all respects to minimum requirements of the district in which it is located.
 - (2) The proposed use does not adversely affect the health, safety and general welfare of the residents of the area.
 - (3) The proposed use will not interfere with the adequate and orderly provision of public facilities necessary to service the area of the proposed special exception.
 - (4) The proposed use will not create congestion in the streets or undue traffic hazards, and that adequate egress and ingress are provided.
 - (5) The proposed use will not adversely affect the established character of the area.
- B. When hearing any application for a special exception, the Board of Appeals may consider the design of the proposed site plan, feasibility studies or construction drawings as an integral part of the application and as a means of ascertaining that any adverse effects on surrounding property will be minimized.

§ 112-135. Conditions on granting special exception.

- A. In granting any special exception, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under § 112-18(B).
- B. The Board of Appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

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§ 112-136. Procedure for granting variances.

A. A variance from the terms of this chapter shall be granted by the Board of Appeals only according to the following procedures:

(1) A written application for a variance is submitted, demonstrating:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone.
- (b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this chapter.
- (c) That the special conditions and circumstances do not result from the actions of the applicant.
- (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same zone.

(2) Notice of public hearing shall be given.

(3) A public hearing shall be held. Any party may appear in person or by agent or by attorney.

B. No nonconforming use of neighboring lands, structures or buildings in the same zone and no permitted use of lands, structures or buildings in other zones shall be considered grounds for the issuance of a variance.

§ 112-137. Considerations in granting variance.

A. The Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

B. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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- C. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this chapter in the zone involved or any use expressly or by implication prohibited by the terms of this chapter in said zone.

§ 112-138. Conditions on granting a variance.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. A violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under § 112-18(B).

§ 112-139. Majority vote required.

The concurring vote of the majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement or decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in the application of this chapter.

§ 112-140. Resubmission of application or appeal.

- A. If any application or request is disapproved by the Board of Appeals, thereafter the Board of Appeals shall not accept application for substantially the same proposal on the same premises until after one year from the date of such disapproval.
- B. If an appeal to the Board of Appeals is submitted and the public hearing date set and thereafter the applicant withdraws the appeal, that applicant shall be precluded from filing another application for substantially the same proposal on the same premises for one year from the date of the withdrawal.

§ 112-141. Circuit Court review.

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

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ARTICLE XVI CRITICAL AREA ZONING

[Former Art. XX, Critical Area Zoning, added 12-6-1988 by Ord. No. 435, comprised of §§ 112-104 through 112-116, was repealed 12-14-2011 by Ord. No. 615 • The current Critical Area Ordinance is on file in the office of the City Zoning Administrator.]

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**Appendix A
Information Required on Site Plan**

Item	Description	Preliminary	Final
A. Site Plan Information Requirements			
1	name and address of the owner and developer	X	X
2	the election district	X	X
3	north point	X	X
4	tax map, block and parcel number	X	X
5	date of preparation and any revisions	X	X
6	scale of the drawing	X	X
7	the number of sheets	X	X
8	an area or vicinity map at a scale of not smaller than 1" = 1 mile sufficient to clearly identify the location of the property	X	X
9	existing topography at 2 or 5 foot contour intervals. Datum shall be stated in all cases and a reference or bench mark described on the plat together with the elevation. Source of contours shall be stated on the plat, such as field run or aerial topography, and the person responsible for preparing the topo shall be stated. Topography requirements may be waived at the discretion of the City. If determined to be necessary, the City may require that a surveyor certify the accuracy of the topography and the out boundaries.	X	X
10	identification of slopes in excess of 10 percent	X	X
11	proposed regraded surface of the land	X	X
12	location of natural features such as streams, drainage patterns, within the area to be disturbed by construction and the location of trees measuring greater than 24" which will be impacted	X	X
13	any 100 year floodplain boundaries on the site	X	X
14	approximate locations and names of all soil types (see County Soil Survey)	X	X
15	location, proposed use, and height of all buildings (delineate existing from proposed structures)	X	X
16	location of all parking and loading areas and aisles	X	X
17	location of any outdoor storage	X	X
18	location and type of recreational facilities (if any)	X	X
19	location of existing or proposed site improvements, including storm drains, culverts, retaining walls, fences, stormwater management facilities as well as any permanent sediment and erosion control structures including shoreline control measures and outdoor lighting facilities	X	X
20	description, method, and location of water supply and sewerage disposal facilities	X	X

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Item	Description	Preliminary	Final
21	location, size, and type of all signs	X	X
22	location, size, and type of vehicular entrances to the site, including any required acceleration/deceleration lanes	X	X
Computations of:			
23	Total lot area;	X	X
24	Building floor area for each type of proposed use;	X	X
25	Percentage impervious surface;	X	X
26	Road area;	X	X
27	Number and area of off road parking and loading spaces; and	X	X
28	Open space areas; and areas to be protected under the Forest Conservation Plan.	X	X
29	the name of the zoning district	X	X
30	signatures of the applicant, the preparer of the plan, and a signature line for the Planning Commission Chairman	X	X
31	stamps/seals and signatures of any professionals involved in preparing the plan	X	X
The following shall be required if determined to be necessary by City:			
32	benchmarks and temporary benchmarks; all corners of the lot(s) and building(s) shall be marked on site as per the Site Plan.		X
33	maintenance agreement for any stormwater management facilities		X
34	maintenance agreement for any private roads		X
35	public works agreement		X
In addition, with a site plan submission, the following plans or information shall be provided, if required under other City ordinances:			
36	Stormwater Management Plan		X
37	Sediment and Erosion Control Plan		X
38	Forest Conservation Plan, approved FSD and FCP and/or letter of intent.		X
A site plan for a Commercial or Industrial uses shall also include:			
39	Specific uses proposed	X	X
40	Maximum number of employees for which buildings are designed	X	X
41	Proposed method of disposal of such wastes or by products	X	X
42	Other information as may be specified in the regulations for industrial or commercial use in this Ordinance.	X	X
43	Evidence of a current approved soil and erosion control plan, prior to any construction		X
44	The City may require a site plan for a commercial or industrial use to be filed in the County Land Records Office		X
45	Proposed first floor elevation of new principal commercial or industrial building, tied into the County's vertical datum		X

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Item	Description	Preliminary	Final
B. If Development is in the Critical Area District, the site plan shall be accompanied by detailed drawings showing the following:			
1	The location of the Critical Area Overlay District Boundary, the buffer and other buffer areas, open space areas and forested areas;	X	X
2	Landscaping plan showing all areas to be maintained as landscaping, the type of plantings to be provided, and the means by which such landscaping will be permanently maintained shall be specified;	X	X
3	The location of all Habitat Protection Areas; the location of any threatened or endangered species or species in need of conservation or adjacent to the site;	X	X
4	The location of all contiguous forested areas adjacent to the site and wildlife corridors linking them to forested areas on the development site;	X	X
5	The location of agriculture fields, barren lands, pasture, etc.;	X	X
6	The location of tidal and non tidal wetlands on the site;		
7	The location of existing water dependent facilities, including the number of existing slips and moorings on the site; and	X	X
8	The location of anadromous fish spawning stream(s) on or adjacent to the site.	X	X
Computations of:			
9	Total Area in CBCA and breakdown for each classification;	X	X
10	Separate computations of the total acres of existing forest cover in the Buffer and in the Critical Area;	X	X
11	Proposed agriculture open space areas;	X	X
12	Proposed forest open space areas; and	X	X
13	Development in the IDA must include the computations for the 10% Rule Compliance.	X	X
Additional Information:			
14	A Forest Management Plan and/or planting plan;	X	X
15	A Habitat Protection Plan including the comments of the Department of Natural Resources;	X	X
16	An Environmental Assessment Report which provides a written statement of how the proposed development addresses the goals and objectives of the City Critical Area Program. At a minimum the Environmental Assessment shall include:	X	X
17	A statement of existing conditions, e.g. the amount and types of forest cover, the amount and type of wetlands, a discussion of existing agriculture activities on the site, the soil types, the topography, etc.;	X	X
18	A discussion of the proposed development project, including number and type of residential units, amount of impervious	X	X

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Item	Description	Preliminary	Final
	surfaces, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;		
19	A discussion of the proposed development's impacts on water quality; and	X	X
20	Documentation of all correspondence and findings.	X	X